

Date of issue: Tuesday, 4 April 2017

MEETING	EMPLOYMENT & APPEALS COMMITTEE (Councillors Usmani (Chair), N Holledge, Bedi, Brooker, Chahal, Davis, M Holledge, R Sandhu and Sharif)
DATE AND TIME:	WEDNESDAY, 12TH APRIL, 2017 AT 6.30 PM
VENUE:	VENUS SUITE 2, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	NADIA WILLIAMS 01753 875015

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



ROGER PARKIN
Interim Chief Executive

AGENDA

PART 1

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ITEM

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Apologies for absence.

CONSTITUTIONAL MATTERS

1. Declarations of Interest

All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the



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Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.

The Chair will ask Members to confirm that they do not have a declarable interest.

All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.

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|----|--|-----------|-----|
| 2. | Minutes of the Meeting held on 26th January 2017 | 1 - 6 | |
| 3. | Temporary Agency Staff - Progress on Implementation and Baseline Monitoring Report | To follow | |
| 4. | Employee Wellbeing Programme Update | 7 - 10 | All |
| 5. | Organisational Development (OD) Programme Update | 11 - 18 | All |
| 6. | Arrangements for the Dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer | 19 - 28 | All |
| 7. | Family Leave Policies and Procedures | 29 - 52 | All |
| 8. | Attendance Record | 53 - 54 | |
| 9. | Date of Next Meeting - Tuesday 20 June 2017 | | |

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.



Employment & Appeals Committee – Meeting held on Thursday, 26th January, 2017.

Present:- Councillors Usmani (Chair), N Holledge (Vice-Chair), Bedi, Brooker, Chahal, Davis, M Holledge, R Sandhu and Sharif

Apologies for Absence:- None

PART 1

22. Declarations of Interest

None.

23. Minutes of the Meeting held on 25th October 2016

Resolved - That the minutes of the meeting held on 25th October, 2016, be approved as a correct record.

24. Temporary Agency Staff - Progress on Implementation and Baseline Monitoring

The Officer apologised that the report was not available for discussion and advised that it would be considered at the next meeting on 12th April, 2017.

25. Establishment of Appointments Sub Committee

The Senior Democratic Services Officer outlined a report in which the Committee was requested to agree to the establishment of an Appointments Sub Committee and the appointment of Members to serve on it.

Members were reminded that the Constitution provided for the Committee to appoint an Appointments Sub Committee as required should the need arise, for the Appointment to the post of Chief Executive. The Sub Committee comprised five members, appointed in accordance with the political proportionality of the Council (currently 5 Labour, 1 Conservative). All five members would be voting members of the Sub Committee.

It was noted that Members of the Sub Committee must comprise (subject to availability) the Leaders of the political groups, or their nominees, who must have had appropriate training in recruitment and selection activities. Where possible but not as a requirement the nominations should be drawn from members serving on the Employment and Appeals Committee.

The Appointments Sub Committee would be supported by Human Resources and, where appropriate, an external adviser.

Employment & Appeals Committee - 26.01.17

Nominations had been sought from Political Groups and were notified to the Committee. The Senior Democratic Services Officer questioned whether there were any other nominations and none were submitted.

Resolved-

- a) That the Appointments Sub-Committee be appointed for the 2016/17 Municipal Year.
- b) That the terms of reference of the Sub Committee be as set out in Paragraph 5.7 of the report.
- c) That seats be allocated on the Sub-Committee as set out in paragraph 5.5 of the report.
- d) That Councillors Chahal, Hussain, Munawar, Sharif and Usmani be appointed to the Appointments Sub-Committee.

26. Staff Wellbeing Update

The Officer advised that the report would be provided for the next meeting when all the outstanding information would be available.

27. Staff Survey Results Update

The Organisational Development/ HR Business Partner, outlined a report and presentation, to update the Committee on the results of the Staff Survey which was carried out in the Autumn of 2016. She presented apologies from the Assistant Director of Adult Social Care who was unable to attend the meeting and advised that she would feed back Member comments to him.

It was highlighted that the survey was only for Slough BC staff and included library staff and a small number of Cambridge Education staff who had returned to the Council. The survey did not cover staff from partner organisations such as the Slough Children's Services Trust.

It was noted that the survey was run by the employee engagement forum and administered using Survey Monkey. It was structured around four key themes: employee voice, organisational integrity (living out the council's values), strategic direction (the council's vision and direction) and management. The purpose of the survey was to assess the level of employee engagement across the council, highlight successes and identify areas for improvement. Plans were being drawn up by the employee engagement forum, directorate SMTs and senior leadership to take actions forward in response to the survey results.

The Officer discussed the Key findings of the survey and comparisons with previous results. Members were advised that an overall response rate of 60% was achieved, compared to 42% in 2015, being a good return rate for an optional survey.

Employment & Appeals Committee - 26.01.17

The Committee noted some of the top line results which included that 88 percent of staff enjoyed their job, 56 percent of staff felt appreciated by managers, and 90 percent of staff rated the council as average or above as an employer. More than 1,700 individual comments were received and the employee engagement forum was analysing and responding to these. The forum was also updating the council-wide employee engagement plan for 2017/18 to address some survey findings. Additionally the management team for each directorate will be looking at the results for their own area and developing directorate level action plans.

The Committee was advised that an update on actions would be provided at the annual staff conference in May, 2017, organised by the employee engagement forum.

The Officer gave a comprehensive presentation which discussed the responses given to the questionnaire.

Members raised a number of questions and opinions which included the following:

- *57 individuals had skipped Questions 8 to 11, 89 had skipped Questions 12 to 14. Was there a likely reason for this? Could it be that the questions were too complex or the staff member had lost interest?*
The Officer would provide a response to Members prior to the next meeting.
- *A Member questioned whether an annual survey failed to address changes in attitudes throughout the year. Could a more responsive method be found such as an ongoing 'smiley face' podium within staff teams?*
The Officer advised that she would take this suggestion back to the Employee Forum for consideration.
- *It was suggested that there should be a staff behaviour charter.*
Members were advised that this would be embedded through the recruitment and appraisal processes.
- *A Member advised that in some cases she was aware that staff one to ones and appraisals were not carried out frequently enough.*
The Officer advised that these would be embedded in Service Plans.
- *Question 17 related to staff being recognised and appreciated for the work they do. A Member noted that 77% of staff felt appreciated by colleagues but this percentage dropped to 56% when it related to appreciation by Managers. It was requested that this concern be reviewed by Senior Management and a response be provided detailing how this position could be improved upon.*
The Officer advised that she would refer this to the Assistant Director for response.
- *Responses to Question 18 had indicated that 35% of staff felt they were provided the correct amount of information about council projects and changes. Why was this so low?*
The Committee was advised that this had improved on last year (31%) and the trend was improving through better communication.

Employment & Appeals Committee - 26.01.17

- *Survey results for Question 19 related to staff perception of how their Manager supported, listened to them and treated them fairly. Positive responses were in the range of 69 percent and 76 percent. A Member requested that work be done to analyse further the reasons behind these statistics to ensure that there was a focus on what appeared to be unhappy staff.*
Members were advised that in particular, the Senior Leadership Team had done work to improve their visibility and listen to staff. It was also noted that a high number of staff had skipped this question and this would be addressed as a concern.
- *Question 21 had addressed a number of miscellaneous questions such as workplace facilities and staff contractual issues. A Member asked whether measures were in place to enable staff to work from home.*
The relevant Commissioner advised that there was an ongoing project to look at IT equipment needs for homeworking, document management and IT Transformation.
- *A Member requested further information to be provided on the Honoraria process as she was concerned to learn that in some cases, good staff were recommended for an honoraria but then their application was rejected.*
The Officer advised that she was not aware of this but would provide further information on the process for Committee Members.
- *Question 11: It was noted that 58% of staff had stated that their experience had not improved whilst working for Slough BC. This was a new question but was a closed one and very broad, giving little insight into the reasons behind the responses. Could more information be provided?*
The Officer advised that she would refer this to the Assistant Director for response.
- *A Member asked whether the Staff Counselling Service was still in existence as she had not seen it advertised around Council Offices and it appeared that it was no longer being promoted. This was an important service for staff.*
It was confirmed that the Service was still available and the Officer would confirm how it was currently being publicised.

The Committee thanked the Officer for her presentation.

Resolved- That the report be noted and that the Officer provide responses to Members by email, prior to the next meeting.

28. Pay Policy Statement 2017/ 2018

Surjit Nagra, Organisational/ HR Business Partner, outlined a report providing the Pay Policy Statement for the year 2017/18.

The Committee was reminded that under the Localism Act 2011, Local Authorities were required to prepare an annual pay policy statement, which would cover a number of matters concerning the pay of the authority's staff, principally Chief Officers.

Employment & Appeals Committee - 26.01.17

The Statement would be recommended to Full Council in February, 2017, for approval.

Once approved the statement will be published on the Council's website.

Members noted that the statement did not apply to schools' staff as local authority schools' employees were outside the scope of the legislation.

The statement covered a number of areas such as transparency, the remuneration of Chief Officers, reporting lines, expenses for travel and subsistence and the payment of honoraria.

The Officer advised that the annual salary for employees on the lowest grade, assuming that the posts are full-time, (excluding apprentices) was Level 1, £15,858. The pay of the Chief Executive was currently £159,054, being 10.3 times the pay of the lowest paid employees.

In the ensuing debate, Members asked a number of questions including:

- It was noted that the Interim Monitoring Officer was paid £650 per day for two days each week. How long would this continue?
The Interim Chief Executive advised that measures were being taken to appoint to the post permanently.
- Did the role of Monitoring Officer include legal work?
Members were advised that the responsibilities of the role did not include general legal work- this was carried out by staff in the Legal Department. It was however preferable that the Officer. had experience in a legal background. It would also be necessary to appoint a Deputy Monitoring Officer.

Resolved- That the Pay Policy Statement 2017/2018 be recommended to Council.

29. Members Attendance Record

Resolved- That the Members Attendance Record be noted.

30. Date of Next Meeting - 12th April 2017

The date of the next meeting was confirmed as 12th April, 2017

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.00 pm)

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SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee

DATE: 12th April 2017

CONTACT OFFICER: Surjit Nagra, OD/HR Business Partner
(01753 875 737)

WARD(S): All

PART I
FOR INFORMATION

EMPLOYEE WELLBEING PROGRAMME UPDATE

1 Purpose of Report

To provide an update on the staff initiatives introduced to support the Employee Wellbeing agenda, as part of the wider Workforce Strategy.

2 Recommendation(s)/Proposed Action

The Committee is requested to resolve that the Employee Wellbeing Programme update be noted.

3 Supporting Information

Since the last Staff Wellbeing update in January 2015, this corporate project has been re-launched due to the original project group members declining. Volunteers were sought from existing employees to join the newly formed 'Employee Wellbeing Project Board'.

Update on Wellbeing Initiatives

Over the last 2 years, the group has developed 3 strands to concentrate on and these are listed below along with the relevant initiatives to encourage staff to consider their own wellbeing:-

- **Physical Activity:** This includes a range of exercises which have been commissioned for employees either before work, lunchtime or after work. The most popular sessions are – Yoga; Pilates; Netball; Football, Bike rides and more recently the Midday Mile and Table Tennis. Where possible these sessions are free of charge although there is a small fee where venues are required for activities. In addition we have led a Rounders and Football tournament and the annual Pedometer Challenge which encouraged staff to engage in some healthy competition between different teams. Particular success of our mixed netball tournament that competed at Bisham Abbey and placed 3rd out of 7 teams.

An Active Bingo card was introduced to reward staff for undertaking different activities over the period with some fun prizes for those that got a line or a full house. Posters encourage staff to participate in these activities and also to make small lifestyle changes, e.g. 'take the stairs'. We have also developed good partner arrangements with national schemes such as; Get Active Programme and Workplace Challenge whereby we can take advantage of resources to support staff and encourage them to get active.

- **Healthy Eating:** Our public health team and members of the Employee Wellbeing Board have supported this initiative and provided some useful tools and contacts to promote and run some informative events, including Diabetes Awareness; Health Checks, Healthy BBQ Week and Let's Get Healthy workshops which focused on sugar intake and healthy hearts. Sessions on drinking awareness and calorie intake from alcohol have also been held in multiple locations. In addition we have used Grapevine to regularly publicise healthy eating recipes provided by Wellbeing Champions and useful links e.g. British Heart Foundation and Slimming World. All initiatives have been well attended by staff and have been an 'eye opener' for some.
- **Mental Wellbeing:** There is a stigma attached to Mental Health and therefore this has been the most problematic area to tackle and promote. However, we have promoted national initiatives and events, for example Mental Health Awareness Week, Time to Talk, and World Mental Health Day. We have also worked with our own Community Mental Health team and promoted mental health resources and stress control workshops which staff can attend in their own time. Grapevine has had regular articles with contributions from the Community Mental Health Team, promotion of online mental wellbeing resources, as well as information on the mental wellbeing benefits of physical activity. The Employee Wellbeing Board provides a range of activities and has additionally supported council wide social events such as Christmas Jumper Day which contribute to a sense of wellbeing. Furthermore we have promoted our Employee Assistance programme which is a confidential counselling service for staff who may wish to use this service.

Following a successful series of introductory resilience training sessions in 2016, the Council joined a National Resilience Pilot in January. The intention is to pilot the delivery of mindfulness-based resilience training for Council employees. The pilot will be evaluated by the Wellbeing At Work Research Team at Kingston Business School which focuses on key business and organisational issues that impact on the well-being of people at work. The research is also being fed into the What Works Wellbeing Centre, a government-sponsored team set up by Gus O'Donnell to provide an evidence base for what works in enhancing resilience and wellbeing in the public services.

Participation in the pilot is an opportunity for Slough Borough Council to take a lead on the implementation of an innovative approach to improving employee effectiveness and wellbeing.

Each of these three priority strands (physical activity, healthy eating and mental wellbeing) is supported by articles in Grapevine. In the period May 2015 – April 2016, 29 articles relating to employee wellbeing were included in Grapevine. In the period May 2016 to date, more than 30 wellbeing related articles have been published.

Other Initiatives

Finally the Employee Wellbeing Project Board has successfully implemented Smoke Free from 1st April 2016 which now means that all Council sites are smoke free and smoking is not permitted at any time during the working day.

Future Initiatives

Following feedback from the staff survey regarding employee wellbeing events, to encourage staff involvement the Employee Wellbeing Board has recently developed a staff survey to establish what else staff would be interested in being involved in or what they do / don't like. The results of this survey are currently being analysed and the board is keen to develop some future initiatives to engage the entire workforce.

The Employee Wellbeing Board also seeks to support and promote other health related initiatives such as CW4S (Cardio Wellness 4 Slough).

The Employee Wellbeing Board has used Grapevine articles to promote the importance of an active lifestyle and in 2017 hopes to host a 'Get SBC Moving' day encouraging staff to put this message into practice:

Healthy, happy and here

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SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee

DATE: 12th April 2017

CONTACT OFFICER: Surjit Nagra, OD/HR Business Partner
(01753 875 737)

WARD(S): All

PART 1
FOR INFORMATION

ORGANISATIONAL DEVELOPMENT (OD) PROGRAMME UPDATE

1 Purpose of Report

To provide an update on the achievements of the OD Programme 2016-17 and outline the 2017-18 plans.

The OD Programme is aligned with:

We will recruit, retain and develop high quality people who are committed to Slough and supported to do their job – Five Year Plan 2017-21 Enabler; and

Develop a well-trained workforce of staff and managers at all levels, which understand and promote dignity at work to all – One of the council's Equality Objectives.

2 Recommendation(s)/Proposed Action

The Committee is requested to resolve that the Organisational Development Programme update is noted.

3 Supporting Information

In the October 2016 report to this committee, members were updated on the OD function and purpose to promote Slough as a learning organisation. The 2016-17 OD programme has now come to a close and its theme was 'safety and effectiveness' with a new and structured Mandatory Training Schedule.

In support of the programme, the OD team has introduced the following methodology to evaluate the programme formally:

- Monthly reporting to capture mandatory and Continuing Professional Development (CPD) compliance at individual employee level based upon new establishment data;
- The activation of a digitalised booking system for all employees to access their internal training courses with a complementary online directory ; and

- Course evaluations through delegate online surveys and face-to-face interviews to capture the quality of delivery.

Culture Shift

Our employees are to be congratulated for dedicating their time and energy to Slough and their commitment to 2016-17 OD Programme coupled with the dedication of our in-house and external subject experts and trainers. The programme has required a culture shift as:

- All employees were required to complete a series of e-learning modules from June 2016 – March 2017, based upon Five Year Plan drivers and Health and Safety Executive requirements. This required a commitment of each employee of 30 minutes to 1 hour per month.
- All frontline employees were required to complete classroom training relevant to their roles such as safeguarding adults and children; WRAP (workshop to raise awareness of PREVENT); and Personal Safety for Lone Workers.
- All new permanent employees were required to attend corporate induction within two months of joining the organisation. There were also some tailored induction sessions for the Children, Learning and Skills and Libraries employees who re-joined SBC in 2016-17.
- Leaders at all levels participated in a series of masterclasses in response to corporate objectives such as: strategic working; managing change; delivery of best outcomes; managing performance and culture change. National expertise was also sourced to facilitate discussions around the use of social media in local government and creating an entrepreneurial culture.
- Employees from throughout the organisation have been participating in a national pilot to examine the delivery and effectiveness of mindfulness-based resilience training. See **Appendix 1**.
- As part of their CPD, employees have opted to attend some of the 12 *Being Business Smart* 90-minute sessions, see **Appendix 2**.

Appraisal training and uptake

In support of appraisal season which runs from March to May each year, six bite-sized training sessions entitled *Value Adding Appraisals* are running in April under the Being Business Smart programme, as outlined above.

The purpose of these sessions is to support managers and supervisors to carry out effective appraisals so their team members will know how their performance can contribute to the council's vision, values and the Five-Year Plan.

In support of a new process to analyse training needs, the OD team will be reviewing the personal development plans of all employees when the appraisal

season ends in May. Similar work will also be undertaken with council members in respect of their performance management framework.

Looking forward to 2017-18

At a Corporate Management Team (CMT) meeting in March, approval was given to a **mandatory** Values, Behaviours and Diversity training programme for all employees. This is the starting point to embed the corporate values to drive positive cultural behaviour and change and promote greater working relationships and practices (see **Appendices 3 & 4**).

Management Development Programme

A three-year, 12-cohort Management Development Programme finished in January 2017 and has been subject to extensive evaluation through interviews and surveys. A new programme is being planned with a view to start with a diagnostic phase to assess delegates' leadership competences and styles before the programme itself commences in the summer. This will enable a more accurate understanding of the council's leadership narrative and offer leaders self-reflection and tailored learning. The training programme will also respond to the numerous requests from leaders for coaching skills and a mentoring network.

Support to corporate projects/teams

The 2016-17 OD Programme has also embraced support and advice to key corporate projects such as the Digital and Customer Transformation Programme; Community Development; and the Organised Crime Audit. The Head of OD is also a member of the Employee Engagement Forum.

Participation in a new OD & Leadership Frimley STP network

The Head of OD has joined a newly-formed OD and Leadership network which brings together OD/HR professionals from across the NHS and local authorities which form the Frimley Sustainability and Transformation Plan (STP) footprint. This network is supported by both NHS England and the NHS Thames Valley and Wessex Leadership Academy. The latter organisation is encouraging all the engaged OD/HR professionals to share resources and this may prove very beneficial to SBC as the STP gains momentum.

Next steps

This report has set out the 2016-17 deliverables which have been evaluated to contribute to the forthcoming OD Programme. Committee members are asked to NOTE this progress.

Appendices

- Appendix 1 – Project Scope – National Resilience Pilot
- Appendix 2 – Contents of Being Business Smart Sessions 2016-17
- Appendix 3 – Embedding Values Projects
- Appendix 4 – Values, Behaviours and Diversity Workshops

Appendix 1

PROJECT SCOPE - NATIONAL RESILIENCE PILOT

The intention is to pilot the delivery of mindfulness-based resilience training for Council employees. The pilot will be evaluated by the Wellbeing At Work Research Team at Kingston Business School which focuses on key business and organisational issues that impact on the well-being of people at work. The research is also being fed into the What Works Wellbeing Centre, a government-sponsored team set up by Gus O'Donnell to provide an evidence base for what works in enhancing resilience and wellbeing in the public services.

Participation in the pilot is an opportunity for Slough Borough Council to take a lead on the implementation of an innovative approach to improving employee effectiveness and wellbeing.

The Council began a series of resilience training sessions using mindfulness tools – for both the Senior Leadership Team and the wider workforce – in May 2016 (through two approved procurement business cases) and this pilot will build upon these foundations and will be made available to employees who wish to strengthen their personal resilience.

The benefits of Mindfulness-based resilience training teaches people skills for dealing with stress, planning and workload management, communication, interior leadership, creative thinking and decision making.

Furthermore, mindfulness has been approved by NICE for the treatment of recurrent depression and the Mental Health Foundation has reported that research into individuals with “problematic” levels of stress found significant improvement in perceived levels of stress over the course of a mindfulness intervention.

An All-Party Parliamentary Group recently published its report, *Mindful Nation*, in which it recommended introducing mindfulness into public services and the workplace.

The proposed online training has been developed by Rising Minds, a specialist Coaching and Mindfulness social enterprise with a strong track record in the field of mindfulness-based resilience at work, particularly in the public sector and a contributor to the *Mindful Nation* report.

This pilot will test the relative efficacy of:

1. A pure online programme
2. An online programme with live webinar elements
3. A hybrid of online, live webinar and introductory face-to-face programme
4. A face to face only programme
5. Control

The results of the 18-month pilot will be fed into the government-sponsored What Works Centre which is gathering evidence-based research on how best to foster wellbeing in the public services.

The pilot will assess the extent to which being part of a group, mutual support through a ‘buddy’ system and one-to-one elements are necessary to make an online programme effective and to test the most cost-effective ways of integrating those elements.

The pilot will be managed by the Head of Organisational Development, on behalf of the OD/HR Lead. It will form part of the OD/HR service objectives.

Jules Potter, Head of Organisational Development

APPENDIX 2

CONTENTS OF BEING BUSINESS SMART SESSIONS 2016-17

- *Are you listening?* - Listening effectively and its powerful results.
- *Positively embracing change* - helping individuals to understand the change process and to adopt a positive attitude to the change they are experiencing or likely to experience at work.
- *Giving and receiving feedback* - the benefits of regular constructive conversations and good feedback.
- *Unleashing creativity* – recognising the potential of the skill of creativity and sharing the learning with colleagues.
- *Mind Mapping* – learning about this uniquely effective tool for thinking, planning and organising and remembering.
- *Managing and Mastering your time* – how to regain control, increase your efficiency throughout the day and manage your time at work and at home.
- *Managing your workload* – how to prioritise tasks, strategies to manage emails, delegation and managing your paperwork.
- *Rapid rapport* – the first stage of communication, learn how to quickly create rapport with anyone, even when meeting them for the first time.
- *Meeting and facilitation skills* – How to manage and run meetings effectively, with or without a formal agenda.
- *Eat well perform well* – consideration of what we eat each day and how it makes a difference to how we feel, how we perform and whether we have the stamina to keep going.
- *The balancing act – work/life balance* - recognition that each of us has unique circumstances and suggests practical ways in which we can live balanced lives.
- *Peak performance strategies* – practical solutions to enhance health, increase personal effectiveness and business efficiency.

RECRUIT:

On boarding materials updated

Values-based recruitment model piloted in ASC – four SBC employees already trained in the process

Corporate Induction *How we work in Slough* presentation updated and values materials shared

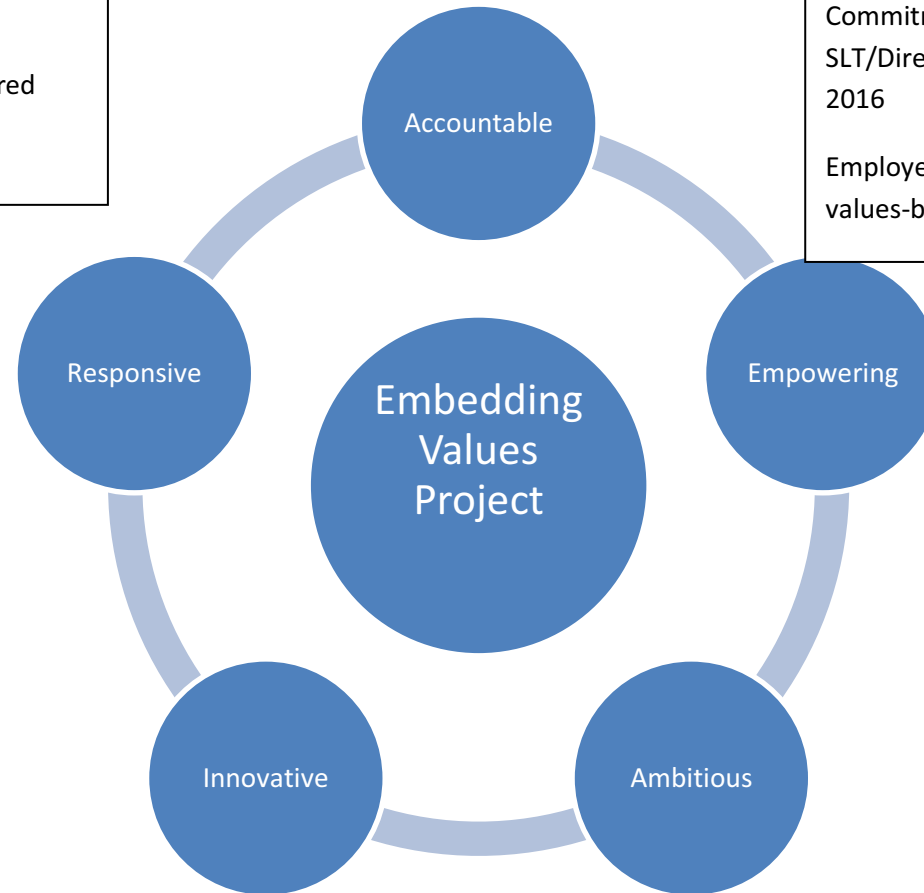
Probation to utilise values-based questions

RETAIN:

Values branding as part of Communications and Engagement Strategy

Employee Engagement Forum's Corporate Commitments to encourage timely responses from SLT/Directorates to Employee Engagement Survey 2016

Employee Recognition Scheme to be reviewed with a values-based approach.



DEVELOP:

Values, Behaviours and Diversity Training Mandatory Training Sessions for all employees and councillors in 2017-18: These sessions are the first stage of a Leadership Programme to inspire and support our leaders to include the establishment of an internal coaching hub and support to great performance management through effective 1:1s/appraisals including the use of digital learning and monitoring.

National Resilience Pilot to support employees to deal with stress, plan and manage workloads, communication, interior leadership, creative thinking and decision making.

APPENDIX 4

Values, Behaviours and Diversity Workshops

All employees will be required to attend a drama-based workshop with the following learning outcomes:

- Raise awareness and understanding of why equality and diversity is important to everyone
- Understand our individual and collective responsibility in creating an inclusive culture
- Assess our individual and collective responsibility to 'living' our values and explore the language and behaviours that underpin those values and their impact on our customers
- Increase confidence and skills to identify and challenge inappropriate behaviour and recognise and tackle bullying, harassment and discrimination
- Reinforce the responsibility of every person to treat colleagues with dignity and respect, regardless of status or position
- Encourage better employee engagement to provide better services.

The procurement process for this training will begin in April.

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SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee
DATE: 12 April 2017
CONTACT OFFICER: Linda Walker, Interim Monitoring Officer
(01753 875 017)
WARD(S): All

PART I

FOR DECISION

**ARRANGEMENTS FOR THE DISMISSAL OF THE HEAD OF PAID SERVICE,
MONITORING OFFICER AND CHIEF FINANCE OFFICER**

1. Purpose of Report

To advise Members of the Model Disciplinary Procedure and Guidance agreed by the Joint Negotiating Committee for Local Authority Head of Paid Services issued in October 2016 and to compare this with the arrangements currently in force in Slough. To make recommendations regarding the future disciplinary procedures for the Head of Paid Service (Head of Paid Service), Monitoring Officer and Chief Finance Officer (s151 Officer) ("the relevant Officers")

2. Recommendations/Proposed Actions

The Employment and Appeals Committee is requested to recommend to Council the following new committees and delegations:

- a) The abolition of the existing Statutory Officers' Disciplinary Panel.
- b) The creation of an Investigating and Disciplinary Committee to deal with disciplinary matters relating to the relevant officers. This committee to be a politically balanced committee of five Members one of whom is to be a member of the Executive.
- c) The creation of an Appeals Committee to deal with disciplinary matters short of dismissal relating to the relevant officers. This committee is to be a politically balanced committee of five Members one of whom is to be a member of the Executive.
- d) The creation of an Independent Panel comprising three people appointed under section 28 Localism Act 2011 to advise Council in the event of a recommendation from the Independent Disciplinary Committee to dismiss a relevant Officer.

- e) The Investigating and Disciplinary Committee to have delegated responsibility for the suspension of “the relevant officers.” In the event of the need for urgency, this function to be delegated to the Monitoring Officer following consultation with the Leader in the case of the suspension of the Head of Paid Service and delegated to the Head of Paid Service following consultation with the Leader in the case of the suspension of the Monitoring Officer or the Chief Finance Officer.
- f) In the case of a complaint against a relevant officer, the decision whether to refer the matter to the Investigating and Disciplinary Committee will be delegated to the Monitoring Officer following consultation with the Leader in the case of a complaint against the Head of Paid Service and delegated to the Head of Paid Service following consultation with the Leader in the case of a complaint against the Monitoring Officer or the Chief Finance Officer.
- g) The relevant officers will be given the same right to be accompanied at any disciplinary hearing as all Slough employees. This does not automatically include the right to be accompanied by a legal representative.
- h) The Monitoring Officer should be tasked with producing a revised disciplinary procedure for the relevant officers based on the model procedure produced by the Joint Negotiating Committee for Local Authority Head of Paid Services for approval by the Employment and Appeals Committee.
- i) Thereafter the Employment and Appeals Committee will not have responsibility for the discipline of the relevant officers.

3. **Other Implications**

(a) Financial

There are no significant financial implications.

(b) Risk Management

The process is compliant with the 2015 Regulations and the recommendations of the Joint Negotiating Committee for Local Authority Head of Paid Services and is being applied to the two other relevant officers protected by the 2015 Regulations. This mitigates any risk.

(c) Human Rights and other Legal Implications

The recommendations take into account The Human Rights Act and existing law on the right to be accompanied at a disciplinary hearing. The model procedure provides that the hearing at full Council to determine

whether to dismiss a relevant officer is in effect a right of appeal. This is on the basis that the relevant officer has previously had the opportunity to put their case to the Investigating and Disciplinary Committee and the Independent Panel. This procedure however has not been tested in the courts. The fact that the process has been agreed nationally by the trade unions and the employers mitigates the risk but it does not remove it altogether.

The standard contract of employment for the relevant officers refers to the JNC agreed conditions. 'A failure to implement a disciplinary procedure based on the model could be a breach of contract.

(d) Equalities and Impact Assessment

No impact assessment has been carried out, but all relevant officers will be treated in accordance with equalities principles.

(e) Workforce

The relevant officers in post have been consulted on the proposed new structure.

4. Supporting Information - background

4.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 amended the Local Authorities (Standing Orders) (England) Regulations 2001 by changing the statutory process for dismissing the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer ("the relevant officers")

4.2 Previously no disciplinary action could be taken against a relevant officer other than in accordance with a recommendation in a report made by a Designated Independent Person (DIP). The 2015 Regulations abolished the role of the DIP and outlined a new process to be followed and to be incorporated into Council constitutions at the first Council meeting following the 2015 annual Council meeting.

4.3 The new process contains the following features:

(a) Only full Council may approve the dismissal of a relevant officer;

(b) A panel must be set up under the provisions of s102(4) Local Government Act 1972 at least 20 working days before the meeting of full Council with the function of advising the authority on matters relating to the dismissal of a relevant officer;

(c) The “independent persons” appointed for the purposes connected with standards complaints against Members must be invited to be on the Panel with a view to appointing at least two such persons;

(d) Before voting on dismissal, full Council must take into account:

- i Any advice, views or recommendations of the Panel;
- ii The conclusion of any investigation into the proposed dismissal; and
- iii Any representations from the relevant officer

4.4 The new process only relates to disciplinary action leading to dismissal. It does not apply to dismissal by reason of redundancy, expiry of a fixed term contract and permanent ill health. It also does not apply to action short of dismissal.

4.5 In the absence of any guidance from the Joint Negotiating Committee on Local Authority Head of Paid Services (JNC), Council agreed in November 2015 that any disciplinary action against the relevant officer would be dealt with by a panel of three independent persons who would arrange for an investigation into the matter; consider the investigation report and representations from the relevant officer; and make recommendations to full Council.

5. New model procedure from the JNC

5.1 The JNC is the negotiating body for ALACE (the Association of Local Authority Head of Paid Services and Senior Managers) on the union side and the Local Government Association representing employer local authorities. The JNC has recently agreed a model procedure to reflect the changed Regulations and this has now been written into the Head of Paid Services’ Handbook. Whilst the Handbook may be incorporated in the Head of Paid Service’s contract of employment, the model procedure, if it is to be applied has to be both adapted and adopted by full Council.

5.2 Unlike the Council’s existing procedure, the JNC model spells out in detail the process to be followed and the structure to support the process.

5.3 The key features of the model procedure are set out in the diagram at appendix 1 and are as follows:

- (a) The procedure involves four bodies: an Investigating and Disciplinary Committee (IDC), an Appeals Committee, the Independent Panel and the Council.

- (b) The IDC is a politically balanced committee comprising five members one of whom will be a member of the Executive. It will appoint an independent investigator from a list held by the JNC.
- (c) The Appeals Committee is a politically balanced committee comprising five members one of whom will be a member of the Executive. It hears appeal against action short of dismissal and decides either to confirm the action, impose no sanction or a lesser sanction.
- (d) The Independent Panel comprises at least two independent persons appointed by Slough or another council for the purposes of hearing complaints under the Members' standards regime.
- (e) The Independent Panel is only used if the IDC having received the report of the independent investigator and held a hearing is minded to recommend dismissal to full Council. If the recommendation is for a lesser sanction such as a written warning, the IDC has the power to impose this without referring to either the Independent Panel or full Council. The relevant officer can then appeal the sanction to the Appeals Committee.
- (f) If the IDC recommendation is dismissal, the Executive will be given the opportunity to make any objections that are both material and well founded. Following this, the Independent Panel will hold a hearing where it will listen to both the chair of the IDC and the relevant officer and will then give their advice/views/recommendations to Council.
- (g) The matter then goes to full Council for a decision. This is in effect an appeal hearing for the relevant officer who is allowed to put his or her case to council before a decision is taken.

6. Proposed changes to existing procedures

- 6.1 Given that the relevant officers will have JNC terms and conditions referred to in their contracts of employment which could potentially lead to a breach of contract argument if Council did not follow the JNC model, it is recommended that Slough adopts the structures of the model procedures and applies it to all three relevant officers. It marries together the requirements for an independent view with the practical experience of Members familiar with the services, workings and duties of the Council.
- 6.2 The Employment and Appeals Committee (EAC) does not sit easily within the model structure. A subcommittee of the EAC would report to the EAC and not directly to Council as envisaged in the model. The EAC itself is too large to act effectively as the IDC and there would still be the need for a separate group of Members to make up an Appeals Committee.

- 6.3 It is proposed that the model structure is followed and that a stand alone IDC is set up that reports directly to Council and a separate stand alone Appeals Committee is set up. Each committee would comprise five Members; be politically balanced; and would include a member of the Executive. It is further proposed that the existing statutory officers' disciplinary panel becomes the Independent Panel.
- 6.4 The model procedure envisages the IDC deciding on whether to suspend a relevant officer. It also recommends that due to the need for speed and the difficulties in calling together a committee at short notice, there needs to be an arrangement in place to deal with suspensions that are urgent. It is recommended that in the case of the Head of Paid Service, this decision should be delegated to the Monitoring Officer following consultation with the Leader. Any suspension then has to be reviewed every two months by the independent investigator.
- 6.5 In the case of an urgent suspension of the Monitoring Officer or the Chief Finance Officer it is recommended that the task is delegated to the Head of Paid Service following consultation with the Leader. Again the model provides for this decision to be reviewed every two months.
- 6.6 Similarly not all complaints about a relevant officer should lead to a referral to an IDC. Some may be more appropriately dealt with under for example, a service's complaints procedure. There needs to be a process to redirect complaints to the appropriate quarter or to weed out those that have no merit. It is proposed that the same delegations apply as to urgent suspensions. Namely that in the case of a complaint against the Head of Paid Service, the Monitoring Officer following consultation with the Leader will decide whether a complaint should go to the IDC, through a different process or be dismissed. In the case of complaints against the Monitoring Officer and the Chief Finance Officer, the delegation should be to the Head of Paid Service following consultation with the Leader.
- 6.7 The model procedure allows the relevant officer to be accompanied at any disciplinary meetings. However the model is wider than the statutory right given to all employees to be accompanied by a trade union official or work colleague. The model talks about the Head of Paid Service being accompanied by a person of their choice at their own cost.
- 6.8 This implies that the relevant officer could be represented by a lawyer. Internal disciplinary proceedings are not legal proceedings. By allowing one side to be legally represented it would inevitably lead to all parties being legally represented thereby both adding to the cost and length of the process. There is no statutory requirement to allow lawyers to attend and the relevant

officer always has the right to go to law at the end of the process. It is recommended that this proposal is not implemented and that the relevant officers are afforded their statutory rights and nothing more. If there are extenuating circumstances and a case can be made out for a relevant officer being legally represented, then this can be considered on a case by case basis.

7. Contractual Issues

- 7.1 The relevant officers have been consulted about the changes in procedure outlined in this report. The current Chief Finance Officer's contract of employment refers to the JNC conditions including the JNC disciplinary procedure. Failure to adopt a procedure based on the JNC model could be a breach of contract.

8. Appendices Attached

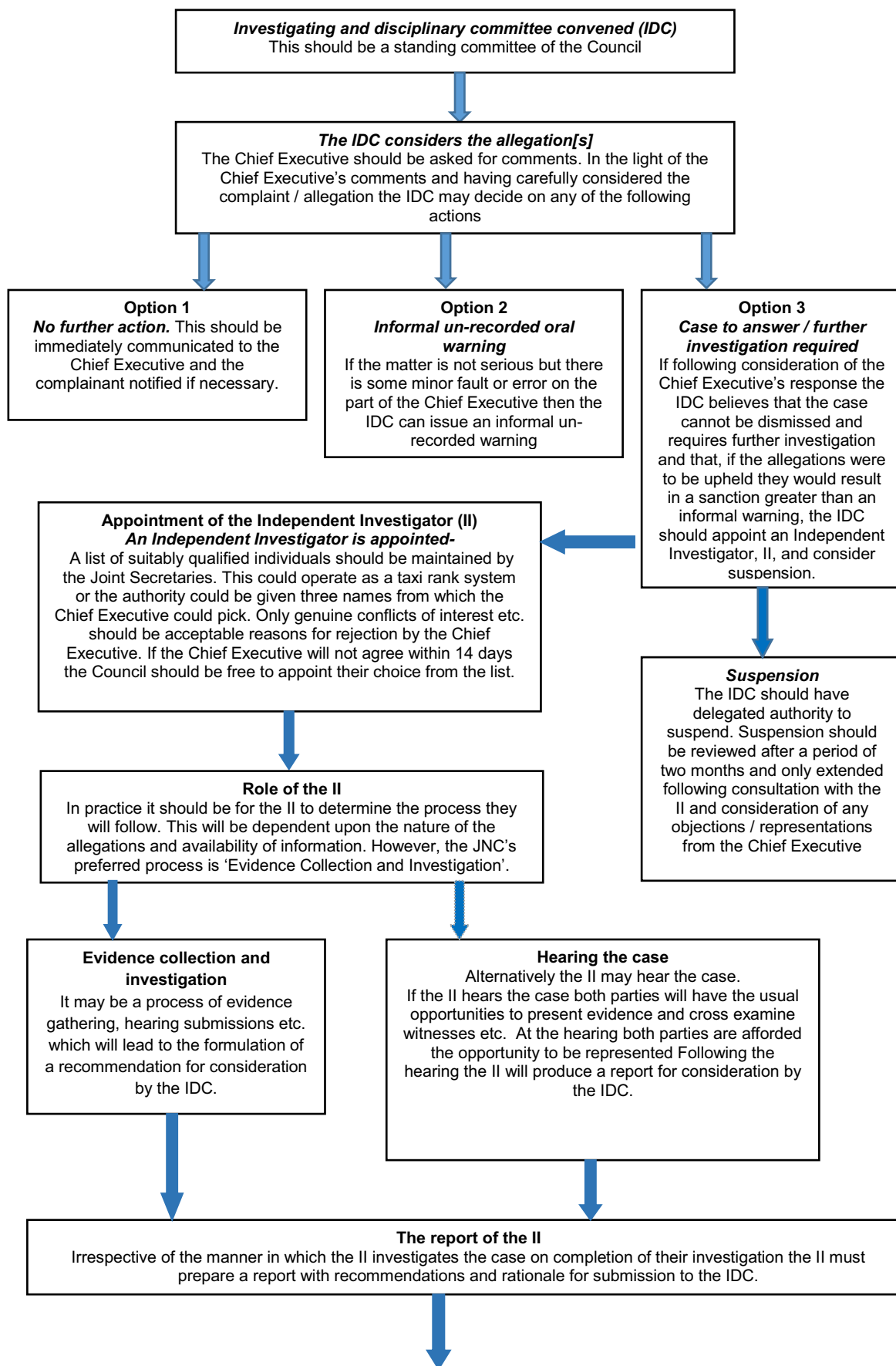
- 8.1 Appendix 1 – Procedure flowchart

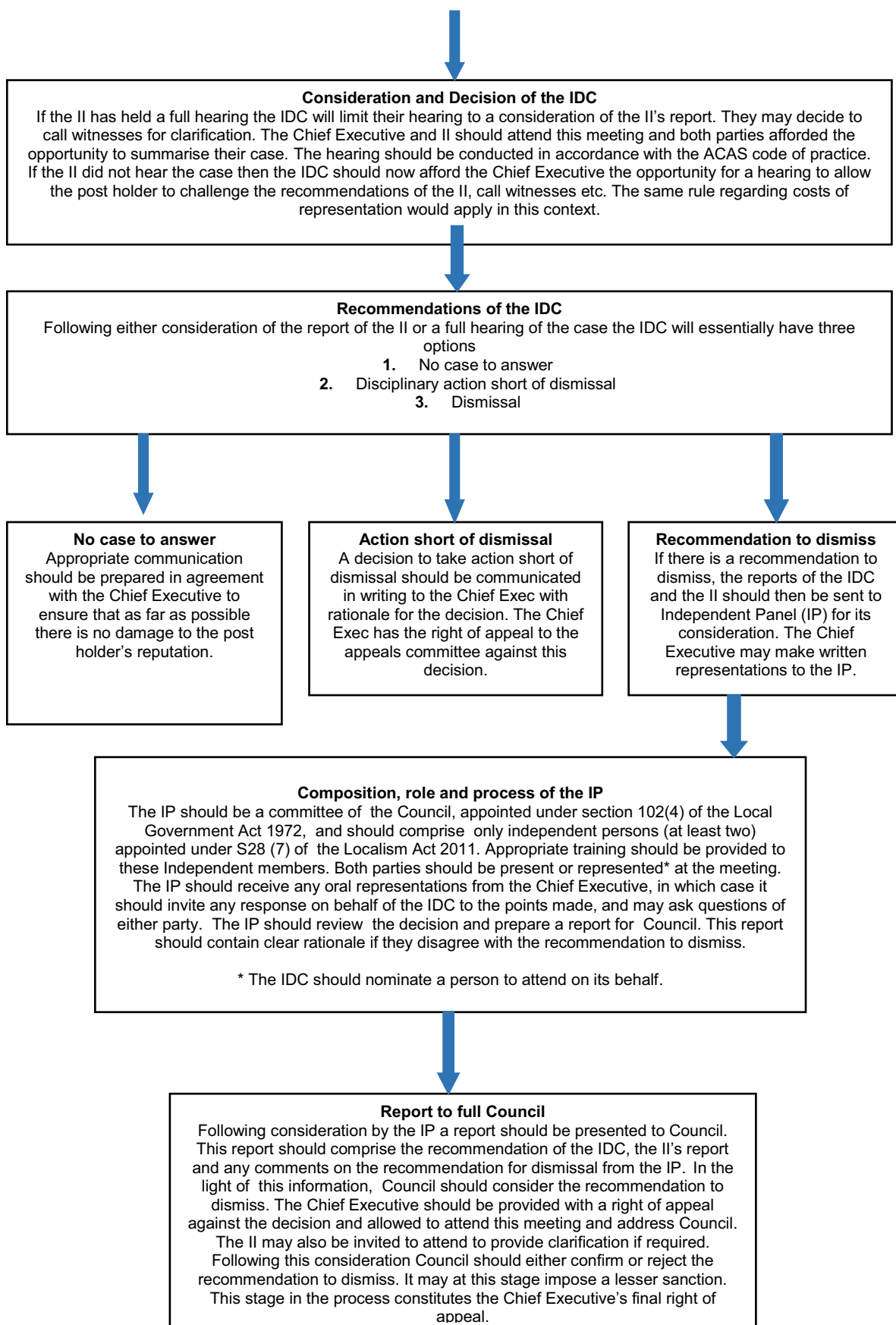
9. Background Papers

- 9.1 JNC Model Disciplinary Procedure and Guidance

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Disciplinary Procedure for Local Authority Chief Executives





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SLOUGH BOROUGH COUNCIL

REPORT TO: Employment and Appeals Committee
12 April 2017

CONTACT OFFICER: Surjit Nagra, OD/HR Lead
(01753 875 737)

WARD(S): All

PART I
FOR APPROVAL

FAMILY LEAVE POLICIES AND PROCEDURES

1. **Purpose of Report**

The purpose of this report is to seek the approval of the Employment Appeals Committee to the recent revisions to the following Family Leave Policies and Procedures:

- Maternity Policy and Procedure
- Paternity Policy and Procedure
- Parental Leave Policy and Procedure

2. **Recommendation(s)/Proposed Action**

The Committee is requested to approve the following revised policies and procedures:

- a) Maternity Policy and Procedure at Appendix 1
- b) Paternity Policy and Procedure at Appendix 2
- c) Parental Leave Policy and Procedure at Appendix 3.

3. **Supporting Information**

The OD/HR service are undertaking a review of employment policies to ensure they continue to reflect best practice and the council's strategic aims, comply with employment legislation, are user friendly and work together cohesively.

The full suite of family leave policies are currently being reviewed. The majority of the revisions to these policies are to reflect changes in statutory provisions. In addition, we have taken the opportunity to refresh these policies so ensure they reflect our new employment policy branding.

A summary of the main changes for each policy is outlined below.

Maternity Policy and Procedure

The Maternity Policy and Procedure has been updated to include:

- Clarification regarding keep in touch days (KIT days)

- Reflect prevailing statutory provision including arrangements for payment of statutory maternity pay during KIT days
- Guidance for the sad event of a miscarriage or stillbirth

Paternity Policy and Procedure

The Paternity Policy and Procedure has been updated to include:

- Clarification that paternity leave applies to those adopting a child and/or in a civil partnership
- Reflect prevailing statutory provision

Parental Leave Policy and Procedure

The Parental Leave Policy and Procedure has been updated to include:

- Clarification that parental leave applies to those caring for adoptive children

The Government has introduced new statutory arrangements for shared parental leave. Shared parental leave aims to give parents flexibility in how they share leave in the year following the birth or adoption of a child.

Despite the similarity in name, Parental Leave is a separate provision that provides parents the flexibility to take a maximum of 18 weeks unpaid leave to care for their child up until their 18th birthday.

Consultation

Consultation has taken place with the Corporate Consultative Forum who responded positively to the revisions.

Implementation Process

The implementation process will include various methods of communication including;

- Newsround
- Grapevine staff newsletter
- E mail to all line managers
- HRBP's to provide update at Senior Management Team Meetings

4. Appendices

Appendix 1 - Maternity Policy and Procedure

Appendix 2 - Paternity Policy and Procedure

Appendix 3 - Parental Leave Policy and Procedure

FAMILY LEAVE: MATERNITY POLICY AND PROCEDURE



Policy Schedule		
Policy owner and lead	ODHR: HR Policy Manager	
Consultation	Trade unions	Date
	Employee engagement forum	Date
	CMT	Date
	CCF	Date
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation		
Version number	Version 2:01 (December 2016)	
Related documents	Family Leave Policies: <ul style="list-style-type: none"> • Paternity Policy • Adoption, Surrogacy, Fostering Policy • Parental Leave Policy • Shared Parental Leave • Flexible Working Policy 	
Review interval	Three yearly (December 2019)	

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1. Introduction

- 1.1 This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements maternity leave and pay as well as antenatal care and pregnancy-related illness.
- 1.2 As maternity provisions can be complex, advice on maternity procedures and entitlements should be clarified with your manager to ensure they are correctly applied. Advice is also available from OD/HR.

2. Scope

- 2.1 This policy and procedure applies to all employees of the council including those on sessional, 'as and when' and fixed term contracts. The entitlement to maternity pay and leave will depend upon the employee's continuous service.
- 2.2 This policy and procedure does not apply to agency workers or volunteers working in the council.
- 2.3 This policy and procedure outlines maternity provisions. Separate family leave policies are available for paternity, adoption-surrogacy-fostering, parental and shared parental leave.

3. Definitions

- 3.1 The following definitions are used throughout this policy:
 - **Expected week of childbirth (EWC):** the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth
 - **Qualifying week:** the 15th week before the expected week of childbirth

4. Notification of pregnancy

- 4.1 On becoming pregnant, an employee should notify her manager that she is pregnant and complete the **Form A: Maternity Notification Form** [\(insert link\)](#) as soon as possible. This form must be submitted to her line manager no later than the qualifying week and triggers the completion of any health and safety assessments that may be required. On this form the employee is required to confirm when she plans to commence maternity leave.
- 4.2 The employee may bring forward or postpone her maternity leave start date, provided she advises her manager in writing at least 28 days before the new start date or, if this is not possible, as soon as reasonably practicable. If, the employee is unable to provide the required notice, their Manager has discretion to agree a revised date.

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- 4.3 Upon receiving the Maternity Notification, the manager will respond in writing within 28 days, confirming the date when the employee is expected to start her maternity leave and the date she is expected to return to work. A template manager response is available [\(insert link\)](#).
- 4.4 The employee must also provide a **MAT B1 form**, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The MAT B1 Form is provided after the 20th week of pregnancy and enables statutory maternity pay or maternity allowance to be claimed. The original MAT B1 form, and not a copy, should be submitted to the manager no later than 28 days before maternity leave starts. The MAT B1 form should be submitted by the manager to payroll as soon as it is received, with a copy to OD/HR for recording purposes.

5. Maternity Leave

- 5.1 All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave; making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.
- 5.2 During the period of ordinary and additional maternity leave, the employee's contract of employment continues and she is entitled to receive all her contractual benefits, except for salary which includes salary sacrifice benefits e.g. childcare vouchers. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.
- 5.3 Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless her child is born prematurely before that date, in which case it will start on the day following the birth of the baby).
- 5.4 Maternity leave will start on which ever date is the earlier of:
- the employee's chosen start date
 - the day after the employee gives birth; or
 - the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth
- 5.5 **If the employee gives birth before her maternity leave was due to start**, she must notify her manager in writing of the date of the birth as soon as reasonably practicable using **Form B: Notification of the date of the birth of the baby** [\(insert link\)](#).
- 5.6 The law obliges all employees to take a minimum of two weeks maternity leave immediately after the birth of the child.

6. Annual leave and bank holidays

- 6.1 The employee will be advised before starting ordinary maternity leave whether she has any outstanding leave entitlement. The employee should, whenever possible, take any

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outstanding leave before commencing maternity. Annual leave and bank holidays that will accrue during the maternity leave period may be anticipated and with the manager's agreement, taken prior to the start of the maternity leave period.

- 6.2 It is not normally possible to receive pay in lieu of any untaken annual leave or bank holidays. If there have been exceptional circumstances that have prevented annual leave being taken the manager may approve payment for any outstanding leave providing as much of the outstanding leave has been taken as possible.
- 6.3 Where annual leave is taken at the end of the maternity leave period, any unused annual leave or bank holidays may be carried over to next year.
- 6.4 If the employee decides not to return to work following her maternity leave, she will be paid for any outstanding holiday entitlement accrued. Equally, should she decide not to return to work and has taken more holiday than she has accrued, she will be required to repay the equivalent of the excess holiday taken.
- 6.5 If an employee takes annual leave immediately before or after their maternity leave, this will be recorded as annual leave in the usual way. Whilst maternity leave is paid as a percentage of salary, and not full pay, time taken as annual leave will be paid at the full rate of pay.
- 6.6 Term time only (TTO) employees receive pay that includes a payment for annual leave and bank holidays in addition to salary. For instance a TTO employee working 38 weeks per year with a holiday entitlement pro rata to 25 days leave and 8 bank holidays (also pro rata) per year will actually receive payment equivalent to 43.3 weeks per year. This number of week's pay is paid in 12 equal instalments (i.e. payment is made every month) during the year. Maternity pay will not include full pay for pro-rata holidays and bank holidays accrued during maternity leave. The difference will be calculated by payroll and paid as a lump sum on return from maternity leave.

7. Maternity Pay

- 7.1 There are two types of maternity pay:
 - Statutory Maternity Pay
 - Councils Occupational Maternity Pay

Statutory Maternity Pay (SMP)

- 7.2 Statutory maternity pay is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP if:
 - she has been continuously employed by the council for at least 26 weeks at the end of the qualifying week and she is still employed during that week;

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- her average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earning limit for national insurance
- she is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- she provides an original MAT B1 form stating her expected week of childbirth; and
- she gives proper notification of her pregnancy on Form A: Maternity Notification

- 7.3 For the first 6 weeks SMP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over a specified period. For the purpose of calculating average weekly earnings, shift allowances and overtime payments, are all included.
- 7.4 The standard rate of SMP is paid for the remaining 33 weeks (or less if the employee returns to work sooner).
- 7.5 This is paid at a rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings if this is lower than the Government's set weekly rate. The rate of standard SMP can be found at: <https://www.gov.uk/employers-maternity-pay-leave/entitlement>
- 7.6 If an employee is eligible for a pay rise between the start of the pay increase and the end of her maternity leave, the higher or standard rate of SMP will be recalculated to take account of the pay rise, regardless of whether SMP has already been paid.
- 7.7 Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions as appropriate.
- 7.8 Employees who are not entitled to SMP may be entitled to receive maternity allowance, payable by the Government. Maternity allowance is claimed by the employee directly. Further details on how to apply are available at: <https://www.gov.uk/government/publications/statutory-maternity-pay-employee-not-entitled-form-for-employers>

Occupational Maternity Pay (OMP)

- 7.9 Occupational maternity pay is more generous than SMP. An employee is entitled to OMP if;
- she has at least 12 months continuous Local Government service by the 11th week before EWC
 - she is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);

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- she provides an original MAT B1 form stating her expected week of childbirth; and
- she gives proper notification of her pregnancy on Form A: Maternity Notification
- she will be returning to work after her maternity leave for a minimum period of 3 months
- she gives at least 8 weeks written notice if she wishes to change her agreed return date by completing Form C: Request to change return date.

7.10 OMP is payable for up to 18 weeks after maternity leave starts. Maternity leave can start anytime after 11 weeks before the EWC

7.11 OMP is treated as earnings and is therefore subject to PAYE and national insurance deductions as appropriate.

7.12 For the first 6 weeks, OMP is paid at the equivalent of 90% of the employees average weekly earnings calculated over a specified period. For the purpose of calculating average weekly earnings, shift allowances and overtime payments, are all included.

7.13 For weeks 7 – 18 at 50% of average weekly pay plus any entitlement to SMP or Maternity Allowance up to a maximum of full pay.

7.14 For weeks 19 – 39 SMP at standard maternity pay rate, (subject to qualifying conditions above).

7.15 Women who have claimed OMP but who then decide to resign and not return to work for a minimum period of 3 months will be required to repay the OMP (net of their entitlement to SMP). This period will be extended proportionately if they gain agreement to return to work on a reduced hour's basis

8. Other Entitlements

Time off for Antenatal Care

8.1 Once an employee has advised their Manager that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or health visitor. She should endeavor to give her manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible. She must provide her manager evidence of appointments if requested.

8.2 Fathers and partners have the right to take time off work (unpaid) to accompany a pregnant woman at an antenatal appointment on two occasions. They are entitled to be absent for the appointment time for up to a maximum of 6.5 hours on each occasion and the appointment must be on the advice of a registered medical practitioner, midwife or nurse. The council may require the employee to provide a signed declaration confirming the employee's qualifying

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relationship with the pregnant woman or her expected child that the purpose of the time off is to accompany the woman at her antenatal appointment and the date and time of the appointment.

Health & Safety

- 8.3 Once notified of an employee's pregnancy, the manager must conduct a risk assessment with her to assess any workplace risks in light of her pregnancy. In addition, in advance of the employee returning to work (or as soon as they return if this is not possible), the manager should complete a further risk assessment to assess any workplace risks for women who have recently given birth or where breastfeeding is required on their return to work. A template Risk Assessment Form is available in Appendix E

Sickness Absence

- 8.4 If an employee is absent from work during her pregnancy due to ill health, she will receive normal sick pay in the same manner as she would during any other period of sickness absence, provided she has not yet commenced maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically. If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, the employee must notify her manager in writing of this, as soon as reasonably practicable.

Pensions

- 8.5 Employees will continue to pay their usual percentage pension contributions during their paid maternity leave. On their return from maternity leave they have the option to make up pension contributions for any period of unpaid leave. However, their request to repay these contributions to avoid a break in pensionable service must be within 30 days of returning to work. Payroll will provide the employee with a Pension Buy Back Form upon their return, which must be completed and returned to payroll within the stipulated 30 days.

9. Contact during maternity leave

- 9.1 Shortly before an employee's maternity leave starts, the manager will discuss arrangements with her for keeping in contact during her leave. Whilst contact should be minimal and respect privacy during maternity leave, it may be necessary to contact the employee from time to time during her maternity leave. This may be to discuss changes within the organisation/service area, the employee's plans for return to work, to discuss any opportunities to support her return to work or simply to update her on important developments at work during her absence.

10. Keeping in touch days (KIT)

- 10.1 Except during the first two weeks after childbirth, an employee can agree to work or to attend training for up to a total of 10 days during their maternity leave without that work bringing

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their maternity to an end and without a loss of a week's SMP. These are known as 'keeping in touch' days. Any work carried out on a keeping in touch day shall constitute a day's work for these purposes. Payment is for hours attended only and will be paid at their current salary rate.

- 10.2 Any keeping in touch days worked will not extend the total period of maternity leave.
- 10.3 Keeping in touch days are optional and there is no requirement for an employee on maternity leave to carry out any work during her maternity leave. Equally, there are no obligations on the council to offer keeping in touch days during the period of maternity leave.
- 10.4 If an employee undertakes work for the council and all keeping in touch days have been exhausted, she will lose a week's SMP for any week in which she agrees to work.
- 10.5 The employee's manager must notify Payroll of any keeping in touch days worked (insert link) and the employee will receive payment on the next available monthly pay date.

11. Returning to work

- 11.1 The employee will have been formally advised in writing of the date on which she is expected to return to work. The employee is expected to return on this date, unless she notifies her manager otherwise. If she is unable to attend work at the end of her maternity leave due to sickness or injury, normal arrangements for sickness absence reporting procedures will apply.
- 11.2 While the employee is under no obligation to do so, it would be helpful if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.
- 11.3 If the employee wishes to return to work earlier than the expected return date, she must give her manager at least eight weeks' notice of her date of early return and submit a **Form C: Request to change return to work date** (insert link). If she fails to do so it may be necessary to postpone her return to such a date as will give eight weeks' notice, provided that this is not later than the expected return date.
- 11.4 If the employee wishes to return to work later than the notified end of maternity leave period, she must give her manager at least 8 weeks notice prior to her original agreed return date by submitting the **Form C: Request to change return to work date** as above. The notice requirement applies during both ordinary and additional maternity leave. The maternity leave period cannot be extended beyond the maximum entitlement of 52 weeks.

Right to return to same position

- 11.5 On returning to work after ordinary maternity leave, the employee is entitled to return to the same position as she occupied before starting her maternity leave, on the same terms and conditions of employment as if she had not been absent.
- 11.6 It is also anticipated that in the vast majority of case, employees returning from additional maternity leave will also return to the same position as she occupied before starting her

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maternity leave. However, in exceptional cases it may not be reasonably practicable for the employee to return to the same position in which case the council will offer her a suitable alternative position on similar terms and conditions.

Working patterns/part-time

- 11.7 An employee who worked full time prior to maternity leave has no automatic right to return to work on a part time basis or to other changes to her working patterns. However, the council endeavors to support flexible on working patterns subject to service requirements. If an employee would like to explore flexible working options, she should submit a flexible working request as soon as possible in advance of her return in accordance with the Flexible Working Policy available at <http://insite/people/employment-terms-and-conditions/flexible-working/>

Breastfeeding

- 11.8 The council wishes to support employees with continuing to breastfeed after they return to work and will make every attempt to provide suitable rest and storage facilities. The manager will carry out a Risk Assessment with the employee to assess and agree what arrangements should be put in place.

Childcare Vouchers

- 11.9 Childcare vouchers are a government approved tax efficient way of paying for childcare. They can be used for all children (up to age 16) to pay for any Qualifying Childcare in a wide range of childcare settings. Further information on our childcare scheme is available at: <http://insite/people/pay-and-benefits/childcare/>

12. Resignation

- 12.1 If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and provide notice in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, the council may require the employee to return to work for the remainder of the notice period. Women who have claimed OMP but who do not return to work for a minimum period of 3 months will be required to repay the OMP.

13. Exceptional Circumstances

- 13.1 In the very sad event that the pregnancy ends in miscarriage in the first 24 weeks of pregnancy, the employee will not be entitled to maternity leave or pay. If the employee's pregnancy continues to after 24 weeks of pregnancy their entitlement to maternity leave and pay are unaffected.
- 13.2 In tragic circumstances where the employee gives birth to a still born baby or the baby sadly dies at, or shortly after birth, their entitlement to maternity leave and pay are unaffected.
- 13.3 Supporting an employee with returning to work after such sad events should be handled sensitively and with compassion. Confidential advice is available from ODHR.

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14. Summary

14.1 The table below summarise the various forms and steps that should be completed prior to, during and after the return from maternity leave

Form/Action	Purpose	Who actions	When
Mat B1	Certificate issued from Doctor or Midwife to Mother to confirm childbirth	Employee must provide original certificate to manager	At least 28 days prior to start of maternity leave
Form A	To confirm when employee anticipates starting maternity leave	Employee to manager	As soon as possible and no later than the 15 th week before EWC
Employers response letter	Letter from manager to confirm notification of maternity leave	Manager to employee	As soon as possible after notification
Form B	To confirm date of amended maternity leave if baby arrives prior to original maternity leave start date	Employee to manager	Only required if baby arrives early
Form C	Request to change agreed return to work date, giving 8 weeks notice	Employee to manager	8 weeks before
Form D	To confirm the return of the employee from maternity leave	Manager to payroll (Arvato)	Prior to return to work
Risk Assessment	To assess workplace risks to women who are pregnant and when they return to work and wish to continue breastfeeding	Manager with employee	At notification of pregnancy and on return to work in case of breastfeeding
Contact and 'keeping in touch' days	To agree arrangements for contact during maternity leave and any keeping in touch days	Manager/ employee	Prior to commencement of maternity leave and during maternity leave in respect of KIT days
Pension Buy Back Form	For employees who wish to repay pension contributions to avoid a break in pensionable service	Employee to Payroll (Arvato)	Within 30 days of return to work

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FAMILY LEAVE: PATERNITY POLICY AND PROCEDURE



Policy Schedule		
Policy owner and lead	ODHR: HR Policy Manager	
Consultation	Trade unions	Date
	Employee engagement forum	Date
	CMT	Date
	CCF	Date
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation		
Version number	Version 2:01 (December 2016)	
Related documents	Family Leave Policies: <ul style="list-style-type: none"> • Maternity Policy • Adoption, Surrogacy, Fostering Policy • Parental Leave Policy • Shared Parental Leave • Flexible Working Policy 	
Review interval	Three yearly (December 2019)	

Appendix 2

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Appendix 2

1. Introduction

- 1.1 This policy sets out the statutory rights and responsibilities of employees whose wife, civil partner or partner gives birth to a child and gives details of the arrangements for paternity leave and pay.
- 1.2 Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave.
- 1.3 Paternity leave will not count towards Shared Parental Leave.

2. Paternity Leave

- 2.1 In order to be eligible for paternity leave an employee must satisfy the following criteria:
 - The employee must be the father of the child or married to the civil partner or the partner of the child's mother, married to the civil partner or the partner of the child's adopter or one of a couple jointing adopting a child. They will also be expected to have responsibility for the upbringing of the child and be making the request to help care for the child and/or to support the child's mother.
 - Have 26 weeks continuous local government service at the 15th week before the baby is due to be born, or in respect of an adopted child, the week in which the child's adopter was notified of having been matched with a child.
 - The employee may be asked to produce evidence of entitlement to paternity leave by signing a self certification form declaring that he or she meets the statutory eligibility criteria.
- 2.2 Paternity leave is granted in addition to an employee's normal holiday entitlement. Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of birth but within eight weeks of the expected date of childbirth. Paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date. In addition, employees who are the father or partner have the right to take unpaid time off work to accompany expectant mothers on up to 2 antenatal appointments.
- 2.3 To qualify for paternity leave, the employee must have, or expect to have, responsibility for the child's upbringing. Thus paternity leave is not available to biological fathers who are not likely to have parental responsibility for their child.
- 2.4 Only one period of leave is available to employees irrespective of whether more than one child is born as a result of the same pregnancy. Paternity leave is not available to partners where one is adopting the others' children.

Appendix 2

3. Notification – Paternity Leave: Birth of a child

- 3.1 Where an employee wishes to request paternity leave in respect of the birth of a child, he or she must complete **Form A: Paternity Notification** available on the SBCinsite no later than 15 weeks before the expected week of childbirth:
- a) the expected week of the child's birth
 - b) whether they intend to take one or two weeks' leave; and
 - c) the date on which they want paternity leave to start.
- 3.2 The employee may change the date on which they want their paternity leave to start providing they notify their line Manager of the change at least 28 days before leave was due to start. If due to unforeseen circumstances the employee is unable to provide the required notice, their Manager has discretion to agree a revised date.
- 3.3 If an employee has chosen to start paternity leave on a pre-determined date, and the child is not born on or before that date, the employee must change their choice of date and notify their line Manager of the change as soon as possible.
- 3.4 In all cases, the employee must notify their line Manager as soon as possible after the child's birth, of the date on which the child was born.
- 3.5 If the employee has elected to start paternity leave on the date the child is born and they are at work on that date, leave will start the following day.
- 3.6 If an employee commences paternity leave without giving the required notifications it will be considered unauthorised absence.

4. Notification – Paternity Leave: Adoption

- 4.1 In the case of an adopted child, the employee must notify their line Manager of their intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. He or she must complete **Form A: Paternity Notification** available on the SBCinsite.
- 4.2 The notice must specify the following:
- a) date the child is expected to be placed for adoption
 - b) date the employee intends to start paternity leave
 - c) length of the intended paternity leave period; and
 - d) date on which the adopter was notified of having been matched with the child
- 4.3 The employee may change the date on which they want their paternity leave to start providing they notify their line Manager of the change at least 28 days before leave was due to start. If due to unforeseen circumstances the employee is unable to provide the required notice, their Manager has discretion to agree a revised date. If an employee commences paternity leave without giving the required notification it will be considered unauthorised absence.

Appendix 2

5 Paternity Pay

5.1 There are two types of paternity pay:

- Statutory Paternity Pay
- Council's Occupational Paternity Pay

Statutory Paternity Pay (SPP)

- 5.2 Statutory Paternity Pay is paid for a maximum of 2 weeks. It is paid at a flat rate laid down by statute or 90% of average weekly earning if this is less.
- 5.3 To qualify for statutory paternity pay employees must have average earning at or above the lower earnings limit for the payment of National Insurance contributions.
- 5.4 An employee's average weekly earnings are calculated by taking their average earnings over the 8 weeks immediately leading up to the notification week (i.e. 15 weeks before the expected week of childbirth, or the date of placement of the child).
- 5.5 Statutory Paternity Pay will begin at the same time as an employee's paternity leave commences and will be paid on the same date that salary would have been paid and will be subject to deductions for tax, National Insurance and any pension contributions in the usual way.

Occupational Paternity Pay (OPP)

- 5.6 Occupational Paternity Pay is more generous than SPP. An employee is entitled to OPP if:
- They have at least 12 months continuous local government service by the 11th week before EWC or in the case of adoption, the week you are notified by the adoption agency that you have been matched with a child.
 - Gives at least 28 days written notice of the date they intend to start Paternity Leave
 - They provide a copy of the mother's **MAT B1** form stating her expected week of childbirth at least 28 days prior to the start of paternity leave or in the case of adoption a copy of the Matching Certificate fully completed by the relevant adoption agency

6 Shared Parental Leave

The options to use these new Shared Parental Leave rights apply to parents who meet the eligibility criteria. Please refer to the Shared Parental Leave policy available on SBC insite.

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FAMILY LEAVE: PARENTAL LEAVE POLICY AND PROCEDURE



Policy Schedule		
Policy owner and lead	ODHR: HR Policy Manager	
Consultation	Trade unions	Date
	Employee engagement forum	Date
	CMT	Date
	CCF	Date
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation		
Version number	Version 2:01 (January 2017)	
Related documents	Family Leave Policies: <ul style="list-style-type: none"> • Paternity Policy • Adoption, Surrogacy, Fostering Policy • Maternity Leave Policy • Shared Parental Leave • Flexible Working Policy 	
Review interval	Three yearly (December 2019)	

Appendix 3

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2. Eligibility	3
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4. Applying	4

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Appendix 3

1. Introduction

- 1.1 The right to unpaid parental leave applies to employees who have completed 1 year's continuous service with SBC and allows parents with a child born or adopted after 15th December 1999 to take unpaid parental leave to care for that child.
- 1.2 An employee has the right to take a total of 18 weeks' unpaid parental leave for each child under the age of 18 until the child's 18th birthday.
- 1.3 An employee who is the parent of a child placed with them for adoption each have a legal right to take up to 18 weeks' unpaid parental leave until the child's 18th birthday.
- 1.4 The parents or adopted parents of a child who has been awarded disability living allowance or personal independence payment are each entitled to take up to 18 weeks' parental leave until the child's 18th birthday.
- 1.5 The limit on how much parental leave can be taken in a year is 4 weeks.
- 1.6 Leave may be taken straight after the birth or adoption or following a period of maternity leave.
- 1.7 Normally parental leave should be taken in blocks of 1 week, with the exception that the parents of disabled children can take leave in multiples of 1 day.
- 1.8 A "week" equals an employees normal working week e.g. if an employee works part time, 3 days per week, then a week is equal to 3 days.

2. Eligibility

Eligible employees can take unpaid parental leave if they comply with all of the following;

- Have 1 year's continuous service with SBC
- Be named on the child's birth or adoption certificate
- Have, or expect to have, parental responsibility
- Is not an agency worker or contractor
- Is not a foster parent (unless parental responsibility is secured through the courts)
- Has a child who meets the entitlement criteria above

Appendix 3

3. Notification

- 3.1 Employees must give 21 days' notice before their intended parental leave start date. (If they or their partner are having a baby or adopting a child, the notice period is 21 days before the week in which the baby or child is expected or placed).
- 3.2 Employees must confirm the start and end dates in their notice.
- 3.3 It may be necessary for parental leave to be postponed if it is considered that the employee's absence will unduly disrupt the operation of the department. In this case, the line manager will provide written notice to the employee explaining the reason why and suggesting a new date within six months of the requested start date.
- 3.4 Leave cannot be postponed if:
 - the employer does not have a significant reason for the delay,
 - it is being taken by the father or partner immediately after the birth or adoption of a child, or
 - it means the employee would no longer qualify for parental leave e.g. postponing it until after the child's 18th birthday

4. Applying

- 4.1 To apply for parental leave the employee must complete **Form A: Parental Leave Request Form**, [insert link](#)
- 4.2 Provision of an original birth or adoption certificate is required.
- 4.3 The line manager will sign the form and return to the employee for safekeeping.
- 4.4 Employees must record any agreed parental leave for each child on their Leave Record. This record must be maintained by the employee and must record each parental leave request agreed by the line manager.

MEMBERS' ATTENDANCE RECORD 2016/2017

EMPLOYMENT AND APPEALS COMMITTEE

COUNCILLOR	21/06/16	25/10/16	26/01/17	12/04/17
Usmani	P	P	P	
N Holledge	P	P	P	
M Holledge	P	P	P	
Bedi	P	P	P	
Brooker	P	Ap	P	
Chahal	Ap	Ab	P	
Davis	P	P	P	
R S Sandhu	Ab	Ab	P	
Sharif	P	P*	P	

P = Present for whole meeting
Ap = Apologies given

P* = Present for part of meeting
Ab = Absent, no apologies given

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