



PERSONNEL COMMITTEE

This meeting will be recorded and the sound recording subsequently made available via the Council's website: charnwood.gov.uk/pages/committees

Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Morgan (Chair), Boldrin (Vice-Chair), Barkley, Poland, Shepherd, Snartt and Ward (For attention)

All other members of the Council
(For information)

You are requested to attend the meeting of the Personnel Committee to be held in Committee Room 1 - Council Offices on Tuesday, 17th December 2019 at 6.00 pm for the following business.

Chief Executive

Southfields
Loughborough

9th December 2019

AGENDA

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 6

To confirm as a correct record the minutes of the meeting held on 9th September 2019.

3. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

4. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8
No questions were submitted.
5. EQUAL PAY AUDIT - UPDATE
A verbal update provided by the HR Manager.
As requested at the Committee's last meeting, update regarding the completion of the outstanding job descriptions in the service.
6. APPRENTICESHIP SCHEME - 1ST APRIL 2018 TO 31ST MARCH 2019 7 - 12
A report of the Head of Strategic Support.
7. EMPLOYEE VOLUNTEERING PROVISION 13 - 37
A report of the Head of Strategic Support.
8. VOLUNTEERS AND WORK PLACEMENTS POLICY 38 - 63
A report of the Head of Strategic Support.
9. PREVENTION OF ILLEGAL WORKING GUIDANCE NOTES FOR MANAGERS AND EMPLOYEES 64 - 93
A report of the Head of Strategic Support.
10. PAY POLICY STATEMENT 2020-21 94 - 118
A report of the Head of Strategic Support.

FUTURE MEETING DATES

Please note further meetings of the Committee for 2019-20 are scheduled as follows:

24th March 2020

PERSONNEL COMMITTEE 9TH SEPTEMBER 2019

PRESENT: The Chair (Councillor Morgan)
The Vice Chair (Councillor Boldrin)
Councillors Barkley, Poland, Shepherd, Snartt,
Ward and Savage

CBC HR Manager (Strategy)
Strategic Director of Corporate Services
Democratic Services Officer (NA)

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

5. MINUTES OF THE PREVIOUS MEETING

The minutes of the meetings held on 2nd April 2019, 13th June 2019 and 8th July 2019 were confirmed as a correct record and signed.

6. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

7. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

8. JNCC APPOINTMENT OF COUNCILLORS 2019-20

A report of the Head of Strategic Support was submitted to appoint councillor representatives to the Joint Negotiating and Consultative Committee (JNCC) for 2019/20 (item 5 on the agenda filed with these minutes).

RESOLVED that Councillors Morgan, Barkley, Poland and Ward be appointed as representatives on the Joint Negotiating and Consultative Committee for 2019/20.

Reason

To enable the operation of the Joint Negotiating and Consultative Committee in accordance with its constitution and, therefore, negotiation and consultation to take place between the Council as an employer and its employees.

9. APPOINTMENT TO PANELS 2019-20

A report of the Head of Strategic Support was submitted to consider appointments to Panels for 2019/20 (item 6 on the agenda filed with these minutes).

RESOLVED that a Panel comprising of Councillors Morgan, Barkley, Poland, Snartt and Boldrin be appointed for the Council year 2019/20 in respect of the following:

- a) To determine appeals by a JNC Officer against dismissal.
- b) To determine all other employment related appeals for JNC staff which are provided for in the Council's procedures.
- c) To make recommendations to Council on the appointment or dismissal of the Head of Paid Service.
- d) To make appointments to Chief Officer and Statutory Officer posts excluding the Head of Paid Service.
- e) To undertake the Chief Executive's Performance and Development Review.

Reason

Section 5.5 (e) of the Council's Constitution (Roles of decision taking Committees) states that the Personnel Committee will appoint Panels comprising 5 councillors (with a quorum of 3) for these functions. Appointing Panels to undertake these functions at the beginning of the Council year will prevent the need for a meeting of the Committee for the sole purpose of appointing a Panel and enable the functions to be dealt with in a timely manner.

10. MENOPAUSE GUIDANCE: ADVICE AND SUPPORT FOR EMPLOYEES AND MANAGERS, AND SUMMARY DOCUMENT

A report of the Head of Strategic Support was submitted to gain the approval of the Personnel Committee for the introduction of a Guidance document about the Menopause and related summary document (item 7 on the agenda filed with these minutes).

The Committee welcomed the introduction of the policy and guidance as they felt it was important that all staff had the information and support available if needed.

RESOLVED that the Personnel Committee formally accept the Menopause Guidance document attached as Annex A and the summary document attached as Annex B, and that the Menopause Guidance and summary document be published on the Council's intranet.

Reason

The Menopause Guidance and summary document provide clear and detailed and advise on best practice to help support managers and employees in relation to menopause.

11. EQUAL PAY AUDIT 1ST APRIL 2018 TO 31ST MARCH 2019

A report of the Head of Strategic Support was submitted to provide the Personnel Committee with information regarding the outcome of an Equal Pay Audit which was carried out on the Council's workforce employed during the period 1st April 2018 to 31st March 2019 (item 8 on the agenda filed with these minutes).

RESOLVED

1. That an update be given at the Committee's next meeting in December 2019 regarding the completion of the outstanding job descriptions in the service identified.
2. that the conclusions and recommendations of the Equal Pay Audit as set out in Part B of this report be noted.

Reasons

1. To ensure the Committee are kept up to date with this matter.
2. The Equalities Act 2010 includes an Equality Duty which requires public sector employers to publish employment data, and the National Agreement covering Local Government Services (the "Green Book") requires councils to undertake equal pay audits; which are considered to be best practice for employers wishing to develop the whole of their workforce, regardless of gender.

In addition the Council has an Equality and Diversity Work Plan identifying that an Equal Pay Audit is required.

12. TRAVEL, SUBSISTENCE AND OTHER ALLOWANCES GUIDE

A report of the Head of Strategic Support was submitted to gain Personnel Committee approval of the proposed amendments and options relating to the Travel Subsistence and Other Allowances Guide, and in addition broadband and telephone allowances (item 9 on the agenda filed with these minutes).

RESOLVED that the Personnel Committee formally agree revisions to the Travel, Subsistence and Other Allowances Guide as attached at Annex A, to telephone allowances and broadband allowances being withdrawn as part of this overall change. With reference to the Home Working policy as attached at Annex B.

Reason

To ensure that the process and allowances outlined within the policy are reasonable and up to date. It will also be necessary to update the current Home Working policy to reflect this decision relating to broadband allowance.

13. UPDATE - MANAGING EMPLOYEE PERFORMANCE (NJC AND JNC EMPLOYEES)

A verbal update was given by the HR Manager to the Committee regarding the revised Managing Employee Performance Policy and Procedure. This was following a request made by the Committee at its meeting in October 2018.

The HR Manager advised the Committee that a review had commenced following feedback from staff via the staff survey that managers were not always managing staff under performance effectively and this was causing problems amongst teams. A new approach was taken which looked to support employees to improve and to give managers the confidence to manage their staff more effectively.

The new Policy and Procedure was presented to the Corporate Management Team (CMT) for their comment and approval and subsequent HR briefings were held for all managers to advise them of the new process.

The Committee was advised that there had been an increase in the number of managers seeking HR support in managing performance. Most of the current cases were being dealt with at an informal stage which was seen as a success as managers were finding the new policy easier to implement and it was showing success with employees as well.

The Committee discussed the role of Personal Development Reviews (PDR's) in managing performance and were pleased to hear that a review was due to take place to improve the quality of information gathered.

The Committee requested that a Key Performance Indicator (KPI) for the completion rates of PDR's be added to the Council's Business Plan in order to track progress. The Strategic Director for Corporate Services advised the Committee he would look at adding the information.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 4th November 2019 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Personnel Committee.

PERSONNEL COMMITTEE – 17TH DECEMBER 2019

Report of the Head of Strategic Support

Part A

ITEM 6 APPRENTICESHIP SCHEME – 1st APRIL 2018 to 31st MARCH 2019

Purpose of Report

To provide the Personnel Committee with information relating to the Apprenticeship Scheme within the Council and the apprenticeship target for the period 1st April 2018 to 31st March 2019.

Recommendation

That the findings of the Apprenticeship Scheme reporting be noted by the Personnel Committee.

Reason

The Public Sector Apprenticeship Targets Regulations 2017 came into force on 31st March 2017. All public bodies with 250 or more staff in England as of 31st March have a target to employ an average of at least 2.3% of their staff as new apprentice starts over the period of 1st April 2017 to 31st March 2021.

Policy Justification and Previous Decisions

SMT were provided with details of the apprenticeship reporting in July 2019 and it was discussed at the Joint Management Trade Union Meeting (JMTUM) on 10th October 2019.

This is the second report on the Apprenticeship Scheme covering the period 1st April 2019 to 31st March 2019.

Implementation Timetable including Future Decisions

The findings of the Apprenticeship Scheme reporting will be noted following agreement at Personnel Committee.

Report Implications

The following implications have been identified for this report.

Financial Implications

There are no financial implications arising from this decision.

Risk Management

There risks outlined within this report are highlighted in Part B below.

Background Papers: None

Appendices: None

Officer to contact: Adrian Ward
Head of Strategic Support
Telephone: (01509) 634573
Email: adrian.ward@charnwood.gov.uk

Part B

Background

1. The Government introduced the Apprenticeship Scheme with effect from 6th April 2017.
2. As required under that scheme, reports are due within six months of the end of each reporting period. The first reporting period covered 1st April 2017 to 31st March 2018. This is the second report covering the period 1st April 2018 to 31st March 2019.
3. The information should be published by 30th September each year in an easily accessible location to the public. It is therefore considered that the appropriate place to publish the Return Section 1 - Data Publication is on the internal and external Council website. The Return Section 2 – Apprenticeship Activity return does not have to be published.
4. The target for public sector bodies is 2.3% apprenticeship starts each year based on the organisations headcount as of 31st March each year. The apprenticeship target remains at 12.
5. Apprenticeship starts can include both existing employees who take advantage of apprenticeship funding as well as newly employed apprenticeship posts.
6. The Council has been working towards meeting the quota through a proactive approach, as far as it is possible for the Council to achieve. Work has continued into the 1st April 2018 – 31st March 2019 reporting period to increase the number of apprentices employed by the Council.

Findings

7. Return Section 1 – Data Publication

The Data Publication includes several figures which will enable the Government and the public to understand each body's headcount and the number of apprentices they employ, and then use that information to assess the progress a body has made towards meeting the target. The figures outlined in Section 1 will be published as outlined at paragraph 3.

Figure A: The number of employees whose employment in England by the body began in the reporting period in question.

83

Figure B: The number of apprentices who began to work for the body in that period and whose apprenticeship agreements also began in that

period.

- This includes employees who were already working for the body before beginning the apprenticeship, as well as new apprentices hires.

8

Figure C: The number of employees employed in England that the body has at the end of that period.

518

Figure D: The number of apprentices who work for the body at the end of that period.

11

Public bodies are also required to provide two percentages in order to give context to the other figures. These percentages do not reflect the progress a public body has made towards the target:

Figure E: Figure B expressed as a percentage of figure A.

9.64%

Figure F: Figure D expressed as a percentage of figure C.

2.12%

If the public body is in their first reporting period they must also provide:

Figure G: The number of apprentices who worked for the body immediately before that period.

6

In addition, the Apprenticeship Activity Return (Return Section 2) requires public bodies to send the following figures, which will help identify their progress towards meeting the target, to the Department for Education. Public bodies could also consider providing these figures in the Data Protection.

Figure H: Headcount on the day before the first day of each reporting period in the target period
518
Figure I: Figure B expressed as a percentage of figure H.
1.54%

8. Return Section 2 – Apprenticeship Activity Return

The Apprenticeship Activity Return includes both information on a body’s progress against the target and information to assess actions taken towards, and challenges faced in, meeting the targets.

The return includes quantitative and qualitative elements:

QUANTITATIVE
Headcount on the day before the first day of each reporting period in the target period; and
518
Figure B in Return Section 1 (the number of apprentices who began to work for the body in the reporting period in question and whose apprenticeship agreements also began in that period), expressed as a percentage of headcount on the day before the first day of the reporting period in question. (This will enable the Government to assess the progress a body has made towards meeting the target).
1.54%
QUALITATIVE
Action that the body has taken to meet their apprenticeship target (i.e. how it has “had regard”)
<ul style="list-style-type: none"> • The number of new recruits to apprenticeship posts has increased since the last reporting period. • The majority of enrolled apprentices have been recruited from existing staff. This has been possible due to the range of standards increasing.

If the target has not been met then specific further evidence may be required. This may include an explanation of why the target was not met, actions the body has taken to overcome the challenges it has faced and/or mitigating factors which demonstrate the body's commitment to apprenticeships.

- The main challenges have been around waiting for new standards to be developed e.g. Planning.
- Additionally, a lack of training providers for standards developed e.g. Pest Control Operative, has impacted upon the opportunities to undertake apprenticeship training

Information about action the body proposes to take to meet their future apprenticeship targets: and

- We have a number of new apprenticeship starts already planned for 2019/20, with a mix of external and internal individuals being placed on the scheme. We hope to be able to meet our annual target for starts next year.

If the body considers that a future target is not likely to be met, an explanation of why that is so.

- It is anticipated that the future target will be met.

PERSONNEL COMMITTEE – 17TH DECEMBER 2019

Report of the Head of Strategic Support

Part A

ITEM 7 EMPLOYEE VOLUNTEERING PROVISION

Purpose of Report

To gain Personnel Committee approval of the proposed changes to the Employee Volunteering Provision which allows employees up to 2 days paid leave per year to volunteer within the community. This replaces the former Employee Handbook terms and conditions of service.

Recommendation

That the amended Employee Volunteering Provision is approved by the Personnel Committee for implementation within the Council.

Reason

To provide managers with clear guidance on the circumstances when it would be appropriate to agree to the paid leave as outlined above. The new provision also includes a template application process for employees.

Policy Justification and Previous Decisions

To update and provide additional guidance to managers relating to the Employee Volunteering Provision.

Implementation Timetable including Future Decisions

Once approved, the revised Employee Volunteering Provision will be publicised through One Charnwood and uploaded onto the Council's intranet.

Report Implications

The following implications have been identified for this report

Financial Implications

There are no immediate financial implications arising from this decision.

Risk Management

There are no specific risks associated with this decision.

Background Papers: none

Appendices: Appendix 1 - Leave Arrangements Policy

Officer to Contact:

Adrian Ward

Head of Strategic Support

Telephone: 01509 634573

Email: Adrian.ward@charnwood.gov.uk

Part B

Background

1. The Council has previously supported employees to become volunteers and allowed up to a maximum of 2 days paid leave per year in order for them to undertake voluntary work within a number of specific categories. This condition of service formed part of the Employee Handbook, the facility was not widely adopted, and the categories were outdated. The provision has been updated to give greater guidance and clarity to managers and employees.
2. The Employee Volunteering Provision outlines the benefits that volunteering can bring to employees and the Council and it also provides examples of the type of volunteering opportunities which are likely to be agreed.
3. The provision also outlines 4 distinct categories and gives examples of the circumstances when these may apply. Details of the application and agreement process is also included.
4. The Employee Volunteering Provision has been incorporated into the Leave Arrangements Policy for ease of access.



Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy

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Scope

This policy applies to all employees of Charnwood Borough Council employed under the following conditions of service:

- Joint Negotiating Committee for Local Government Services (JNC);
- National Joint Council for Local Government Services (NJC);
- Joint Negotiating Committee for Local Authority Craft and Associated Employees (Craft).

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Principles

- The Council is committed to ensuring the health and wellbeing of its employees and, in addition to promoting health and wellbeing initiatives, will ensure that employees use their leave entitlement to take regular breaks from work.
- The arrangements described below apply to employees who are contracted to work on any of the 7 days of the week, including those required to work on a public/extra statutory or concessionary day.
- Paid leave can only be granted subject to service demands.

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Roles and Responsibilities

<p>Line managers</p>	<ul style="list-style-type: none"> • To ensure that all requests for leave are appropriately considered and dealt with fairly and managed accordingly. • To notify payroll when unpaid leave is taken to ensure that the appropriate amount is deducted from the employee's salary.
<p>Employees</p>	<ul style="list-style-type: none"> • To make leave requests as soon as possible in advance to their line manager. • Liaising with their line manager about the requirement either to make up time lost or take annual or unpaid leave (i.e. severe weather). • To record leave requested and taken. Employees with access to Trent self-service are required to use Trent to submit leave requests for agreement. Employees without access to Trent self service will have a designated annual leave administrator to input annual leave on to the Trent self-service system.
<p>HR Services</p>	<ul style="list-style-type: none"> • To advise and support managers in the application of the

	Policy and Procedure.
Payroll Services	<ul style="list-style-type: none"> To advise and support managers on any relevant payroll issues.

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Employees with more than one contract

Where an employee has more than one part-time contract of employment, each contract stands alone, and the employee will receive separate annual leave entitlement and public holiday entitlements under each contract.

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Annual Leave Entitlement - Full and Part Time Permanent and Fixed Term Contract Employees

The annual leave year for all NJC and JNC employees runs from 1st June to 31st May inclusive. Some groups of employees, including Craft and Associated Employees have different leave years outlined within their contracts which either fall from 1st April to 31st March or 1st January to 31st December.

If an employee commences employment part way through a leave year, pro-rata entitlement will be calculated on each day of completed service based on a full years' annual entitlement rounded down to the nearest half hour for part time employees.

For full time employees (those who work 37 hours per week) annual leave is calculated in days.

For part time employees and employees whose contracted hours are more than 37 hours per week annual leave entitlement is calculated in hours.

The number of days' annual leave entitlement is as follows:

Grade	Below 5 years' service	*Above 5 years' service
Grades 1 to PO4 (including Skills Group 1 – 4)	22	27
JNC	27	32
*Employees completing 5 years' service will receive their additional pro rata entitlement in the leave year in which they attain the requisite service.		
Part-time employees are entitled to annual leave pro rata to hours worked.		

Protected Annual Leave

Some employees who worked for Charnwood Borough Council prior to January 2000 have their annual leave entitlement protected at 28 days for NJC employees and 33 days for JNC employees as those employees will have over 5 years service. Part time employees who fall into this category will receive a pro rata entitlement based on the protected entitlement.

Employees on older contracts will continue to receive annual leave and public, extra statutory, and locally agreed days in accordance with their contracts, where entitlements specified are different to the current procedure.

Annualised Hours (including term-time working) only

For employees on annualised hours (including term-time) contracts, their holiday entitlement (public holidays and annual leave), is based on the contractual holiday entitlement for Council full time employees and is accrued throughout the contractual year. Further guidance is available on the intranet by following this link [click here](#).

The pattern of an employee's working and non-working periods will be agreed with the employee and then confirmed in writing by their line manager.

Annual leave for full and part time employees who wish to work annualised hours will be divided into hours, including annual leave and bank holiday entitlement, as detailed in the authority's leave policy. Actual working hours will be deducted on each working day for leave.

An employee may, from time to time, be required to work on any public holiday. If they are required to work on a public holiday, the employee will be reimbursed in accordance with the relevant conditions of service.

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Part Time Employees Annual Leave and Public Holidays

For part time employees the annual leave and bank holiday entitlements are added together to give a total leave entitlement (in hours) for the year. When employees take annual leave, they must deduct from their entitlement the hours they would normally work on the day or days they are absent from work due to annual leave. If a public holiday, extra statutory or locally agreed day falls on a day when they should be at work then they must also deduct from their entitlement the hours they would have worked on that day.

Part time employees who work the same number of hours each day can convert their leave entitlement to days by dividing their number of hours leave entitlement by the number of hours per day that they work.

Employees whose contractual hours of work are at the beginning of the week may find that they have to utilise annual leave to cover time taken for bank holidays. In such cases employees may wish to negotiate with their manager to recover this time by working on a day they would not normally work. Both parties must mutually agree this agreement.

For example, an employee who normally works on a Monday, Tuesday and Wednesday may agree to work on a Tuesday, Wednesday and Thursday where the Monday is a Bank Holiday, they would therefore not need to deduct any time from their leave entitlement.

Part time employees who receive their annual leave entitlement in hours may take any odd hours they have left after taking their annual leave in full or half days as they wish. To make any surplus hours left after taking full or half days, part time employees can add hours banked as flexi to the remaining annual leave hours.

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Annual Leave Entitlement - Casual Workers

Casual workers are entitled to statutory annual leave (28 days a year). Due to the nature of the work it is difficult for casual workers to take their leave so therefore casual workers automatically receive payment for this, by Trent enhancing the hours worked by 12.07%.

Casual workers' payslips identify the payment made for the hours worked and a separate amount showing holiday pay entitlement for those hours.

However, employment law gives casual workers the right to take leave during any period they have agreed to work. It is recognised that this usually isn't practical, but as this is a requirement of the law it is necessary to include this as an option in the contract for services. In reality it is anticipated that casual workers will only request to take leave on very rare occasions. On the rare occasion that a casual worker will request to take their leave, they may decline to work on a particular day or request not to work on a particular day and managers just need to ensure that the casual worker does not receive pay for the hours that they do not work.

During a period of an assignment, in agreement with their Manager, a casual worker will be entitled to take the annual leave accrued during that assignment. When a request is agreed for annual leave to be taken during an assignment, managers must ensure that the following is recorded on the employee's time sheet 'Leave taken – no hours worked'. Similarly, when a casual worker is assigned to work during a period when a public holiday or the concessionary day falls, and they are not required to work managers must ensure that no hours are recorded on that day(s).

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Taking of Annual Leave

Annual leave may be taken by mutual agreement between the manager and the employee, other than in those services where employees are required to take holidays at particular times. Annual leave must be taken in periods of not less than half a day.

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy
Version: 2019 v 2
Date Agreed:
Last Date Amended: 17.10.17
Agreed At: Personnel Committee

All requests for annual leave must be approved in advance.

Employees must not present their manager with a ‘fait accompli’ by booking a holiday and then requesting leave as this may lead to disappointment if the leave cannot be granted.

Other team members may also wish to take leave at the same time or may already have approved leave arrangements. Managers must ensure fairness and be able to maintain adequate staffing cover (and appropriate skills) so it may not always be possible for managers to grant leave requests in line with an employee’s request.

It is appreciated that it may not always be possible to give advance notice in the case of short term, unexpected events, and managers need to be sensitive to individual circumstances. For further information, go to the Unplanned Leave section in this policy by [Unplanned Leave](#).

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Public Holidays

In addition to the 8 bank holidays, 2 extra statutory and 2 locally agreed days are granted each year, to be taken as follows:

Christmas and New Year	
Christmas Day	25 December (Public Holiday)
Boxing Day	26 December (Public Holiday)
New Year’s Day	1 January (Public Holiday)
One Extra Statutory and Two Locally Agreed Days to allow for closure of office between Christmas and New Year	Variable dates
Easter	
Good Friday	Variable date (Public Holiday)
Easter Monday	Variable date (Public Holiday)
<i>NB Easter Sunday is not a public holiday; it is classed as a normal working day</i>	
Other	
May Day	First Monday in May (Public Holiday)
Spring Bank Holiday	Last Monday in May (Public Holiday)
Summer Bank Holiday	Last Monday in August and Tuesday (Extra Statutory Day) after August Bank Holiday Monday
TOTAL NUMBER OF PUBLIC, EXTRA STATUTORY AND LOCALLY AGREED	

DAYS = 12

The locally agreed days are to enable a week's closedown over the Christmas and New Year period. Employees required to work on these days will be paid at the appropriate rate and granted time off in lieu in full recompense.

The date of the Christmas extra statutory and two locally agreed days may vary each year according to how the Christmas dates fall. The date of the concessionary day is determined each year by the Chief Executive.

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Employees who are rostered to work on a Public Holiday

Employees required to work on a rota basis will be given an entitlement to annual leave and bank holiday allowance in hours.

If an employee is rostered to work on a public holiday, they will be paid in accordance with the relevant conditions of service.

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Day off Coinciding with a Public Holiday

Where seven-day working operates, during which the employee will work on a rota a public holiday may coincide with an employee's scheduled day off. In order to compensate for the public holiday, the entitlement will have been given to the employee along with the annual leave entitlement.

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Pay arrangements for employees who are called into work on a Public Holiday

Pay arrangements for employees who are called into work on a public holiday are set out in the Pay Arrangements policy.

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Requesting Leave

Leave must not be taken without prior approval. Any alterations to leave arrangements must also be approved by the employee's line manager.

Employees who have access to Trent self-service should use this for requesting and booking annual leave.

Employees without access to Trent will have a designated annual leave administrator to input leave on to the Trent self-service system.

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Annual Leave Calculator (excluding casual workers and employees on annualised hour's contracts (including term time only))

Annual leave for employees commencing or leaving part way through the leave year should be apportioned.

Leave should not be granted in excess of an employee's entitlement, where it is known that the employee is leaving.

The [annual leave calculator](#) works out annual leave for part time staff for the full year, part time staff for part of the year, part time staff with a change of hours, full time staff for the full year and full time staff for part of the year.

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Carry Over of Annual Leave

Employees may carry forward up to a maximum of 5 working days* of their contracted weekly working hours from one leave year to the next.

In exceptional circumstances, the Head of Service may at their discretion approve a further 5 working days* paid leave to be carried over. *(Pro-rata for part time employees).

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Request to bring forward annual leave from the next leave year

A request may be made by an employee to use some of their leave entitlement from the next year's annual leave entitlement as they have insufficient leave remaining in the current leave year to accommodate a commitment they wish to fulfil e.g. extended holiday. Where a request is granted managers should ensure the employee will have an entitlement remaining in the following leave year that allows at least the entitlement to statutory leave.

There is no general entitlement to bring forward annual leave from the next leave year into the current leave year and other options should be explored in the first instance such as unpaid leave. Following advice from HR, managers and the Head of Service, may approve individual requests in exceptional circumstances.

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Untaken Leave - At the End of the Leave Year

There is no entitlement to be paid for any annual leave that remains untaken at the end of the leave year. Where such leave cannot be carried forward, as per previous section, an employee will lose the entitlement to that leave.

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Untaken Leave - Notice of Termination of Employment

Where notice is worked

The line manager will notify the employee of the proportionate amount of leave to which they are entitled up to the date of leaving. This amount will include any leave remaining from the previous leave year if applicable (up to 5 days) and any leave accrued up to the last day of employment, but not taken for the leave year in which the termination of employment takes place.

Employees are required to take any outstanding annual leave before leaving. If it is not possible to take the outstanding leave before leaving for operational reasons, or if the case is deemed one of special hardship by the Strategic Director, payment will be made for the amount of leave remaining.

Where Notice is Not Worked - Ill Health Retirement and Other Terminations of Employment

The line manager must inform HR Services of any annual leave adjustments via the [leavers' checklist e-form](#).

The amount of contractual leave accrued but not taken for the leave year in which employment terminates will be calculated and paid in lieu. This will include any annual leave which has been carried forward from a previous leave year.

Leave Taken in Excess of Entitlement

Employees who are leaving the service of the Council and have taken leave in excess of their entitlement will have the appropriate amount deducted from their final salary payment.

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Accrual of Annual Leave during a Period of Unpaid Leave

In accordance with the Working Time Regulations employees should accrue 28 days annual leave (pro rata for part time employees) per leave year. Paid public holidays can be included as part of this statutory leave entitlement. The contractual leave entitlement given to an employee is in excess of the statutory leave entitlement.

An employee would not ordinarily accrue annual leave during a period of unpaid leave. However, where an employee will be having an extended period of unpaid leave, the manager will need to ensure the employee receives the minimum statutory leave entitlement for that leave year. Managers will need to take into account any leave already taken during the leave year as this will count towards the statutory leave entitlement. Where the employee is unable to take the minimum statutory leave entitlement, managers can arrange payment in lieu.

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Planned Leave (pre-arranged appointments)

With the exception of ante-natal and disability related appointments, employees should make every effort to book medical appointments and other absences for personal/domestic matters outside of their normal working arrangements.

There are separate provisions in the [Maternity Leave and Pay Policy and Procedure](#) and [Special Leave for Disability-Related Absence](#) documents.

However, it is recognised that this is not always practicable, and employees may need time off from work to accommodate this. It is expected that many of these can be accommodated by utilising the flexibility available under the Flexible Working Time (NJC) and Flexible Working Hours (Flexitime) (JNC) Policy where applicable. If this cannot be possible then the employee should discuss this with their manager at the earliest opportunity so that agreement can be made on the best arrangements to be put in place to ensure service provision is not affected. This could include utilising already accrued TOIL or swapping working days with a colleague.

Should it not be possible to find an alternative arrangement that enables the employee to be absent then the absence may be taken as annual leave. If the employee has insufficient leave remaining, or prefers, the absence should be treated as unpaid leave.

Leave for Carers

Employees who need to attend a medical appointment of a person they are providing care support for, should request appropriate leave arrangements with their manager. This can include using; TOIL, making up the hours at another time, swapping a working day with a colleague, taking flexi time, annual leave or unpaid leave.

Unpaid Leave for Carers

Employees can request unpaid leave to undertake a caring responsibility for a period of up to one month. Any request for leave in excess of one month should be requested in line with the Career Breaks policy.

Medical Appointments

Where it is necessary to take time off to visit the doctor, dentist, hospital etc. employees should endeavour to make appointments outside core time. Core time is 9:30 – 11:15 (JNC)/11:45(NJC) and 14:15 – 16:00 (15:30 on a Friday). Where this is not possible, employees should credit the hours absent during core time. Any absence during flexitime should not be credited. It may be necessary to record more than one starting and finishing time on such occasions.

The cost of unpaid leave will be calculated as follows:

Hours taken as unpaid leave X hourly rate of pay

Example

A full time employee on Scale 6 - pay point 26 (£22221 per annum)

$\frac{£22221}{52/5} = £85.46p$ for the day's leave

Please Note that the employees' pension contribution will be deducted from the normal monthly salary.

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Unplanned/Compassionate Leave

Most employees are likely to experience an event or events when their immediate attention is required. In these circumstances managers should, as far as reasonably practicable, enable an employee to make up the time taken away from work, by using any existing TOIL or flexi time that they may have, or by them making up the time taken within a set period of time. Where it is not practicable to accommodate all, or part of the time taken in this way, the time lost must be taken as annual or unpaid leave. The exception to this is in relation to leave required to deal with bereavement leave and the emergency hospitalisation, emergency situation or the breakdown in care arrangements of a dependant.

Bereavement Leave, Emergency Hospitalisation, Emergency Situation or the Breakdown in Care of a Dependent

A maximum of 10 days' paid leave (pro-rata for part-time) may be granted in any 12-month rolling period for the purpose of dealing with bereavement and the emergency hospitalisation, emergency situation or the breakdown in care arrangements of a dependant. The provisions for each of these specific circumstances are set out below however when combined should not exceed a maximum of 10 days' paid leave (pro-rata for part-time) in any 12-month rolling period. This period commences on the first day when compassionate leave is granted. Ordinarily where an employee has already been granted the maximum number of days available managers should seek to accommodate requests using the provisions of the Planned Leave Section ([see above](#)). In exceptional circumstances a manager may agree a period in excess of 10 days' paid leave (pro-rata) in any 12-month rolling period.

Bereavement Leave

A maximum of 5 days' paid leave may be granted in the event of the death of a family member or close friend. The definition of a family member or close friend ([see below](#)) is not exhaustive as it is recognised that the nature of relationships is complex. Therefore, when determining the number of days to authorise, managers will need to consider the individual circumstances facing the employee including:

- Taking account of the circumstances surrounding the bereavement;

- Being sensitive to cultural and religious observances which may affect the obligations placed upon the employee within the family unit. The Religious Observance section within this policy gives further guidance ([click here](#));
- Taking account of whether the employee has responsibility for making arrangements for the funeral;
- Whether the employee has a practical role to play afterwards (e.g. executor to the estate).

In exceptional and unusual circumstances (e.g. if the child of an employee passes away) it may be appropriate to grant up to a further 5 days paid leave.

Definition of a family member or close friend

For the purpose of Bereavement Leave, a family member or close friend is defined as:

- Own child/step child;
- Partner (including same-sex partner);
- Parents/step parents;
- Siblings/siblings of partner;
- Grandparents or In-laws;
- Next-of-kin or nominated next-of-kin;
- Other family members living long term in the employee's household (not temporary visitors or lodgers, etc);
- Other dependents where an employee has provided care;
- Where an employee has a close personal relationship, which may include having responsibility for making any necessary arrangements.

Managers must consider each case on its own basis. Approval for paid time off for bereavement under this scheme is subject to the closeness of the relative/dependent that has passed away. It is therefore necessary for the employee to indicate their relationship with the deceased, if they were the sole carer, the date of the death and the location of the funeral to ensure that the Manager is able to authorise leave as appropriate.

Sickness following bereavement

Where the employee is not well enough to attend work following the bereavement, or other difficult situation that has occurred, due to the effects of stress, anxiety, and reactive depression etc. normal sickness reporting and certification procedures will apply.

Emergency Hospitalisation, Emergency Situation or the Breakdown in Care of a Dependent

In the event of the emergency hospitalisation of a dependent where an employee is required to provide care, or in circumstances where care arrangements for a dependent break down or an emergency situation occurs, up to 2 days' paid leave in any one (rolling) year may be granted to enable the employee to make alternative arrangements and manage immediate domestic affairs. It may be applicable in some circumstances (e.g. a life-threatening condition) to allow up to a further five days' leave with pay. Ordinarily additional time off will be subject of the provision of the planned leave section above.

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy

Version: 2019 v 2

Date Agreed:

Last Date Amended: 17.10.17

Agreed At: Personnel Committee

The Council interprets the term emergency to mean an unexpected and serious situation requiring immediate attention, affecting him/herself or a close relative or dependant. The time required to address the emergency will be for a finite period. Once the need for immediate action has been addressed, the emergency will be considered to be over.

Managers must consider each case on its own basis. Compassionate leave does not cover minor or common health problems within the family, for instance childhood ailments or planned surgery. In such cases flexi-leave, annual leave or unpaid leave should be requested until such time as arrangement for care can be made. Leave granted under these arrangements is not intended for long term family or domestic needs where other arrangements must be made by the employee. For example, a relative's routine medical appointment or arrangements related to domestic issues.

Requesting Compassionate Leave

To request compassionate leave employees' must apply to their line manager and complete the Application for Compassionate Leave e-form, which will then need to be authorised by their manager. It is accepted that for emergencies and unforeseen circumstances the form can be completed after the leave has been taken, provided that prior agreement to the leave has been received from the manager. In addition to completing the e-form, employees must also request the leave through i-Trent employee self service.

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Severe Weather Conditions

The Council recognises that adverse weather conditions will, from time to time, make travel to and from work difficult. However, employees are expected to make all reasonable efforts to reach their workplace to help fulfil the stated objectives. If it is not possible to reach the workplace, requests for working from home will be considered by the manager.

In circumstances where an employee on a permanent or fixed term contract fails to attend work, or where the employee arrives late and the manager is not satisfied that the arrival time is reasonable, the time lost will be made up by using any existing TOIL that they may have, or by them making up the time taken within a set period of time. Where it is not practicable to accommodate all, or part of the time taken in this way, the time lost must be taken as flexi time, annual or unpaid leave. Casual employees who fail to attend work will not be paid for the day(s) in question.

Where employees arrive late and the Manager is satisfied that their arrival time is reasonable the employee will not lose pay and will be credited with their normal contracted hours for that day. The Manager must take account of the following factors when reaching their decision:

- The distance they live from their workplace, and
- The prevailing weather conditions.

Casual employees will be paid for the actual hours of attendance at work.

If weather conditions are particularly severe and employees request to leave work early, the Manager may allow those who are not required to provide essential cover to do so taking account of:

- The distance the employee(s) lives from their workplace; and
- The prevailing weather conditions.

Employees will generally continue working until their normal finishing time.

Permanent and temporary employees granted permission to leave early under managerial discretion will not lose pay and will be credited with their normal contracted hours for that day.

Where the Council is unable to provide employment at the employee's normal workplace, e.g. due to heating breakdown, full closure of an establishment etc, and/or a suitable alternative work location cannot be provided, including working at home, the employee will receive normal pay for any time lost up to a maximum of the employee's normal contracted hours for that day.

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Fertility Treatment

There is no statutory entitlement to time off for IVF treatment. However, the Council recognises the potential emotional pressure employees may experience during the process. By way of alleviating some of the associated anxiety the Council has agreed that time off to attend appointments and treatment will be subject to the planned leave provisions of this policy [click here](#). Time off due to any side effects of the treatment will be dealt with under the Attendance Management policy. Sickness absence associated with the treatment will not be classed as pregnancy related absence.

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Religious Observance

The Council recognises the diversity of its workforce. Any requests for time off for the purpose of religious observance including religious festivals should be granted unless there are exceptional circumstances which make it impossible for the employee to be released.

Employees may wish to offer prayers whilst at work in accordance with their religious customs. Where religious observance needs to take place during working hour's line management approval must be sought in advance and the time must be made up by the employee.

Leave requests may be:

- either accommodated through the provisions of the Flexible Working Hours (NJC) or Flexible Working Time (JNC) Policy or,
- met from the employee's annual leave; or,
- unpaid leave.

Further guidance on [Religion and Religious Beliefs](#) is available.

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Blood and Platelet Donors

Paid time off will normally be granted to employees who wish to donate blood or platelets. Employees donating blood are expected to visit the mobile transfusion unit when it is in their work locality. It is recognised that donation of platelets can only be done at a hospital and where it is not possible to arrange the appointment outside of working hours, reasonable time off may be allowed, with the agreement of the manager, to attend the appointment subject to service needs.

Examination Leave

For post entry training where financial assistance and paid release has been granted by the council, in accordance with the [scheme for financial support assistance policy](#), examination leave will be granted as paid leave (first attempt only). Sufficient notice of examinations must be given. Leave may also be granted for revision on the basis of ½ day per examination (final examinations only). Other revision time should be taken using annual leave or flexitime. When a course of study and/or examinations have been completed a copy of the results achieved should be sent to the Learning and Development Division.

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Job Interviews

For employees who are eligible for [redeployment](#), the provisions for time off are explained in the Council's [Organisational Change Policy](#).

Managers will grant paid leave to employees attending interviews for posts with other local authorities and public sector organisations only.

No paid leave for interviews at other employers will be allowed. Time off for an employee attending an interview, other than in the above circumstances, will be subject to the planned leave provisions of this policy [click here](#).

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Lectures etc

Employees who are invited to give lectures, presentations and radio talks etc as part of their normal duties may do so within their contractual hours, subject to prior line management approval.

Employees must ensure that any fees received from the organising body are paid directly to the Council.

Employees who participate in such activities outside their normal working hours will not be compensated by the Council for the time spent or any travel or subsistence attached to the event.

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Professional Bodies – Attendance at Meetings

Office Holders

Employees who serve on a committee or council of a professional body may be granted paid leave to attend such meetings in working hours, where operational needs permit at the discretion of the manager. Managers may approve travel and subsistence expenses where these are not met by the professional body concerned.

General

Where employees are not serving members of committees or councils of professional bodies, but it is considered of some benefit to the Council to attend meetings, managers may approve paid time to attend in addition to travel and subsistence, where appropriate.

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Public Service Leave

Subject to operational needs up to 15 days' leave with pay per year may be granted to employees who are members or officials of the public bodies listed below or to attend meetings concerned with National or Provincial Council affairs:

- local authority
- statutory tribunal (e.g. employment tribunal)
- police authority
- service authority for the National Criminal Intelligence Service
- service authority for the National Crime Squad
- board of prison visitors or prison visiting committee
- probation boards
- members of court boards
- relevant health authority
- relevant education body (i.e. school/college governors)
- Environment Agency
- Youth Offending Panels
- Justices of the Peace
- School/College Governors.

Where applicable, employees should claim the financial loss allowance directly and this will be deducted from full pay. An employee must provide evidence to their manager and payroll.

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Jury Service and Court Attendance as a Witness

Paid leave will be granted to employees undertaking jury service or required to attend Court, or a Tribunal, as a witness on behalf of the Crown, Police or Defence, or for either side in a civil case. Employees must claim the attendance allowance for loss of earnings paid by the Court. The amount received for such allowance will be deducted from the employee's pay. The employee must provide confirmation of the amount received to their manager and payroll.

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Cadet Corps (Army, Air Force and Sea Cadets)

Cadet level

Membership of the army, air force or sea cadets is purely voluntary and activities normally take place in the evenings and at weekends, i.e. in the employee's own time.

However, employees may be granted up to 5 days' paid leave from their Council employment to attend an annual training camp.

The maximum age limit for cadets is normally 18. They have an opportunity to participate in activities such as the Duke of Edinburgh Award Scheme or undertake a BTEC qualification and other activities designed to release and enhance their physical, intellectual and social potential. They often gain skills therefore that assist them in their day to day work activities.

Adult Instructors

Once the maximum age limit for cadet level has been reached some may decide to continue as adult instructors.

Adult instructors are also voluntary roles which are undertaken in the employee's own time. They normally participate in activities for a minimum of one or two evenings per week and attend approximately four weekend training events per year.

Adult instructors receive payment for attendance at training courses and the annual training camp for which paid leave from their Council employment will not be granted. Requests from employees, who are adult instructors wishing to attend these activities should be considered as planned leave.

Employee Volunteering Provision

Purpose

The Council recognises the positive contribution that volunteers can make to communities and is keen to encourage its employees to engage in voluntary service. Supporting employees to volunteer helps the Council to build stronger links between the authority, employees and the local community and contributes to meeting local community needs and the Council's corporate objectives.

Types of Volunteering Supported

For the purposes of this provision, four different categories of volunteering are recognised:

- a) Role specific development opportunities;
- b) Team volunteering;
- c) One-off corporate events and activities;
- d) General volunteering.

Activities relating to health, regeneration, education, conservation, environment, heritage, arts and media, animal welfare, people with protected characteristics, young or older people, refugees or tackling alcohol and substance misuse, social exclusion and homelessness are likely to be supported by the Council.

There is no automatic entitlement for employees to be granted time off to undertake voluntary work. All requests will be considered on a case-by-case basis, taking into account service needs.

Whilst undertaking voluntary work, employees are required to adhere to the standards of conduct set out in the [Code of Conduct](#).

a) Role specific development opportunities

An employee (or manager) may identify a one-off volunteering opportunity which supports the development requirements discussed during supervision/one-to-one meetings (e.g. improving presentation skills by delivering a talk to a local community initiative). As with other training and development opportunities, managers may grant employees paid time off, where necessary, to undertake the activity. A post volunteering discussion should take place, as part of the normal supervision/one-to-one process, to evaluate the success of the activity.

b) Team volunteering

Managers may wish to consider using a one-off volunteering project as a team building exercise. To identify an appropriate activity, managers could contact [Voluntary Action LeicesterShire](#). Activities should last for a maximum of one day and must be suitable for all team members to participate in (e.g. employees with disabilities or medical conditions, etc.). As with other team building activities, paid time off during work time may be granted, where necessary.

c) One-off corporate events and activities

On occasion, the Council may invite employees to volunteer at local events (e.g. the annual fair, town twinning events etc.). In these circumstances, separate application processes will apply and employees may be granted paid leave or time off in lieu (TOIL).

d) General volunteering

An employee may request to undertake up to 2 days (pro rata for part time staff) paid leave per calendar year. This can be taken on an hourly basis or in daily blocks of time. The arrangement should be reviewed on an annual basis. Agreement to this

leave, or continuation of this leave, is entirely at management discretion, subject to the needs of the service.

Application Process

a), b), and c) above

Will be treated as a Learning and Development opportunity and employees will receive their normal terms and conditions of employment in line with attending any other training event.

d)

Employees who are interested in undertaking general volunteering, should discuss their request with their manager to ensure that the opportunity is appropriate, no conflict of interest exists and whether the service can support this additional leave. Following this discussion, employees should submit a short written submission on the form attached as Appendix A

Where possible, employees should match the paid time taken with an equal period of volunteering in their own time.

Employees must also follow the declaration process set out in the Appointments and Other Employment of the Code of Conduct, when applying to undertake any volunteering opportunity. The employee will need to confirm:

- Details of the host organisation;
- The nature of the activity that the employee will be undertaking;
- The times/dates that the employee is proposing to volunteer;
- Any risks related to the activity and details of any risk assessments that will be undertaken by the host organisation;
- Whether a change in their working pattern is being requested (and if so, the details of the change).

The employee's manager will use this information to assess whether the request can be accommodated and to ensure that no conflict of interest exists. Proof of the volunteering activity may be required.

Employees must obtain management approval to undertake voluntary work, irrespective of whether or not it is during their normal working hours, prior to committing to the volunteering activity.

Approval Process

Managers should only approve a volunteering activity where no conflict of interest exists. Any requests for time off during working hours will take into account the needs of the service. Managers should ensure that any lost working hours are recorded on I Trent.

Disclosure and Barring Service (DBS) Checks

Where a DBS check is required for a voluntary role, it is the responsibility of the host organisation to conduct this check.

Expenses

Any expenses incurred whilst volunteering are the responsibility of the host organisation. Employees are advised to confirm any reimbursement provisions with the host organisation prior to commencing a placement.

Health and Safety

The Council will not be liable for any damages or injuries that occur whilst volunteering for another organisation. Employees must abide by the health and safety procedures for that organisation.

Employees who are injured during the course of their volunteering duties and are therefore unable to attend their regular Council job will still be entitled to occupational sick pay. The Council may however wish to reclaim these payments from the host organisation where liabilities exist.

Application to take paid leave to undertake voluntary work

Name

Job Role

Working Hours

Details of the voluntary role, including organisation, location, tasks, risks, skills required and any learning outcomes if applicable.

Benefits that the volunteering activity will bring to the borough.

Name role and contact details of the person/people managing the voluntary activity.

Time and dates of paid leave requested

Time and dates when you will be volunteering in your own time

Employee signature.....Date.....

Other Types of Leave

For Family Leave (including Maternity, Adoption and Shared Parental Leave) - [click here](#).

For Parental Leave [click here](#).

For Reserve Forces Leave [click here](#)

PERSONNEL COMMITTEE – 17TH DECEMBER 2019

Report of the Head of Strategic Support

Part A

ITEM 8 VOLUNTEERS AND WORK PLACEMENTS POLICY

Purpose of Report

To gain Personnel Committee approval of the proposed changes to the Volunteers and Work Placements Policy and Toolkit. This replaces the former Work Experience and Sandwich Placement Policy.

Recommendation

That the amended Volunteers and Work Placements Policy and Toolkit is approved by the Personnel Committee for implementation within the Council.

Reason

To provide managers with clear guidance and an effective toolkit to ensure that people enjoy a positive and supportive experience when working as a volunteer or on work experience within the Council.

Policy Justification and Previous Decisions

To update and provide additional guidance to managers relating to volunteers and work experience.

Implementation Timetable including Future Decisions

Once approved, the revised Volunteers and Work Placements Policy and Toolkit will be publicised through One Charnwood and uploaded onto the Council's intranet.

Report Implications

The following implications have been identified for this report

Financial Implications

There are no immediate financial implications arising from this decision.

Risk Management

There are no specific risks associated with this decision.

Background Papers: none

Appendices: Appendix 1 - Volunteers and Work Placements Policy
Appendix 2 - Volunteers and Work Placements Policy Toolkit.

Officer to Contact:

Adrian Ward

Head of Strategic Support

Telephone: 01509 634573

Email: Adrian.ward@charnwood.gov.uk

Part B

Background

1. The Council's current policy provides information about the different types of work experience placement which managers may agree to. There is currently a short section providing opportunities for volunteers, however, this suggests that the placements should be very short-term. While there are only a very small number of opportunities for people to work within the Council on a voluntary basis, managers have asked for more guidance on the practical aspects of deploying and supporting volunteers.
2. The revised policy proposes that voluntary placements would last for a more practical length of time e.g. approximately 3 months. It also includes a section encouraging managers to agree placements for people with special needs.
3. A full toolkit has been drafted for managers to use as appropriate to the situation. Template job profiles, application and reference forms are provided along with guidance on recruiting, deploying and supporting volunteers and work placements properly.



Volunteers, Work Experience and 'Other Placements' Policy

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Scope

This guidance applies to those involved in volunteering, work experience and other placements within Charnwood Borough Council.

Purpose

The purpose of this policy is to provide managers with a procedure and toolkit to help them to effectively manage people 'placed' within the Council. It also defines the type of placements available. All placements should be underpinned by the Council's values and principles, to ensure the provision of a high quality opportunity which is ethical and safeguards both the individual and the Council.

Benefits of Placements

Volunteers and placements have a range of benefits for both the Council and the individual including:

- Influencing the quality of future employees;
- Raising the profile of career opportunities within the Council;
- Raising the Council's profile in the community;
- Development of management and coaching skills for those managing the placement;
- Helping individuals to develop the skills that employers are looking for;
- Increasing the individual's self-confidence and interpersonal skills;
- Providing individuals with the opportunity to experience different types of work;
- Increasing the individual's prospect of future employment by improving their CV and gaining a good reference.

Managing Placements

There are checks and tasks that managers will need to undertake for all placement e.g. a risk assessment, induction and general Health and Safety. There are others that are necessary for certain types of placement e.g. DBS, Confidentiality Agreements, specialist risk assessments and restricted working hours for young people. Further information is summarised below, and a full toolkit is included at Appendix A. Managers will need to make a judgement about how many of these tools to use, depending on the type and length of the placement and the expectations of the volunteer or work placement.

1 Volunteers

This type of placement can provide individuals with work shadowing opportunities or provide services which would not normally be available from paid employees within the Council. Volunteers can provide valuable additional services and enhance the reputation of the Council; however, volunteers need to be properly and supportively managed and resources identified to ensure that this happens, in order for the benefits to be identified on both sides. Volunteers are not workers and therefore are not entitled to receive payment for any activities undertaken, however, a reasonable and appropriate level of expenses should be paid when they are incurred.

Voluntary placements are normally short term in nature, usually with a maximum duration of 3 months. For volunteering opportunities which are potentially long-term, advice should be sought from Human Resources to ensure that the placement does not replace a paid established post.

Managers should read section 3 of this document and access the full toolkit which is attached to this guidance document. If managers and Heads of Service are planning to expand opportunities for volunteers, then it is recommended that they access the following [link](#) and read the section on Voluntary Sector Support.

2 Work Experience

These are **unpaid** placements where an individual carries out a task or duty with an employer for whom they do not work. The placement should give the individual an insight into a “real life” working situation but the emphasis should be on the learning aspects of the experience.

The Council recognises the benefits that work experience can provide and is therefore keen to support placements as widely as possible. Departments are responsible for responding to and arranging placements. They should provide the Learning and Development section of the placement for monitoring purposes. Should a request be received, the department will need to consider whether they are able to accommodate it. Where more than one application is received, a fair selection process will be held to appoint to the work experience placement in accordance with the principles of the Council’s recruitment and selection procedure.

The Council currently offers several different work experience placements including:

a) **Take our Sons and Daughters to Work Day**

Aimed at 11 to 18-year olds, this is a one-day placement offered as part of the 'Take our Sons and Daughters to Work Day', where the school support the scheme. Young people attending on this day will be expected to work shadow their parent/guardian. Prior to the placement, the parent/guardian will need to complete an application form and forward this to their manager for approval. The manager will need to determine if they are able to accommodate the placement, taking account of service needs. A [risk assessment](#) will also need to be undertaken as outlined below. If the young person is under 16 a separate [risk assessment](#) will need to be completed. Once the placement is agreed the parent/guardian's manager should confirm the placement in writing. A template letter is available by clicking [here](#).

b) **Placements for Individuals under the Age of 18**

These placements usually involve Year 10 or 11 students and last for 1-3 weeks or for one day per week over several months. The placement should provide a positive learning experience for the young person and, where possible, enable them to undertake the work of an employee. Where this is not possible (e.g. due to health and safety issues or ability), the young person should be given the opportunity to work shadow an employee performing specific tasks.

In general, the following principles are to be followed where young people under the age of 18 are undertaking work experience:

- Tasks are only to be carried out by a young person provided that they have had full and adequate training;
- Young people are to be suitably supervised to ensure that they carry out tasks in a safe manner;
- Young people can only operate equipment as detailed within the risk assessment (dependent upon their placement);
- Only low risk equipment is to be used by young people (e.g. photocopiers, stepladders) but only after they have been trained on the correct use;
- Young people are not permitted to work alone for any length of time, (dependent upon the level of risk) as detailed within the risk assessment;
- Young people are not to be permitted to work more than 8 hours in any 24-hour period and no more than 40 hours a week. There should be 12 hours rest between each working day and 2 days weekly rest;
- Young people should not work before 7am or after 7pm;
- When working longer than 4½ hours there should be a 30-minute rest break for those aged 16 - 18. Children under minimum school leaving age (the year in which they turn 16) should not work longer than 4 hours without a 1-hour rest break.

Requests for this type of placement are usually submitted through an educational establishment. If possible, the young person should be offered a visit prior to formally agreeing the work experience placement. This will enable the individual to visit the area in which they will be working and ensure that it will provide them with the valuable learning opportunity they are seeking. During this visit, any risks

identified within the risk assessment should also be discussed with the young person.

Once agreed, the manager should confirm the placement in writing. A template letter is available by clicking [here](#).

c) Placements for Individuals with Special Needs

Placement requests for students with special needs are received regularly within the Council and managers are encouraged to accommodate these requests where they can. For students aged 18 or under, all of the above principles will apply. For students aged over 18, managers should make a judgement about whether these principles should be applied as 'good practice'. A support worker will often accompany a student on one of these placements and managers should also include the support worker in risk assessments, any confidentiality agreements and induction as appropriate.

d) Internships

Internships are usually positions that require a higher level of qualification than other forms of work experience. They are not part of, or a requirement of, a formal academic programme but should enable an individual to gain relevant professional skills and an understanding of a profession. Internships can last for a **maximum of 4 to 6 weeks** and **must not** be used to complete the work required of a paid employee. Interns should therefore not be recruited on an existing job description.

A high quality internship can be based on a specific piece of work or project, and can include the following:

- Undergraduate, graduate and postgraduate placements;
- Post 18 students in further education, such as colleges and adult education institutes;
- Internships may take place during holiday periods, in between courses or after a student has finished higher education;
- Adults wishing to pursue a new career path. People in this category may or may not have attended further or higher education.

The principles of Equal Opportunities should be adhered to in recruiting or agreeing to an Internship. Most of these opportunities are agreed in response to contact by a further education establishment or an individual. However, in areas where there are professional skill shortages, for example, manager may wish to proactively seek applications at an appropriate time of the year. In which case a fair selection process should be applied if there are more applicants than opportunities. The intern will not receive payment for any activities undertaken during the placement. However, they should be paid reasonable travel expenses to and from work and whilst travelling to undertake any work activity. The manager must outline the expenses and subsistence allowances available at the point of recruitment to enable the intern to make an informed decision regarding the placement.

During the placement an intern should have a clearly defined role, supervision process and learning outcome plan.

3 Management of Volunteers and Work Placements

a) Health and Safety

Individuals on work experience placements are regarded in health and safety law as employees and therefore must have the same health and safety protection. Restrictions may apply to the types of work which can be carried out by young people and these should be fully explored before offering a work experience placement. Further information can be found on the [HSE website](#) and from the Audit and Risk/Health and Safety section of the Council's intranet.

Workplace supervisors/managers should ensure that they know exactly what is expected of them and are aware of their legal responsibilities when agreeing to a request for work experience.

b) Risk Assessments

A risk assessment **must** be produced for every work experience placement and where applicable, take into account any disability or learning difficulties. A generic [risk assessment](#) is available for office work during normal working hours. Managers **must** assess this document to ensure it is suitable and covers all risks that need to be taken into account within their service area. The generic risk assessment will not be suitable for any placement outside of the office environment, and/or which carries specific risks not mentioned within that risk assessment. A separate [risk assessment](#) is available for young persons under the age of 16. In addition, consideration will also need to be given to an individual's medical conditions and experience to date regarding existing or potential risks. Further advice is available by contacting the Health and Safety Officer.

Prior to commencing a work placement, all individuals on work experience must be made aware of work place hazards identified within the risk assessment, and the control measures put in place to reduce them to the lowest possible level or remove them altogether.

A different risk assessment template must be completed for those aged [under 16](#) compared to those aged [over 16 and over](#).

e) Young People Under 18

Managers **must** assess risks to young people under 18 years of age by completing a risk assessment appropriate for their age group. That risk assessment must take into consideration the individual's experience to date regarding existing or potential risks.

In addition, for young people under the age of 18, where risks are identified the parent/guardian of the student should be advised of the risks, and how they will be

reduced or eliminated. The risk assessment will need to be signed by the work experience individual and the parent/guardian to confirm agreement to the placement.

c) Personal Protective Equipment

Should the individual on placement be required to wear personal protective equipment, this will be provided to them. The personal protective equipment **must** be worn as detailed in the risk assessment.

d) Disclosure and Barring Service (DBS)

For those aged under 16, where the work experience placement requires regular isolated supervision (once a week or more often) or where the individual on work experience placement is judged to be vulnerable (i.e. a person who is in receipt of either social or personal care), the providing organisation will ensure that all the appropriate checks are carried out on the suitability of the placement supervisor and if necessary a DBS check undertaken. It may be necessary to place the work experience placement with a supervisor who has satisfactory DBS clearance.

For those over 16, a DBS check may be necessary dependent upon the position the individual is placed in. A supervisor will not need to be DBS checked to supervise an individual over 16, except in so far as if their role requires a DBS check. DBS clearance is free of charge for volunteers.

e) Insurance

A work experience placement must be covered by appropriate insurance.

Charnwood Borough Council's insurance policies includes employers' liability insurance which provides cover for any personal injury claim or disease contracted arising out of any negligence caused by the Local Authority during or arising from their placement.

In addition, work placements would be covered under the Council's public liability (third party) insurance the same as employees.

f) Information Security and Confidentiality

The Council holds and processes a large amount of confidential, personal and/or sensitive information on private individuals, employees, service partners, suppliers and its own operation. It has a duty to protect customers' information and data (and its reputation) as well as safeguarding individuals from the possibility of information and systems misuse or infringement of personal privacy.

Confidential, personal and/or sensitive information must not be used inappropriately or disclosed to any other person either during the work experience placement or at any time afterwards unless authorisation has been given.

Managers should think carefully about what sensitive and confidential information and data volunteers and individuals on work experience placements might have access to and consider restricting that access if necessary. If it is appropriate, data protection and information security training **must** be given before the individual is given access to the information. The manager should consider whether it is

appropriate for a volunteer or work placement to sign a confidential agreement. A sample agreement is available in the attached toolkit.

Breaches of information security and confidentiality by a user who is not a direct employee of Charnwood Borough Council may result in action being taken against the user (in certain circumstances the matter could be referred to the police to consider whether criminal proceedings should be instigated).

g) Induction

Supervisors must carry out an appropriate induction on the work experience placement's first day. The [Manager's Induction Checklist](#) should be followed as appropriate. The purpose is to ensure all individuals complete all necessary activities related to their role; and are aware of the role they will be undertaking, any responsibilities during the placement, including information security and confidentiality and any health and safety requirements. The line manager has overall responsibility for ensuring that the induction is completed satisfactorily.

Legislative Framework

The following Acts apply to work experience placements:

- The Employment of Women, Young Persons and Children Act[1];
- The Health and Safety (Training for Employment) Regulations 1990[2];
- The Health and Safety at Work (etc.) Act 1974[3];
- The Employers Liability Compulsory Insurance Act 1969[4];
- The Management of Health and Safety at Work Regulations 1992[5];
- The Working Time Regulations 1998;
- The Data Protection Act 1998;
- The Equality Act 2010.

4 Sandwich Placements

These are **paid** placements which are available to students at university or college who are undertaking a course consisting of periods of study with periods of work placements. This often involves a work placement lasting up to 12 months. The placement should offer valuable and credible experience to the student, whilst at the same time enabling them to develop professional skills that will benefit their studies.

Sandwich placements should be advertised and recruited in accordance with the Council's recruitment and selection procedure. Managers should ensure that the job description for the sandwich placement is evaluated in line with the Council's job evaluation scheme so that the individual is paid the correct grade associated to that post.

A fixed term contract should be issued to the individual. Managers should ensure that the contract states that the fixed term contract is issued for a sandwich placement and that the contract will end when that placement comes to an end. Advice should be sought from Human Resources prior to the fixed term contract ending.



Volunteers and Work Placement Good Practice Template - Contents

Volunteering and effective work placements do not just happen. There are several steps which the manager of volunteers and work placements need to go through in preparation for recruiting and supporting people properly.

This is a template document for managers of volunteers or placements to use as appropriate to the type of placement, role and expectations from the volunteer or work placement. By following the steps suggested managers will ensure that local and national good practice principles are adhered to and working practices conform to legal and sector standards.

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Role Description for Volunteers and Work Placements

1

- a) Ensure a volunteer role or intern placement does not replace the role of paid staff. This should be examined on a role by role basis and advice should be sought from HR. It may not be necessary to provide a role description for short term placements.
- b) Draft a specific role description
- c) Decide about whether a DBS check is necessary before they begin and tick the relevant box on the role description form.
- d) Ensure the role is flexible and voluntary and that no contractual arrangements or expectations are in place. Discuss, agree and amend, if appropriate, the description with the volunteer or placement before they begin. Consider if you are willing to adapt roles to suit the needs, skills and aims of individual volunteers on request.





Volunteers and Work Placement Role Description

Service and Section

Role

Activities

Personal Development Opportunities

When

Where

Supported by

Skills and Experienced Required

DBS check Y or N





Volunteers and Work Placement Recruitment Template

You may either identify a need to recruit volunteers and advertise this through one or more of the following:

- within your service;
- on the Council's website; or
- through Voluntary Action Leicestershire, at <https://valonline.org.uk/>.

Alternatively, you may be approached by an individual or organisation to take a work placement or volunteer.

In order to ensure that you have the information you need from the individual an Application/Registration form could be completed by the volunteer or work placement. Alternatively, you may be provided with the necessary information in a different format.

You should arrange for the form or information to be returned directly to you and not via HR or Learning and Development, either electronically or by post. You should explain to volunteers/work placements why an application / registration form is important and be available to support them with form filling where requested or necessary.

Appropriate selection processes may include one of the following:

- an informal chat
- informal interview
- group recruitment
- taster sessions
- discussion with a tutor or other supportive person

Decide whether the role is only suitable for over 18's. If the person is aged 18 or under a consent from the 'person with legal responsibility' for the applicant should be obtained.

It is recommended that you to take references for safeguarding purposes and these should be provided prior to the volunteer/work placement begins.

Consider offering taster sessions to allow for potential volunteers to decide if the role is right for them. If there is to be a trial period, discuss this with the volunteer.

You also need to decide if it would be appropriate to use a volunteer agreement?
Be aware of 'rules' for volunteers claiming benefits.





Volunteers/Work Experience Application Form

Thank you for your interest in volunteering with Charnwood Borough Council. The information you provide in this application form will help us decide how we can best work together to support our services. It would be really helpful if you can give us as much information as possible about your experiences, interests and availability to volunteer. If you have any questions about this process, please do not hesitate to contact us on the details at the end of this form.

Which volunteering role you are applying for

Where is this based

What days and times are you available to volunteer? (

Am

Pm

Evening

Where did you find out about volunteering with us? Please include tick all that apply)

Word of mouth School / College Job Centre / employability project

Visit to site / team Employer Voluntary Action Leicestershire

Support worker Friends / family LCC webpage

Do-it.org Social media Flyers / posters / news article

Other (please specify)

Tell us who you are and how to get in touch with you

Title

First Name Surname

Address

Post Code

Home Tel

Mobile

Email

Year of Birth Ethnicity

Which of the following best describes you?

Employed full time Employed part time Unemployed Retired

Unable to work Attend School Attend College / University

Have you volunteered anywhere before? Yes No

Why do you want to volunteer? (Tick all that apply)

Health and wellbeing

Road test a career Enhance CV / employability

Social aspect /To try something new /Gain new skills and experience

Confidence To benefit the community /Share skills and expertise/



Be part of a local hub/ Enhance an LCC service /Learn from skilled professionals/
Other (please specify)

Please tell us why you are interested in volunteering for this specific role?

What skills and experience (paid or unpaid) do you have that you feel would be useful to this role?

We aim to create a positive environment to enable all volunteers to make the most out of their experience. In order that we can consider any appropriate adjustments and better support you in a potential role please complete the following section to the best of your ability.

Medical information:

Do you have any medical / health conditions or disabilities that we need to be aware of, or that are relevant to this volunteering activity e.g. epilepsy, diabetes, asthma, mobility, heart problems etc?

Do you consider yourself to have a disability (physical / learning / mental health)?

Yes No

Do you have any additional support or access needs? Yes No

If yes, please say what these are

Please provide us with the details of the first person we would need to contact in the event of an emergency

Title

First Name Surname

Address

Post Code

Home Tel

Work Tel

Mobile

Relationship to you

Who can we contact for references?

Please could you give the names and addresses of two people (other than a spouse or relative) to whom we could apply for a personal reference.

Name

Address

Postcode

Tel

In what capacity do you know them?

Name

Address

Postcode

Tel

In what capacity do you know them?

Data Protection Act

The information you supply will be held for monitoring and evaluation purposes and in connection with any future contact. This information will be kept for a maximum of 12 months from the last contact.



When you sign and return this form you are giving permission to process and hold the information you have supplied on it, including any information you consider to be personal and sensitive. The information may be used by Charnwood Borough Council for the purposes of equality monitoring, compiling statistics and maintaining other records.

For more information on how we will manage your personal information please go to the following web address <https://www.charnwood.gov.uk/pages/privacynotice>.

- I accept that if I am using my car for volunteering activities I will contact my insurance company to inform them and I understand that I would need to have valid mot and tax. Yes No
- For some roles you will be required to complete a DBS check.
- It is the responsibility of the volunteer to keep the information on this form up to date. It is important that any changes are reported to your volunteer manager as soon as possible.

I declare the information I have provided is true

Signed **Date.....**

Please send completed form back to:





Volunteers and Work Placement Registration Form

We are pleased you are volunteering with Charnwood Borough Council. We need to record your details for communication, health and safety and monitoring purposes. We would be grateful if you could fill out this form and return it to your Volunteer Manager.

Title

First Name Surname

Address

Post Code

Home Tel Mobile

Email

Year of Birth

What is your current volunteer role with Charnwood Borough Council?

How long have you been in this volunteer role?

Where is your volunteer role based?

Who is your volunteer manager? (Main staff contact at Charnwood Borough Council)

What are your reasons for volunteering? (Tick all that apply)

Health and wellbeing Try something new /Confidence

Enhance CV / employability /Road test a career /to benefit the community/

Share skills and expertise /Be part of a local hub /Social aspect

Learn from skilled people/ Gain new skills

Other (please specify)

Where did you initially find out about volunteering with us?

Word of mouth /Visit to site / team /Voluntary Action Leicestershire/

LCC webpage /Social Media /Flyers / posters / news article

Employer Support Worker Job Centre / employability project

School / College Friends / family.

Other (please specify)

Which of the following best describes you?

Employed full time /Attend School /Attend College / University

Retired/ Unemployed /Unable to work/Employed part time

We aim to create a positive environment to enable all volunteers to make the most of their experience. In order that we can consider any appropriate adjustments and better support you in your role please complete the following section to the best of your ability.

Do you consider yourself to have a disability (physical / learning / mental health)?

Yes No

Do you have any additional support or access needs? Yes No

If yes, please say what these are



Please provide us with the details of the first person we would need to contact in the event of an emergency.

Title

First Name Surname

Address

Post Code

Home Tel

Work Tel

Mobile

Relationship to you

Data Protection

Personal data supplied on this form will be held by the organisation you volunteer with in accordance with the Data Protection Act 1998. They will be held securely and confidentially. They will be accessed by authorised management.

- I grant permission for photographs or other image recording products to be used by the Council, the Council's partners, and the media in any publications, promotional material or on websites, including social media.

Yes No

- I accept that if I am using my car for volunteering activities I will ensure that I have Business Use included on my insurance and I understand that I would need to have valid mot and tax.

Yes No

- I accept that any work created, developed, invented, carried out or produced during, or as a consequence of any volunteering activity should be determined to have been made on behalf of the Council.

To the best of your knowledge does your role require a DBS check?

Yes, No Not Sure

- My last DBS check for this specific volunteering role is?
Within the last 3 years Out of date and in need of renewal

Unsure Not applicable

- It is the responsibility of the volunteer to keep the information on this form up to date. It is important that any changes are reported to your volunteer manager as soon as possible.

I declare the information I have provided is true

Signed Date

Please send completed form back to:





Volunteers and Work Placement Agreement

Volunteer Name and Contact Number

Volunteer Placement – Role and Section

Manager and Contact Number

The information below sets out what we can each reasonably expect from your volunteering role within Charnwood Borough Council. We appreciate that you have chosen to volunteer with us and are committed to providing volunteers with a supportive environment. We hope that you will find your volunteer experience enjoyable and rewarding.

Volunteer role

We hope that you will usually be able to volunteer with us for the time agreed so that we can each get the most from the volunteering experience. However, we are flexible about when you work (within the constraints of drawing up a rota) so please let us know if you would prefer a different arrangement.

We expect you to perform your role to the best of your ability and to follow our procedures and standards, including health and safety and equal opportunities. You can expect us to deal with you in accordance with our equal opportunities policy.

Induction and training

We will provide an induction explaining what we do and how volunteers fit within our organisation. We will also provide training to assist you to meet the standards we expect from volunteers and to ensure your health and safety.

Supervision and support

Your main point of contact during your volunteering with us is listed above. You will have regular meetings with him/her to agree targets for your volunteering role and discuss any problems or complaints you may have.

Please give this *manager* as much notice as possible if you are unable to volunteer when expected.



Expenses

We will reimburse certain out-of-pocket expenses incurred in connection with your volunteering for us. Details of these expenses and how to claim them will be provided by your *volunteer manager* and include:

- (i) Reasonable travel expenses incurred in the performance of your volunteer work;
- (ii) *[Insert details of other expenses, if applicable]*

Insurance

We will provide adequate insurance cover for you while you are undertaking voluntary work approved and authorised by us.

Confidentiality

During your engagement as a Volunteer (*Role*), you will have access to confidential information in relation to the Council or its business.

You shall not use or disclose to any person, either during or at any time after your engagement by the Council, any confidential information about the Council or its business or about any other matters which may come to your knowledge as a result of carrying out assignments.

If you have knowledge of or have a relationship with any person involved in the assignment for which you are engaged to take notes, you agree to declare this to Management/Human Resources prior to carrying out the assignment. Your suitability will then be assessed to undertake that assignment.

By signing and returning the copy of this form you agree to abide by its terms and not to use or disclose this information to any person either during your voluntary period of employment or at any time afterwards.

Leaving

We ask that you give us as much notice as possible if you want to stop volunteering with us [so that we can rearrange our rota].

This agreement is binding in honour only, is not intended to be a legally binding contract between us and may be cancelled at any time at the discretion of either party. Neither of us intends any employment relationship to be created either now or at any time in the future.

Please acknowledge that you understand the contents of this letter by signing, dating and returning the enclosed copy.

Print Name.....

Volunteer/Work Placement Signature.....Date.....





**Volunteers and Work
Placement Confidentiality
Agreement**

Volunteer Name and Contact Number

Volunteer Placement – Role and Section

Manager and Contact Number

During your engagement as a Volunteer (*Role*) you will have access to confidential information in relation to the Council or its business.

You shall not use or disclose to any person, either during or at any time after your engagement by the Council, any confidential information about the Council or its business or about any other matters which may come to your knowledge as a result of carrying out assignments.

If you have knowledge of or have a relationship with any person involved in the assignment for which you are engaged to take notes, you agree to declare this to Management/Human Resources prior to carrying out the assignment. Your suitability will then be assessed to undertake that assignment.

By signing and returning the copy of this form you agree to abide by its terms and not to use or disclose this information to any person either during your voluntary period of employment or at any time afterwards.

Print Name.....

Volunteer/Work Placement
Signature.....

Date.....





Volunteers and Work Placement Induction

Name

Volunteer role

Location / department team

Volunteer manager

Welcome Completed N/A

Background to the organisation, aims and structure

Role of volunteers in department / team and Charnwood Borough Council

Encourage volunteer to undertake corporate volunteering induction

e-learning module if appropriate for their role

Community benefit of volunteer role explained

This is a guidance template. Not all of the sections below will be relevant to every volunteer role or placement and there also may be additions that you need to consider for many roles.

Please use at your discretion.

Day to day logistics

Building / room entry codes/ Name badge / ID badge

Provide contact list of key staff

Personal use of resources e.g. telephones / email/ Communication methods with staff

Explain sickness / non-attendance procedures/Dress code

Tour of the site

Introduction to staff

Introduce personal work space

Tea room / refreshments area/Cloakroom / lockers/ Toilets/smoking rules/ Keys/ Parking

Familiarisation with role

Review and agree role description

Introduce supervision / support methods

Discuss specific training / personal development needs

Explore volunteer plan

Good practice

Introduce and explain travel expenses claim form

Give out any information packs / promotional materials

Explain the following procedures where appropriate

Equality and diversity/Data protection/Confidentiality/Complaints and grievances.





Volunteers and Work Placement Health and Safety Checklist (Age 18 and over)

Health and Safety Completed

Fire and safety procedures explained

Accident reporting procedures explained

Allocation of personal protective equipment where appropriate

Create / update risk assessment for role and run through with the volunteer

Complete equipment / tool induction where appropriate

Any necessary qualifications checked

Driving licence checked

DBS check if appropriate

Management Guidance for work placement under 18 can be found on the CBC intranet at Audit and Risk/Health and Safety/Sites.





**Volunteers and Work
Placement Plan**

Name

Volunteer role and activities

When I plan to volunteer

What I hope to gain for myself

How my volunteering will make a difference

Support I will need

Signature of VolunteerDate.....

Signature of Manager.....Date.....





**Volunteers and Work
Placement Reference**

Manager's Name and Job Role

Service/Section

Volunteer's Name and Address or Date of Birth

Role Undertaken

Length and dates of Placement

Positive Comments (if appropriate - include skills demonstrated, skills learned during the placement, inter personal skills, motivation, flexibility and reliability)

Suggestions for Development (only complete this where if appropriate – e.g. where further knowledge could be acquired, IT skills enhanced, tips to enhance organisational skills etc.

Thank you tofor their valuable contribution

Signed.....Date.....



PERSONNEL COMMITTEE – 17TH DECEMBER 2019

Report of the Head of Strategic Support

Part A

ITEM 9 PREVENTION OF ILLEGAL WORKING GUIDANCE NOTES FOR MANAGERS AND EMPLOYEES

Purpose of Report

For the Personnel Committee to note the proposed amendments to the Prevention of Illegal Working Guidance Notes for Managers and Employees.

Recommendation

That the revisions to the Prevention of Illegal Working Guidance Notes for Managers and Employees be noted.

Reason

The policy and document amendments have been made to take account of key changes to right to work checks and best practice.

Policy Justification and Previous Decisions

The Prevention of Illegal Working Guidance Notes for Managers and Employees was last updated by agreement of the Personnel Committee on 23rd January 2019. The amendments relate to key changes to right to work checks and minor updates on policy wording.

Implementation Timetable including Future Decisions

It is recommended that the amendments be published on the intranet, following the Personnel Committee meeting.

Financial Implications

There are no immediate financial implications arising from this decision.

Risk Management

There are no specific risks associated with this decision.

Background Papers: none

Annex 1: Prevention of Illegal Working Guidance Notes for Managers and Employees

Officer to contact: Adrian Ward
Head of Strategic Support
Telephone: (01509) 634573
Email: adrian.ward@charnwood.gov.uk

Part B

Background

1. The guidance document has been updated to reflect key changes regarding right to work checks. Additionally, minor amendments have been made to the wording of the policy in some areas. All changes are outlined below:
2. The introduction of an online right to work check
 - 2.1 Right to work checks for some individuals can now be carried out online via the “View a job applicant’s right to work details” website. In order for managers to use this service the individual must have an immigration status which can be checked online and have:
 - a) viewed their own Home Office right to work record by accessing the website “Prove your right to work to an employer” and
 - b) confirmed they wish to share this information with the manager by providing the manager with a “share code”.
 - 2.2 The use of this service however is not mandatory for these individuals. Managers must not discriminate on the basis of whether or not an individual is able and/or willing to demonstrate their right to work using the online checking service. If an individual does not wish to demonstrate their right to work using the online service, the manager should conduct a manual check instead.
3. Amendments have been made on the types of documents accepted in List A
 - A short birth certificate issued in the UK, Channel Islands, the Isle of Man or Ireland can now be accepted **when produced in combination with** an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
4. The following sections have also been amended to reflect current Home Office guidance.
5. Employing students from outside of the European Economic Area
 - 5.1 Main changes include;
 - A student who is able to work will have a clear endorsement in their passport or Biometric Residence Permit. This will state they are permitted to work and the number of hours they can work during term-time. This is either 10 or 20 hours per week (with a week considered to be Monday to Sunday).
 - Students who are permitted to work are also allowed to work full time during vacations and undertake full time work both before their course commences and after their course finishes, as long as they have leave to remain in the UK and are following or have completed the required course of study.

- If a student's passport or Biometric Residence Permit does not contain information about their right to work, they are not permitted to work in the UK.
- Those studying in the UK on a "**Short-term Student**" visa are not permitted to undertake employment or a paid or unpaid work placement as part of their choice.
- Managers must immediately report some changes in the student's circumstances to Human Resources.

6. Employing asylum seekers, refugees and those granted humanitarian protection

6.1 The wording on Home Office issued Application Registration Cards which identifies whether work is permitted or work is permitted with restrictions has been updated.

7. Employing Workers from outside of the European Economic Area (EEA)

7.1 Legal clarification has been sought on this area to clarify the interpretation of this section from the current policy. The revised policy is much clearer in outlining the criteria under which a worker from outside of the EEA can be employed and the circumstances under which sponsoring workers from outside of the EEA would apply.

Prevention of Illegal Working Guidance Notes for Managers and Employees

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Purpose

This guidance has been produced to assist managers in preventing the employment of individuals who do not have the right to work in the UK. It also provides information to employees regarding the importance of maintaining their right to work in the UK and the potential consequences of failing to provide, when requested, confirmation of this entitlement.

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Scope

This guidance applies to any employee or worker, or prospective employee or worker, of Charnwood Borough Council. This includes casuals who work on an ad hoc/as and when basis.

The principles of this guidance also apply to individuals who are engaged by the Council (including contractors and consultants). Relevant checks should therefore be made by the manager to ensure they are entitled to work in the UK.

In the case of volunteers, managers should ensure before engaging an individual that they have no restrictions on them volunteering with the Council.

If an individual is employed through an agency (e.g. employment agency) or another company (e.g. consultancy), it is the responsibility of that agency/company to check and confirm the individual's right to work in the UK. Managers should however confirm the relevant checks detailed in this guidance have taken place and be properly satisfied of that person's entitlement to work in the UK.

Managers must understand their responsibilities and comply with this guidance to ensure all employees or workers within the Council have the right to work in the UK.

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Penalties for failing to undertake the relevant checks

Failing to undertake relevant checks before engaging an employee or worker can give rise to significant penalties. The potential financial penalty the Council could face if it was found to be employing an illegal worker depends upon a number of factors. However, the maximum penalty is £20,000 per illegal worker. There is also a significant risk of damage to the Council's reputation which should not be underestimated.

Individuals who knowingly employ or have reasonable cause to believe they are employing an illegal worker may also face criminal sanctions which could include imprisonment for up to 5 years and/or an unlimited fine.

It is therefore imperative that managers carry out the necessary checks in accordance with this guidance to avoid any possible sanction on the Council or themselves.

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How to check whether someone is eligible to work in the UK

Once a provisional offer has been made, the manager should check the individual has the right to work in the UK. There are two types of right to work checks; a manual check and an online check.

All relevant documents must be checked and copied/saved **prior** to the commencement of employment. Failure to do so could lead to the penalties described in the section titled; [‘Penalties for failing to undertake the relevant checks’](#)

Any offer of employment made before these checks have been completed must be made subject to confirmation of an individual’s right to work in the UK. **A contract will not be issued nor the individual set up on the payroll system until this information has been received by Human Resources.**

Conducting an online right to work check

In order to use the online right to work check the individual must have an immigration status that can be checked online.

Currently, the online checking service supports checks in respect of those who hold:

- a biometric residence permit;
- a biometric residence card; or
- status issued under the EU Settlement Scheme (alternatively, these individuals can continue to demonstrate their right to work by presenting their EU passport or ID card until the end of the planned implementation period).

The use of the online right to work check is **not** a mandatory requirement. However for such individuals, managers must not discriminate on the basis of whether or not an individual is able and/or willing to demonstrate their right to work using the online checking service.

If an individual does not wish to demonstrate their right to work using the online service, the manager should conduct a manual check instead.

How the service works

Managers can complete an online check by using the online service, entitled [‘View a job applicant’s right to work details’](#) on gov.uk.

Prior to this the individual must first view their own Home Office right to work record by accessing the website [‘Prove your right to work to an employer’](#). If they wish to they can then share this information with the manager by providing the manager with a ‘share code’. When entered along with the individual’s date of birth, this enables the manager to access the information. The share code will be valid for 30 days, after which a new code will be required in order to conduct an online check.

Managers **must** access the employer part of the service ([‘View a job applicant’s right to work details’](#)) in order to obtain a statutory excuse. It is not sufficient for the manager to view the information provided to the individual via the migrant part of the Home Office online right to work checking service (the ‘Prove your right to work to an employer’ website). The Home Office has an audit record of online checks conducted by employers using the service. Managers **will not** establish a statutory excuse by viewing the migrant part of the service.

There are 3 steps to conducting an online right to work check.

Step 1 - Use the Home Office online right to work checking service

If the individual wishes to share their right to work with the manager using the Home Office online right to work checking service, they will provide the manager with a 'share code' generated by the service. They may provide this to the manager directly, or choose to send this to the manager via the service, in which case the manager will receive an email from; right.to.work.service@notifications.service.gov.uk.

Example of an email providing the share code



You can now view Lee Jones' right to work details

They have used the online 'prove your right to work to an employer' service on GOV.UK to email you a share code to view their details.

To view their right to work information you will need to go to the employer service 'view a job applicant's right to work details' on GOV.UK and enter their:

- date of birth
- share code **805-732-567**

The share code will expire on Saturday, 20 February 2019.

The manager will then have 30 days to access the employer part of the online right to work checking service '[View a job applicant's right to work details](#)'.

Example of the start page of the employer part of the online right to work checking service

View a job applicant's right to work details

Check a job applicant's right to work in the UK if they've used the online 'prove your right to work to an employer' service to [share their details with you](#).

You can check:

- the types of work they're allowed to do
- how long they can work in the UK for

You'll need:

- the job applicant's date of birth
- a code the job applicant will share with you

You can use this service instead of [checking a job applicant's documents in person](#). Either option will ensure you avoid a [penalty](#).

[Start now >](#)

To view the individual's right to work details, the manager will need to type in the share code and the individual's date of birth.

Step 2 - Check

The Manager must check that the photograph on the online right to work check is of the individual presenting themselves for work (i.e. the information provided by the check relates to the individual and they are not an imposter).

An individual can only be employed, or continue to be employed (if conducting a follow-up check), if the online check confirms they have the right to work and are not subject to a condition preventing them from doing the work in question.

Managers must seek advice from Human Resources as soon as possible if the online right to work check indicates;

- the individual does not have the right to work in the UK;
- or it is reasonably apparent from the photograph that the individual the manager wishes to employ or continue to employ is not the individual to whom the information provided in the check relates.

An example of an on-line check response;

GOV.UK View a job applicant's right to work

BETA This is a new service – your [feedback](#) will help us to improve it.



Lee Jones can work in the UK until 30 April 2020

Details
On their current visa, you can employ them to do any job except those listed in the conditions below.

Conditions
They cannot:

- work as a doctor or dentist in training
- play or coach professional sports.

These conditions are the standard requirements for their visa.

If you employ this person
To avoid a [penalty](#), you must:

- check that this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for two years after
- do this check again when their visa expires on 30 April 2020

Read the [employers' code of practice](#) to find out more about right to work checks.

Details of check

Company name	Date of check	Reference number
	9 June 2017	WE-0000000-XX

[View a PDF of this page](#)

[Finish and leave service](#)

Step 3 Retain evidence of the online check

Evidence of the online right to work check must be retained. For online checks, this should be the 'profile' page confirming the individual's right to work. This is the page that includes the individual's photo and date on which the check was conducted.

Managers will have the option of printing the profile (the response provided by the Home Office online right to work checking service), or saving it as a PDF or HTML file.

Managers should save a copy of the profile page. This should then be provided to Human Resources along with the other appointment paperwork.

Conducting a manual right to work check

Once a provisional offer has been made, the recruitment manager should ask the successful candidate to bring in copies of **original documents** confirming their entitlement to work in the UK. Acceptable documents for proving this entitlement are split into two lists:

- **List A** - These documents demonstrate the individual has a permanent right to work in the UK. If an applicant provides a single document or combination of documents specified in this list then they are entitled to work for the Council for an indefinite period. There is no requirement to undertake any repeat checks of their documentation;

- **List B** - These documents demonstrate the individual has been granted a temporary right to work in the UK and/or has restrictions on their right to work. If an applicant provides a single document or combination of documents specified in this list then it is important that any time limits or restrictions are noted and adhered to. There is also a requirement for repeat document checks to be undertaken during the individual's employment with the Council. Further information regarding the frequency and content of these rechecks can be found in the section titled '[Continuation of employment - undertaking repeat checks](#)'.

In order to establish whether the successful candidate has the right to work in the UK the manager should undertake the following three step check:

Step one - Obtain

Managers must obtain original documents (either a single document or specified combination of documents) from [List A](#) or [List B](#). It is not acceptable for the individual to provide **photocopies or scanned copies of documents**.

Some of the documents detailed in [List B](#) require verification by the Home Office Employer Checking Service. Where this is specified, the recruiting manager should inform the individual that this check is required and seek their permission before submitting an application. Details of how to make the application and the information required are available on the [Home Office website](#). Support is available from Human Resources if required.

Copies of the documents relating to this check and the **positive verification notice** received from the Employer Checking Service **must** be provided to Human Resources along with the other appointment paperwork.

If a **negative verification notice** is received from the Employer Checking Service it **will not** be possible to progress the individual's appointment as this notice confirms they do not have permission to do the work in question. In these situations, advice should be sought from Human Resources on the action that will need to be taken to withdraw the provisional offer of employment.

Step two - Check

In the presence of the individual, the manager must confirm the validity of each document. Inspection of a document via a video link is not acceptable nor is checking a faxed or scanned copy of the document.

The Manager must check that:

- Any photographs are consistent across documents and with the appearance of the individual;
- Any dates of birth listed are consistent across documents and correspond with the appearance of the individual;
- The expiry dates of any limited leave to enter or remain in the UK have not passed;

- Any work restrictions found on UK government endorsements such as Biometric Residence Permits, stamps, stickers, visas, etc. do not restrict the individual from undertaking the type of work being offered;
- The documents appear to be genuine (i.e. no typographical errors, etc.), have not been tampered with and belong to the individual.

If the individual provides two documents that have different names, the manager should ask for a further document to explain the reason for this. The further document could be, for example, a marriage certificate, a divorce decree absolute, a deed poll, or statutory declaration.

If there is any suspicion that a document provided is not genuine or legitimate then advice should be sought from Human Resources as soon as possible as it may be necessary to make further enquiries or to report the individual to the Home Office.

Step three - Copy

Take a **clear** photocopy of each document.

Managers must copy and retain:

1. Passports

- Any page containing the individual's personal details including their nationality, photograph, date of birth, signature, or biometric details;
- Any page with the document expiry date and/or leave to remain expiry date.
- Any page containing information indicating that the individual has permission to enter or remain in the UK (e.g. a visa or entry stamp) and can undertake the work in question.

2. All other documents

- The document in full, including both sides of a Biometric Residence Permit, Application Registration Card or a Residence Card (biometric format).

Each photocopy must be signed and dated by the manager using the following statement: '**This right to work check was made on [insert date]**'. This is to confirm the original document has been checked. The photocopies should then be returned to Human Resources along with the completed Personal File- Appointee's Checklist.

Human Resources will ensure that details of any List B documents are recorded on i-Trent so that expiry dates and restrictions can be monitored.

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Who can work in the UK without restriction

The following groups of people can be employed in the UK without any restrictions. However, the document checks detailed in the section titled '[How to check whether](#)

[someone is eligible to work in the UK](#) **must still be** undertaken before the individual starts work:

- British citizens;
- Commonwealth citizens with the right of abode;
- Nationals from the Common Travel Area (i.e. the UK, the Channel Islands, the Isle of Man and Ireland);
- Nationals from Switzerland and the following European Economic Area (EEA) countries:

Austria	Belgium	Bulgaria	Cyprus
Czech Republic	Denmark	Estonia	Finland
France	Germany	Greece	Hungary
Iceland	Ireland	Italy	Latvia
Liechtenstein	Lithuania	Luxembourg	Malta
Netherlands	Norway	Poland	Portugal
Romania	Slovakia	Slovenia	Spain
Sweden			

- Family members of adult nationals from EEA countries and Switzerland, providing the EEA/Swiss national is lawfully residing in the UK.

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Employing workers from outside of the European Economic Area (EEA)

Workers from outside of the EEA or Switzerland can be employed provided they have the legal right to work and reside in the UK. Managers should follow the three step checking process set out in the 'How to check whether someone is eligible to work in the UK' section prior to the individual commencing their employment.

Sponsoring workers from outside of the European Economic Area (EEA)

In order to employ a worker from outside of the [European Economic Area](#) or Switzerland, who doesn't have the legal right to work and reside in the UK, the Council will need to act as their sponsor. The Council does not currently hold a sponsorship licence to be able to do this. Further advice must be sought from Human Resources.

Employing students from outside of the European Economic Area

Students from outside of the [European Economic Area](#) (EEA) can work in the UK providing their conditions of entry into the UK allow this. Those who have a Tier 4 (general) or student visa (issued prior to the introduction of Tier 4) can work in the UK, subject to certain restrictions.

A student who is able to work will have a clear endorsement in their passport or Biometric Residence Permit. This will state they are permitted to work and the number of hours they can work during term-time. This is either 10 or 20 hours per week (with a week considered to be Monday to Sunday). Any work undertaken for the Council must not exceed this limit.

They are also permitted to work full-time during vacations and undertake fulltime work both before their course commences and after their course finishes, as long as they have leave to remain in the UK and are following or have completed the required course of study.

If a student's passport or Biometric Residence Permit does not contain information about their right to work, they are **not** permitted to work in the UK.

There are strict conditions on the type of work students can undertake. They must not:

- Work on a self-employed basis; or
- Seek to pursue their career by filling a permanent full-time vacancy.

Those studying in the UK on a 'Short-term Student' visa are not permitted to undertake employment or a paid or unpaid work placement as part of their course.

Managers should follow the three step checking process set out in the '[How to check whether someone is eligible to work in the UK](#)' section prior to the individual commencing their employment.

Where the documents provided indicate the student has a limited right to work in the UK, the student **must** also provide evidence of their academic term and vacation dates for the duration of their studies in the UK for which they will be employed by the Council. This evidence should originate from the education institution which is sponsoring the student and may include:

- A printout from the student's education institution's website or other material published by the institution setting out its timetable for the student's course of study (managers should check the website to confirm the link is genuine); or
- A copy of a letter or email addressed to the student from their education institution confirming term time dates for the student's course; or
- A letter addressed to the Council from the education institution confirming term time dates for the student's course.

A copy of the evidence provided should be provided to Human Resources along with the other appointment paperwork.

Any offer of employment made prior to these checks being completed must be made subject to the receipt of the appropriate documentation to confirm an individual's right to work in the UK. **A contract will not be issued nor the individual set up on the payroll system until this information has been received by Human Resources.**

Managers must contact Human Resources immediately if there is a change in the student's circumstances and they have:

- Changed or are in the process of changing their education sponsor; or
- Changed their course (even if it is with the same education sponsor); or
- Stopped studying; or
- Finished their course early; or
- Been informed that their education sponsor has had their licence revoked or ceased trading.

The above circumstances may impact upon their right to work in the UK and in some cases could mean they are no longer able to work.

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Employing asylum seekers, refugees and those granted humanitarian protection

An asylum seeker is an individual who has made an application to be recognised as a refugee under the Geneva Convention or has otherwise made an application for international protection. They do not normally have the right to work in the UK and can only be lawfully employed if these restrictions have been lifted.

If an asylum seeker is allowed to work they will hold a Home Office issued Application Registration Card which states either work is permitted or work is permitted with restrictions. For example:

- Work Permitted;
- Work Permitted - SOL (i.e. Shortage Occupation List);
- Work Permitted - Student; or
- Work Permitted - Other.

If an asylum seeker's Application Registration Card states that work is permitted with restrictions, the manager should ensure their employment does not breach these restrictions.

In addition to checking and taking copies of the card stating that work is allowed, the manager will need to make an application to the Home Office Employer Checking Service for verification. The individual should be advised that this check is required and their permission sought before submitting the application. Details of how to complete this check and the information required are available on the [Home Office website](#). Support is available from Human Resources if required.

If a **positive verification notice** is received from the Employer Checking Service it **must** be uploaded onto the recruitment portal along with the other appointment paperwork.

If a **negative verification notice** is received from the Employer Checking Service it **will not** be possible to progress the individual's appointment as this notice confirms they do not have permission to do the work in question. In these situations, advice should be sought from Human Resources on the action that will need to be taken to withdraw the provisional offer of employment.

An asylum seeker whose claim is successful is granted refugee status. Where a person does not qualify for protection under the Geneva Convention, they may be granted humanitarian protection instead. Refugees and those recognised as requiring humanitarian protection have no restrictions on the type of work they can do in the UK, as long as they continue to hold this qualifying status. A refugee will normally be able to provide proof of their status and their right to work in the UK with a combination of documents set out at [List B](#). Managers should follow the three step checking process set out in the [‘How to check whether someone is eligible to work in the UK’](#) section.

Checks on an asylum seeker's or refugee's documentation **must** be carried out prior to the individual commencing their role and during their employment. The frequency of the follow up checks will depend on the documents provided as proof of right to work. Please refer to the section titled [‘Continuation of employment - undertaking repeat checks’](#) for further information.

Any offer of employment made prior to these checks being completed must be made subject to the receipt of the appropriate documentation to confirm an individual's right to work in the UK. **A contract will not be issued nor the individual set up on the payroll system until this information has been received by Human Resources.**

The Council does not need to sponsor an asylum seeker, refugee or individual with humanitarian protection (providing they have the right to work in the UK) in order to employ them.

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The use of volunteers

The following groups of people are permitted to volunteer in the UK without any restrictions:

- Individuals with refugee status or those recognised as requiring humanitarian protection;
- Nationals of the countries listed below:

Austria	Belgium	Bulgaria	Cyprus
Czech Republic	Denmark	Estonia	Finland
France	Germany	Greece	Hungary

Iceland	Ireland	Italy	Latvia
Liechtenstein	Lithuania	Luxembourg	Malta
Netherlands	Norway	Poland	Portugal
Romania	Slovakia	Slovenia	Spain
Sweden	Switzerland	United Kingdom	

Citizens from other countries will need to confirm their entitlement to volunteer in the UK. It is the individual's responsibility to contact UK Visas and Immigration to check their visa or entry clearance conditions. Before accepting a volunteer, managers are advised to obtain confirmation of their entitlement to volunteer from the individual.

Asylum seekers are only allowed to volunteer with public sector organisations, registered charities, voluntary organisations or bodies that raise funds for either.

Individuals on a visitor or student visitor visa are not allowed to volunteer in the UK.

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Withdrawing an offer of employment

If the successful candidate fails to provide appropriate evidence within a specified timescale (**which must be before they start in the role AND before a contract of employment or contract for services is issued**) it may be justifiable to withdraw the offer of employment. Advice should be sought from Human Resources before withdrawing an offer of employment for this reason.

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Continuation of employment - undertaking repeat checks

Where documents only grant temporary permission to work in the UK, once employed, the Council is required to check that the individual's right to work in the UK continues during the whole period of their employment.

The required frequency of these repeat checks is as follows:

- Documents from List B (Group One) - a follow up check must be undertaken shortly before permission (as set out in the document checked) expires;
- Documents from List B (Group Two) - a follow up check must be undertaken six months after the positive verification notice was received;
- Online right to work check which indicates the individual's right to work is time limited - a follow-up check must be undertaken shortly before permission (as set out in the online check) expires.

Follow-up checks, may be completed by the manager using either the manual right to work check or the online right to work check (where applicable) as described in the earlier section '[How to check whether someone is eligible to work in the UK](#)'. Either check can be

used irrespective of the type of check conducted originally, before employment commenced.

The manager will complete the New Appointment Checklist and return this to Human Resources along with a photocopy of the relevant document(s). Some of the documents detailed in [List B](#) require verification by the [Home Office Employer Checking Service](#). Where this is specified, Strategic HR will make an application and advise the individual that this check is being undertaken. Copies of the documents relating to this check and the **positive verification notice** received from the Employer Checking Service **must** be kept on the employee's personal file.

If, during the rechecking process, the employee provides a single document or combination of documents specified in List A then there is no requirement to undertake any further checks for the remaining duration of their employment with the Council.

If at the time of checking the employee is unable to provide evidence of their right to work due to an outstanding application with the Home Office or an appeal to extend their leave in the UK, Strategic HR will contact the [Home Office Employer Checking Service](#).

This service will confirm whether the individual has the right to continue to work in the UK. If a **negative verification notice** is received from the Employer Checking Service then the procedure set out in the '[Failure to Maintain Right to Work](#)' section will be followed.

Failure to undertake these checks may result in the Council being liable to a penalty if the employee is found to be working illegally or potentially criminal sanctions being imposed.

Where the line management of an individual transfers to another manager, the original manager should detail in writing to the new manager the status of the individual's permission to work in the UK and their responsibilities in reference to this guidance. They should also set out any dates where such permission to work in the UK is due to expire and any restrictions that are in place (e.g. maximum working hours, etc.).

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Failure to maintain right to work

If the manager or Human Resources becomes aware, either as part of the recheck process or from another source (e.g. UK Visas and Immigration), that an employee may no longer have the right to work in the UK then the following process should be followed.

- The manager should meet with the employee as soon as possible to ascertain whether they have the required documentation to evidence their continued right to work in the UK (see [Appendix A](#) and [Appendix B](#) for a list of acceptable documents).
- The employee should be given 48 hours to provide the required (original) documentary evidence.
- If the employee provides the required evidence, the manager, with support from Human Resources, should complete the New Appointment Checklist and return it to the Human Resources with a copy of the relevant document(s).

- If the employee fails to provide the required evidence, the reasons for this should be fully discussed with the employee. The manager should consider whether suspension is necessary. This should be discussed with a representative from Human Resources and approved by a Strategic Director.
- If approved, a meeting should be held with the employee and the employee informed that they will be suspended from work, without pay, pending confirmation of their entitlement to work in the UK. The manager should confirm the reason for the suspension in writing to the employee as soon as possible (usually the next working day at the latest). A template letter is attached at [Appendix D](#).
- Periods of suspension will be kept as short as possible and managers are expected to undertake a weekly review of the case.
- During the process, the employee may advise that their case is currently being dealt with by the Home Office. In such cases the manager should make contact with the [Home Office Employer Checking Service](#) in order to verify this information.
- If the employee is subsequently able to provide evidence of their right to work in the UK, the suspension should be lifted and the employee's salary reinstated from the date of suspension. In some circumstances (e.g. repeated failure to provide relevant documents on request) it may be necessary to consider whether disciplinary action is appropriate.
- If the employee is unable to provide evidence of their right to work in the UK and enquiries with other agencies (e.g. the Home Office) do not confirm their entitlement, then a meeting should be arranged to consider the employee's continued employment. The employee should be advised in writing of the reason for the meeting and that a potential outcome is termination of their employment without notice. It must also include details of the employee's right to be accompanied at the meeting by a work colleague or Trade Union representative. Where this is the case, the manager should also contact Human Resources to discuss informing the Home Office of the situation.

Where it is necessary to consider the termination of an employee's employment then the following process should be followed. The outcomes of such a meeting will usually be that the employee's employment should be terminated without notice or payment in lieu of notice, that it should not be terminated, or that the employee should be given a further period to demonstrate that they have the right to work in the UK.

The Meeting

- The meeting should be held with the employee's line manager (or their line manager).
- A representative from Human Resources should be present.
- The employee has a right to be accompanied by a work colleague or Trade Union representative.
- The employee must take all reasonable steps to attend the meeting. If the employee fails to attend the meeting, the manager should make enquiries as to the reason for their non-attendance. If the employee was unable to attend for a valid

reason, then the manager should rearrange the meeting. If the employee fails to provide an acceptable reason or fails to attend the rearranged meeting, the meeting will go ahead in the employee's absence.

- The employee should be given the opportunity to present any evidence to prove their continued right to work in the UK.
- Notes should be taken of the meeting and a copy provided to the employee.
- At the end of the meeting the employee will be informed of the decision. This should be confirmed in writing within 5 working days.
- The employee has the right to appeal the decision.

Appeal

- The appeal must be submitted to the manager who made the original decision within 7 working days of receiving written notification of the outcome and set out the reasons for the appeal in full.
- The appeal will be heard by an appropriately designated manager from the employing department and a representative from Human Resources.
- The employee has a right to be accompanied by a work colleague or Trade Union representative.
- The employee must take all reasonable steps to attend the meeting. If the employee fails to attend the meeting, the manager should make enquiries as to the reason for their non-attendance. If the employee was unable to attend for a valid reason, then the manager should rearrange the meeting. If the employee fails to provide an acceptable reason or fails to attend the rearranged meeting, the meeting will go ahead in the employee's absence.
- The employee should be given the opportunity to present any evidence to prove their continued right to work in the UK.
- Notes should be taken of the meeting and a copy provided to the employee.
- After the meeting the employee must be informed of the final decision. This should be confirmed in writing within 5 working days.

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Transfer of Undertakings

Right to work checks for employees who are TUPE transferred into the Council must be completed within 60 days of the transfer taking place. Managers should follow the checking process set out in the [‘How to check whether someone is eligible to work in the UK’](#) section.

Human Resources should be contacted immediately if an employee who is due to be TUPE transferred or has been TUPE transferred either into or out from the Council is working in the UK under the points based sponsorship system (i.e. on a Tier 2 or Tier 5 visa).

Appendix A - List A: Documents which satisfy the continuous right to work in the UK

- A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK;
- A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland;
- A registration certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland;
- A permanent residence card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland;
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK;
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK;
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer;
- A birth or adoption certificate issued in the UK **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer;
- A birth (short or long) or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer;
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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Appendix B - List B: Documents which satisfy the right to work in the UK for a time-limited period

Group One - Documents where a time-limited statutory excuse lasts until the expiry date of leave

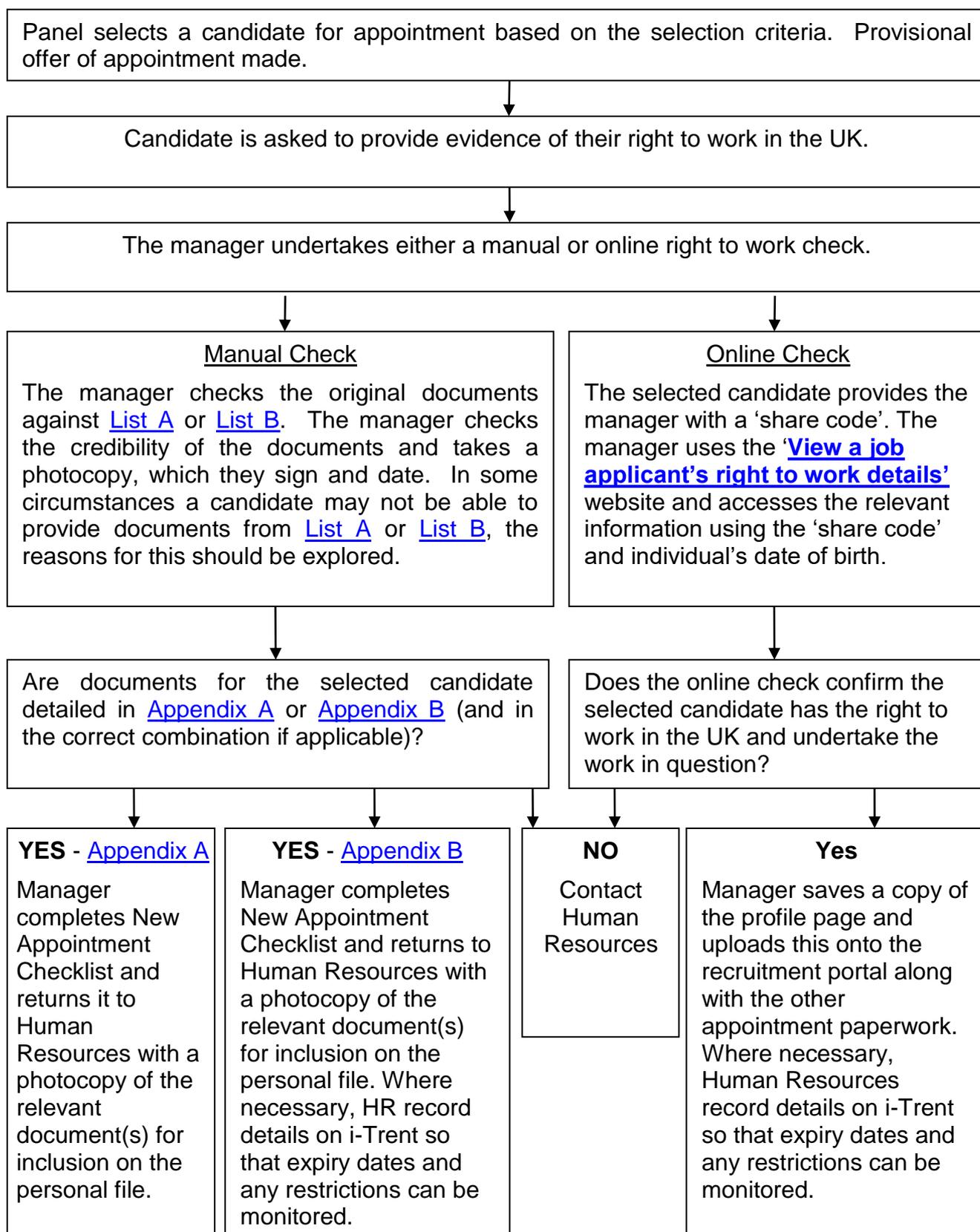
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question;
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the person named in it can currently stay in the UK and is allowed to do the work in question;
- A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence;
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the person named in it can stay in the UK, and is allowed to do the type of work in question **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Group Two - Documents where a time-limited statutory excuse lasts for 6 months

- A Certificate of Application issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 month old when produced in combination with a positive verification notice** from the Home Officer Employer Checking Service;
- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **when produced in combination with a positive verification notice** from the Home Office Employer Checking Service;
- A **positive** verification notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

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Appendix C - Checking right to work in UK flowchart



Appendix D - Letter confirming employee's suspension

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of our meeting on [date] during which you were advised that, as you have failed to provide evidence of your continued right to work in the UK, you were being suspended from work, without pay, with immediate effect.

Whilst on suspension you must be contactable at all times during your normal working hours and you will be required to make yourself available for meetings as appropriate. You have the right to be accompanied at any such meetings and this can be a work colleague or a Trade Union representative.

Please note that if you are unable to provide evidence of your right to work in the UK by [date] and enquiries with other agencies do not confirm your entitlement, then a meeting will be arranged to consider your continued employment with the Council.

If you are able to provide evidence of your right to work in the UK, the suspension will be lifted and your salary reinstated from the date of suspension. In some circumstances (e.g. repeated failure to provide relevant documents on request) it may be necessary to consider whether disciplinary action is appropriate.

During your suspension I will contact you on a weekly basis to confirm progress however in the meantime if you have any updates then please contact me immediately on [telephone number].

I appreciate that this is a concerning time for you and would like to remind you that the services of AMICA Telephone Counselling Service are available to you on 0116 2544388.

A copy of the Prevention of Illegal Working Guidance is enclosed for your information.

If you have any questions regarding the contents of this letter then please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of manager]

[Job Title]

Appendix E - Letter lifting employee's suspension

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to advise that following my letter dated [date of suspension letter] I have reviewed your suspension.

As I am now in receipt of confirmation of your entitlement to work in the UK it has been decided that your suspension from work is to be lifted with effect from [date] and your salary reinstated from [date].

In order to assist you with your return to work, I would be grateful if you would attend a meeting with me at [time] on [date] in [location] to discuss how this could be best facilitated.

Please do not hesitate to contact me on [telephone number] if you have any questions regarding the contents of this letter.

Yours sincerely,

[Name of manager]

[Job Title]

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Appendix F - Letter inviting employee to meeting

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

Further to my letter dated [date] confirming your suspension from work, I am now writing to invite you to attend a meeting at [time] on [date] in [location]. Also in attendance will be [name] from Human Resources and [name] to take notes. On arrival you should report to [location] and ask for [name].

The purpose of the meeting is to consider whether you are still entitled to work in the UK and therefore if your employment with the Council should continue. You may, if you wish, be accompanied at the meeting by a work colleague or Trade Union representative.

Please note that if you are unable to provide copies of the relevant documents confirming your entitlement to work in the UK then your employment with the Council will be terminated with immediate effect.

Enclosed is a copy of the documents that will be considered at the meeting. During the course of the meeting you will have the right to hear and question all of the evidence presented. You will also have the opportunity to present your case and to provide any evidence which confirms your entitlement to work in the UK.

I would be grateful if you would please confirm that you are able to attend the meeting. Please note that failure to attend without an acceptable reason may result in the meeting going ahead in your absence.

If you, or your representative, require any special arrangements in order to attend the meeting, please contact me as soon as possible so that I can facilitate these for you.

A copy of the Prevention of Illegal Working Guidance is enclosed for your information. Please do not hesitate to contact me if you have any questions regarding the contents of this letter.

Yours sincerely,

[Name of manager]

[Job Title]

Appendix G - Letter confirming outcome of meeting

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of our meeting on [date] which I conducted with support from [name] in Human Resources. Also present were [name] as your representative and [name] as note-taker.

The purpose of the meeting was to consider your eligibility to still work in the UK and therefore if your employment with the Council should continue.

Option One

As you were able to provide copies of the required documentation showing your entitlement to work in the UK, I can confirm that your employment with the Council will continue as per your contract of employment.

Your suspension from work will be lifted with effect from [date] and your salary reinstated from [date].

It is a condition of your employment that you continue to maintain your entitlement to work in the UK throughout your employment with the Council and produce, when requested, copies of any original documentation confirming this entitlement or the information required to conduct an online right to work check. You must also notify the Council immediately if your entitlement ceases at any time during your employment.

Option Two

As you failed to provide copies of the required documentation showing your entitlement to work in the UK, I have no other option but to terminate your employment with the Council with immediate effect. Your P45 will be forwarded to you shortly.

Please note that I will also be contacting the Home Office to make them aware of this decision.

You are required to return any property which is still in your possession and [name] will be in contact with you to arrange this.

You have the right to appeal against this decision and should submit this to me within 7 working days of receiving this letter, setting out the reasons for your appeal in full. Should you decide to appeal; the effect of the dismissal will still stand pending the outcome of the appeal meeting.

A copy of the notes taken at the meeting is enclosed for your information.

Yours sincerely,

[Name of manager who held the meeting]

[Job Title]

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Appendix H - Invitation to Appeal Meeting

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

Following receipt of your appeal against the decision to terminate your employment for failing to provide confirmation of your continued right to work in the UK, I am writing to invite you to attend an appeal meeting.

Your appeal will be heard by [name, job title] with support from [name] in Human Resources at [time] on [date] in [location]. [Name] will also be in attendance to take notes. On arrival you should report to [location] and ask for [name]. You may, if you wish, be accompanied at the meeting by a work colleague or Trade Union representative.

Enclosed for your attention is a copy of management's response to your appeal statement, along with supporting documents. I will be in attendance at the meeting to present the management case.

The outcome of the appeal hearing will be to either:

- Uphold the original decision taken (i.e. your dismissal will still stand);
- Overturn the original decision and reinstate your employment.

Please be advised that the decision of the appeal hearing will be final and there is no further right of appeal.

I would be grateful if you would please confirm that you are able to attend the meeting. Please note that failure to attend without an acceptable reason may result in the meeting going ahead in your absence.

If you, or your representative, require any special arrangements in order to attend the meeting, please contact me as soon as possible so that I can facilitate these for you.

If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of manager]

[Job Title]

Appendix I - Outcome of Appeal Hearing

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the appeal meeting held on [date] which was heard by me with support from [name] in Human Resources. Also present was [name] as your representative and [name] as note-taker.

You appealed against the decision to terminate your employment as a result of your failure to provide confirmation of your continued right to work in the UK. The reason for your appeal was [reason].

Having considered the evidence provided at the hearing, I have decided to [uphold the original decision to terminate your employment as you have still not provided the required documentation to confirm your entitlement to work in the UK] or [overturn the original decision to terminate your employment as you have now provided the required documentation to confirm your entitlement to work in the UK]. Include details of any additional actions/ recommendations and reasons for decision.]

The decision of the appeal hearing is final and there is no further right of appeal.

A copy of the notes taken at the meeting is enclosed for your information.

Yours sincerely,

[Name of manager hearing appeal]

[Job Title]

PERSONNEL COMMITTEE – 17TH DECEMBER 2019

Report of the Head of Strategic Support

Part A

ITEM 10 PAY POLICY STATEMENT 2020/21

Purpose of Report

To gain Personnel Committee approval on the Council's Pay Policy Statement covering the period 1st April 2020 to 31st March 2021.

Recommendation

That the Pay Policy Statement for 2020/21, attached at Appendix 1, proceed to Full Council for formal approval and adoption.

Reason

To ensure that the Council meets its obligations under Section 38 of the Localism Act 2011.

Policy Justification and Previous Decisions

Under Section 38 of the Localism Act 2011, local authorities in England and Wales are required to produce an annual Pay Policy Statement, which must be approved by Full Council and published on the Council's website before the commencement of each financial year.

Implementation Timetable including Future Decisions

The Pay Policy Statement will be submitted for consideration by Full Council at their meeting scheduled on 24th February 2020. If approved, the statement will be published on the Council's website either on or before 1st April 2020.

Report Implications

The following implications have been identified for this report

Financial Implications

There are no immediate financial implications arising from this decision.

Risk Management

There are no specific risks associated with this decision.

Background Papers: None

Annexes: Annex 1 - Pay Policy Statement –2020 - 21

Officer to Contact: Adrian Ward
Head of Strategic Support
Telephone: 01509 634573
Email: Adrian.ward@charnwood.gov.uk

Part B

Background

1. An in year amendment to the Pay Policy Statement for 2020 - 21 was agreed at Full Council on 29th July 2019 in light of recommendations from the Personnel Committee to make changes to the salary arrangements for the Chief Executive post. The effective date for that policy revision was 1st August 2019.
2. There are no further amendments to date to the Pay Policy Statement 2020 - 21 since agreement at Full Council on 29th July 2019.
3. The policy will be updated accordingly once any relevant changes are agreed, such as updates to pay awards and the council's pay multiple.
4. For background information, on 15th November 2011 the Localism Act received Royal Assent. Under Section 38 of the Act, local authorities in England and Wales are required to produce a Pay Policy Statement for each financial year, which must be approved by Full Council.
5. The statement must set out the Council's policies in relation to:
 - i. The remuneration of its chief officers;
 - ii. The remuneration of its lowest-paid employees; and
 - iii. The relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.
6. For the purposes of this statement, remuneration includes basic salary, bonuses and other allowances or entitlements related to employment.
7. This is the ninth Pay Policy Statement published by Charnwood Borough Council since the Localism Act was implemented. The Pay Policy Statement for 2020 - 21 has been updated to provide a more comprehensive account of the Council's approach to the remuneration of its workforce.
8. The Council is required to publish the Pay Policy Statement for 2020 – 21 on or before 1st April 2020.

Key Points

9. The proposed Pay Policy Statement attached sets out:
 - the Council's approach to job evaluation and grading of posts;
 - additional payments that employees are eligible to receive, such as overtime, enhancements etc.
 - the Council's pay multiple - the ratio between the highest paid employee and the median average salary of the Council's

workforce, (Chief Exec scale - points CEX 1 to CEX 4) and the median average salary of the Council's workforce is 5.455 to 6.110.

- the Council's approach to pay progression, honorariums, market supplements, salary protection and the re-engagement of employees;
- that there is no distinction between chief officers and other employees in relation to pension benefits and severance payments.
- Pension Scheme Discretionary Arrangements – Regulation 60 of the LGPS Regulations 2013 (as amended) require each scheme employer to publish and keep under review five policies explaining how it will apply certain discretions. The pension discretions have been published in accordance with pension requirements.

10. The sections which have been added in the Pay Policy Statement for 2020 - 21 are:

- Revision to salary scale in relation to implementation of Chief Executive grades.

Pay Policy Statement 2020/2021

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Purpose

As a responsible employer Charnwood Borough Council is committed to delivering a fair, equitable and transparent policy covering pay and other employee benefits which improves flexibility in delivering services and provides value for money.

Within the framework of its terms and conditions of employment, the Council aims to develop and maintain appropriate pay systems and benefit packages to attract and retain motivated, flexible people who take responsibility, work as a team, improve performance and acquire new skills.

This Pay Policy Statement sets out the Council’s policies relating to the pay of its workforce for the period from 1st April 2020 to 31st March 2021, in particular the:

- Remuneration of Chief Officers;
- Remuneration of the lowest paid employees;
- Relationship between the remuneration of chief officers and employees who are not chief officers.

The statement meets the Council's obligations under the Localism Act 2011 and will enable the elected members of the Council to make decisions on pay.

The Council's Pay Policy Statement will be agreed by Full Council before the beginning of each financial year and will then be published on Charnwood Borough Council's website. The statement may also be amended by Full Council during the course of the year if necessary.

Scope

This statement applies to all employees of Charnwood Borough Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services (Green Book);
- Joint Negotiating Committee for Chief Officers of Local Authorities;
- Joint Negotiating Committee for Local Authority Chief Executives;
- Joint Negotiating Committee for Local Authority Craft and Associated Employees (Red Book).

Employees who have TUPE transferred across from other organisations will remain on their existing terms and conditions unless agreed otherwise.

Definitions

For the purposes of this Pay Policy Statement the following definitions will apply:

Remuneration

This includes three elements:

- Basic salary;
- Pension;
- Any other allowances arising from employment.

Chief Officers

Under the Localism Act 2011 a Chief Officer is defined as:

- The head of the Council's paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- Its monitoring officer designated under section 5(1) of that Act;
- A statutory chief officer mentioned in section 2(6) of that Act;
- A non-statutory chief officer mentioned in section 2(7) of that Act;
- A deputy chief officer mentioned in section 2(8) of that Act.

In Charnwood Borough Council this definition would apply to the posts set out in [Appendix A](#).

Lowest Paid Employees

The Council currently employ apprentices who are paid at the applicable apprenticeship rate. Additionally, Joint Negotiating Committee for Craft and Associated Employees (Red Book) apprentices are paid in accordance with the requirements of that agreement.

For all other posts, this refers to employees on Grade A, Pay Point 1. This definition has been adopted as it is the lowest level of remuneration attached to a post within the Council, other than apprenticeship posts.

On 1 April 2013 the Council adopted the Living Wage rate applicable at that time. It was agreed that all pay awards after this date for all spinal column points within the Council, would be in line with the applicable percentage increase of the national pay agreement for local government.

Pay and Grading Structure

The Chief Executive's salary scale has been updated with effect from 1st August 2019 in line with recommendations from the Personnel Committee following a benchmarking exercise conducted by the East Midlands Council. This post sits at the highest level within the officer salary grade and does not have a comparator. As such it is for the Council to determine the salary arrangements for the post without needing to go through a specific job evaluation process.

The grading of all other posts within Charnwood Borough Council is determined using the nationally recognised Hay Job Evaluation Scheme. This is in order to ensure that all posts are graded and therefore rewarded financially through a fair and non-discriminatory process, that there is consistency in treatment between posts and that the Council complies with equal pay legislation. The scheme is an analytical one that takes into consideration three key elements of a post:

- Know How - the levels of knowledge, skill and experience (gained through work experience, education and training) which are required to perform the job successfully;
- Problem Solving - the complexity of thinking required to perform the job when applying Know How;
- Accountability - the impact the job has on the organisation and the constraints the job holder has on acting independently.

The Council follows the NJC national agreement on pay and conditions of service (the Green Book) which includes the use of national pay scales. Advice was taken from Hay during the implementation of the job evaluation scheme in order to determine the relationship between the scoring of posts under the scheme and the relevant pay grade.

However a small number of staff employed under the Joint Negotiating Committee for Local Authority Craft and Associated Employees (Red Book) are paid on a different pay scale, a copy of which is attached at [Appendix B](#).

Basic pay is paid in accordance with the evaluated grade of the post. Each grade comprises a range of scale points. A copy of the Council's pay and grading structure is attached at [Appendix B](#).

The NJC pay claim for 2018-2020 is made by the Joint Trade Union Side (UNISON, GMB and UNITE) to the Local Government Association. The existing pay award for all employees up to and including P04 (SCP 43) follows the national award made by the National Joint Council for Local Government Employees and covers the period 1 April 2018 to 31 March 2020. The Craft Pay Rates for 2018 – 20 cover the period 1 April 2018 – 31 March 2020. A pay award covering the same period has been agreed for employees on Joint Negotiating Committee (JNC) terms and conditions for Chief Officer's. The same agreement was reached for employees on JNC for Chief Executives of Local Authorities.

Any future pay awards for all Charnwood Borough Council employees, including senior management on JNC grades and the Chief Executive will be administered as appropriate, if and when that pay award is agreed.

A copy of the Council's organisation chart, showing grades of posts, can be found on the [Council's website](#).

Details of senior management remuneration are published annually in the [Council's Statement of Accounts](#) which are available on the website.

The 'pay multiple' - the ratio between the highest paid salary (Chief Exec scale - points CEX 1 to CEX 4) and the median average salary of the Council's workforce is 5.455 to 6.110.

The figure has increased following a bench marking exercise as part of the recruitment process for a new Chief Executive to the Council.

Remuneration on Appointment

All employees are usually appointed to the minimum scale point applicable to the grade of the post. Managers have discretion in some circumstances to appoint to a higher scale point, subject to the maximum of the grade.

Full Council will be given the opportunity to consider remuneration packages over £100,000 per annum (including salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment) before new posts are established and advertised.

Market Premia

There is provision for the award of a market premium (i.e. a temporary additional payment) where it can be shown that the salary level of a job is having an adverse

impact on the Council's ability to recruit and retain the appropriate calibre of employee into a post. The award of a market premium is subject to the agreement of the relevant Strategic Director. If approved, market premia are awarded for a maximum period of three years. It is anticipated that market premia will be awarded on very limited occasions. Details of the scheme can be found in the Council's Market Premia Policy and Procedure.

Incremental Progression

Chief Officers

Progression through the pay grade for Chief Officers is dependent on them achieving set criteria and objectives which are agreed at the officer's annual Performance Development Review. Progression through the Chief Executive's grades will be dependent on an annual performance review if not appointed at the top grade, as with other chief officers.

Other Employees

Subject to satisfactory service, employees covered by the conditions of service of the National Joint Council for Local Government Services and the Joint Negotiating Committee for Local Authority Craft and Associated Employees are eligible to receive annual increments on 1st April each year until they reach the maximum scale point for the grade of their job. If the employee's start date is between 1st October and 31st March then their first increment will be paid after completing 6 months in post. Any subsequent increments, until the maximum of the grade is reached, will be paid on 1st April thereafter.

The Joint Negotiating Committee for Local Authority Craft and Associated Employees operates a system of progression through the grade, which is subject to performance related criteria.

Enhancements

From 1 January 2014 the Council agreed a change in rate of enhancement for evening, weekend and bank holiday working for employees at Grade E and below. Employees required to work on Saturdays, Sundays and Bank Holidays as part of their normal working week will be recompensed at time and a quarter for evenings and Saturdays, and time and a half for Sundays and Bank Holidays.

Overtime Payments

'Overtime' is defined as hours worked in excess of 37 per week. However, part-time employees are entitled to the additional hours enhancements in circumstances in which full-time employees in the establishment would qualify. Employees in posts graded up to Grade E who work additional hours are eligible to receive payment at double time rate for hours worked on Sundays, bank holidays or extra statutory days and time and a half for hours worked at any other time.

Employees in posts graded SO1 and above, who work additional hours are not eligible for payment, but may receive time off in lieu.

Heads of Service are also authorised to make payments, within existing budgets, for overtime to employees graded SO1 to PO4 for time limited projects of a non-repetitive nature as follows:

- (a) Plain time up to an agreed maximum number of hours for a particular project and over a certain number of weeks/months; or
- (b) A lump sum to cover completion of a particular project by an agreed deadline.

Where the payment of a lump sum is agreed in accordance with (b) above, it should not be made in full unless the project is completed by the due date and that provision for claw back considered for inclusion in the scheme. Payments for overtime cannot be authorised retrospectively.

Overtime and Additional Hours Holiday Pay

Claims for overtime or additional hours (for part time employees) will receive a 12.07% increase for the hours worked. This increase is calculated on the relevant hourly flat rate.

Example – if you work for 2 hours overtime @ time plus ½ you will receive 3 hours pay. 12.07% will be added to 2 hours of that pay only as the flat rate element of pay.

Additional hours which have been agreed on a temporary basis as a variation to contract will not attract this uplift. The annual leave entitlement will be increased for the period that an employee works these additional hours.

Other Allowances

All Chief Officers receive allowances as detailed in the Conditions of Service of the Joint Negotiating Committee for Chief Officers of Local Authorities and the Joint Negotiating Committee for Local Authority Chief Executives. However, where these conditions are silent or do not cover an allowance or process, the Chief Officer / Chief Executive will receive the same as those employees covered by the National Joint Council for Local Government Services.

Copies of the conditions of service for all employees covered by this statement can be requested from the [Local Government Employers website](#).

Essential Car User

Posts that are designated as essential car user, including those of Chief Officers, receive a monthly allowance and are eligible to claim mileage allowances as per the NJC Conditions of Service.

Broadband

Employees who meet the criteria for home working are able to claim a broadband allowance. Details of the scheme can be found in the Council's Home Working Policy and Procedure.

Professional Fees

The Council will pay the annual fee for membership of a professional body if it is considered an essential requirement of the employee's post.

First Aid Allowances

Employees who are classified as a 'designated first-aider' are eligible to receive an allowance.

Standby and Call-Out Payments

Employees who are required to provide out of hours responsibilities or work for essential services that they undertake are eligible to receive a standby and call out, standby and advisory or emergency contact scheme payment. Employees graded at PO1 or above will not normally receive payment, unless there is a requirement for them to participate in a formal regular Standby and Call Out or Standby and Advisory Scheme arrangement. Those graded at JNC A or above are expected to respond as part of their role and will not receive any additional payments. Details of the scheme can be found in the Council's Policy for Standby and Call-Out, Standby and Advisory, and Emergency Contact Scheme Policy and Procedure.

Emergency Planning

Employees who volunteer to respond in emergency situations are eligible to receive a payment.

Subsistence

Employees who are eligible to claim subsistence do so in accordance with the rate agreed locally for subsistence.

Bonus Payments

The Council does not pay any group of employees a bonus.

Pension Benefits

All employees under the age of 75 are eligible to join the Local Government Pension Scheme. The scheme is a statutory scheme with contributions from employees and employers. Details of the scheme can be found on www.leics.gov.uk/pensions.

The scheme allows for the exercise of discretion by employers. A copy of the Council's approach to these discretionary regulations can be found at [Appendix C](#). The Council will consider each case on its merits, but has determined that its usual policy is not to enhance benefits for any of its employees.

The scheme provides for flexible retirement. To be eligible to request flexible retirement, the Council normally requires that an employee either reduce their

working hours by a minimum of 40% and/or be appointed to a post on a lower grade. In applying this provision no distinction is made between employees.

Under the Local Government Pension Scheme there is no abatement (i.e. reduction or suspension) of pensions for employees who return to work after drawing their pensions except in the circumstance where they have previously been awarded “added years”.

Honoraria

Subject to certain conditions, employees who are temporarily required to undertake some or all of the duties of a higher graded post are eligible to be paid an honorarium. Details of the scheme can be found in the Council’s Honoraria and Acting-Up Policy and Procedure.

Salary Protection

Employees are eligible to receive salary protection for a period of up to three years if they are redeployed into a lower-graded post. Details of the provisions can be found in the Council’s Organisational Change Policy and Procedure.

Severance Payments

Early Retirement (Efficiency of Service)

The Council has discretionary provisions for employees to seek early retirement on the grounds of efficiency of service. Details of the scheme can be found in the Council’s Retirement Policy and Procedure.

Redundancy

The Council has a single redundancy scheme which applies to all employees. Redundancy payments are calculated in accordance with the Employment Rights Act 1996 and the 2006 Discretionary Compensation Regulations and are based on the employee’s age, length of continuous local government service and salary. The payment mirrors the statutory table but provides a multiplier of 2. Details of the redundancy scheme can be found in the Council’s Organisational Change Policy and Procedure.

Employees have the option of using their redundancy payment, in excess of the statutory redundancy payment, to purchase a period of membership in the Local Government Pension Scheme. The amount of membership purchased by the cash sum will vary depending on the age of the employee and the number of years’ service.

The Council does not provide any further payment to employees leaving the Council’s employment other than in respect of accrued annual leave.

Employees who have TUPE transferred into the Council on redundancy terms which are more favourable than those details above will retain these provisions as per TUPE legislation.

Full Council have the opportunity to vote on severance packages over £100,000 before they are approved. The information presented will clearly set out the components of the severance package (e.g. salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid).

N.B - It is anticipated that a cap on Public Sector exit payments at £95,000 under the Small Business, Enterprise and Employment Act 2015 will come into force in the near future.

Re-Engagement of Employees

Employees who have been made redundant are eligible to apply for vacancies which may arise after they have left the Council's employment. Any such applications will be considered together with those from other candidates and the best person appointed to the post. Any necessary adjustments to pension would be made in accordance with the scheme regulations.

Employees who are offered another post with the Council, or another employer covered by the Redundancy Modifications Order, prior to their redundancy leaving date and commence this post within 4 weeks of that date are not eligible to receive their redundancy payment.

Election Duties

The Chief Executive receives additional payments as the Returning Officer (or equivalent) for elections taking place within the Borough, to which role he has been appointed by the Council. These payments are funded by the organisation responsible for each election, which can include the Borough Council, County Council, Parish and Town Councils, and the Government.

Election fees and expenses for Borough, Town and Parish Council elections are agreed annually by Full Council. For other elections, the scale of fees and expenses is specified by the relevant organisation.

The Chief Executive may also, on appropriate occasions, require officers, which may include Chief Officers, to undertake Deputy Returning Officer roles and other election duties. They will be remunerated for undertaking these roles.

Publication and Access to Information

This Pay Policy Statement will be published on the Council's website, together with the Council's pay and grading structure and information relating to senior management remuneration.

Appendix A - Charnwood Borough Council's Chief Officers

<u>POST TITLE</u>
Chief Executive
Neighbourhood and Community Wellbeing
Strategic Director - Neighbourhoods and Community Wellbeing
Head of Cleansing and Open Spaces
Head of Leisure and Culture
Head of Neighbourhood Services
Corporate Services
Strategic Director - Corporate Services
Head of Finance and Property Services
Head of Customer Experience
Head of Strategic Support
Housing, Planning, Regeneration and Regulatory Services
Strategic Director - Housing, Planning, Regeneration and Regulatory Services
Head of Strategic and Private Sector Housing
Head of Landlord Services
Head of Planning and Regeneration
Head of Regulatory Services

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Appendix B - Pay and Grading Structure

Annual Salaries and Hourly Rates from 1st August 2019

Grade	SCP	Annual Salary	Hourly Rate	Monthly	Wkly
A	1	17364	9.0002	1447.00	333.01
	2	17711	9.1801	1475.92	339.66
	3	18065	9.3636	1505.42	346.45
B	4	18426	9.5507	1535.50	353.38
	5	18795	9.7419	1566.25	360.45
	6	19171	9.9368	1597.58	367.66
	7	19554	10.1354	1629.50	375.01
C	8	19945	10.3380	1662.08	382.51
	9	20344	10.5448	1695.33	390.16
	10	20751	10.7558	1729.25	397.96
	11	21166	10.9709	1763.83	405.92
	12	21589	11.1902	1799.08	414.04
D	13	22021	11.4141	1835.08	422.32
	14	22462	11.6427	1871.83	430.78
	15	22911	11.8754	1909.25	439.39
	16	23369	12.1128	1947.42	448.17
	17	23836	12.3548	1986.33	457.13
E	18	24313	12.6021	2026.08	466.28
	19	24799	12.8540	2066.58	475.60
	20	25295	13.1111	2107.92	485.11
	21	25801	13.3733	2150.08	494.81
SO1	23	26999	13.9943	2249.92	517.79
	24	27905	14.4639	2325.42	535.16
	25	28785	14.9200	2398.75	552.04
SO2	26	29636	15.3611	2469.67	568.36
	27	30507	15.8126	2542.25	585.07
	28	31371	16.2604	2614.25	601.64
PO1	29	32029	16.6015	2669.08	614.25
	30	32878	17.0415	2739.83	630.54
	31	33799	17.5189	2816.58	648.20
	32	34788	18.0315	2899.00	667.17
PO2	33	35934	18.6255	2994.50	689.15
	34	36876	19.1138	3073.00	707.21
	35	37849	19.6181	3154.08	725.87
JNC A	50	47609	24.6770	3967.42	913.05
	51	48835	25.3125	4069.58	936.56
	52	50047	25.9407	4170.58	959.81
	53	51273	26.5762	4272.75	983.32
JNC B	54	52497	27.2106	4374.75	1006.79
	55	53711	27.8398	4475.92	1030.07
	56	55056	28.5370	4588.00	1055.87
	57	56392	29.2295	4699.33	1081.49
JNC C	58	58620	30.3843	4885.00	1124.22
	59	59944	31.0706	4995.33	1149.61
	60	61283	31.7646	5106.92	1175.29
	61	62609	32.4519	5217.42	1200.72
JNC D	62	67326	34.8969	5610.50	1291.18
	63	69005	35.7671	5750.42	1323.38
	64	70690	36.6405	5890.83	1355.70
	65	72373	37.5128	6031.08	1387.98
JNC E	66	74051	38.3826	6170.92	1420.16
	67	75756	39.2663	6313.00	1452.85
	68	77001	39.9117	6416.75	1476.73
	69	79167	41.0344	6597.25	1518.27
Chief Executive	CEX1	125000	64.7908	10416.67	2397.26
	CEX2	130000	67.3825	10833.33	2493.15
	CEX3	135000	69.97408	11250.00	2589.04
	CEX4	140000	72.56572	11666.70	2684.90
Skills Group 1	17	23836	12.3548	1986.33	457.13
	20	25295	13.1111	2107.92	485.11
	25	28785	14.9200	2398.75	552.04
Skills Group 2	17	23836	12.3548	1986.33	457.13
	19	24799	12.8540	2066.58	475.60
	22	26317	13.6408	2193.08	504.71
Skills Group 3	14	22462	11.6427	1871.83	430.78
	15	22911	11.8754	1909.25	439.39
	20	25295	13.1111	2107.92	485.11

	36	38813	20.1178	3234.42	744.36
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PO3	37	39782	20.6201	3315.17	762.94
	38	40760	21.1270	3396.67	781.70
	39	41675	21.6013	3472.92	799.25
	40	42683	22.1237	3556.92	818.58

PO4	41	43662	22.6312	3638.50	837.35
	42	44632	23.1340	3719.33	855.96
	43	45591	23.6310	3799.25	874.35

Skills Group 4	7	19554	10.1354	1629.50	375.01
	8	19945	10.3380	1662.08	382.51
	9	20344	10.5448	1695.33	390.16

Pay Grades for Joint Negotiating Committee for Local Authority Craft and Associated Employees

	Scale Point	Annual Salary (£)
Group 1	17	23,836
	20	25,295
	25	28,785
Group 2	17	23,836
	19	24,799
	22	26,317
Group 3	14	22,462
	15	22,911
	20	25,295
Group 4	7	19,554
	8	19,945
	9	20,344

Levels of Apprenticeship	NJC Salary	
Intermediate	Year 1 Year 2 to completion	NMW Rate for 18 – 20 year olds Appropriate NMW age rate for those aged 21 and above
Advanced	Year 1 Year 2 to completion	NMW Rate for 18 – 20 year olds Appropriate NMW age rate for those aged 21 and above
Higher	Year 1 Year 2 to completion	NMW Rate for 18 – 20 year olds Spinal column points 1 – 4 (Grade A scp 1 – 3 and Grade B scp 4) with annual incremental progression
Degree	Year 1 Year 2 to completion	NMW Rate for 18 – 20 year olds Spinal Column points 4 – 7 (Grade B) with annual incremental progression

The rates for Apprentices appointed under the Joint Negotiating Committee for Local Authority Craft and Associated Employees (Red Book) are in accordance with that agreement.

Local Government Pension Scheme (LGPS) Regulations Policy Statement on all Eligible Employees

Under Regulation 60 of the LGPS Regulations 2013, (as amended), each scheme employer must publish and keep under review a Statement of Policy to explain how it will apply certain discretions allowed under the Pension Regulations.

This statement is applicable to all employees of Charnwood Borough Council who are eligible to be members of the LGPS.

The Council is required to publish the following five policies.

LGPS Regulations – Regulation 31: Power of employer to award additional pension

Explanation and Employer's Policy

An employer may resolve to award a member additional pension of not more than £6,500 (figure as at 1 April 2014) a year within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.

The Council will not normally agree to award an additional pension under this regulation

LGPS Regulations 2013 – Regulation 16(2)(e) and 16(4)(d) : Funding of additional pension contributions (shared cost)

Explanation and Employer's Policy

An active member in the main section of the scheme who is paying contributions may enter into arrangements to pay additional pension contributions (APCs) by regular contributions of a lump sum.

Such costs may be funded in whole or in part by the member's Scheme employer.

The employer will need to determine a policy on whether it will make a contribution towards the purchase of extra pension.

This does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work to pay a shared cost APC to cover the amount of pension "lost" during that period of absence. In these cases the employer MUST contribute 2/3rds of the cost (Regulation 15(5) of the LGPS Regulations 2013.

The Council has not adopted this discretion.

LGPS Regulations 2013 – Regulation 30 (6):Flexible Retirement

Explanation and Employer's Policy

An active member who has attained the age of 55 or over who reduces working hours or grade of an employment may, with the Scheme employer's consent, elect to receive

immediate payment of all or part of the retirement pension to which that member would be entitled in respect of that employment if that member were not an employee in local government service on the date of the reduction in hours or grade, adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.

The Council has agreed to release pension where there is no costs and not to waive any reduction.

Members must reduce their hours by a minimum of 40% and/or reduce their grade.

The Council may however allow the release of pension where there is a cost or waive reduction in a potential redundancy situation, where a reduction may occur through redeployment, or in other exceptional circumstances supported by a business case.

LGPS Regulations 2013 – Regulation (paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Switching on rule of 85

Explanation and Employer’s Policy

A member who has not attained normal pension age but who has attained the age of 55 or over, may elect to receive immediate payment of a retirement pension in relation to an employment if that member is not an employee in local government service in that employment, reduced by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.

In these circumstances (other than flexible retirement) the 85 year rule does not automatically apply to members who would otherwise be subject to it who choose to voluntarily draw their benefits on or after age 55 and before NPA.

The employer has the discretion to “switch on” the 85 year rule for such member (paragraph 1 (1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014.

If the employer does agree to switch back on the rule of 85, the cost of any strain on the fund resulting from the payment of benefits before age NPA would have to be met by the employer.

The Council will not apply either discretion.

LGPS Regulations 2013 – Regulation (paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Waiving of actuarial reduction

An employer has the discretion, under a number of retirement scenarios, to waive actuarial reductions on compassionate grounds. The cost of which would fall upon the employer. “Compassionate grounds” is not defined in the regulations.

The Council will not apply this discretion, unless there are exceptional circumstances.

The Personnel Committee and the Director involved will consider any cases and will decide whether the actuarial reductions should be waived. In all cases the financial

position of the Charnwood Borough Council must be considered.

Under Regulation 66 of the LGPS Administration Regulations 2008, (as amended), each scheme employer must publish and keep under review a statement of Policy to explain how it will apply certain discretions allowed under the Pension Regulations.

LGPS Benefits Regulations - Regulation 30: Early payment of retirement benefits at the member, or former members request

Explanation & Employer's Policy

A scheme member or former member can request that the Employer grant early retirement between 55 & 60 years old.

It is possible that, where a member's pension is introduced early, these benefits will be reduced. The reduction is calculated in accordance with guidance issued by the Government Actuary. As an employer you may determine not to apply any reduction.

The Council will not consider the premature retirement of an employee except on compassionate grounds. To qualify for consideration, an employee must be entitled to a pension under the LGPS. The Council will not consent to a request for early retirement where capital costs are applicable unless there are exceptional circumstances. The Council will, in principle, consider a request for early retirement as an application of early retirement arising from redundancy where the request would result in the same cost, a lower cost, or nil cost to the Council. In all cases, early retirement will only be considered when supported by a justifiable business case.

LGPS Benefits Regulations - Regulation 18: Requirements as to time of payment (Flexible Retirement)

Explanation & Employer's Policy

A member who is 55 or over, and with their employer's consent, reduces their hours and/or grade can, but only with the agreement of the employer, make an election to the administering authority for payment of their accrued benefits without having retired from employment. It is possible that, where a member's pension is introduced early, these benefits may be reduced. The reduction is calculated in accordance with guidance issued by the Government Actuary. As an employer you may determine not to apply any reduction.

Whilst a request which result in a cost to the Council will generally not be approved there may be instances where granting flexible retirement will enable departments to review their requirements, e.g. succession planning, managerial or specialist skills development, or ultimately achieve other efficiency savings through staff movement/structure changes etc. That is to say, there must be a significant organisational benefit to the Council.

In considering any request for flexible retirement the following business reasons are to be taken into account:

- Cost to the Council in releasing the scheme member's pension
- Requirement/ability to recruit to the vacated hours or grade
- Additional costs as a result of recruitment/training to the vacated hours or grade

- Capacity to re-allocate work amongst co-workers
- Impact on service delivery and work performance
- Suitability of individual's proposed working arrangements, i.e. days, hours etc.

This scheme will not apply where there are formal conduct or performance issues and the appropriate procedures should be invoked in those circumstances.

LGPS Administration Regulations – Regulation 25 (3) and LGPS Benefits Regulations – Regulation 15 (3): Shared Cost Additional Contribution Facility

Explanation & Employer's Policy

This discretion allows the Employer to maintain and contribute to an employee's Additional Voluntary Contribution Scheme.

The Council has not adopted this discretion. This will not have any effect on the existing AVC facility available where the employee only is able to make such contributions.

LGPS Benefits Regulations - Regulation 12: Augmentation (increase of scheme membership)

Explanation & Employer's Policy

An employer may resolve to increase the total membership of an active member.

The Council has not adopted this discretion. This decision does not affect the discretion available to the employer to allow a scheme member to convert a lump sum discretionary payment using the augmentation factors. (See Early Termination of Employment Discretionary Compensation).

LGPS Benefits Regulations - Regulation 13: Power of employer to award additional pension

Explanation & Employer's Policy

An employer may resolve to award a member additional pension of not more than £5000 a year payable from the same date as his pension payable under any other provisions of these Regulations. Additional pension may be paid in addition to any increase of total membership resolved to be made under regulation 12.

The Council has not adopted this discretion.

The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006

New provisions provide local government employers with the powers to consider making a one off lump sum payment to an employee which must not exceed 104 week's pay. The regulations no longer provide for the award of compensatory added years.

This statement is applicable to all employees of Charnwood Borough Council who are eligible to be members of the LGPS.

Regulation 5: Power to increase statutory redundancy payments

Explanation & Employer's Policy

The Employer may decide to calculate a redundancy payment entitlement as if there had been no limit on the amount of a week's pay used in the calculation.

The Council has decided to adopt this discretion and base redundancy payment calculations on an unrestricted week's pay.

Regulation 6: Discretionary Compensation

Explanation & Employer's Policy

A "one off" lump sum compensation payment may be awarded to an employee up to a maximum value of 104 weeks' pay, inclusive of any redundancy payment made. If the above Regulation is adopted, employees who are members of the LGPS can be given the option of converting compensation payments, (less the statutory redundancy payment), into additional pensionable service, in accordance with the augmentation factors provided by the authority. An employer should specify whether they intend to provide this option.

Employees who have been continually employed for two years or more by members of the modification order will receive a redundancy payment. The payment is based on the statutory formula with a multiplier X 2 applied. The maximum number of weeks an individual can receive is 60 weeks. Employees have the option of using their redundancy payment, in excess of the statutory redundancy payment, to purchase a period of membership in the LGPS.