



**PERSONNEL COMMITTEE**

This meeting will be recorded and the sound recording subsequently made available via the Council's website: [charnwood.gov.uk/pages/committees](http://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, Brennan, Lowe, Poland, Shepherd (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 Virtual Meeting - Zoom on Tuesday, 13th October 2020 at 6.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

5th October 2020

**AGENDA**

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 4 - 7  
To confirm as a correct record the minutes of the meeting held on 17th December 2019.
3. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

4.	<u>QUESTIONS UNDER COMMITTEE PROCEDURES 12.8</u>	
	No questions were submitted.	
5.	<u>JNCC APPOINTMENT OF COUNCILLORS 2020-21</u>	8 - 14
	A report of the Head of Strategic Support.	
6.	<u>APPOINTMENT TO PANELS 2020-21</u>	15 - 17
	A report of the Head of Strategic Support.	
7.	<u>GENDER PAY GAP INFORMATION</u>	18 - 26
	A report of the Head of Strategic Support.	
8.	<u>TRANS EQUALITY POLICY</u>	27 - 44
	A report of the Head of Strategic Support.	
9.	<u>MANAGERS GUIDANCE AND TOOLKIT ON MENTAL HEALTH AND SUPPORTING EMPLOYEES</u>	45 - 132
	A report of the Head of Strategic Support.	
10.	<u>PARENTAL BEREAVEMENT LEAVE</u>	133 - 191
	A report of the Head of Strategic Support.	
11.	<u>TRAVEL SUBSISTENCE AND OTHER ALLOWANCES POLICY (BICYCLE USER)</u>	192 - 206
	A report of the Head of Strategic Support.	
12.	<u>JOB EVALUATION PROCEDURE</u>	207 - 220
	A report of the Head of Strategic Support.	
13.	<u>GUIDANCE ON JOB SHARE ARRANGEMENTS</u>	221 - 231
	A report of the Head of Strategic Support.	
14.	<u>SECONDMENT POLICY AND PROCEDURE</u>	232 - 243
	A report of the Head of Strategic Support.	
15.	<u>FIXED TERM CONTRACTS GUIDANCE</u>	244 - 255
	A report of the Head of Strategic Support.	

## **FUTURE MEETING DATES**

Please note further meetings of the Committee for 2020-21 are scheduled as follows:

12th January 2021

30th March 2020

## PERSONNEL COMMITTEE 17TH DECEMBER 2019

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

CBC HR Manager (Strategy)  
Head of Strategic Support  
Democratic Services Officer (NC)

APOLOGIES: Councillors Morgan and Shepherd

The Vice-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.

### 14. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 9th September 2019 was confirmed as a correct record and signed.

In response to a question referencing minute 10, it was noted that the Menopause Guidance would be published on the Council's website.

### 15. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

### 16. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

### 17. EQUAL PAY AUDIT - UPDATE

A verbal update was provided by the HR Manager, relating to the completion of outstanding job descriptions in the Service (item 5 on the agenda).

The HR Manager stated that of the eight repairs and maintenance job descriptions referenced as incomplete at the last meeting, six were available but had not been forwarded to HR for uploading to the Intranet. The other two job profiles were under review and would be updated accordingly once the review was complete.

**RESOLVED** that the information be noted.

Reason

The Committee were satisfied with the update provided.

18. APPRENTICESHIP SCHEME - 1ST APRIL 2018 TO 31ST MARCH 2019

A report of the Head of Strategic Support was submitted regarding the Apprenticeship Scheme within the Council and the apprenticeship target for the period 1st April 2018 to 31st March 2019 (item 6 on the agenda, filed with these minutes).

Members of the Committee discussed:

- how the Council was ensuring it met the Government's target and attracted candidates to the scheme.
- the ratio between internal and external apprentices and how the higher number of internal apprentices was reflected in benchmarking with other councils.
- the difficulties in identifying appropriate courses to fill staff shortages, for example, in the Planning Service and Pest Control.
- how the scheme was managed and by whom within the Council.

**RESOLVED**

1. that the Learning and Organisational Development Coordinator be invited to attend the next meeting of the Committee to be held on 24th March 2020;
2. that the report be noted.

Reasons

1. The Committee discussed this matter at length and asked questions of a procedural nature regarding the Apprenticeship Scheme. Members wished to raise their concerns with the Learning and Organisational Development Coordinator at the next meeting of the Committee.
2. 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.

19. EMPLOYEE VOLUNTEERING PROVISION

A report of the Head of Strategic Support was submitted requesting the Committee approve the proposed changes to the Employee Volunteering Provision which allows employees up to 2 days paid leave per year to volunteer with the community, (item 7 on the agenda filed with these minutes).

In response to questions, the HR Manager stated that the types of volunteering supported by the Council had been defined broadly to limit the number of updates required to the document if volunteering opportunities were to alter in the future.

**RESOLVED** that the amended Employee Volunteering Provision is approved by the 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 included a template application process for employees.

## 20. VOLUNTEERS AND WORK PLACEMENTS POLICY

A report of the Head of Strategic Support was submitted seeking the Committee's approval of the proposed changes to the Volunteers and Work Placements Policy and Toolkit (item 8 on the agenda filed with these minutes).

It was noted that there were typographical errors in Appendix 2 of the Policy whereby 'LCC' should be amended to 'CBC'.

### **RESOLVED**

1. that the Democratic Services Officer collates questions raised by the Committee and forwards to the Learning and Organisational Development Coordinator prior to his attending the meeting on 24th March 2020;
2. that the amended Volunteers and Work Placements Policy and Toolkit be approved by the Committee for implementation within the Council.

### Reasons

1. To enable the Learning and Organisational Development Coordinator to respond to the Committee's concerns relating to the Volunteers and Work Placements Policy and the Apprenticeship Scheme (item 6 on the agenda).
2. To provide managers with clear guidance and an effective toolkit to ensure that people enjoy a positive and supportive experiences when working as a volunteer or on work experience within the Council

## 21. PREVENTION OF ILLEGAL WORKING GUIDANCE NOTES FOR MANAGERS AND EMPLOYEES

A report of the Head of Strategic Support was submitted to note the proposed amendments to the Prevention of Illegal Working Guidance Notes for Managers and Employees (item 9 on the agenda filed with these minutes).

It was noted that the current national situation relating to Brexit could affect this policy in future.

**RESOLVED** that the revisions to the Prevention of Illegal Working Guidance Notes for Managers and Employees by noted by the Committee.

### Reason

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

22. PAY POLICY STATEMENT 2020-21

A report of the Head of Strategic Support was submitted to seek Personnel Committee approval on the Council's Pay Policy Statement covering the period 1st April 2020 to 31st March 2021 (item 10 on the agenda filed with these minutes).

**RESOLVED** that the Pay Policy Statement for 2020/21 attached at Appendix 1 of the report, 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.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 20th January 2020 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 – 13TH OCTOBER 2020

### Report of the Head of Strategic Support

#### Part A

#### ITEM 5 JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE (JNCC) – APPOINTMENT OF COUNCILLORS 2020-21

##### Purpose of Report

To appoint councillor representatives to the Joint Negotiating and Consultative Committee (JNCC) for 2020/21.

##### Recommendation

That 4 councillors be appointed as representatives on the Joint Negotiating and Consultative Committee for 2020/21.

##### 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.

##### Policy Justification and Previous Decisions

The responsibilities of the Personnel Committee include the making of councillor appointments to the Joint Negotiating and Consultative Committee.

##### Implementation Timetable including Future Decisions

Once decided by the Committee, the appointments for 2020/21 will come into immediate effect.

##### Report Implications

The following implications have been identified for this report:

##### *Financial Implications*

None identified.

##### *Risk Management*

There are no specific risks associated with this decision.

Background Papers: None

Officer to contact: Nicky Conway  
Democratic Services Officer  
(01509) 634787  
[nicky.conway@charnwood.gov.uk](mailto:nicky.conway@charnwood.gov.uk)

## Part B

### Background

1. The Joint Negotiating and Consultative Committee's functions are set out in its constitution, attached as an appendix to this report. This constitution states that the management side of the Committee shall include 4 councillors, to be confirmed annually.
2. A politically balanced approach would comprise 3 Conservative councillors and 1 Labour councillor, although there is no requirement for political balance in this case.
3. For the 2019-20 council year, the representatives appointed were Councillors Barkley, Morgan, Poland and Ward.

### Appendix

Constitution of the Joint Negotiating and Consultative Committee.

**CONSTITUTION OF THE JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE**

**1. TITLE**

- 1.1 The Committee shall be known as the Charnwood Borough Council Joint Negotiating and Consultative Committee (JNCC).

**2. OBJECTIVE**

- 2.1 To establish a workable and effective arrangement for good employee relations, for the avoidance of any misunderstanding and for the promotion of joint participation in all matters of common interest and concern on a genuine consultative and negotiating basis at Council level, as outlined in Clauses 7.3 and 7.4 of the Recognition and Procedural Agreement.

**3. MEETINGS**

- 3.1 Meetings of the JNCC shall be held quarterly, or by agreement.
- 3.2 Special meetings may be called by a written request to the Secretary from at least half the members of either side. Such meetings must be convened within 21 days, unless the side requesting the meeting agrees otherwise. Agendas and supporting paperwork should be provided in accordance with the provisions below unless otherwise agreed by the majority of JNCC members.

**4. PRINCIPLES**

- 4.1 The JNCC is authorised to undertake consultation and negotiation on all matters specified in Clauses 7.3 and 7.4 of the Recognition and Procedural Agreement.
- 4.2 JNCC will make recommendations to the appropriate Council body in relation to the terms and conditions and training and development of local government employees.
- 4.3 JNCC will undertake other functions assigned to it from appropriate Council bodies.
- 4.4 No issues in relation to specific individual cases shall be within the scope of JNCC.
- 4.5 Working groups or subcommittees can be constituted by a majority vote of JNCC.
- 4.6 Between meetings JNCC can commission further work from the Chair, Vice-chair or working groups/subcommittees.

## **5. REPRESENTATION**

- 5.1 There shall be a Management Side and a Joint Trade Union Side.
- 5.2 The Management Side shall consist of 4 elected members and up to 4 senior managers of Charnwood Borough Council.
- 5.3 The Union Side shall consist of up to 8 elected representatives of the recognised trade unions who shall also be Council employees or appropriate paid officials. The number from each union shall be determined by the Union Side but shall reflect the approximate numbers of their members. Each recognised union will have a minimum of one seat.
- 5.4 If, for any reason, a particular union does not wish to participate in JNCC for a period, the vacancies may be appropriately taken up by other recognised unions. It will be for the union side to determine who takes up the vacancies.
- 5.5 If a JNCC member ceases to be an employee or paid Trade Union official (as appropriate) the member will no longer be eligible to participate in JNCC. The vacancy will be filled by the appropriate side.
- 5.6 Each side shall confirm the names of its representatives on an annual basis and inform the other immediately of any changes in the interim period.
- 5.7 Each side shall make every effort to ensure that its nominated representatives attend each meeting but substitution will be permitted on both sides where it cannot be avoided.
- 5.8 Both sides will be entitled to have advisors in attendance who will have speaking rights.
- 5.9 Meetings shall be deemed to be quorate if 3 members of each side are present. However, if less members of a side are present, that side may agree that the meeting shall be deemed to be quorate.

## **6. Chair**

- 6.1 A Chair and a Vice-chair shall be appointed by the JNCC at their first meeting of each Council Year.
- 6.2 The Chair and Vice-chair shall be held in alternate years by a member of the management side and the union side unless the Committee agree otherwise.
- 6.3 In the absence of both the Chair and the Vice-chair, a Chair for the meeting will be appointed by the side holding the Chair.

## **7. OFFICERS**

7.1 The Secretary for JNCC will be the Head of Strategic Support or other appropriate Council Officer.

7.2 Other officers shall attend JNCC as invited.

## **8. ADMINISTRATION**

8.1 The JNCC Secretary will be responsible for arranging the meetings or to delegate this task to an appropriate other Council officer.

8.2 Either side should inform the Secretary of any agenda items and provide any supporting papers at least five working days before the final agenda is issued.

8.3 The JNCC Secretary will be responsible for preparing and issuing the final agenda and any supporting paperwork 10 working days before the meeting.

8.4 If the deadline for agenda items cannot be met, issues can be raised through the standing agenda item AOB (Any Other Business). Issues can be discussed if the majority of JNCC members present are in agreement.

8.5 The JNCC Secretary will ensure that minutes are taken and circulated. Minutes shall be subject to the agreement of the Committee and will be signed by the Chair of the meeting at which they are agreed.

## **9. STATUS OF RESOLUTIONS**

9.1 Subject to section 9.4, agreements of the JNCC shall be binding on both sides so long as they have been the subject of consultation or negotiation and endorsement at a full meeting of the JNCC.

9.2 Agreements should be noted in the minutes of the meeting.

9.3 Where agreements constitute “collective agreements” or “local agreements” separate documents will be drawn up by the Secretary and signed by the Chair of the meeting where the agreement was reached.

9.4 Where required, agreements of the JNCC will not come into effect until ratified by the appropriate Council decision making body (e.g. full Council, Personnel Committee, or Cabinet).

## **10. COMMUNICATIONS**

10.1 Either side can propose communication or consultation with the workforce on any issue raised at JNCC. Where agreement for wider

communication or consultation is reached this should be recorded in the minutes of the meeting.

10.2 As appropriate, members of the Trade Union Side shall be afforded reasonable facilities to visit and communicate with all workplaces and staff.

10.3 It is expected that as far as possible communication with staff will be by Joint Statements although this does not preclude either side from issuing their own communications.

## **11. DISPUTES**

11.1 Where there is a breakdown/deadlock in respect of a matter under negotiation, both viewpoints will be presented to Personnel Committee for consideration.

11.2 Disputes should be resolved in line with the provisions set out in clause 9 of the Recognition Agreement.

## PERSONNEL COMMITTEE – 13TH OCTOBER 2020

### Report of the Head of Strategic Support

#### Part A

#### ITEM 6 APPOINTMENTS TO PANELS 2020-21

##### Purpose of Report

To consider appointments to Panels for 2020-21.

##### Recommendation

That Panels comprising 5 councillors be appointed for the Council year 2020-21 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.

##### Policy Justification and Previous Decisions

The responsibilities of the Personnel Committee include the appointment of Panels for the purposes set out.

##### Implementation Timetable including Future Decisions

Once decided by the Committee, the appointments will come into immediate effect for 2020 - 21.

## Report Implications

The following implications have been identified for this report:

### *Financial Implications*

None identified.

### *Risk Management*

There are no specific risks associated with this decision.

Background Papers:       None

Officer to contact:       Nicky Conway  
Democratic Services Officer  
(01509) 634787  
[nicky.conway@charnwood.gov.uk](mailto:nicky.conway@charnwood.gov.uk)

## Part B

### Background

1. A 5 Member Panel which reflects the political balance of the Council, will comprise 4 Conservative councillors and 1 Labour councillor.
2. In 2014/15, the Committee decided to appoint a single Panel for all of the functions set out in the recommendation. Alternatively, the Committee might wish to appoint Panels for some or all of the functions stated, only as they are needed in 2019 20.
3. In 2019-20 the Committee resolved to appoint Barkley, Boldrin, Morgan Poland and Snartt for a Panel in respect of the functions stated in the recommendation.
4. When the Committee appoints the Panel members, there is no requirement that Panel membership be drawn solely from that of the Personnel Committee but it is usual for this to be the case.
5. The Council's Constitution states that councillors should not participate in Personnel Committee and Panel meetings unless they have attended appropriate training on relevant personnel matters prescribed by the Head of Strategic Support.

## PERSONNEL COMMITTEE – 13TH OCTOBER 2020

### Report of the Head of Strategic Support

#### Part A

#### ITEM 7      GENDER PAY GAP INFORMATION

##### Purpose of the Report

Personnel Committee to note the Council's Gender Pay Gap report based on the snapshot date of 31st March 2019 and agree the recommendations set out below.

This report has been deferred from the Committee's meeting on 24th March 2020 after that meeting and the subsequent meeting scheduled for 2nd June 2020 were cancelled due to the Coronavirus.

##### Recommendation

That the Personnel Committee note the details of the Gender Pay Gap report.

Ordinarily, the Council is required to publish the results of the Gender Pay Gap on the Gov.UK site before 31st March each year. Due to the Coronavirus pandemic, the enforcement of publishing this information has been suspended this year. However, as an authority we did publish the information on the Gov.Uk site in accordance with the usual deadline. Once Personnel Committee have noted the details of the Gender Pay Gap the information will also be published on the Council's intranet.

##### Reason

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires public sector employers with 250 or more employees on the snapshot date of 31 March each given year, to carry out gender pay analysis and reporting.

##### Policy Justification and Previous Decisions

The Government requires that gender pay is analysed and reported on each year. The information was discussed at SLT on 7th January 2020 and JMTUM on 23rd January 2020. This is the third Gender Pay Gap report produced by the Council.

##### Implementation Timetable Including Future Decisions

It is a requirement that the information is published on the website before 31st March each year. In order to meet that timescale, the gender pay gap report has been published on the Council's internet.

##### 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.

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

## Part B

### Background

#### **1.0 Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017**

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires public sector employers with 250 or more employees on the snapshot date of 31 March each given year, to carry out gender pay analysis and reporting.

The gender pay gap report must set out the Council's results in relation to:

<b>Mean Gender Pay Gap</b>	The difference between the mean hourly rate of pay of male full pay relevant employees and that of female full pay relevant employees
<b>Median Gender Pay Gap</b>	The difference between the median hourly rate of pay of male full pay relevant employees and that of female full pay relevant employees
<b>Mean Bonus Gap</b>	The difference between the mean bonus pay paid to male relevant employees and that paid to female relevant employees
<b>Median Bonus Gap</b>	The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees
<b>Bonus Proportions</b>	The proportions of male and female relevant employees who were paid bonus during the relevant period
<b>Quartile Pay Bands</b>	The proportions of male and female full pay relevant employees in the lower, lower middle, upper middle and upper quartile pay bands

The Council is required to publish the results on our website by 31 March each year. In addition, the results must also be published on a specified government website.

The Government considers that the rate of progress in terms of closing the gender pay gap continues to be too slow, and has committed to closing the gap within a generation. Gov.uk has outlined some potential actions for employers to consider.

The gender pay gap reporting requirements enable employers to compare the gender pay gap in its own organisation, and look at ways to close the gap if an issue arises.

The data analysed relates to all "employees" of the Council and includes those under a contract of service, apprenticeship or a contract to do work personally. The analysis is based on all individual employees and not full time equivalents. The pay is based on ordinary pay which includes basic pay (hourly rate), occupational pension benefits, contractual enhancements and sick pay. The hourly rate is used as it takes account of the fact that more men than women work full time. It excludes expenses, overtime pay, pay in lieu of leave, benefits in kind, redundancy pay and other payments transferable to termination.

## 2. Gender Pay Gap Outcomes as at 31 March 2019

### 2.1 Gender Pay Gap Analysis

The results of the 6 required calculations are outlined below, based on the data obtained for the snapshot date of 31 March 2019.

The Council employed 551 eligible individuals on the snapshot date. It should be noted that 49 of these were casuals working on the snapshot date of 31 March 2018. When split into gender the figures are as follows:

Gender	Number of Employees	Percentage Difference
Female	326	59%
Male	225	41%

### 2.2 Mean Gender Pay Gap

The mean gender pay gap is the difference between the mean hourly rate of pay of male full pay relevant employees and that of female full pay relevant employees.

Gender	Hourly Rate	Percentage Difference for Gender Pay Gap
Female	£13.09	12.6%
Male	£14.99	

The average hourly rate of female employees' is 12.6% lower than male employees'. The gap has increased from 11.7% as at 31 March 2018 but remains lower than the 12.8% published in the first gender pay gap as at 31 March 2017. The mean hourly rate for both male and females has marginally increased for this period (£12.79 female and £14.49 male as at 31 March 2018).

The mean is calculated by adding up all of the relevant earnings of employees and dividing that figure by the number of employees. A mean average gives a good overall indication of the gender pay gap, but very large or small pay rates can "dominate" and distort the answer.

*The table below analyses the average hourly rate in more detail. The data demonstrates that when comparing the average hourly rate of males and females in each of the quartiles; females are paid higher, on average, than males in the lower, upper middle and upper quartile. Male employees are paid higher, on average, than female employees in the lower middle quartile.*

*Analysing the data further the figures show that there are significantly more female employees in the lower middle quartile (35 full time and 61 part time) than males (29 full time and 13 part time). The lower quartile is made up of more female employees (20 full time and 77 part time) than males (10 full time and 30 part time). This could show that part time working has an impact on the figures. Where there are a higher proportion of part time males than full time in the lower quartile, this has created a gender pay gap in favour of females. Conversely, where there are a lower proportion of part time males than full time in the lower middle quartile, this has created an average hourly rate in favour of males.*

*It could be determined from this that the proportion of men and women working part time or in different occupations has an impact on the gender pay gap figures. This does not highlight that there is a difference in rates of pay for comparable jobs.*

	Female			Male			Total Headcount	Total Total Hourly Rate	Total Average of Hourly Rate
	Headcount	Total Hourly Rate	Average of Hourly Rate	Headcount	Total Hourly Rate	Average of Hourly Rate			
Lower middle quartile	96	1080.65	11.26	42	490.65	11.68	138.00	1571.30	11.39
Lower quartile	97	910.02	9.38	40	365.69	9.14	137.00	1275.72	9.31
Upper middle quartile	73	1039.39	14.24	65	909.92	14.00	138.00	1949.31	14.13
Upper quartile	60	1238.44	20.64	78	1605.97	20.59	138.00	2844.41	20.61
<b>Average Grand Total</b>	<b>326</b>	<b>4268.50</b>	<b>13.09</b>	<b>225</b>	<b>3372.24</b>	<b>14.99</b>	<b>551.00</b>	<b>7640.74</b>	<b>13.87</b>

### 2.3 Median Gender Pay Gap

The difference between the median hourly rate of pay of male full pay relevant employees and that of female full pay relevant employees.

Gender	Hourly Rate	Percentage Difference for Gender Pay Gap
Female	£11.67	15.6%
Male	£13.83	

The median hourly rate of female employees' is 15.6% lower than male employees' (17.6% as at 31 March 2018). In accordance with the Annual Survey of Hours and Earnings – Gender Pay Gap in the UK - Office for National Statistics (ONS) 2019 the gender pay gap for all employees (full and part time) is 17.3%. Therefore, the Council's median gender pay gap is less than this national statistic, and improved by 2% since the 2018 reporting period.

The ONS attributes the figure of 17.3% as being driven by more women working in part time jobs, which have lower hourly median pay than full time jobs, and are more likely to be in lower paid occupations. This is reflected at the Council where there are significantly more females in part time lower paid jobs than males.

The median measure is the middle of the distribution and as a measure of average pay is useful in indicating the typical situation, i.e. the middle pay point of an organisation. Research indicates that it is generally considered that this figure is a useful indicator in pay analysis as it is not distorted by very large or small pay rates.

Median Hourly Rate	£13.88					
	Female	Percentage	Male	Percentage	All Employees	Percentage
Including and below	223	68%	118	52%	341	62%
Above	103	32%	107	48%	210	38%
	<b>326</b>	<b>100%</b>	<b>225</b>	<b>100%</b>	<b>551</b>	<b>100%</b>

The figures above represent the number and percentage of employees who are paid above the overall median hourly rate of £13.88 for the Council and those that are paid at or below that rate. The table demonstrates that there is a relatively even split in terms of numbers for female and male staff paid above the median rate (103

female and 107 male). However, there are 101 more female employees undertaking employment at the Council, the majority of which are paid at or below the median hourly rate. This could show that occupations undertaken by postholders has an impact on the gender pay gap.

**2.4 Mean Bonus Gap**

The difference between the mean bonus pay paid to male relevant employees and that paid to female relevant employees.

The Council does not consider that it pays bonus in accordance with the criteria set out and therefore reporting on this element is not applicable.

**2.5 Median Bonus Gap**

The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees.

The Council does not consider that it pays bonus in accordance with the criteria set out and therefore reporting on this element is not applicable.

**2.6 Bonus Proportions**

The proportions of male and female relevant employees who were paid bonus during the relevant period.

The Council does not consider that it pays bonus in accordance with the criteria set out and therefore reporting on this element is not applicable.

**2.7 Quartile Pay Bands**

The proportions of male and female full pay relevant employees in the lower, lower middle, upper middle and upper quartile pay bands.

Quartile	Gender	Number of Employees	Percentage of Total	Percentage in Each Quartile
Upper Quartile	Male	78	14%	56%
	Female	60	11%	44%
Upper Middle Quartile	Male	65	12%	47%
	Female	73	13%	53%
Lower Middle Quartile	Male	42	8%	31%
	Female	96	17%	69%
Lower Quartile	Male	40	7%	29%
	Female	97	18%	71%

There is a relatively even split of males and females in the Upper Middle Quartile and to a slightly lesser extent in the Upper Quartile, this pattern has remained consistent from the previous reporting year.

The Lower Middle Quartile and Lower Quartile outline larger differences in the split between male and female employees. This is again consistent with the previous

reporting year, with the 2019 figures reflecting slight differences in the overall percentages.

These sections show that there is a greater proportion of males in the Upper Quartile and Upper Middle Quartile, although the figures are not significantly different. In the Lower Middle Quartile and Lower Quartile there are a higher proportion of females. The lower quartiles highlight a far greater split between male and female employees.

**2.8 Analysis of Full and Part Time Employees in each Quartile**

Gender.												
	Full Time				Full Total	Part Time				Part Total	Grand Total	
	Female	%	Male	%		Female	%	Male	%			
UPPER QUARTILE	37	27%	71	51%	108	23	17%	7	5%	30	138	
UPPER MIDDLE QUARTILE	48	35%	60	43%	108	25	18%	5	4%	30	138	
LOWER MIDDLE QUARTILE	35	25.5%	29	21%	64	61	44%	13	9.5%	74	138	
LOWER QUARTILE	20	15%	10	7%	30	77	56%	30	22%	107	137	
<b>Grand Total</b>	<b>140</b>		<b>170</b>		<b>310</b>	<b>186</b>		<b>55</b>		<b>241</b>	<b>551</b>	

In order to analyse the quartiles further, an additional piece of reporting was conducted into the breakdown of full and part time staff, by gender, in each quartile as evidenced in the table above.

All quartiles show that females significantly occupy more part time posts than male employees. This is reflected particularly in the Lower Middle Quartile and the Lower Quartile.

There have been small shifts throughout for all male and female employees, in particular, part time females in the lower quartile have increased from 65 to 77. The remaining figures for part time males and females in the remaining quartiles remain relatively consistent with the 2018 reporting year.

The table further demonstrates that there is a greater percentage of full time males in the upper and upper middle quartiles.

Overall there are fewer male employees (225) than female employees (326). The calculations for the gender pay gap do not require an employer to distinguish between full time and part time employees. However, an analysis of this data is helpful in understanding the pattern of employment within the figures and how this may impact upon the gender pay gap as outlined above.

**3. Findings**

- 3.1 The findings of the data analysed as at 31 March 2019 are similar to the findings for the last two periods of analysis at 31 March 2017 and 2018.
- 3.2 The upper quartiles highlight that there are groups who would typically fall within the lower middle quartiles (plumber, electrician, gas fitter, joiner) who receive enhancements, such as standby allowance. This increases the overall

hourly rate of those in receipt of the enhancements. The key areas highlighted are traditionally male dominated. Despite openly advertising positions, the Council has struggled to recruit in these areas.

- 3.3 Essential car user allowance is aligned to a number of posts within the Council, with those employees receiving a monthly lump sum. The essential car user lump sum is increasing some employees' salaries which is placing them in a higher quartile. As outlined earlier, the increase is more significant for part time employees as the lump sum amount is not pro-rated.
- 3.4 There continue to be more female and part time employees on the lower pay scales and, in general, the posts that they occupy do not require them to undertake the duties that some other posts receive enhancements for.
- 3.5 As the data is based on relevant employees on the snapshot date of 31 March each year, this year the Council have recorded 49 casual workers as part of the 551 considered for gender pay gap. Of those casuals 19 were male, with 2 of those in the lower middle quartile and 17 in the lower quartile. There were 30 females with 1 in the lower middle quartile, 1 in the upper quartile and the remaining 28 in the lower quartile. This has increased lower level female part time workers when compared to male part time workers and this will have had some impact on the gender pay figure.
- 3.6 In terms of the quartiles, it should be noted that the pay grades do not fit neatly into each quartile. In order to establish each quartile, the total number of full pay relevant employees (not the pay bands) was split into four equal parts. Therefore, this means that grades may appear in more than one quartile. Additionally, factors such as enhancements can increase an individual's position within the quartiles from a lower quartile to a higher quartile.
- 3.7 Charnwood Borough Council is committed to the principle of equal opportunities and equal treatment for all employees, regardless of sex, race, religion or belief, age, marriage or civil partnership, pregnancy/maternity, sexual orientation, gender reassignment or disability. Employees are paid equally for the same or equivalent work and alongside its policies and working practices, the Council:
  - carries out Equal Pay Audits at regular intervals
  - evaluates posts through an agreed job evaluation process
  - analyses gender pay gap information and considers approaches to closing the gap.
- 3.8 Overall it is considered that the Council has a good representation of male and female employees at senior level. The majority of Council employees are female with 140 full time and 186 part time. There are a greater amount of full time males at 170 but significantly less part time males at 55.
- 3.9 The data outlined within this report demonstrates that when comparing the average hourly rate of males and females in each of the quartiles; females are paid higher, on average, than males in the lower, upper middle and upper quartile. Male employees are paid higher, on average, than female

employees in the lower middle quartile. It is possible that having less male than female employees impacts the figures.

- 3.10 Analysing the data further the figures show that there are significantly more female employees in the lower middle quartile (35 full time and 61 part time) than males (29 full time and 13 part time). The lower quartile is made up of more female employees (20 full time and 77 part time) than males (10 full time and 30 part time). This could show that part time working has an impact on the figures. Where there are a higher proportion of part time males than full time in the lower quartile, this has created an average hourly rate in favour of females. Conversely, where there are a lower proportion of part time males than full time in the lower middle quartile, this has shown to have an average hourly rate in favour of males.
- 3.11 As in the previous year the information analysed indicates that the gender pay gap does not stem from paying men and women differently for the same or equivalent work. The gender pay gap appears to relate to factors such as the occupation that men and women choose to undertake within the organisation, salaries that these roles attract and the proportion of men and women working part time or full time.
- 3.12 However, a range of enhancements have had an impact upon the results within the quartiles and these could be considered to have had an impact upon the results between male and female employees.
- 3.13 It should be noted that the Council continues to have a gender pay gap percentage that is lower than the national statistic as set out in section 2.3 of this report.

## PERSONNEL COMMITTEE – 13TH OCTOBER 2020

### Report of the Head of Strategic Support

#### Part A

#### ITEM 8 TRANS EQUALITY POLICY

##### Purpose of Report

Personnel Committee to consider and agree the proposed Trans Equality Policy.

This report has been deferred from the Committee's meeting on 24th March 2020 after that meeting and the subsequent meeting scheduled for 2nd June 2020 were cancelled due to the Coronavirus.

##### Recommendation

That the proposed Trans Equality Policy be agreed by Personnel Committee.

##### Reason

The purpose of the policy is to provide managers and trans employees with practical information on support in the workplace.

##### Policy Justification and Previous Decisions

The proposed Trans Equality Policy outlines the council's commitment to supporting trans employees. The Council is committed to equality of opportunity for trans people throughout recruitment and employment, including supporting trans employees through any transitioning process.

##### Implementation Timetable including Future Decisions

It is recommended that the Trans Equality Policy 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.

Annexes:                   Annex A – Trans Equality Policy  
                                  Annex B – Trans Equality Policy Equality Impact Assessment  
                                  (EIA)

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

## Part B

### Background

1. The council aims to provide a supportive environment for trans employees and to create a culture and environment where employees feel comfortable at all times.
2. This includes outlining the Council's commitment to trans employees, offering guidance for those transitioning at work, providing clear information on discrimination and abuse, defining the legal protection afforded for trans people and defining obligations in relation to recruitment. Additionally, a glossary of terms related to trans employees has been outlined.
3. The policy also introduces an action plan and checklist which has been designed to support employees involved in managing the transitioning process within the workplace. The intention of this is to aid discussion and ensure best practice is adhered to throughout the process.
4. As well as supporting staff the policy outlines how the council will demonstrate its commitment to trans equalities across different processes and activities. As part of this, the policy will highlight the Council's commitment that discrimination, victimisation or harassment on the basis of a person's gender identity, gender expression or trans status will not be tolerated.
5. The Council is committed to promoting equality, diversity and good relations in everything it does. The trans equality policy was circulated to the Equalities Group for comments. The feedback received was favourable and demonstrated support for the proposed policy.
6. SLT agreed the Trans Equality Policy at its meeting on the 30th October 2019.
7. JMTUM considered the policy for the meeting held on 23rd January 2020. The Trade Unions provided some positive suggestions around wording and, where agreed, these have been incorporated into the policy.

## Trans Equality Policy

**Contents**

Commitment to trans equality .....	1
Definitions .....	2
Employees who are transitioning at work.....	3
Telling colleagues .....	3
Uniforms and dress codes.....	3
Changing facilities, toilets and other single gender facilities.....	3
Updating records.....	3
Customer facing roles .....	4
Attendance at appointments and time needed for treatment and surgery .....	4
Action plan or checklist.....	4
Discrimination and abuse.....	4
Legal protection for trans people .....	4
Recruitment .....	5
References.....	5
Disclosure & Barring Service (DBS) checks.....	6
Qualification certificates and right to work documents.....	6
Professional registration.....	6
Pensions and national insurance .....	6
Roles and responsibilities .....	6
Appendix A - Glossary of Terms .....	8
Appendix B - Action Plan and Checklist.....	9

## Commitment to trans equality

Charnwood Borough Council is committed to promoting equality, diversity and good relations in everything it does - as a community leader, as a provider and commissioner of services, and as an employer.

The Council is committed to equality of opportunity for trans people throughout recruitment and employment, including supporting trans employees through any transitioning process. Discrimination, victimisation or harassment on the basis of a person’s gender identity, gender expression or trans status will not be tolerated.

The Council seeks to provide a supportive environment for trans employees and to create a culture and environment where they feel comfortable and are well supported during any process of transition. The purpose of this policy is to provide managers and trans employees with practical information on workplace support.

As well as ensuring that trans employees are fully supported, the Council will seek to demonstrate its commitment to trans equality in related policies, processes and activities.

[Back to Contents](#)

## Definitions

The term “Trans” or “transgender” refers to all people who believe that the gender they were assigned at birth is wrong and who want to live in the gender with which they identify.

The term “Trans” or “transgender” can cover:

- People who are intending to undergo, are undergoing, or have undergone gender reassignment at any stage;
- People who identify as having a gender identity different from the sex they were assigned at birth and are planning or have had medical or surgical procedures such as hormones or surgery;
- People who identify as having a gender different from the sex they were assigned at birth but who are not planning any medical or surgical procedures; and/or,

It is important to note that these are not the only descriptions.

- The term “Trans” may also refer to people who are “non-binary”, that is, people who do not identify as either gender or who may dress differently to their gender assigned at birth and who may or not have had medical or surgical procedures.

‘Transitioning’ is the process undertaken by a trans person to change their gender presentation (the way they look and feel) to reflect their gender identify.

This may involve changing their appearance, using a different name and pronoun (eg she, he or they) and changing official documentation. It may involve various types of medical or surgical treatment although this is not the case for all trans people.

The Council recognises there is no right or wrong way to transition and is committed to supporting each individual in their decisions.

A glossary of common terms is available at [Appendix A](#).

[Back to Contents](#)

## Employees who are transitioning at work

If an employee states that they are intending to transition, their manager, in conjunction with other appropriate colleagues, should aim to make this process as smooth as possible. Managers should be aware that it can be an extremely difficult step for someone to approach their manager about transitioning and that the employee may be apprehensive about the response they receive. Therefore, it is important for managers to be supportive.

The transition process will be led by the individual concerned. However, managers should ensure that the employee is supported and respected throughout the process.

### **Telling colleagues**

The manager and employee will discuss the individual's choices in relation to informing others, including other managers, colleagues, service users and other relevant contacts. They will agree whether the employee will do this, whether they would prefer the manager or a work colleague to do this, or a mixture of these options. They will also get express written agreement from the employee about when and how this will happen, including details of the message and who it will be shared with. Levels of disclosure may vary in detail for different types of contacts and will be agreed in advance.

### **Uniforms and dress codes**

If a uniform is in place for the role, managers will ensure that the trans employee has access to the uniform that is most appropriate at all times. Some trans employees may need access to both the male and female uniforms. Managers will be flexible in supporting the preferences of the trans person wherever possible. Trans employees have the right to comply with any dress codes in a way that reflects their gender identity and gender expression.

### **Changing facilities, toilets and other single gender facilities**

Trans people are entitled to use single gender facilities in accordance with their affirmed gender. For non-binary employees, this might mean using gender-neutral or accessible facilities, or using a combination of different facilities. However, trans employees will never be required to use accessible toilets unless they wish to do so.

### **Updating records**

Electronic and paper records will be updated where possible and in a timely manner, to coincide with the date on which the workplace transition begins. Care will be taken to ensure that records do not link back to the former name – for example, this may entail creating a whole new email address rather than simply changing the name on the existing one. The manager and employee will work together to ensure that nothing is missed. A new ID card with the correct name and a new photograph will be issued as soon as required.

Where it is not possible to update a record – for instance, pre-employment checks undertaken when the employee joined the Council – it will be stored in a secure place and access will be restricted to authorised individuals.

## Customer facing roles

There is no reason why an employee who is transitioning should not continue in a customer facing role, however some people may wish to request to be redeployed either on a temporary or permanent basis. In these circumstances, managers should seek advice from Human Resources.

## Attendance at appointments and time needed for treatment and surgery

Time off to attend transition-related appointments and treatment will be granted in line with the provisions of the Council's [Leave Arrangements Policy](#). Employees may wish to consider a temporary change to their working arrangements during this process and managers will accommodate such requests where possible.

## Action plan or checklist

The trans employee and their manager might find it helpful to put in place an action plan or agree a checklist to clarify the actions that will be taken over the course of the employee's transition, dates by which these will be done, and the person who will take responsibility. Please refer to [Appendix B](#) for an example, which can be modified to suit the individual's needs.

[Back to Contents](#)

## Discrimination and abuse

The Council has a zero-tolerance approach towards discrimination and harassment based on gender identity, gender expression or gender history. Inappropriate behaviour or language may constitute discrimination, harassment, bullying or victimisation. Discrimination including harassment, third party harassment and victimisation are covered by the Equality Act 2010. Managers are responsible for taking timely action where misconduct occurs on the grounds of an employee's gender identity, in line with the Council's [Behaviour in the Workplace Policy](#).

[Back to Contents](#)

## Legal protection for trans people

### Gender Recognition Act 2004

The UK Gender Recognition Act (GRA) enables people aged over eighteen to gain full legal recognition for the gender in which they live. Applications are considered by the Gender Recognition Panel. Once a person receives a Gender Recognition Certificate (GRC), they are legally of that gender for every purpose and have all the rights and responsibilities associated with that gender.

Employment rights do not depend on whether a person has a Gender Recognition Certificate. Employers should not ask for a person's GRC and it should never be a pre-condition for transitioning at work. To make an application for a GRC, a person needs to show they have been living and working in that gender for at least two years – so being asked to show a GRC as a condition of changing employment details is like being asked to show a full driving licence before you can apply for a provisional one.

The Gender Recognition Act gives anyone applying for or holding a Gender Recognition Certificate particular privacy rights. It is a criminal offence to pass on information acquired 'in the course of official duties' about someone's gender recognition without the consent of the individual affected. 'Official duties' include employment, trade union representation or supply of business or professional services.

### **Equality Act 2010**

The Equality Act 2010 (England, Scotland and Wales) protects against discrimination because of gender reassignment in employment and service delivery. It bans direct and indirect discrimination and victimisation. The Act makes clear that it is not necessary for people to have any medical diagnosis or treatment to gain this protection; it is a personal process of moving away from the sex they were assigned at birth to their true gender identity.

People discriminated against because they are wrongly perceived to be trans, or who are discriminated against because of their association with trans people or issues, are also protected.

### **Genuine Occupational Requirements**

In the vast majority of cases, the gender of a worker is of no relevance to their ability to do a particular job. However, the Equality Act 2010 does allow for an exception where being of a particular sex is an 'occupational requirement' of that post. If this is the case for an employee transitioning at work, advice should be sought from Human Resources.

[Back to Contents](#)

## **Recruitment**

People who have already transitioned have no obligation to disclose their gender history. Job applicants and interviewees will not be asked their gender identity during the recruitment process as it is not a relevant criterion in selection. Neither is there any obligation for a transgender person to disclose this as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Recruiting managers who become aware that an applicant is trans will maintain full confidentiality in relation to this.

### **References**

Where a reference request is received for an existing employee who has transitioned, managers will respect the employee's privacy and only respond using the employee's correct name and gender in the reference.

Disclosure on sickness absence will not include time taken off for medical appointments related to transition. This information is strictly confidential.

Where the Council requests a reference or confirmation of continuous service with other local government employers, we will make the request using the prospective employee's correct name and gender since transitioning. We will not mention previous names or gender

identity, unless specifically asked to do so (in writing) by the Trans employee.

### **Disclosure & Barring Service (DBS) checks**

Where an appointment requires DBS checks, managers are responsible for initiating and completing these in conjunction with the individual. There is a confidential application process for trans people and advice can be obtained from the DBS by email [sensitive@dbs.gsi.gov.uk](mailto:sensitive@dbs.gsi.gov.uk) or helpline 0151 676 1452.

### **Qualification certificates and right to work documents**

Where an employee is required to provide evidence of an essential qualification certificate or a right to work document as part of the Council's pre-employment checks and it is in their former name, a copy of the certificate or document will be stored securely on the employee's personal file and access restricted to authorised individuals.

### **Professional registration**

If the employee's job involves professional registration, we will check whether the registration body has a specific, confidential process for gender transition.

### **Pensions and national insurance**

Where pensions, national insurance contributions or other benefits are dependent on legal sex, trans people will be advised of the different implications of whether they do or do not have a Gender Recognition Certificate.

[Back to Contents](#)

## **Roles and responsibilities**

### **Employee**

- Engaging with managers and Human Resources around the logistics of transitioning in the workplace;
- Reporting any instances of harassment, victimisation or discrimination in line with the [Behaviour in the Workplace Policy](#).

### **Manager**

- Ensuring that colleagues are informed about the employee's transition in a manner that best suits the employee;
- Maintaining confidentiality at all times;
- Thoroughly investigating any instances of harassment, victimisation or discrimination in line with the [Behaviour in the Workplace Policy](#);
- Supporting the employee in any way that is necessary and appropriate.

### **Human Resources**

- Providing advice to managers in relation to this policy;
- Maintaining confidentiality, including securing electronic and paper records.

### **ICT Department / Property Services**

- Changing names, titles and pronouns on email and other systems;
- Issuing updated ID cards.

## Trade Unions

- Supporting the employee as necessary.

## Support for employees with a family member who is transitioning

If an employee is supporting a family member who is transitioning, they may need to take time off to support them during the process. Where possible, managers should try to support employees to manage such requests using the provisions of the [Leave Arrangements Policy](#).

[Back to Contents](#)

## Document Control:

Version Number	Agreed At	Date Agreed	Review Date
2019 – V1			

## Appendix A - Glossary of Terms

**Gender binary:** the classification of gender into two distinct and disconnected forms of masculine and feminine.

**Gender dysphoria:** medical term for deep-rooted and serious discomfort or distress because of a mismatch between a person's biological sex and gender identity; overwhelming desire to live in a different gender to that assigned at birth.

**Gender expression:** a person's external gender-related behaviour and appearance, including clothing.

**Gender fluid:** having a gender identity which is not fixed and where gender expression may alternate between masculine and feminine.

**Gender identity:** a person's deeply felt internal and individual self definition of gender, which may or may not correspond to the sex assigned to them at birth.

**Gender reassignment:** the process a person undertakes when transitioning from the sex they were assigned at birth to their true gender identity. This may (or may not) involve medical and surgical procedures.

**Gender Recognition Certificate:** issued by the Gender Recognition Panel - signifies full legal rights in acquired gender and allows the issuing of a replacement birth certificate.

**Gender variance:** gender expression that does not match society's norms of female and male.

**Legal sex:** The sex recorded on your birth certificate. Rarely relevant at work. Currently binary in the UK. Changed by applying to Gender Recognition Panel.

**Non binary person:** a person whose gender identity doesn't sit comfortably with 'man' or 'woman'. They may identify as both, neither or something entirely different

**Transgender or trans person:** a person who believes that the gender they were assigned at birth is wrong and who want to live in the gender with which they identify. The term "Transgender" can be wide ranging and there is no definitive term to describe all people who identify as "trans".

**Transsexual person:** legal/medical term for someone who has physically transitioned from their gender assigned at birth to their affirmed gender identity. This usually involves surgical or medical procedures to change their appearance.

[Back to Contents](#)



**Who needs to know?**

	Who will tell them?	When?	Date completed
Senior manager			
HR			
Manager			
Team members			
Other colleagues			
Others (specify)			

**Changes to records**

	Who will do this?	When?	Date completed
HR records			
ID card			
ICT systems including email			
Website			
Voicemail			
Internet/intranet address entry			
Trade union membership			
Pension scheme			
Certificates/awards			
Other:			

## Details of meetings

Date	Comments	Actions	Date of next meeting

■ **Step 1 – Introductory information**

Title of the policy	Trans Equality Policy
Name of lead officer and others undertaking this assessment	Sally Dobrowolska – Human Resources Advisor
Date EIA started	January 2020
Date EIA completed	January 2020

■ **Step 2 – Overview of policy/function being assessed:**

Outline: What is the purpose of this policy? (Specify aims and objectives)
<p>Charnwood Borough Council is committed to promoting equality, diversity and good relations in everything it does – as a community leader, as a provider and commissioner of services, and as an employer.</p> <p>The Council is committed to equality of opportunity for trans people throughout recruitment and employment, including supporting trans employees through any transitioning process. Discrimination, victimization or harassment on the basis of a person's gender identity, gender expression or trans status will not be tolerated.</p> <p>The Council seeks to provide a supportive environment for trans employees and to create a culture and environment where they feel comfortable and are well supported during any process of transition. The purpose of this policy is to provide managers and trans employees with practical information on workplace support.</p>
What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?
<p>The policy will impact all employees of Charnwood Borough Council.</p> <p>The intended outcome of the policy is to provide all employees with practical and relevant information on support in the workplace for trans employees.</p> <p>The policy is based on a document created by Unison and has been adapted for use by Charnwood Borough Council.</p>
Which groups have been consulted as part of the creation or review of the policy?
<p>Trade Unions have been consulted as part of the creation of this policy. As part of this process, trade unions have raised some helpful suggestions on this policy which have, in the main, been incorporated into the final policy document.</p> <p>SLT, JMTUM and Personnel Committee are also part of the consultation process.</p> <p>Additionally, the policy has been reviewed at the Council's Equalities Group.</p> <p>Following agreement at Personnel Committee, the policy will be rolled out across the Council, with an article in One Charnwood to ensure all employees are aware of the policy.</p>

**Step 3 – What we already know and where there are gaps**

List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation etc.

Data/information such as:

- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence

Detailed information on gender identify was not available for the borough of Charnwood, however, the information below highlights survey information on this subject from 2018. . Nationally, the survey demonstrated an increasing amount of individuals who are identifying as transgender and Charnwood Borough Council continues to be supportive of equality of opportunity for trans employees. The findings of that survey are outlined below:

National LGBT Survey 2018 Gov.uk

**Gender Identity**

Thirteen percent of the respondents were transgender (or trans). Of the total sample, 6.9% of respondents were non-binary (i.e. they identified as having a gender that was neither exclusively that of a man nor a woman), 3.5% were trans women (i.e. they had transitioned from man to woman at some point in their life) and 2.9% were trans men (i.e. they had transitioned from woman to man).

Younger trans respondents were more likely than older respondents to identify as non-binary. For example, 57% of trans respondents under 35 were non-binary compared with 36% of those aged 35 or over. Younger respondents were also more likely to be trans men (26% of trans respondents under 35 were trans men compared with 10% aged 35 or over) and less likely to be trans women (17% of trans respondents under 35 were trans women compared with 54% aged 35 or over). This age profile partly accords with the referral figures to the children and adolescent gender identity services where the majority of referrals in 2016-17 were for people assigned female at birth (1,400 of the 2,016 referrals – 69%).<sup>5</sup>

What does this information / data tell you about diverse group? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)

The Council considers this information positively with the intention of the policy to be to encourage trans people to work for the Council by acting as a community leader and encouraging a supportive environment for all to work in.

**Step 4 – Do we need to seek the views of others? If so, who?**

In light of the answers you have given in Step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.

All of the consultation processes agreed for the Council have been adhered to. In addition, consultation with relevant staff members has taken place.

**Step 5 – Assessing the impact**

In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative impact on the individuals or community groups (including what barriers these individuals or groups may face) who identify with any 'protected characteristics' and provide an explanation for your decision (please refer to the general duties on the front page).

**Comments**

<b>Age</b>	The Trans Equality Policy has no detriment on employees of the Council.
<b>Disability</b> (Physical, visual, hearing, learning disabilities, mental health)	The Trans Equality Policy has no detriment on employees of the Council.
<b>Gender Reassignment</b> (Transgender)	The Trans Equality Policy has no detriment on employees of the Council. It's intention is to provide equality of opportunity for trans people at all stages of employment.
<b>Race</b>	The Trans Equality Policy has no detriment on employees of the Council.
<b>Religion or Belief</b> (Includes no belief)	The Trans Equality Policy has no detriment on employees of the Council.
<b>Sex</b> (Gender)	The Trans Equality Policy has no detriment on employees of the Council.
<b>Sexual Orientation</b>	The Trans Equality Policy has no detriment on employees of the Council.
<b>Other protected groups</b> (Pregnancy & maternity, marriage & civil partnership)	The Trans Equality Policy has no detriment on employees of the Council.
<b>Other socially excluded groups</b> (carers, low literacy, priority neighbourhoods, health inequalities, rural isolation, asylum seeker and refugee communities etc.)	The Trans Equality Policy has no detriment on employees of the Council.

<p>Where there are potential barriers, negative impacts identified and/ or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.</p> <p>Please note:</p> <ul style="list-style-type: none"> <li>a) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.</li> <li>b) Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.</li> </ul> <p>As outlined above, the Trans Equality Policy has been designed to not have any negative impact or potential barrier to any employee. It complies with legislation and recommended good practice.</p> <p>The policy outlines that any level of discrimination or harassment based on gender identity, gender expression or gender history will not be tolerated.</p> <p>Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council's responsibilities in relation to equality and diversity (please refer to the general duties on the front page).</p> <p>The implementation of the Trans Equality Policy is intended to have a positive impact on the culture of the Council.</p> <p>The policy has been developed from a Unison document and is based on legislation and best practice. Consultation on the policy has been wide and comments and input have been welcomed in helping to form the final version of the policy.</p> <p>The Trans Equality Policy is one of a range of policy that the Council has adopted to continuously meet and improve upon its responsibilities in relation to equality and diversity.</p>
---

■ **Step 6- Monitoring, evaluation and review**

Are there processes in place to review the findings of this Assessment and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?
Policies are periodically reviewed and where it is felt there is an earlier need to review, for example, legislative changes, case review, an earlier review will be scheduled to take place.
How will the recommendations of this assessment be built into wider planning and review processes? e.g. policy reviews, annual plans and use of performance management systems.
Reviews of the Trans Equality Policy will be incorporated into the HR Work Plan.

■ **Step 7- Action Plan**

<b>Please include any identified concerns/actions/issues in this action plan:</b> <b>The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan</b>			
Reference Number	Action	Responsible Officer	Target Date
1	Ensure that communication around the implementation of the Trans Equality Policy is carried out following agreement of the policy.	Sally Dobrowolska	March 2020

■ **Step 8- Who needs to know about the outcomes of this assessment and how will they be informed?**

	Who needs to know (Please tick)	How they will be informed (we have a legal duty to publish EIA's)
<b>Employees</b>	*	EIA will be published.
<b>Service users</b>		
<b>Partners and stakeholders</b>		
<b>Others</b>		
<b>To ensure ease of access, what other communication needs/concerns are there?</b>		

■ **Step 9 – Conclusion (to be completed and signed by the Service Head)**

<b>Please delete as appropriate</b>
<b>I agree with this assessment / action plan</b>
<b>If disagree, state action/s required, reasons and details of who is to carry them out with timescales:</b>
<b>Signed (Service Head): Adrian Ward</b>
<b>Date:</b>

## PERSONNEL COMMITTEE – 13TH OCTOBER 2020

### Report of the Head of Strategic Support

#### Part A

#### ITEM 9 MANAGERS GUIDANCE AND TOOLKIT ON MENTAL HEALTH AND SUPPORTING EMPLOYEES

##### Purpose of Report

Personnel Committee to consider the proposed new Managers Guidance and Toolkit on Mental Health and Supporting Employees, the ✓Mindful Employer Charter and amendments that have been made to the Attendance Management Guidance document.

##### Recommendation

That Personnel Committee agree the changes as outlined above including the proposal to sign up as a ✓Mindful Employer.

##### Reason

The purpose of the Managers Guidance and Toolkit on Mental Health and Supporting Employees, and associated documents, is to provide a range of documents and information that enable managers to support employees with mental health issues, and signpost to areas of support.

##### Policy Justification and Previous Decisions

The current guidance on supporting employees with mental ill health, for managers was last reviewed in 2012. It included a significant amount of information which is now contained within the Attendance Management Guidance document. Areas of duplication and potential contradiction have been removed and areas of support have been updated within the proposed Managers Guidance and Toolkit on Mental Health and Supporting Employees.

##### Implementation Timetable including Future Decisions

It is recommended that the Guidance on Job Share Arrangements 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

Annexes: Annex A – Managers Guidance and Toolkit on Mental Health and Supporting Employees.

Annex B - ✓Mindful Employer Charter – General Information.

Annex C - The amended Attendance Management Guidance document.

Annex D - The HSE Stress Management Competency Indicator Tool.

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

## Part B

### Background

1. Mental ill health accounts for a significant number of days lost through sickness absence within the Council. It is not unusual for an employee to be absent due to mental ill health following the management of their behaviour, performance or attendance. Mental illness can also have a negative effect on an employee's output and quality of work.
2. Many managers require a high level of support and guidance to enable them to support employees who are experiencing mental health issues effectively. The Council provides a number of positive interventions to support employee wellbeing and these include the following:
  - Health checks and wellbeing 'events days' held in the breakout;
  - Occupational Health support;
  - Access to counselling services.
3. A number of employees, within the Council have recently been trained as mental health first aiders and access to this support is signposted within the proposed guidance and toolkit.

The toolkit provides templates and interventions for managers and employees and includes;

- A wellness support plan template;
  - A table outlining symptoms of stress and anxiety;
  - Advice and areas of support available for employees;
  - Information about national support provisions.
4. A general Health and Wellbeing' page has recently been uploaded onto the intranet.
  5. HR are planning to deliver further training and development on Attendance Management, which will incorporate an element of managing employees who are absent due to mental ill health.
  6. ✓Mindful Employer is a charter for employers who are positive about mental health. It requires a commitment to a set of values that reflect the Council's values and a signatory fee of £110. The benefits of signing up to the charter include recognition and a number of resources, see Appendix B
  7. The Council's Attendance Management Guidance document has been amended to incorporate key areas of advice contained within the current guidance on mental health. Changes are highlighted within Appendix C. The HSE Stress Management Competency Indicator Tool is attached as additional information at Appendix D.
  8. The Managers Guidance and Toolkit on Mental Health and Supporting Employees, and associated documents, were considered by SLT on 26th February 2020 and JMTUM on 27th August 2020. At the JMTUM meeting the trade unions asked that they be referenced as an area of support to employees

within the Managers Guide. It was acknowledged that this is already referenced within the Attendance Management Policy. Additionally the Council supported this further inclusion within the Managers Guidance and Toolkit on Mental Health and Supporting Employees.

# Managers Guidance and Toolkit on Mental Health and Supporting Employees

**Contents**

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
<b>2</b>	<b>Role of a Line Manager .....</b>	<b>1</b>
<b>3</b>	<b>Defining Mental Health.....</b>	<b>2</b>
<b>4</b>	<b>Helping to Create a Mentally Healthy Workplace .....</b>	<b>3</b>
<b>5</b>	<b>Identifying Mental Health Issues at an Early Stage .....</b>	<b>4</b>
<b>6</b>	<b>Taking Action - Talking with Employees at an Early Stage .....</b>	<b>5</b>
<b>7</b>	<b>Having the Conversation .....</b>	<b>6</b>
<b>8</b>	<b>Practical Adjustments after speaking to an Employee .....</b>	<b>8</b>
<b>Appendix 1</b>	<b>Wellness Support Plan .....</b>	<b>9</b>
<b>Appendix 2</b>	<b>Acute Anxiety and Stress Symptoms .....</b>	<b>13</b>
<b>Appendix 3</b>	<b>Employee Support for Mental Health .....</b>	<b>15</b>
<b>Appendix 4</b>	<b>Further Sources of Employee Support for Mental Health Issues .....</b>	<b>17</b>

## 1 Introduction

Charnwood Borough Council is committed to developing a culture and work environment where employees feel able to be open about their experiences of mental health. Mental health is an integral part of how we feel about our jobs, how well we perform and how well we interact with colleagues, customers and clients. There is a strong relationship between levels of staff wellbeing, motivation and performance.

This guide is written for managers - it recognises that the workplace is diverse, challenging and often uncertain, and that line managers take a key role in addressing mental health problems in the workplace. This toolkit is intended to be used as a source of practical advice for managing and supporting employees who may experience mental health problems. In addition to the general guidance, the following ‘tools’ are attached:

- Appendix 1            Wellness Support Plan:
- Appendix 2            Acute Anxiety and Stress Symptoms – Signs to look for:
- Appendix 3            Support with Mental Health - Information for Employees.
- Appendix 4            Sources of Further Support.

## 2 Role of a Line Manager

It is important to remember that as a line manager you are not expected to be a therapist, counsellor or mental health expert - throughout this resource, areas of professional support services are detailed. However, it is important that you feel confident in holding key conversations with your employees, signposting them to areas of support, and managing mental health related sickness absence cases, including supporting employees with their return to work.

### 3 Defining Mental Health

We all have mental health in the same way that we have physical health. Mental health includes our emotional, psychological and social wellbeing. It affects how we think, feel, and act.

The World Health Organisation defines good mental health as “A state of wellbeing in which every individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully and is able to make a contribution to her or his community.”

Good mental health is not just the absence of mental health problems - individuals with good mental health:

- Develop emotionally, creatively, intellectually and spiritually;
- Initiate, develop and sustain mutually satisfying personal relationships;
- Face problems, resolve them and learn from them;
- Are confident and assertive;
- Are aware of others and empathise with them;
- Use and enjoy solitude.

#### **What is Mental Ill Health?**

Mental health fluctuates on a spectrum from good to poor and it is affected by a range of factors both in and outside of the workplace. In the UK, one in four adults are expected to experience a mental health problem each year and many more will experience stress in some form.

However, we do not always take the same approach towards mental ill health as we do to physical ill health, making it very difficult for people to open up about the difficulties they face, often suffering in isolation.

Mental illnesses cover a wide variety of conditions, with a range of symptoms which can vary from person to person, affecting different people in different ways, including the length of time they experience it for. In general, we categorise mental ill health as temporary, fluctuating or ongoing.

Below are some of the most common mental health issues;

- Depression;
- Anxiety;
- Bipolar disorder;
- Psychotic Disorders;
- Personality Disorders;
- Obsessive Compulsive Disorder (OCD);
- Post-Traumatic Stress Disorder (PTSD);
- Autistic Spectrum Disorder (ASD);
- Body Dysmorphic Disorders.

Detailed information on the different types and nature of mental health problems is available on the Mind website

## Mental Health and Stress

The Health and Safety Executive (HSE) provides the following useful definition of stress: “The adverse reaction people have to excessive pressures or other types of demand placed on them.” This makes an important distinction between pressure, which can be a positive state if managed correctly, and stress which can be detrimental to health.

You can help your staff to manage stress in the workplace by providing them with a Wellness Support Plan and discussing this with them at one of your regular individual meetings. See Wellness Action Plans in Point 4 below. The document template is attached as [Appendix 1](#).

[Back to Contents](#)

## 4 Helping to Create a Mentally Healthy Workplace



Line managers can play a fundamental role in creating a mentally healthy workplace where there is a positive, transparent and clear organisational culture which values employees and their mental health. Employees should feel confident that disclosure of mental health problems will lead to support, not discrimination. Below are recommendations on how you as a line manager can help create a mentally healthy workplace:

### Promote Open Communication

- Communication is the cornerstone of an effective working environment.
- Promoting two-way communication between peers and across hierarchical lines, establishing a strong network of communication, as well as having an open door policy automatically makes working much easier and effective for everyone.
- A workplace culture where employees feel able to voice ideas and are listened to, both about how they do their job and in broader decision-making is also a key factor.
- Where possible, empower employees to make decisions and plan their own work. This promotes a culture of trust and shared responsibility.

### Promote Wellbeing - Especially Positive Messages about Mental Health

- Raising awareness and promoting communication on health and wellbeing, particularly mental health and wellbeing.
- Where possible reiterate clearly to your employees that their mental health matters and being open about issues will lead to support, not discrimination.
- General Health and wellbeing information is available on the Intranet page. Please access this on the CBC Wellbeing@work site [here](#).

### Normalise Conversations on Mental Health

- Managers need to be approachable and confident about mental health and should take steps to normalise conversations about mental health and encourage open dialogue.
- Address the topic of mental health in team meetings and individual performance reviews. Regular one-to one meetings are a chance to ask people how they are doing which helps build trust and create an opportunity to address any problems at an early stage.

### **Acknowledge Contributions**

Positive reinforcement is a powerful tool that should not be underestimated. It shows that you care about your employees, boosts morale, and encourages them to do better. Acknowledge hard work.

### **Promote Team Spirit**

- People like working in teams. Statistics show that people are at their most efficient when they work in teams. Encourage proactive teamwork where possible.
- Teams promote unity - when people work in teams, they see themselves as a group that works towards the attainment of a common goal.

### **Provide a Positive Working Environment**

A positive physical working environment is important. It can have an impact on the attitude and productivity of employees, and hence on their ability to work well. Areas to consider include:

- Ambient temperature;
- Quality of lighting;
- Personal space;
- Noise levels;
- Quality of air;
- Furniture and fittings;
- Promote interaction and communication.

However, it is important to recognise that there may be obvious restrictions on where people work and how offices can be adapted.

### **Wellness Action Plans**

An easy and practical way of helping you to support both the mental health of your team members or your own mental health, is to complete a Wellness Support Plan. It enables you to have practical steps in place to ensure that you support employees if they start to struggle. A copy of a Wellness Support plan is attached as [Appendix 1](#).

This is a personalised practical tool to help identify what keeps us well at work, what causes us to become unwell and the support we would like to receive from management to boost wellbeing or support through a recovery.

These can be completed individually, in team meetings or if you feel you have concerns about one of your employees, they can be used to open the conversation about their health and wellbeing.

## **5 Identifying Mental Health Issues at an Early Stage**

The earlier you can notice that an employee may be experiencing mental health difficulties, the quicker you can take steps to support them. If an employee receives support early on, it can help prevent the employee becoming more unwell and undergoing a period of sickness absence.

## So, what are the indicators of poor mental health?

Indicators will vary, as individual experiences of mental health problems are different, but there are some common factors to look out for. Below are some common symptoms, feelings and behaviours which are often associated with mental health problems:

- Changes in their work output, motivation levels and focus;
- Poorer performance and issues with capability;
- Struggling to make decisions, get organised and find solutions to problems;
- Increased episodes of sickness absence;
- Appearing tired, anxious or withdrawn and losing interest in activities and tasks they previously enjoyed;
- Changes in eating habits, appetite and increased smoking and drinking;
- Changes in people's behaviour or mood or how they interact with colleagues;
- Frequent headaches or upset stomach;
- Tearfulness;
- Panic attacks.

An individual struggling with mental health may also experience symptoms such as psychotic episodes, self-harm or thoughts of self-harming, and even suicidal feelings.

For further information on the common symptoms of mental illness, please take advantage of the 'Introduction to Mental Health Problems resource' available online on the Mind website [here](#). . Signs to look for in identifying symptoms of stress and acute anxiety are attached as [Appendix 2](#).

## 6 Taking Action - Talking with Employees at an Early Stage



**If you notice any of the above areas of concern it is your responsibility as a manager to talk to an employee at an early stage to prevent any problem from escalating. However, we recognise there may be occasions when this is not possible, and a discussion may be prompted due to attendance or performance issues.**

Regular one to one meetings and informal chats are ideal opportunities to ask your employee how they're getting on, and doing so regularly, will help build trust and give employees a chance to raise problems at an early stage.

It is important to remember that stress comes with most jobs - we are all stressed at times. Everybody may feel under pressure but not everyone suffers the adverse reaction of stress or a mental health problem - everybody reacts differently. The aim of the conversation is to provide reassurance and support to the employee in an open, positive and non-judgemental way to address where possible, the barriers to normal working life that the employee might be experiencing.

Ideally, an employee experiencing a mental health problem at work should feel able to raise this with you as their manager. However, if you feel someone's mental health may be impacting on their work or that their work is affecting their health, it is important to talk about these at an early stage.

Below are a few key points for consideration before having the conversation;

### **The Time and Place**

Have a conversation in a private and quiet space where the employee feels comfortable and conversations cannot be overheard. Consider a neutral space away from your workplace.

Make sure you schedule an appointment at an appropriate time for both you and the employee, with no impending meetings soon after. This conversation will need your full attention and interruptions should be avoided.

Be considerate if you are scheduling the conversation via an email calendar invite - others may be able to see the appointment. Ask the employee if they would want to have a close colleague along to support them at the meeting.

If the employee has indicated that they are feeling stressed, anxious or depressed prior to the meeting, provide them with the Support with Mental Health document. If you are meeting with them because you have noticed changes in their behaviour, then take a copy along to the meeting.

### **Familiarise Yourself with Areas of Support**

A key outcome of the conversation is to ensure the employee feels reassured and explore how the employee can be supported and how any adjustments can be made to address where possible, the barriers to normal working life that the employee might be experiencing.

It is important to make sure that the employee is aware of the support the organisation can provide. Therefore, it is crucial that you are fully aware of the areas of support and how you can assist with potential adjustments beforehand. Further detail on adjustments and support is detailed in Appendix 3 and 4, [Support with Mental Health](#).

## **7 Having the Conversation**

### **Explaining Confidentiality**

Explain clearly the limits of your confidentiality - personal information is confidential, however you must explain that you may feel the need to seek advice from HR or occupational health. In such cases, agree who is going to be told what.

Ask questions in an open, exploratory and non-judgmental way. For example,

*“I’ve noticed that you’ve been missing some of your deadlines recently, which is unusual for you, and wondered if there is a problem?”*

It is important to listen first in order to understand what is being said, and not to begin to offer advice or give opinions from the outset. The aim of the conversation is to allow the individual to talk freely and comfortably about their problems.

Let the individual explain in their own words how the mental health problem is affecting them and what impact this is having on them at work, what circumstances are distressing them and what are the potential causes and/or triggers of the problem.

Demonstrate attentiveness and that you value the employee through supportive comments and body language.

- Don't assume stress or mental health affects everyone equally;
- Make adjustments if a person is stressed or unwell;
- Respect the person's feelings and experiences. Discussions should be as positive and supportive as possible - with both parties exploring the issues and identifying what things each of you can do to help.
- Ask **open questions** - this allows the employee maximum opportunity to express concerns in his or her own way. For example; *"How are you doing at the moment?"* or *"What support if any, have you sought yourself? What support do you think might help?"*
- **Summarising** - this helps to show the person you have listened and understood their circumstances.
- **Reflecting** - simply repeating back a key word or phrase encourages the person to go on and expand on what has been said.
- **Clarifying** - sometimes a person will gloss over an important point or emotion.
- **Short words of encouragement** - the person you are listening to may need help to go on with the story. A simple "yes", "go on" or "I see" may help the person to continue and shows that you are interested.
- **Reacting** - the person is often looking for empathy and understanding. Phrases like "that must have been difficult," or "you have had a bad time" can help.

When speaking to the individual, it is important that you try to **avoid**:

- Making assumptions or diagnoses. Remember you are not a doctor or counsellor, so it is best to avoid making assumptions;
- Using medical language linked to illnesses like "you seem a bit depressed";
- Do not offer superficial advice such as "cheer up";
- Pushing for answers - be patient and do not rush in with another question without listening to the answer you have been given;
- Try to avoid asking questions that could create pressure like "What's wrong with you, then?" or "Are you stressed or something?" Instead consider wording questions sensitively to glean information, such as, "I understand that this may be difficult however ....."
- Avoid being critical.

### **Discussing any Performance or Absence Concerns**

- When performance is being affected, you may be concerned that giving criticism is going to cause the employee distress or undermine their confidence and you should be sensitive to the level of information that an individual could potentially deal with at that moment in time.
- However, it is important to be open and honest. If you have specific grounds for concern with regards to performance, standards of work, and areas of capability it is important to talk about these clearly at an early stage.

- For further information on the Managing Employee Performance Policy and Procedure, please visit the Intranet HR A-Z page.
- You should also address any concerns you may have in relation to increased episodes of sickness absence by referring to the Intranet HR A-Z page and the Attendance Management Policy and Procedures together with Managing Attendance Guidance.

### **After the Conversation**

Following the meeting it is important that there is a mutual understanding in terms of any support or adjustments that have been agreed upon and what will happen next so that expectations are clear on both sides.

It is recommended that you make a record of the conversation, what was discussed and the key action points.

Plan for a follow up meeting to review the situation and assure the employee that open discussion and support will continue and that your door is always open. You may also wish to refer your employee to a trained [Mental Health First Aider](#) who can provide further guidance and support them in getting the appropriate help. You should also ensure that they are aware that they can access counselling through the Council's providers, AMICA. HR can provide you with contact details to pass onto the employee.

## **8 Practical Adjustments after speaking to an Employee**

Below are some simple and practical adjustments that can be made to support the employee with their daily working;

- **Increased supervision or support from you as the manager** - for example, some people can take on too much so may need their manager to monitor their workload to prevent this and ensure they're working sensible hours.
- **Extra help with managing and negotiating workload**
- **More positive and constructive feedback**
- **Flexible hours or changes to start/finish time –**
- **Changes to break times**
- **Working from home** - Although it's important to maintain regular contact so people remain connected and don't feel isolated, the employee may benefit from short periods of working at home, when appropriate.
- **Reallocation of some tasks on a short-term basis**
- **Be aware of the impact one employee's mental health may have on the rest of the team, whether as a result of a reasonable adjustment or because of their symptoms or behaviour –** discuss options with your employee. However, be guided by their wishes.

### **Reasonable Adjustments under the Equality Act 2010**

Under the Equality Act 2010, if an employee has a 'mental impairment that has a substantial, adverse, and long-term effect on their ability to carry out normal day-to-day activities' the organisation has a legal duty to make reasonable adjustments.

## Sickness Absence

If the employee has been absent from work, due to mental ill-health, refer to the Managing Attendance Guidance document on the HR A-Z and seek advice from HR.

# Appendix 1 Wellness Support Plan

## Wellness Support Plan

The wellness support action plan gives an employee an opportunity to plan in advance and understand what works and doesn't work for them when they are experiencing poor mental health. The plan can help an employee develop different strategies to support their general wellbeing and mental health in work.

The support plan is a useful tool to start having conversations around general wellbeing.

Employees can fill this document in with their line manager during a one to one or independently and discuss with managers once completed. The support plan should be reviewed on a regular basis to ensure that it is kept up to date and adapts to any changing needs.

Please also read through the Acute Anxiety and Stress Symptoms (at the end of this document), to see if these are relevant to support you further.

What helps you stay healthy at work? (e.g. lunch breaks away from your desk, exercise, office environment etc)

How can I / your manager proactively support your wellbeing, to stay mentally healthy at work? (e.g. regular feedback/ catch ups, smarter working arrangements)

Are there any situations at work that can trigger poor mental health / issues that affect you at work (e.g. change, conflicts at work, demands, work not going to plan, relationships)

If you are experiencing poor mental health how would this impact on you at work (e.g. find it difficult to make decisions, confusion, headaches)

Are there any warning signs that we might notice when you are starting to experience poor mental health (e.g. becoming quieter, struggling with work demands).

What support could be put in place to minimise the triggers or help you manage the impact (e.g. extra catch ups, smarter working, guidance on prioritising work)

If we are noticing early warning signs that you are starting to experience poor mental health – how should we support you (e.g. Get in touch with someone that you want us to contact, refer to the Employee wellbeing service, discuss it with you)

What steps can you take if you start to experience poor mental health at work? Is there anything we can do to facilitate these? (e.g. ask for extra support from your manager, smarter working, breaks from your desk)

Is there anything else that you would like to share/ make us aware of?

Employee Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

Line Manager signature: \_\_\_\_\_ Dated: \_\_\_\_\_

Date to be reviewed \_\_\_\_\_

## Appendix 2 Acute Anxiety and Stress Symptoms

Green - Calm	Amber – Active/alert	Red- Fight or Flight
Secure at home and at work.	Feeling anxious sometimes, at work, at home or when socialising.	Feeling continuously angry, insecure, numb or stressed. Relationships affected by negative behaviour.
Normal emotions, calm, empathic, love, pleasure, happy, excited, confident. Occasionally a low level of anger, frustration, worry or sadness with general life experiences.	Worried more often about performance at work or at home.  Apprehensive but sure you can manage this. Normal emotions, love, pleasure, excitement, confident in some areas, but anxiety, anger and frustration is slightly higher	Finding little enjoyment in work and every day activities. Anxious, fearful, hypo, angry, irritable, feeling low, lack of motivation. Frustration and disappointment in others and self. Lonely, isolated, misunderstood, tearful and forgetful. Some suicidal thoughts, mind racing, depression.
Clear thinking, good time management with work and leisure activities. Good relationships at work and at home.	Making a few mistakes at work. Late for work occasionally. Working over your hours, less time for family and leisure. Cancelling social activities.	Confusion, unable to take in information. late for work, or off sick often.  Withdrawal form social and leisure activities.
Relaxed. Sleeping and eating well.  Taking regular holidays.  Taking daily lunch & tea breaks at work.	Disturbed sleep some nights, skipping meals, unhealthy eating. Tired and lethargic sometimes.  Drinking too much alcohol.	Not sleeping or eating well. Difficult to swallow food. Loosing or gaining weight, feeling sick, IBS, indigestion.  Drinking too much alcohol and/or taking drugs.
Breathing low and regular	Breathing high level in chest sometimes. Sighing and yawning.	Breathing fast, muscles tight around chest. Shaking in limbs and body, sweating. Panic attacks.

Heart rate normal, blood pressure normal.	Aware of some anxiety in certain situations where heart beats faster. Increase in blood pressure.	Heart racing, palpitations, and high blood pressure.
Muscles relaxed no tension in body. Finding time for self-care and family.	Some tension in head and shoulders, clenching fists, rushing about, finding less time for self-care.	Often feeling tense, frequent headaches, muscle tension, clenching teeth. Self neglect.
Positive and rational thinking. Good decision making and life choices.	Doubting ones' ability. Receiving feedback at work as negative. Some unrealistic thinking.	Withdrawal from office meetings. Difficulty in making important decisions. Pessimistic thoughts.

## Appendix 3 Employee Support for Mental Health

Charnwood Borough Council is committed to developing a culture and work environment where employees feel able to be open about their experiences of mental health.

If you have a mental health issue or concern, we encourage you to talk with one of the following to see how you can be supported:

- Your line manager or another manager who you feel more comfortable with
- AMICA - The Employee Wellbeing Service
- A Mental Health First Aider
- A recognised trade union representative

The conversation that you have with any of these people will be treated confidentially (unless there is an immediate risk to your health and safety).

A good starting point for any conversation regarding health and wellbeing is to complete a [Wellness Support Plan](#) (see appendix).

### Talking to your Manager

If your mental health issue is affecting you at work your manager should take reasonable steps to support you at work, this might mean making adjustments to your job and / or environment.

For managers:

If you are a line manager supporting an employee with a mental health issue, use the [Managers guide on mental health and supporting employees](#). You may also wish to contact HR for further support or guidance.

### AMICA

Tel: (0116) 254 4388

The Council's counselling service, [AMICA](#) is a telephone counselling, support, advice and information service provided by qualified and accredited counsellors. It is a free and confidential service that is available to all Council employees.

### A Mental Health First Aider

The role of a Mental Health First Aider in the workplace is to be a point of contact for an employee who is experiencing a mental health issue or emotional distress. This interaction could range from having an initial conversation through to supporting the person to get appropriate help. As well as offering support in a crisis, Mental Health First Aiders are valuable in providing early intervention help for someone who may be developing a mental health issue.

Mental Health First Aiders are not trained to be therapists or psychiatrists, but they can offer initial support through non-judgmental listening and guidance.

Mental Health First Aiders are trained to:

- Spot the early signs and symptoms of mental ill health:
- Start a supportive conversation with a colleague who may be experiencing a mental health issue or emotional distress:
- Listen to the person non-judgmentally:
- Assess the risk of suicide or self-harm, where possible:
- Encourage the person to access appropriate professional support or self-help strategies. This might include encouraging access to internal support systems:
- Escalate to the appropriate emergency services, if necessary:
- Maintain confidentiality as appropriate:
- Complete critical incident documents as and when necessary, while maintaining confidentiality as appropriate:
- Protect themselves physically and emotionally while performing their role:
- Uphold their role as a Mental Health First Aider alongside their other responsibilities:
- Establish appropriate boundaries between themselves and colleagues they may be supporting:
- Refresh their skills every year, and attend training every three years

A full list of Mental Health First Aiders and their contact details can be located on the Intranet and on noticeboards.

## Appendix 4 Further Sources of Employee Support for Mental Health Issues

### Crisis support

If you or one of your colleagues is in a crisis situation, you can contact one of the following organisations for support:

[Samaritans](#) - Tel: 116 123 (free, any time, from any phone)

Confidential emotional, crisis or general mental health support 24 hours a day

[Anxiety UK](#) - phone 08444 775 774

[Bipolar UK](#)

[CALM](#) (Campaign Against Men Living Miserably)

[MIND](#)

### External support

If you would prefer to speak with someone outside of work, there are local organisations that can provide you with support.

- [Leicestershire Action on Mental Health Project \(LAMP Direct\)](#)

Tel: (0116) 255 6286

This Leicester based organisation provides a wealth of support and advice in relation to support for people experiencing mental ill health

- [Anxiety UK](#)

Tel: 0844 775774

The ANXIETY UK works to relieve and support those living with anxiety disorders by providing information, support and understanding via an extensive range of services, including 1:1 therapy services.

- [Rethink](#)

Tel: 0300 5000927

Rethink, the leading national mental health membership charity, works to help everyone affected by severe mental illness recover a better quality of life.

- [Helplines Partnership](#)

An umbrella body for organisations offering helpline services to people with mental health needs.

- [MindinfoLine](#)

Tel: 0300 1233393 (Open Monday to Friday 9.15am to 5.15pm)

The MindinfoLine service is run by a dedicated team of specialists, responding to more than 20,000 enquiries a year. Topics range from types of mental distress, where to get help and drug treatments, to alternative therapies, who's who in mental health services and advocacy. Deaf or speech impaired enquirers can contact use the same number (if you are using BT Text direct add the prefix 18001).

- [Time to Change](#)

A national initiative to challenge the stigma and discrimination that people with mental health problems face. Contains information about the effects of stigma and advice for those supporting people with mental health problems. Includes real life accounts of people's experiences including a manager's experience.

- [NHS Direct](#)

Tel: 0845 606 4647

Text phone: 0845 606 4647 NHS Direct offer people in England and Wales medical information and advice by phone or over the internet. They can also refer callers to various self help and support organisations. In Scotland, contact NHS 24 on 08454 24 24 24.

## CHARTER FOR EMPLOYERS GENERAL INFORMATION

---

### ABOUT MINDFUL EMPLOYER:

Launched in 2004, Mindful Employer is a UK wide initiative run by Devon Partnership NHS Trust. Providing employers with easy access to professional workplace mental health training, information and advice; our goal is to help empower organisations – large or small – to take a lead in supporting the mental wellbeing of staff.

### ABOUT THE CHARTER FOR 'EMPLOYERS POSITIVE ABOUT MENTAL HEALTH':

As part of our service to employers, we administer the nationally recognised 'Charter for Employers Positive about Mental Health'. Different to an accreditation or set of quality standards, the charter is about recognising those employers working towards better mental health at work, no matter of where they are in their journey.

By signing the charter, employers are making a public declaration of their ambition to support the mental wellbeing of their staff by following the values set out by the charter. Signing up is completely voluntary and is not legally enforceable; nor does it require the employer to have already met certain benchmarks.

### VALUES:

Organisations who have signed the charter have agreed to commit to the following values:

- To provide non-judgemental and proactive support to staff experiencing mental ill-health.
- To not make assumptions about a person with a mental health condition and their ability to work.
- To be positive and enabling towards all employees and job applicants with a mental health condition.
- To support line managers in managing mental health in the workplace.
- To ensure they are fair in the recruitment of new staff in accordance with the Equality Act (2010).
- To make it clear that people who have experienced mental ill-health will not be discriminated against, and that disclosure of a mental health condition will enable both the employee and employer to assess and provide the right level of support or adjustment.

## BENEFITS:

By signing the charter, you will receive:

- Personalised printed and digital copies of the charter to display in your premises.
- Copies of the Mindful Employer logo to display on your website and/or other literature.
- Recognition as a charter signatory through our website.
- A copy of our 'Line Managers Resource' and 'Keeping Well at Work' publications.
- A 10% discount on all Mindful Employer publications and 5% discount on all Mindful Employer training.

You will also become eligible to sign up to our **Mindful Employer Plus** service; an independent and confidential helpline for staff and managers. For more information, please visit our website: <https://www.dpt.nhs.uk/mindful-employer/services>

## REVIEWING THE CHARTER:

All charter signatories are required to complete a 'Charter Review' two years after initially signing – then every three years thereafter. Although completion of the review is required to remain a charter signatory, in keeping with Mindful Employer's philosophy, the review process is not intended as an inspection, and as such, there are no 'pass or fail' marks.

Instead, the review is about self-assessment and has been designed to help you to reflect on current practice and policies. Not only does this help you to evidence the progress you are making, but through the review process we are able to provide you with feedback on the things you're doing well, and offer support or advice around areas where you might be struggling.

Further information on the review process will be sent to all new signatories as part of their 'Digital Charter Pack'.



## CHARTER ADMINISTRATION FEE:

Payment of an administration fee is required to become a charter signatory.

All fees are subject to VAT and a 5% discount will be applied for registered charities.

No. of Employees	New Signatory Fee*	Charter Review Fee*
Less than 10	£40.00	£75
10 to 50	£55.00	£80
51 to 250	£85.00	£120
251 to 1,000	£110.00	£160
1,001 to 5,000	£150.00	£170
5,001 to 10,000	£200.00	£180
Over 10,000	£250.00	£190

\* The above fees are not an annual payment.

\* New Signatory Fee: paid on completion of your application to join the charter.

\* Charter Review Fee: paid two years after your initial signing date – then every three years thereafter.

## APPLYING TO THE CHARTER:

Should your organisation wish to become a charter signatory, please complete the 'New Charter Signatory Form' overleaf, and return this to us at [dpt.mindfulemployer@nhs.net](mailto:dpt.mindfulemployer@nhs.net). Please note that all fields marked with a red asterisk (\*) are mandatory and should be completed.

Once we have received your application, an invoice for your organisations administration fee will be emailed to your chosen primary contact for the Mindful Employer charter; or, if applicable, the invoicing contact outlined in Section 5.

After payment of the administration fee has been made, your organisation will officially be a charter signatory! – from here we will send out your 'Digital' and 'Physical' charter packs, and add you to the list of current signatories on our website.\*

\* Please note that the list of current charter signatories displayed on our website is updated on a fortnightly basis.

## CHARTER FOR EMPLOYERS NEW CHARTER SIGNATORY FORM

---

### 1. YOUR SIGNATURE:

To be signed by CEO / MD / Owner / Head of HR or anyone of a similar standing within the organisation.

* Signatory Name:			
* Signatory Position:			
* Signed:		* Date:	

### 2. ORGANISATION DETAILS:

* Company Name:			
* Business Sector:	Choose One	Reg. Charity No:	
* Company Address:	Line 1		
	Line 2		
	Line 3		
	Town/City		
	County		
	Postcode		
* No. of Employees:			

### 3. CONTACT DETAILS:

Please provide the details of at least one member of staff that we have permission to contact regarding your organisations involvement with the Mindful Employer Charter. Contact includes:

<b>* Primary Contact:</b>	
<b>* Name:</b>	
<b>* Job Title:</b>	
<b>* Email:</b>	
<b>* Telephone:</b>	

<b>Secondary Contact:</b>	
<b>Name:</b>	
<b>Job Title:</b>	
<b>Email:</b>	
<b>Telephone:</b>	

### 4. PERMISSIONS & PREFERENCES:

Mindful Employer collects and stores the above data for the purpose of the charter. The name, business sector and region of your organisation will be shared publicly through our website in a list of current charter signatories; and may be shared with our partners working in your local area. We will never share the names or contact details of employees outlined in Section 3 without prior consent.

<b>* I consent for Mindful Employer to store the above details for the purpose of the Charter:</b>	<input type="checkbox"/>
--	--------------------------

Please indicate below with whom you would be happy for Mindful Employer to share details provided in Section 3.

<b>I am happy for Mindful Employer to share the above details with the following:</b>		
Partnership Organisations: <input type="checkbox"/>	Local Employers: <input type="checkbox"/>	Other 3 <sup>rd</sup> Parties: <input type="checkbox"/>

## 5. ADMINISTRATION FEE & INVOICING:

We aim to raise an invoice for your organisations administration fee within two weeks of receiving your completed application form. Further details on how to pay the administration fee will be included in your invoice.

<b>* Please select the fee that applies for your organisation based on your number of paid employees:</b>		
£40 + VAT (Less than 10) <input type="checkbox"/>	£55 + VAT (10 – 50): <input type="checkbox"/>	£85 + VAT (51 – 250): <input type="checkbox"/>
£110 + VAT (251 – 1,000) <input type="checkbox"/>	£150 + VAT (1,001 – 5,000): <input type="checkbox"/>	£200 + VAT (5,001 – 10,000): <input type="checkbox"/>
£250 + VAT (Over 10,000) <input type="checkbox"/>		

<b>For Purchase Orders (PO):</b>	
Address POs to: Devon Partnership NHS Trust, Wonford House, Dryden Road, Exeter, EX2 5AF	
Purchase order:	

Devon Partnership NHS Trust will invoice the primary contact identified in section 3 by email. If you would rather we invoice someone else – i.e. a member of your finance team – please provide the relevant details below:

<b>Contact Details for Invoicing:</b>	
<b>Name:</b>	Staff Member or Team Name
<b>Job Title:</b>	
<b>Email:</b>	
<b>Telephone:</b>	

**Thank you for completing your application to the Charter for Employers Positive about Mental Health!**

Please return your completed form to us by email at: [dpt.mindfulemployer@nhs.net](mailto:dpt.mindfulemployer@nhs.net)

We look forward to having you with us!

## Attendance Management Guidance

### Contents

<b>Attendance Management Guidance</b> .....	1
<b>Purpose</b> .....	1
<b>Reporting of Sickness Absence</b> .....	2
<b>Recording and Monitoring of Employee Attendance</b> .....	2
<b>Maintaining Contact during Employee Absence</b> .....	3
<b>Fit Notes</b> .....	3
<b>Return to Work Meetings</b> .....	3
<b>Support Mechanisms</b> .....	4
<b>Employees with a Serious Medical Condition</b> .....	6
<b>Attendance Issues and Disability</b> .....	6
<b>Mental Illness Related Absence</b> .....	7
<b>Pregnancy-Related Absence</b> .....	8
<b>Annual Leave and Public Holidays</b> .....	9
<b>Escalation to Stage 4</b> .....	10
<b>Stage 1 - Preliminary Action</b> .....	10
<b>Stage 2 - Formal Action</b> .....	12
<b>Stage 3 - Final Action</b> .....	14
<b>Stage 4 - Attendance Management Hearing</b> .....	17
<b>Sick Pay</b> .....	21
<b>Next of Kin</b> .....	21
<b>Complaints Raised During the Attendance Management Process</b> .....	22
<b>Links to the Disciplinary Policy and Procedure</b> .....	22
<b>Appendix A - Sickness Absence Reporting and Certification</b> .....	23
<b>Appendix B - Absence without Authorisation Letter</b> .....	25
<b>Appendix C - Example Support Plan</b> .....	26
<b>Appendix D – Stress Risk Assessment Template</b> .....	28
<b>Appendix E - Invitation to Formal Attendance Management Meeting (Stage 2)</b> .....	33
<b>Appendix F - Outcome of Stage 2 (Formal Action)</b> .....	35
<b>Appendix G - Invitation to Attendance Management Hearing (Stage 3)</b> .....	37
<b>Appendix H - Example Hearing Contents Page</b> .....	39
<b>Appendix I - Outcome of Attendance Management Hearing (Stage 3)</b> .....	41
<b>Appendix J - Invitation to Appeal Hearing</b> .....	44
<b>Appendix K - Outcome of Appeal Hearing</b> .....	46
<b>Appendix L - Outcome of Stage 3 (Final Action)</b> .....	47
<b>Appendix M - Invitation to Attendance Management Hearing (Stage 4)</b> .....	49
<b>Appendix N - Outcome of Attendance Management Hearing (Stage 4)</b> .....	51

## Purpose

This guidance should be used in conjunction with the [Council's Attendance Management Policy and Procedure](#).

## Reporting of Sickness Absence

It is essential that managers are familiar with the Council's procedure for reporting sickness absence and are clear about their responsibilities in ensuring that employees are aware of and comply with the procedure. It is recommended that new employees are informed of the procedure during induction training. A copy of the sickness absence reporting procedure is attached at [Appendix A](#).

### Failure to Report an Absence

If the employee fails to report an absence in line with [Appendix A](#), then the employee will be deemed 'absent without authorisation'. The employee will not be paid for this period of absence. This should be confirmed in writing to the employee. A template letter is attached at [Appendix B](#).

[Back to Contents](#)

## Recording and Monitoring of Employee Attendance

Effective record keeping is an essential management tool for monitoring employee absence. It provides important information to enable managers to:

- Assess levels of absence against key indicators;
- Manage sickness absence effectively and increase attendance levels by supporting employees to remain at or return to work;
- Identify problems so that they can be addressed at an early stage;
- Make informed decisions so that there is no disruption to service provision;
- Identify trends and any underlying issues which may need to be addressed on an individual and/or group level.

In all cases a [Self-Certification e-form](#) must be completed and submitted by the employee. A copy of the completed form will be sent to both the employee and the manager for their records.

Managers are responsible for inputting sickness absence directly into iTrent. This will provide them with access to real-time information regarding sickness levels in their area and thereby help them to identify at an early stage any trends that may need addressing or individual cases that should be managed under the [Attendance Management Policy and Procedure](#).

Managers should ensure that medical information about employees is treated in absolute confidence and only relevant information should be shared with colleagues on a strictly need to know basis only.

Other leave of absence (e.g. compassionate leave, unpaid leave, etc.) should be recorded separately. Managers will need to complete the appropriate e-form available on the intranet. Employees will need to record the absence on iTrent.

[Back to Contents](#)

## Maintaining Contact during Employee Absence

Throughout any period of absence it is important to maintain regular contact with the employee in order to offer them appropriate support and assistance. The extent, frequency and method of this contact will need to be judged on a case by case basis.

Although communication is a two way responsibility between the manager and the employee, in some cases, because of the nature of the illness, it may be necessary to agree that contact with the employee will be made indirectly through a third party (e.g. Trade Union representative, partner, or close relative).

However it is managed, the important principle is that some reasonable level of contact with the employee is maintained whether this is by telephone, in person, e-mail, or letter. This will ensure that all parties are kept informed of progress regarding particular issues including a timescale for return. A brief record of the contact made should be kept.

Further information and advice on maintaining contact can also be found in below under Mental Illness Related Absence

## Fit Notes

Employees must provide medical certificates if they are off sick for more than 7 calendar days in a row (including non-working days). This may be in the form of a GP's "Fit Note". The fit note will advise whether the employee is 'not fit for work' or 'may be fit for work'. Managers should ensure that a copy of the fit note and a summary of any related discussions are uploaded into the employee's record on i-Trent. The original copy of the fit note should be returned to the employee.

### Not Fit For Work

This means that the employee should refrain from work of the kind associated with their job. If an employee requests to return to work before their 'not fit for work' note expires, manager should seek advice from HR Services before agreeing to the request.

### May Be Fit For Work

This means that the employee may be able to undertake work of some kind. The Fit Note should advise on what support would be required to support the employee to return to work or to improve their attendance (e.g. amended duties or working hours, workplace adaptations etc.). Managers should meet with the employee as soon as possible to discuss the fit note recommendations and any other support that could be provided. If it is not possible to accommodate the advised measures, the employee should be classed as 'not fit for work'. In which case advice should be sought from HR.

A new fit note confirming this would not be required until the expiry of the current Fit Note.

## Return to Work Meetings

The purpose of this discussion is to:

- Welcome the employee back to work;

3

- Ensure that the employee is fit to return;
- Discuss the reason for the absence;
- Address any problems that may be causing or contributing to the absence (e.g. workload, work relationships, etc.);
- Identify any support or assistance that could be provided;
- Agree return to work arrangements including work priorities;
- Brief the employee on anything that occurred during their absence;
- Discuss the employee's attendance record and alert them to any action that may need to follow this meeting (e.g. implement or update a [support plan](#), make a referral to [Occupational Health](#));
- Complete and sign off the [Return to Work e-form](#).

As the return to work meeting is part of normal day-to-day management, the employee does not have the right to be accompanied. In many cases the meeting may be as brief as a quick chat to ensure that the employee is fit to return to work and welcome them back.

Managers must complete a return to work interview with employees following every episode of absence. Return to work meetings should normally take place on the employee's first day back, regardless of the length of the absence. If the discussion takes place over the telephone, arrangements will need to be made for the employee to complete the relevant sections of the [Self-Certification e-form](#). If the employee's manager is absent on their return, responsibility for carrying out the return to work meeting should be passed to another manager.

[Back to Contents](#)

## Support Mechanisms

Managers may wish to explore the following support mechanisms, depending on the nature of the case:

### **Amica Counselling and Psychological Support Service**

Employees should be reminded about the availability of [AMICA](#) but they cannot be forced to make contact with them. The service can offer counselling support on a range of issues (e.g. financial worries, family concerns, work-related problems, etc.) and can also signpost employees to other specialist services.

### **Occupational Health Referral**

Occupational Health should be seen as a preventive service with professional expertise to help managers and employees with interventions that may prevent an absence or speed up a recovery. A [referral](#) to Occupational Health can be made at any time. The employee does not need to be off sick or on long term absence. Often an early referral can provide both the manager and the employee with the necessary advice to provide any relevant support and to prevent a period of absence from occurring.

### **Health and Safety Workplace Risk Assessment**

If the employee identifies work-related factors which they feel are contributing to their attendance level then it will be necessary to consider how to address these factors. It may be appropriate to undertake a risk assessment or make some adjustment to the employee's working environment. Health and Safety may be able to provide support and advice on

cases or a referral to Occupational Health may be considered. For further advice and information on conducting risk assessments please contact Health and Safety.

### **Supporting Employees with Stress and Mental Illness**

Refer to the [Managers Guidance and Toolkit on Mental Health and Supporting Employees, on the HR A-Z](#). Consider whether it would be helpful to complete a stress risk assessment, which is attached as Appendix D or to provide the employee with a Wellness Support Plan which is attached to the mental health guidance document.

### **Reasonable Adjustments**

Where the employee has a condition which may be considered a disability, managers have a duty to consider reasonable adjustments. This can include adjustments to the role and to the absence management process itself. Details of information on Access to Work are available in the [Supporting Disabled Employees Guidance](#). Further advice can also be obtained from HR Services.

### **Rehabilitation / Phased Return to Work**

Consideration should be given as to whether a rehabilitation / phased return to work plan might be appropriate to support the employee. This could include a variety of interventions, for example:

- Job shadowing;
- Reduced hours - incrementally increasing over a period of time;
- Refresher training;
- Light duties.

As a guide, a rehabilitation / phased return to work plan would not run for longer than 6 weeks. During this period the employee will receive full pay. If, at the end of the 6 week period the employee has not returned to their substantive hours, the manager will need to consider next steps. This may include the employee temporarily reducing their contracted hours or extending their phased return for a short period by using annual leave to cover the shortfall in hours.

### **Reduction in Working Hours**

In order to support the employee to either return to, or improve their attendance at work, it may be appropriate to consider a reduction in their working hours. This would need to be mutually agreed and can be on a temporary or permanent basis. A [variation to contract e-form](#) would need to be submitted so that the employee's contract of employment can be changed accordingly.

### **Redeployment**

It may be appropriate to consider redeployment into an alternative vacant post, either on a permanent or temporary basis, to enable the employee to return to or remain at work. This should be undertaken in conjunction with the formal absence management procedure. Where it is agreed by both the manager and the employee that suitable alternative employment would be an option to resolve the situation, the employee will be given [Preferential Treatment Status](#) in accordance with the Redeployment Policy and put on the Council's Redeployment Register. If the employee is appointed to another post, it will be the pay and conditions of the new post which will apply. There will be no entitlement to pay

protection or additional travel expenses. Further information and advice is available from HR Services.

### **Consideration of Ill Health Retirement**

Depending on the nature of their absence, the employee may be considering applying for ill health retirement. If so, advice can be sought by the employee, or by the manager on their behalf, from HR Services. Additional support may be available from the employee's Trade Union. In such cases, employees will need to be assessed by an Occupational Health Professional. A potential application on the grounds of ill health retirement should not necessarily delay the timing of any meetings.

### **Flexible Working**

Flexible working would enable employees to adjust their working arrangements on a temporary basis where this can be accommodated by the service area. The service area may consider requests for flexible working, which may include an element of home working or a difference pattern of work.

[Back to Contents](#)

## **Employees with a Serious Medical Condition**

The Council recognises that employees can develop serious medical conditions which can affect their attendance at work. Serious medical conditions can occur at any time and may be evidence through long term or short term frequent absences.

In these circumstances, managers should be sensitive and supportive to employees, working with HR to provide appropriate and reasonable supportive measures.

Managers should also give due consideration, taking into account advice received from Occupational Health, to when it is appropriate to adopt different stages within the policy. Where possible, solutions should be sought, which are beneficial to both the employee and the service.

If an employee is diagnosed as having a terminal illness, then managers should refer to the 'Dying to Work' charter which the Council has adopted.

## **Attendance Issues and Disability**

When reviewing an employee's sickness record consideration should be given as to whether any or all of the absence is related to an employee's disability. Sickness absence which is disability-related should be clearly recorded as such on iTrent.

Where an employee has a disability the Council has a duty to make "reasonable adjustments" to both the workplace and/or working environment and to our policies and procedures to assist the employee in improving their attendance and not place them at a disadvantage. If at any stage a disability becomes apparent, reasonable adjustments must be considered. These could include:

- Flexible working arrangements;

- Specialist equipment (possibility of funding through Access to Work);
- Redeployment into an alternative role;
- Using discretion in relation to the 'indicators', to allow the employee more time off before proceeding to the next stage of the procedure (advice should be sought from Occupational Health on the likely level of absence);
- Allowing the employee to take [disability-related leave](#) for reasons connected with rehabilitation, assessment, treatment or servicing of necessary equipment or disability aids;
- Allowing a longer timescale for review of reasonable adjustments (e.g. modifications to working pattern or provision of special equipment);
- Allowing a longer period of time to seek redeployment;
- Amending the process to alleviate any other disadvantage.

It is difficult to specify the amount of variation required as each employee's disability is different. Advice should be obtained from HR Services and Occupational Health before reasonable adjustments are implemented.

Once agreed 'reasonable adjustments' should be progressed as soon as possible. They will usually be given at least 3 months or more to work and will be subject to regular monthly reviews. Dependent upon the circumstances, in some cases adjustments may need to be permanent.

Further information and advice on making reasonable adjustments can be found in the [Manager's Guide to Supporting Disabled Employees](#).

Managers should note that whilst an occupational health report can assist an employer in deciding whether or not an employee is disabled, it is the employer's responsibility to make the final decision as to whether the individual is covered by disability discrimination legislation. While it may be appropriate to ask Occupational Health for clarification as to whether or not the employee should be treated as disabled, it is also important to pose specific practical questions, as part of the referral, directed at the particular circumstances of the employee's condition. Where there is any doubt, consideration should be given to offering the employee appropriate reasonable adjustments. Further advice is available from HR Services.

## Mental Illness Related Absence

More specific guidance regarding supporting employees who are experiencing mental ill health is available in the [Line Manager Guide and toolkit on Mental Ill Health and Supporting Employees](#).

Mental ill health may or may not constitute a disability, depending on the length or impact of the illness. However, managers should consider if some of the adjustments listed under 'Attendance Issues and Disability above would be helpful in supporting the employee.

For the majority of people who experience mental distress, appropriate contact is essential to support them and manage their attendance. If there is little or no communication, misunderstanding and barriers can quickly arise. Moreover, the employee may feel that they are not valued or are not being supported by the organisation. This can exacerbate already low self-esteem and heighten worries such as job security. Occasionally

employees may ask managers not to contact them for a period of time, in which case the manager should consider one or more of the following:

- Seek advice from Occupational Health:
- Suggest maintaining contact through a 3<sup>rd</sup> party e.g. Trade Union for a short period:
- Consider alternative methods of communication with the employee, such as email, if telephone is not suitable:
- Be guided by the individual circumstances surrounding the absence and employee preferences where possible in order to maintain good relations. A person with a mental health condition is then much more likely to react positively to contact going forward:

When contact is established ask the following:

- Give the employee a chance to explain the problem and what is happening by asking open questions. Ask them how they are doing and focus conversations on their wellbeing:
- Ask if there is anything you or the organisation can do in terms of support e.g. the Occupational Health Service and Employee Wellbeing Counselling Service at this stage:
- Gauge whether they are receiving support already from their GP or other health care professional:
- Consider sending a "get-well" card:
- Reassure the individual about practical issues that they may raise e.g. how their jobs and responsibilities will be covered in the short term:
- Keep the individual in the loop about important developments at work so they feel connected:
- You should try to agree with the employee what they wish colleagues to be told. You should be honest and open with the team, being considerate not to breach any confidentiality with the employee concerned:

In addition, the manager should identify the working conditions that may negatively influence the wellbeing of the team. Create an environment where employees can air their concerns openly to avoid gossiping and any resentment towards the employee who is off work.

[Back to Contents](#)

## Pregnancy-Related Absence

Under health and safety legislation, a workplace risk assessment must be carried out on all expectant mothers. If the duties of the job are likely to cause the employee harm, steps must be taken to remove or reduce the risk. Specifically, consideration should be given to:

- Adjusting the employee's working hours if she is a night worker and her medical practitioner certifies that it would be detrimental to her health to continue working nights;
- Removing the employee from any duties that might pose a risk to her health and safety;
- Transferring the employee to an alternative job on comparable terms and conditions;

- “Suspending” the employee from work on normal pay until the commencement of her maternity leave if no suitable alternative work is available or would not remove or reduce the risks to her.

Sickness absence which is pregnancy-related should be clearly recorded as such on iTrent. If the employee has a high level of absence related to this, managers should meet with her at the earliest opportunity to discuss what support could be provided to help improve her attendance. This may include reviewing and revising the pregnancy risk assessment and if necessary, seeking advice from [Occupational Health](#).

Sickness absence prior to the last 4 weeks before the expected week of child birth (EWC), supported by a fit note or self-certificate, shall be treated as sickness absence in accordance with normal sickness absence provisions, but will normally be disregarded for the purposes of invoking the formal stages of the process and for any future employment related decisions.

If the employee is absent due to a pregnancy-related illness during the 4 weeks up to her EWC, her maternity leave will normally commence on the day after the first day of absence. Odd days of pregnancy-related sickness during this period may be disregarded at the manager’s discretion if the employee requests to continue working until her planned maternity leave start date. When considering whether to allow this discretion, managers should ensure that they have considered the relevant risks (e.g. duration and reason for absence, advice from the individual’s GP / midwife, etc.).

[Back to Contents](#)

## Annual Leave and Public Holidays

Annual leave will continue to accrue during sickness absence. Employees on long term sickness absence (i.e. over 4 weeks) will also accrue their public holiday entitlements.

Employees who return to work following a period of long term sickness may be entitled to carry over any outstanding annual leave entitlement into the next annual leave year. The amount of annual leave that the employee has accrued over the previous 18-month period will be taken into account when agreeing how much leave can be carried forward.

The actual amount of leave which may be carried forward will depend on the facts of each case. Managers will therefore need to provide HR Services with details of the:

- Employee’s annual leave entitlement over the last 2 years;
- Amount of employee’s annual leave at start of each leave year (including any carried forward from previous leave year);
- Amount of annual leave booked in the last 2 leave years (including any booked but not taken owing to sickness);
- Amount of annual leave taken in the last 2 leave years;
- Dates of sickness absence(s) - from and to;
- Any individual circumstances (e.g. if the employee has requested leave but has not been allowed to take it).

Any accrued leave carried forward is to be taken during the new leave year. As a general rule, employees will not be permitted to carry leave forward again (excluding standard carry forward arrangements).

Employees are entitled to book and take annual leave during a period of long term sickness absence and should be encouraged to do so. This may be of particular benefit to the employee if they are in receipt of half-pay or no-pay.

If an employee falls ill whilst on annual leave, this will be treated as sickness absence and their annual leave refunded providing that the individual:

- Follows correct sickness absence reporting procedures; and
- Provides a medical certificate to cover their absence.

Employees who resign or are dismissed following long term sickness absence are entitled to be paid for any outstanding leave. Managers should contact HR Services for specific advice in these circumstances.

[Back to Contents](#)

## Escalation to Stage 4

In most cases, there will be four stages to the attendance management process. However, there may be occasions in cases of long term sickness absence where the medical reports indicate that a return to work is not possible within a reasonable time period. In these circumstances the manager must ensure that all avenues of [support](#) such as [ill health retirement](#) and [redeployment](#) have been exhausted as applicable, but may proceed to [Stage 4](#) of the attendance management process without completing all and/or any of the other three stages. Where the manager wishes to progress to Stage 4 before the preliminary action stage has been completed, this must be agreed by the employee. The employee should ensure they are in receipt of all appropriate information before making this decision. Advice must be sought from HR Services before escalating to Stage 4.

[Back to Contents](#)

## Stage 1 - Preliminary Action

It is acknowledged that, at times, employees need to take time off work due to personal illness or injury. The Council provides appropriate paid (or in some instances unpaid) leave in such circumstances and expects its employees to respond by ensuring they take reasonable care of their health and attend work unless they are unable to do so.

Where an employee's attendance level requires further attention/investigation, they should be advised that a meeting will be arranged to review their absence record and if appropriate, put in place a support plan and review period. Appropriate and reasonable support and assistance should be provided to improve employee's attendance. The employee should be provided with a copy of the [Attendance Management Policy and Procedure](#).

It is not usual practice for an employee to be accompanied at this stage. However, if the manager or employee feels that it would be appropriate, the employee may be accompanied by a work colleague or Trade Union representative.

At the meeting the manager should:

- Provide the employee with a summary of their absence record, highlighting any significant patterns or characteristics. The return to work meeting notes included on the [Return to Work e-form](#) can be used as a prompt to cover all of the points that need to be discussed;
- Identify the level of attendance which is not being met;
- Ask the employee to give their explanation as to why their current attendance is not meeting expectations and explore any factors that may be having an impact (e.g. domestic circumstances, underlying health problem, etc.);
- Explore what support or assistance can be provided to ensure that the employee is able to maintain an acceptable attendance record;
- Discuss the contents / recommendations of the [Occupational Health](#) report (if applicable);
- Agree how the employee's attendance record might be improved, which could include actions by either or both parties;
- If relevant, draw up a written support plan identifying [support mechanisms](#), the level of improvement required and the timescale for achievement (4-8 weeks);
- Agree the date and time for the review meeting which will be held at the end of the support plan period. Managers are also recommended to hold at least one mid-point review meeting. The date and time of this meeting should also be agreed with the employee;
- Inform the employee that failure to improve to the required attendance level within the agreed timescale could result in them progressing to [Stage 2 \(Formal Action\)](#) of the [Attendance Management Policy and Procedure](#).

There may be occasions where managers feel that a support plan and review period is not necessary (e.g. where absences are [pregnancy-related](#)). In such circumstances managers are advised to discuss the case with HR Services prior to informing the employee.

### **The Support Plan**

Appropriate and reasonable support and assistance should be provided to improve employee's attendance. The contents of the support plan should:

- Seek to address the areas of concern;
- Detail the expected level of attendance;
- Identify [support mechanisms](#);
- Specify the timescales for monitoring and review.

An example of a completed support plan can be found at [Appendix C](#). A copy of the agreed support plan should be provided to the employee following the meeting.

At the end of the support plan review period, the manager should meet with the employee and confirm whether or not they have met the required standard of attendance. If the employee has made sufficient improvement, the attendance management procedure will cease. Failure to sustain this improvement for a period of 4 months may result in the employee being progressed to [Stage 2 \(Formal Action\)](#) of the attendance management procedure.

If there are still concerns at the end of the review period, the manager may advise the employee that they will now be managed under [Stage 2 \(Formal Action\)](#) of the attendance management procedure and that a further meeting will be arranged to discuss their attendance.

Brief notes of all meetings should be taken to record what has been discussed and a copy provided to the employee for their agreement.

[Back to Contents](#)

## Stage 2 - Formal Action

If there are still concerns about the employee's level of attendance at the end of the Stage 1 review period or the employee has not sustained their improved attendance for the required 4 month period, the manager should invite the employee to attend a Formal Attendance Management Meeting.

### **Formal Attendance Management Meeting**

The purpose of this meeting is to discuss the concerns regarding the employee's attendance level and to consider ways in which this could be improved. Notes should be taken at the meeting.

The meeting will usually be held by the employee's manager and the employee should be informed in writing of the requirement to attend giving at least 10 working days notice. The employee has the right to be accompanied by a work colleague or Trade Union representative.

The invite letter must include details of the concerns and confirm the record of monitoring / progress to date. A copy of the support plan agreed previously during Stage 1 of the procedure should also be included. A template invite letter is attached at [Appendix D](#).

At the meeting the manager should include in the discussion the following:

- Identify the level of attendance which is not being met (making reference to the outcome of the [Stage 1](#) support plan and review period);
- Ask the employee to give their explanation as to any reasons why their current attendance is not meeting expectations and explore any factors that may be having an impact (e.g. domestic circumstances, underlying health problem, etc.);
- Explore what support or assistance can be provided to ensure that the employee is able to maintain an acceptable attendance record;

- Discuss the contents / recommendations of the [Occupational Health](#) report (if applicable);
- Agree how the employee's attendance record might be improved, which could include actions by either or both parties;
- Draw up a written support plan which identifies any [support mechanisms](#), the level of improvement required and the timescale for achievement (4-8 weeks);
- Agree the date and time for the [review meeting](#) which will be held at the end of the support plan period. Managers are also recommended to hold at least one mid-point review meeting. The date and time of this meeting should also be agreed with the employee;
- Inform the employee that failure to improve to the required attendance level within the agreed timescale could result in a [Stage 3 Attendance Management Hearing](#) being arranged at which they could be issued with a final written warning.
- If applicable, consider immediate [escalation](#) to a Stage 4 Attendance Management Hearing (see above).

Following the meeting, the employee should be provided with a copy of the agreed support plan and notes of the meeting.

### **The Support Plan**

Details of what should be included in the support plan can be found in the [Preliminary Action](#) section of this guidance. An example of a completed support plan is attached at [Appendix C](#). If an Occupational Health referral has not already been arranged then managers are advised to complete one as part of the support plan at this stage.

### **Review Meeting**

A review meeting should be held at the end of the support plan period. The purpose of this meeting is to review the contents of the plan and to assess whether there has been an improvement in the employee's attendance. The employee has the right to be accompanied by a work colleague or Trade Union representative. Notes should be taken at the meeting.

The potential outcomes of the review meeting are:

- If the employee has made sufficient improvement, the attendance management procedure will cease. However, if the improvement is not sustained for 9 months from the end of the review period then the manager may recommence at [Stage 3 \(Final Action\)](#) of the procedure.
- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period by 4-6 weeks. In the majority of cases it will be appropriate to extend the review period just once during the attendance management procedure.
- If no, or insufficient improvement has been made, the employee will be advised that a [Stage 3 Attendance Management Hearing](#) will be arranged at which the employee

could be issued with a Final Written Warning. In the case of long term sickness absence, if medical reports indicate that a return to work is not possible within a reasonable timescale and all other avenues of support have been exhausted then a [Stage 4 Attendance Management Hearing](#) will be arranged with the agreement of the employee, a potential outcome of which could be dismissal. Please see the section on [Escalation to Stage 4](#) for more information.

The employee should receive written confirmation of the outcome of the meeting and a copy of the notes. A template letter is attached at [Appendix E](#).

[Back to Contents](#)

## Stage 3 - Final Action

If the employee fails to make sufficient improvement by the end of the Stage 2 support plan review period or has not sustained their improved attendance for the required 9 month period then an Attendance Management Hearing will be convened to consider the case.

### Attendance Management Hearing

The manager will be responsible for arranging a panel, chaired by a Senior Manager (PO Grade or above), supported by a further Senior Manager and a representative from HR Services, who will act as panel members. All of the panel should have had no prior involvement in the employee's case. The manager should also arrange a note-taker.

### Documentation

The manager will write to the employee to notify them of the details of the hearing (date, time, venue, etc.) giving them a minimum of 10 working days notice. A template letter is attached at [Appendix F](#). Whenever possible the date should be arranged in consultation with the employee and their representative.

A copy of any paperwork / evidence folder which the manager intends to refer to at the hearing must also be enclosed. This could include:

- Brief details of the employee's role and their employment with the Council (include a copy of the employee's job description);
- Details of the employee's attendance record (including the number of days lost, dates and reasons for absence);
- How the employee's absence compares with others;
- Copies of self-certification forms (including notes from return to work meetings);
- Notes of meetings;
- Letters confirming the outcome of meetings;
- Copies of support plans;
- Copies of Occupational Health reports;
- Copies of fit notes / medical documents.

An example hearing folder contents list can be found at [Appendix G](#). Further information on preparing for the hearing can be found in the [Hearing Preparation Guide](#).

The employee must be informed of their right to be accompanied by a work colleague or Trade Union representative and that a potential outcome of the hearing is a final written warning.

The letter to the employee must also request that if they intend to refer to any documentation at the hearing, a copy of this must be sent to the Chair of the panel at least 5 working days before the date of the hearing along with the names of any witnesses they wish to call.

### **Witnesses**

It is the responsibility of the manager to ensure that they invite any witnesses (if required) to attend the hearing. Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the hearing. Please note that the employee's Trade Union representative / work colleague can act on behalf of the employee to arrange their attendance at the hearing if permission from the employee has been granted.

Witnesses should only be present at the hearing whilst questions are being asked of them by the employee, their representative, management representative and panel members.

### **Release of Witnesses**

Employees who are required to attend an attendance management hearing as a witness **must** be released from duty unless this would have a significant impact on service delivery. Advice should be sought from HR Services before declining such a request.

### **Failure to Attend**

It is important that the employee is made aware that if they fail to attend on a given (or rearranged) date without an acceptable reason, the hearing may go ahead in their absence.

### **Conduct of the Hearing**

1. The Chair of the panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation by a work colleague or Trade Union representative.
2. The manager presenting the case (i.e. the Presenting Officer) will outline their case. They should refer to documents circulated beforehand to evidence their views.
3. The employee and/or their representative may question the Presenting Officer.
4. The panel may question the Presenting Officer.
5. If applicable, the Presenting Officer will invite management's witnesses (one by one) to the hearing. Each witness will be questioned initially by the Presenting Officer, then the employee and/or their representative may question the witness followed by questions from the panel.
6. The employee and/or their representative will outline their case. They may refer to documents circulated beforehand.
7. The Presenting Officer may question the employee and their representative.

8. The panel may question the employee and their representative.
9. If applicable, the employee or their representative will invite the employee's witnesses (one by one) to the hearing. Each witness will be questioned initially by the employee and/or their representative, then the Presenting Officer may question the witness followed by questions from the panel.
10. The Presenting Officer may make brief concluding remarks.
11. The employee and/or their representative may make brief concluding remarks.
12. The Presenting Officer, the employee, their representative and the note taker will leave the room.
13. Having deliberated on the matters placed before them, the panel will reach their decision and then recall and advise those attending the hearing of the outcome.

### **Potential Outcomes**

The panel may find that:

- The employee's level of attendance is acceptable. The attendance management procedure will therefore cease. However, if the improvement is not sustained for 12 months from the end of the review period then the manager may recommence at [Stage 4](#) of the attendance management procedure;
- It is appropriate to issue the employee with an extension (4-6 weeks) to the review period of the support plan agreed during [Stage 2](#). This should only be considered if an extension has not previously been given during the attendance management procedure or in exceptional circumstances. The panel will reconvene at the end of the extension period;
- The employee's level of attendance is not acceptable. If the panel are satisfied that the employee has been unable to improve their attendance to the required standard, they will issue the employee with a final written warning. Within 7 days of the hearing, the manager should meet with the employee to agree a further [support plan](#) and review period. A date and time should also be agreed for the final (and any mid-point) review meeting. The panel may wish to make recommendations at the hearing regarding the contents or duration of the support plan.

### **Notification of the Outcome**

The employee should receive written confirmation of the outcome of the hearing including details of their right to appeal against the decision. A template letter is attached at [Appendix H](#).

If the employee has been issued with a final written warning, a copy should be sent with the outcome letter. A copy of the notes from the hearing should also be provided.

### **Final Written Warning**

Where an employee has received a final written warning, this will remain on their file for 12 months. The employee should also be informed that failure to achieve an acceptable level

of attendance by the end of the support plan review period may result in a [Stage 4 Attendance Management Hearing](#) being arranged at which they could be dismissed.

### **The Support Plan**

Details of what should be included in the support plan can be found in the [Preliminary Action](#) section of this guidance. An example of a completed support plan can be found at [Appendix C](#).

### **Right of Appeal**

Details of the employee's right of appeal are contained in the [Attendance Management Policy and Procedure](#). Template letters for inviting an employee to an appeal hearing and confirming the outcome are attached at [Appendix I](#) and [Appendix J](#).

### **Review Meeting**

A review meeting should be held at the end of the support plan period. The purpose of this meeting is to review the contents of the plan issued following the Stage 3 Attendance Management Hearing and to assess whether there has been an improvement in the employee's attendance. The employee has the right to be accompanied by a work colleague or Trade Union representative. Notes should be taken at the meeting.

The potential outcomes of the review meeting are:

- If the employee has made sufficient improvement, the attendance management procedure will cease. However, if the improvement is not sustained for 12 months from the end of the review period then the manager may recommence at [Stage 4](#) of the procedure;
- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period by 4-6 weeks. This should only be considered if an extension has not previously been given during the attendance management procedure.
- If no, or insufficient improvement has been made, the employee will be advised that a [Stage 4 Attendance Management Hearing](#) will be arranged at which the employee could be dismissed.

The employee should receive written confirmation of the outcome of the meeting and a copy of the notes. A template letter is attached at [Appendix K](#).

[Back to Contents](#)

## **Stage 4 - Attendance Management Hearing**

If the employee fails to make sufficient improvement by the end of the Stage 3 support plan review period or has not sustained this improvement for the required 12 month period then an Attendance Management Hearing will be convened to consider the case.

The manager will be responsible for arranging a panel, chaired by a Senior Manager (PO Grade or above), supported by a further Senior Manager and a representative from HR Services, who will act as panel members. All of the panel should have had no prior involvement in the employee's case. The manager should also arrange a note-taker.

If a hearing has already been held under Stage 3 of the procedure then, where possible, the same panel should be used for this hearing. The manager should also arrange a note-taker.

### **Documentation**

The manager will write to the employee to notify them of the details of the hearing (date, time, venue, etc.) giving them a minimum of 10 working days notice. A template letter is attached at [Appendix L](#). Whenever possible the date should be arranged in consultation with the employee and their representative.

A copy of any paperwork / evidence folder which the manager intends to refer to at the hearing must also be enclosed. This could include:

- Brief details of the employee's role and their employment with the Council (include a copy of the employee's job description);
- Details of the employee's attendance record (including the number of days lost, dates and reasons for absence);
- How the employee's absence compares with other relevant team members;
- Copies of self-certification forms (including notes from return to work meetings);
- Notes of meetings;
- Letters confirming the outcome of meetings;
- Copies of support plans;
- Copies of Occupational Health reports;
- Copies of fit notes / medical documents;
- Copy of Final Written Warning (if applicable).

An example attendance management hearing folder contents list can be found at [Appendix G](#). Further information on preparing for the hearing can be found in the [Hearing Preparation Guide](#).

The employee must be informed of their right to be accompanied by a work colleague or Trade Union representative and that a potential outcome of the hearing is dismissal.

The letter to the employee must also request that if they intend to refer to any documentation at the hearing, a copy of this must be sent to the Chair of the panel at least 5 working days before the date of the hearing along with the names of any witnesses they wish to call.

### **Witnesses**

It is the responsibility of the manager to ensure that they invite any witnesses (if required) to attend the hearing. Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the hearing. Please note that the employee's Trade Union representative / work colleague can act on behalf of the employee to arrange their attendance at the hearing if permission from the employee has been granted.

Witnesses should only be present at the hearing whilst questions are being asked of them by the employee, their representative, manager and panel members.

## **Release of Witnesses**

Employees who are required to attend an attendance management hearing as a witness **must** be released from duty unless this would have a significant impact on service delivery. Advice should be sought from HR Services before declining such a request.

## **Failure to Attend**

It is important that the employee is made aware that if they fail to attend on a given (or rearranged) date without an acceptable reason, the hearing may go ahead in their absence.

## **Conduct of the Hearing**

1. The Chair of the Panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation by a work colleague or Trade Union representative.
2. The manager presenting the case (i.e. the Presenting Officer) will outline their case (i.e. the reasons for considering the termination of the individual's employment). They should refer to documents circulated beforehand to evidence their views.
3. The employee and/or their representative may question the Presenting Officer.
4. The panel may question the Presenting Officer.
5. If applicable, the Presenting Officer will invite management's witnesses (one by one) to the hearing. Each witness will be questioned initially by the Presenting Officer, then the employee and / or their representative may question the witness followed by questions from the panel.
6. The employee and/or their representative will outline their case (i.e. the reasons for considering the continuation of the individual's employment). They may refer to documents circulated beforehand.
7. The Presenting Officer may question the employee and their representative.
8. The panel may question the employee and their representative.
9. If applicable, the employee or their representative will invite the employee's witnesses (one by one) to the hearing. Each witness will be questioned initially by the employee and / or their representative, then the Presenting Officer may question the witness followed by questions from the panel.
10. The Presenting Officer may make brief concluding remarks.
11. The employee and/or their representative may make brief concluding remarks.
12. The Presenting Officer, the employee, their representative and the note taker will leave the room.
13. Having deliberated on the matters placed before them, the panel will reach their decision and then recall and advise those attending the hearing of the outcome. Before

deciding whether or not an employee's contract of employment should be terminated, the panel will satisfy themselves that every effort has been made by both the manager and the employee to make viable alterations to the working arrangements of the employee concerned (including redeployment). If the employee has a disability then the panel will satisfy themselves that all reasonable adjustments have been identified and considered.

### Potential Outcomes

The panel may find that:

- The employee's level of attendance is acceptable. The attendance management procedure will therefore cease. However, if the improvement is not sustained for 12 months from the end of the review period then the manager may recommence at [Stage 4](#) of the attendance management procedure;
- It is appropriate to issue the employee with an extension (4-6 weeks) to the review period of the support plan agreed during [Stage 3](#). This should only be considered if an extension has not previously been given during the attendance management procedure. The panel will reconvene at the end of the extension period;
- The employee's level of attendance is not acceptable. If the panel is satisfied that the employee has been unable to improve their attendance to the required standard, having considered mitigation, including any reasons for the failure to reach the required standard, they will dismiss the employee with notice.

### Notification of the Outcome

The employee should receive written confirmation of the outcome of the hearing including details of their right to appeal against the decision. A template letter is attached at [Appendix M](#). If the employee has been dismissed, the letter should include the reason for the dismissal and the employee's termination date. A copy of the notes from the hearing should also be provided.

### Right of Appeal

Details of the employee's right of appeal are contained in the [Attendance Management Policy and Procedure](#). Template letters for inviting an employee to an appeal hearing and confirming the outcome are attached at [Appendix I](#) and [Appendix J](#).

[Back to Contents](#)

## Sick Pay

The period during which sick pay will be paid and the rate payable for any period of absence is calculated by deducting from the employee's entitlement on the first day of absence the total periods of sickness absence during the previous 12 months.

[Back to Contents](#)

## Next of Kin

If the employee is too unwell to engage in communication then it may be necessary for the manager to communicate and manage the sickness absence through next of kin / power of

attorney. In these circumstances, the employee should be asked to confirm their permission in writing, where possible.

[Back to Contents](#)

## Complaints Raised During the Attendance Management Process

The Council's [Grievance Policy](#) or [Dignity at Work Policy](#) should not be used for appeals against attendance management decisions or the process itself. These should be dealt with as part of the appeal under the [Appeal Policy and Procedure](#).

If, however, the employee has a complaint against the manager during the course of an attendance management case, they may raise this using either the Council's Grievance Policy or Dignity at Work Policy as appropriate. The attendance management procedure will not cease, but if required, another manager will be brought in to deal with this case.

[Back to Contents](#)

## Links to the Disciplinary Policy and Procedure

Where absence patterns emerge, or where it is believed that absences are not attributable to genuine sickness, this will be investigated through the [Disciplinary Policy and Procedure](#).

[Back to Contents](#)

## Appendix A - Sickness Absence Reporting and Certification

### First Day

You must telephone your manager at a time you would normally expect them to be available. If your manager is not available, speak to the most senior person available. You should not, unless there is no alternative, leave a message on an answering machine or with another colleague or send an email or a text message. However, if there is no alternative, leave your telephone number with the person you speak to so that your manager can contact you as soon as possible.

In some cases specific arrangements need to be made locally to take account of circumstances such as the need to ring as early as possible so that cover can be arranged. **Your manager will let you know the arrangements that apply to you.**

When you telephone your manager will ask:

- What date you were first unfit for work (this may be a non working day);
- The reason for your absence.

If appropriate they may also ask whether your absence is due to:

- A hospital/medical appointment;
- Disability related absence;
- An accident at work;
- An accident involving a third party (e.g. road accident).

**Managers should agree with employees how often they are to make contact if the absence is likely to continue beyond one day. This will usually be on a daily basis so that cover arrangements can be made however the minimum arrangements detailed below should be followed.**

### If your absence continues

**On Day 4\*** you must telephone your manager again. This is so that your manager can assess the need for cover or to reallocate your work if necessary.

**On Day 8\*** you must obtain a fit note, telephone your manager to let them know how long you have been signed off work for and post the note to your manager as soon as possible.

\*Non working days count e.g. for a Monday-Friday worker absent from Friday, Day 4 is Monday and Day 8 is Friday.

If your absence is long enough to require another fit note you must keep your manager informed so that cover and work reallocation arrangements can continue.

### When you return to work

A [Self-Certification e-form](#) must be completed and submitted by the employee.

## **Sickness Absence during Annual Leave**

Part 3 of the Green Book provides that employees on annual leave will be regarded as being on sick leave if they have a doctor's certificate to cover that illness. Therefore, to reclaim full contractual annual leave, a doctor's certificate is required as proof of illness.

## Appendix B - Absence without Authorisation Letter

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

You have been absent from work without authorisation since [date of absence] and I am growing increasingly concerned for your wellbeing as you have failed to make any contact during this period.

In line with the Attendance Management Policy and Procedure, I have instructed Payroll to stop your pay from the start date of your absence until I receive notification of your wellbeing. This period of absence will be classified as 'Absence without Authorisation'.

Please contact me on [telephone number] upon receipt of this letter to advise me of your current situation.

Yours sincerely,

[Name of manager]

[Job Title]

## Appendix C - Example Support Plan

**SUPPORT PLAN: ATTENDANCE**

**DATE OF PLAN:** 30<sup>th</sup> April - 25<sup>th</sup> June 2014

<b>Employee:</b>	Mary Roberts	<b>Manager:</b>	Ken Smith
------------------	--------------	-----------------	-----------

Areas of Concern	What needs to be achieved	How this will be achieved	Who is responsible	Timescales
Continued long term absence from work (absent since 31 January 2014).	Return to work within support plan timeframe (on therapeutic or substantive hours). On going reduction in absences.	Mary to attend work as required.	Mary	8 weeks and ongoing
	To consider if any adjustments are required to support Mary's return, either in working hours or duties.	Referral to be made to Occupational Health.	Ken	8 weeks and ongoing
Mary has said that she is still suffering from low mood, has trouble sleeping and interacting on a daily basis.	Mary to contact her GP to seek advice as necessary and to keep Ken informed of any medical issues that he needs to be aware of.	Mary to update Ken following her GP appointment next week.	Mary	8 weeks and ongoing
	To consider a self referral to the Wellbeing Service.	Mary to contact the Wellbeing Service as required.	Mary	8 weeks and ongoing
Maintain contact during Mary's absence	Ensure that regular contact is maintained throughout Mary's absence from work.	Ken to contact Mary on a weekly basis by phone. Mary to contact Ken as	Ken / Mary	8 weeks

		necessary to update him on progress.		
--	--	--------------------------------------	--	--

I agree that I will commence this plan with effect from [date] and I understand that failure to achieve the required level of improvement will result in me progressing to Stage [number] of the Attendance Management Policy and Procedure.

I also understand that, should I achieve the required level of attendance and therefore formal procedures will cease, failure to maintain this improvement for [4/9/12] months may result in formal procedures recommencing at Stage [number].

**It is acknowledged that during the course of this support plan under stage [number] of the Attendance Management Policy and Procedure you may be unable to return to work. However as your employer we reserve the right to manage your attendance and progress your case to the next stage of the procedure if you have not returned to work. This support plan is also in place to provide you with support during your absence from work.**

Any further support identified:

Review dates: [enter date(s) of mid-review meeting(s)]

Mid Point Review Meeting: 28<sup>th</sup> May 2014  
 Final Review Meeting Date: 27<sup>th</sup> June 2014

---

If you do not return a signed copy of this plan within 7 days it will be assumed that you are in agreement with its contents.

Signed:                      Employee: \_\_\_\_\_                      Manager: \_\_\_\_\_  
    Ken Smith                                      Mary Roberts

## Appendix D – Stress Risk Assessment Template

The questions are based on the HSE Management Standards and look at the key areas of work that contribute to and can help reduce work related stress. The questions are part of supportive process to assist managers in the: Identification of hazards, deciding who might be affected; evaluating the risks and frequency and recording your findings and proposed actions. This process can also be used to assist in the identification of individual stress management measures.

### Employee Overview

--

Question	Yes	No	Possible Actions	Agreed Action/s
----------	-----	----	------------------	-----------------

<b>1 Role Definition:</b> <ul style="list-style-type: none"> <li>• Is role clearly defined.</li> <li>• Are duties and responsibilities clear</li> <li>• Is it clear how to perform role.</li> <li>• Is role clearly linked to goals and objectives for the department</li> </ul>			<ul style="list-style-type: none"> <li>• Ensure expected duties and responsibilities are not excessive and demands not unreasonable</li> <li>• Clarify goals, objectives and success criteria for the job/role - ensuring no ambiguity</li> <li>• Give regular clear feedback on performance</li> </ul>	
<b>2 Control:</b> <ul style="list-style-type: none"> <li>• Do individuals have a say in how to do and plan their work</li> <li>• Can employee set own work speed</li> <li>• Can employee decide when to take a break.</li> </ul>			<ul style="list-style-type: none"> <li>• Where practicable, enable staff to exert autonomy within role</li> <li>• Encourage delegation and empowerment of others</li> <li>• Encourage training to support delegation (to individual and team)</li> </ul>	
<b>3 Work Pressures – High:</b> <ul style="list-style-type: none"> <li>• Are unrealistic deadlines set</li> <li>• Is employee required to work long hours.</li> <li>• Is employee given work from different commissioning groups with conflicting priorities.</li> </ul>			<ul style="list-style-type: none"> <li>• Offer support in prioritising tasks and cut out unnecessary work and bureaucracy</li> <li>• Try to give warning of urgent jobs</li> <li>• Assist in the scheduling of work to ensure adequate and appropriate resources</li> <li>• Ensure job demands are matched in terms of quantity, complexity and intensity to individuals skills and abilities</li> <li>• Support staff when undertaking new and unfamiliar tasks</li> <li>• Meet regularly to review workload</li> <li>• Avoid encouraging staff to work long hours, take work home or build excessive flexi.</li> <li>• Encourage staff to take annual</li> </ul>	

			leave allowance	
<b>4 Work Pressures – Low:</b> <ul style="list-style-type: none"> <li>Is the work boring, monotonous or unchallenging</li> </ul>			<ul style="list-style-type: none"> <li>Where reasonably practicable, rotate boring and repetitive jobs</li> <li>Where possible increase the variety of tasks – through projects, shadowing etc</li> </ul>	
<b>5 Relationships at Work:</b> <ul style="list-style-type: none"> <li>Is employee subject to personal harassment – verbal and/or behaviour?</li> <li>Are relationships at work strained?</li> <li>Is there a high probability of friction and anger between colleagues?</li> <li>Is bullying an issue?</li> </ul>			<ul style="list-style-type: none"> <li>Encourage team working</li> <li>Encourage team members to give open and honest feedback to each other</li> <li>Demonstrate and encourage appreciation of others</li> <li>Promote an atmosphere of mutual respect</li> <li>Ensure all staff are aware that inappropriate behaviour at work will not be tolerated.</li> <li>Refer to the Dignity at Work Policy and attend the training to support this policy</li> <li>Seek the support of HR if an allegation of harassment or bullying is made</li> </ul>	
<b>6 Support:</b> <ul style="list-style-type: none"> <li>If work demands increase or are outside an individuals' ability to cope are colleagues/manager available to help and support.</li> <li>Is employee given the opportunity of supportive feedback on the work they do</li> </ul>			<ul style="list-style-type: none"> <li>Explain how to raise concerns and call on support</li> <li>Attend a Stress Management Workshop</li> <li>Encourage/enhance team working /support.</li> <li>Discuss workflow and support mechanisms at regular team meetings</li> <li>Encourage open communication with colleagues and line management.</li> </ul>	
<b>7 Change:</b> <ul style="list-style-type: none"> <li>Are employees consulted / updated about changes</li> </ul>			<ul style="list-style-type: none"> <li>Ensure clear and appropriate communication on proposed changes</li> </ul>	

<ul style="list-style-type: none"> <li>at work that affect them</li> <li>• Are employees clear about how change will affect them in practice.</li> <li>• Is there adequate consultation about workplace issues / changes</li> </ul>			<ul style="list-style-type: none"> <li>• Ensure individuals understand the reasons for change and the likely timescales</li> <li>• Ensure adequate consultation wherever possible and provide opportunities for comment and input.</li> <li>• Give support to individuals during the change process</li> </ul>	
<p><b>8 Training:</b></p> <ul style="list-style-type: none"> <li>• Is additional training required to support individuals in undertaking job/role</li> </ul>			<ul style="list-style-type: none"> <li>• Provide training as required</li> <li>• Ensure PDRs are properly conducted and followed up.</li> <li>• Ensure changes to role are supported with relevant training as necessary.</li> </ul>	
<p><b>9 Physical Demands and Work Environment</b></p> <ul style="list-style-type: none"> <li>• Does role involve excessive physical demands such as heavy lifting, standing for long periods of time, repetitive movements, hand held vibration tools etc</li> <li>• Is the work environment adequate / comfortable – Temp/humidity, lighting, noise, welfare facilities etc</li> <li>• Is there a risk to physical safety and emotional/mental wellbeing from service users, members of the public etc</li> <li>• Is there a risk to physical safety and emotional/mental</li> </ul>			<ul style="list-style-type: none"> <li>• Undertake a H&amp;S Risk Assessment</li> <li>• Remove excessive and unreasonable demands</li> <li>• Check what Health Surveillance support can be provided by Occupational Health</li> <li>• Encourage suggestions on how to improve work environment – and give these due consideration.</li> <li>• Undertake an H and S risk assessment to manage potential risk from service users and/or public.</li> <li>• Undertake an H and S risk assessment if employee is a lone worker.</li> </ul>	

<p>wellbeing due to lone working</p>				
<p><b>10 Other Issues:</b></p> <ul style="list-style-type: none"> <li>• Are there any other issues / stressors that need to be taken account of – e.g. difficulties at home, unexpected life changes, traumatic incidents, etc</li> <li>• Are there any ongoing/long term physical or mental health conditions that may be a contributing factor</li> <li>• Has GP/Occupational Health identified any issues for consideration</li> </ul>			<ul style="list-style-type: none"> <li>• Support individuals where possible</li> <li>• Offer to support them through referring to Welfare Adviser/Counsellor.</li> <li>• Seek advice from HR on supporting employees with long term health conditions</li> <li>• Seek advice from Occupational Health on any identified medical issues for consideration</li> </ul>	

\*The Possible Action/s column details some suggestions for consideration / action. This list is not exhaustive.

\*The Action/s column should include details of what the issues are, what measures are currently in place, what improvements can be made and what actions will be taken to make the improvements.

**Date for review**.....

## Appendix E - Invitation to Formal Attendance Management Meeting (Stage 2)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

At our meeting on [date], under Stage 1 of the Attendance Management Policy and Procedure, I advised you that as I have ongoing concerns regarding your level of attendance it is now necessary to manage you under Stage 2 of the procedure. I would therefore like to invite you to attend a Formal Attendance Management Meeting at [time] on [date] in [location].

The purpose of this meeting is to discuss the following concerns that I have regarding your attendance and to consider ways in which this could be improved:

[List areas of concern]

At the meeting, you will have the opportunity to provide an explanation as to why your attendance is not meeting expectations. If you wish, you may be accompanied by a work colleague or Trade Union representative.

To date you have been issued with a [number] week support plan, a copy of which I have enclosed for your information. During the meeting we will review the contents of this plan and draw up a new plan identifying possible support mechanisms, the level of improvement required and the timescale in which this should be achieved.

At the end of the support plan period, a review meeting will be held. There are three potential outcomes of this meeting:

- If sufficient improvement has been made, the attendance management procedure will cease. Failure to sustain this improvement for 9 months from the end of the review period may result in the attendance management process recommencing at Stage 3 (Formal Action);
- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period;
- If no, or insufficient improvement has been made, a Stage 3 Attendance Management Hearing will be arranged at which you could be issued with a Final Written Warning. Please note that in the case of long term sickness absence, if medical reports indicate that a return to work is not possible within a reasonable timescale and all other avenues of support have been

exhausted then a Stage 4 Attendance Management Hearing will be arranged, a potential outcome of which could be dismissal.

A copy of the Attendance Management Policy and Procedure is enclosed for your information.

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

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]

## Appendix F - Outcome of Stage 2 (Formal Action)

**NB: If the employee has failed their support plan please use Appendix F to confirm the outcome and invite them to attend a Stage 3 Attendance Management Hearing**

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 2 of the Attendance Management Policy and Procedure.

The purpose of this meeting was to review your progress against the contents of the support plan which was agreed at the Formal Attendance Management Meeting on [date].

[Delete options below as appropriate]

#### Option One

*As I advised at the meeting, I am pleased to be able to confirm that you have achieved the required level of improvement in your attendance. The attendance management procedure will therefore cease.*

*I hope that you will continue to maintain this improvement. As discussed at the review meeting, if you fail to sustain this improvement for a 9 month period from the end of the review period then it may be necessary to recommence managing your attendance at Stage 3 of the Attendance Management Policy and Procedure.*

#### Option Two

*As I advised at the meeting, I am pleased to be able to confirm that you have made some improvement towards achieving the required level of attendance. We therefore agreed that we would extend your support plan by [number] weeks. The review period will therefore now end on [date].*

*As agreed at the meeting, we will hold a further review meeting on [date] at [time] in [location].*

Please find enclosed a copy of the notes taken at the meeting for your information. 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 G - Invitation to Attendance Management Hearing (Stage 3)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 2 of the Attendance Management Policy and Procedure. The purpose of this meeting was to review your progress against the contents of the support plan which was agreed at the Formal Attendance Management Meeting on [date].

As I advised at the meeting, you have failed to achieve the required level of improvement in your attendance. It is therefore now necessary to convene an Attendance Management Hearing.

The hearing will take place at [time] on [date] in [location] and will be heard by [name, job title], and [name, job title]. Also present will be [name] to take notes. On arrival you should report to [location] and ask for [name].

I will present the management case at the hearing and enclosed is a copy of the documents that I will refer to. During the course of the hearing you will have the right to hear and question the evidence presented. You will also have the opportunity to present your case and may, if you wish, be accompanied by a work colleague or Trade Union representative.

The purpose of the hearing is to consider the steps taken to improve your attendance and your progress against the support plans put in place previously.

If the panel is satisfied that you have been given every opportunity to improve your attendance, but the standard has still not been reached, you will be issued with a Final Written Warning which will remain on your file for 12 months.

Any documentation that you wish to refer to during the hearing must be provided to [name of Chair of panel] at [address] no later than 5 days before the hearing, along with the names of any witnesses you intend to call to support your case. Please note that it is your responsibility to invite your witnesses to attend the hearing. Your Trade Union representative or work colleague may act on your behalf to contact these witnesses if permission from yourself has been granted. [For your information, I will be calling the following witnesses: [name(s)].

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

Please note that failure to attend the hearing without an acceptable reason may result in the hearing going ahead in your absence.

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 H - Example Hearing Contents Page

This template is to provide managers with a framework on how to structure panel hearing folders. It is not intended to be prescriptive and can be adapted to suit managers' individual requirements.

Name of employee  
Attendance Management Hearing  
Date and venue of hearing

Panel Members:

[Name, Job Title] (Chair)  
[Name, Job Title] (HR Representative)

Presenting Officer: [Name, Job Title]

### **Section 1**     Attendance Management Policy

- 1.1 Attendance Management Policy and Procedure
- 1.2 Hearing Format

### **Section 2**     Employment Details

- 2.1 Employee Summary (Job Title, Grade, Hours, Location)
- 2.2 Contract of Employment
- 2.3 Job Description

### **Section 3**     Correspondence

- 3.1 Invite to Formal Attendance Management Meeting on [date]
- 3.2 Outcome of Stage 2 review meeting on [date]
- 3.3 Invite to Stage 3 Attendance Management Hearing on [date]
- 3.4 Outcome of Stage 3 Attendance Management Hearing on [date]
- 3.5 Invite to Stage 4 Attendance Management Hearing on [date]

### **Section 4**     Notes of Meeting / Evidence

- 4.1 Copy of support plan (Stage 1)
- 4.2 Notes from Formal Attendance Management Meeting on [date]
- 4.3 Copy of support plan (Stage 2) covering [dates]
- 4.4 Notes from review meeting (Stage 2) on [date]
- 4.5 Notes from Attendance Management Hearing (Stage 3) on [date]
- 4.6 Copy of support plan (Stage 3) covering [dates]
- 4.7 Notes from review meeting (Stage 3) on [date]

## **Section 5**     Supplementary Information

- 5.1 Absence information (e.g. list / chart showing dates, reasons, etc.)
- 5.2 Comparative absence data / departmental targets
- 5.3 Advice from Occupational Health
- 5.4 Redeployment information

## Appendix I - Outcome of Attendance Management Hearing (Stage 3)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the Attendance Management Hearing held on [date] which was heard by me, [name, job title] and [name, job title]. Also present were [name] as your representative and [name] as note-taker.

The purpose of the hearing was to consider the steps made to improve your attendance and your progress against the support plan put in place at the Attendance Management Meeting (Stage 2) on [date].

[Delete options below as appropriate]

#### Option One

*Having considered the evidence provided at the hearing, the panel have decided that your attendance meets the expected level. The attendance management procedure will therefore cease. However, if the improvement is not sustained for a period of 12 months from the end of the review period then your manager may recommence managing your attendance at Stage 4 of the Attendance Management Policy and Procedure.*

#### Option Two

*Having considered the evidence provided at the hearing, the panel have decided that you should be issued with a [number] week extension to the support plan review period agreed during Stage 2.*

*As agreed at the hearing, the panel will reconvene at [time] on [date] in [location] to consider your progress against the support plan during this period.*

#### Option Three

*Having considered the evidence provided at the hearing, the panel have decided that your level of attendance is not acceptable and therefore you will be issued with a Final Written Warning. This will remain on your file for 12 months.*

*Your manager will meet with you within the next 7 days to agree a further support plan and review period with you. If you fail to achieve the required level of improvement in your attendance by the end of the support plan review period then a Stage 4 Attendance Management Hearing will be arranged. A possible outcome of this hearing may be the decision to terminate your contract of employment.*

*I have enclosed a copy of the Appeal Policy and Procedure along with an appeal registration form. You have the right to appeal against the decision to issue you with a Final Written Warning. If you wish to appeal please complete and return the appeal registration form to myself within 7 working days of receiving this letter.*

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

Yours sincerely,

[Name of chair]  
[Job Title]

## **ATTENDANCE MANAGEMENT PROCEDURE - FINAL WRITTEN WARNING**

**Name:**

**Job Title:**

1. Date Issued

This warning was issued at the Attendance Management Hearing (Stage 3) on [date].

2. Status of Warning

This is a final written warning issued under the Attendance Management Policy and Procedure.

3. Nature of Offence

You were issued with this warning as you had failed to achieve the required level of improvement in your attendance.

4. Improvements Required

Following the Attendance Management Hearing a further support plan was agreed to support you to improve your attendance. You are therefore required to achieve the improvements as set out in the plan and to maintain this improvement in your attendance for a 12 month period.

5. Support to be Given

Details of the support that will be provided to you are set out in the agreed support plan. If you feel that additional help or support could be provided, please speak to your manager.

6. Retention of Warning on Personal File

A copy of this warning will be kept on your personal file for 12 months from [date of Attendance Management Hearing].

7. Consequences of Failure to Maintain

Failure to achieve and maintain the requirements set out in paragraph 4 above will result in an Attendance Management Hearing (Stage 4) being convened. If the panel is satisfied that you have been given every opportunity to improve your attendance, but the standard has still not been reached, your contract of employment will be terminated.

---

### **Acknowledgement of Final Written Warning**

I acknowledge that I have been given a final written warning under the Attendance Management Policy and Procedure. I have read and understood the contents of this warning.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

## Appendix J - Invitation to Appeal Hearing

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

Following receipt of your appeal under the Attendance Management Policy and Procedure against your [final written warning / dismissal], I am writing to invite you to attend an appeal hearing. Your appeal will be heard by [name, job title], and [name, job title] 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 hearing 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 hearing to present the management case. [For your information, management will be calling [name(s)] as their witness].

The outcome of the appeal hearing will be to either:

- Uphold the original decision taken and maintain any sanction;
- Overturn the original decision and implement a new decision along with any appropriate sanction/action.

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 hearing. Please note that failure to attend without an acceptable reason may result in the hearing going ahead in your absence.

If you, or your representative, require any special arrangements in order to attend the hearing, 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 K - Outcome of Appeal Hearing

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the Attendance Management Appeal Hearing held on [date] which was heard by me, [name, job title] and [name, job title]. Also present was [name] as your representative and [name] as note-taker.

You appealed against the decision made at the Attendance Management Hearing on [date]. The reason for your appeal was [reason].

Having considered the evidence provided at the hearing, the panel have decided to [uphold the original decision to issue you with a final written warning / terminate your employment] or [overturn the original decision to issue you with a final written warning / terminate your employment]. 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.

Yours sincerely,

[Name of Chair of panel]

[Job Title]

## Appendix L - Outcome of Stage 3 (Final Action)

**NB: If the employee has failed their support plan please use Appendix L to confirm the outcome and invite them to attend a Stage 4 Attendance Management Hearing**

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 3 of the Attendance Management Policy and Procedure.

The purpose of this meeting was to review your progress against the contents of the support plan which was agreed following the Attendance Management Hearing on [date].

[Delete options below as appropriate]

#### Option One

*As I advised at the meeting, I am pleased to be able to confirm that you have achieved the required level of improvement in your attendance. The attendance management procedure will therefore cease.*

*I hope that you will continue to maintain this improvement. As discussed at the review meeting, if you fail to sustain this improvement for a 12 month period from the end of the review period then it may be necessary to recommence managing your attendance at Stage 4 of the Attendance Management Policy and Procedure.*

#### Option Two

*As I advised at the meeting, I am pleased to be able to confirm that you have made some improvement towards achieving the required level of attendance. We therefore agreed that we would extend your support plan by [number] weeks. The review period will therefore now end on [date].*

*As agreed at the meeting, we will hold a further review meeting on [date] at [time] in [location].*

Please find enclosed a copy of the notes taken at the meeting for your information. 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 M - Invitation to Attendance Management Hearing (Stage 4)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 3 of the Attendance Management Policy and Procedure. The purpose of this meeting was to review your progress against the contents of the support plan which was agreed following the Attendance Management Hearing on [date].

As I advised at the meeting, you have failed to achieve the required level of improvement in your attendance. It is therefore now necessary to convene a further Attendance Management Hearing.

The hearing will take place at [time] on [date] in [location] and will be heard by [name, job title], [and [name, job title]. Also present will be [name] to take notes. On arrival you should report to [location] and ask for [name].

I will present the management case at the hearing and enclosed is a copy of the documents that I will refer to. During the course of the hearing you will have the right to hear and question the evidence presented. You will also have the opportunity to present your case and may, if you wish, be accompanied by a work colleague or Trade Union representative.

The purpose of the hearing is to consider the steps taken to improve your attendance and your progress against the support plans put in place previously.

If the panel is satisfied that you have been given every opportunity to improve your attendance, but the standard has still not been reached, you will be dismissed from the Council's employment with notice.

Any documentation that you wish to refer to during the hearing must be provided to [name of Chair of panel] at [address] no later than 5 days before the hearing, along with the names of any witnesses you intend to call to support your case. Please note that it is your responsibility to invite your witnesses to attend the hearing. Your Trade Union representative or work colleague may act on your behalf to contact these witnesses if permission from yourself has been granted. [For your information, I will be calling the following witnesses: [name(s)].

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

Please note that failure to attend the hearing without an acceptable reason may result in the hearing going ahead in your absence.

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 N - Outcome of Attendance Management Hearing (Stage 4)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the Attendance Management Hearing held on [date] which was heard by me and [name, job title]. Also present were [name] as your representative and [name] as note-taker.

The purpose of the hearing was to consider the steps made to improve your attendance and your progress against the support plan put in place following the Attendance Management Hearing (Stage 3) on [date].

[Delete options below as appropriate]

#### Option One

*Having considered the evidence provided at the hearing, the panel have decided that your attendance meets the expected level. The attendance management procedure will therefore cease. However, if the improvement is not sustained for a period of 12 months from the end of the review period then your manager may recommence managing your attendance at Stage 4 of the Attendance Management Policy and Procedure.*

#### Option Two

*Having considered the evidence provided at the hearing, the panel have decided that you should be issued with a [number] week extension to the support plan review period agreed during Stage 3.*

*As agreed at the hearing, the panel will reconvene at [time] on [date] in [location] to consider your progress against the support plan during this period.*

#### Option Three

*Having considered the evidence provided at the hearing, you have been given a full opportunity to improve your level of attendance and have failed to do so. The panel's decision is therefore that you will be dismissed on the grounds of unsatisfactory attendance.*

*As this is not summary dismissal, you are entitled to [duration] paid notice from the date of the hearing and therefore your employment will terminate on [date]. You [are/are not] required to work this notice. Your P45 will be forwarded to you shortly.*

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

*I have enclosed a copy of the Appeal Policy and Procedure along with an appeal registration form. You have the right to appeal against this decision and should complete and return the appeal registration form to myself within 7 working days of receiving this letter.*

*Should you decide to appeal, the effect of the dismissal will still stand i.e. you will remain dismissed pending the outcome of the appeal hearing.*

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

Yours sincerely,

[Name of chair]  
[Job Title]

# Stress management competency indicator tool

## How effective are you at preventing and reducing stress in your staff?

### Use the following questionnaire to assess your behaviour

The 'Stress management competency indicator tool' in this document is designed to allow you to assess whether the behaviours identified as effective for preventing and reducing stress at work are part of your management repertoire or not. The aim is to help you to reflect upon your own behaviour and management style.

The next four pages look in turn at four behavioural areas identified as being important for managers to prevent and reduce stress in their staff. You are asked to consider a range of specific manager behaviours and put a tick in the column that most closely represents your level of agreement with each statement. You can then use the instructions at the end of each table to calculate your score on the behavioural area covered by that table. (NB the term 'team members' is used to refer to people who report directly to you/who you manage.)

The overall assessment process on page 6 allows you to use the scores from the questionnaire to assess your effectiveness in preventing and reducing stress in your staff. It allows you to identify whether any of the areas are Development Needs for you, or whether you are Reasonable or Effective in each area.

Some tips and ideas on how you can use your assessment to improve your effectiveness in preventing and reducing stress at work, through your management behaviour, are provided on page 7. Finally, page 8 provides a summary of the competencies required to prevent and reduce stress at work.

For more information on the framework of 'Management competencies for preventing and reducing stress at work' and the key messages for managers, please refer to the guidance leaflet available for download at: [www.cipd.co.uk/subjects/health/stress/\\_strwkinmgr.htm](http://www.cipd.co.uk/subjects/health/stress/_strwkinmgr.htm).

To read more about how the 'Management competencies for preventing and reducing stress at work' were identified, and how the stress management competency indicator tool was developed, please refer to the full research report available for download at: [www.hse.gov.uk/research/rrhtm/rr633.htm](http://www.hse.gov.uk/research/rrhtm/rr633.htm).



INVESTORS IN PEOPLE



1

<i>Behaviour/Competency</i>	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Slightly Agree</i>	<i>Agree</i>	<i>Strongly Agree</i>
<b>Integrity</b>					
I am a good role model					
I treat my team members with respect					
I am honest					
I do what I say I will do					
I never speak about team members behind their backs					
<b>Managing Emotions</b>					
I act calmly in pressured situations					
I take a consistent approach to managing					
My moods are predictable					
I don't pass on my stress to my team					
I approach deadlines calmly					
I welcome suggestions for improvements from my team					
<b>Considerate Approach</b>					
I allow my team to plan their workloads					
The deadlines I create are realistic					
I give more positive than negative feedback					
I deal with problems myself rather than relying on others					
I allow my team to approach their work in their own way					
I show a consideration for my team's worklife balance					
<b>Note down the total number of ticks in each column</b>					
<b>Now multiply each column total by the number indicated to calculate your column score</b>	<b>x 1</b> =	<b>x 2</b> =	<b>x 3</b> =	<b>x 4</b> =	<b>x 5</b> =
<b>Add the column scores together and note the total score (maximum score is 85)</b>					
<b>Now divide your total score by 85 and multiply by 100</b>					
<b>(...../85) x 100 =</b>					

<i>Behaviour/Competency</i>	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Slightly Agree</i>	<i>Agree</i>	<i>Strongly Agree</i>
<b>Proactive Work Management</b>					
I clearly communicate job objectives to my team					
I develop action plans					
I monitor my team's workload on an ongoing basis					
I encourage my team to review how they organise their work					
When necessary, I stop additional work being taken on by my team					
I work proactively					
I see projects/tasks through to delivery					
I review processes to see if work can be improved					
I prioritise future workloads					
<b>Problem Solving</b>					
I deal rationally with problems					
I follow up problems on behalf of my team					
I deal with problems as soon as they arise					
I am decisive when decision making					
<b>Participative/Empowering</b>					
I give employees the right level of job responsibility					
I correctly judge when to consult the team and when to make a decision					
I keep my team informed of what is happening in the organisation					
I act as a mentor to my team					
I delegate work equally					
I help team members to develop in their role					
I encourage participation from the whole team					
I provide regular team meetings					
I give the right level of direction to my team members					
<b>Note down the total number of ticks in each column</b>					
<b>Now multiply each column total by the number indicated to calculate your column score</b>	<b>x 1</b> =	<b>x 2</b> =	<b>x 3</b> =	<b>x 4</b> =	<b>x 5</b> =
<b>Add the column scores together and note the total score (maximum score is 110)</b>					
<b>Now divide your total score by 110 and multiply by 100</b>	<b>(...../110) x 100 =</b>				

**AREA 3**  
**MANAGING THE INDIVIDUAL WITHIN THE TEAM**

<i>Behaviour/Competency</i>	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Slightly Agree</i>	<i>Agree</i>	<i>Strongly Agree</i>
<b>Personally Accessible</b>					
I prefer to speak to my team personally than use email					
I provide regular opportunities for my team to speak one to one					
I return my team's calls/emails promptly					
I am available to talk to when needed					
<b>Sociable</b>					
I bring in treats for my team					
I socialise with the team					
I am willing to have a laugh at work					
<b>Empathetic Engagement</b>					
I encourage individuals' input in discussions					
I listen when a team member asks for help					
I make an effort to find out what motivates my team members at work					
I try to see things from my team members' point of view					
I take an interest in my team's life outside work					
I regularly ask team members 'How are you?'					
I treat all team members with equal importance					
I check everyone is OK rather than just assuming					
<b>Note down the total number of ticks in each column</b>					
<b>Now multiply each column total by the number indicated to calculate your column score</b>	<b>x 1</b> =	<b>x 2</b> =	<b>x 3</b> =	<b>x 4</b> =	<b>x 5</b> =
<b>Add the column scores together and note the total score (maximum score is 75)</b>					
<b>Now divide your total score by 75 and multiply by 100</b>	<b>(...../75) x 100 =</b>				

**AREA 4**  
**REASONING/MANAGING DIFFICULT SITUATIONS**

The final set of behaviours/competencies refer to how you manage difficult situations in your team such as bullying or employee conflicts. If you haven't experienced situations such as these, it may not be useful for you to complete this section. However, please do remember to refer back to this section and to the 'Management competencies for preventing and reducing stress' framework (see [www.hse.gov.uk/stress/linemanagers.pdf](http://www.hse.gov.uk/stress/linemanagers.pdf)) if the need to manage a difficult situation arises.

<i>Behaviour/Competency</i>	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Slightly Agree</i>	<i>Agree</i>	<i>Strongly Agree</i>
<b>Managing Conflict</b>					
I act as a mediator in conflict situations					
I deal with squabbles in the team before they become arguments					
I deal objectively with employee conflicts					
I deal with conflicts head on					
I try and resolve issues rather than act to keep the peace					
<b>Use of Organisational Resources</b>					
I seek advice from other managers when necessary					
I use HR as a resource to help deal with problems					
I seek help from occupational health when necessary					
<b>Taking responsibility for resolving issues</b>					
I follow up team conflicts after resolution					
I support employees through incidents of abuse					
I make it clear I will take ultimate responsibility if things go wrong					
I address bullying					
<b>Note down the total number of ticks in each column</b>					
<b>Now multiply each column total by the number indicated to calculate your column score</b>	<b>x 1</b> =	<b>x 2</b> =	<b>x 3</b> =	<b>x 4</b> =	<b>x 5</b> =
<b>Add the column scores together and note the total score (maximum score is 60)</b>					
<b>Now divide your total score by 60 and multiply by 100</b>					
<b>(...../60) x 100 =</b>					

## OVERALL ASSESSMENT

You have now calculated a percentage score for each of the four behavioural areas (or three behavioural areas if you are not measuring your ability to manage difficult situations) that have been identified as important for preventing and reducing stress at work. In order to interpret what these scores mean, use the following guidelines:

**75% or below = Development Need:** This is an area in which you would benefit from some development. Please refer to back to the questionnaire to explore which of the behaviours you could consider using more often in the future in order to be more effective at preventing and reducing stress in your team.

**76% to 89% = Reasonable:** You show a good awareness of the behaviours needed for effectively preventing and reducing stress in others. It may be helpful to refer back to the questionnaire to see if there are any behaviours you could add to your repertoire in this area to increase your effectiveness in managing stress in others.

**90% and above = Effective:** You demonstrate the behaviours that have been shown to be effective in preventing and reducing stress in your team.

### Your 'Stress management competence' profile:

Fill in each of the right hand columns. In the effectiveness column, add 'Development Need', 'Reasonable' or 'Effective' using the guidance above.

Competency	Percentage	Effectiveness
Respectful and responsible: Managing emotions and having integrity		
Managing and communicating existing and future work		
Managing the individual within the team		
Reasoning/Managing difficult situations		

## WHAT DO I DO NEXT?

In order to improve your effectiveness at preventing and reducing stress at work, we suggest the following steps:

- 1 Look for the behavioural area in which you received the lowest score and focus on this as top priority. If you have identified several Development Needs or areas that you would like to move into the 'Effective' zone, take them one at a time – you don't have to change everything at once!
- 2 Look back at the questionnaire to explore what behaviours are relevant to this area. On the following page is also a summary of the four behavioural areas, and outlines of the key behaviours in each. Identify the ones that you indicated you do least and consider what you need to do in order to show these behaviours more often. It may simply be a matter of being more aware of how you are behaving at the moment and making small shifts to add the relevant additional (or alternative) behaviours to your repertoire.
- 3 You may find it helpful to check out with your team whether they would find it helpful for you to show more of these particular behaviours and how that would be different from what you do at the moment. You could ask them to give you feedback on how you are doing.
- 4 If you feel that it will be difficult for you to make these behavioural changes on your own, consider seeking support. For example, informal coaching or support from your own manager and/or from the HR department might be helpful; you might find it helpful to get some formal coaching or mentoring; and/or you might want to attend a training course to develop the relevant skills.
- 5 Finally, in addition to the information provided on the Health and Safety Executive website, you may find the following useful for gaining more information about managing stress and mental health at work:
  - SHIFT Line Manager's Resource: for practical guidance on managing and supporting people with mental health problems in the workplace: [www.shift.org.uk](http://www.shift.org.uk)
  - Mental Health Foundation and Mind websites: for information about mental health issues: [www.mentalhealth.org.uk](http://www.mentalhealth.org.uk) and [www.mind.org.uk](http://www.mind.org.uk)
  - Information and resources may also be available through your employer, for example from: Occupational Health, Employee Assistance Programme/Welfare Service and Human Resources.

## SUMMARY OF THE 'MANAGEMENT COMPETENCIES FOR PREVENTING AND REDUCING STRESS AT WORK' FRAMEWORK

Competency	Sub-Competency
<b>Respectful and responsible: Managing emotions and having integrity</b>	<b>Integrity</b> <i>Being respectful and honest to employees</i>
	<b>Managing emotions</b> <i>Behaving consistently and calmly around the team</i>
	<b>Considerate approach</b> <i>Being thoughtful in managing others and delegating</i>
<b>Managing and communicating existing and future work</b>	<b>Proactive work management</b> <i>Monitoring and reviewing existing work, allowing future prioritisation and planning</i>
	<b>Problem solving</b> <i>Dealing with problems promptly, rationally and responsibly</i>
	<b>Participative/empowering</b> <i>Listening to, meeting and consulting with the team, providing direction, autonomy and development opportunities to individuals</i>
<b>Managing the individual within the team</b>	<b>Personally accessible</b> <i>Available to talk to personally</i>
	<b>Sociable</b> <i>Relaxed approach, such as socialising and using humour</i>
	<b>Empathetic engagement</b> <i>Seeking to understand each individual in the team in terms of their health and satisfaction, motivation, point of view and life outside work</i>
<b>Reasoning/Managing difficult situations</b>	<b>Managing conflict</b> <i>Dealing with conflicts decisively, promptly and objectively</i>
	<b>Use of organisational resources</b> <i>Seeking advice when necessary from managers, HR and Occupational Health</i>
	<b>Taking responsibility for resolving issues</b> <i>Having a supportive and responsible approach to issues and incidents in the team</i>

© Crown copyright 2009

## PERSONNEL COMMITTEE – 13TH OCTOBER 2020

### Report of the Head of Strategic Support

#### Part A

#### ITEM 10 PARENTAL BEREAVEMENT LEAVE

##### Purpose of Report

Personnel Committee to agree the proposed changes to the Council's Family Leave and Pay Policy and Leave Arrangements Policy in relation to parental bereavement leave.

##### Recommendation

That the Personnel Committee agree the changes to the Family Leave and Pay Policy and Leave Arrangements Policy.

##### Reason

It is necessary to update the documents to reflect a legislative change regarding parental bereavement leave.

##### Policy Justification and Previous Decisions

The Parental Bereavement Leave and Pay Act 2018 now gives all employed parents the right to 2 weeks' paid leave if their child aged under 18 dies, or if they have a stillbirth at 24 weeks or later. This legislative change came into force from Monday 6 April 2020.

The current Family Leave and Pay Policy and Leave Arrangements Policy were agreed on 20th January 2015 and 5th November 2013 respectively.

##### Implementation Timetable including Future Decisions

It is recommended that the amended Travel, Subsistence and Other Allowances Policy 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.

Annexes: Annex A - Family Leave and Pay Policy  
Annex B - Leave Arrangements Policy

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

## Part B

### Background

1. The current Family Leave and Pay Policy and Leave Arrangements Policy were agreed on 20th January 2015 and 5th November 2013 respectively.
2. The Parental Bereavement Leave and Pay Act 2018 now gives all employed parents the right to 2 weeks' paid leave if their child aged under 18 dies, or if they have a stillbirth at 24 weeks or later. This legislative change came into force from Monday 6th April 2020.
3. To ensure compliance the Family Leave and Pay Policy and the Leave Arrangements Policy have been reviewed and updated.
4. In Family Leave and Pay Policy Under the heading Miscarriage, Stillbirth or Neo-Natal Death, the following wording has been added to direct employees to the relevant information.:
  - Please refer to the leave arrangements policy for further information regarding bereavement leave entitlement.
5. In Leave Arrangements Policy Under the heading Bereavement Leave the following text has been added:
  - In circumstances where an employee loses a child under the age of 18, or suffers a stillbirth from the 24th week of pregnancy, on or after this date, they will have the right to two weeks' paid bereavement leave. The two weeks' leave may be taken as one block, or as two non-consecutive one-week blocks, at any time during the 56 weeks following the child's death.
6. The proposed amendments to the Family Leave and Pay Policy and Leave Arrangements Policy were considered by SLT on 26th February 2020 and JMTUM on 27th August 2020.

**Family Leave and Pay Policy**  
**(Maternity and Adoption Leave and Pay, Maternity and Adoption Support Leave and Pay, Shared Parental Leave and Parental Leave and Pay)**

**Contents**

<b>Scope .....</b>	<b>2</b>
<b>Purpose .....</b>	<b>2</b>
<b>MATERNITY LEAVE AND PAY .....</b>	<b>2</b>
<b>Health and Safety during Pregnancy .....</b>	<b>2</b>
<b>Time Off for Antenatal Appointments .....</b>	<b>3</b>
<b>Maternity Leave.....</b>	<b>3</b>
<b>Maternity Pay .....</b>	<b>5</b>
<b>Miscarriage, Stillbirth or Neo-Natal Death .....</b>	<b>7</b>
<b>Breastfeeding.....</b>	<b>8</b>
<b>ADOPTION LEAVE AND PAY .....</b>	<b>8</b>
<b>Pre-Adoption Leave.....</b>	<b>8</b>
<b>UK Adoptions.....</b>	<b>8</b>
<b>Overseas Adoptions.....</b>	<b>11</b>
<b>Employees Not Eligible for Statutory Adoption Leave and Pay .....</b>	<b>14</b>
<b>Surrogacy .....</b>	<b>14</b>
<b>MATERNITY / ADOPTION SUPPORT LEAVE (PATERNITY LEAVE).....</b>	<b>15</b>
<b>Ordinary Paternity Leave .....</b>	<b>15</b>
<b>SHARED PARENTAL LEAVE.....</b>	<b>16</b>
<b>Statutory Shared Parental Pay .....</b>	<b>23</b>
All employees.....	25
Expectant fathers .....	25
Adoptive parents .....	25
<b>Returning to Work .....</b>	<b>29</b>
<b>If the Employee Does Not to Return to Work .....</b>	<b>29</b>
<b>GENERAL INFORMATION .....</b>	<b>27</b>
<b>Pension Contributions .....</b>	<b>29</b>
<b>Continuous Service .....</b>	<b>30</b>
<b>Keeping in Touch (KIT) and Shared Parental Leave in Touch (SPLIT) Days ..</b>	<b>30</b>
<b>Statutory Right to Request Flexible Working.....</b>	<b>31</b>
<b>Annual Leave and Public Holidays .....</b>	<b>32</b>
<b>Child Care Vouchers .....</b>	<b>32</b>
<b>APPENDIX A - Glossary of Terms and Abbreviations.....</b>	<b>33</b>
<b>APPENDIX B - Local Government Services Maternity Pay.....</b>	<b>35</b>
<b>APPENDIX C – Adoption Pay Quick Reference Guide .....</b>	<b>36</b>

## Scope

This document applies to all employees of Charnwood Borough Council employed under the Joint Negotiating Committee for Local Government Services (JNC), National Joint Council for Local Government Services (NJC) and Joint Negotiating Committee for Local Authority Craft and Associated Employees (Craft).

It does not apply to casual workers.

## Purpose

The purpose of this policy and procedure is to provide information around family friendly policies including Maternity, Adoption and Support (Paternity) Leave and Pay, Parental Leave and Shared Parental Leave and Pay.

Employees are advised to refer to the relevant section of the policy for their situation but also the section entitled 'General Information for All Employees'.

# MATERNITY LEAVE AND PAY

## Health and Safety during Pregnancy

The employee should inform her manager as soon as her pregnancy is confirmed so that a workplace risk assessment/review can be carried out as soon as possible.

If the duties of the job are likely to cause an employee harm, steps must be taken to remove or reduce the risk. Specifically, consideration should be given to:

- Removing the employee from any duties that might pose a risk to her health and safety;
- Temporarily adjusting her working hours if it is reasonable to do so to avoid exposure to a risk or reduce the effects of a risk;
- Adjusting the employee's working hours if she is a night worker and her medical practitioner certifies that it would be detrimental to her health to continue working nights;
- Transferring the employee to an alternative job on comparable terms and conditions;
- As a last resort "suspending" the employee on medical grounds from work on normal pay until the commencement of her maternity leave if no suitable alternative work or steps to remove or reduce the risk are available to her.

Where it is necessary to make adjustments, these should be discussed with the employee.

If you consider it may be necessary to suspend an employee in order to avoid exposing her to hazards and their associated risks, advice should be sought from Human Resources.

[Back to Contents](#)

## Time Off for Antenatal Appointments

The employee is entitled to reasonable **paid** time off during working hours to attend antenatal appointments made on the advice of her doctor, midwife or health visitor, regardless of her length of service or the hours she works. Antenatal appointments can include medical examinations, appointments with the employee's midwife, antenatal classes, relaxation and parent craft classes.

The employee should inform her manager as soon as possible that she will be absent. At the employee's first antenatal appointment, she should be given an appointment card (or similar) which she should show to her manager in order to receive time off for subsequent appointments. A request for time off may be refused however advice should be sought from Human Resources if this is being considered.

In addition, an employee who is the husband or partner of a pregnant woman is entitled to **paid** time off to attend two antenatal appointments with the expectant mother. These appointments must have been made on the advice of a doctor, midwife or health visitor. An employee may be asked to provide supporting evidence of the appointment.

[Back to Contents](#)

## Maternity Leave

Maternity leave is made up of three main elements:

- 26 weeks' Ordinary Maternity Leave (OML);
- 26 weeks' Additional Maternity Leave (AML); and
- Compulsory Maternity Leave (CML).

CML comprises the 2 weeks immediately after the birth of a baby when, by law, an employee is not permitted to work. This 2 week period is included in the 26 weeks of OML.

All pregnant employees have the right to 26 weeks of OML and 26 weeks of AML, regardless of whether a multiple birth is expected, providing the notification requirements set out below have been complied with. They are also entitled to resume work following their maternity leave irrespective of their length of service or whether they are full-time, part-time, permanent or temporary (although for temporary employees, the opportunity to resume work afterwards will depend upon the timescale of their contract). If the employee returns during a period of AML, suitable alternative employment may be offered if the same job is no longer

available. Further information on fixed term contracts can be found in the [Fixed-Term Contracts Guidance](#).

### **Requesting Maternity Leave**

The employee can start her maternity leave on any day of the week and at any time from the beginning of the 11<sup>th</sup> week before her expected week of childbirth (EWC) unless:

- The baby is born prematurely before she has commenced maternity leave, in which case maternity leave will commence on the day after the baby is born; or
- The employee is absent due to a pregnancy-related illness during the 4 weeks up to her EWC. In these circumstances, her maternity leave will normally commence on the day after the first day of absence. However, odd days of pregnancy-related sickness during this period may be disregarded at the manager's discretion if the employee requests to continue working until her planned maternity leave start date. When considering whether to allow this discretion, managers should ensure that they have considered the relevant risks (e.g. duration and reason for absence, advice from the individual's GP / midwife, etc.). Any absence of this nature will be classed as sickness. If the employee is unwell and her absence is not related to the pregnancy, it will be recorded as ordinary sickness absence and will not affect her intended maternity leave start date.

The employee may wish to take some of her outstanding annual leave immediately prior to starting maternity leave. However, if the baby is born during the period of annual leave, maternity leave will start and the employee will be credited with the appropriate balance of annual leave that she has not taken.

To be eligible for maternity leave, the employee must formally notify her manager of the following, in writing, no later than the 15<sup>th</sup> week before her EWC using the [MAT01 form](#):

- The fact she is pregnant;
- Her expected week of childbirth; and
- The date she would like to start her maternity leave (which cannot be earlier than the 11<sup>th</sup> week before the EWC).

The employee must also submit her MATB1 certificate to her manager as soon as possible, ideally at the same time as her MAT01 form. This certificate will usually be available from the 20<sup>th</sup> week before the EWC.

The manager should forward the completed MAT01 form (and MATB1 certificate) to Human Resources as soon as possible. Human Resources will then write to the employee, within 28 days of the employee submitting their request, to confirm their maternity leave start date and the date on which the employee is expected to return to work if the full entitlement to maternity leave is taken. The employee may

however choose to [return to work](#) at an earlier date. Return to work details are set out below in the policy.

If the employee fails to notify her manager within the required timescale without a reasonable excuse, it may be necessary to delay her maternity leave start date. Further advice is available from Strategic Human Resources.

### **Change of Maternity Leave Start Date**

The employee can change their mind about the date on which they want their maternity leave to begin, provided they give at least 28 days' written notice of the new date. Failure to comply with these notification requirements may result in it not being possible to change the maternity leave start date.

[Back to Contents](#)

## **Maternity Pay**

Employees are encouraged to give notice in relation to Statutory Maternity Pay (SMP) at the same time as giving notice of maternity leave (i.e. by the end of the 15<sup>th</sup> week before the expected week of childbirth). A pregnant employee is required to give at least 28 days' notice of the date she wants her SMP to start and should do this by completing the MAT01 form and submitting this to her manager.

Most of the employee's contractual terms and conditions, with the exception of those relating to pay, will remain unchanged and in force during the period of maternity leave. Depending on the employee's length of service, she may be eligible for one or a combination of:

- Statutory Maternity Pay or Maternity Allowance;
- Occupational Maternity Pay.

Once the employee returns to work, her salary will be paid according to the contract of employment that is in place at that time. If the employee requests to return to work on reduced hours, and this is agreed by the manager, her salary and other relevant terms and conditions will be pro rata to full-time hours from the date of her return. It is not an automatic right to return to work on reduced hours.

### **Statutory Maternity Pay**

The employee will be eligible for Statutory Maternity Pay (SMP) for a total of 39 weeks (known as the Maternity Pay Period) if she has given the required notification and:

- She has 26 weeks' continuous service with the Council by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC). This is known as the "qualifying week" and at least one day must be worked in it to count;
- She has not resigned or been dismissed before the beginning of the "qualifying week";
- Her average weekly earnings are equal to, or greater than, the lower earnings limit for national insurance contributions.

The diagram below shows how to identify the “qualifying week”.



*Diagram showing the qualifying week*

SMP can only be paid once the employee has commenced maternity leave.

If the employee returns to work before the end of her Maternity Pay Period (i.e. before the 39 weeks have elapsed), she will forfeit any outstanding SMP that would otherwise have been due.

SMP is not normally affected by [‘Keeping in Touch’ \(KIT\) days](#). KIT days are explained in more detail later in this policy.

Once the qualifying criteria have been met, SMP will be paid during maternity leave regardless of whether the employee returns to work or not after her maternity leave, or leaves work prior to commencing maternity leave.

SMP is treated as earnings and is subject to income tax and national insurance contributions. There are two rates of SMP:

- **Higher Rate SMP**  
Higher rate SMP is paid for the first 6 weeks of maternity leave. This is 90% of the employee’s average gross weekly earnings during at least the 8 weeks up to and including her last pay day before the end of her “qualifying week”.
- **Standard (or Lower) Rate SMP**  
Standard (or lower) rate SMP is payable for 33 weeks following the first 6 weeks of maternity leave. This is paid at a rate set by the government for the relevant tax year and will be whichever is the lower of SMP or 90% of the employee’s weekly earnings.

### **Maternity Allowance**

If the employee does not have 26 weeks’ continuous service with the Council by the end of the 15<sup>th</sup> week before her EWC, she is not entitled to receive SMP. However, she may be entitled to claim [Maternity Allowance](#) and, in these circumstances, the employee will be sent the appropriate claim form.

### **Occupational Maternity Pay**

Occupational Maternity Pay (OMP) is an additional payment of 12 weeks’ half pay , to be paid after the first 6 weeks of SMP or MA for employees not eligible for SMP, The employee is entitled to receive OMP provided that she:

- Has at least one year's continuous service with a local authority or other body contained within the [Redundancy Modifications Order](#) at the beginning of the 11<sup>th</sup> week before the expected week of childbirth; and
- Confirm in writing that she intends to return to work and completes 3 months' service immediately following the end of their maternity leave (regardless of whether she returns on a full-time or part-time basis).

If the employee qualifies for OMP, this can either be paid over 12 weeks alongside the standard (or lower) rate of SMP or as a lump sum in the first available payroll after she returns to work. The combined SMP and OMP must not exceed the amount that the employee would normally earn. If the employee has indicated from the outset that she does not intend to return to work, OMP will not be paid.

Where the employee does not return to work but has received OMP, she will be required to repay it in full. If the employee returns to work but fails to complete 3 months' service, she will be required to repay a proportion of her OMP. Please contact payroll for the calculation of any amount owed.

If an employee is made compulsory redundant having already received OMP and is unable to return to work for the 3 months' as a result, they will not be required to repay any OMP received during maternity leave unless they unreasonably refuse an offer of suitable alternative employment.

### **Withholding Maternity Pay**

Maternity pay can be withheld if the employee:

- Is taken into police custody or sent to prison;
- Continues working after childbirth;
- Dies;
- Works for another employer after childbirth or within the maternity pay period;
- Does not provide a MATB1 certificate (or doctor's letter);
- Gives late or no notification of her pregnancy and her intention to take maternity leave (unless there are mitigating circumstances such as hospitalisation).

The employee must notify her manager of any change in circumstances that affects her right to receive maternity pay.

A quick reference guide for maternity pay can be found at [Appendix B](#).

[Back to Contents](#)

## **Miscarriage, Stillbirth or Neo-Natal Death**

In the event that the employee has a miscarriage (i.e. before the 24<sup>th</sup> week of pregnancy), she will not be entitled to maternity leave or maternity pay. Her absence will be treated as sickness absence and normal sick pay provisions will apply.

If the employee has a stillbirth (i.e. after the beginning of the 24<sup>th</sup> week of pregnancy), she is entitled to receive full maternity leave and pay, which will commence on the day after the stillbirth occurred. The employee in this instance will also have the right to two weeks' paid bereavement leave.

If the baby is born alive but dies later, the employee is entitled to full maternity leave and pay.

Please refer to the leave arrangements policy for further information regarding bereavement leave entitlement.

[Back to Contents](#)

## Breastfeeding

The Council is committed to supporting mothers who wish to continue breastfeeding their baby or expressing milk following their return to work. Whilst there is no statutory requirement to provide facilities for this purpose, the Council is required to provide somewhere for breastfeeding mothers to rest and, where necessary, this should include somewhere to lie down.

Employees who wish to continue to breastfeed following their return to work should advise their manager of this in writing, ideally giving at least 28 days' notice so that steps can be taken to ensure that the employee returns to a safe and suitable working environment. Managers may wish to seek advice from a Health and Safety Advisor regarding any appropriate assistance that can be offered to the employee.

[Back to Contents](#)

## ADOPTION LEAVE AND PAY

### Pre-Adoption Leave

The Council allows the principle adopter up to 5 paid adoption appointments, and co-adopters up to 2 paid adoption appointments, for the purpose of attending pre-adoption appointments including meetings, assessments, training, etc. The leave may be taken in whole or part days.

The manager should complete the [Application for Pre-Adoption Leave Form](#) and return this to the Human Resources for inclusion on the employee's personal file.

[Back to Contents](#)

## UK Adoptions

### Adoption Leave

Statutory Adoption Leave is made up of 26 weeks' Ordinary Adoption Leave (OAL) followed by 26 weeks' Additional Adoption Leave (AAL).

An employee who adopts a child through an approved UK adoption agency is entitled to 52 weeks' Statutory Adoption Leave (SAL) provided they:

- Are the adopter of the child;
- Have notified the adoption agency of their agreement that the child should be placed with them;
- Notify their manager of their intention to take SAL within the required timescales; and
- Submit proof of the adoption (i.e. the matching certificate).

An employee is entitled to AAL provided that they meet criteria above, the period of OAL has not been disrupted and they have not been dismissed.

### **Requesting Adoption Leave**

An employee may start their Statutory Adoption Leave (SAL) on the day that the child is placed with them for adoption or up to 14 days earlier. SAL can start on any day of the week. Only one person in a couple can request adoption leave.

The employee is asked to discuss the timing of the adoption leave with their manager as early as possible in order to facilitate any cover arrangements that may be required during their absence.

The employee must provide their manager with written notification of their intention to take SAL using [form ADOPT01](#) no later than 7 days after the date on which notification of the match with the child was given by the adoption agency or, where that is not possible, as soon as reasonably practicable thereafter. The employee must specify:

- The date the child is to be placed with them for adoption; and
- The date they want the adoption leave to start.

The employee must also provide a matching certificate from the adoption agency as documentary evidence of their entitlement to adoption leave and pay.

If the employee fails to notify their manager within the required timescale without a reasonable excuse, it may be necessary to delay their SAL start date. Further advice is available from Human Resources.

The manager should forward the completed [ADOPT01](#) form and matching certificate to Human Resources as soon as possible. Human Resources will then write to the employee, within 28 days of the employee submitting their request, to confirm their SAL start date and the date on which the employee is expected to return to work if the full entitlement to SAL is taken. The employee may however choose to [return to work](#) at an earlier date.

The employee can change their mind about the date on which they want their SAL to begin, provided they give at least 28 days' written notice of the new date or, if that is not possible, they give notice as soon as reasonably practical. The Council will write to confirm the new arrangements within 28 days. Failure to comply with these notification requirements may result in it not being possible to change the SAL start date.

### **Adoption Pay**

The employee is entitled to Statutory Adoption Pay provided:

- They have at least 26 weeks' continuous service with the Council ending with the week in which they are notified of being matched with a child for adoption;
- Their average weekly earnings are not less than the lower earnings limit for national insurance contributions;
- They have submitted the necessary paperwork (i.e. form ADOPT01 and the matching certificate) within the required timescales;
- Another person is not already in receipt of SAP in relation to the adoption. In such circumstances, the employee may be entitled to [Statutory Paternity Pay](#) or [Additional Paternity Pay](#);
- They have elected to have SAP.

The employee will also be entitled to 12 weeks half pay (i.e. Occupational Adoption Pay) provided they:

- Have completed one year's continuous service with a local authority or other body contained within the Redundancy Modifications Order at the date of matching;
- Confirm in writing that they intend to return to work and subsequently complete three months service post return.

The Occupational Adoption Pay (OAP) can either be paid over 12 weeks during the Statutory Adoption Leave, after the first 6 weeks of SAP, or as a lump sum in the first available payroll after the employee returns to work. If the employee has indicated from the outset that they do not intend to return to work, OAP will not be paid. Failure to complete three months service will require repayment of all or a proportion of the 12 weeks half pay depending on the service completed. Please contact payroll for a calculation of any amount owed.

If an employee is made compulsory redundant, having already received OAP and is unable to return to work for the 3 months', as a result they will not be required to repay any OAP received during their adoption leave, unless they unreasonably refuse an offer of suitable alternative employment.

A quick reference guide showing the pay arrangements applicable throughout the adoption leave period is attached at [Appendix D](#).

[Back to Contents](#)

## Overseas Adoptions

### Adoption Leave

An employee who adopts a child from overseas qualifies for 52 weeks' Statutory Adoption Leave (SAL) provided they:

- Have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad;
- Have given the necessary notification to the Council within the required timescales; and
- Are the child's primary adopter.

### Official Notification

Official notification is written confirmation issued by or on behalf of the relevant UK authority stating that the authority is either prepared to issue a certificate to the overseas authority dealing with the adoption of the child or has issued a certificate and sent it to that authority. In either case, the certificate confirms that the adopter has been approved by them as being a suitable adoptive parent to adopt a child from overseas.

### Requesting Statutory Adoption Leave

An employee adopting a child from overseas must give written notification that they wish to take Statutory Adoption Leave (SAL) to their manager in three stages:

#### Stage 1

The employee must inform their manager of:

- The date on which they received official notification; and
- The date on which the child is expected to enter Great Britain.

Only one person in a couple can request adoption leave.

#### Stage 2

The employee must give their manager at least 28 days' notice of the actual date they want their SAL to begin. This notice can be given at Stage 1 if the employee knows the date.

The employee can change their SAL start date provided they give at least 28 days' written notice of the new date or, if that is not possible, they give notice as soon as reasonably practical. If the employee fails to comply with these notification requirements it may not be possible to accommodate their request.

#### Stage 3 (after the child has entered Great Britain)

The employee must inform their manager, using [form ADOPT01](#), of the date the child entered Great Britain within 28 days of the child's date of entry. If the employee is also claiming Statutory Adoption Pay (SAP), they will also need to provide evidence of the date of entry.

The manager should forward the completed ADOPT01 form and supporting evidence to Human Resources as soon as possible. Human Resources will then write to the employee, within 28 days of the employee submitting their request, to confirm their SAL start date and the date on which the employee is expected to return to work if the full entitlement to SAL is taken. The employee may however choose to return to work at an earlier date.

If the child does not enter Great Britain on the expected date, the employee must inform their manager as soon as reasonably practical as they will not be entitled to SAL or SAP.

### **Starting Adoption Leave**

The employee may start Statutory Adoption Leave (SAL) from either the date the child enters Great Britain or a fixed date (as notified to them by the relevant UK authority) no later than 28 days after the date on which the child enters Great Britain. SAL can start on any day of the week.

SAL cannot be used to cover the period the employee spends travelling overseas to arrange the adoption/visit the child. The employee should request annual leave or unpaid leave for these purposes.

The employee is asked to discuss the timing of the adoption leave with their manager as early as possible in order to facilitate any cover arrangements that may be required during their absence.

If the employee does not have an acceptable reason for failing to comply with the above notification requirements, the SAL start date can be delayed. Further advice should be sought from Human Resources.

### **Changing the Start Date of Statutory Adoption Leave**

The employee can change their intended SAL start date provided they notify their manager in writing of the new start date on whichever is the earlier of:

- 28 days before their original SAL start date; or
- 28 days before their new SAL start date.

If it is not possible to give this much notice, the employee should give as much notice as reasonably practical. If an employee fails to comply with the relevant notification requirements it may not be possible to accommodate their request. The Council will write to confirm the new arrangements within 28 days.

### **Adoption Pay**

When adopting a child from overseas the employee is entitled to receive Statutory Adoption Pay (SAP) provided they:

- Have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad;

- Have at least 26 weeks' continuous service with the Council either ending with the week they receive the official notification or the time they want their SAP to begin, whichever is the later;
- Have given at least 28 days' notice (or as much as is reasonably practical) of the date from which they want payment of SAP to begin;
- Their average weekly earnings are at or above the lower earnings limit for national insurance contribution that applies at the later of either the end of the week in which they receive official notification or the end of the week in which they complete 26 weeks' service; and
- Are the child's primary adopter.

If an employee fails to comply with the relevant notification requirements they may not be entitled to SAP or its payment may be delayed.

The employee must provide the following evidence to demonstrate their entitlement to SAP:

- A copy of the official notification at least 28 days before they want their SAP to start;
- A declaration that they are claiming SAP and not Statutory Paternity Pay; and
- Evidence of the child's date of entry into Great Britain, such as a plane ticket, passport stamp or copies of entry clearance documents. The manager must take a copy of the evidence provided and forward it to Human Resources for retention on the employee's personal file.

The employee will also be entitled to 12 weeks half pay (i.e. Occupational Adoption Pay) provided they:

- Have completed one year's continuous service with a local authority or other body contained within the Redundancy Modifications Order at the date of matching;
- Intend to return to work and complete three months' service post return.

The Occupational Adoption Pay (OAP) can either be paid over 12 weeks during the Statutory Adoption Leave or as a lump sum in the first available payroll after the employee returns to work. If the employee has indicated from the outset that they do not intend to return to work, OAP will not be paid. Failure to complete three months service will require repayment of all or a proportion of the 12 weeks half pay depending on the service completed. Further information is available from payroll services.

If an employee is made compulsory redundant, having already received OAP and is unable to return to work for the 3 months', as a result they will not be required to repay any OAP received during their adoption leave, unless they unreasonably refuse an offer of suitable alternative employment.

A quick reference guide showing the pay arrangements applicable throughout the adoption leave period is attached at [Appendix C](#).

## Employees Not Eligible for Statutory Adoption Leave and Pay

An employee will not be eligible for Statutory Adoption Leave (SAL) or Statutory Adoption Pay (SAP) if they have:

- Arranged a private adoption;
- Become a special guardian;
- Adopted a stepchild.

However, an employee who is adopting a child who does not qualify for SAL or SAP may, if they wish:

- Apply for unpaid leave; or
- Request annual leave for a short period of unpaid leave, in which case the normal procedure for requesting leave should be followed.

[Back to Contents](#)

## Surrogacy

An employee who becomes a parent through surrogacy arrangements is not entitled to Maternity Leave and Pay.

From 5 April 2015, parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008 will be able to take adoption leave and pay and paternity leave and pay (birth or adoption), if each parent meets the normal qualifying conditions.

For babies due on or after 5 April 2015, qualifying parents will also be entitled to take shared parental leave for a year from the birth.

Employees will be entitled to shared parental leave upon becoming a parent, providing that:

- They intend to apply for a parental order when the child is living with them (where one parent is genetically related) or adopt the child (where there is no genetic relationship).
- They meet the qualifying criteria shown in the Shared Parental Leave section below.

An employee acting as a surrogate would have an entitlement to full maternity leave, pay and provisions as any other pregnant employees.

## MATERNITY / ADOPTION SUPPORT LEAVE (PATERNITY LEAVE)

The legal provisions relating to Ordinary Paternity Leave and Pay co-exist with the Council's provisions for Maternity/Adoption Support Leave.

### Ordinary Paternity Leave

A maximum of two consecutive calendar weeks may be taken by the biological father or the spouse/partner/civil partner of a mother/primary adopter within 56 days of the birth of the child or adoption placement (NB inclusive of school holidays).

To qualify for Ordinary Paternity Leave (OPL), the employee must:

- Have at least 26 weeks' continuous service with the Council by the end of the 15th week before the expected week of childbirth or the week in which the child is placed for adoption;
- Be either the child's father, the mother's spouse/partner/civil partner, or one of a couple jointly adopting a child;
- Have the main responsibility (apart from the responsibility of the mother/primary adopter) for the upbringing of the child; and
- Be taking time off work to help care for the child or to support the child's mother/primary adopter.
- Not have taken shared parental leave prior to ordinary paternity leave.

The employee is entitled to receive 2 weeks' at full pay provided the leave is taken consecutively within the first 56 days' of the birth/adoption placement. Pay will be offset against their entitlement to SPP.

#### Requesting Ordinary Paternity Leave

An employee wishing to apply for Maternity/Adoption Support Leave must complete the [e-form](#) Notice of Paternity Leave. This informs Human Resources of their intention to take paternity leave and the proposed date. Human Resources will forward a copy of this form to payroll and write to the employee enclosing a copy of the Application for Maternity/Adoption Support [OPL01](#) and HMRC SC3 form. The e-form and OPL01 should be completed at least 15 weeks before the expected week of birth or 7 days after the date of adoption matching notification.

The OPL01 form should be completed by the employee upon receipt and returned to Human Resources. Human Resources will send a copy to payroll.

The SC3 form should be completed as soon as the baby is born; stating the actual dates the employee requires leave from the child's actual date of birth/original

expected date of birth if the child is born early/date of adoption placement. This form should be returned to payroll.

**Variation to start date** ([Back to Top](#))

The employee can change their mind about the date on which they want the OPL to start provided they give at least 28 days' written notice of the new date or, if that is not possible, they give notice as soon as reasonably practicable.

An employee who is intending to take Shared Parental Leave **must** ensure that any period of OPL is taken before any period of Shared Parental Leave; otherwise they will lose their entitlement to OPL.

[Back to Contents](#)

## SHARED PARENTAL LEAVE

Shared Parental Leave (SPL) is a period of up to 50 weeks' leave and 37 weeks statutory pay. This can be shared between the spouse/partner/civil partner of a mother/primary adopter once the mother/primary adopter has given notice to curtail their maternity leave and pay or adoption leave and pay to create the entitlement to shared parental leave and pay. This is provided that the maximum period of maternity or adoption leave has not been taken by the mother/primary adopter.

A mother must take at least 2 weeks of maternity leave after the birth of her child before maternity leave can be curtailed or she can return to work. An adopter, or the parental order parent in surrogacy, must take at least 2 weeks of adoption leave before it can be curtailed. Similarly, a mother or adopter must take at least 2 weeks of statutory maternity or adoption pay.

Once an employee has notified you of their entitlement to take shared parental leave, they will also have to submit a notice to entitlement and intention to take SPL/SPP at least 8 weeks before the leave can be taken by completing form [SPL01](#). Additionally a notice to book leave ([form SPL02](#)) must also be given at least 8 weeks before the leave can be taken. Both forms can be submitted at the same time.

SPL does not have to be taken in one continuous period but must be taken within the first 52 weeks of the child's birth or adoption placement, ending the day before:

- the child's first birthday or
- the first anniversary of the date on which the child was placed for adoption (or entered Great Britain in the case of overseas adoptions).

The leave can be taken consecutively or concurrently, but the total time taken by both parents cannot exceed 52 weeks. This includes the 2 weeks of maternity or adoption leave that must be taken by the mother/primary adopter.

**Example:** A mother could end her maternity leave after 12 weeks, leaving 40 weeks of the total 52 week entitlement available for SPL. If both the mother and her partner are eligible, they can share the 40 weeks. They can take the leave at the same time or separately.

Provided that SPL is taken within the required period, there can be a gap between the end of the Maternity Leave and the beginning of Shared Parental Leave.

Leave can be taken in a minimum of one week blocks. If an employee chooses to take part of a week, this should be treated as a whole week.

For the purposes of shared parental leave a “partner” is defined as the father of the child, the mother’s spouse, civil partner or partner.

### **Eligibility for Shared Parental Leave**

**For a mother/primary adopter of a child to be eligible to take SPL they must:**

- Have at least 26 weeks’ continuous service with their employer by the end of the 15<sup>th</sup> week before the expected week of childbirth or the week in which notification is given for the child to be placed for adoption;
- Remain in this employment until the week before any period of SPL commences;
- Have the main responsibility (apart from the responsibility of their partner) for the care of the child at the date of birth or adoption placement;
- Are entitled to Statutory Maternity Leave or Statutory Adoption Leave in respect of the child;
- Have curtailed their Statutory Maternity Leave or Statutory Adoption Leave by returning to work or providing a curtailment notice not less than 8 weeks before or returned to work; and
- Notified their manager of their intention and entitlement to take SPL within the required timescales and provided the necessary evidence.

The partner must also satisfy the following requirements for the mother to be entitled to SPL:

- Their partner must have been employed or self-employed during at least 26 of the 66 weeks before the expected week of childbirth or the week in which the child is placed for adoption (or enters Great Britain in the case of overseas adoptions);
- Their partner must have average weekly earnings of at least £30 for any 13 of those 66 weeks (i.e. at least £30 per week average in the highest earning 13 weeks); and
- Their partner must have the main responsibility (apart from the responsibility of the mother/primary adopter) for the care of the child at the date of birth or adoption placement.

**For the partner of the mother/primary adopter to be eligible to take SPL they must:**

- Have at least 26 weeks' continuous service with their employer by the end of the 15<sup>th</sup> week before the expected week of childbirth or the week in which notification is given for the child to be placed for adoption;;
- Remain in this employment until the week before any period of SPL commences;
- Have the main responsibility (apart from the responsibility of mother/primary adopter) for the care of the child at the date of birth or adoption placement;
- Notified their manager of their intention and entitlement to take SPL within the required timescales and provided the necessary evidence.

The mother/primary adopter must also satisfy the following requirements for the partner to be entitled to SPL:

- The mother/primary adopter must have been employed or self-employed during at least 26 of the 66 weeks before the expected week of childbirth or the week in which the child is placed for adoption;
- The mother/primary adopter must have average weekly earnings of at least £30 for any 13 of those 66 weeks;
- The mother/primary adopter must have the main responsibility (apart from the responsibility of their partner) for the care of the child at the date of birth or adoption placement;
- The mother/primary adopter must be entitled to Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance, Statutory Adoption Leave or Statutory Adoption Pay, in respect of the child; and
- The mother/primary adopter must have curtailed their Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance, Statutory Adoption Leave or Statutory Adoption Pay or returned to work.

**For both parents to qualify to share the leave both sets of criteria must be fulfilled.** It is not necessary for the mother/primary adopter and their partner to both be employed by the Council in order to qualify for SPL.

In certain circumstances, only one parent may be eligible for SPL. If so, they cannot share the leave with their partner however they would be able to use SPL to book leave that they do take in separate blocks.

There is no additional entitlement to SPL where more than one child is born as a result of the same pregnancy or more than one child is placed for adoption at the same time.

### **Curtailing Maternity or Adoption Leave and Pay**

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption leave entitlements.

An eligible employee who wants to take SPL or enable their eligible partner to take SPL, should end the maternity or adoption leave as outlined below:

- End the maternity or adoption leave period by returning to work before the leave period ends by giving 8 weeks' notice in writing; or
- Give notice to end the maternity or adoption leave on a date in the future that is specified by the mother/primary adopter. This notice must be given in writing at least 9 weeks before her 52 weeks of maternity/adoption leave is due to end.

### **Notification of Entitlement to Shared Parental Leave**

It is for the employee to opt in to the Shared Parental Leave scheme. The timing and periods of leave must be agreed with the employee's line manager. The employee must complete form [SPL01](#) to give their notification of entitlement and intention to take SPL, and submit it to their manager at least 8 weeks (except if the child is born early) before they would like their Shared Parental Leave to start, along with:

- The name and address of their partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead), and

Within 14 days of the Notice of Entitlement and Intention to Take Shared Parental Leave (SPL01) form being submitted, the employee should provide the following as evidence of their entitlement to SPL:

- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the date and location of the birth and statement that the birth certificate has not been issued yet).
- If the child has not been born, a copy of the child's birth certificate must be provided within 14 days of the birth (or, where one has not been issued, a declaration as to the date and location of the birth and statement that the birth certificate has not been issued yet).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

The manager should forward the completed [SPL01](#) form and birth certificate / adoption document to Human Resources as soon as possible. Human Resources will then write to the employee, within 14 days of the employee submitting their evidence, to confirm their entitlement to SPL and SSPP. If an employee fails to comply with the relevant notification requirements they may not be entitled to SPL or its payment may be delayed.

SPL can start for the partner while the mother or adopter is still on maternity or adoption leave. They must have given binding notice to end the leave.

### **Booking Shared Parental Leave**

In addition to the Notice of Entitlement and Intention to Take Shared Parental Leave ([SPL01](#)), an employee must also give Notice to Take or Vary a Period of Shared Parental Leave ([SPL02](#)). This can be given at the same time as form SPL01. Form SPL02 must be submitted at least 8 weeks before any period of leave would begin.

If the child has not yet been born then a booking can specify that it will commence after a period of time following birth. For example, an employee could book 2 weeks' leave to begin "2 weeks after the child's birth".

The employee has the right to submit 3 notifications specifying leave periods they are intending to take. These can be for continuous or discontinuous periods of leave. Additional requests to change a period of leave may only be made at the agreement of the line manager.

Human Resources will write to confirm the arrangements within 28 days.

### **Continuous Leave Notifications**

A notification can be for a period of continuous leave, which is notification of a number of weeks to be taken in a single unbroken period (for example, 8 weeks in a row). A continuous block of leave must not exceed the total number of weeks of SPL available to the employee. The employer must have been given at least the required 8 weeks' notice.

A request for a continuous block of leave must be granted providing that notice requirements have been complied with.

An employee can submit up to 3 separate notifications for continuous periods of leave.

The manager should forward the completed [SPL02](#) form and supporting documentation to Human Resources as soon as possible. Human Resources will then write to the employee, within 14 days of the employee submitting their request, to confirm their SPL start date and the date on which the employee is expected to return to work.

### **Discontinuous Leave Notifications**

The employee can request a single notification for 2 or more periods of discontinuous leave. (example, an employee may take 6 weeks of SPL and work every other week for a 3 month period.)

If an employee submits an application to take SPL in discontinuous blocks of leave, this request can be refused if there are valid operational reasons (e.g. a number of other employees are already scheduled to be absent). The manager must meet with the employee to discuss further and if agreement cannot be reached the employee

20

must be advised of this within 14 days of receiving the initial request. The Manager should notify Human Resources who will write to confirm if a period of discontinuous leave is refused. In these circumstances the employee can withdraw their request, agree alternative dates with their manager, or take the leave requested in one block. The manager may also suggest alternative arrangements in respect of the requested period of SPL.

If the manager and employee cannot reach agreement over periods of shared parental leave, the leave will default to a single block of leave, to commence on a date specified by the employee, or the employee can withdraw the request within 15 days of giving it.

### **Variation of Notice of Intention to take Shared Parental Leave**

An employee may give written notice to request a variation on the period of leave requested. The process for this is the same manner in which a request should ordinarily be made. Eight weeks' notice should be given for a variation request, unless there is a clear and justifiable reason why eight weeks' notice cannot be given. A request for a variation to a continuous block of leave must be granted providing that notice requirements have been complied with.

### **Meeting to Discuss a Shared Parental Leave Request**

Upon receiving a leave booking notice the manager may arrange a meeting to discuss it further. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can be approved without the need for further discussion and in line with the employee's intentions, a meeting may not be necessary.

Where a meeting is arranged it should take place between the manager and the employee. The employee may be represented by a work colleague or Trade Union representative.

The purpose of the meeting is to discuss the leave proposed in detail and what will happen whilst the employee is away from work on SPL. Where the request is for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Council, and what the outcome may be if no agreement is reached in accordance with the section on Discontinuous Leave outlined above.

### **Cancelling the Decision to end Maternity or Adoption Leave**

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- The planned end date hasn't passed
- They haven't already returned to work

One of the following must also apply:

- The parent discovers during the 8 week notice period that they do not qualify for SPL;
- The mother gave notice before the birth of the child – she can change her mind up to 6 weeks after the birth;
- The employee's partner has died.

Human Resources will confirm any agreed change(s) of date in writing within 28 days of receiving the employee's request.

### **Withdrawal of Shared Parental Leave Request**

The employee must advise the Council in writing if their circumstances change and they:

- Are the mother/primary adopter and no longer wish to take SPL;
- Are a partner who no longer has the main responsibility for the child's upbringing (apart from the responsibility of the mother/primary adopter).

Where either of these applies the employee will not be entitled to SPL.

### **Death of the Mother/Partner/Civil Partner, Primary Adopter or Child before maternity/adoption leave and pay is curtailed**

In the event of the death of the mother/primary adopter before the end of their maternity/adoption pay or allowance period, an eligible partner will be able to share the remaining amount of 52 weeks SSPL and 39 weeks SSPP not taken by the mother.

If the mother/primary adopter dies without having taken any maternity/adoption leave or pay/maternity allowance, the eligible partner will then be entitled to the full 52 weeks of leave and 39 weeks of shared parental leave and pay.

If the mother/primary adopter has given notice and then withdrawn it before her death, any shared parental leave and pay the partner has taken would need to be deducted.

Where the mother/primary adopter's partner or the child's father dies before the mother/primary adopter has ended their maternity/adoption leave period and pay/allowance, the mother/primary adopter will remain on maternity/adoption leave and pay/allowance. The mother/adopter will not be eligible to take shared parental leave in this circumstance.

If the child dies before the mother/adopter has brought forward the date on which their maternity/adoption leave period ends, the mother/adopter and their partner will not be allowed to opt into shared parental leave and pay. The mother/primary adopter will retain their entitlement to maternity leave and pay/allowance and the partner will retain any entitlement to paternity leave and pay.

## **Death of the Mother/Partner/Civil Partner, Primary Adopter or Child after maternity/adoption leave and pay is curtailed**

If the mother/primary adopter has given notice to end maternity leave and pay/allowance, but has not returned to work and the curtailment date has not passed, the mother/primary adopter may withdraw the curtailment notice in the event of the mother/primary adopter's partners or child's father's death. In this circumstance the mother/primary adopter will continue on maternity/adoption leave.

Alternatively, the mother/primary adopter can choose to retain the right to shared parental leave and pay. Any untaken leave and pay that was available to the couple will default to the mother/primary adopter. The mother/primary adopter will need to notify the Council of the additional weeks of shared parental leave added to their entitlement.

If the mother/primary adopter dies after bringing forward the end date of maternity/adoption leave, the available shared parental leave and pay will default to the mother/primary adopter's or child's father if they meet the eligibility criteria.

The partner will be entitled to the mother/primary adopter's untaken shared parental leave and pay, where the mother/primary adopter has notified their employer of this entitlement. In this circumstance the partner will need to notify the Council of the additional weeks of shared parental leave and/or pay transferring by variation notice to their original entitlement.

If the child dies after the parents have opted into shared parental leave and/or pay, they will be entitled to take the leave and pay that they had booked before the child's death. Any remaining shared parental leave and pay that has not been booked will be no longer available to the parents.

**Where the mother/primary adopter has died, the requirement for the partner to give 8 weeks' notice of entitlement to shared parental leave and pay and 8 weeks' notice to book leave does not apply. The Council should be notified as soon as is reasonably practicable that the employee is entitled to and would like to book the first period of leave. If the leave is taken in discontinuous blocks, subsequent notices to take shared parental leave will remain subject to 8 weeks' notice.**

**In addition, where the mother/primary adopter or partner has already used the 3 notices to book or vary a period of leave, they acquire a statutory right to make a 4<sup>th</sup> notification.**

[Back to Contents](#)

## **Statutory Shared Parental Pay**

Employees are eligible to receive Statutory Shared Parental Pay (SSPP) provided:

- They are eligible for shared parental leave by fulfilling the relevant criteria,

- The employee receiving the SSPP has earnings that are above the lower earnings limit for national insurance purposes for the 8 weeks before the 15<sup>th</sup> week before the expected week of child birth or the week in which the adopter is matched with the child for adoption.

There is no entitlement to occupational pay for any period of Shared Parental Leave (SPL).

Entitlement to SSPP ceases 39 weeks from the date on which the mother/primary adopter commenced ordinary maternity/adoption leave regardless of when SPL commenced. Any leave taken after this date is therefore unpaid.

SSPP is payable whether or not the employee intends to return to work after their period of SPL and will be paid at the rate set by Government at that time. If an employee fails to comply with the relevant notification requirements they may not be entitled to SSPP or its payment may be delayed.

### **Fraudulent Claims for Shared Parental Leave and Pay**

The Council can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Council's disciplinary procedure.

[Back to Contents](#)

## Parental Leave

### **Parental Leave**

Parental leave is the right for employees to take **unpaid** time off to look after a child or make arrangements for the child's welfare. Examples of why an employee may wish to take parental leave include:

- Spending more time with the child;
- being with the child whilst he/she settles into new childcare arrangements;
- remaining with the child during a period of hospitalisation.

### **Length of Parental Leave Entitlement**

An employee is entitled to 18 weeks unpaid parental leave for each child born or adopted. The leave can be taken up to the child's 18<sup>th</sup> birthday. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later.

Parental leave should be taken in blocks of one week, and should not be taken as individual days, unless agreed by management or where the child is disabled. A maximum of 4 weeks leave can be taken for each child in any one year.

A year is defined as being 12 months from the date the employee first becomes eligible to take parental leave for the child in question. Each successive 12 months runs from the anniversary of this date.

A week is defined as a normal working week based on an employee's working pattern.

### **Eligibility for Parental Leave**

Under the legislation, to be eligible for parental leave, employees must have one year's continuous service. They should have, or expect to have, parental responsibility for the child and must be named on the child's birth or adoption certificate.

However, the Council has taken the decision to extend parental leave to any employee who can demonstrate that they are, or will be, the main carer of the child. Further advice should be taken from Human Resources.

Employers are entitled to see evidence to confirm that the employee is the parent or the person who is legally responsible for the child. Employees may be asked to provide evidence of their eligibility to take parental leave, which could include:

- Child's birth certificate;
- Documents confirming the child's adoption or date of commencement for the adoption placement;
- Child's entitlement to Disability Living Allowance.

The above list is not exhaustive but gives examples of evidence that may be used to prove an employee's eligibility to take parental leave. Failure to provide such proof on request may lead to parental leave being refused.

### **What if there is more than one child?**

Parental leave is for each child. If there is more than one child, each parent is entitled to 18 weeks for each child.

### **Period of Notice**

#### All employees

Employees are required to give at least 21 days' notice in writing of their request to take parental leave specifying the dates on which the leave is to start and end. Managers should give sympathetic consideration to requests for parental leave without full notice.

#### Expectant fathers

If the employee is the father of the child and wishes to take the leave to coincide with the birth of the child he must give 21 days' written notice of the expected week of the birth and of the duration of any period of leave requested. Managers should give sympathetic consideration to requests for parental leave without full notice.

#### Adoptive parents

If the child is being adopted, written notice must be given 21 days before the week in which the placement is expected to take place or as soon as reasonably practicable thereafter, specifying the expected date of placement and the duration of the period of leave being requested. Managers should give sympathetic consideration to requests for parental leave without full notice.

### **Can the leave be postponed?**

The Council can postpone the leave if there are significant operational reasons why it cannot be taken at the time requested (except where the leave has been requested by the father or partner to start immediately after the birth or adoption placement). Where this is the case the manager should discuss alternatives with the employee.

The manager will write to the employee outlining the reasons for the postponement in writing within 7 days of the request and suggest alternative dates when the leave may be taken. Where it is necessary to defer the leave request the manager will suggest dates within 6 months of the original commencement date subject to this being prior to the child's 18<sup>th</sup> birthday. Any leave can only be postponed once.

Potential reasons for postponing a request for parental leave are:

- The work is at a seasonal peak
- A significant proportion of the workforce requests leave at the same time
- The employee's role is one where his/her absence at a particular time would be detrimental to service provision

### **Carryover of Parental Leave from previous employer**

Employees can carry over the untaken parental leave from a previous employer, but not until they have one year's continuous service. Parental leave does not re-start if an employee obtains alternative employment within the Council.

### **Contract of Employment**

The employee remains in the employment of the Council regardless of the duration of parental leave.

Payment of salary and other contractual benefits (e.g. sickness pay and any contractual allowances) are suspended during the period of the parental leave.

If an employee be entitled to a salary increment during the period of parental leave this will be reflected in the first salary payment after parental leave. The employee will not be entitled to back pay for the period of unpaid parental leave.

Employees' continuous service is not affected by any period of parental leave.

If a restructure occurs during the period of parental leave, the employee should receive equal consideration with regard to communication and consultation as affected employees who are at work. The Organisational Change Policy will be applicable in this circumstance.

Employees will normally return to the same job on no less favourable terms and conditions of employment except where a restructure has taken place which precludes that.

Parental leave is in addition to entitlements under maternity, paternity and adoption leave provisions.

### **Notification of parental leave**

The manager should notify Human Resources when unpaid leave is taken to ensure that the appropriate amount is deducted from the employee's salary.

### **Other types of working and leave arrangements**

Please consult the Flexible Working Time (NJC) and Flexible Working Hours (Flexitime) (JNC) Policy for alternative types of working arrangements and leave arrangements provisions.

[Back to Contents](#)

## **GENERAL INFORMATION**

### **Returning to Work**

#### **Returning from Maternity Leave or Adoption Leave**

An employee may take the full 52 weeks Statutory Maternity Leave (SML) or Statutory Adoption Leave (SAL) and if so must return to work on the date stated in the letter acknowledging their leave request. The employee need not therefore give notice of their date of return.

If they do not return at the end of SML/SAL, this will be treated as unauthorised absence (unless they are ill and provide a medical certificate before the end of the SML/SAL period).

If an employee returns to work at the end of their Ordinary Maternity Leave or Ordinary Adoption Leave, they are entitled to return to the same job on the same terms and conditions.

If an employee returns to work at the end of their Additional Maternity Leave or Additional Adoption Leave, they are entitled to return to the same job, but if that is not reasonably practicable, to another suitable job on comparable terms and conditions.

#### **Returning Before the End of Maternity Leave**

An employee may return to work earlier than the end of their maternity leave period. The Council encourages employees to give 8 weeks written notice. However, as a minimum she must inform her manager in writing at least 21 days before the intended return date. Where the notice given is less than 21 days the employer may

27

postpone the return to ensure 21 days' notice, but not beyond the end of the maternity leave period.

### **Returning Before the End of Statutory Adoption Leave**

An employee may return to work earlier than the end of their SAL, at any time during their Ordinary Adoption Leave or Additional Adoption Leave, provided they give their manager 8 weeks' written notice of the date they intend to return.

### **Changing the Return Date during Maternity/Adoption Leave**

If the employee has already notified their manager of their intended date of return and then changes their mind, the Council asks that the employee gives 8 weeks' notice of the change of date. However, as a minimum the employee must give 21 days' notice of the new date, if this is **earlier** than the original return to work date that the employee notified the Council of. If the employee proposes to return **later** than the original date, they must give notice of the new return date 21 days before the original return date. The employee may change their mind more than once, but must give the relevant notice each time.

The employee can delay the return to work by taking any outstanding annual leave they may already have earned but not taken prior to commencing maternity or adoption leave, together with the annual leave which has accrued during their absence. Normal annual leave approval and booking arrangements apply.

### **Deferring the Decision to Return**

The employee may defer their decision about returning to work until after the birth/adoption of their baby. In these circumstances, the employee's 12 weeks' Occupational Maternity or Adoption Pay will be withheld until after they return to work. If the employee confirms that they do not intend to return to work they will not be eligible for the 12 weeks' Occupational Maternity or Adoption Pay.

### **If the Adoption Placement Fails**

If after the employee's Statutory Adoption Leave (SAL) has begun, the expected placement does not occur, or once the placement has started, the child dies or returns to the adoption agency, the employee is entitled to SAL and Statutory Adoption Pay for up to 8 weeks after the placement ends. The employee is also required to give 8 weeks' written notice that they will be returning to work earlier than intended.

### **Early Return to Work from Additional Paternity Leave**

If an employee wishes to return to work earlier than the date specified in their [APL01 form](#), they must give at least 8 weeks' notice of their new return date. If less than 8 weeks' notice is given, and the new date cannot reasonably be accommodated, the Council has the right to delay the return date to ensure that 8 weeks' notice has been given.

### **Early Return to Work from Shared Parental Leave**

If an employee wishes to return to work earlier than the date specified in their [SPL01 form](#), they must give at least 8 weeks' notice of their new return date. If less than 8 weeks' notice is given, and the new date cannot reasonably be accommodated, the

28

Council has the right to delay the return date to ensure that 8 weeks' notice has been given.

### **Delayed Return Due to Sickness**

If the employee is unable to return to work at the end of their maternity, adoption or shared parental leave owing to sickness, they must provide a medical certificate. Normal sickness absence reporting arrangements will apply.

This provision applies whether or not the employee has taken their full entitlement to leave or has notified their manager of the date of return.

**IMPORTANT NOTE: Since arrangements may have been made to cover the employee's absence on maternity, adoption, additional paternity leave or shared parental leave the employee is requested to give as much notice as possible.**

[Back to Contents](#)

## **If the Employee Does Not Return to Work**

If the employee decides that they will not be returning to work at the end of their maternity leave, adoption leave or shared parental leave, they must notify their manager in writing of their decision to resign. The resignation will take effect on the date the maternity leave, adoption leave or shared parental leave would otherwise have ended. Normal contractual notice periods will apply.

## **Pension Contributions**

For an employee who is a member of the Local Government Pension Scheme, pension contributions will continue to be deducted each month from their salary during the **paid** period of their maternity leave, adoption leave, additional parental leave or shared parental leave. Contributions will be based on the levels of pay applicable at the various stages of their leave. When an employee enters a period of **unpaid** leave (applies to maternity leave, adoption leave, parental leave and shared parental leave), it will not be possible to collect pension contributions.

### **Local Government Pension Scheme Members**

Members of the Local Government Pension Scheme are able to make up "missing" contributions on their return to work so that the period of service concerned can be counted for pension purposes. An employee wishing to make up their contributions must notify the Pension Section and Payroll Section of their decision by completing and returning the relevant [Additional Pension Contributions Form](#) **within 30 days of their return to work**. The outstanding contributions can be paid either as a lump sum or, by agreement, in instalments.

Where a member who is paying into the 50/50 scheme enters a period of unpaid maternity leave, ordinary adoption leave or paternity leave they will be automatically

moved back into the main LGPS scheme. Any questions should be raised directly with the Pension Section.

[Back to Contents](#)

## Continuous Service

For employees employed under the conditions of service of the National Joint Council for Local Government Services, where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants, they will be entitled to have previous service taken into account in respect of occupational sickness and maternity schemes provided that the break in service does not exceed 8 years and that no permanent paid full-time employment has intervened. For the purpose of the calculation of entitlement to annual leave, the 8 years' time limit does not apply provided that no permanent full-time employment has intervened.

[Back to Contents](#)

## Keeping in Touch (KIT) and Shared Parental Leave in Touch (SPLIT) Days

Keeping-in-touch (KIT) days are intended to help the employee keep in touch with their workplace during statutory maternity leave (SML) or statutory adoption leave (SAL).

An employee may undertake up to, but not exceeding, 10 KIT days during SML or SAL without bringing their leave to an end or affecting their statutory maternity pay (SMP) or statutory adoption pay (SAP) - see note below. KIT days can be worked separately or in a block, and either as full or part days, by agreement between the employee and their manager. Any part day working will count as a full day for the purposes of KIT AND SPLIT days.

When an employee has shared parental leave they can undertake up to 20 shared parental leave-in-touch days (SPLIT) during shared parental leave (SPL) without bringing the leave to an end. Both parents have up to 20 SPLIT days each, which can be taken as single days or in blocks of days. This is in addition to the 10 keeping-in-touch (KIT) days available to the mother or primary adopter during maternity leave or adoption leave. The right to the 10 KIT days will end when the maternity or adoption leave ends and cannot be used during SPL.

KIT and SPLIT days cannot be taken during the Compulsory Maternity Leave (CML) period. KIT and SPLIT days can be used, for example, to undertake work, attend a training course, team meeting or Personal Development Review meeting, or to participate as a member of an interview panel.

The employee is paid at their normal rate of pay for the hours/days worked as KIT or SPLIT days and this will be offset against any statutory payments and any occupational maternity or adoption scheme payments due to the employee at the

30

time the KIT or SPLIT day is undertaken. The hours worked should not exceed the employee's normal weekly contracted hours. The manager is responsible for completing and certifying a [KIT/SPLIT form](#) for payment of the hours/days worked.

**Important Note:** If an employee has worked 10 KIT and 20 SPLIT days and then does further work for the Council during their SML, SAL or SPL, they will lose SMP, SAP or SSPP for each week in which they work. For example, if an employee works their 10<sup>th</sup> KIT day and then does a further day's work in the same week, they will lose SMP, SAP for that week. In this context, a week means any period of 7 days (e.g. if the employee's SMP, SAP or SSPP started on a Thursday, a week will run from Thursday to Wednesday).

The Council cannot require an employee to undertake KIT or SPLIT days and an employee does not have any entitlement to be offered them. The amount and type of work that is to be done should be mutually agreed between the employee and their manager, subject to the above provisions.

### **Contact during Maternity Leave, Adoption Leave, Additional Paternity Leave or Shared Parental Leave**

A manager is entitled to make reasonable contact with the employee during their leave (e.g. to discuss plans for returning to work or whether the employee might be seeking to change their hours of work or pattern of working). **The employee will also need to be kept up-to-date about any changes that may be taking place in the Council.**

Details of job vacancies are available on the Council's website. If there are vacancies within the employees service area that may be suitable for the employee on maternity leave, managers should notify the employee. If an employee is unable to access the website and would like to receive information on vacancies, managers can arrange this on request.

### **Casual Employment**

The employee should not undertake casual employment with another employer or through an agency during their maternity leave, adoption leave, additional paternity leave or shared parental leave as their earnings could affect their entitlement to maternity pay, adoption pay or shared parental pay.

[Back to Contents](#)

## **Statutory Right to Request Flexible Working**

The employee has a statutory right to request flexible working, which could be returning on reduced hours, on a different working pattern or to a different work location.

Detailed information about the Statutory Right to Request Flexible Working is available on the intranet by clicking [here](#).

## Annual Leave and Public Holidays

Employees are encouraged to take any outstanding annual leave they have accrued but not yet taken before starting their maternity leave, adoption leave, additional paternity leave or shared parental leave.

During their leave, the employee will continue to accrue annual leave together with any public holidays that fall during this period.

The employee may take in full the leave that has accrued during the period of maternity leave, adoption leave or shared parental leave. However, the employee is not permitted to carry forward excess leave beyond the first year after their return into subsequent annual leave years outside of the policy for carrying forward leave.

[Back to Contents](#)

## Essential Car User Allowance

An employee with essential car user status will continue to receive the essential car user lump sum throughout their maternity, adoption or shared parental leave period.

## Child Care Vouchers

The Government has introduced tax-free childcare as its long-term replacement for the childcare voucher scheme.

Employees who are currently receiving childcare vouchers will be able to continue to do so for as long as the Council runs the scheme. Further information on the scheme is available from Computershare Voucher Services at [www.computersharevoucherservices.com](http://www.computersharevoucherservices.com).

If an employee already participates in the Council's child care vouchers scheme, they will continue to be eligible to receive child care vouchers during their maternity, adoption or shared parental leave, including the unpaid period.

Employees who are not able to access childcare vouchers may be eligible for tax free childcare. Further information on the scheme and details on how to apply are available at [tax free childcare](#).

[Back to Contents](#)

## APPENDIX A - Glossary of Terms and Abbreviations

<b>AAL</b>	Additional Adoption Leave
<b>Additional Maternity Leave</b>	26 weeks' leave following the period of Ordinary Maternity Leave
<b>ADOPT01</b>	Adoption leave and pay request form
<b>AML</b>	Additional Maternity Leave
<b>Childbirth</b>	The live birth of a child or a stillbirth after a pregnancy lasting at least 24 weeks
<b>CML</b>	Compulsory Maternity Leave
<b>Compulsory Maternity Leave</b>	The 2 weeks immediately following the birth when the employee is not permitted to work (included in the Ordinary Maternity Leave period)
<b>EWC</b>	Expected week of childbirth
<b>Expected week of childbirth</b>	The week beginning at midnight between Saturday and Sunday in which the baby is due to be born
<b>MATB1 Certificate</b>	The certificate issued by a doctor or midwife showing the date that the baby is due (available from the 20 <sup>th</sup> week before the expected week of childbirth)
<b>KIT days</b>	Keeping-in-touch days
<b>MA</b>	Maternity Allowance
<b>Maternity Allowance</b>	Women who do not qualify for SMP may be entitled to claim Maternity Allowance
<b>MAT01</b>	Maternity leave and pay request form
<b>Maternity Pay Period</b>	39 week period during which either SMP or Maternity Allowance is paid
<b>MPP</b>	Maternity Pay Period
<b>OAL</b>	Ordinary Adoption Leave

<b>Occupational Maternity Pay</b>	Maternity pay paid under the employer's maternity pay provisions
<b>OML</b>	Ordinary Maternity Leave
<b>OMP</b>	Occupational Maternity Pay
<b>OPL</b>	Ordinary Paternity Leave
<b>Ordinary Maternity Leave</b>	The first 26 weeks of maternity leave
<b>SAL</b>	Statutory Adoption Leave
<b>SAP</b>	Statutory Adoption Pay
<b>SPL</b>	Shared Parental Leave
<b>SPP</b>	Shared Paternity Pay
<b>SMP</b>	Statutory Maternity Pay
<b>SPL</b>	Statutory Paternity Leave (comprising Ordinary Paternity Leave and Additional Paternity Leave)
<b>SSPP</b>	Statutory Shared Parental Pay
<b>Statutory Maternity Pay</b>	The employee's statutory entitlement to maternity pay

[Back to Contents](#)

## APPENDIX B - Local Government Services Maternity Pay

<b>Maternity Pay - Quick Reference Guide</b>			
<b>Maternity Pay Period</b>	<b>Type of Leave</b>	<b>Type of Pay and Pay Entitlement</b>	
		<b>26 weeks' or more continuous service with the current employer by the end of the 15<sup>th</sup> week before the expected week of childbirth</b>	<b>Less than 26 weeks' continuous service with the current employer by the end of the 15<sup>th</sup> week before the expected week of childbirth</b>
<b>Weeks 1 - 6</b>	Ordinary Maternity Leave	90% of your average weekly earnings inclusive of higher rate SMP	Maternity Allowance
<b>Weeks 7 - 18</b>	Ordinary Maternity Leave	Standard (i.e. <i>lower</i> ) rate SMP plus 12 weeks half pay* (OMP) where entitled and providing total does not exceed full pay	Maternity Allowance plus 12 weeks' half pay* (OMP) where entitled and providing total does not exceed full pay
		<p><i>*To qualify for OMP the employee must have one year's continuous service with a local authority or body contained within the Redundancy Modifications Order) at the beginning of 11<sup>th</sup> week before her EWC</i></p> <p><i>OMP is repayable in full or a proportion if the employee does not return/complete 3 months' service.</i></p>	
<b>Weeks 19 - 39</b>	Ordinary Maternity Leave / Additional Maternity Leave	Standard rate Statutory Maternity Pay	Maternity Allowance
<b>Weeks 40 - 52</b>	Additional Maternity Leave	Unpaid	Unpaid

[Back to Contents](#)

## APPENDIX C – Adoption Pay Quick Reference Guide

<b>Weeks</b>	<b>Level of Pay</b>
1 - 6	90% of pay inclusive of Statutory Adoption Pay <i>(payable if the employee has 26 weeks' continuous service with the Council by the week of matching notification)</i>
7 - 18	Statutory Adoption Pay plus 12 weeks' half pay* (i.e. Occupational Adoption Pay), where entitled and providing total does not exceed full pay <i>(*Occupational Adoption Pay is only payable if the employee has one year's continuous service with a Local Authority or other body contained within the Redundancy Modifications Order by the week of matching notification)</i>
19 - 39	Statutory Adoption Pay only <i>(payable if the employee has 26 weeks' continuous service with the Council by the week of matching notification)</i>
39 - 52	Unpaid

[Back to Contents](#)



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

<b>Contents</b>	
Scope .....	2
Principles .....	2
Roles and Responsibilities .....	2
Employees with more than one contract .....	3
<b>Annual Leave Entitlement - Full and Part Time Permanent and Fixed Term</b>	
<b>Contract Employees</b> .....	3
<b>Part Time Employees Annual Leave and Public Holidays</b> .....	4
<b>Annual Leave Entitlement - Casual Workers</b> .....	5
<b>Taking of Annual Leave</b> .....	6
<b>Public Holidays</b> .....	6
<b>Employees who are rostered to work on a Public Holiday</b> .....	7
<b>Day off Coinciding with a Public Holiday</b> .....	7
<b>Pay arrangements for employees who are called into work on a Public Holiday</b> .....	7
<b>Requesting Leave</b> .....	8
<b>Annual Leave Calculator (excluding casual workers and employees on annualised hour's contracts (including term time only)</b> .....	8
<b>Carry Over of Annual Leave</b> .....	8
<b>Request to bring forward annual leave from the next leave year</b> .....	8
<b>Untaken Leave - At the End of the Leave Year</b> .....	9
<b>Untaken Leave - Notice of Termination of Employment</b> .....	9
<b>Accrual of Annual Leave during a Period of Unpaid Leave</b> .....	10
<b>Planned Leave</b> .....	10
<b>Unplanned Leave</b> .....	11
<b>Bereavement Leave</b> .....	12
<b>Emergency/Domestic Situations</b> .....	13
Hospitalisation of a Dependant .....	13
<b>Severe Weather Conditions</b> .....	14
<b>Fertility Treatment</b> .....	15
<b>Religious Observance</b> .....	15
<b>Blood and Platelet Donors</b> .....	1645
<b>Examination Leave</b> .....	1645
<b>Job Interviews</b> .....	16
<b>Lectures etc</b> .....	16
<b>Professional Bodies – Attendance at Meetings</b> .....	1746
<b>Public Service Leave</b> .....	17
<b>Jury Service and Court Attendance as a Witness</b> .....	1847
<b>Voluntary Service</b> .....	1948
<b>Cadet Corps (Army, Air Force and Sea Cadets)</b> .....	1948

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

### 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).

[Back to Contents](#)

### 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.

[Back to Contents](#)

### Roles and Responsibilities

<b>Line managers</b>	<ul style="list-style-type: none"> <li>• To ensure that all requests for leave are appropriately considered and dealt with fairly and managed accordingly.</li> <li>• To notify payroll when unpaid leave is taken to ensure that the appropriate amount is deducted from the employee's salary.</li> </ul>
<b>Employees</b>	<ul style="list-style-type: none"> <li>• To make leave requests as soon as possible in advance to their line manager.</li> <li>• Liaising with their line manager about the requirement either to make up time lost or take annual or unpaid leave (i.e. severe weather).</li> <li>• 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</li> </ul>

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
 Version: 2017 v 1  
 Date Agreed: 05.11.13  
 Last Date Amended: 17.10.17  
 Agreed At: Personnel Committee

	leave administrator to input annual leave on to the Trent self service system.
<b>HR Services</b>	<ul style="list-style-type: none"> <li>To advise and support managers in the application of the Policy and Procedure.</li> </ul>
<b>Payroll Services</b>	<ul style="list-style-type: none"> <li>To advise and support managers on any relevant payroll issues.</li> </ul>

[Back to Contents](#)

### 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.

[Back to Contents](#)

### 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 1<sup>st</sup> June to 31<sup>st</sup> May inclusive. Some groups of employees, including Craft and Associated Employees have different leave years outlined within their contracts which either fall from 1<sup>st</sup> April to 31<sup>st</sup> March or 1<sup>st</sup> January to 31<sup>st</sup> 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:

<b>Grade</b>	<b>Below 5 years' service</b>	<b>*Above 5 years' service</b>
Grades 1 to PO4 (including Skills Group 1 – 4)	22	27
JNC	27	32

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

\*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.

[Back to Contents](#)

## **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.

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

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.

[Back to Contents](#)

## 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

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

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).

[Back to Contents](#)

## 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.

**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 employees 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](#).

[Back to Contents](#)

## 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:

<b>Christmas and New Year</b>	
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
<b>Easter</b>	

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

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>	
<b>Other</b>	
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
<b>TOTAL NUMBER OF PUBLIC, EXTRA STATUTORY AND LOCALLY AGREED DAYS = 12</b>	

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.

[Back to Contents](#)

### 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.

[Back to Contents](#)

### 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.

[Back to Contents](#)

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

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

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

[Back to Contents](#)

## 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.

[Back to Contents](#)

## 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.

[Back to Contents](#)

## 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).

[Back to Contents](#)

## 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

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

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.

[Back to Contents](#)

### 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.

[Back to Contents](#)

### 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.

[Back to Contents](#)

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

## 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.

[Back to Contents](#)

## 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.

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

## 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.

[Back to Contents](#)

## 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

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

A maximum of 10 days' paid leave (pro-rata for part-time) may be granted in any ~~12 month~~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~~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~~12-month rolling period. Managers should contact HR Services for specific advice in these circumstances.

Formatted: Font: Arial

Formatted: Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

### **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.

In circumstances where an employee loses a child under the age of 18, or suffers a stillbirth from the 24th week of pregnancy, on or after this date, they will have the right to two weeks' paid bereavement leave. The two weeks' leave may be taken as one block, or as two non-consecutive one week blocks, at any time during the 56 weeks following the child's death.

Formatted: Not Highlight

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;

Title: Leave Arrangements (Annual, Public Holidays and Other ~~12~~<sup>19</sup>ave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

- 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.

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

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
 Version: 2017 v 1  
 Date Agreed: 05.11.13  
 Last Date Amended: 17.10.17  
 Agreed At: Personnel Committee

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.

[Back to Contents](#)

## **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.

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

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.

[Back to Contents](#)

## 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.

[Back to Contents](#)

## 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.

[Back to Contents](#)

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

## 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.

[Back to Contents](#)

## 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](#).

[Back to Contents](#)

## 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.

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

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.

[Back to Contents](#)

## 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.

[Back to Contents](#)

## 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.

[Back to Contents](#)

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

## 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.

[Back to Contents](#)

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

## Voluntary Service

Employees who provide voluntary services to relevant charities or voluntary sector bodies are supported in their participation as part of our social responsibility for the work of these bodies within communities. Individual requests will be considered taking account of service needs and the nature of the work, the time commitment being sought and the availability of staffing cover. Employees will be required to make up the time taken, take annual or unpaid leave.

## 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.

## Other Types of Leave

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

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

For Parental Leave [click here](#).

For Reserve Forces Leave [click here](#)

Title: Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy  
Version: 2017 v 1  
Date Agreed: 05.11.13  
Last Date Amended: 17.10.17  
Agreed At: Personnel Committee

## PERSONNEL COMMITTEE – 13TH OCTOBER 2020

### Report of the Head of Strategic Support

#### Part A

#### ITEM 11 TRAVEL, SUBSISTENCE AND OTHER ALLOWANCES POLICY (BICYCLE USER)

##### Purpose of Report

Personnel Committee to agree the proposed amendments to the Travel, Subsistence and Other Allowances Policy and the introduction of a Bicycle User Declaration.

##### Recommendation

That the Personnel Committee agree the changes to the Travel, Subsistence and Other Allowance Policy and the introduction of a Bicycle User Declaration.

##### Reason

The purpose of the amendment to the Travel, Subsistence and Other Allowances Policy is to make clear the procedure for making claims in relation to bicycle usage for work related journeys. The introduction of the Bicycle User Declaration is to ensure that managers and employees agree and adhere to the requirements of using a bike for work related journeys.

##### Policy Justification and Previous Decisions

The current policy on Travel, Subsistence and Other Allowances does not make clear the process for claiming miles for those using a bike for work related journeys. The revised policy seeks to clarify this, whilst also ensuring compliance with best practice and health and safety measures by introducing a Bicycle User Declaration.

##### Implementation Timetable including Future Decisions

It is recommended that the amended Travel, Subsistence and Other Allowances Policy 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.

Appendices: Appendix A - Travel Subsistence and Other Allowances Policy  
Extract  
Appendix B - Bicycle User Declaration  
Appendix C – Risk Assessment

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

## Part B

### Background

1. The Travel, Subsistence and Other Allowances policy currently outlines that employees can use their bicycles for work related journeys, subject to certain conditions.
2. It became apparent that before granting approval, further measures would need to be implemented to ensure the Council is compliant with its obligations in relation to legislation, best practice and health and safety. For example, insurance and risk assessments.
3. All employees can apply to use their bicycle for work related journeys, subject to management approval. Those employees must be travelling on Council business, whether designated as an essential or casual car user.
4. The policy makes clear that use of a bicycle will not be appropriate for all journeys and is considered an alternative to use of a car for such journeys.
5. Due to the ad hoc nature of bike related journeys it is proposed that the payment of essential user lump sum allowances will remain, where applicable.
6. It is proposed that the Travel, Subsistence and Other Allowances Policy be amended to reflect the conditions that must be met to claim the allowance for bicycle use. This includes completion of, and adherence to the principles of, the Bicycle User Declaration.
7. Additionally, a risk assessment for staff travel and driving at work has been produced which forms part of the Bicycle User Declaration.
8. The Travel, Subsistence and Other Allowances Policy, and associated documents, were considered by SLT on 26th February 2020 and JMTUM on 27th August 2020.

## Appendix A

### Bicycles

The Council has adopted an environmental charter which declares a positive attitude towards cycling. It gives positive encouragement to employees to consider whether and how they can use a bicycle in the course of their official business as well as cycling to and from work.

~~The following arrangements relate to those employees using a bicycle on official business mileage.~~ Employees wishing to cycle on their own bicycle for work related journeys **must** complete a Bicycle User Declaration for the consideration and approval of their manager to obtain agreement to undertake a work-related journey on a bicycle. This agreement will remain in place for each authorised journey for a period of 12 months from the date of signature, following which the manager and employee must review the agreement. A new declaration must be completed for each 12 month period.

Formatted: Font: Bold

~~Management must approve each journey made on a bicycle to ensure it is an appropriate means of undertaking the journey, taking into account factors such as time and distance. The bicycle arrangements are available for all employees, subject to management approval, who travel on Council business, whether designated as essential or casual car users.~~

~~The following arrangements relate to those employees who have management approval to use a bicycle on official business mileage.~~

~~The bicycle arrangements are available for all employees who travel on Council business, whether designated as essential or casual car users.~~

~~-~~  
AA mileage allowance will be paid at current HMRC bicycle allowance rate for use of bicycles on Council business, subject to the approval of management in the case of each individual journeys. Management approval is to ensure that a balance is achieved between the advantage of using a bicycle and the disadvantage of additional travel time on longer journeys. Use of a bicycle is an alternative to use of a car for such journeys and will therefore not affect payment of essential user lump sum allowances where applicable.

~~Once approval is obtained, the manager must email HR to confirm that the employee has approval to use a bike for work related journeys. This will then be recorded on iTrent.~~

Claims for bicycle mileage should be made separately from claims for car mileage by using the car allowance claim documentation clearly marked CYCLE ALLOWANCE.

#### **Details of the Arrangement**

Where odometers are not fitted, claims should be for a fair estimate of the mileage. In approving individual journeys and verifying claims, managers must rely on common sense, random checking and mutual trust to maintain a fair and positive approach to the scheme.

Formatted: None, Space Before: 0 pt, After: 0 pt

Employees are reminded to adhere to the principles of Health and Safety.

Employees claiming bicycle allowance are required to have third party public liability insurance for business use.

Formatted: Highlight

Bicycle storage facilities are available at Southfields Annexe for Southfields, and Town Hall based employees.

### **Bicycle User Declaration**

This form should be read and signed by:

1. Employees wishing to cycle on their own bicycle for work related journeys.

The terms and conditions set out below relate only to cycling for work related journeys and do not apply to commuting to and from work.

The completed Bicycle User Declaration, should be read in conjunction with the Travel, Subsistence and Other Allowances policy, and is subject to the approval of management.

#### **Terms and conditions when cycling for work related journeys**

I understand that if I wish to use my own bicycle for work related journeys it must be:

- Maintained in a safe and roadworthy condition – this includes the requirement for a red rear reflector that conforms to recognised safety standards to be used if you will be cycling in dark, dimly lit conditions or other conditions with poor visibility.
- Fitted with front and rear lights if cycling in dark, dimly lit conditions or conditions with poor visibility. The front and rear lights must conform to recognised safety standards. I will ensure these lights are lit when cycling in such conditions.
- I will not use my bicycle if it is not roadworthy or safe.
- I understand the Highway Code and shall abide by it and the laws of the road at all times.
- I confirm that I am fit and competent to safely ride a bicycle.
- I confirm that I have no known medical conditions that might be aggravated by cycling or make it in any way unsafe (for myself or other road users) for me to cycle.
- I will not cycle for work purposes if there are any changes to my health or fitness that make it unsafe (for myself or other road users) for me to cycle.
- I will not cycle for work purposes if these rights have been removed.
- I understand that the Council requires employees to wear hi visibility/protective clothing, including a correctly fitted bicycle helmet.
- I will carry out a basic safety/roadworthiness check of the bicycle before undertaking each work related journey.
- I have read, fully understood and will adhere to the conditions outlined within the Bicycle User Declaration and the Bicycles section of the Travel, Subsistence and Other Allowances policy.

#### **Insurance**

The Council's Public Liability Insurance will cover the use of the employee's own bicycle whilst on work related journeys.

I understand that I am encouraged (although not mandatory) to take out personal insurance for my work-related cycling activities.

**Risk Assessment**

A risk assessment must be produced for officers undertaking staff travel whilst conducting duties on behalf of the Council. The Risk Assessment for Staff Travel and Driving at Work is available for managers who must assess this document to ensure it is suitable and covers all risks that need to be taken into account.

A person specific assessment must be carried out for young persons, disabled staff and new and expectant mothers conducting this activity.

**Process**

The completed Bicycle User Declaration must be submitted to the manager for consideration and approval to obtain agreement to undertake a work-related journey on a bicycle. This agreement will remain in place for each authorised journey for a period of 12 months from the date of signature, following which the manager and employee must review this agreement. A new declaration must be completed for each 12 month period. Management approval must be obtained prior to each journey, taking into consideration the practicality of such a journey for example, the impact of distance and time.

**Employee Declaration**

I have read and accept the terms and conditions outlined within the Bicycle User Declaration, and the Travel, Subsistence and Other Allowances policy, and will adhere to these when using my own bicycle for work related journeys. I understand that this agreement is subject to management approval.

Name	
Job Title	
Service Area	
Signature	
Date	

**Management Approval**

- I approve the Bicycle User Declaration in accordance with the terms and conditions outlined
- I do not  approve the Bicycle User Declaration in accordance with the terms and conditions outlined

Managers Name	
Job Title	
Service Area	
Signature	
Date	

**A copy of this form should be retained by the manager upon completion and emailed to hr@charnwood.gov.uk.**

	<h2>Risk assessment for Staff Travel and Driving at Work</h2>	
<p>CBC Corporate H&amp;S Policy: the person responsible for ensuring suitable and sufficient risk assessments are conducted and communicated to all relevant people is the Head of Service. They may delegate the task to the manager of the activity and the H&amp;S officer will provide guidance and advice.</p>		
<p>Note: A person specific assessment must be carried out for young persons, disabled staff and new and expectant mothers conducting this activity.</p>		
<p>Location: Public highways and cycle-paths</p>	<p>Date of Risk Assessment: 20<sup>th</sup> January 2020</p>	
<p>Completed By: Tony O'Brien (CHSO)</p>	<p>Review Date: 31<sup>st</sup> January 2021</p>	
<p>Circulation to whom: All via the CBC HSMS hosted on the intranet</p>		
<p><b>Task Description:</b> Officers undertaking staff travel whilst conducting Charnwood Borough Council activities. Staff travel includes use of fleet vehicles, personal cars, motorbikes and personal cycles.</p> <p><i>Recent/significant accident history for this activity: During the period Jan 2017 – Dec 2019 there were 14 road traffic incidents, recorded and notified to our insurers, involving Charnwood fleet vehicles or personal vehicles being used for CBC activities. None of these incidents were of a serious nature.</i></p>		
<p><b>Relevant documents:</b></p> <ul style="list-style-type: none"> <li>• <b>CBC Vehicle User Policy</b></li> <li>• <b>CBC Bicycle User Declaration</b></li> </ul>		

Hazard (Something with a potential to cause harm)	Who might be Harmed & How?	What are you already doing? (Consider Hierarchy of Control)	Initial Risk Rating (S x L)			Further Controls Required (Consider Hierarchy of Control)	Final Risk Rating (S x L)			Action Required		
			Severity	Likelihood	Risk Rating		Severity	Likelihood	Risk Rating	Who (Initial )	Date By: (---/---/---)	Done?
Occupational Road Risk	Staff may be injured as a result of a road traffic incident while driving/travelling at work. Such incidents may result in bumps, blows, strains and potentially fatality.	<ul style="list-style-type: none"> <li>Staff driving licenses checked prior to appointment to positions.</li> <li>Insurance, MOT, tax and license checked on an annual basis.</li> <li>Staff informed to ensure business class insurance is included in policy.</li> <li>Staff are to drive/ride/cycle in a courteous manner to minimise the potential of a "road rage" incident.</li> <li>Motorcyclists must wear hi-visibility or reflective clothing and comply with all requirements of the Highway Code at all times.</li> <li>Cyclists to maintain their bicycle, wear a correctly fitted cycle helmet and hi-visibility clothing and adhere to the Bicycle User Declaration.</li> <li>Flexible working arrangements to ensure that staff have eleven hours rest between shifts as stipulated in WTD.</li> <li>Staff informed to drive courteously and in accordance with the Highway Code.</li> <li>All members of staff who travel on behalf of CBC are to familiarise themselves with the contents of</li> </ul>	4	2	8							

Page 200

Hazard (Something with a potential to cause harm)	Who might be Harmed & How?	What are you already doing? (Consider Hierarchy of Control)	Initial Risk Rating (S x L)			Further Controls Required (Consider Hierarchy of Control)	Final Risk Rating (S x L)			Action Required		
		CBC's Vehicle User Policy and/or Bicycle User Declaration.										
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 201</p> <p>Inability to summon help in an emergency e.g. accident</p>	<p>Staff may risk their personal safety or health if they are unable to summon help in an emergency. Staff may suffer anxiety, serious injury or death</p>	<ul style="list-style-type: none"> <li>All members of the team have use of a mobile phone (either personal or works) to be used as a means of emergency contact.</li> <li>Individual or pooled Alertcom devices are available for staff use. When travelling alone a device is to be carried.</li> <li>The team's Booking In &amp; Out Procedure will be adhered to so that colleagues are aware of other team members' whereabouts.</li> <li>All members of the team will keep a list of team emergency contact numbers handy e.g. in their car, or on their mobile phone.</li> <li>All members of staff who travel on behalf of CBC are to familiarise themselves with the contents of CBC's Vehicle User Policy and/or Bicycle User Declaration.</li> </ul>	4	2	8							
<p>Inability to summon help in an emergency e.g. breakdown</p>	<p>Staff may risk their personal safety or health if they are unable to summon help in an emergency. Staff may suffer anxiety, serious injury or</p>	<ul style="list-style-type: none"> <li>Vehicle service schedule to be maintained.</li> <li>Pre-journey checks (lights, petrol, oil, coolant, tyre pressure) to be carried out.</li> <li>Journey details to be left with colleague.</li> <li>Use of cycles is to be limited to short journeys within urban areas.</li> </ul>	4	1	4							

Hazard (Something with a potential to cause harm)	Who might be Harmed & How?	What are you already doing? (Consider Hierarchy of Control)	Initial Risk Rating (S x L)			Further Controls Required (Consider Hierarchy of Control)	Final Risk Rating (S x L)			Action Required		
	death	<ul style="list-style-type: none"> <li>Use booking in/out system to ensure colleagues are aware of whereabouts and time due back.</li> <li>Fully charged mobile phone with sufficient calling credit.</li> <li>Office / line manager to be informed of situation.</li> <li>If on rural or town road, lock car doors and remain in car until recovery vehicle arrives.</li> <li>If on motorway, switch off engine and wait in a safe place away from the hard shoulder e.g. behind the barrier.</li> <li>During winter months wear appropriate clothing and keep a warm coat and/or blankets within the car.</li> </ul>										
<b>Assault/Theft/Car-jacking</b>	Staff may be injured when stationary in the vehicle or when entering/leaving the vehicle	<ul style="list-style-type: none"> <li>Whilst stationary in a car keep doors locked and windows either closed or only slightly opened.</li> <li>Park vehicles in well lit residential areas in close proximity to the final destination.</li> <li>Ensure possessions left in the vehicle are not visible from outside the vehicle.</li> </ul>	3	2	6							
<b>Manual Handling</b>	Staff may be injured when loading items in and out of the vehicle. Such injuries may result in strains & sprains to the back and limbs.	<ul style="list-style-type: none"> <li>Staff should be competent and aware of suitable manual handling techniques for loading and unloading.</li> <li>Use of cycles for carrying loads, other than those carried in a small rucksack, is prohibited.</li> <li>Clear boot/back seat to allow ease of</li> </ul>	3	2	6	For heavy or awkward loads carried regularly a separate manual handling assessment shall be completed.	3	2	6			

Hazard (Something with a potential to cause harm)	Who might be Harmed & How?	What are you already doing? (Consider Hierarchy of Control)	Initial Risk Rating (S x L)			Further Controls Required (Consider Hierarchy of Control)	Final Risk Rating (S x L)			Action Required		
		loading & unloading with minimal bending/twisting. <ul style="list-style-type: none"> <li>• It is ensured that any loads to be loaded and removed from vehicle are suitable for one person to carry if travelling alone.</li> <li>• Where possible arrange parking as near to entry/exit points as possible.</li> <li>• Shared lifting practices encouraged.</li> <li>• A person to assist is available for 2 person loads.</li> </ul>										

		Severity			
<b>Likelihood</b>	<b>Very Likely (4)</b> - Regular occurrence - Circumstances frequently encountered	<b>4</b>	<b>8</b>	<b>12</b>	<b>16</b>
	<b>Likely (3)</b> - Likely to happen at some point in the next 3 years - Circumstances occasionally encountered	<b>3</b>	<b>6</b>	<b>9</b>	<b>12</b>
	<b>Unlikely (2)</b> - Only likely to happen once every 3 or more years - Circumstances rarely encountered	<b>2</b>	<b>4</b>	<b>6</b>	<b>8</b>
	<b>Remote (1)</b> - Has never happened before - Circumstance never encountered	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
		<b>Minor(1)</b> - Brief disruption to service less than 1 day – minor or no loss of customer service. - Low financial loss > £10,000 - Minor/no injuries. - Minimal news/press impact. - Affects single team only. - Minor/no damage to local environment	<b>Significant (2)</b> - Loss of service for 1 – 3 days - Noticeable disruption, some customers would be affected across a service area of the Council - High financial loss £10,000 - £100,000 - Severe injury to an individual/ several people - Local	<b>Serious (3)</b> - Loss of service for 3 to 5 days. Serious disruption, ability to service customers affected across several service areas of the Council. - Serious financial loss £100,000 - £999,999 - Extensive/multiple injuries, intervention by HSE - Local adverse news item/professional press item - Likely judicial review or legal challenge of service specific decision. - Serious damage to local	<b>Major (4)</b> - Major loss of service for more than 5 days. - Severe disruption to the Council and its customers affecting the whole council. - Major financial loss > £1,000,000 - Loss of life, intervention by HSE. - National news coverage - Likely successful judicial review or legal challenge of Council decision. - Major environmental damage.

OVERALL RISK RATING		Risk Rating Definitions
<b>12 - 16</b>	HIGH	This is an unacceptable risk rating. Urgent interim controls should be implemented to reduce the risk so far as is reasonably practicable. If the risk rating cannot be reduced to lower than a High, then a documented safe system of work should be implemented to control the activity. It may be necessary to seek further professional advice. Serious considerations should be given to the validity of carrying out the activity at all. Regular monitoring of the activity should occur.
<b>6 - 9</b>	MODERATE	It is advised that further controls are implemented to reduce the risk rating to as low a level as possible. If the risk cannot be reduced to lower than a medium, then on site monitoring should occur to ensure that all stipulated controls are being adhered to.
<b>3 - 4</b>	LOW	This is an acceptable level of risk. It is advised that continual monitoring in order to ensure that no changes / deviation of control measures occur.
<b>1 - 2</b>	VERY LOW	This is a very acceptable level of risk. No further controls are required as the risk rating cannot be reduced any further

Page 205

I have read and understood this risk assessment. Anything I did not understand has been explained to me to my satisfaction. I agree to follow the Risk Assessment and understand that any procedures are there for my safety and the safety of others. I will alert my manager to any changes in the work or additional hazards that mean this risk assessment needs to be reviewed.

Name	Signature	Date


## PERSONNEL COMMITTEE – 13TH OCTOBER 2020

### Report of the Head of Strategic Support

#### Part A

#### ITEM 12     JOB EVALUATION PROCEDURE

##### Purpose of Report

Personnel Committee to consider and agree the revisions to the Job Evaluation Procedure.

This report has been deferred from the Committee's meeting on 24th March 2020 after that meeting and the subsequent meeting scheduled for 2nd June 2020 were cancelled due to the Coronavirus.

##### Recommendation

That the proposed Job Evaluation Procedure as detailed in Part B of this report be agreed by Personnel Committee.

##### Reason

The purpose of the policy is to provide managers and employees with information on all aspects of the job evaluation process.

##### Policy Justification and Previous Decisions

The proposed Job Evaluation Procedure and relevant associated documents have been updated to improve the process followed for job evaluation, whilst ensuring compliance with best practice.

##### Implementation Timetable including Future Decisions

It is recommended that the Job Evaluation Procedure 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.

Appendix: Job Evaluation Procedure

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

## Part B

### Background

1. Responsibility for the job evaluation process at the council has been taken on by the Charnwood HR Services team following the retirement of the Job Evaluation Technical Advisor previously based at LCC. This ensures that job evaluation is fully controlled by the HR Services team at Charnwood with the process being followed in an increasingly timely manner.
2. The Job Evaluation Policy has been reviewed and updated to reflect the process improvements and efficiencies that have been achieved by the Charnwood HR Services team having full responsibility for the process.
3. Details of the proposed changes can be seen below.

#### **Proposed key changes to policy wording:**

- The Job Evaluation Guidance will now be re-titled to Job Evaluation Procedure.
- Job evaluation requests are now to be sent to [HR@charnwood.gov.uk](mailto:HR@charnwood.gov.uk) to be processed by the HR Services team based in Charnwood, rather than LCC.
- The job evaluation panel will consist of two trained evaluators from HR Services. The panel will no longer be assisted by a Technical Advisor (LCC).
- Managers will not be required to involve existing post holders in the creation of new / revised job profiles if the purpose of the revision is a restructure.
- If a job is upgraded following a manager-initiated job evaluation the new salary will be paid with effect from the relevant date of the change identified by the manager. Any retrospective date cannot exceed 12 months unless under exceptional circumstances.
- Employee-initiated job evaluation requests previously required an employee to complete a Job Description Questionnaire (JDQ). The updated policy encourages employee/groups to discuss changes in duties and responsibilities with their line manager in the first instance. If management agree with the changes it is advised that a revised job profile is produced, and the management-initiated procedure is followed.
- Grounds to request re-evaluation – ‘post is comparable to a higher-level description in a corporate job family’ has been removed from the policy as this is not a ground to request re-evaluation that the council has ever applied.
- Reference to Job Analysts has been updated to Job Evaluation Leads.
- The role of the Moderating Panel has been clarified to align with current working practice. This clarification outlines that there may be occasion where the results of a job evaluation will be shared with a moderating panel to ensure consistency of grade across the Council.
- It is proposed to reduce the timescales allowed within the current policy to enable a more streamlined approach to be taken regarding the JE process. It is considered that the timescales being proposed are sufficient to allow for a

transparent and fair process to be followed, whilst recognising the efficiencies that have been gained by the Charnwood HR Services team taking responsibility for the JE process. The details for the revision to timescales are outlined below.

#### **Proposed Amendments to Timescales:**

- Timeframes for notifying managers and employees of the outcome of job evaluation to reduce from 10 working days to 5 working days.
  - Managers and employees appealing the outcome of a job evaluation to reduce from 20 working days to 7 working days. This will reflect the timescales within the Appeals Policy.
  - Receipt of appeal – reduction from 20 working days to respond to appeal to 7 working days.
  - Job Description Questionnaire (JDQ) – Management timescale to sign off a JDQ to reduce from 20 working days to 7 working days, provided there is no dispute on the content of the document.
  - On receipt of an employee-initiated re-evaluation registration form, a JDQ must be returned to HR Services within 2 calendar months'. This is a reduction from 6 months'.
  - If agreement cannot be reached between management and the employee(s) over the content of the JDQ the dispute procedure will be invoked. Following the dispute procedure, the employee/group will have a further 20 working days to submit the JDQ and comparator form. This has been reduced from 3 months'.
  - The dispute procedure – the management and employee/group meeting should be arranged within 10 working days. This was previously set at 15 working days.
  - It is further proposed that all parties required to attend a job evaluation panel will be given, as a minimum, 5 working days' notice. This was previously 10 working days'.
4. The Job Evaluation Procedure was issued to SLT on 30th September 2019 and JMTUM on 23rd January 2020.

**Job Evaluation Procedure**

**Contents**

**Purpose** .....1

**Scope** .....1

**Management Initiated Evaluation Requests** .....1

**Grounds for Evaluation** .....2

**How to Request the Evaluation or Re-Evaluation of a Post** .....2

**Job Evaluation Panel** .....3

**Notification of Outcome**.....3

**Implementation**.....3

**Appeals** .....4

**Employee Initiated Re-Evaluation Requests** .....5

**Grounds for Re-Evaluation**.....5

**How to Request the Re-Evaluation of a Post**.....5

**Job Evaluation Panel** .....6

**Notification of Outcome**.....7

**Implementation**.....8

**Appeals** .....8

**Dispute Procedure** .....9

**Moderating Panel** .....10

**Purpose**

This guide sets out the procedure that managers and employees must follow in order to request the evaluation or re-evaluation of a post. It also explains the implementation rules that apply when a change in grade has been agreed.

This guide forms part of the Council’s pay policy and has been agreed with the recognised trades unions. It should be read in conjunction with the [Guide to the Hay Job Evaluation Scheme](#).

**Scope**

All posts within Charnwood Borough Council are subject to the job evaluation scheme.

**Management Initiated Evaluation Requests**

The following sets out the procedure that managers must follow if they wish to request the evaluation or re-evaluation of a post.

### **Grounds for Evaluation**

There are three possible grounds for evaluation or re-evaluation:

- The creation of a new job;
- The need for a grade review has been identified (either by management due to a change in the duties and responsibilities of the post or by a job evaluation panel when a post has been put forward as a comparator under the employee initiated procedure);
- A restructuring.

Unlike new posts, existing jobs submitted for re-evaluation are likely to have post holders in place. Managers should, therefore, ensure that employees are informed that a re-evaluation of their post is going to be requested and the potential implications of this, prior to any paperwork being submitted to HR Services. Post holders should be given the opportunity to be involved in the creation of the new / revised job profile.

In the case of a restructure existing post holders are not required to be involved in the creation of new / revised job profiles as this is a duty that will be undertaken by management. Any changes to a job profile will be communicated during the consultation period of a restructure.

### **How to Request the Evaluation or Re-Evaluation of a Post**

Managers must provide the following documentation to HR Services by email using the HR inbox ([hr@charnwood.gov.uk](mailto:hr@charnwood.gov.uk)) before a post can be considered for evaluation or re-evaluation:

- Manager initiated evaluation request form
- A job profile;
- A structure chart. In the case of restructurings, pre and post restructuring charts are required.
- A comparable job (If applicable)

When drafting the job profile, managers must consider the requirements and duties of the post rather than the qualifications, experience and/or abilities of any existing post holder(s). This is particularly important where the job profile is applicable to more than one post holder. For existing posts, the contents of the job profile should be agreed with the post holder(s). Where agreement cannot be reached, the [dispute procedure](#) will apply.

## **Job Evaluation Panel**

Once the relevant paperwork has been received by HR Services, a job evaluation panel will be arranged to consider the post. The panel will consist of two representatives from HR Services who are trained evaluators.

The manager will be invited to attend the panel to explain the job in more detail. For existing posts, the manager may wish to be accompanied by (a maximum of 4) post holders.

In the case of existing posts, the panel may decide that the grade of the job should:

- Remain the same;
- Be upgraded; or
- Be downgraded.

## **Notification of Outcome**

The manager will receive written confirmation of the outcome within 5 working days of the panel unless further information is required. In these circumstances, the manager will be notified that the decision has been deferred and the timescale within which the outcome will be provided. It is the manager's responsibility to advise any existing post holders of the outcome of the re-evaluation and their right to appeal this decision. The manager or post holder(s) should submit their appeal within 7 working days of receiving the written outcome confirmation, unless exceptional circumstances apply (e.g. the manager or post holder is on leave so would be unable to submit appeal within the required timescale).

If no appeal is registered by either the manager or post holder(s) within 7 working days, any change in grade can be implemented once approval has been received. For existing posts, the manager will need to complete a [variation to contract e-form](#) for each post holder.

## **Implementation**

Where a re-evaluation results in an upgrade or downgrade of more than one grade, this suggests a significant change to the job role. In these circumstances, managers should seek advice from HR Services on how to proceed as it may be necessary to undertake an organisational change process rather than slotting in the existing post holder. In all other situations, the following implementation rules will apply:

If the post is upgraded and there is an existing post holder, the new salary will be paid with effect from the date, identified by management, when the duties and responsibilities of the post changed. This may be a retrospective date however it cannot exceed 12 months, except in exceptional circumstances. Employees will be appointed to the first point of the new grade from this date and normal incremental progression will apply. Where the post is new or vacant, the grade will apply from the date an appointment is made.

If the post is downgraded and there is an existing post holder, implementation will be deferred until the period of appeal has expired or an appeal has been heard. If the outcome remains the same following the appeal, the employee's salary will be protected on a red-circled basis (i.e. frozen – incremental progression or pay awards) for a period of up to 3 years from the day following the evaluation panel which downgraded the job or until the maximum salary for the new grade becomes higher than the frozen salary, whichever is earlier. There will be no protection of any other payments (e.g. allowances, enhancements) and all other conditions of service will be those pertaining to the new grade. Where the post is new or vacant, the grade will apply from the date an appointment is made.

A reduction in pay will impact on the employee's local government pension. Employees should be advised to contact the Pensions Section direct on (0116) 305 7886 for more information.

### **Appeals**

Where an appeal submission is received, the other party (where applicable) will be given the opportunity to submit a written response to the points raised before an appeal panel is arranged. This response must be received by HR Services within 7 working days of receipt of the other party's submission. The appeal will be heard as soon as practically possible following receipt of the appeal submission(s).

The appeal panel will consist of at least two representatives from HR Services and a trade union representative, all of whom are trained evaluators and were not involved in the previous evaluation.

The manager and, if applicable, the post holders will be invited to attend the appeal panel. No more than 4 post holders may attend the panel. All parties will be provided with a copy of the paperwork in advance of the meeting.

The manager and, if applicable, the post holder(s) will receive written confirmation of the outcome within 5 working days of the appeal panel. There is no further right of appeal.

If the post is upgraded and there is an existing post holder, the new salary will be paid with effect from the date, identified by management, when the duties and responsibilities of the post changed. This may be a retrospective date however it cannot exceed 12 months, except in exceptional circumstances. Employees will be appointed to the first point of the new grade from this date and normal incremental progression will apply. Where the post is new or vacant, the grade will apply from the date an appointment is made.

If the appeal confirms that the post should be downgraded, the employee's salary will be protected on a red-circled basis (i.e. frozen – incremental progression or pay awards) for a period of up to 3 years from the day following the evaluation panel which downgraded the job or until the maximum salary for the new grade becomes higher than the frozen salary, whichever is earlier. There will be no protection of any other payments (e.g. allowances,

enhancements) and all other conditions of service will be those pertaining to the new grade. Where the post is new or vacant, the grade will apply from the date an appointment is made.

It is the manager's responsibility to implement any change in grade by completing a [variation to contract e-form](#) for each post holder.

A reduction in pay will impact on the employee's local government pension. Employees should be advised to contact the Pensions Section direct on (0116) 305 7886 for more information.

[Back to Contents](#)

## Employee Initiated Re-Evaluation Requests

An employee who believes that their job profile no longer reflects the duties/responsibilities of their post should discuss this with their line manager in the first instance to see if it would be possible to submit a revised job profile using the management initiated procedure. Where this is not possible, the following sets out the procedure that employees must follow if they wish to request the re-evaluation of their post.

### Grounds for Re-Evaluation

An employee or group can submit a re-evaluation request if:

- There has been a substantial increase in the duties and responsibilities of their post. Submissions that focus on an increase in the quantity of work are unlikely to result in an upgrade unless the level of responsibility has also increased;
- There is a comparable job on a higher grade, either within the same or another department. The employee will need to demonstrate how the duties and responsibilities of their post compare with those of the comparator job;

Employees who are members of a trade union are strongly advised to contact their trade union to discuss the pros and cons of submitting a re-evaluation request.

Employees are unable to request the re-evaluation of their job if:

- The post has been evaluated or been to appeal in the previous 12 months (unless the content of the job has changed significantly since it was last evaluated);
- They have been employed in the post for less than 6 months (unless the content of the job has changed significantly since the offer of appointment was made); or
- They are employed on a casual contract.

### How to Request the Re-Evaluation of a Post

An employee who wishes to request the re-evaluation of their post must submit a re-evaluation registration form to HR Services by email using the HR inbox ([hr@charnwood.gov.uk](mailto:hr@charnwood.gov.uk)). In the case of group submissions, a separate registration form must be submitted by each member of the group. Employees who are members of a trade union may submit their forms via a trade union representative. Non-trade union members must send their forms directly to HR Services.

In the case of group submissions, individual employees' registration forms will be registered from the date the first form is received by HR Services provided the other forms are all received within 20 working days of that date. Members of the group can continue to submit registration forms at any time prior to an appeal hearing taking place however these will be registered from the date each form is received by HR Services (unless they are received within the initial 20 working day period).

On receipt of the re-evaluation registration form, HR Services will write to the employee/group to ask them to complete a job description questionnaire (JDQ) and comparator form (if applicable). These must be returned to HR Services by email using the HR inbox ([hr@charnwood.gov.uk](mailto:hr@charnwood.gov.uk)) within 2 calendar months of HR writing to you. JE leads are available, on request, to provide guidance to employees on how to complete this paperwork.

In the case of group submissions, trade union assistance will only be provided to members of the group who are trade union members. Non-trade union members will have to complete their own JDQ and comparator form (if applicable).

The contents of the JDQ must be agreed by both the employee/group and management in order to proceed to re-evaluation. Where there is no disagreement, management should sign off the JDQ within 7 working days of receiving it from the employee/group. If agreement cannot be reached, the [dispute procedure](#) will apply. Where the dispute procedure is invoked, the employee/group will have a further 20 working days in which to submit the JDQ and comparator form (if applicable) to HR Services following the dispute meeting.

If the necessary paperwork is not submitted within the required timescales, a new re-evaluation registration form will need to be completed. Any subsequent upgrading will be applied from the date of receipt of this registration form, not the date the original registration form was received.

**Managers must ensure that post holders who are not named on the JDQ are informed that a re-evaluation of their post is being submitted, the potential implications of this and what they need to do if they wish to request their own re-evaluation.**

If an employee has submitted a JDQ to their manager for agreement but subsequently leaves the Council's employment, their request for re-evaluation may still be considered under this procedure.

## **Job Evaluation Panel**

Job Evaluation Guidance  
Version: v1 - 2017  
Agreed at: Personnel Committee  
Date agreed: 12/12/13  
Amended: 19/08/14  
Review date:

Once all of the necessary paperwork has been received, a job evaluation panel will be arranged to consider the re-evaluation request. The panel will consist of two representatives from HR Services who are trained evaluators.

The employee/group, their representative (where applicable) and a management representative will be invited to attend the panel to explain the job in more detail. At least 5 working days' notice will be provided. For group submissions, no more than 4 post holders may attend the panel. All parties will be provided with a copy of the re-evaluation paperwork in advance of the meeting.

Based on the information provided, the panel may decide that the grade of the post should:

- Remain the same;
- Be upgraded; or
- Be downgraded.

Where multiple job description questionnaires are submitted for the same post, separate panels will be arranged to consider each questionnaire however the composition of the panel will remain the same. The outcome of each panel will be based on the information provided by those in attendance and therefore may differ between panels. Where this is the case and management confirm that all of the employees are undertaking the same duties, the highest outcome will take precedence. However, post holders who were not part of the group who obtained this outcome will not have their salary backdated to their registration date; their new salary will take effect from the date of the job evaluation panel (or appeal panel if applicable).

### **Notification of Outcome**

The employee/group and management representative will receive written confirmation of the outcome within 5 working days of the panel unless further information is required. In these circumstances, the employee/group and management representative will be notified that the decision has been deferred and the timescale within which the outcome will be provided.

The employee/group and management representative will be given the opportunity to appeal the outcome. Either party should submit their appeal within 7 working days of receiving the written outcome confirmation, unless exceptional circumstances apply (e.g. the manager or post holder is on leave so would be unable to submit the appeal within the required timescales, due to other commitments the group is unable to meet to complete the required paperwork).

If no appeal is registered by either side within 7 working days, the manager will be notified that any change in grade (upgraded, downgraded or remain the same) can now be implemented and that they should complete a [variation to contract e-form](#) for each post holder. With each variation e-form the manager will need to provide a copy of the new job profile which is reflective of the changes applicable to HR Services.

## Implementation

If the post is upgraded, the new salary will be paid with effect from the date of registration (i.e. the date the re-evaluation registration form was received by HR Services). Employees will be appointed to the first point of the new grade from this date and normal incremental progression will apply. Post holders who were not involved in submitting the successful re-evaluation request will be paid the new salary with effect from the date of the job evaluation panel (or appeal panel if applicable).

If the post is downgraded and there is an existing post holder, implementation will be deferred until the period of appeal has expired or an appeal has been heard. If the outcome remains the same following the appeal, the employee's salary will be protected on a red-circled basis (i.e. frozen – incremental progression or pay awards) for a period of up to 3 years from the day following the evaluation panel which downgraded the job or until the maximum salary for the new grade becomes higher than the frozen salary, whichever is earlier. There will be no protection of any other payments (e.g. allowances, enhancements) and all other conditions of service will be those pertaining to the new grade. Where the post is new or vacant, the grade will apply from the date an appointment is made.

A reduction in pay will impact on the employee's local government pension. Employees are advised to contact the Pensions Section direct on (0116) 305 7886 for more information.

## Appeals

Where an appeal submission is received, the other party will be given the opportunity to submit a written response to the points raised before an appeal panel is arranged. This response must be received by HR Services within 7 working days of receipt of the other party's submission, unless exceptional circumstances apply. The appeal will be heard as soon as practically possible following the receipt of the appeal submission(s).

The appeal panel will consist of at least two representatives from HR Services and a trade union representative, all of whom are trained evaluators and were not involved in the previous evaluation.

The employee/group, their representative (where applicable) and a management representative will be invited to attend the appeal panel. No more than 4 post holders may attend the panel. All parties will be provided with a copy of the paperwork in advance of the meeting.

The employee/group and management representative will receive written confirmation of the outcome within 5 working days of the appeal panel. There is no further right of appeal. It is the manager's responsibility to implement any change in grade by completing a [variation to contract e-form](#) for each post holder. With each variation e-form the manager will need to provide a copy of the new job profile which is reflective of the changes applicable to HR Services.

If the post is upgraded, the new salary will be paid with effect from the date of registration (i.e. the date the re-evaluation registration form was received by HR Services). Employees will be appointed to the first point of the new grade from this date and normal incremental progression will apply. Post holders who were not involved in submitting the successful re-evaluation request will be paid the new salary with effect from the date of the appeal panel.

If the appeal confirms that the post should be downgraded the employee's salary will be protected on a red-circled basis (i.e. frozen – incremental progression or pay awards) for a period of up to 3 years from the day following the evaluation panel which downgraded the job or until the maximum salary for the new grade becomes higher than the frozen salary, whichever is. There will be no protection of any other payments (e.g. allowances, enhancements) and all other conditions of service will be those pertaining to the new grade. Where the post is new or vacant, the grade will apply from the date an appointment is made.

A reduction in pay will impact on the employee's local government pension. Employees are advised to contact the Pensions Section direct on (0116) 305 7886 for more information.

[Back to Contents](#)

## Dispute Procedure

The following procedure will apply in situations where management and employees fail to agree the content of a job profile or job description questionnaire (JDQ).

- Management should arrange to meet with the employee/group and their representative (if applicable), within 10 working days, to go through the JDQ or job profile in detail and to discuss the areas of disagreement. A JE Lead is available to facilitate this meeting if required and can be requested via the HR inbox ([hr@charnwood.gov.uk](mailto:hr@charnwood.gov.uk)).
- Where a JE Lead's involvement does not achieve an agreement on the job profile or JDQ and other communication channels have been exhausted, the original JDQ or job profile will be submitted to the panel for evaluation along with a submission from the other party which sets out the areas of disagreement. These must be submitted within 20 working days of the dispute meeting. Both sides will be asked to expand on the reasons for the differences at the evaluation panel.
- In many cases, the issues of concern may not have a material effect on the outcome of the grade. However, where the issues are deemed to be the difference between one grade and another, the panel will seek further clarification from the employing department on specific points that influence the grade differential. This may include, for example, the duties undertaken, supervision given and/or received, financial dimensions, qualification level or depth of experience required.

- If there is still a difference in grade after the panel has received clarification on these specific points, the information provided by management will be used to determine the grade and the reasons for this will be confirmed in the notification of outcome. If the employee/group wishes to pursue an appeal against this outcome, they can only use the outcome rationale relating to management's submission. The appeal panel will not consider any rationale relating to the employee/group's submission.

## Moderating Panel

It may be appropriate for the results of a job evaluation to be shared with a moderating panel to ensure consistency of grade across the council. The panel will consist of a HR Manager and a trade union representative who have not had no prior involvement.

[Back to Contents](#)

## PERSONNEL COMMITTEE – 13TH OCTOBER 2020

### Report of the Head of Strategic Support

#### Part A

#### ITEM 13 GUIDANCE ON JOB SHARE ARRANGEMENTS

##### Purpose of Report

Personnel Committee to consider and agree the revisions to the Guidance on Job Share Arrangements.

##### Recommendation

That the proposed Guidance on Job Share Arrangements be agreed by Personnel Committee.

##### Reason

The purpose of the policy is to provide managers and employees with information and a process relating to job share.

##### Policy Justification and Previous Decisions

The proposed Guidance on Job Share Arrangements and relevant contract document have been reviewed and updated. The current policy has not been reviewed since at least 2010 and therefore it was necessary to ensure the policy is operating in accordance with best practice and legislative requirements.

##### Implementation Timetable including Future Decisions

It is recommended that the Guidance on Job Share Arrangements 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.

Appendix:                   Guidance on Job Share Arrangements

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

## Part B

### Background

1. The Guidance on Job Share Arrangements has been reviewed and redrafted to make the process for job share clearer for all involved in that process.
2. The current policy is very detailed but has not been reviewed since at least 2010.
3. Key changes include:

#### 3.1 Definition of Job Sharing

This section clearly outlines the definition of job sharing and the difference between working under a part time arrangement to that of working under a job share arrangement. Additionally, it clarifies that whilst a job share arrangement would ordinarily apply to 2 employees, there could occasionally be more involved in that arrangement.

#### 3.2 Job Share Arrangements

Information is comprehensively outlined around terms and conditions in the current policy. Some of this information duplicates other relevant policies. Therefore, the proposed policy focuses on the key information that needs to be made available for those involved in a job share arrangement or the process.

#### 3.3 Procedure

The proposed policy seeks to build on the existing policy in terms of the procedure to follow. It also makes reference to the policy on the Statutory Request for Flexible Working as some employees may wish to apply for job share by exercising their statutory right to request flexible working.

The current policy considers the following options:

- Job sharing by an existing employee
- Job sharing a vacant post

The proposed policy has expanded on these areas by developing the information available to employees further and outlines the following options:

#### **Existing employees who wish to job share:**

#### 3.4 With a job share partner in mind

The policy outlines that two or more employees may wish to submit a request to job share.

The partners must be in an identical or substantially comparable post in terms of duties, responsibilities, skills required and grade.

### 3.5 Without a job share partner

Clarifies that the job share position will be advertised in accordance with normal recruitment procedures. If no suitable candidate can be found, the job share arrangement will not proceed.

#### **External applicant – request to job share in response to an advertised vacancy**

This section outlines the process to follow in this circumstance. This includes a manager's responsibility to consider job sharing before advertisement and if a request is received from a candidate.

#### **Where only one of a number of job share applicants is shortlisted or suitable**

Applicants must be informed and asked whether they intend to continue with the application as a single job share applicant, if no other job share applicant is shortlisted or suitable.

In this circumstance it may not be possible for the manager to progress the job sharers application and this section outlines that process.

#### **If a request or application to job share is declined.**

Appendix A of the policy highlights some example factors for managers to consider to enable them to objectively assess the suitability of a post for job sharing, before determining that a job share arrangement is unsuitable.

4. The policy was submitted to SLT for consideration on 23rd June 2020 and JMTUM on 27th August 2020.



## Guidance on Job Share Arrangements

### Contents

<b>Information about this Guidance .....</b>	<b>Error! Bookmark not defined.</b>
<b>Scope .....</b>	<b>1</b>
<b>Purpose.....</b>	<b>1</b>
<b>Equalities .....</b>	<b>1</b>
<b>Definition of Job Sharing.....</b>	<b>2</b>
<b>Job Share Arrangements.....</b>	<b>2</b>
<b>Procedure .....</b>	<b>3</b>
<b>Where a Job Share Partner leaves the Shared Post .....</b>	<b>5</b>
<b>Monitoring and Review .....</b>	<b>6</b>
<b>Appendix A – Example Factors to Consider .....</b>	<b>7</b>

### Scope

This Guidance applies to all employees of Charnwood Borough Council with the exception of casual workers.

Although many posts will be apt for job sharing, it must be noted that not all posts will be suitable to job share at any particular time, and managers have the right to refuse requests if there is evidence which indicates that job sharing would adversely affect service provision.

[Back to Contents](#)

### Purpose

The purpose of this Guidance is to provide managers with information about the Council's Job Share scheme, which supports the development of a flexible and engaged workforce that is able to respond effectively to the needs of the service while balancing the requirements of the labour market.

[Back to Contents](#)

### Equalities

Through its [Equality and Diversity Strategy](#), Charnwood Borough Council has set out its vision to promote equality and eliminate discrimination.

The Council's commitment to equality of opportunity will be observed at all times during the application of the Job Share scheme. This ensures that employees are treated fairly and without discrimination on any of the grounds of: disability, age, race, nationality, ethnic or national origins, sex, gender identity or gender re-assignment, marital or civil partnership status, sexual orientation, trade union membership or activity, political belief, religious belief, maternity or pregnancy, and irrelevant criminal convictions.

Employees participating in the Job Share scheme are employed on a part-time basis and are entitled to terms and conditions that are no less favourable than those available for full-time employees in accordance with the Part-Time Workers Regulations 2000. Job Share partners will not be subjected to detriment in connection with their working arrangements.

[Back to Contents](#)

## Definition of Job Sharing

The Job Share scheme provides an opportunity for employees to work part-time without necessarily compromising on the variety and level of responsibility of work available.

Job sharing is a form of part-time working where two (or occasionally more) employees share the responsibility for one job, i.e. the same job, between them and carry out all of the tasks associated with the job. If one of the Job Share partners is absent for a short period, e.g. annual leave or short term sickness, the other(s) may be invited to increase their hours to cover some or all of their partner's duties. They will be under no obligation to agree, as this would not usually be necessary where a post is covered by one employee.

In comparison, part-time employees occupy discrete posts, which means that they do not share the tasks of the post with another employee.

[Back to Contents](#)

## Job Share Arrangements

### Employment Contract

Each Job Share partner will have an individual contract of employment, on a permanent or fixed-term basis as required.

### Duties

The same job profile and job title will apply to both Job Share partners. The specific duties and responsibilities of the post will be determined by the manager and will be as specified in the job description, and the attributes required of the postholder(s) will

be as described in the person specification. Managers must therefore ensure that the job description for the post is kept up to date.

Job Share partners must be prepared and able to carry out all of the duties and responsibilities associated with the shared post.

### **Working Hours**

In most cases the shared post will be full-time, i.e. 37 hours per week. Part-time posts with a substantial number of hours may also be suitable for job sharing.

It is common for the available working hours and days to be divided equally between Job Share partners, but it may be possible for different configurations of working hours to be accommodated. The post may require working hours to be arranged in order to facilitate a short handover between the Job Share partners.

The precise deployment of working hours will normally be determined by the manager in consultation with the Job Share partners; however, working hours must always be arranged giving due regard to the needs of the service.

### **Contractual Entitlements**

Salary, annual leave and other contractual provisions are normally pro-rata to those for full-time working and are calculated in accordance with each employee's individual contract of employment.

[Back to Contents](#)

## **Procedure**

Applications to job share will be considered from:

- Existing employees on permanent or fixed-term contracts of employment; or:
- Prospective employees for vacant permanent or fixed-term posts.

An application may be received from:

- One applicant only;
- A pair of applicants; or
- A number of applicants.

Managers should be aware that employees have a statutory right to request flexible working in some circumstances, and may request to job share as part of their application. The Council has a separate procedure for dealing with [Statutory Requests for Flexible Working](#).

## **Existing Employees Who Wish to Job Share**

### **With a Job Share Partner in mind**

An existing employee who wishes to job share their post may put forward an application and may have already identified a potential Job Share partner. In some cases, two or more existing employees may submit a request to job share.

The partners must be in an identical or substantially comparable post in terms of duties, responsibilities, skills required and grade. Where the potential partners are appointed to different levels of a career grade, the manager must be satisfied that both partner(s) are able to carry out the duties required and that any disparity in the allocation of tasks resulting from the difference in grade can be managed without disruption to service provision. Any agreement for such an employee to job share will not lead to fast tracking on the career grade scheme.

The manager must be satisfied that both Job Share partners are suitable to undertake the duties of the post and have the requisite skills. This will mean convening an interview and any associated tests/other selection methods normally used for the selection of applicants to that type of post, unless both Job Share partners are already employed to undertake the role that they intend to share.

Furthermore, it may be appropriate to advertise internally in this circumstance if the post is one that may generate interest from other employees of the Council. Further advice can be sought from HR services in these circumstances.

### **Without a Job Share Partner**

An existing employee may request to work on a job share basis without a partner being available.

If the manager deems the post suitable for job sharing, the vacant part of the post will be advertised and normal recruitment procedures will apply.

If no suitable candidate can be found after the recruitment procedure has been exhausted, the existing employee must be informed that the job share arrangement cannot proceed.

### **External Applicant - Request to Job Share in response to an Advertised Vacancy**

Managers are encouraged to determine whether a post is suitable for job sharing before advertising, and where possible this should be included in the recruitment advertisement and accompanying literature.

Where an application to job share an advertised vacancy is received from an applicant(s), the manager must decide whether the post is suitable for job sharing if this has not already been indicated in the advertisement.

Job applicants will not be refused an interview solely on the basis that they have made a request to job share.

If, after the interview and selection process, the job share applicant is the most suitable candidate the manager must consider whether:

- any of the other applicants might wish to job share and seek any expressions of interest
- there are any expressions of interest from existing internal employees
- the resulting vacant part of the post should be advertised, on the understanding that if no suitable Job Share partner can be found, the job share cannot proceed.

### **Where only one of a number of Job Share Applicants is shortlisted or suitable**

The applicant must be informed and asked whether they intend to continue with the application as a single Job Share applicant, with the remainder of the post potentially being filled by someone from a separate recruitment process. Where it is not possible to recruit to the remainder of the post, the original candidate must be notified that it is not possible to progress his/her application to job share.

Before rejecting the applicant, managers must consider whether any alternative working arrangements might be appropriate to the applicant's circumstances. Where Job Share partners are appointed who are not already known to each other, managers must arrange a meeting so that practical working arrangements can be discussed and agreed, e.g. working patterns, hours of work, duties and tasks.

### **If a request or application to Job Share is declined**

The manager should contact the applicant(s)/employee(s) giving details explaining why the requested arrangements cannot be implemented. Some example factors which should be considered by managers when objectively assessing the suitability of a post for job sharing arrangements can be found at [Appendix A](#).

[Back to Contents](#)

## **Where a Job Share Partner leaves the Shared Post**

In the event that one Job Share partner leaves the shared post, the manager will invite the remaining partner to increase their hours to cover the duties of the role, but it is not mandatory for the Job Share partner to agree. In the same situation, the remaining job share partner may make a request to vary their hours. If the remaining partner intends to continue with the Job Share, and there are no restrictions on

recruitment to the post e.g. in connection with an ongoing restructure, every effort will be made to fill the vacant part of the post through normal recruitment procedures.

**Note** - the remaining Job Share partner may request or be asked to vary their hours in order to take on the duties on a temporary basis until the vacant hours are filled.

If the remaining Job Share partner agrees to change their hours on a permanent or temporary basis, this constitutes a change to their individual contract of employment. The manager must submit the [Variation to Contract E-form](#).

If the post cannot be filled through normal recruitment procedures, the manager will again invite the remaining Job Share partner to increase their hours in order to undertake the duties of the post. If the employee does not agree, the manager will make every effort to find suitable alternative work for the remaining Job Share partner through redeployment using the procedure for 'Other' redeployment situations.

If it is not possible to find a suitable alternative post we may terminate the employment of the remaining job share partner if the post cannot be re-organised to suit both the organisation's and the individual's requirements. Managers must therefore explore all alternative working arrangements to see if they might be appropriate to the employee's circumstances, and discuss these with the remaining Job Share partner.

[Back to Contents](#)

## Monitoring and Review

All types of working arrangements, including Job Share, will be subject to monitoring and periodic review as part of the Council's commitment to continuous improvement of the efficiency and effectiveness of service provision and delivery. Where it becomes evident that any particular working arrangements are no longer effective or efficient, it may become necessary to negotiate changes with the employee(s) concerned.

[Back to Contents](#)

## Appendix A – Example Factors to Consider

### Duties of the Post

- How satisfied are you that the proposed working arrangements will meet the requirements of the service and its customers/clients?
- How will the post be divided between two or more people, ensuring that all Job Share partners undertake work of equal responsibility and volume appropriate to the number of hours worked by each Job Share partner?
- How best can the tasks be allocated to achieve maximum service efficiency? (E.g. by task/project, by time, by client?)
- Are there any duties that can only be carried out by one of the postholders, e.g. for continuity etc.?
- How can any envisaged difficulties be overcome, if at all?
- How will any problems regarding the joint supervision of staff be addressed?
- Are there any special circumstances applicable to the post that would preclude its suitability for job sharing, e.g.:
  - arrangement of working hours necessary to provide sufficient cover,
  - career grade disparity between applicants,
  - a number of job sharing arrangements within the same work area making further such arrangements difficult to accommodate/manage
  - additional costs attached to the post
  - the postholder wishes to undertake a second employment which conflicts with the interests of the County Council.

### The Applicant(s)

- How far does each Job Share applicant meet the key skills requirements of the post?
- Is it possible to agree working arrangements that are suitable for the Job Share partners and for the service?

[Back to Contents](#)

**PERSONNEL COMMITTEE – 13TH OCTOBER 2020**

**Report of the Head of Strategic Support**

**Part A**

ITEM 14     SECONDMENT POLICY AND PROCEDURE

Purpose of Report

Personnel Committee to consider and agree the revisions to the Secondment Policy and Procedure.

Recommendation

That the proposed Secondment Policy and Procedure be agreed by Personnel Committee.

Reason

The purpose of the policy is to provide managers with practical information on secondments and measures to be implemented within the workplace.

Policy Justification and Previous Decisions

The proposed Secondment Policy and Procedure outlines the Council's commitment to ensuring good practice and compliance with legislative requirements relating to secondments.

Implementation Timetable including Future Decisions

It is recommended that the Secondments Policy and Procedure 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.

Appendix: Secondment Policy and Procedure

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

## Part B

### Background

1. The Secondment Policy and Procedure has been reviewed and redrafted to make the process for secondments clearer. The previous policy made specific references to processes for internal and external recruitment which resulted in a lengthy policy document with duplication of content. The revised policy streamlines this by merging the processes and making it easier for employees to follow.
2. Key changes include:
  - 2.1 Timescales for secondment
    - 2.1.1 It is proposed that the secondment period be increased to a maximum period of one year, with the opportunity to extend in exceptional circumstances through the delegated decision process.
    - 2.1.2 The current policy states that secondments would not ordinarily last for more than 6 months. Current practice demonstrates that managers often need to extend this period, and therefore the proposed timescale allows greater flexibility for managers responsible for secondment positions.
  - 2.2 Internal Recruitment process
    - 2.2.1 The revised policy recommends that, in exceptional circumstances, where a short term vacancy needs to be filled urgently and/or requires specialist skills, it may be appropriate to ring fence the opportunity to a specific group of existing employees subject to Head of Service approval. It is therefore recommended that in exceptional circumstances, internal recruitment is approved as an option within the policy revisions.
  - 2.3 In all other cases the vacancy will be advertised internally and externally.
    - 2.3.1 The Council's recruitment and selection process outlines that all posts within the Council will be advertised internally and externally. However, custom and practice with secondment positions has on occasion been to ring fence the post to a specialist group of employees. Where there is no need to fill the vacancy urgently or specialist skills are not required, the normal recruitment and selection process should be followed.
  - 2.4 Amendment to Forms
    - 2.4.1 Prior to undertaking a secondment, employees were previously requested to complete a Prior Permission Pro-Forma to gain a manager's permission to undertake a secondment.
    - 2.4.2 The revised proposal intends to simplify this process by specifying that the employee must obtain permission from their substantive manager before

submitting an application for the secondment. There is no need to complete the Prior Permission Pro-Forma.

2.4.2 The Secondment – Variation to Contract document has also been updated to comply with the policy and relevant terms and conditions.

3. Consideration at Meetings - the Secondment Policy and Procedure was issued to SLT on 29th January 2020 and considered at JMTUM on the 27th August 2020.

## Secondment Policy and Procedure

### Contents

<b>Scope</b> .....	<b>1</b>
<b>Purpose</b> .....	<b>1</b>
<b>Definitions</b> .....	<b>2</b>
<b>Advertising and Applying for a Secondment Opportunity</b> .....	<b>2</b>
<b>Considering a Secondment Request</b> .....	<b>3</b>
<b>Confirming the Secondment Terms and Conditions</b> .....	<b>4</b>
<b>Internal secondments</b> .....	<b>4</b>
<b>External and incoming secondments</b> .....	<b>4</b>
<b>Maintaining Contact during the Secondment</b> .....	<b>5</b>
<b>Dealing with Issues that Arise during the Secondment</b> .....	<b>5</b>
<b>Extending a Secondment</b> .....	<b>5</b>
<b>Terminating a Secondment</b> .....	<b>6</b>
<b>Host manager wishes to end the secondment early or on the original end date</b> .....	<b>6</b>
<b>Employee wishes to end the secondment in advance of the original end date</b> .....	<b>6</b>
<b>Substantive manager wishes to recall the employee to their substantive post</b> .....	<b>6</b>
<b>Managing the Employee’s Return to their Substantive Post</b> .....	<b>7</b>
<b>Secondment Positions which Become Available on a Permanent Basis</b> .....	<b>7</b>
<b>Secondments and Organisational Change</b> .....	<b>7</b>
<b>Maintaining Professional Registration during Secondments</b> .....	<b>8</b>

### Scope

This policy applies to all employees of Charnwood Borough Council with the exception of those employed by schools and colleges with delegated budgets. It is also not applicable to agency workers, self-employed individuals, apprentices or casual workers.

### Purpose

The Council recognises the benefits that secondment opportunities can provide both in terms of employee development and covering posts on a temporary basis. Whilst the Council is committed to supporting the use of secondments, it also needs to ensure that, when agreeing to a secondment, the secondee’s employment status is made clear so that no unwarranted liabilities are incurred as a result.

The purpose of this policy is to encourage managers to adopt a fair and consistent approach when considering secondment requests and provides practical guidance on the successful implementation and management of secondment arrangements. It is not

intended to cover the specifics of individual secondment arrangements but to provide general guidance to managers and employees.

[Back to Contents](#)

## Definitions

For the purposes of this policy, the following definitions will apply:

- **Internal Secondment** - Where an employee transfers to an alternative post in their own or another department within the Council for a fixed-term period (up to a maximum of one year in duration except in exceptional circumstances).
- **External Secondment** - Where an employee transfers from the Council to work in another organisation for a fixed-term period (up to a maximum of one year in duration except in exceptional circumstances). The external organisation is the host organisation, not the employer. The employee will retain their employment with the Council during the secondment and will return to their substantive post on its completion.
- **Incoming Secondment** - Where an employee from another organisation works for the Council for a fixed-term period. The Council is the host organisation, not the employer. The employee will retain their employment with the external organisation during the secondment and will return to their substantive post on its completion.
- **Host Manager or Organisation** - The manager or organisation who is recruiting to the secondment position.
- **Substantive Manager** - The manager whose team the employee would normally work in and who will give permission to the employee to undertake the secondment.

[Back to Contents](#)

## Advertising and Applying for a Secondment Opportunity

Managers must obtain Head of Service approval to recruit to a secondment post by completing and submitting the Recruitment Approval Request Form.

The post should be advertised as a fixed term opportunity both internally and externally and normal recruitment and selection procedures apply.

Applications from redeployees must still be considered in accordance with the Redeployment Policy and Procedure and if successful, a fixed term contract should be issued.

The Council does not routinely advertise a secondment opportunity to specific internal employees. However, in exceptional circumstances where a short term vacancy needs to

be filled urgently and/or requires highly specialist skills, it may be appropriate to ring-fence the opportunity to a specific group of existing employees. In such circumstances, managers will need to obtain Head of Service approval and follow a fair and transparent selection process. Formal records must still be kept as to how the appointment decision was reached.

A Council employee wishing to apply for a post on a secondment basis must obtain permission from their substantive manager **before** submitting an application. Failure to obtain this approval may result in the employee having to resign from their substantive post in order to take up the fixed-term position.

An employee wishing to apply for an external secondment should contact the host organisation to confirm if they would be willing, in principle, to consider such an arrangement. The employee will be subject to the host organisation's recruitment and selection procedures.

[Back to Contents](#)

## Considering a Secondment Request

Employees do not have an automatic right to be released to undertake a secondment. Decisions should be based on operational considerations, for example:

- Whether the Head of Service is likely to give permission to recruit someone to fill the employee's vacated post on a fixed-term basis;
- If the employee cannot be replaced, whether a significant amount of additional work is likely to fall to colleagues and the impact this will have;
- The impact any cover arrangements will have on the service and/or customers;
- Peaks and troughs in work activities and whether these coincide favourably or unfavourably with the secondment timescales;
- Whether there are mutual benefits for the employee and the service/Council in terms of the knowledge, skills and experience that the employee will gain from the secondment;
- If there are any circumstances (e.g. imminent service restructure) which may impact on the requirement to hold the employee's post open for their return.

If permission is given, the employee's substantive post must be held open for their return. Where permission is not granted, the employee should be advised of the reason(s) why their request cannot be agreed.

Where an incoming secondment request is received for the Council to host a secondee from a third party employer, managers should only consider accepting such a request where the arrangement would be in the interests of the Council.

[Back to Contents](#)

## Confirming the Secondment Terms and Conditions

Once the selection process is complete, the host manager should complete the Selection Outcome e-form and normal recruitment and selection procedures will apply.

### **Internal secondments**

Human Resources will send the employee a variation to contract letter confirming the details of the secondment. As secondments are a voluntary arrangement, the employee will not be entitled to pay protection or disturbance allowance during the period of their secondment.

### **External and incoming secondments**

A formal secondment agreement is required which will be signed by the employee, the host manager and the substantive manager. The agreement may be drawn up by either the external organisation or the Council, depending on the circumstances of the secondment. As this is a legally binding document, managers must seek advice from Human Resources when drafting and/or finalising the contents of the agreement. A copy of the signed agreement should be retained on the employee's personal file.

Employees on external secondment will remain in the employment of the Council during the period of their secondment. Consequently, their continuity of service will be preserved for the purposes of service-related entitlements, such as annual leave, and statutory employment rights (e.g. redundancy payments). These employees will also remain subject to the Council's policies, procedures and contractual terms and conditions during their secondment. This includes the Council's performance management policies (i.e. attendance management, capability, behaviour in the workplace, disciplinary, and grievance). However, they will also be expected to observe the policies and procedures of the host organisation. It is therefore important that any specific conditions (e.g. dress code, health and safety requirements) are included in the secondment agreement.

The contractual management of employees on external secondments will continue to be the responsibility of their substantive manager (e.g. for booking annual leave, sickness recording and monitoring) although day-to-day supervision will be undertaken by the host manager. The substantive manager will need to liaise closely with the host manager to ensure that they are familiar with the Council's procedures so that the necessary processes are followed.

It is usual practice for the Council to continue to pay the salary of an employee on external secondment and then invoice the host organisation for the salary costs incurred. The substantive manager should liaise with Finance Payroll to put these arrangements in place.

Employees who wish to undertake an external secondment are advised to contact the pension scheme, prior to signing any agreement, to discuss the potential impact of the arrangement on their scheme membership:

- Local Government Pension Scheme (LGPS)  
Email: [pensions@leics.gov.uk](mailto:pensions@leics.gov.uk) or Telephone: (0116) 3057654

In the case of incoming secondments, the employee will remain in the employment of the external organisation during the period of the secondment. The employee should continue to be paid by their employer, who will then invoice the Council for the appropriate salary costs. They will also usually remain subject to their employer's policies, procedures and contractual terms and conditions during the secondment. A copy of the secondees' employment contract with the external organisation should be disclosed to the Council and included within the secondment agreement. Any Council policies or other conditions which will apply to the employee during their incoming secondment should be set out in the secondment agreement.

[Back to Contents](#)

## Maintaining Contact during the Secondment

The employee and the substantive manager are both responsible for ensuring that regular contact is maintained during the secondment period. This will ensure that the employee is kept informed of any changes and/or developments within their substantive team and/or the Council. Depending on the length of the secondment, it may also be appropriate, especially in the case of external secondments, for periodic review meetings to take place. This will enable the host manager, the substantive manager and the employee to discuss the ongoing progress of the secondment.

[Back to Contents](#)

## Dealing with Issues that Arise during the Secondment

In the case of external and incoming secondments, the host manager should alert the substantive manager if any performance or conduct issues arise. The substantive manager will usually be responsible for invoking any action required however this will depend on the arrangements specified in the secondment agreement. It is expected that the host manager (and colleagues within the host organisation) will co-operate fully with any investigation or formal proceedings that may be required. This requirement should be stipulated in the secondment agreement.

[Back to Contents](#)

## Extending a Secondment

Any proposed extension to the original secondment period must be discussed and agreed between the host manager and the substantive manager in the first instance. The same considerations should be taken into account as above (Considering a Secondment Request). In the case of internal and incoming secondments, the host manager will also need to obtain permission for the extension through the delegated decision process before offering it to the employee. If all parties are in agreement, the details of the extension should be confirmed in writing to the employee.

For internal secondments, the host manager should submit the [Variation to Contract E-Form](#), following approval of the delegated decision. Human Resources will then send the employee written confirmation of the extension. In the case of external and incoming secondments, a further secondment agreement will need to be produced and issued by the originator of the original agreement. As this is a legally binding document, managers must seek advice from Human Resources before signing the new agreement.

Where the substantive manager is unable to agree the continued release of the employee or the employee does not wish to accept the extension, the secondment will end in accordance with the original variation to contract letter or secondment agreement.

[Back to Contents](#)

## Terminating a Secondment

### **Host manager wishes to end the secondment early or on the original end date**

The host manager should contact the employee's substantive manager to confirm that the secondment will be ending. This will enable them to terminate any cover arrangements that may be in place. The host manager should then meet with the employee to advise that the secondment will be ending and confirm this in writing. A template letter is available by clicking [here](#). If the secondment is ending earlier than expected, the employee must be given the required notice as set out in the variation to contract letter or secondment agreement. For internal secondments, the manager will also need to complete the [Variation to Contract E-Form](#) to advise Human Resources of the employee's return to their substantive post.

If an employee is unable to work for a consecutive period of 3 months or more, the host manager reserves the right to terminate the individual's secondment, following the above procedure, where this provision is set out in the variation to contract letter or secondment agreement.

### **Employee wishes to end the secondment in advance of the original end date**

The employee should discuss the matter with both the host manager and the substantive manager in the first instance. If, following these discussions, the employee still wishes to terminate their secondment, they should provide the notice required under the variation to contract letter or secondment agreement. The substantive manager has the right to delay the employee's proposed return date if there is insufficient time to terminate any cover arrangements that may be in place or where the date would seriously affect the service for other significant business reasons.

### **Substantive manager wishes to recall the employee to their substantive post**

The substantive manager reserves the right to recall a seconded employee to their substantive post. Where possible, the employee should be provided with the notice attached to the seconded post. However, in exceptional circumstances it may be necessary to recall the employee at short notice. In these situations, the substantive manager should discuss and agree the early return date with the host manager before

notifying the employee. The employee's variation to contract letter or secondment agreement should make provision for such early termination.

[Back to Contents](#)

## Managing the Employee's Return to their Substantive Post

The substantive manager is responsible for managing the employee's return to their substantive post. On their return, the employee should be provided with an update of any changes that may have taken place during their absence. Depending on the length of the secondment and/or the number of changes which have taken place, it may also be appropriate to provide the employee with (refresher) training. In addition, a review of the secondment experience should be conducted, ideally as part of the Personal Review process, in order to evaluate and recognise the benefits gained. It may also be useful for the employee to feed back what they have learnt from their experience to colleagues and to continue to maintain the contacts and networks they have established whilst on secondment.

When the employee returns to their substantive post, their salary in that role will reflect any incremental changes and/or annual pay awards that have taken place during the secondment period.

[Back to Contents](#)

## Secondment Positions which Become Available on a Permanent Basis

If, during the course of an internal or incoming secondment, the secondment post becomes available on a permanent basis (e.g. the substantive post holder does not return from maternity leave), the position should be advertised in open competition and normal recruitment and selection procedures will apply.

An employee who is seconded to an external organisation and is offered the opportunity to take up this post on a permanent basis must submit their resignation to their manager giving the notice required under their substantive post's contract of employment.

In both cases, the terms of any secondment agreement should be considered as they may contain restrictions on the ability to recruit to or take up a position during or immediately after the secondment.

[Back to Contents](#)

## Secondments and Organisational Change

If, during the period of the secondment, the employee's substantive post becomes subject to organisational change, it will be necessary for the employee to be advised, consulted and involved as if they were in their substantive role. This includes ensuring that the employee is provided with sufficient time away from their secondment post to be fully engaged in the process (e.g. to attend consultation meetings, participate in selection processes, etc.). In the case of external secondments, consideration should be given to

informing the host organisation of any proposed restructuring which may affect the seconded employee.

Further guidance on managing secondments during organisational change is available in the Organisational Change Policy and Procedure.

[Back to Contents](#)

## Maintaining Professional Registration during Secondments

It may be necessary for some employees to return to their substantive post for a short period during their secondment in order to satisfy any statutory requirement to maintain their professional registration. Any such requirement should be made explicit in the secondment agreement.

[Back to Contents](#)

**PERSONNEL COMMITTEE – 13TH OCTOBER 2020**

**Report of the Head of Strategic Support**

**Part A**

ITEM 15     FIXED TERM CONTRACTS GUIDANCE

Purpose of Report

Personnel Committee to consider and agree the revisions to the Fixed Term Contracts Guidance and the introduction of the Fixed Term Contracts Guidance for Human Resources.

Recommendation

That the proposed Fixed Term Guidance be agreed by the Personnel Committee.

Reason

The purpose of the policy is to provide managers with practical information on fixed term contracts and measures to be implemented within the workplace.

Policy Justification and Previous Decisions

The proposed Fixed Term Contracts Guidance and Fixed Term Contract Guidance for HR outlines the Council's commitment to ensuring good practice and compliance with legislative requirements relating to fixed term contracts.

Implementation Timetable including Future Decisions

It is recommended that the Fixed Term Contracts Guidance 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.

Appendices:           Appendix A – Fixed Term Contract Guidance for Managers  
                              Appendix B – Fixed Term Contract Guidance for HR

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

## Part B

### Background

1. The Fixed Term Contracts Guidance has been reviewed and streamlined to ensure it is up to date and compliant with legislative requirements.
2. The proposed policy has been reduced from 12 pages to 5, by focusing on key information for all employees and reducing information that is not necessary or can be located in other policies, for example, Organisational Change and Redeployment.
3. In addition, a guidance document has been produced for Human Resources to enable them to provide detailed advice to managers in relation to termination of fixed term contracts, the statutory fallback scheme, organisational change and pregnancy, adoption and maternity rights.
4. The current policy outlines information in relation to the areas outlined in paragraph 2 in greater detail. However, after consideration and review, it was determined that a streamlined policy would be more effective for managers when dealing with fixed term contracts. HR are able to provide additional guidance and support in relation to legislative requirements and best practice by utilising the additional guidance document.
5. Additionally, the letters for managers have been streamlined, the wording in the fixed term contract has been updated and additionally the wording in the redeployment trial period offer letter to clarify an employee's rights when accepting a fixed term contract.
6. The Fixed Contracts Guidance was issued to SLT on 29th January 2020 and considered at JMTUM on the 27th August 2020.

## Fixed-Term Contracts Guidance for Managers

### Contents

<b>Key Points .....</b>	<b>1</b>
<b>When to Use a Fixed-Term Contract .....</b>	<b>1</b>
<b>When Not to Use a Fixed-Term Contract .....</b>	<b>2</b>
<b>Actions to Take When Offering a Fixed-Term Contract.....</b>	<b>2</b>
<b>How to Extend a Fixed-Term Contract.....</b>	<b>2</b>
<b>How to Terminate a Fixed-Term Contract.....</b>	<b>3</b>
<b>Additional Important Information .....</b>	<b>5</b>

## Key Points

This guidance does not apply to agency workers, self-employed individuals, apprentices or those engaged on training contracts, work experience or student placements, or casual workers.

- Fixed-term employees are subject to the same probation requirements as permanent employees.
- Extensions to a fixed-term contract can only be issued where the reason is the same as was stated in the original contract.
- An employee with more than 2 years' continuous service may be entitled to a redundancy payment when their fixed-term contract ends depending on the reason for the termination.
- An employee who is covering for another employee will not be entitled to redeployment status or a redundancy payment at the end of their fixed-term contract, irrespective of their length of service.
- An employee who has been employed on fixed-term contracts for a continuous period of 4 or more years may be entitled to permanent status.
- An employee on a fixed-term contract does not have an automatic right to the post if it becomes available on a permanent basis.

## When to Use a Fixed-Term Contract

- Absence cover (e.g. for long-term sickness, maternity, secondment, career break).

- A specific, finite project and no permanent employees are engaged on the same project (excludes permanent employees seconded to the project).
- When short term funding is available but the possibility of longer term funding (e.g. for longer than 2 years) is unlikely. Usually, a fixed-term contract in these circumstances will only be suitable where there are no permanent employees carrying out the same work linked to the funding. Guidance should be sought from Human Resources if there are other permanent employees.
- When additional staffing is needed for a specified period (e.g. to manage a temporary increase in workload) not usually exceeding 6 months.
- Vacancy cover, pending a restructuring (where the trade unions have been made aware of the restructure and consultation is due to commence within the next 6 months).

If you are unsure whether a fixed-term contract is appropriate, please contact Human Resources for advice.

### When Not to Use a Fixed-Term Contract

1. To create an artificial trial period to assess an individual's suitability for a job.
2. Where there may be a need to reduce employee numbers at some unspecified time in the future.
3. To cover a vacancy whilst working through the recruitment process to fill the post on a permanent basis.

### Actions to Take When Offering a Fixed-Term Contract

1. Meet with the employee prior to them accepting the fixed-term contract to ensure that they are aware of, and understand, the terms and conditions attached to the post including their rights when their employment comes to an end. Advice is available from Human Resources.
2. Keep a record of the employee's understanding and written acceptance.

### How to Extend a Fixed-Term Contract

1. Obtain permission for the extension through the delegated decision process.
2. Speak to the employee to advise them that an extension has been agreed and confirm if they are happy to accept it.

3. Complete the [Variation to Contract E-Form](#). Human Resources will write to the employee to confirm the extension. If the reason for the contract has changed, you will need to notify Human Resources of the reason for the change so that this can be reflected in the letter to the employee.

## Access to Permanent Posts

An employee on a fixed-term contract does not have an automatic right to the post if it becomes available on a permanent basis.

However, there is provision within the Appointments and Promotions Policy – The Appointment of Temporary Staff, that when a fixed term vacancy becomes available on a permanent basis, without a change in grade or duties, the fixed term post holder can be appointment to that post on a permanent basis subject to the following.

- The temporary post must have originally been advertised internally and externally.
- There must be no substantial differences between the person specifications for the temporary and permanent posts.
- The employee must have successfully completed six months service in the post and if applicable, have successfully completed their probationary period.
- There are no suitably experienced and/or qualified redeployees or employees at risk of redundancy. For further information please contact Human Resources.

## How to Terminate a Fixed-Term Contract

**Before terminating or not renewing an employee's fixed-term contract, check:**

1. How much continuous service does the employee have? You'll need this information to determine how much [notice](#) the individual is entitled to and whether a redundancy payment will be payable (if applicable to the circumstances of termination).
2. Is the employee covering for another employee who is now returning to their post? If so, they will not be entitled to a redundancy payment, irrespective of their length of service.
3. Was the individual employed in the post on a fixed-term basis (but not covering for another employee) and the post is now being made permanent? If so and the employee was not successful in being appointed to the role, you must contact Human Resources for advice on the process that needs to be followed to terminate the individual's employment.
4. Has the individual been employed on fixed-term contracts for more than 4 years (either with you or another service/department)? If so, you must contact Human Resources for advice as the employee may be eligible for permanent status.
5. Is the employee aged over 55? If so, they may qualify for early release of their pension if their contract ends by reason of redundancy.

Will the employee be on maternity leave, adoption leave or shared parental leave when discussions relating to the termination of their contract are due to take place? If so, you must contact Human Resources for advice as the employee may be entitled to additional employment rights.

**How to terminate the contract of an employee who was appointed to cover for another employee and the contract is ending because the substantive post holder is returning:**

1. Write to the employee to confirm when their contract will be ending, the reason(s) for this, and offer them the opportunity to meet with you to discuss this further. A template letter is available by clicking [here](#). If you are proposing to terminate the employee's contract early, you must allow sufficient time for this process to take place so that the employee can be given the relevant notice.
2. If the employee declines the offer to meet, complete the [Leavers Checklist E-Form](#). Human Resources will write to the employee to terminate the contract.
3. If the employee would like to meet, arrange a convenient date/time. The employee may be accompanied by a work colleague or trade union representative. The employee should be given the opportunity to suggest alternative proposals.
4. If, following the meeting, you decide that the contract should still be terminated, confirm your decision verbally to the employee and complete the [Leavers Checklist E-Form](#). Human Resources will write to the employee to terminate the contract.
5. An employee who wishes to appeal must submit their registration form to you within 7 working days of receiving their termination letter. The appeal will be heard in line with the [Appeal Policy and Procedure](#).

If, following the meeting, you decide that the contract should not be terminated, confirm your decision verbally to the employee and follow the instructions above to extend the contract. A fixed-term contract should only be extended where there is a genuine reason for the extension in line with the guidance contained in this document.

**How to terminate the contract of an employee by reason of redundancy (i.e. the work is ceasing and the contract will be terminated either earlier or in line with the contract end date):**

1. Contact Human Resources to discuss the potential redundancy, including consultation and notice requirements, eligibility for redeployment status, and whether this process is the correct one to follow.
2. Invite the employee to meet with you to discuss the proposal to terminate their contract. The employee may be accompanied by a work colleague or trade union representative. This meeting represents the start of formal consultation. The consultation period should last for a minimum of one week but may need to be longer depending on the circumstances.

3. At the meeting, explain the reason(s) for the proposed termination and the consultation arrangements. The employee should be provided with written confirmation of this information. A template letter is available by clicking [here](#). If applicable, advise the employee of their entitlement to redeployment status.
4. Once the consultation period has ended and you have considered any comments/suggestions, meet with the employee to advise them of the outcome. The employee may be accompanied by a work colleague or trade union representative.
5. If, following consultation, you decide that the contract should still be terminated, contact Human Resources so that the relevant notice letter can be issued. This letter will confirm the employee's right of appeal, any entitlement to redundancy pay and the date of redundancy.
6. Complete the [Leavers Checklist E-Form](#).
7. An employee who wishes to appeal must submit the registration form to you within 7 working days of receiving their termination letter. The appeal will be heard in line with the [Appeals Policy and Procedure](#)

If, following consultation, you decide that the contract should not be terminated, confirm your decision verbally to the employee and follow the instructions above to extend the contract. A fixed-term contract should only be extended where there is a genuine reason for the extension in line with the guidance contained in this document.

**Additional Important Information**

Advice must be sought from Human Resources as soon as possible if you receive either of the following requests from a fixed-term employee:

- An explanation as to why they are receiving less favourable treatment than a permanent employee; or
- Confirmation that their contract is to be regarded as permanent (as they have completed 4 years' continuous employment under 2 or more successive contracts).

A written response to either of these requests must be provided within 21 calendar days of the request being made.

**Document Control:**

Version Number	Agreed At	Date Created	Last Date Amended
2020-1		21/05/12	05/02/14

**Fixed-Term Contracts - Guidance for HR**

**Contents**

**Legal Context** .....1  
**Permanent Status - The Statutory Fallback Scheme** .....1  
**Ending Fixed-Term Contracts**.....2  
**Pregnancy, Maternity and Adoption Rights** .....4

**Legal Context**

The Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 give fixed-term employees the right to be treated no less favourably than permanent employees doing the same or broadly similar work with regard to their terms and conditions or in being subjected to any other detriment on the basis of their fixed-term status, unless such treatment can be justified on objective grounds. Fixed-term employees therefore have the right to the same pay and contractual entitlements as permanent employees, unless it can be objectively justified that a particular term or condition should not be applied.

Fixed-term employees who believe they are receiving less favourable treatment have the right to request a written statement from their employer explaining the reasons for such treatment and the employer must respond in writing within 21 calendar days of the request.

[Back to Contents](#)

**Permanent Status - The Statutory Fallback Scheme**

To qualify for permanent status under the statutory fallback scheme:

- The employee must have been employed continuously by the Council for 4 or more years under a series of 2 or more fixed-term contracts; and
- The continued use of a fixed-term contract cannot be objectively justified.

Continuous service on a permanent contract prior to service in a fixed-term contract does not count towards continuous service for these purposes.

Employees who believe that they qualify for permanent status are entitled to write to their manager and request written confirmation that their contract is to be regarded as permanent. The manager must write to the employee within 21 days of the request being made to confirm the contract is permanent or to confirm why it remains a fixed-term contract.

### Examples of Objective Justification:

- The task/project that the employee is working on is due to finish shortly after the 4 year point;
- The funding for the post is due to cease shortly after the 4 year mark;
- The employee is covering the absence of another employee.

### Example Scenarios:

1. An individual is employed on a 3 year fixed-term contract which is then renewed for a further 2 years - permanent status would be achieved on the date that they accrue 4 years' service unless the further fixed-term contract can be objectively justified.
2. An individual is employed on a 5 year fixed-term contract - permanent status would only be achieved if the contract is renewed (and the continued use of a fixed-term contract could not be objectively justified). Permanent status would be effective from the date the contract was renewed rather than when they accrued 4 years' continuous service.

If the employee qualifies for permanent status, the manager should complete the [variation to contract e-form](#) so that written confirmation can be issued by Human Resources.

[Back to Contents](#)

## Ending Fixed-Term Contracts

In order to determine whether the termination procedures of the Fixed-Term Contracts Guidance or Organisational Change Policy will apply, the manager will need to confirm:

- The reason for the employee's contract (as stated in the contract and extension letters);
- Whether there are other employees (permanent or fixed-term) who are doing the same (or broadly similar) work.

The termination procedures set out in the [Fixed-Term Contracts Guidance](#) should be used where the employee's contract:

- Relates to the completion of an isolated project or piece of work and no permanent employees are engaged on the same task/project;
- States that it is to cover the absence of another employee;
- States that the individual was appointed to provide additional cover during a temporary peak in workload and that their contract would end once this excess demand has reduced. Contracts of this nature will usually only be in place for 6

months and employees must **not** have completed work outside of the 'peak' requirement. If they have, the provisions of the Organisational Change Policy will apply;

- States that the individual was appointed on a fixed-term basis pending the implementation of a restructuring. For this to apply, the implementation date stated in the contract must have been reasonable (usually within 6 months).

The [Organisational Change Policy](#) should be used to terminate fixed-term contracts where:

- The employee is carrying out the same or broadly similar work as permanent employees;
- The employee falls within the scope of a restructuring or review. Please refer to the Organisational Change Policy for further information;
- It is proposed to make a group of employees on both permanent and fixed-term contracts redundant.

When considering the end of a fixed-term contract, the manager will need to confirm the following regardless of which procedure will apply:

- How much continuous service the employee has. Managers should ensure that employees haven't achieved permanent status following the use of successive fixed term contracts. You will also need this to calculate how much notice they are entitled to and whether a redundancy payment may apply depending on which procedure will be used.
- Whether the employee is aged 55 or over and a member of the pension scheme.
- Whether the employee is currently on or due to commence maternity leave, adoption leave or shared parental leave.

### **Fixed-term posts which become available on a permanent basis**

When an individual is appointed on a fixed-term basis, their contract of employment (and if applicable, redeployment trial period offer letter) should clearly state that the employee will only be entitled to a redundancy payment and/or redeployment status when their contract ends if they have the required amount of service and the reason their employment is ending is due to the post being redundant.

In situations where a fixed-term post has become available on a permanent basis but the current post holder has not been appointed to the post, it will not be a redundancy situation. In this case, it will be necessary to confirm whether the employee has been advised, in writing, of the above entitlements. Where it's confirmed that the employee was informed, the termination procedures set out in the [Fixed-Term Contracts Guidance](#) should be followed. However, where this is not the case, the employee should be informed of the position and advice sought from Legal as appropriate.

[Back to Contents](#)

## Pregnancy, Maternity and Adoption Rights

It is unlawful to reject an applicant for fixed-term employment, to withdraw an offer of employment, to terminate or not renew a fixed-term contract on the grounds that the employee/prospective employee is pregnant (or may become pregnant).

Fixed-term employees have the same entitlement to statutory maternity and adoption leave and pay as permanent employees (subject to meeting the relevant qualification criteria). Although statutory maternity or adoption leave may come to an end at the conclusion of a fixed-term contract, the employee may still be entitled to receive statutory maternity or adoption pay if they have already qualified for it (even if their contract ends before they are due to commence their maternity or adoption leave).

### Fixed-Term Employees in a Redundancy Situation

Employers have a statutory duty to offer an employee whose post is confirmed as redundant whilst they are on maternity leave, adoption leave or shared parental leave, any suitable alternative post as an alternative to redundancy. To be classed as a suitable alternative for these purposes, the post must be on terms and conditions and in a capacity and location which are not substantially less favourable than the employee's substantive post and be suitable and appropriate for them to do. The employee should be given redeployment status from the start of formal consultation and offered any suitable post over other employees with redeployment status.

An employee who returns to work before they are issued with their notice of redundancy is not entitled to this preferential treatment however will still be entitled to redeployment status for the duration of their notice period.

[Back to Contents](#)

### Document Control:

Version Number	Agreed At	Date Created	Date Agreed
2020-1		15/01/20	