



**Borough of Tamworth**

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## **APPOINTMENTS AND STAFFING COMMITTEE**

31 October 2022

Dear Councillor

A meeting of the Appointments and Staffing Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 8th November, 2022 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long horizontal line that tapers to a point on the right.

**Chief Executive**

### **A G E N D A**

#### **NON CONFIDENTIAL**

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 8)**
- 3 Declarations of Interest**

*To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.*

*When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.*

**4 HR Policies (Pages 9 - 292)**

*(Report of the Head of Human Resources and Organisational Development)*

**5 Exclusion of the Press and Public**

To consider excluding the Press and Public from the meeting by passing the following resolution:-

“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public

**6 Summary of HR Changes 1st April 2022 - 30th September 2022 (Pages 293 - 300)**

*(Report of the Head of Human Resources and Organisational Development)*

**7 Senior Regeneration Officer - addition to the establishment (Pages 301 - 308)**

*(Report of the Head of Economic Development & Regeneration)*

**8 Establishment Change for Streetscene (Pages 309 - 310)**

*(Report of the Assistant Director – Operations & Leisure)*

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**Access arrangements**

*If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail [democratic-services@tamworth.gov.uk](mailto:democratic-services@tamworth.gov.uk). We can then endeavour to ensure that any particular requirements you may have are catered for.*

### **Filming of Meetings**

*The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.*

*If a member of the public is particularly concerned about being filmed, please contact a member of Democratic Services before selecting a seat.*

### **FAQs**

*For further information about the Council's Committee arrangements please see the FAQ page [here](#)*

To Councillors: J Oates, S Doyle, R Pritchard, M Summers and J Wadrup.

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**MINUTES OF A MEETING OF THE  
APPOINTMENTS AND STAFFING  
COMMITTEE  
HELD ON 13th SEPTEMBER 2022**

Present: Councillor J Oates (Chair), Councillors R Pritchard, M Summers, J Wadrup and M Bailey

The Following Officers were present: Zoe Wolicki (Assistant Director People)

Apologies received from: Councillor(s) S Doyle

**8 APOLOGIES FOR ABSENCE**

As notice for this meeting had been issued prior to the death of Her Majesty Queen Elizabeth II, the meeting was held, however, Officers did not attend to support the reports, and the meeting was kept as short as possible whilst ensuring operational business was dealt with in a timely manner.

A minutes silence was held.

Apologies for absence were received from Councillor S Doyle and Councillor M Bailey attended as his substitute.

**9 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 26<sup>th</sup> July 2022 were approved and signed as a correct record.

*(Moved by Councillor R Pritchard and seconded by Councillor J Wadrup)*

**10 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**11 SHARED PROSPERITY RESOURCE**

The Report of the Assistant Director Growth & Regeneration to agree a new post associated solely with the day to day delivery of the UK shared Prosperity Fund (SPF) allocation to Tamworth.

**RESOLVED** that the Committee:

1. Approved the creation of the following post:
  - Shared Prosperity Officer – Grade G – Up to the end of March 2025
2. Authorised the Head of Paid Service to implement the changes.

*(Moved by Councillor J Oates and seconded by Councillor R Pritchard)*

## **12 PAY POLICY 2022**

The report of the Head of HR and OD detailed Tamworth Borough Council's Pay Policy Statement so that statutory guidance as set out in Section 38 of the Localism Act is adhered to.

**RESOLVED** that the Committee approved the Policy Statement 2022 to be presented to Full Council for adoption and publication in line with the Localism Act 2011.

*(Moved by Councillor R Pritchard and seconded by Councillor J Wadrup)*

## **13 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and/ or 4 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

*(Moved by Councillor J Oates and seconded by Councillor R Pritchard)*

## **14 PARTNERSHIP TEAMS RE-DESIGNATION**

The Report of the Assistant Director Partnerships set out proposals for changes to the organisational structure of the Council's partnerships team and seeks approval for the commencement of consultation with relevant team members and implementation of the proposals.

**RESOLVED** to approve the Recommendations set out in the Report.

*(Moved by Councillor R Pritchard and seconded by Councillor M Summers)*

**15 CREATION OF A FULL TIME LICENSING OFFICER POST**

The Report of the Assistant Director, Growth & Regeneration to agree a proposal regarding the staffing of the Licensing Team within Environmental Health.

**RESOLVED** to approve the Recommendations set out in the Report.

*(Moved by Councillor R Pritchard and seconded by Councillor J Wadrup)*

**Chair** \_\_\_\_\_

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**Tuesday, 8 November 2022**

**Report of the Head of HR & OD**

**HR Policies**

**Exempt Information**

None.

**Purpose**

To update members regarding the updating or development of 15 HR policies.

**Recommendations**

It is recommended that the policies are formally approved for immediate implementation.

**Executive Summary**

15 HR policies have been updated or newly developed. All have been through the relevant consultation requirements with our recognised Trade Unions.

**Adoption Leave**

The existing Adoption Leave policy has been updated to include changes in employment legislation including reference to foster to adopt and shared parental leave.

**Annual Leave & Other Leave**

The existing policy has been updated to include:

- Two weeks paid Parental Bereavement Leave and
- Detailed examples of annual leave calculations for employees joining mid-way or leaving mid-way through the month.
- New leave provisions have been added, including 3 days paid leave for IVF treatment and paid time to attend blood donation appointments.
- Dependants leave has been updated to recognise commitments of caring for adults or advocates of adults that have lost mental capacity, and
- There is clearer clarification for compassionate leave to ensure equity in treatment.

**Capability**

This is a new policy outlining clear guidance and milestones to manage capability issues. The policy also provides a process map, template performance improvement plan and letters.

**Exit Interview & Questionnaire**

This is a new policy to support the Exit Questionnaire. The Exit Questionnaire has 13 key themes which can also be explored in an interview. The form has discussion points to enable a more open conversation between the manager and employee.

**Honorarium Acting Up and Ex-gratia**

This is a new policy which captures the agreement reached with the Trade Unions as part of the SMART Working terms and conditions review. The policy provides a definition for honorarium, acting up and ex-gratia and how these payments are calculated.

### **Job Evaluation and Review of Grading**

This amended policy replaces the existing policy. This provides detail on the job evaluation process, including the factors that are assessed so that all employees can have a greater understanding of how roles are graded. It provides detail on how to submit a regrading application, the moderation stage and appeals process.

### **Leavers Policy**

This new policy confirms notice periods, the actions to be taken by the manager and departing employee including returning equipment and closing accounts. It also details how annual leave is calculated for leavers.

### **Maternity**

The existing Maternity Leave policy has been updated to include information relating to still birth and premature birth, Parental Bereavement Leave and Shared Parental Leave.

### **Menopause**

This is a new policy which provides information and support including symptoms of both the peri menopause and menopause, reasonable adjustments that can be made to support the employee, a menopause wellbeing action plan and details of menopause support groups.

### **Parental Leave**

The existing policy has been updated in accordance with employment law changes. Employees with a child under 18 years of age can apply for up to 18 weeks unpaid leave, capped at a maximum of 4 weeks unpaid leave per annum.

### **Paternity Leave**

The existing policy has been updated to include provisions for foster to adopt, parental bereavement leave, and time off to attend antenatal appointments.

### **Right to Request Flexible Working**

Whilst employees have been legally entitled to request flexible working for some time, this new policy provides the framework for applying for flexible working, guidance for managers to follow when considering the request and it outlines the legitimate business reasons for refusing a flexible working request.

### **Shared Parental Leave – adoption**

TBC has a Shared Parental Leave policy for birth parents but not adoptive parents. This is a new policy specifically for adoptive parents.

### **Shared Parental Leave – birth**

The existing policy has received minor amendments to reference the home working allowance and new health scheme.

### **Standby, callout and unsocial hours**

The existing policy has updated to capture the change in rates agreed with the recognised Trade Unions as part of the SMART Working terms and conditions of service review.

Once approved, the policies will come into effect and be implemented through Astute.

### **Options Considered**

Not applicable.

### **Resource Implications**

There are no resource implications for implementing the new policies.

**Legal/Risk Implications Background**

Not having legally compliant HR policies exposes the organisation to a greater risk of Tribunal claims.

**Equalities Implications**

None.

**Environment and Sustainability Implications (including climate change)**

None.

**Background Information**

HR policies are reviewed on a 3-year cycle to ensure they are legally compliant, meet best practice and are clear for employees and staff. All policies have undergone consultation with the recognised Trade Unions.

**Report Author**

Jackie Noble – Head HR and Organisational Development

**List of Background Papers**

None.

**Appendices**

- Appendix 1 – Adoption Leave & Pay
- Appendix 2 – Annual Leave & Other Leave
- Appendix 3 – Capability
- Appendix 4 – Capability process map
- Appendix 5 – Exit Questionnaire
- Appendix 6 – Honorarium, Acting Up and Ex-gratia
- Appendix 7 – Job Evaluation and review of grading
- Appendix 8 – Leaver's policy
- Appendix 9 – Maternity Leave & Pay
- Appendix 10 – Menopause
- Appendix 11 – Parental Leave
- Appendix 12 – Paternity Leave
- Appendix 13 – Right to request flexible working
- Appendix 14 – Shared Parental Leave – Adoption
- Appendix 15 – Shared Parental Leave – Birth
- Appendix 16 – Standby, Callout & Unsocial Hours

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## Adoption Leave & Adoption Pay Policy

Document Status: Draft

Document Ref: HRPOL - 016

Originator: Anica Goodwin

Owner: Anica Goodwin

Version: 01.01.03

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
September 17	01.01.03	Clarification of Review period, new format, amalgamated Adoption Leave (UK) and (Outside UK) policy into this policy but no change to policies, new CIA
May 2022	01.01.04	Shared Parental Leave replaces Additional Parental Leave. Foster to Adopt and Adoption Appointments have been included. Clarification that adoption leave is a day 1 right but adoption pay requires 26 weeks service

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved

### Approvals Minor Change and Scheduled Review

Name	Title	Approved
TULG	Consultation	December 13
Anica Goodwin	Director, Transformation & CP	May 17
TULG	Consultation	September 2022

## Approval Path

### Major Change

Originator  
Owner  
TULG  
CMT  
Appts & Staffing Committee

### Action

HR  
Head of Paid Service  
Consultative Group  
Corporate Approval  
Council Approval

### Minor Change

HR  
TULG  
Director

Submission  
Consultative Group  
Delegated Approval

## Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

## Distribution

The document will be distributed through Astute as a NON MANDATORY policy and will also be available on the Intranet and paper based copies.

## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

This policy consists of 2 parts:

**Part 1** – Adoption (within the UK)

**Part 2** – Adoption (outside the UK)

## **PART 1 – Adoption (within the UK)**

### **1. Adoption Leave**

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks Adoption Leave from day one of their employment.

It is not available where a child is not newly matched for adoption, e.g. where a step-parent is adopting a partner's child.

Parents who become legal parents of a child under a surrogacy arrangement are entitled to take Statutory Adoption Leave. Local authority foster parents who are also prospective adopter ("foster to adopt") are entitled to take Adoption Leave.

The entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. Adoption leave can start on the day the child is placed with you for adoption, or up to 14 days earlier.

During ordinary adoption leave and additional adoption leave, all terms and conditions of your contract, except normal pay, will continue. Only one parent is entitled to claim adoption leave, the other parent will be eligible for paternity leave.

#### **1.1 Adoption Pay**

Adoption pay comprises two parts, Statutory and Occupational.

#### **1.2 Statutory Adoption Pay (SAP)**

You will be eligible for Statutory Adoption Pay (SAP) if:

- you have been continuously employed by Tamworth Borough Council for at least 26 weeks ending with the week in which you are notified of being matched with a child for adoption
- you have average weekly earnings of over the lower limit for National Insurance contributions

SAP is treated as "pay" and will be subject to deductions, e.g. tax, National Insurance and pension (if a member of the pension scheme).

SAP is paid for up to 39 weeks and is paid at the standard rate of Statutory Adoption Pay giving an overall entitlement of 52 weeks' leave of which 39 weeks can be paid.

#### **1.3 Occupational Adoption Pay**

You will be eligible for Occupational Adoption Pay if you have been continuously employed by Tamworth Borough Council for 26 weeks at the time the adoption leave commences and provided you return to work following adoption leave for at least 3 months.



Occupational Adoption Pay is payable for the first 6 weeks at 90% of your average weekly earnings including any entitlement to SAP.

#### 1.4 Additional Occupational Adoption Pay

You will be eligible for Additional Occupational Adoption Pay if you have been employed continuously by Tamworth Borough Council for 1 year at the time the adoption leave commences and provided you return to work following adoption leave for at least 3 months.

**Weeks 1- 6** 9/10 of a week's pay\* (including payments made by way of SAP).

**Weeks 7- 18** half of a week's pay\* plus SAP (except to the extent that the half pay plus SAP exceeds full pay) **PROVIDED** they have declared in writing that they will return to local authority (not just the current authority) employment for at least 3 months after the period of adoption leave. In the event that an employee does not honour their commitment to return to local authority employment for at least 3 months, the Council will take steps to recover contractual adoption pay for this period which may include deducting it from any others sums that are due.

**Weeks 19 – 39** 9/10 of a week's pay\* or the lower rate weekly SAP whichever is the lowest

\*A week's pay includes all contractual allowances. If employees are eligible to receive the half pay element of contractual adoption pay, they can opt to have the total aggregate payment that would be due to them between weeks 7 and 18 paid to them over 33 weeks instead of the standard 12 weeks. Alternatively, employees can defer payment until they have returned to work. However, both these options are dependent on the employee committing to return to work following maternity leave for a period of 3 months. Please contact Human Resources for further information.

You must inform Tamworth Borough Council before you start your Adoption Leave about your intentions for returning to work in order that suitable payment arrangements can be made.

#### 1.5 Reclamations of non-statutory contractual elements of maternity pay

If the employee fails to return to work or continue in employment for 3 months, the contractual element of adoption pay will be reclaimed.

## 2. Adoption Leave

In order to qualify for adoption leave, you must give notice of your intention to take adoption leave to your manager no later than seven days after the date on which notification of the match with the child is provided to you by the adoption agency.

Notice, which must be in writing if the Council requests it, must specify the date the child is expected to be placed with you for adoption and the date you intend your adoption leave to start. If you subsequently wish to change the start date of your adoption leave, you must give 28 days' written notice of the revised start date. You

must also, if the Council requests it, provide evidence of your entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

The Council reserves the right to maintain reasonable contact with you during adoption leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or to update you on developments at work during your absence.

You will have the automatic right to return to work after your period of adoption leave. If, however, you wish to return to work before the expiry of the full period of adoption leave, you must give at least eight weeks' notice of your intended return date to your manager.

If you return to work by giving proper notification, your spouse, civil partner or partner may be eligible to take Shared Parental Leave - Adoption once you have returned to work.

## **2.1 Shared Parental Leave - Adoption**

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs the organisation's agreement).

To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the adopter curtailing their adoption leave.

Employees can refer to TBC's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the adopter's adoption leave can be curtailed. TBC's policy on Shared Parental Leave sets out the notice periods with which employees must comply and what evidence they must provide to the organisation.

The adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

## **2.2 Time off to attend adoption appointments**

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments

(under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).

The purpose of the appointment is to enable the employee and their partner to have contact with the child (for example, to bond with them before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The organisation will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

### **3. Keeping-in-touch days during adoption leave**

An employee can agree to work for the Council (or to attend training) for up to 10 days during adoption leave without that work bringing the period of their adoption leave and pay to an end. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The Council has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during their adoption leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the Council and the employee. Any keeping-in-touch days worked do not extend the period of adoption leave. Once the keeping-in-touch days have been used up, the employee will lose any further entitlement to statutory adoption pay for any week in which they agree to work for the Council. It will also bring the adoption leave period to an end.

#### **3.1 Annual Leave**

Employees' entitlement to annual leave continues to accrue for the whole period of their maternity leave although their entitlement must be taken during the leave year. If the return date is likely to be after the end of the current annual leave year, they may wish to ensure that they have taken their full leave entitlement before starting their adoption leave.

Any annual leave taken in excess of their entitlement will be reclaimed through their salary.

If any bank or public holidays fall within the paid adoption leave period these can be re-claimed and the employee will be allowed to take the time when they return to work, subject to prior approval.

### **4. Leaving the Council**

If you leave the council prior to the child being placed but after you have qualified for adoption pay then the council will continue to pay you statutory adoption pay.

If you leave the council, prior to the child being placed but have not qualified for adoption pay then the council will not make any payments to you following your date of termination.

## **5. Local Government Pension Scheme**

During any period of paid adoption leave, pension contributions will continue to be made. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not gone on adoption leave (the notional salary).

During any period of unpaid ordinary adoption leave, employees will continue to receive employer contributions based on their notional gross salary. However, during any period of unpaid additional adoption leave, the Council is under no obligation to continue to make employer contributions.

Employees will be contacted upon return to work to discuss whether they wish to make additional contributions to maintain continuity within the pension fund for their period of unpaid leave.

## **6. Voluntary Deductions from Salary/Other Allowances etc**

### **TBC Car Loan Repayment Scheme**

During the paid adoption leave period, the repayments will be deducted from adoption pay in the usual way. If the employee is intending to be absent from work for more than 39 weeks (i.e. the end of the paid adoption leave period) or if there is insufficient pay during the paid adoption leave period to cover the repayments the employee will need to contact Payroll to arrange payment. Repayments of the loan would still need to be made by the 18<sup>th</sup> of each month.

### **Essential Car User Allowance & Home Working Allowance**

If you are entitled to essential car user allowance or Home Working Allowance, this will continue to be paid throughout the whole of your adoption leave period.

### **All other voluntary deductions (ie. UK Healthcare, Union Subscription, Charities, Rent,)**

These will continue for as long as there is enough pay to cover the deduction, unless the employee notifies the Payroll Manager in writing that they would like them to cease.

### **Council Tax/Rent – Nil Pay Situation**

The employee will need to make alternative arrangements by contacting the relevant Service Unit.

### **Unison etc – Nil Pay Situation**

Deductions are suspended until the employee returns to work.

If an employee wishes to continue making payments to preserve their benefits under the scheme they would need to make their own arrangements.

### **UK Healthcare – Nil Pay Situation**

The corporate membership will continue throughout the period of adoption leave. If employees voluntarily 'top up' their membership then these 'top-up' deductions will be suspended during adoption leave. If employees wish for their level of cover to

continue they may wish to continue to make these 'top-up' payments by contacting UK Healthcare directly.

### **First Aid Payment**

If employees receive this payment as a qualified first aider, it will continue during the adoption leave period, subject to the employee's qualification remaining valid.

### **7. Penalties**

The HM Revenue and Customs may charge you if you, either fraudulently or negligently, give incorrect information, make a false statement or declaration, or fail to advise about legal custody/imprisonment for the purpose of claiming Statutory Adoption Leave and pay. The employee may also be subject to disciplinary action under the Council's Disciplinary Policy.

## **PART 2 - Adoption Leave (Outside of UK)**

### **The Adoption Leave and Pay scheme for overseas mirrors the Adoption from the UK with the following exceptions or clarification:**

The relevant domestic authority is defined as the Secretary of State, except in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations 2003 apply and who is habitually resident in Wales, in which case it is the National Assembly for Wales, or one to whom the Intercountry An official notification is defined as written notification, issued by or on behalf of the "relevant domestic authority", that it is prepared to issue, or has already issued and sent, a certificate to the overseas authority concerned with the child's adoption, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

Adoption leave can start on the day on which the child enters Great Britain or on a chosen date no later than 28 days after the child enters Great Britain.

### **8. Notification**

In order to qualify for adoption leave, you must comply with the following notice requirements, in writing if so requested. No later than 28 days after the date of receipt of the official notification or the date on which you complete 26 weeks' continuous service with the Council (whichever is later), you must give notice of both the date the official notification was received and the date the child is expected to enter Great Britain.

In addition you must provide 28 days' notice of when you wish your period of adoption leave and pay to begin, and within 28 days of the child's entry into Great Britain you must inform the Council of the date of entry. If requested you must provide a copy of the official notification, together with evidence of the child's date of entry into Great Britain.

You are permitted to bring forward your adoption leave start date, provided that you advise the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your adoption leave start date, provided that you advise the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

You will have the automatic right to return to work after your period of adoption leave. If, however, you wish to return to work before the expiry of the full period of adoption leave, you must give at least eight weeks' notice of your intended return date.

If you return to work by giving proper notification, your spouse, civil partner or partner may be eligible take Shared Parental Leave - Adoption once you have returned to work.

For further details on Shared Parental Leave, please refer to the Council's Shared Parental Leave - Adoption Policy.

In all other respects, employees' rights on adoption of a child from outside the UK mirror those of an employee who adopts from inside the UK. Please therefore refer to Part 1 of this policy for further details.



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Adoption Leave and Adoption Pay Policy	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>



	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

### Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To ensure all TBC employees are treated fairly regardless of their protected characteristics in their entitlement to adoption leave and adoption pay.

Who will be affected and how?

All employees who wish to adopt a child through an adoption agency. This policy provides guidance on the process and entitlements for adoption leave and adoption pay.

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

All employees

### Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair

			treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of an employee being a carer
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any offence would be considered prior to any adoption being allowed.
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Possibly if the adoption was within Tamworth, could reduce the workload within Children's services, should be assessed as part of adoption policy
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If the child was homeless then this would help address this situation. Should be addresses as part of adoption policy
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer</i>	<i>Signposting to other services. Look to</i>

	<i>supported which may lead to a reduced standard of living &amp; subsequent health issues</i>	<i>external funding opportunities.</i>

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	<b>Outcomes and Actions entered onto Covalent</b>			

Date of Review (If applicable) .....



## Annual & Other Leave Entitlements Policy

Document Status: Final

Document Ref: HRPOL - 012

Originator: Zoe Wolicki

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.02.02

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is the Head of Organisational Development.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
July 14	01.02.01	Updated job titles and other policy amendments eg annual leave and carers/SGL
March 15	01.02.01	Finalised after approvals
September 16	01.02.02	Correction of BH calculation
September 17	01.02.02	New format, additional comment re: wellbeing, added appeal procedure, new CIA
August 2022	01.02.03	Included Parental Bereavement Leave, amended Parental Leave legislation, added IVF leave, blood donation and dependants leave, calculations for annual leave if join/leave during the year

## Approvals Creation and Major Change

Name	Title	Approved
TULG	Anica Goodwin	January 10
TULG		September 2022

## Approvals Minor Change and Scheduled Review

Name	Title	Approved
CMT		October 14
Appointments & Staffing Committee		February 15

## Approval Path

### Major Change

Originator  
Owner  
TULG  
CMT  
Appts & Staffing Committee

### Action

HR  
Head of Paid Service  
Consultative Group  
Corporate Approval  
Council Approval

### Minor Change

HR  
TULG  
Director

Submission  
Consultative Group  
Delegated Approval

## Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

### **Distribution**

The document will be distributed through Astute and will also be available on the Intranet and paper based copies.

### **Security Classification**

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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## **1. Policy Statement**

In line with National Joint Council agreements, Tamworth Borough Council provides all employees with annual leave entitlements, paid time to attend medical appointments, family friendly entitlements, the facility to perform public duties and time off to deal with emergencies.

This enables the Council to meet their statutory obligation under the Working Time Regulations and ensure the health and welfare of all employees.

All employees have a responsibility, within the requirements of service delivery, to ensure that they take their annual leave entitlement within the appropriate annual leave year.

All employees have a responsibility to ensure that their Tensor time and attendance record is maintained accurately.

All managers have a responsibility, within the requirements of service delivery, to ensure all employees take their annual leave within the appropriate annual leave year, ensuring effective delivery of service and to maintain employee wellbeing.

This policy is designed to ensure that the Council operates consistently and that all employees are treated equitably and with understanding.

All employees must comply with the Annual Leave and Other Leave Entitlements Policy and Procedure.

Employees whose absence from work is unauthorised may be subject to disciplinary action.

## **2. Annual Leave**

Annual leave is to be taken at mutually agreed times between employee and line manager. Where the employee requests leave on a specific day or date for religious observance, this is to be taken as annual leave. These requests will be considered sympathetically and granted subject to the requirements of the service and planned into service delivery.

The annual leave year for any employee starts from the first day of the month following their birthday with the exception of new employees who commence part way through a year. Leave will be calculated from the first date of employment to the end of the month in which their birthday falls in the first year and will start from the first day of the month following their birthday thereafter.

Annual leave is accrued in the normal way for employees on Maternity, Adoption, Paternity and Shared Parental Leave.

## **3. Annual Leave Entitlement**

26 days (192 hours and 24 minutes) (FTE) rising to 31 days (229 hours 24 minutes) (FTE) after 5 years continuous service.

For **employees in post prior to the 1<sup>st</sup> January 2008** annual leave entitlement is 32 days (236 hours 48 minutes) (FTE).

The Council reserves the right to allocate up to 5 days of annual leave to be taken at specific times in accordance with service closedown requirements after any possible alternative relocation of work has been explored. Any such allocated days will be agreed annually in advance with the employee and trade unions (where applicable). This is likely to be a rare occurrence and will be avoided wherever possible.

#### **4. Calculating leave for employees joining part way through a leave year**

Annual leave is accrued from the first day of employment. The employee receives one twelfth of their full annual leave entitlement on the first day of each month, bringing it up to the calculated total by the end of the leave year. If the total includes a fraction of a day, it is then rounded up or down. If the fraction of a day is below a half day it is rounded up to the next half day. If it is above a half day it is rounded up to the next whole day.

For example:

An employee starts work on Monday 18<sup>th</sup> February, working 5 days a week. The employee is entitled to 26 days annual leave per annum. Their annual leave calendar runs from 1<sup>st</sup> January to 31<sup>st</sup> December. Their leave year includes 11 months with the 18<sup>th</sup> which are known as 1<sup>st</sup> days in the month as they are a month anniversary of the start date e.g. 18<sup>th</sup> February 18<sup>th</sup> March and so on until 18<sup>th</sup> December).

Calculation:

Number of first days of the month x full years entitlement  
Months in the year

=  $11/12 \times 26 = 23.83$ . Round up to the nearest half day = 24 days

#### **5. Calculation for somebody leaving part way through the year**

Regulation 14 of the Working Time Regulations states that the calculation is based on the calendar days in employment.

Calculation: Leave entitlement for full year x Proportion of leave year in employment

For example: An employee works 5 days per week and has 10 years' service. Their leave year is 1<sup>st</sup> April – 31<sup>st</sup> March and they leave on 25<sup>th</sup> July.

Step 1: Annual leave for whole year = 31 days as they also have 5+ years service

Step 2: Calculate the proportion of leave year in employment

Between 1<sup>st</sup> April and 25<sup>th</sup> July there are 116 days calendar days. There are 365 days in a year, 366 on a leap year. Therefore, they are employed for  $116/365 = 31.78\%$  of the year

Step 3: Pro-rata based on the proportion of the leave year worked:

$$31 \times 31.78\% = 9.85 \text{ days and then round up to 10.}$$

## 6. Annual Leave Entitlement for Part Time Employees

Part time employees are entitled to the same annual leave entitlement as full-time employees but on a pro-rata basis.

Annual leave for part time employees is calculated in hours as follows:

$$\frac{\text{weekly hours worked}}{\text{FTE hours (37)}} \times \text{full day (7.4)} \times \text{full time annual leave entitlement}$$

Example 1 An employee works 20 hours per week and has less than 5 years continuous service

$$20/37 \times 7.4 \times 26 = 104 \text{ hours}$$

Example 2 An employee works 20 hours per week and has more than 5 years continuous service

$$20/37 \times 7.4 \times 31 = 124 \text{ hours}$$

## 7. Annual Leave Entitlement for Casual Workers

A casual worker is entitled to 5.6 weeks' holiday per holiday year which equates to 12.07% of hours worked per annum. A casual worker can no longer 'roll this' into a payment on top of the casual hourly rate. Annual leave is accrued as per the following example:

Month 1	20 hours worked	$20/100 \times 12.07 = 2.41$ annual leave hours accrued
Month 2	30 hours worked	$30/100 \times 12.07 = 3.61$ annual leave hours accrued

The casual worker will book annual leave with their line manager and submit the 'Casual Annual leave' claim form to payroll for payment.

## 8. Bank Holidays

Bank Holidays are as follows:

Easter	2 days	Good Friday and Easter Monday
May Day	1 day	Normally first Monday in May
Spring Bank	1 day	Normally last Monday in May
Summer	1 day	Normally last Monday in August
Christmas	2 days	Christmas Day and Boxing Day
New Year	1 day	New Year's Day

## 9.Christmas Opening

It is the intention of Tamworth Borough Council to provide services during the Christmas period. It is envisaged that most teams will not need to provide a full level of service during this period.

Managers will be required to ensure adequate cover for the delivery of service (where applicable), whilst considering the effect of Christmas leave on the ability to deliver a service throughout the rest of the year.

## 10.Bank Holidays for part time employees

Employees who work part time or job share will not be treated less favourably than full time employees. Part time and job share employees will receive a pro – rata entitlement to Bank Holidays based on their patterns of work.

Entitlement to Bank Holidays for part time / job share is to be calculated as follows.

$$\frac{\text{Weekly hours worked}}{37} \times \text{full day (7.4 hours)} \times \text{full time equivalent to BH (8 days)}$$

Therefore, a part time employee who works 16 hours per week would have the following added to their annual leave for the full year;

$$\frac{16}{37} \times 7.4 = 3.2 \text{ (3 hours 28 minutes for each BH)} \times 8 = 25.6 \text{ or 25 hours 36 minutes}$$

If a part time or job share employee is rostered to work on a Bank Holiday but does not work, then the amount of hours they are due to work should be deducted from their leave entitlement.

If a part time or job share employee is not rostered to work when it is a Bank Holiday, then no deduction should be made.

If an employee is rostered to work on a Bank Holiday but is sick or unable to attend work (i.e. their place of work was open), then a deduction should be made to their leave entitlement.

This calculation is completed at the beginning of each employee's leave year and no detriment to pro rata entitlement will occur because an individual is working part time or job share.

## 11.Taking of Annual Leave

Annual leave must always be agreed with an employee's line manager and is subject to adequate staffing levels. TBC retains the right to refuse annual leave requests if the leave would be detrimental to service delivery. Employees should not book a holiday/plan commitments until their leave is approved.

Employees are encouraged to space their leave out throughout the year rather than in a short period of the annual leave year to ensure they receive the necessary rest and recuperation throughout the year.

It is generally accepted that up to three weeks leave may be taken at any one time, and always subject to the agreement of the line manager.

For leave over 3 weeks an employee must make their request in writing to their line manager, making clear the reason for the request, who will then submit the request for approval by their Assistant/Executive Director.

It is expected that leave applications will be submitted via Tensor to the following timescales:

Leave of 1 to 4 days requested	Book one week in advance
Leave of 5 days or more requested	Book one calendar month in advance

The line manager may agree shorter notice periods if service delivery is not affected

Employees designated as home and hybrid workers are reminded of the contractual requirement to attend 2 office-based team days per month. Whilst it is recognised that some annual leave will clash with team days, this must not be disproportionate.

## **12. Carrying forward annual leave**

Whilst it is general policy that annual leave should not be carried forward from one year to the next, a line manager may permit an employee to carry over up to one working week's entitlement of annual leave into the following leave year depending on circumstances.

Line managers should review the remaining leave entitlement for each employee before the end of their leave year to ensure adequate consideration is given to allowing employees to take leave before the end of that leave year.

More than one working week's leave entitlement will only be carried forward from the previous year in exceptional circumstances, which should be requested in writing to the line manager, who will submit it for approval to the Assistant/Executive Director.

Where an employee has been granted dependent or carers leave in any leave year, they will automatically forfeit the right to carry forward any untaken annual leave.

In exceptional circumstances an employee may request to bring forward annual leave from the next annual leave year. This will be exceptional and only considered after all other options have been explored first.

### **13.Sickness whilst on annual leave**

If an employee falls sick whilst on annual leave and follows the correct procedure for reporting sickness, the absence shall be regarded as sickness from the date of the initial notification, providing a certificate signed by a medical professional is supplied. Leave will not be reinstated during the period of self-certification. The employee must request the re-designation of annual leave to sickness in writing. Please refer to the Managing Attendance Policy for full details.

If an employee is sick on a bank holiday there is no entitlement to a bank holiday in lieu.

### **14.Leavers and transfer of annual leave for new employees**

Any employee leaving before the end of the leave year will be required to refund any annual leave taken beyond those earned pro rata during the year, this will be deducted from the final month's salary.

Employees coming to Tamworth Borough Council from other Local Government employers will not be permitted to bring their annual leave with them; this must be taken or paid on termination by their previous employer. Tamworth Borough Council does however recognise the previous Local Government employment in terms of length of service and therefore, additional annual leave entitlement for continuous service over 5 years.

### **15.Compassionate Leave**

The Council recognises that, where an employee has suffered the loss of a close family member, there will be a need for the employee to take bereavement leave to deal with the personal and practical aspects of this. The Head of Service must consult with HR for consistency and fairness in application.

Heads of Service should use the following criteria when considering requests; up to 5 days paid leave (FTE) on the grounds of family bereavement:

- 3 days paid leave on the death of a member of the immediate family (e.g. spouse, partner, parent, step parent, child, step child, brother, sister, step sister, step brother or legal guardian)
- A further 2 days paid leave for any employee who, as next of kin, is required to make arrangements for the funeral, estate, etc. (This does not need to be taken consecutively or in full days)
- 1 days paid leave for other members of the extended family (e.g. grandparent, grandchild, aunt, uncle, niece, nephew, in-laws and partners immediate family) to attend the funeral

When attending a funeral where there is significant travelling time (over 3 hours each way) sympathetic consideration should be given to granting a further 2 additional days maximum paid leave to allow for the journey

It is recognised that not all families follow the 'traditional' family model with children being raised by other family members. Therefore, individual circumstances will be considered sympathetically and on a case-by-case basis.

## **16. Parental Bereavement Leave**

TBC recognises that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

This policy applies to employees who suffer the loss of a child under the age of 18, this includes employees who suffer a stillbirth after 24 weeks of pregnancy.

Whatever length of service an employee has, this type of leave can be taken by can be taken if the employee has parental responsibility for the child. This includes adoptive parents.

The employee may take two weeks of parental bereavement leave, this can be taken as a single block of two weeks or two separate blocks of one week at different times.

The employee can take the leave at the time(s) they choose within 56 weeks after the bereavement. For example, they might choose for example to take it at a particularly difficult time such as the child's birthday.

There is a separate entitlement to bereavement leave if more than one child has passed away.

TBC recognises the need to provide bereaved parents with as much support as possible, and you will continue to receive normal pay during this period. Furthermore, employees not required to provide evidence of a child's death. The employee assistance provider is also able to provide support through its confidential counselling service provided by Health Assured, telephone number 0800 028 0199.

## **17. Time off for antenatal care**

In addition to paternity leave, the partner has the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments, this will be paid.

## **18. Time off for dependants and carer's leave**

Section 57A of the Employment Rights Act 1996 entitles all employees to take a reasonable amount of time off work "to take action which is necessary" in relation to the care of certain dependants.

An employee is entitled to take a reasonable amount of time off during working hours in order to take necessary action to deal with unforeseen occurrences or emergencies relating to dependants.

A dependent is defined as the employee's spouse, civil partner, child or parent of the employee, plus any person who lives in the same house (other than as a lodger, tenant, boarder or employee). In addition, a dependent may be a person who reasonably relies on the employee either for assistance in an emergency or to be their advocate through a power of attorney.

Under this provision, an employee is entitled to take time off work, for example:

- Where a dependent falls ill, gives birth or is injured or assaulted.
- Where there has been an unexpected disruption to, or termination of the arrangements to take care of the dependent
- To deal with an emergency relating to a child of the employee that occurs unexpectedly at the child's school

In such circumstances the employee should be granted immediate flexibility to address the urgent need. However, time off for dependants is not a substitute for insufficient childcare arrangements and its purpose is to deal with the emergency.

There may be occasions when carer's leave for a dependent is needed. The spirit of carer's leave is to support employees to carry out their caring responsibilities without impacting on the quality time and periods of rest necessary to ensure good health and work/life balance. Flexitime or banked hours accrued should be used in the first instance before dependent and/or carer's leave is considered. Therefore, the use of carers leave should be the last option in the discussion to deal with any caring responsibilities, it is not an automatic right.

The circumstances may vary but could include time off

- To attend formal meetings with relevant bodies e.g. Social Services, Mental Health representatives, NHS, Care Home management in relation to the care of a dependent without mental capacity and the employee holds the Power of Attorney or is the dependent's parent
- To care for a dependent recovering from surgery or a hospital stay
- To stay with the dependent in hospital

The circumstances of each application must be discussed with HR by the line manager to ensure consistency and fairness.

It may also be possible to request a temporary or permanent change to working pattern, for example a change to the hours worked, times worked or any other form of flexible working.

Wherever leave is awarded the employee will automatically lose the right to carry forward any outstanding annual leave untaken at the end of their leave year.

Time off for dependants and carer's leave must not exceed a maximum of 2 weeks paid leave per annum. Part time staff will receive entitlement on a pro-rata basis related to their full-time equivalent status.

The maximum amount may be broken down into half day blocks, as long as the cumulative total for the leave year does not exceed the maximum stated above. No employee can claim more than their contracted hours for any day where carer's leave is taken.

### **19. Jury Service or attending court as a witness**

Leave of absence will be granted to employees who receive summons to serve on a jury or to attend a coroner's court provided the employee produces the court notification they have received.



Employees will need to have a “loss of earnings certificate” completed by payroll which needs to be handed in on their first day at court.

In order to avoid any financial hardship or inconvenience to employees, TBC will continue to pay full salary during Jury Service. Employees are required to pay the Council the total amount received from the Court for “Loss of Earnings”

Employees who have claimed travel/subsistence expenses from the Court, are entitled to retain these.

Where the court makes a payment directly to the employee, a photocopy of the Court’s payment advice must be given to Payroll. The appropriate amount will then be deducted from the employees’ next salary.

Employees are required to attend work for any whole or part days they are not required in court whilst serving jury duty, where it is reasonable to do so. If Jury Service ends prematurely, employees are required to advise their manager and report for work on their next working day.

If court attendance is during a pre-arranged holiday, employees may attend court and reschedule their holiday.

If an employee is required to attend Court as a witness for non-work related issues they should take unpaid leave and claim the corresponding amount from the Court Service. Details of how to claim should be included in the court notice or from the case officer. Attendance at court for work related issues is paid at normal time.

## **20. Volunteer Members of Non-Regular Forces**

Subject to the requirements of the Council, additional leave will be granted to attend summer and training camps, provided the request is certified by the service concerned.

A maximum allowance of two weeks of paid leave will be granted. Employees must make the request in writing to their Head of Service.

Members should endeavour to arrange for any additional training, over and above the two weeks referred to above, to be undertaken at a time when they would not normally be working e.g. by using annual leave, flexi or banked hours. Where this is not possible, the employee should provide the list of dates when training could be provided, and unpaid leave may be granted.

If a volunteer member is called up for active service, otherwise known as ‘mobilisation’, they will be issued with a call out notice. Reservists are entitled to return to the same job they were doing before they were mobilised and on the same conditions of service. The reservist must write to TBC as soon as they know when they can return to work, this must be no later than the third Monday after their last day of service whilst mobilised.

## **21. Public Duties**

TBC supports employees who undertake public duties and gives the following special paid leave of absence which are pro rata for part time or job share employees:

School Governors	5 days per annum
Justice of the Peace	18 days per annum
Chairman, Mayor or consort of a District or Town	18 days per annum
Elected member of a District County Council or Unitary Authority	18 days per annum

Employees will be required to show evidence that the requirement for the time off is a specific requirement for the duties.

Employees who have more than one public role will not automatically be allowed all of the time off for each of the duties and permitted time off will be subject to the line manager's discretion.

When an employee is considering taking up a voluntary public duty, they should discuss the matter with their line manager in order to assess the impact that this would have on departmental service delivery and any potential conflict of interest.

## **22. Medical Appointments**

Time off from work to attend doctors, dentists, physiotherapy (except for the first assessment appointment) or hospital appointments is detailed in the Flexible Working Hour's Policy and the Managing Attendance Policy. In essence, this policy states that all staff are expected to make routine medical appointments such as GP, dentist, and physiotherapy appointments as part of the flexible working arrangements as far as this may be possible. Should this not be possible due to the working hours or practices of the service or employee concerned the duration of absence will be debited.

Non-routine medical appointments, such procedures, investigations, treatments, or cancer screening where the employee cannot choose what time to attend, will be credited for the period of time absent. A copy of the appointment must be provided to HR for the time credit to be approved. The employee's working time claimed for that day must not exceed their contracted hours.

## **23. IVF Treatment**

TBC recognises the physical and emotional demands of in vitro fertilisation (IVF) treatment which is hard to balance with work. Employees will be given up to 3 days paid leave to attend fertility clinic appointments for treatment or to accompany their partner.

## **24. Blood Donors**

Employees who donate blood will be granted paid leave to attend the appointment.

### **25. First day/half day at school**

Parents may wish to take time off to accompany their child on a first day at a new school. Employees may be granted unpaid leave to do so if they are unable to use annual leave, banked hours or flexi.

### **26. Time off for Trade Union duties and/or health and safety duties**

Reasonable time off is allowed to elected Trade Union branch officials and appointed Health and Safety representatives to attend to employee relations and Health and Safety duties.

If special Trade Union training is required the request should be put in writing from the Trade Union as an official request before time off is granted.

Further details of Trade Union agreements are contained in the Trade Union Facilities Agreement.

### **27. Family Friendly Policies**

TBC is committed to supporting employees to balance work with family commitments. There are a range of family friendly policies which are located on Infozone:

- Maternity Leave
- Paternity Leave
- Shared Parental Leave
- Parental leave
- Adoption Leave – Birth Child
- Adoption Leave – Adopted Child
- Foster Care
- Special Guardianship

### **28. Special Guardianship Leave**

Up to 10 days entitlement to paid leave is available to deal with the issues arising from Special Guardianship & Residency Orders. Further details are in the Special Guardianship Leave Policy.

### **29. Foster Care Training Leave**

There is no statutory right to paid time off for employees who foster a child except in a foster to adopt situation where the Adoption Leave and Pay Policy will apply.

However, TBC will authorise for up to a maximum of 5 days paid leave to be granted (pro rata for part time staff) for employees who are committing to the pre-approval assessment to become a foster carer in order to attend training, meetings or for the purpose of settling the child into their new environment. More details are in the Foster Care Leave Policy.

### **30. Leave for Professional Examinations**

Additional paid and unpaid leave is available for those employees undertaking professional qualifications. Further details are contained within the Post Entry Training Scheme Policy and will be agreed at the time of application for the qualification.

### **31. Inclement Weather**

TBC recognises that employees may face difficulties attending their place of work and returning home during periods of exceptional severe weather. Whilst TBC is committed to protecting the health and safety of all of its employees, it must ensure that disruption caused to its services remains minimal.

Employees should use their best endeavours to attend work, however, TBC does not expect staff to put themselves at risk when trying to attend work. Members of staff should use their own judgment and if unable to attend work should inform their manager immediately

Home workers and hybrid workers will be encouraged to work from home during severe weather where operationally feasible.

Where weather deteriorates while at work, employees may wish to leave work early, they should agree this with their manager. Employees should either make-up these lost hours at another time or elect to use annual leave, flexi, banked hours or, if necessary, unpaid leave (subject to Head of Service approval and notification to the HR Department).

Office Closures - where an office is closed or if TBC instructs employees not to travel to work, TBC is preventing the employee from working on that day and where there are no arrangements or instructions in place for employees to carry out other duties they should receive normal contractual pay for that day.

Where an emergency situation arises and schools and nurseries close due to bad weather and parents need to collect their children they will be credited with that time to deal with the emergency and are then required to make alternative arrangements e.g. organise childcare or book leave.

### **32. Domestic Emergencies**

There is no statutory right to pay during domestic emergencies; for example burglary, fire and flooding. However, management will be sympathetic to requests for short notice leave to deal with the emergency. This does not include meter reading, appliance repairs and receiving deliveries.

### **33. Unpaid Leave**

Where all other options have been exhausted, employees may request unpaid leave. Such requests should be notified to HR and require Head of Service approval. There will be pension implications for taking unpaid leave, please contact Payroll.

### **34.Appeal Process**

If the request, or the amount of time requested is not approved by a line manager and the employee is dissatisfied with the decision, they may appeal to the next level of management within one week of the line manager's decision



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Annual Leave and Other Leave Entitlement Policy	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

### Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To ensure all TBC employees are treated fairly regardless of their protected characteristics in their entitlement to annual leave and other leave entitlements.

Who will be affected and how?

All Employees

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

All employees

Other policies:

Maternity Policy.

Parental Leave Policy.

Paternity

Adoption Leave Policy

Time off for Dependants Policy.

Special Guardianship Leave Policy.

Foster Care Training Leave Policy.

Post Entry Training Scheme Policy.

Carers Leave Policy.

Also, Trade Union Facilities Agreement.

### Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age

Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Maternity/Paternity leave addressed
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Policy addresses leave for religious festivals
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Carers leave addressed
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parental leave addressed
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Carers leave addressed
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living &amp; subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>



**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Covalent			

Date of Review (If applicable) .....

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## Capability Policy

Document Status: Final

Document Ref: HRPOL -

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.02

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
April 2020	V1	A revised policy to deal with capability issues, separating the policy from conduct concerns
October 2022	V2	Amended following HR feedback & included information for home and hybrid working

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing		September 2022

### Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin		
TULG		

### Approval Path

#### Major Change

Originator  
 Owner  
 TULG  
 CMT  
 Appts & Staffing Committee

#### Action

HR  
 Head of Paid Service  
 Consultative Group  
 Corporate Approval  
 Council Approval

#### Minor Change

HR  
 TULG  
 Director

Submission  
 Consultative Group  
 Delegated Approval

### Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

### Distribution

The document will be distributed through Astute as a MANDATORY policy and will also be available on the Intranet.

### Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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## **1 Introduction**

- 1.1 Tamworth Borough Council (TBC) is committed to ensuring that employees perform their jobs to an acceptable standard. The purpose of this procedure is to provide a process whereby all employees are required, with support and encouragement to achieve and maintain standards of job performance and outline the actions to be taken if these standards are not met.
- 1.2 The procedure is consistent with TBC's vision, mission and values.
- 1.3 TBC will not unlawfully discriminate and will ensure all actions are taken in line with the requirements of the Equality Act 2010 which includes preventing any unlawful discrimination of the protected characteristics of age, disability, gender reassignment, marriage and civil partnerships, pregnancy, maternity, race, religion or belief, sex and sexual orientation.
- 1.4 The SMART Working model driven by the Recovery & Reset programme is explicit that performance will be measured by outcomes and outputs. An 'outcome' is what the organisation wants to achieve, an 'output' is an action or items that contribute to achieving an outcome.
- 1.5 TBC strives to embed an outcome and output-based work culture which encourages employees to achieve a clear set of objectives. Leaders need to clearly define the objectives and establish a timescale in which they should be delivered. This is a move away from an input-based work culture which measures worker effectiveness by time spent at a desk or performing tasks. Therefore, the outcome is the metric of measurement, not the time or method taken to get there.
- 1.6 Assessing an individual's performance by their output requires a thorough objective setting process, with clear understanding and agreement on how this will be measured and over what timescale.
- 1.7 Performance will be monitored on a regular basis via our PDR/ Appraisal process please refer to the relevant documentation.

## **2 Scope**

- 2.1 The policy applies to all employees under the NJC terms and conditions of employment. The Chief Executive and employees employed under Chief Officer "conditions of service" (Joint Negotiating Committee (JNC) terms and conditions) are covered by the JNC conditions of service for Chief Executives and Chief Officers.

## **3 Remote Working**

- 3.1 In theory, the principles of good performance management apply equally in the context of remote working as in a traditional office or site-based environment. However, there are additional factors that need to be considered and challenges that may arise.
- 3.2 It is important to be aware of the environment in which the employee is working and they have the appropriate equipment and workspace to do their job to the right standard. Where work is not of the right standard this needs to

be discussed. This will take the form of a phone call, Teams meeting or on the designated site attendance day. The meeting must be private with family members or housemates not in the room or overhearing the conversation.

3.3 There are a few things to consider relating to how the manager and team work collaboratively when not in the same location as this may impact on individual capability.

- Make sure every team member is clear about how you will work together remotely, how you will keep each other updated and how frequently.
- Remind your team about the big picture and how their work fits into it.
- Clarify everyone's roles, including your own.
- Make sure expectations, goals/objectives, responsibilities and performance indicators are clear.
- Review goals/objectives regularly and adjust as needed.
- When managing remotely, trust is more important than control. Focus on results rather than activity. Remote working requires time management skills, the ability to work without close supervision, self-motivation and flexibility.
- Virtual teams deal with more challenges than face to face teams because they rely more on electronic communications with an increased risk of misunderstanding and misinterpretation of messages as it is harder to read body language, tone and other visual and audio cues.
- If providing feedback on performance concerns, using Teams or in person to ensure that you are able to take on board the employee's reaction as the feedback is delivered. Delivering this type of feedback via email can come across harsher than intended and isn't the ideal vehicle for this feedback.

## **4 Policy**

### **4.1 Definition of poor performance**

4.1.1 Poor performance as a result of capability arises where an employee's failure to achieve and maintain the required standards of their role is due to lack of skill or knowledge rather than poor behaviour. This may be due to an innate lack of ability, skill, knowledge and experience or a lack of adequate training and/or supervision. In these cases, employees will be given reasonable support and encouragement to reach a satisfactory level of performance. One of the key distinctions between capability and conduct is that lack of capability will usually be outside the employee's direct control, whilst the same employee will have control over their conduct at work. For clarity, capability is where the employee 'can't do' whilst conduct is concerned with behaviour where they 'won't do'.

4.1.2 Capability does not cover situations outlined below which should be dealt with under the following policies:

- Deliberately/wilfully ignoring reasonable instructions/inappropriate behaviour or breaches of the Code of Conduct - the Disciplinary Policy should be used.
- Below standard level of attendance or ill health capability – the Attendance Management Policy should be used.
- For staff in their probationary period - Probationary Period policy should be used.



4.1.3 It is not always clear whether an employee's poor performance is due to capability or conduct. Where line managers are unclear as to which is the appropriate policy to apply, they must contact the Human Resources Department for guidance. This guidance must be sought before any proceedings are raised with the member of staff as commencing action under the wrong procedure can result in serious confusion for the employee and risks to the organisation. Once further information is known, the employee may switch from the Capability to Conduct procedure and vice versa.

## **4.2 Performance Review meetings**

4.2.1 TBC will ensure that employees achieve and maintain a satisfactory performance standard through the Performance Management Framework. It will ensure that standards are established, performance is monitored and employees are given appropriate training and support to meet these standards. Performance standards will be agreed between the line manager and employee during the annual Personal Development Review (PDR) and regular review meetings. If an employee fails to achieve or maintain satisfactory levels of performance, the line manager must try to deal with these informally before commencing the formal procedure. It may be that the employee is not aware of the standards of work performance expected of them, that standards have changed or there may be a genuine lack of capability to undertake their role/duties.

4.2.2 There are several tools that line managers can utilise to 'set' standards required of a role for them to use with their employees. Monitoring employees and having regular performance review meetings in order to make sure they are meeting these standards should help to identify and deal with any issues relating to poor performance, before taking formal action. PDR objectives should be Specific, Measurable, Attainable, Relevant and Time-Bound, (SMART) with objectives being reviewed to monitor progress. Managers can use the following guidance to help in both the informal and formal stages

4.2.3 Tools to set standards of performance measures include:

- Re-induction/Induction for employees who change jobs, as well as for new employees;
- Team meetings;
- Additional line manager support and guidance;
- One to one performance review sessions (increased frequency);
- Peer coaching/mentoring;
- Performance Development Review meetings;
- Arranging relevant training or retraining;
- Providing short term workload relief to enable the employee to catch up;
- This is not an exhaustive list, if other reasonable tools are available that could assist then they can be considered.

4.2.4 If it is established that the performance problems are related to the employee's personal or domestic life, where appropriate, the necessary counselling through Employee Assistance Programme or alternative working arrangements (such as a change in working hours) should be considered.

- 4.2.5 If the performance problems relate to a health issue, a referral to Occupational Health must be made and any recommendations in the OH medical report should be reasonably considered. If the performance problems are related to a disability, then agreed reasonable adjustments must be provided and implemented.
- 4.2.6 The Capability Procedure should not be considered or instigated until all agreed reasonable adjustments are in place and the employee has had time to adjust to these. It is expected the maximum timeframe should be 3 months. The line manager should also refer to Human Resources for advice.
- 4.2.7 The line manager must advise the employee, when managing the situation informally that they are addressing performance issues as the standard for the job role is not being met in performance meetings and make it clear that failure to meet the required standard within the stipulated timescale may result in the Capability Procedure being instigated.
- 4.2.8 The line manager must detail the areas for concern, providing examples to ensure that the employee is clear about the concerns and record any action or support provided to the employee as this will support any decisions or action taken. The employee must be provided with a copy of the performance review note. The template at Appendix 1 can be used for both the informal and formal stages of the policy.
- 4.2.9 The employee is required to participate fully in any performance review, training, coaching, mentoring, counselling or Occupational Health support interventions offered to help them improve.
- 4.2.10 Where the line manager identifies that the employee has not responded to performance review discussions and their performance remains unacceptable, they must not wait until the annual a PDR meeting before escalating to the Capability Procedure. Timescales may vary depending on the nature and demands of the role, but it is expected that there should be an improvement within **1 to 3 months** of performance issues being raised in review meetings. If this is not achieved, the line manager must contact Human Resources for advice and guidance, the employee must also be informed of the decision in writing.
- 4.2.11 Where the employee is receiving coaching with a peer and there are recurring performance issues or continued concerns that the standard for the role is not being met then this must be referred to the line manager so that they can manage the situation.
- 4.2.12 If the employee is unable to carry out their job because of their disability, despite all reasonable adjustments having been provided, redeployment may need to be considered and discussed with HR. If suitable posts cannot be identified, the case may proceed directly to Stage Three of the policy and the employee's contract may be terminated on capability grounds.

### 4.3 Stage One

- 4.3.1 A meeting, chaired by the line manager, must be convened within 14 calendar days of the employee being advised of the decision to instigate the formal

Capability Procedure Stage 1. Before the meeting is held, a letter must be sent to the employee, together with a copy of the Capability Procedure. Relevant information on the areas of poor performance, an explanation of why they are not meeting the standards expected for the role and any previous actions taken to improve the poor performance must be attached. The line manager or employee may request that a representative from Human Resources attends the meeting.

- 4.3.2 The employee has a right to be accompanied to the meeting by a Trade Union representative or a work colleague at all stages of this procedure. They do not have the right to representation by anyone outside of TBC. In exceptional circumstances employees may request to be accompanied by someone external to the organisation for example a regional Trade Union representative, but this request must be made in advance and under no circumstances should this include family, members of the employee's household or a legal representative. A reasonable adjustment may be needed for an employee with a disability, for example, the provision of a support worker or advocate with knowledge of the disability and its effects.
- 4.3.3 The line manager will chair the meeting, outlining action taken to date. The employee or their representative may address the meeting to put the employee's case, sum up the employee's case and respond on the employee's behalf to any views expressed at the meeting. The representative may not, however respond to specific questions that have been put to the employee. However, the employee may request an adjournment in order to speak to their representative in private.
- 4.3.4 If their chosen companion cannot, for good reason, attend on the original date proposed, the employee may ask for the meeting to be postponed to a reasonable time within 5 working days to allow the representative to attend.
- 4.3.5 At the meeting, the line manager will:
- Explain clearly the shortfall between the employee's performance and the required standard of the role; providing evidence and examples.
  - Detail the support offered or provided to improve performance.
  - Assess the situation carefully in order to identify if the failure to meet performance levels is due to the employee's ability, skills, experience, health, lack of attention to detail or whether it is due to a lack of training, resources (including a high workload). This would also have been discussed in the supervision stage but this should be repeated in case new issues have emerged.
  - Examine the cause(s) of poor performance and determine what remedial assistance is required. This may include further training, retraining or closer performance management and support from a peer/coach/mentor.
  - Determine who will be responsible for organising or providing the training and support and set a timetable for this action.
  - Obtain the employee's commitment to reaching the required standards.
  - Agree on a monitoring system during this period through a Performance Improvement Plan which will be regularly reviewed detailing objectives, assistance offered, clear measurable targets, required standard of improvement and timescales for improvement.

- Advise the employee of the consequences of failing to meet the required standard. i.e. progression through the Capability Procedure with the worst case scenario being dismissal due to incapability.
- 4.3.6 The timescales for review of progress will clearly depend upon the level of the improvement required, the importance of the area in which improvement is required and operational impact. The employee must be given a reasonable opportunity to improve, normally within a timescale of between 1 – 3 months.
- 4.3.7 The line manager must send the outcome of the Stage One meeting letter, note of the meeting and Performance Improvement Plan to the employee within 5 working days. This must include; specifying the areas of performance that have not reached the required standards, the required improvement, the consequences of insufficient improvement, training needs identified, timescales for review, timescales for progress reporting and support. Advice can be obtained from HR on setting the Performance Improvement Plan.
- 4.3.8 Regular meetings must take place during the review period to assess progress against the Performance Improvement Plan and ensure that the employee is receiving the necessary support to improve. Review dates must be agreed and communicated to the employee in advance. All review meetings and performance management sessions must be documented, signed by both parties and copied to the employee. If there is a disagreement relating to the accuracy of the notes, the employee's amendments should be attached as an addendum.
- 4.3.9 At the end of the Stage One improvement period, the line manager will convene a Stage One review meeting to review their overall performance and decide whether the required improvement has been made; performance will be measured against the Performance Improvement Plan. The meeting will be structured as outlined in the bullet points on section 4.3.5. Before making this decision, the line manager must be satisfied that all support has been provided during the review period. Likewise, if the employee has been absent from work due to sickness during the review period, the procedure will be paused and reconvened as part of the return-to-work plan. Advice must be sought from HR, as appropriate.
- 4.3.10 There are 3 possible outcomes:
- (a) If sufficient improvement has been made, the employee will be advised of this in writing and the Capability Procedure will cease. Should the same performance standards become unacceptable again within six months of cessation, after discussion with Human Resources, the procedure may recommence at the stage where it was previously halted.
- (b) Where there is evidence of some improvement, but still not meeting the standards of the role, the employee progresses to Stage Two of the procedure.
- (c) If insufficient improvement has been made and there is clear evidence that the individual has failed to meet the requirements of the job, or is deteriorating, and has no prospects of meeting the required performance during an acceptable timeframe, the employee should be advised in writing,

within 5 days of the meeting, that they have failed to make the required improvement and will proceed to Stage Three of the Capability Procedure, which is a formal Capability Hearing, the outcome of which could lead to dismissal, a redeployment or demotion to a suitable alternative role if such a role is available.

4.3.12 The employee has the right to appeal against decision (b) and (c) as outlined in section 4.7.

#### **4.4 Stage Two**

4.4.1 Where there is evidence that some improvement has been made but the required standard has not yet been fully met and the line manager believes that the employee will be able to achieve the required standard within an extended period, the improvement period may be extended for a reasonable period of time, normally between 1 to 3 months; this forms Stage Two of the procedure. The employee will be advised of this in writing, within 5 days of the Stage 1 meeting. The consequences of not reaching the required standard could be their redeployment, demotion or dismissal. Regular and frequent meetings will be scheduled with the line manager and a formal meeting arranged at the end of the period to assess progress.

4.4.2 At the end of the Stage Two review period, the employee will be invited in writing to attend a Stage Two Review Meeting, this will be chaired by the line manager and follow the same structure as outlined in section 4.3.5. There are two possible outcomes:

- a) The employee has achieved the required improvement: This will be recognised and the employee will be encouraged to maintain the improvement and the Capability Procedure will cease. However, should the same performance standards become unacceptable again, within six months of cessation, after discussion with Human Resources, the procedure will recommence at the stage where it was previously halted.
- b) If sufficient improvement has not been made, the employee should be informed of this and the manager's reasons for this decision. The employee will proceed to Stage Three of the Capability Procedure, which is a formal Capability Hearing, the outcome of which could lead to dismissal, redeployment or demotion. The employee has the right to appeal against this decision as outlined in section 4.7. If an appeal is lodged, the Capability Hearing will not be progressed until the appeal is heard.

4.4.3 The line manager will confirm their decision in writing, within 5 days, with a note of the meeting, Performance Improvement Plan and relevant documentation; a copy must be kept on file.

#### **4.5 Stage Three – Capability Hearing**

4.5.1 Human Resources will organise the Stage Three Capability Hearing and will write to the employee with the arrangements. The Capability Hearing will be chaired by an Assistant Director or Executive Director who will not be responsible for the employee's department. The employee has the right to accompanied by a trade union representative or work colleague. A member

of Human Resources Department will accompany the Assistant Director/Executive Director chairing the hearing to provide technical advice. The Assistant Director/Executive Director will determine the outcome of the hearing. The line manager who has been responsible for taking the employee through supervision and Stages One and Two of this procedure will present the management case at the hearing.

- 4.5.2 The purpose of the Capability Hearing is to assess the continued under-performance of the employee in relation to the standard of the role. Therefore, it is important that full details of the performance issues which are the subject of the hearing, a copy of the Capability Procedure and other documentation that will be referred to is made available to the employee at least 14 calendar days in advance of the hearing in the form of a pack which is clearly indexed.
- 4.5.3 HR will collate the pack for distribution to the parties. Any documentation which the employee and manager intends to rely on at the hearing must be forwarded to HR to be included in the pack and enable the pack to be distributed to all parties in advance of the hearing. Documentation not disclosed in advance of the hearing will not be accepted by the Chair.
- 4.5.4 If a Stage 3 Hearing is being arranged following the conclusion of the redeployment process, where suitable alternative posts have not been found or failed (as referred to in section 4.2.10), a HR representative may assist in the presentation of the management case, detailing the redeployment process followed, reasonable adjustments made and feedback from the line manager about performance in role.

#### **4.6 Procedure to be followed at a Stage 3 Capability Hearing**

##### 4.6.1 Procedure:

- The Chair should introduce all parties present. Their roles during the hearing should also be explained.
- The Chair will explain the reason for the hearing and outline the format.
- The Chair will ask the line manager to state the management case. This will outline all the relevant facts including; areas for concern, the actions taken, support given, all the options that have been considered e.g. redeployment or demotion.
- The employee or their representative may address questions to the line manager.
- The Chair and HR representative may ask for any points of clarification at this point to the line manager.
- The Chair will then ask the employee or their representative to outline the employee's case.
- The line manager may then address questions to the employee.
- The Chair and HR Advisor may then ask questions to the employee.
- Both parties should then be given the opportunity to summarise their case – no new information can be submitted at this point unless it only became available after the bundle of information was circulated and it should have been declared to the chair at the beginning of the hearing.
- The Chair will adjourn the meeting whilst they consider the information presented to them.
- Once the decision has been made, the Chair will recall the parties and inform them of the decision.

- If the Chair requires further information, the hearing can be adjourned and reconvened at a future date.

4.6.2 After consideration of the facts presented, the Chair will consider:

- Seriousness of mistakes/underperformance.
- Impact of mistakes/failings on the organisation and team.
- Risks to the organisation.
- Length of service and employment history.
- Employee's response.
- Support given to the employee.
- Any underlying causes.
- Special mitigating factors e.g. disability and reasonable adjustments made.

4.6.3 The Chair will determine whether:

A The employee has reached a satisfactory standard of performance. In this event, the employee will be advised that the Capability Procedure will cease. Should the performance standards become unacceptable again within six months of cessation, after discussion with Human Resources, the procedure may recommence at Stage Three.

or

B The employee has not reached a satisfactory standard of performance, and may determine:

- A redeployment to another job at the same grade,
- A redeployment to a job at a lower grade,
- A further monitoring period is set which will mirror Stage Two of the process (Note – it is expected that a maximum of one further monitoring period will be set).
- Dismissal with notice due to incapability.

However, this list is not exhaustive.

4.6.4 The employee will be notified of the decision in writing within 5 working days of the hearing.

## **4.7 Right of Appeal**

4.7.1 An employee who is dissatisfied with the formal decision at any stage of the Capability Procedure may appeal. The grounds for appeal must be made in writing within 14 calendar days of the decision being communicated to the individual in the capability meeting. Appeals should be addressed to the Head of HR & OD; the grounds for appeal should be outlined clearly so that management can respond to in full.

4.7.2 The manager hearing the appeal will be accompanied by a HR representative. The employee will outline their grounds for appeal. The manager who made the original decision will also be in attendance to outline the grounds for their decision.

- 4.7.3 There will not be any delay in implementing any of the management decisions pending the appeal; however, the decisions may be subsequently amended as a result of the appeal.
- 4.7.4 The format of the appeal will mirror that detailed in section 4.6.
- 4.7.5 The employee will be notified of the outcome at the end of the appeal hearing and this will be confirmed in writing within 14 calendar days of the hearing. On occasions, the hearing may need to be adjourned for further information and reconvened. The decision is final and there is no further right of appeal.



Appendix 1

**Template Performance Improvement Plan**

<i>Please ensure all sections are completed.</i>	
<b>Name of employee:</b>	
<b>Employee's job title:</b>	
<b>Employee's department:</b>	
<b>Employee's manager:</b>	
<b>Stage of the Capability Policy</b>	
<b>Agreed time scales</b>	
<b>Previous review date (if applicable)</b>	
<b>Performance concerns (where it is identified and evidenced that the standards of the role are not being met):</b>	
<b>Existing skills and strengths that the employee could use to improve performance in areas of concern</b>	
<b>Performance concern 1 - improvement required</b>	

<i>Issue to be addressed, evidencing why standard not being in relation to the role</i>	
<i>Solution to assist employee achieve required improvement</i>	
<i>Support to be provided to employee to achieve role standard</i>	
<i>Agreed actions and dates for progress review</i>	
Improvement Achieved / Not Achieved / Progression on track	
<b>Performance concern 2 - improvement required</b>	
<i>Issue to be addressed, evidencing why standard not being in relation to the role</i>	
<i>Solution to assist employee achieve required improvement</i>	
<i>Support to be provided to employee to achieve role standard</i>	
<i>Agreed actions and dates for progress review</i>	
Improvement Achieved / Not Achieved / Progression on track	

<b>Performance concern 3 - improvement required</b>	
<i>Issue to be addressed, evidencing why standard not being in relation to the role</i>	
<i>Solution to assist employee achieve required improvement</i>	
<i>Support to be provided to employee to achieve role standard</i>	
<i>Agreed actions and dates for progress review</i>	
Improvement Achieved / Not Achieved / Progression on track	
<b>Performance concern 4 - improvement required</b>	
<i>Issue to be addressed, evidencing why standard not being in relation to the role</i>	
<i>Solution to assist employee achieve required improvement</i>	
<i>Support to be provided to employee to achieve role standard</i>	
<i>Agreed actions and dates for progress review</i>	
Improvement Achieved / Not	

Achieved / Progression on track	
<b>Identify specific areas where performance has improved since the last form was completed:</b>	
<b>Identify any problems that still remain and the steps being taken to address these:</b>	
<b>Summary of the extent of the employee's overall improvement towards standard required for the role:</b>	
<b>Are any changes required to the performance improvement plan? If yes, give details below:</b>	

<b><i>Employee's comments on the process so far and any points related to those noted in the performance improvement plan:</i></b>	
<b><i>Next meeting date and time:</i></b>	
<b><i>Employee's signature:</i></b>	
<b><i>Manager's signature:</i></b>	
<b><i>Name of HR representative:</i></b>	
<b><i>Name of TUS Representative or Work Colleague:</i></b>	
<b><i>Date:</i></b>	

## Appendix 2

### **Letter inviting to a formal meeting Capability Procedure – Stage (insert) Job Role & hours worked**

Following my concerns regarding your performance as you there are areas where you are not meeting the standard required for the role, a performance improvement programme was put in place designed to help you reach the required standard.

It was explained to you that your performance would be kept under review and, should the required improvement not be achieved and maintained, a formal procedure would be invoked under the organisation's capability procedure (attached).

I am writing to you because I believe that your performance remains unsatisfactory. The reasons for this are [insert reasons].

You are therefore invited to attend a formal Capability Hearing Stage (insert) . The meeting will take place at [time] on [date] at [location] and will be conducted by [identify manager who will chair the hearing]. An HR representative will be in attendance.

The purpose of the hearing is to review your performance. At the hearing, you will have an opportunity to respond to any concerns regarding your performance and to make representations.

Depending on the facts established at the hearing, the outcome could be [state potential action, e.g. further performance improvement measures], but a decision on this will not be made until the hearing has been concluded.

You have the right to be accompanied at the hearing by a work colleague or trade union official. Your companion will, if you so wish, be able to make representations on your behalf; sum up your case; and respond on your behalf to any view expressed at the hearing. They will also be allowed to confer with you during the hearing. However, they will not be able to answer questions on your behalf.

Should you have any questions or concerns about the process, please do not hesitate to contact me.

Yours sincerely

### Appendix 3

#### Letter advising the outcome - redeployment

I am writing to confirm the outcome of the capability hearing Stage (insert) conducted on [date].

The hearing concluded that, despite extensive efforts to give you support and an opportunity to improve, your performance has still not reached the standard required for the role. Specifically, you [describe briefly the respects in which the employee's performance remains below an acceptable level].

I listened carefully to what you had to say in the meeting. In particular, [describe the main points of the employee's submissions made at the hearing]. However, my conclusion was that you had failed to reach an acceptable level of performance in your role despite extensive efforts to provide you with support and an opportunity to improve.

The process has reached the stage where the organisation is prepared to dismiss you rather than continue to employ you in your current role.

[However, to avoid that outcome, the organisation is prepared to redeploy you in accordance with your contract of employment.

Your new role will be [brief overview of new role] and will be paid at [give details of remuneration]. The change will take effect on [date] and the new pay arrangements will take effect from that time. Full details of the new role [are attached/set out details of how this information will be communicated].

The organisation has chosen to take this option as an alternative to dismissing you for poor performance as it hopes that the new role will be more suited to your skills and ability. Should you have any questions about the new role, please do not hesitate to contact me.]

[OR

However, to avoid dismissal, the organisation is prepared to offer you redeployment to the post of [describe the new post being offered]. Remuneration for this post will be [set out the details of what the employee will be paid in the new role] the employment stability policy does not apply. Full details of the new post and the terms on which it is being offered to you [are attached/set out details of how this information will be communicated].

This redeployment will take effect only if you agree to it; you are free to reject this offer. You should be aware that the offer is being made as an alternative to dismissal as the organisation believes that it is no longer possible to employ you in your current role because of your poor performance, which means that you are not achieving the standards required of the role. It is, however, hoped that this offer will allow you to remain in employment in a role that is better suited to you. If you decide to reject this offer of alternative employment, the result will be your dismissal.

Therefore, if you wish to accept the offer, please sign the accompanying notice of variation of contract and return it to me by [date]. Alternatively, should you wish to reject the offer, I would be grateful if you could inform me within the next seven days of receipt of this letter.]

If you have any questions or would like to discuss the details of this offer, please do not hesitate to contact me.

Yours sincerely



#### Appendix 4 – Outcome letter advising required improvement achieved

Following the capability hearing held on [date], I am writing to confirm the outcome.

The hearing was convened because of concerns relating to your performance that resulted in you being placed on a performance improvement programme that ran from [give dates] and involved [summarise main forms of support given to the employee]. Specifically, we had concerns that [set out a brief description of the performance issues identified].

At the hearing, I listened carefully to what you had to say. In particular, you said [briefly summarise the key points made by the employee].

The panel has decided that your performance has improved to a sufficient degree and you have taken on board the feedback that you were given on your performance. Specifically, you have now [insert details of steps employee has taken to improve their performance] and are now working to the required standard.

I hope that your improved performance will continue. I would like to remind you that you should continue to achieve [insert details of what the employee needs to do to maintain their performance at an acceptable level].

While there is no need for any further action by the organisation at this time, if your performance does not continue at an acceptable level, I may need to take further action under the organisation's performance improvement procedure. I hope this will not be necessary.

In the meantime, please do not hesitate to let me know if you have any questions or concerns.

## Appendix 5

### Invite to a hearing letter –

#### Capability Hearing – Stage 3 Meeting Invite Job role & hours worked

Following my concerns regarding your performance, a performance improvement programme was put in place designed to help you reach the required standard.

Manager xxxxx has been working with you to provide the support and guidance outlined in the Capability Policy Stage 1 & 2 and the decision was made to escalate to Stage 3 due to continued performance issues.

It was previously explained to you that your performance would be kept under review and, should the required improvement not be achieved and maintained, an escalation through the stages of the Capability Policy would occur. I am writing to you because I believe that your performance remains unsatisfactory as you have not achieved the standards expected for the role. The reasons for this are [insert reasons].

You are therefore invited to attend a formal Capability Hearing under Stage 3 of the capability procedure (attached). The meeting will take place at [time] on [date] at [location] and will be conducted by [identify manager who will chair the hearing].

The purpose of the hearing is to review your performance in line with the pack prepared for this meeting which should evidence all of the actions taken in relation to the Capability Policy with you. At the hearing, you will have an opportunity to respond to any concerns and evidence presented in relation to your poor performance and to make representations.

Depending on the facts established at the hearing, the outcome could be further performance improvement measures, cessation of the policy, redeployment or dismissal. A decision will be made at the end of this meeting. Adjournment of the meeting can be permitted whilst deliberations take place. You have the right to be accompanied at the hearing by a fellow worker or trade union official. Your companion will, if you so wish, be able to make representations on your behalf; sum up your case; and respond on your behalf to any view expressed at the hearing. They will also be allowed to confer with you during the hearing. However, they will not be able to answer questions on your behalf. An HR representative will also be in attendance.

Should you have any questions or concerns about the process, please do not hesitate to contact me.



What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Capability	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

**Part 2 – Summary of Assessment**

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide a framework for dealing with capability issues.

Who will be affected and how?

All employees, with the exception of Chief Executive and Chief Officers and those on

a Probationary Period. - This policy provides guidance for support.
Are there any other functions, policies or services linked to this impact assessment? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If you answered 'Yes', please indicate what they are? All employees Yes, Probationary Periods, Disciplinary and Attendance Management are referenced.

**Part 3 – Impact on the Community**  
Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor

Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

**Part 4 – Risk Assessment**

**From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications**

Impact Area	Details of the Impact	Action to reduce risk

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable) .....

Arrange a meeting to:

- Explain clearly the shortfall between current performance & required standards, always provide specific examples
- Ask for an explanation & listen carefully to the response
- Carefully explore & assess potential causes ensuring the employee contributes to identifying the potential causes
- If appropriate support can include training, coaching, advice/guidance, reinduction to role, 121 sessions, coaching/mentoring, short term work relief
- Agree solutions and actions to be taken
- Agree objectives
- If health or personal issues are disclosed, refer to Occupational Health or EAP
- If disability related, explore reasonable adjustments. Reasonable adjustments must be in place with time to adjust to these before instigating any formal stages
- Explain consequences if no improvement
- Ensure standards are understood
- Set review period & date for future meeting
- Write to employee confirming actions and timescales

Monitor Performance – 1-3 months

At the end of review period hold a meeting to establish if the required improvement has occurred

Not met → Consider moving to formal procedure stage 1

Met → Provide feedback & encourage to maintain improvement, continue to monitor progress in normal supervisory arrangements<sup>1</sup>

Is the shortfall in standard due to any of the following?

- Within first 6 months of employment
- Use the probationary period policy

- Wilful/ignoring reasonable instructions
- misconduct
- Negligence
- Attitude
- Use the disciplinary policy

- Sickness
- Absence
- Disability
- Personal problems
- Consult HR
- Occupational Health
- EAP

Formal procedure stage 1

- Line Manager arranges a meeting within 14 days of the employee being told the formal capability procedure is being instigated
- The employee is invited in writing with a copy of the Capability procedure and information on the areas of poor performance
- In the meeting, reconfirm standards and the expected time for improvement, including examples of where not met
- Examine causes of poor performance
- If appropriate offer training, coaching, guidance, reinduction, training, retraining, short term workload relief
- Set review period and date – 1 to 3 months timescale with regular reviews during this period of review
- Set SMART objectives for the Performance Improvement Plan
- Confirm that performance will be monitored and explain consequences if no improvement
- Confirm the discussion in writing with a copy of the Performance Improvement Plan
- Employee has the right to be accompanied by a TU Rep or work colleague

At end of review period hold a Stage 1 review meeting to establish if the required improvement has occurred – measure performance against the Performance Improvement Plan. Three possible outcomes:

Met

Cease procedure.  
Provide specific feedback and encourage to maintain improvement, continue to monitor progress. If poor performance resumes within 6 months, recommence procedure at stage it was halted

Not met

Some improvement  
Proceed to stage 2 of the formal procedure The employee has a right of appeal

Not met

No improvement or worsening performance with no prospect of meeting the required performance in an acceptable timeframe -  
Proceed to stage 3 of the procedure . The employee has a right of appeal.



Formal procedure Stage 2

- The employee must be advised in writing, within 5 days of the Stage 1 meeting that it is proceeding to stage 2 and the consequences of not reaching the required standard
- Regular meetings will be scheduled during the review period
- Review period will be for a period of between 1 and 3 months
- The meeting will take the same format as the Stage 1 meeting and the Performance Improvement Plan updated

At end of review period hold a Stage 2 review meeting to establish if the required improvement has occurred – measure performance against the Performance improvement Plan. Two possible outcomes:

Met

Cease procedure.

- Provide specific feedback and encourage to maintain improvement, continue to monitor progress. If poor performance resumes within 6 months, recommence procedure at stage it was halted

Not Met

Proceed to Stage 3 – Formal Capability Hearing

- Confirm in writing within 5 days of the decision with a note of the meeting and updated Performance Improvement Plan.
- The employee has a right of appeal against this decision

Formal Procedure Stage 3 Capability Hearing

- Assistant Director or Executive Director will chair the Stage 3 Capability hearing:
- Employee has the right to representation by a TU rep or work colleague
- Line Manager who took the employee through stage 1 and stage 2 will attend to present the management case
- All paperwork to be referred to must be sent to HR 14 calendar days in advance of the meeting and packs will then be distributed to all parties
- Management will present their case and the employee will then be invited to present their case
- All parties may ask questions
- The Chair will confirm their decision in writing
- The employee has a right of appeal

Executive Director/Assistant Director will consider;

- Seriousness of mistakes/underperformance
- Impact of mistakes/failings on the organisation on the organisation and team
- Risk to the organisation
- Length of service and employment history
- Employee's response
- Support given to the employee
- Any underlying causes
- Special mitigating factors e.g. disability and reasonable adjustments made

Outcome

Met

Not met

- Chair will determine sufficient improvement and it procedure ceases. If performance standards become unacceptable again within 6 months, the procedure may recommence at stage 3 Capability Hearing
- Extension – which will mirror stage 2 of the process
- Redeployment to another job at the same grade
- Redeployment to a lower grade
- Dismissal with notice due to incapability



Exit Questionnaire & Interview Policy

Document Status: Final

Document Ref: HRPOL -

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.02

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

**Document Location**

This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

**Revision History**

Revision Date	Version Control	Summary of changes
July 2022	V1	New policy with a revised template form
August 2022	V1	Updated based on feedback

**Key Signatories**

## Approvals Creation and Major Change

Name	Title	Approved
TULG		September 2022

## Approvals Minor Change and Scheduled Review

Name	Title	Approved

## Approval Path

**Major Change****Action**

Originator

HR

Owner

Head of Paid Service

TULG

Consultative Group

CMT

Corporate Approval

Appts &amp; Staffing Committee

Council Approval

**Minor Change**

HR	Submission
TULG	Consultative Group
Director	Delegated Approval

## Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

## Distribution

The document will be distributed through Astute as a NON MANDATORY policy and will also be available on the Intranet and paper based copies.

## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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## **1 Introduction**

- 1.1 Tamworth Borough Council (TBC) recognises that the achievement of its strategic vision and priorities and the securing of its values are dependent on the retention of a skilled and committed workforce. The Council's policy on the use of Exit Questionnaires and Interviews is designed to support this aim by monitoring the reasons why employees leave the Council, receiving feedback on key themes and managing actions to ensure that the Council is a first-class employer.
- 1.2 By understanding the reasons behind staff turnover, Tamworth Borough Council (TBC) can potentially devise initiatives and / or develop employment policies/practices that reduce turnover, increase employee engagement and retention, improve employee performance as well as the culture of the organisation and could potentially reduce costs.
- 1.3 It is recognised that employees resign for many different reasons. Sometimes it is the attraction of a new job or the prospect of a period outside the workforce that 'pulls' them. On other occasions they are 'pushed' to seek an alternative because they are dissatisfied in their present job. These 'push' factors range from a lack of career opportunities to organisational changes. The move might be prompted by a combination of both 'pull' and 'push' factors.
- 1.4 However, getting accurate information can be difficult because the reasons employees give for their resignation can differ from their genuine reason for leaving. Employees may be reluctant to voice criticism of their manager, colleagues or the organisation in general, preferring to give some less contentious reason for their departure.
- 1.5 Completion of the exit questionnaire and participating in an exit interview is not mandatory and the employee does not have to answer all of the questions; the Council views any feedback as valuable. Furthermore, whether an employee chooses to complete an exit questionnaire or participate in an exit interview will not affect any future references or employment prospects.
- 1.6 It is expected that most employees will participate as it is important to understand why employees leave. TBC would like employees to be as honest and open with their feedback and would like to assure employees that there will be no repercussions, or victimisation because of their response. If an employee feels they have suffered a detriment because of their feedback, Human Resources should be informed.

## **2 Scope**

- 2.1 Human Resources will send exit questionnaires to all employees leaving due to resignation, retirement, the end of a contract, ill health retirement (if the employee is well enough to participate) or redundancy. They will not be issued when an employee transfers internally or is dismissed for gross misconduct. Furthermore, they will not be issued to casual workers.

### **3 Purpose**

- 3.1 The exit questionnaire provides the framework for a formal interview between the employer and employee. Effectively, it is the opposite of a job interview where instead of asking the employee why they want to join Tamworth Borough Council, the employer is getting information about why an employee is leaving. At its core, the interview will try to understand why the employee wants to leave, with the objective of collating information to reduce future turnover and improve at a team and organisational level.
- 3.3 If done well and properly, the process can provide a good insight into the organisation and aid employee engagement and satisfaction. It also provides an opportunity to hear from a more honest staff perspective.
- 3.4 The exit interview has four aims:
- To identify why employees are leaving for monitoring purposes and to identify any trends and manage actions to address this,
  - To better understand the different experiences of working at Tamworth Borough Council in order to provide the Council with insight into employment issues as well as to identify any areas for improvement and future change,
  - To assess the effectiveness of recruitment and induction practices, and
  - To increase the retention of high calibre employees.

### **4 Process**

- 4.1 Once a manager has received notification from an employee of their intention to leave they must complete the leavers process as outlined in the Leaver's Policy and complete a termination form. When processing this notification Human Resources will email the leaver a letter acknowledging their departure and send an exit questionnaire.
- 4.2 The exit questionnaire provides the framework for discussion in the exit interviews and will generally be carried out by the immediate line manager in a face-to-face interview or via Microsoft Teams for home or hybrid workers if this does not take place on the team day or in a collaborative meeting. The meeting must be held in private and if via Microsoft Teams, other members of the employee and manager's household must not be present. The interview will be confidential.
- 4.3 Upon request, the exit interview can be with Human Resources (HR) if there are complex or sensitive issues.
- 4.4 The exit interview can be conducted in two ways. The employee can complete the questionnaire in advance of the interview and use this to discuss their answers or it can be completed in the meeting with their manager and a summary of the discussion captured on the questionnaire.

### **5 Timing of exit interview**

- 5.1 The interview should be scheduled towards the end of the employee's notice period, but sufficient time must be given for Human Resources to review the form in advance of the employee's departure in case any issues are raised which need to be followed up before their leaving date.



## **6 Structure of the exit questionnaire and interview**

- 6.1 The questionnaire asks about reasons for leaving and the employee's experience of employment at Tamworth Borough Council. This enables TBC to understand why employees join and leave and to monitor trends and act when concerns are raised.
- 6.2 The process will cover 13 key themes;
1. The role
  2. Job Profile
  3. Goals and targets
  4. Communications
  5. Working relationships including leadership styles
  6. Appraisal and development
  7. Career aspirations
  8. Reward
  9. Work-Life balance
  10. Working environment
  11. Employment experience
  12. Reason for leaving
  13. Other matters

## **7 Monitoring**

- 7.1 All responses on the exit questionnaires will be reviewed by the Human Resources. Having noted the feedback it will be filed on the employee's personal file and disposed of in accordance with TBC's Data Retention policy. The employee may be contacted to explore comments further where an interview or questionnaire highlights a grievance, potential grievance or an issue that needs to be addressed. Such cases should be referred immediately and confidentially to Human Resources. If disciplinary offences such as harassment or discrimination are disclosed, this should be dealt with in accordance with the relevant policies.
- 7.2 On a half yearly basis, the Head of HR & OD will provide an anonymised report summarising feedback around the 13 key themes for the Corporate Management Team (CMT) and reporting on the percentage completion rate of exit questionnaires.

## Appendix 1

### Exit Questionnaire to inform the Exit Interview

**Strictly Private and Confidential**

Employee Name	
Job Title	
Designation	Home/Hybrid/Site worker (please indicate)
Date of leaving	
Length of service with Tamworth Borough Council	
Date of interview	
Name of manager conducting the interview	

#### 1 The Role

##### Discussion points:

- Identify what you most and least liked about the role.
- Could this have been structured differently to be more effective or more enjoyable?
- Did you find your job challenging and rewarding? Why?

## 2 Job Profile

### Discussion points:

- Does this accurately reflect what you have been required to do?
- In your opinion are there any aspects of the job that are no longer necessary or need to change in any way?

## 3 Goals and targets

### Discussion points:

- Did you understand how your role fitted into Departmental and Council goals?
- Did you feel like you had clear goals and knew what was expected of you in your job?

#### **4 Communications**

**Discussion points:**

- Did you get clear relevant information about what was happening across the Council?
- Did you know who to speak to to get things actioned?
- Were there opportunities or barriers to feed information or ideas upwards or across the Council?
- Did the induction you received provide you with the information you needed about your role?
- How did you feel about the level of communication within your team?

#### **5 Working relationships with manager, colleagues, direct reports or key contacts in other departments**

**Discussion points:**

- How would you describe your relationship with your manager, colleagues, direct reports or other key contacts?
- How could it be improved?

## 6 PDR and development

### Discussion points:

- Did you receive regular PDR and supervision?
- Did you feel your PDR was an honest and constructive reflection of your performance?
- Did you have clear objectives?
- Was the process linked to your professional and personal development?
- Do you feel that you were kept well informed about opportunities to further your career?

## 7 Career Aspirations

### Discussion points:

- Are you in a better position now to achieve your long-term career aspirations than when you started at Tamworth Borough Council?

## 8 Reward

### Discussion points:

- Did you feel adequately rewarded (pay, pension, benefits) for the work you undertook? Are there any other benefits you would like to see Tamworth Borough Council offer?

## 9 Work-Life balance

### Discussion points:

- Were you able to achieve a reasonable work-life balance?
- Was your workload manageable?
- How did you feel about your work-life balance whilst working for Tamworth Borough Council?
- Do you have any suggestions about how work-life balance could be improved?

## 10 Working Environment

### Discussion points:

- Did you have the necessary resources and facilities to undertake your work
- Did the SMART working and/or conditions of service review 2022 affect your decision to leave Tamworth Borough Council?
- Did your physical working environment contribute towards your decision to leave?
- Were adequate resources and support provided to you in order to be able to undertake your work? If not, what was missing?

## 11 Employment Experience

### Discussion points:

- What originally attracted you to join Tamworth Borough Council?
- Overall, how was your experience of working at Tamworth Borough Council? How did this compare to other organisations they you may have worked for?
- Were any complaints you had during your time here dealt with in an appropriate manner?
- What does your new job offer that Tamworth Borough Council lacks?
- What circumstances led to you accepting the new position?
- Would you recommend Tamworth Borough Council to family or friends as a good place to work?

**12 Reason for leaving**

**Discussion points:**

- Why are you leaving and was there anything Tamworth Borough Council could reasonably have done to aid your retention?
- What were the most important factors in your decision to take up a new job?

**13 Other matters the employee wishes to raise?**

**Discussion points:**

- An opportunity to cover any aspects not already covered that are important for us to know.
- Do you have any general suggestions about how Tamworth Borough Council, as an employer, could improve?

Signed Employee		Date	
Signed Manager or HR Rep		Date	

**Thank you for proving your valuable feedback. Please forward to HR Admin by email**





Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Exit Interview & Questionnaire	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>

	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

### Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide a framework for the Exit Questionnaire and Interview process.

Who will be affected and how?

All employees.

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

Leavers policy

**Part 3 – Impact on the Community**

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age.
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability.
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief and explicitly references adjustments for religious observance
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor

Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk

#### Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

n/a				

Date of Review (If applicable) .....

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Honoraria, Acting Up and Ex-gratia policy

Document Status: Final

Document Ref: HRPOL -

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.01

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

### Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

### Revision History

Revision Date	Version Control	Summary of changes
May 2022	Version 1	New agreement reached on the calculation of ex gratia and acting up aligned to job evaluation



## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing		September 2022

### Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin		
TULG		

#### Approval Path

##### Major Change

Originator

Owner

TULG

CMT

Appts & Staffing Committee

##### Action

HR

Head of Paid Service

Consultative Group

Corporate Approval

Council Approval

##### Minor Change

HR

TULG

Director

Submission

Consultative Group

Delegated Approval

#### Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

#### Distribution

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#### Security Classification

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## 1 Introduction

The aim of this policy is to set out the criteria and eligibility for honoraria, acting up and ex-gratia payments and to ensure consistency in application across the organisation. The policy defines the type of activities for which payment is appropriate and provides information on the eligibility for and processing of such payments.

## 2 Scope

This procedure applies to all employees of Tamworth Borough Council (TBC).

## 3 Criteria for awarding honoraria payments

An honoraria payment is a payment given to an employee being asked to undertake specific duties and/or responsibilities, which are considered to be significant and of a higher level than the substantive grade of their post on a temporary basis.

This may include:

- Project work unrelated to their job or coverage in the case of significant absence for the same grade
- Completing a one-off piece of work outside of their normal role and experience
- Project work where this is in addition to their own job or requires a higher level of competency or increased responsibility
- Taking on additional tasks and responsibilities during periods of staff shortages or back filling
- Taking on a proportion or sharing the duties of a higher graded post

The manager will need to make an assessment of what percentage of duties of the higher level of post are being undertaken and recommend an appropriate payment. For example, if after considering the higher post's role profile and what the role entails, they assess the employee was undertaking 20% of the higher graded role, using the example above, the calculation would be:

$\text{£}32,910$  (higher graded post) -  $\text{£}29,577$  (post holder's substantive salary) /12 x 3 x 20% =  $\text{£}166.65$

Where the honoraria is for undertaking a special project or a bespoke piece of work, these duties should in the first instance, be job evaluated to see if the additional duties make a difference to the grade (i.e. increase in job evaluation points). Should the increase in job evaluation points result in a grade increase because of the additional duties, the employee will be paid the difference between their substantive salary and the minimum spinal column point of the new grade. There is no incremental progression on an honorarium.

Approval for an honoraria payment must be supported by the relevant Assistant

Director and the Head of Paid Service and must not be paid for a period of longer than one year. A record of how the honoraria was calculated must be retained for file.

The honorarium payment will be subject to income tax, National Insurance and if the employee is a member of the Local Government Pension Scheme, pension deductions.

Honoraria payments would normally be paid monthly and have an end date.

Honoraria should not be awarded for:

- Additional work that could reasonably be expected to be carried out within the job role and is therefore, already incorporated into the job evaluation score
- Work that is part of an agreed developmental opportunity
- Where overtime is also being claimed
- Where it is to show appreciation for working under pressure etc.

#### **4 Acting Up payments**

An acting up payment applies where an employee undertakes all of the duties and responsibilities of a higher graded post on behalf of another (in their absence) for a period of four weeks or more. The period of acting up should not exceed 12 months.

Employees who are on a protected salary who undertake duties of a higher post than their substantive grade, but not higher than their protected salary are not entitled to receive additional remuneration.

This payment must not be made to cover periods of annual leave.

The acting up payment is subject to income tax, National Insurance and if the employee is a member of the Local Government Pension Scheme, pension deductions.

The payment must normally be based on the salary that would apply were the employee to be promoted to the higher post (i.e. the lowest spinal column point of the higher grade), for example:

An employee at Grade F taking on the responsibilities of an employee at Grade G for a 3-month period:

- a) Grade F on spinal column point 25, £29,577
- b) Grade G minimum spinal column point £32,910

The calculation would therefore be:  $(b) - (a) / 12 \times 3$   
 $= £32,910 - £29,577 / 12 \times 3 = \text{an acting up payment of } £833.25$

The Acting Up payment will be paid monthly.

In general, acting up arrangements should be a short-term solution and should not exceed 12 months. The exception to this is where maternity leave/shared parental leave plus annual leave means the absence is greater than 12 months.

## **5 Ex-gratia payments**

There may be some very exceptional circumstances where it is appropriate to give an employee an ex-gratia payment in recognition of where they have gone over and above the normal requirement for their post and it does not fit the criteria for an acting up or honorarium payment. The appropriate level will be supported by the relevant Assistant Director and determined by the Head of Paid Service based on justification for other ex gratia payments made in the past so as to ensure that payments are equitable and consistent across the authority. This payment is only made in very exceptional cases, for example, attending work on Christmas Day to assist the council to respond to an emergency/unplanned incident such as a fire in TBC's housing stock.

Ex gratia payments can be paid as a lump sum or spinal column points

The time period to which the payment relates will differ in each case as it will be dependent upon the reason for the payment. For example, it may be a one-off action by the employee which is substantial enough to warrant an ex-gratia payment. However, it is expected ex-gratia payments would be very rare as honorariums and acting up payments will meet most criteria.

## **6 Authorisation**

All honoraria, acting up and ex-gratia payments must be approved by the Assistant Director and Head of Paid Service prior to the arrangement commencing.



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Honoraria, Acting Up and Ex-gratia payments	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

**Part 2 – Summary of Assessment**

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide guidance on additional payments; honoraria, acting up and ex-gratia.

Who will be affected and how?

All employees - This policy provides guidance on the process.

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

All employees

**Part 3 – Impact on the Community**

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
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Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor

past			
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

**Part 4 – Risk Assessment**  
**From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications**

Impact Area	Details of the Impact	Action to reduce risk

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable) .....





## Job Evaluation & Review of Grading Policy

Document Status: Final

Document Ref: HRPOL -

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.02

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

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Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
April 2022	Version 1	New policy outlining Job Evaluation scheme and process for reviewing grades
July 2022	Version 2	Updated following feedback

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing		September 2022

### Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin		
TULG		

### Approval Path

#### Major Change

Originator  
 Owner  
 TULG  
 CMT  
 Appts & Staffing Committee

#### Action

HR  
 Head of Paid Service  
 Consultative Group  
 Corporate Approval  
 Council Approval

#### Minor Change

HR  
 TULG  
 Director

Submission  
 Consultative Group  
 Delegated Approval

### Document Review Plans

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## 1 Introduction

Job Evaluation is a technique for comparing the relative demands, skills and responsibility of jobs, usually as the basis for a grading and pay structure. As the name implies, job evaluation is about comparing the demands, skills and responsibility for the job, not people. Job evaluation do not assess how individuals perform, nor how their work is organised, nor whether they have the appropriate skills and knowledge for the work.

## 2 Purpose of the Job Evaluation Scheme

Job evaluation provides a mechanism for ensuring that the organisation is paying equal pay to women and men for work of equal value and thus complying with equal pay legislation. This requires that any scheme applied is designed in accordance with equal value principles and that it is implemented in a fair and unbiased manner.

The job evaluation scheme consists of:

- A set of headings called factors under which jobs are analysed to make the process of comparison easier;
- A scale or level for demand for each factor;
- A points scoring system for each factor;
- Numerical weighting to reflect the importance of the factors. For example, Knowledge and Responsibility factors are weighted higher than Effort & Environmental factors.

Tamworth Borough Council uses the Gauge job evaluation scheme which has been approved by our recognised trade unions following consultation.

The scheme has 13 factors consisting of:

### **Knowledge and skills factors**

- 1) Knowledge
- 2) Mental Skills
- 3) Interpersonal Skills
- 4) Physical Skills

### **Responsibility factors**

- 5) Initiative and Independence
- 6) Responsibility for people
- 7) Responsibility for supervision
- 8) Responsibility for financial resources
- 9) Responsibility for physical resources

### **Effort & Environmental Factors**

- 10) Mental Demands
- 11) Emotional demands
- 12) Physical demands
- 13) Working conditions

### **3 Scope**

All new roles are job evaluated. Existing roles are re-evaluated as a result of any significant changes to the duties or responsibilities of the post and either the post holder or manager feel that the grade of the job may be affected. If the evaluation results in an increase in grade if this is a permanent change the grade will increase, however where this is temporary increase the change will be in line with the Honoraria, Acting Up and Ex-Gratia Payments policy.

### **4 New Jobs**

New jobs will initially be evaluated by a member of HR, trained in job evaluation, prior to the business case being agreed or approval being granted by the Appointments & Staffing Committee. The line manager for the role will be in attendance to answer any questions and the evaluation will be reviewed against a role profile (an amalgamation of a revised Job Description and Person Specification).

Furthermore, the line manager or employee may request a new post's grade be reviewed once the responsibilities have bedded down in the operational environment after a period of 6 months.

### **5 Roles reconfigured as a result of a management decision**

In the first instance, management (the line manager in conjunction with the Assistant Director/Executive Director) should produce a role profile to demonstrate the changed requirements of the role. If the new / amended role affects existing job holders it is appropriate to commence consultation with job holders and/or their trade union representatives. However, the revised role should be subject to the agreed job evaluation process before consultation commences.

### **6 Postholder(s) requests evaluation**

Where an employee feels their job has changed significantly, they should initially discuss this with their line manager. If both agree that the changes to the job are material to the responsibilities of the job and it will be a permanent feature, an application for Review of Grade should be submitted to Human Resources (Appendix 1). This should also detail a summary of how the role has changed and management's comments as it will only be re-evaluated with the line manager's approval. Managers should be aware that any cost attached to the increase in grade to posts, is to be met from existing staffing budgets and it is the responsibility of the budget holder to ascertain sufficient finances are available, both at the initial grade change and for any subsequent incremental progression and/ or back pay (if applicable). Review of grade requests apply only where the duties of the post have changed, not where an individual's contribution or competency has changed.

### **7 Composition of evaluation panels**

The evaluation will be carried out by a trained member of the HR Department and the line manager. The employee will also be present with their Trade Union Representative if requested.

## **8 The procedure for evaluation**

All requests for evaluation for a new role or an existing role must be completed in writing using the form at Appendix 1 with authorisation from Executive Director or Assistant Director to the Head of HR & OD. The post holder and line manager must agree a revised job profile to reflect the role. |

An evaluation will take place led by a representative of HR with the line manager and post holder in attendance, using the new role profile to score against the 13 factors. If parties fail to reach a consensus on the scoring, then further information should be requested from the line manager/job holder and this will be noted within the JE system. If there are differences of view between the line manager and job holder over the information in the role profile, information that forms evidence of duties should be considered e.g., factual records, diaries or equivalent. Other information can be submitted, for example organisation charts.

Upon conclusion of the evaluation, the score will then be moderated by a second member of Human Resources or the Assistant Director People for consistency on both a factor by factor and total score basis against other evaluations on Gauge. The grading will not be confirmed until this moderation is completed. The moderator will review the role profile and the question trace for the previous scoring, revised scoring and factor correlations and may ask questions for clarity.

When this process is complete, there are three possible outcomes:

- 1) There is no change to the score, making the original evaluation the correct one for the job;
- 2) There is a change to the score but this is not sufficient to change the grade of the job, making the original grade correct;
- 3) The score changes sufficiently to alter the grade of the job.

The line manager and employee will be advised of the outcome of the grading by HR.

Question traces are not issued to employees or line manager to protect the integrity of the scheme.

## **9 Appeals**

An employee (or group of employees) who wishes to appeal the outcome of the evaluation must submit the appeal in writing to the Head of HR and Organisational Development, through their line manager, within 20 working days of communication of the outcome. They must explain under each of the relevant JE factor headings the information they considered should have been taken into account. The appeals procedure relates only to the outcome of the Job Evaluation process.

## **10 Terms of reference for appeals panels:**

An Appeals Panel will be convened to conduct the formal appeals hearing. The Appeals Panel will consist of the Executive Director Organisation or another Executive Director who will have had no previous involvement and a member of HR who may have undertaken the original evaluation or moderation.

The appeal panel will:

- Apply the procedure exactly as for the original evaluation.
- Consider whether the new information/representations change the original evaluation.

The purpose of the meeting is to enable Appeal Panel members to fully understand the reason for the appeal and clarify any areas of misunderstanding. The appellant may make oral or written representations to the panel, either in person or through a trade union representative or workplace colleague. The representative may speak on behalf of the appellant. The purpose of the oral representations is to clarify any issues. The line manager will be requested to attend to answer any operational questions. The appellant, their representative and line manager will then be asked to leave in order for the re-evaluation to take place.

The appellant should be made aware from the outset that possible outcomes are:

- The job score remains unchanged.
- The job score goes up but no change to the grade.
- The job score goes up with a corresponding increase in pay grade.
- The job score goes down but no change in pay grade.
- The job score goes down with a corresponding reduction in pay grade.

**The decision of the Appeals panel will be final.**

## **11 Grounds for Appeal**

An employee (or group of employees) may appeal against the evaluation of their job on one or more of the following grounds:

- Insufficient or otherwise inadequate information was available to the panel which undertook the initial evaluation of the job.
- The available job information was misunderstood or misinterpreted by the evaluation panel.
- The job is significantly different from that which was evaluated.
- The job has changed significantly since the original evaluation.

## **12 Timescales**

The formal appeal must be submitted to the Head of HR and OD within 20 working days of being advised of the moderated grade, unless agreed otherwise because of unavailability, sickness etc.

## **13 Notification**

Notification of the outcome will be in writing by HR. Any subsequent formal variation to the terms and conditions will be handled in the normal way.

Where the appeal results in a change of pay grade with consequent changes in salary then this should be implemented from the date at which the changes to the



role were deemed to be effective. This will already have been agreed between the job holder and the line manager, prior to the submission of the regrade application.

#### **14 Dissatisfaction with the appeal outcome**

Where there is no change in the grading, further requests for evaluation will not be considered for a period of six months from the appeal decision

#### **15 Equality & Diversity**

The Job Evaluation Scheme has been designed to be free from gender bias and discrimination.

Equality features of the factor plan include

- A number of separate Knowledge and Skills factors, to ensure all are fairly measured
- Interpersonal skills and Emotional Demand factor to help avoid 'people' jobs being undervalued
- Physical Skills and Physical Demands factors, to help avoid jobs with manual features being undervalued
- A number of separate Responsibility factors, to ensure all forms of responsibility are fairly measured. It is important not to count twice for the same responsibility.

**Appendix 1**

**Application for a review of grade**

Job Holder Name  
Job title  
Department

**Checklist for completion**

1	Original request from the employee	
2	Revised and agreed role profile	
3	Summary of the changes in role since the last evaluation	
4	Line Manager/Assistant Director comments	

Date any regrade takes effect .....

Note –this is normally the date the applimate for regrade is submitted

Signature	Date	Role
		Employee
		Line Manager
		Assistant Director

**Appendix 2 – Moderation Template**

**Moderation of JE following review of role**

<b>Job Holder</b>	
<b>Job Holder Title</b>	
<b>Gauge reference</b>	
<b>Original Score</b>	
<b>New Score</b>	
<b>Moderated Score</b>	
<b>Factors changed</b>	
<b>Moderator Comments</b>	
<b>Factor Correlation check</b>	<b>Knowledge v Mental Skills</b> <b>Knowledge v Initiative and Independence</b>

<b>Factor/ Question Number</b>	<b>Answer</b>	<b>Comments / Evidence for change</b>

<b>Moderator:</b>	
<b>Date:</b>	



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Job Evaluation	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

**Part 2 – Summary of Assessment**

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide guidance on Job Evaluation and grading reviews

Who will be affected and how?

All employees - This policy provides guidance on the process.

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

All employees

Honoraria, Acting Up and Exgratia payments policy

**Part 3 – Impact on the Community**

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
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Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
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Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities

Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
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Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

<b>Part 4 – Risk Assessment</b>		
<b>From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications</b>		
Impact Area	Details of the Impact	Action to reduce risk

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

<b>Impact (positive or negative) identified</b>	<b>Action</b>	<b>Person(s) responsible</b>	<b>Target date</b>	<b>Required outcome</b>
Not applicable. The policy is explicit on equality and diversity considerations within the job evaluation framework				

Date of Review (If applicable) .....



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Leaver's Policy

Document Status Final

Document Ref: HRPOL -

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.01

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

**Document Location**



This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
August 2022	V1	New policy

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## 1 Purpose

The purpose of the procedure is to provide guidance for all employees of Tamworth Borough Council (TBC) (i.e. Chief Executive, Chief Officers, Managers, Officers) leaving the organisation and to ensure that a standard, fair and consistent approach is adopted.

Notice periods fall into two categories, contractual notice and statutory notice. This policy covers both types of notice and covers what will happen to other payments such as holiday entitlement, payment for time owed and responsibilities for the return of property.

## 2 Confirmation of resignation

Normally, the first indication of a resignation is a verbal one between the employee and the line manager. Whilst TBC can try and persuade the employee not to leave, it is not permissible to refuse to accept the resignation. Sometimes the issue can be resolved at the first meeting and the resignation withdrawn with the agreement of both parties. It is therefore reasonable to seek out initial reasons for resignation at this early stage to establish if anything can be done, rather than waiting for the exit interview. If an individual still wishes to leave TBC, they must provide written notice addressed to their manager. This should state:

- The resignation date
- The expected actual leave date
- The expected last day at work (if annual leave, banked hours or flexi is being taken)

## 3 Contractual Notice Periods

An employee resigning from TBC should give at least the amount of contractual notice required. Notice periods are aligned to the grading structure and the following notice periods will apply.

Grades	Notice Required
A-D	One calendar month
E-G	Two calendar months
H and I	Three calendar months

Employees employed under **the Joint Negotiating Committee for Chief Officers** are required to provide three calendar months' notice and employees covered under the **Joint Negotiating Committee for Chief Executives** are required to provide six months' notice.

These notice periods apply equally to employees on temporary and fixed term contracts if they wish to end the contract earlier than the initially agreed end date.

Either party may request that notice periods are waived by mutual agreement. However, this is only agreed in exceptional circumstances in consultation with the Assistant Director and Human Resources.

Where an employee wishes to withdraw their notice of resignation, they must make their request to the Head of Service or Assistant Director. They will meet with them to ascertain the reasons for the resignation and retraction. Human Resources must be consulted before an answer is provided to the individual.

#### **4 Statutory Notice Periods.**

The Council will give notice to the employee equivalent to one week of every complete year of service, up to a maximum of 12 week. This will apply in situations where the Council is giving notice to terminate a contract on the grounds of redundancy, dismissal or for termination on the grounds of ill health. This includes temporary and fixed term contracts. In cases of gross misconduct, dismissal is with immediate effect.

For employees covered under the Joint Negotiating Committee for Chief Executives, this is six months.

#### **5 Handover**

After an employee's notice has been submitted to their manager, it is expected and appreciated that they co-operate with any handover to their successor or colleagues.

#### **6 Responsibility of line managers**

On receipt of the employee's resignation, the employee's manager must complete a Termination Form; this must be completed as priority to prevent the possibility of overpayment.

The Termination Form must be sent to HR Admin in Human Resources. In the event that a short notice period is agreed with management, the Payroll Department must also be directly advised by email to minimise the risk of salary overpayment. Salary payments are despatched to the bank/building society around 12<sup>th</sup> of each month. Therefore, advance warning of anyone leaving before the month end is essential.

The manager should ensure all property is returned. If TBC property is outstanding, payroll needs to be informed.

Human Resources Team will write to the employee confirming their last day of employment and invite them to complete an exit questionnaire and attend an exit interview with their manager if requested. The employee may request for the exit interview to be with HR or another manager within the service.

Exit Interviews are useful to gain an understand of why an employee has chosen to leave, what they liked about working at TBC and what they consider would improve the organisation to be an employer of choice. The time taken to give feedback is appreciated. If allegations of serious misconduct or Grievance come to light in the exit interview, the information will be passed to the Head of HR & OD for further exploration.

## 7 Return of property

Employees will be required to return all property allocated during the course of employment, on or before the last day worked. This will include; mobile phone, all equipment and furniture if a home or hybrid worker, fobs, identity cards, keys or papers. This list is not exhaustive.

Failure to do so will entitle TBC to withhold final payments due to the leaver and/or deduct the cost of replacement items from any monies due and payable to the leaver. If it becomes necessary, the leaver will be advised that this is being done.

## 8 Annual leave and Flexi Balance

Employees who leave TBC are entitled to the proportion of annual leave whilst in employment.

Calculation: Leave entitlement for full year x Proportion of leave year in employment

For example: Employee works 5 days per week and has 10 years service. Leave year is 1<sup>st</sup> April – 31<sup>st</sup> March and they leave on 25<sup>th</sup> July.

**Step 1:** Annual leave for whole year = 31 days as they also have 5+ years service

**Step 2:** Calculate the proportion of leave year in employment

Between 1<sup>st</sup> April and 25<sup>th</sup> July there are 116 days calendar days. There are 365 days in a year, 366 on a leap year. Therefore, they are employed for  $116/365 = 31.78\%$  of the year

**Step 3:** Pro-rata based on the proportion of the leave year worked:

$$31 \times 31.78\% = 9.85 \text{ days and then round up to 10.}$$

Employees are normally requested to take any outstanding annual leave prior to the agreed termination date. Normal procedures regarding requesting annual leave apply. If staff are unable to take annual leave prior to their termination date due to exigencies of the service, pay for outstanding annual leave will be made with their final payment. Adjustments will be made to the employee's final salary if annual leave is overtaken. If an employee has overtaken their annual leave entitlement, this will be paid back in their final salary.

Staff are required to have a nil flexi balance at the point of leaving. Payment will not be made for credit balances.

Once the termination paperwork has been processed, managers **must not** authorise any further leave as the employee could then be paid incorrectly.

## **9 Recovery of outstanding overpayments**

Staff repaying any salary overpayments by instalments should expect the final balance to be deducted where possible from their last pay. Any payment required will be advised by HR and Payroll at the earliest opportunity. TBC will require any further outstanding monies to be paid with immediate effect.

If the member of staff received post entry training funding for role related qualifications, the course fees will need to be reimbursed in accordance with the letter confirming the post entry training arrangement.

Car or travel loan payments will be reclaimed on leaving under the relevant policy unless a debtor's repayment plan is agreed.

If the member of staff resigns during or within three months of returning from Maternity or Adoption Leave and received twelve weeks half pay, they will be required to reimburse TBC of this payment.

## **10 Termination on the grounds of ill health.**

Where the Council is having to terminate an employee's contract on the grounds of ill health or capability, regardless of the status of current occupational sick pay (i.e. full, half or zero rate) the Council will re-instate full pay for the contractual notice period. Please see the Managing Attendance Policy for further details.

## **11 Termination following a disciplinary hearing**

The Council will, under certain circumstances detailed in the Disciplinary Policy, issue a summary dismissal to an employee where they have been subject to disciplinary findings which are deemed to be serious gross misconduct. This will mean the Council is not required to give the contractual or statutory notice to an employee and will end the contract of employment with immediate effect. Please see the Disciplinary Policy for further details.

## **12 Informing relevant departments:**

The manager will complete the 'ICT Access Removal Request Form', available on Infozone, to inform the ICT department that the employee is leaving prior to the leaving date.

HR will send an email to the 'Leavers' email group so that the relevant responsible officers remove access to, for example, corporate credit cards, door fobs, information systems.

### **13 Final Payments**

Payroll will ensure that all final payments are concluded and the P45 is produced. Final payments are made to the employee's bank or building society account in the usual manner. If a pay award is agreed after an employee leaves, it is the ex-employee's responsibility to request that any backdated arrears are paid after their leaving date.

### **14 Leaving employment – what happens to your pension benefits?**

Payroll will notify Staffordshire Pension Fund shortly after members have left employment.

If any adjustments are made to pay after the leaving date (i.e. payment of arrears made) notifications will be sent to the Staffordshire Pension Fund as soon as possible. Staffordshire Pension Fund will write direct to members with details of their accrued retirement benefits and options available.

Options for Leavers:

- (1) Refund of contributions- with no pension benefits remaining

Employees with less than two years Pension Scheme membership and no transfers into the scheme can elect to receive a refund of contributions. They will receive their own contributions, less any tax relief applied.

- (2) Deferred benefits

Benefits will be deferred and remain with the Local Government Pension Fund fully index-linked and based on your period of scheme service. They will usually be payable at members normal retirement date.

- (3) Transfer out to another Scheme

When pension benefits are "Deferred" it is usually possible to transfer these to the Pension Scheme of a new employer. A transfer is where the 'cash value' of benefits is calculated by Staffordshire Pension Fund and is then paid to another pension scheme. Details about a transfer can be requested from Staffordshire Pension Fund.

A leaver over the age of 55 can elect to draw their pension earlier but this will be at a reduced rate. Please refer to Staffordshire Pension Fund's website for details of the sliding scale.

### **15 Confidentiality**

Employees are reminded of their the duty owed to TBC under which you have to keep confidential information received or obtained in confidence and not to use, divulge or communicate to any person, firm or organisation (other than in the course of properly performing your duties or with the consent TBC or as required by a court of competent jurisdiction) any confidential information relating to the business, organisation, transactions, accounts, finances or affairs of TBC which you may have received or obtained while in its service. This restriction shall continue to apply after the termination of your employment but shall cease to apply to information which may come into the public domain otherwise than



through unauthorised disclosure by you. You shall use your best endeavours to prevent the unauthorised use, publication or disclosure of such information.

### **16 Garden Leave/Pay in Lieu of Notice**

The Council reserves the right to instigate Garden Leave or pay in lieu of notice in appropriate circumstances. This will normally be where keeping an employee at work during the notice period may be detrimental to the business of the Council. The Head of Paid Service in conjunction with the relevant Executive Director must be fully consulted for approval.

## Appendix 1: Leavers Checklist

This checklist is to be completed by the manager, with the employee's input and cooperation, prior to the employee's leaving date. Once completed, the form should be returned to Human Resources, together with the completed exit interview form.

Employee's name	
Job Title	
Last date of employment	
Final working day if taking leave or flexi	

<b>Checklist for Manager:</b>	<b>Date completed (or N/A)</b>
Resignation/retirement letter received from employee	
Speak to and then write letter to employee acknowledging resignation	
Agree a leaving date with the employee	
Send resignation letter and a copy of your acknowledgement letter to HR Admin who will recalculate leave entitlement on Tensor	
Agree when any outstanding annual leave will be taken and determine the last working day	
Complete a termination form ( <b>ensuring the annual leave section is complete</b> ) and send to HR Admin	
Approve any outstanding expense claims to Payroll	
Inform ICT of the employee leaving date by completing the ICT Access Removal Request form	
Arrange handover of work with the employee	
Conduct exit interview with the employee/request for exit questionnaire to be sent out	
<b>Checklist for Employee</b>	
Submit any outstanding expense claims to Payroll	
Staff ID badge (return to Customer Services)	
Locker key (return to Customer Services FAO of HR))	

Carpark fob (return to Customer Services FAO of HR)	
Mobile phone (return to ICT)	
Laptop/ICT equipment (Return to ICT)	
Desk/chair (Return to office)	
Company credit card (return to Finance)	
Uniform (Return to manager)	

Manager's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return this form to HR Admin**



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Leavers Policy	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>

	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

### Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide guidance for employees and managers on the leaving process.

Who will be affected and how?

All employees.

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

**Part 3 – Impact on the Community**

**Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?**

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy is applicable to all employees irrespective of age.
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief and explicitly references adjustments for religious observance
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation

Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

**Part 4 – Risk Assessment**

**From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications**

Impact Area	Details of the Impact	Action to reduce risk

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
n/a				

Date of Review (If applicable) .....





Maternity Leave & Pay Policy

Document Status: Final

Document Ref: HRPOL - 002

Originator: Zoe Wolicki

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.04

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

**Document Location**

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Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

Revision History

Revision Date	Version Control	Summary of changes
	01.01.01	Draft for consultation
	01.01.02	Approved final version
September 17	01.01.03	New format, clarification on review period, new CIA
June 2022	01.01.04	Updated to include still birth and premature birth and shared parental leave.(replacing additional paternity leave)

Approvals Creation and Major Change

Name	Title	Approved
Appointments & Staffing		September 2022

Approvals Minor Change and Scheduled Review

Name	Title	Approved
A. Goodwin	Director	25/05/17

Approval Path

**Major Change**

Originator  
 Owner  
 TULG  
 CMT  
 Appts & Staffing Committee

**Action**

HR  
 Head of Paid Service  
 Consultative Group  
 Corporate Approval  
 Council Approval

**Minor Change**

HR  
 TULG  
 Director

Submission  
 Consultative Group  
 Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through Astute will also be available on the Intranet and paper based copies.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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## 1 Introduction

Tamworth Borough Council is committed to supporting new parents during pregnancy and after childbirth. 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 for antenatal care, pregnancy-related illness, and maternity leave and pay along with the support available to them.

The Council recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is the Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant, they should clarify the relevant procedures with Human Resources to ensure that they are followed correctly.

The following definitions are used in this policy:

“Childbirth”: For the purpose of determining eligibility for both the statutory and occupational schemes, means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.

"Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects the child to be born.

“MA” means Maternity Allowance.

"Qualifying week" means the 15<sup>th</sup> week before the expected week of childbirth.

“SMP” means Statutory Maternity Pay, this is a state benefit paid through TBC on behalf of the Department of Social Security. This is subject to income tax, national insurance and pension deductions.

“SSP” means Statutory Sick Pay

“Ordinary Maternity Leave” – Female employees, regardless of service, are entitled to 26 weeks ordinary maternity leave

“Additional Maternity Leave” – Females employees, regardless of service, are entitled to a further 26 weeks additional maternity leave beginning on the day immediately following that on which ordinary maternity leave ends. The last 13 weeks are unpaid.

“Compulsory maternity leave” – The law requires that an employee takes a minimum of two weeks maternity leave following birth.

## 2 Purpose of the policy

This policy gives clear advice and identifies support for new mothers and provides advice and guidance on pay. The policy also makes clear the support available to employees and managers.

### **3 Eligibility**

All pregnant employees are entitled to take up to a maximum of 52 weeks maternity leave, combining both paid and unpaid maternity leave. This is regardless of the number of hours worked and their length of service.

### **4 Notification of pregnancy**

On becoming pregnant, an employee should notify their line manager and/or Human Resources as soon as possible. This is important as there are health and safety considerations for the Council that must be regularly assessed (use of a risk assessment) as the pregnancy progresses. By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform the Council in writing of:

- the fact that they are pregnant;
- the expected week of childbirth; and
- the date on which they intend to start maternity leave.

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 form must have either the doctor's name and address or the midwife's name and registration number on it. This form is issued around 26 weeks into the pregnancy.

The employee is permitted to bring forward their maternity leave start date, provided that they advise the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their maternity leave start date, provided that they advise the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The Council will formally respond in writing to the employee's notification of their leave plans within 28 days, confirming the date on which they are expected to return to work if they take the full 52-week entitlement to maternity leave.

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

Once an employee has advised the Council that they are pregnant, they will be entitled to reasonable paid time off work to attend antenatal appointments as advised by their doctor, registered midwife or registered health visitor.

In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that they are pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised them to attend, in addition to medical examinations where these are unavoidably in works time.

The employee should endeavour to give their line 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.

## **6 Health and Safety**

The Council has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to employees who:

- a) are pregnant, have recently given birth or are breastfeeding; and
- b) where the work is of a kind that could involve a risk of harm or danger to her health and safety or the health and safety of the baby;

If applicable, the Council will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out their normal job duties, the Council will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions or normal place of work. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the Council to alter the employee's working conditions to remove the risks to their health and there is no suitable alternative work available to offer on a temporary basis, the Council may suspend the employee from work on maternity grounds until such time as there are no longer any risks to health. This may be for the remainder of the pregnancy until the commencement of the employee's maternity leave. If an employee is suspended in these circumstances, their employment will continue during the period of the suspension and it does not in any way affect their statutory or contractual employment and maternity rights. The employee will be entitled to their normal salary and contractual benefits during the period of their suspension, unless they have unreasonably refused an offer of suitable alternative duties.

## **7 Sickness Absence**

If an employee is absent from work during pregnancy owing to sickness, they will receive normal statutory or contractual sick pay in the same manner as they would during any other sickness absence provided that they have not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth, 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, they must notify the Council in writing of this as soon as reasonably practicable.

## **8 Maternity Leave**

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.

Ordinary Maternity Leave can start at any time after the beginning of the 11<sup>th</sup> week before the employee's expected week of childbirth (unless the child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever 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.

If the employee gives birth before their maternity leave was due to start, they must notify the Council in writing of the date of the birth as soon as reasonably practicable.

The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child.

## **9 Ordinary Maternity Leave**

During the period of ordinary maternity leave, the employee's contract of employment continues and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (UK Healthcare, Essential Car Allowance, Home Working Allowance) will continue; and contractual annual leave entitlement will continue to accrue. Salary will be replaced by Statutory Maternity Pay (SMP – paragraph below refers) if the employee is eligible to receive it or Maternity Allowance.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of Ordinary Maternity Leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore, if the holiday year is due to end during maternity leave, the employee should take the full year's entitlement before starting their maternity leave.

## **10 Additional Maternity Leave**

During the period of Additional Maternity Leave, the employee's contract of employment continues and they are entitled to receive all contractual benefits, except for salary. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Salary will be replaced by SMP for the first 13 weeks of additional maternity leave if the employee is eligible to receive it or Maternity Allowance. The remaining 13 weeks of additional maternity leave are unpaid.

## 11 Pension Contributions

During any period of paid maternity leave, pension contributions will continue to be made. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not gone on maternity leave (the notional salary).

During any period of unpaid Ordinary Maternity Leave, employees will continue to receive employer contributions based on their notional gross salary. However, during any period of unpaid additional maternity leave, the Council will not make employer contributions. However if the employee opts to pay their pension on their period of unpaid maternity leave within 30 days of being returned to normal salary following their maternity period, one third of the cost will be paid by you and two thirds of the cost will be paid by Tamworth Borough Council. Please note that if you elect to pay your pension contributions after the 30 days you will be responsible for the full cost. Human Resources will write to you with details of how to do this towards the end of your maternity leave.

Employees will be contacted upon return to work to discuss whether they wish to make additional pension contributions to maintain continuity within the pension fund for their period of unpaid leave.

## 12 Contractual (Occupational) Maternity Pay

Employees with at least 1 year's continuous service at the 11<sup>th</sup> week before the week the baby is due will be entitled to 39 weeks Contractual Maternity Pay as follows:

- Weeks 1- 6** 9/10 of a week's pay\* (including payments made by way of SMP or MA).
- Weeks 7- 18** half of a week's pay\* plus SMP or MA (except to the extent that the half pay plus SMP or MA exceeds full pay) **PROVIDED** they have declared in writing that they will return to local authority (not just the current authority) employment for at least 3 months after the period of maternity leave. In the event that an employee does not honour their commitment to return to local authority employment for at least 3 months, the Council will take steps to recover contractual Maternity Pay for this period which may include deducting it from any others sums that are due.
- Weeks 19 – 39** 9/10 of a week's pay\* or the lower rate weekly SMP whichever is the lowest

\*A weeks pay includes all contractual allowances. If employees are eligible to receive the half pay element of contractual maternity pay they can opt to have the total aggregate payment that would be due to them between weeks 7 and 18 paid to them over 39 weeks instead of the standard 12 weeks. Alternatively, employees can defer payment until they have returned to work. However, both these options are dependent on the employee committing to return to work following maternity leave for a period of 3 months.



### **13 Statutory Maternity Pay (SMP)**

Statutory maternity pay is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP if:

- they have been continuously employed by the Council for at least 26 weeks at the end of the qualifying week and are still employed during that week;
- their 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 earnings limit for national insurance contributions;
- they are still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- they provide a MAT B1 form stating the expected week of childbirth; and
- give the Council proper notification of their pregnancy in accordance with the rules set out above.

For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over 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. For the purpose of calculating average weekly earnings, shift allowances, overtime payments and bonuses are all included.

The standard rate of SMP is paid for the remaining 33 weeks (or less if the employee returns to work sooner). This is paid at a rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings calculated over 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 if this is lower than the Government's set weekly rate.

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of their maternity leave (whether ordinary maternity leave or additional maternity leave), the higher or standard rate of SMP will be recalculated to take account of the employee's pay rise, regardless of whether SMP has already been paid. This means that the employee's SMP will be recalculated and increased retrospectively, or that they may qualify for SMP if they did not previously. The employee will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

Statutory Maternity Pay is treated as earnings and is therefore subject to PAYE, national insurance and pension deductions.

Payment of SMP cannot start prior to the 11<sup>th</sup> week before the employee's expected week of childbirth. Statutory maternity pay can start from any day of the week in accordance with the date the employee starts their maternity leave.

Statutory Maternity Pay is payable whether or not the employee intends to return to work after their maternity leave.

Employees who are not entitled to SMP may be entitled to receive Maternity Allowance payable by the Government for 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks before the expected week of childbirth and earned at least £30, a week, on average, in over any 13 weeks of those 26 weeks. Full details of what you are entitled to and where to go will be available from Payroll and GOV.UK

#### **14 Annual leave**

Employees' entitlement to annual leave continues to accrue for the whole period of their maternity leave although their entitlement must be taken during the leave year. If the return date is likely to be after the end of the current annual leave year, they may wish to ensure that they have taken their full leave entitlement before starting their maternity leave.

Any annual leave taken in excess of their entitlement will be reclaimed through their salary.

If any bank or public holidays fall within the paid maternity leave period these can be re-claimed and the employee will be allowed to take the time when they return to work, subject to prior approval.

#### **15 Contact during maternity leave**

Shortly before an employee's maternity leave starts, the Council will discuss the arrangements for the employee to keep in touch during their leave, should they wish to do so. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease the return to work or simply to update them on developments at work during her absence (such as relevant promotion opportunities and other corporate or team information).

#### **16 Keeping-in-touch days**

Except during the first two weeks after childbirth, an employee can agree to work for the Council, or to attend training, for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of their maternity leave to an end and without loss of a week's SMP. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The Council has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during their maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the Council and the employee. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which they agree to work for the Council. It may also bring maternity leave to an end.

## **17 Returning to work**

The employee will have been formally advised in writing by the Council of the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave. The employee is expected to return on this date unless they notify the Council otherwise. If they are unable to attend work at the end of their maternity leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it will assist the Council if they confirm as soon as convenient during their Maternity Leave that they will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, they must give the Council at least eight weeks' notice of their date of early return, preferably in writing. If they fail to do so, the Council may postpone their return to such a date as will give the Council eight weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after maternity leave, they must give notice of resignation as soon as possible and in accordance with the terms of their 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.

## **18 Transfer of maternity leave – Shared Parental Leave**

The mother may reduce her entitlement to Maternity Leave by returning to work before the full entitlement of 52 weeks has been taken and her partner or the child's father can opt for Shared Parental Leave instead of Maternity Leave. If both meet the qualifying requirements, they can divide the remaining 50 weeks entitlement (2 weeks have to be taken as compulsory Maternity Leave). Please refer to the Shared Parental Leave policy for further guidance.

## **19 Rights during and after return to work**

On resuming work after Ordinary Maternity Leave, the employee is entitled to return to the same job that they occupied before commencing maternity leave on terms and conditions no less favourable than those that applied before the maternity leave.

On resuming work after Additional Maternity Leave, again the employee is entitled to return to the same job they occupied before commencing Maternity Leave on terms and conditions no less favourable than those that applied before the Maternity Leave, subject to the following two exceptions:

1. Firstly, if a redundancy situation has occurred during the period of Maternity Leave and for that reason it is not reasonably practical for the employee to return to their old job, the employee is entitled to be offered any alternative vacancy that is available, on terms and conditions which are not substantially less favourable

than those that applied prior to the maternity leave. The alternative job must be both suitable and appropriate for the employee to do in the circumstances.

2. Secondly, if it is not reasonably practical for the company to allow the employee to return to the same job, for a reason other than redundancy, the company must then offer the employee a suitable alternative job, which is appropriate for the employee to do in the circumstances, on terms and conditions that are no less favourable than would have applied if they had not been absent.

An employee who worked full-time prior to their maternity leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Council's business. If an employee would like this option to be considered, they should write to their line manager setting out their proposals as soon as possible in advance of their return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in the Flexible Working policy

## **20 Working in your Maternity Pay Period**

If the employee works for another employer during the maternity pay period, the employee must tell the Council that they are working for another employer and when they started employment with that employer.

If the employee works for another employer during the maternity pay period but before the baby is born, they will continue to receive SMP from the Council. The employee is responsible for telling the Council if they start or returns back to work for someone else after the baby is born.

If, after the baby is born, the employee works for someone who employed them in the Qualifying Week, then they will continue to receive SMP from the Council as normal.

If, after the baby is born, the employee works for someone who did not employ them in the Qualifying Week, then SMP will stop from the Saturday before the employee first works for that employer.

## **21 Leaving the Council**

If an employee has qualified for SMP then the Council is still liable to continue to pay SMP to them if they leave their employment for whatever reason including redundancy. However, if after the baby is born the employee or ex-employee starts work for another employer who did not employ them in the Qualifying Week, SMP will stop.

## **22 Miscarriage, Stillbirth and Death of a Baby**

In the unfortunate event of the baby dying or is still born after 24 weeks of pregnancy, this scheme applies. The birth father is also entitled two week's paid Paternity Leave. Parental Bereavement Leave is also available after the end of maternity and paternity leave. Details are in the Leave Policy.

Where this occurs before 24 weeks, this is a miscarriage, the employee does not qualify for maternity benefits. Any sickness absence in the two weeks after pregnancy ends is classed as a protected period under the Equality Act and does not count towards triggers in the absence policy. The employee assistance provider is also able to provide support through its confidential counselling service provided by Health Assured, telephone number 0800 028 0199.

## **23 Premature Birth**

Where a baby is born prematurely, TBC will consider each case on its merits and the action required. For example, an extension of the Maternity Leave period might be appropriate, although the extended period will be unpaid.

## **24 Reclamations of Non-Statutory Contractual Elements of Maternity Pay**

If the employee fails to return to work or to continue in employment for 3 months, the contractual element of Maternity Pay will be reclaimed.

## **25 Voluntary Deductions from Salary / Other Allowances etc**

### **25.1 TBC Car Loan Repayment Scheme**

During the paid Maternity Leave period, the repayments will be deducted from Maternity Pay in the usual way. If the employee is intending to be absent for more than 39 weeks (i.e. beyond the end of the paid maternity leave period) or if there is insufficient pay during the paid Maternity Leave period to cover the repayments the employee will need to contact Payroll to arrange payment. Repayments of the loan would still need to be made by the 18<sup>th</sup> of each month.

### **25.2 Essential Car User Allowance**

If employees are entitled to Essential Car User Allowance, this will continue to be paid throughout the whole of the maternity leave period.

### **25.3 All other voluntary deductions (ie. UK Healthcare, Union subscription, Charities, Rent, Council Tax)**

These will continue for as long as there is enough pay to cover the deduction, unless the employee notifies the Payroll Manager in writing that they would like them to cease.

### **25.4 Nil Pay Situation - Council Tax/Rent –**

Employees will need to make alternative arrangements by contacting relevant Service Unit

### **25.5 Nil Pay Situation- Union subscription etc**

Deductions are suspended until the employee returns to work.  
If an employee wishes to continue making payments to preserve their benefits under the scheme they would need to make their own arrangements.

#### **25.6 Nil pay Situation UK Healthcare**

The corporate membership will continue throughout the maternity leave. If employees voluntarily 'top up' their membership then these 'top-up' deductions will be suspended during maternity leave. If employees wish for their level of cover to continue they may wish to continue to make these 'top-up' payments by contacting UK Healthcare directly.

#### **25.7 First Aid Payment**

If the employee receives this payment as a qualified First Aider, it will continue during the Maternity Leave period, subject to the employee's qualification remaining valid.

### **26 Penalties**

The HM Revenue and Customs may charge the employee if the employee, either fraudulently or negligently, gives incorrect information, makes a false statement or declaration, or fails to advise about legal custody/imprisonment for the purpose of claiming Statutory Maternity Leave and pay.

In those circumstances, the employee may also be subject to disciplinary action under the Council's Disciplinary Policy.

### **27 The Employee becomes pregnant again whilst on Maternity Leave**

The employee will still be entitled to a full second period of Maternity Leave. This means that the employee will be entitled to take a further 12 months off work if they wish to do so. It is irrelevant for the purposes of calculating entitlement to future maternity leave that the employee became pregnant again when on a period of Maternity Leave.

Taking this into account, the council will need to carry out a few careful calculations. The starting point is for it to note the employee's due date of return from their current period of Maternity Leave, assuming that they take their full entitlement and do not give notice that they wish to return early. Then, once the employee has confirmed their expected week of childbirth for her new pregnancy, Human Resources will need to calculate the earliest date at which they can start their second period of maternity leave, which must be no earlier than the beginning of the 11th week before the expected week of childbirth.

If those two dates do not overlap, this means that the employee will be due back at work for at least the time in between. The employee may well want to come back to work anyway and do so by returning early from the first period of maternity leave (they must give not less than eight weeks' notice of their early return date) and/or starting their second period of maternity leave as late as possible. This could well mean that the employee is back at work for a few months before they start their second period of maternity leave.

However, the employee could apply to take up to four weeks' unpaid parental leave at the end of their first period of maternity leave and could also apply to take any accrued but untaken annual leave in order to ensure that they do not have to return to work between their two periods of Maternity Leave. The Council is entitled to turn down a request for annual leave and to postpone a period of unpaid Parental Leave where the operation of the Council's business would be unduly disrupted by the employee taking parental leave. However, the reality is that there is probably little point in forcing an employee to come back to work, whilst heavily pregnant, for just a couple of weeks.

## **28 Maternity pay**

Even though the employee will still be entitled to full maternity leave for their second pregnancy, they may not qualify for statutory maternity pay the second time around. This is because the average weekly "earnings" in the relevant period may not be high enough. For eight weeks prior to the end of the qualifying week (ie the 15th week before the expected week of childbirth), the employee must have been earning on average not less than the lower earnings limit for national insurance purposes). Statutory maternity payments count as "earnings" for these purposes.

Thus, if the relevant calculation period falls when the employee is on ordinary or the first 13 weeks of additional maternity leave (and in most cases receiving statutory maternity pay or contractual maternity pay), they will qualify for statutory maternity pay the second time around.

However, if the relevant calculation period falls when the employee is on the remaining 13 weeks of additional maternity leave (which is usually at nil pay), they will not get statutory maternity pay for their second period of maternity leave.

If the calculation period falls partly during the period of maternity leave when the employee is receiving maternity pay and partly during the period of maternity leave when they are not, Human Resources will ascertain whether the employee qualifies for statutory maternity pay.

The Occupational/contractual maternity pay scheme, will also be checked as the employee may still qualify for contractual maternity payments during a period when they do not qualify for statutory maternity payments.

# Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Maternity Policy	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To ensure all TBC employees are treated fairly regardless of their protected



characteristics in their entitlement to Maternity leave and payments
Who will be affected and how?  Any pregnant female employee, and any employee who is a spouse, civil partner or partner and applies to transfer the maternity leave.
Are there any other functions, policies or services linked to this impact assessment?  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If you answered 'Yes', please indicate what they are?  All employees

**Part 3 – Impact on the Community**  
Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor uses acceptable terminology
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Takes account that the woman has the child but the spouse civil partner or partner can share the leave
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Takes account that the woman has the child but the spouse civil partner or partner can share the leave
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of whether the employee has caring responsibilities

Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

**Part 4 – Risk Assessment**

**From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications**

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living &amp; subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	<b>Outcomes and Actions entered onto Covalent</b>			

Date of Review (If applicable) .....

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Menopause Policy

Document Status: Final

Document Ref: HRPOL -

Originator: Jackie Noble

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.02

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
May 2022	V1	New policy
July 2022	V2	Amendments following feedback

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## **1 Introduction**

- 1.1 Tamworth Borough Council (TBC) wishes to support colleagues' wellbeing at every stage in life. Women make up nearly half of the UK workforce and 45% of those people who are working are over the age of 50, so many of today's female workers will be working through the perimenopause and menopause and managing the symptoms at work.
- 1.2 54% of Tamworth Borough Council's employees are female. Of these, 52% or over the age of 50 and 76% are over the age of 40.
- 1.3 We know that many people feel uncomfortable talking about the perimenopause and menopause, which mean that some women suffer in silence whilst experiencing a wide range of symptoms that can affect their physical as well as mental health. It is time to stop viewing this as just a women's issue, rather as a workplace issue that we all have a role in supporting.

## **Purpose**

- 2.1 The purpose of this policy is to raise wider awareness and understanding of the menopause and how this can affect employees and their work colleagues. Both managers and employees' responsibilities are set out in this policy to make clear the Council's expectations and to assure those experiencing symptoms of menopause that we, as an employer, are committed to supporting you in your role.

## **3 Perimenopause and Menopause as health conditions**

- 3.1 The perimenopause is the period when the hormone levels start to change, women may start to notice new physical and/or mental health symptoms but are still experiencing periods. The perimenopause can last for several years and typically affects women between the ages of 45 and 54 although the age can vary from person to person.
- 3.2 A woman is described as in menopause when they have not had a period for one full calendar year or more. Menopause occurs when a person's ovaries no longer produce eggs and as a result the levels of three hormones, namely oestrogen, progesterone and testosterone fall.
- 3.3 The average age for a woman to undergo menopause transition is 51 but 1 in 100 women will experience it before the age of 40. That could be as a result of surgery, illness or treatment for other conditions such as chemotherapy. It could be for no reason at all. Perimenopause can start as early as in your twenties or as late as your forties. Therefore, assumptions should not be made about what an employee may or not be experiencing based on age.
- 3.4 While symptoms vary greatly, they can fluctuate and commonly include:
  - hot flushes;
  - night sweats;
  - sleep disturbance;
  - anxiety;



- dizziness;
- palpitations;
- fatigue;
- memory loss;
- depression;
- headaches;
- recurrent urinary tract infections;
- skin changes, dryness, itchiness;
- muscle and joint stiffness, aches and pains;
- reduced concentration
- irregular periods; and
- heavy periods.

3.5 Each of these symptoms can affect an employee's comfort and performance at work. TBC has a duty to provide a safe working environment for all employees and therefore commits to ensuring that adjustments and additional support are available to those experiencing menopausal symptoms.

3.6 If you tell your manager about your menopause transition, this will be kept confidential and won't be shared without your agreement, except where there are serious health and safety concerns.

#### **4 Available Support**

4.1 Tamworth Borough Council aims to facilitate an open, understanding working environment.

4.2 Employees are encouraged to inform their line manager that they are experiencing perimenopausal or menopausal symptoms at an early stage to ensure that symptoms are treated as an ongoing health issue rather than as individual instances of ill health. Early notification will also help line managers to determine the most appropriate course of action to support an employee's individual needs. They can also raise the issue with HR and/or Occupational Health if they need support on how the symptoms are likely to affect the employee's work and what adjustments can be made.

4.3 Cognitive Behaviour Therapy (CBT) can help people to develop new techniques to tackle stress and manage anxiety. Physical symptoms such as hot flushes and trouble sleeping can also be helped by CBT. Our Employee Assistance Programme provider offers CBT therapy and are able to offer help and advice. In addition, Health Assured, our health insurance provider offers information on nutrition and medical fact sheets on their app.

4.4 Effective management of team members with menopausal symptoms that are impacting on work will help managers to improve team morale, retain valuable skills and reduce sickness absence. Good people management is fundamental to supporting employee health and well-being and spotting early signs of ill health or distress.

4.5 External sources of help and support for employees and managers include:

**NHS** at [www.nhs.uk/conditions/menopause](http://www.nhs.uk/conditions/menopause) or [www.nhs.uk/conditions/early-menopause](http://www.nhs.uk/conditions/early-menopause)

**Menopause matters** ([www.menopausematters.co.uk](http://www.menopausematters.co.uk)), which provides information about the menopause, menopausal symptoms and treatment options;

the **Daisy Network** charity, ([www.daisynetwork.org](http://www.daisynetwork.org)) which provides support for women experiencing premature menopause or premature ovarian insufficiency;

the **Menopause Café**, ([www.menopausecafe.net](http://www.menopausecafe.net)) which provides information about events where strangers gather to eat cake, drink tea and discuss the menopause.

**Meg's Menopause**, ([www.megsmenopause.com](http://www.megsmenopause.com)) information and advice dedicated to empowering women through an honest and frank discussion on all things menopause.

**Women's Health Concern** ([www.womens-health-concern.org](http://www.womens-health-concern.org)) the patient arm of the British Menopause Society.

**Newson** (<https://www.newsonhealth.co.uk/>) a clinical centre of excellence run by doctors totally dedicated to women's health and wellbeing.

## 5 Reasonable adjustments

5.1 There might be reasonable adjustments that can be put in place to help manage menopausal symptoms. These are likely to be temporary changes whilst an employee goes through menopause transition. A Wellbeing Action Plan will help to understand more about how symptoms might affect employees at work and the adjustments needed, see **Appendix 1**. This will identify how menopausal symptoms are impacting on work and can be used to discuss any changes needed. Examples include:

### 5.1.1 Temperature control

For example, sitting near to a window, providing a fan or access to fresh air.

### 5.1.2 Flexible working

TBC recognises that difficulty sleeping is a common symptom of the menopause. To reflect this, as well as the impact of other common symptoms, we aim to facilitate flexible working wherever possible. Requests for flexible working could include asking for:

- a change to the pattern of hours worked;
- permission to perform work from home;
- a reduction in working hours; or
- more frequent breaks.

### 5.1.3 For heavy or irregular periods

- Provide easy access to washroom and toilet facilities;
- Allow for more frequent breaks to go to the toilet;

- Allow someone to temporarily work from home if they have very heavy bleeding and are able to work from home;
- Make it easier to request extra uniforms if needed.

Employees should discuss such requests with their line manager or HR. Depending on the circumstances, requests may be approved on a permanent or temporary basis.

Managers should also be mindful of holding meetings that are lengthy and should encourage regular breaks (even if the meeting is held remotely).

## **6 Data Protection**

- 6.1 TBC will process any personal data collected in accordance with Data Protection legislation.

Data collected from the point at which the organisation becomes aware of the issue is held securely and accessed by, and disclosed to, individuals only for the purposes of providing the necessary support.

## **7 Equality**

- 7.1 This policy uses the term 'women' to talk about people who may experience perimenopausal and menopause transition, we also know that it can impact trans or non-binary colleagues who don't identify as women in the same manner. TBC will support all colleagues experiencing perimenopause and menopause transition.

## Appendix 1

### Wellbeing Action Plan – Menopause

You can use a Wellbeing Action Plan to remind you what you need to stay well at work, and what your manager can do to support you.

You only need to give information that you are comfortable sharing and that relates to your role and workplace. This form can help you and your manager to agree together how to support you to address any health needs.

This form will be shared confidentially and not shared with anyone else without your permission. The only time we will break this confidentiality is if we are concerned that you or someone else is at risk of harm.

<b>What helps you to stay healthy at work?</b>
For example, getting some exercise before or after work, getting some fresh air at lunchtime, time to talk to your manager.
<b>Are there any situations at work that can make your menopausal symptoms worse for you?</b>
For example, having to stand for a long period, temperature changes
<b>How might experiencing menopause symptoms impact you at work?</b>
For example, low mood, difficulty concentrating, tiredness, needing to use the toilet more frequently, needing access to fresh air and water
<b>What can your manager do to support you to manage any menopausal symptoms at work?</b>

For example, changing your start time if you're experiencing disturbed sleep, making sure you've got access to cold water while you are working, making sure you have access to toilet facilities, making sure the temperature is comfortable, providing a fan or access to fresh air, giving you somewhere to store extra clothes during the day.

**Is there anything else you would like to share?**



Part 1 – Details	
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Menopause Policy
Date Conducted	October 2022
Name of Lead Officer and Service Area	Jackie Noble HR
Commissioning Team (if applicable)	N/A
Director Responsible for project/service area	Anica Goodwin
Who are the main stakeholders	Employees
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service <input type="checkbox"/>

	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

### Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide guidance for employees and managers on support for menopausal symptoms.

Who will be affected and how?

All employees. Female employees experiencing symptoms and providing managers.

Are there any other functions, policies or services linked to this impact assessment?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If you answered 'Yes', please indicate what they are?			
All employees			
Attendance Management policy			

### Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies support to women undergoing the menopause. This is linked to age.
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or



			belief and explicitly references adjustments for religious observance
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk

Disability	A lengthy menopause could meet the threshold for Equality Act discrimination.	Reasonable adjustments are put in place
Gender and age	Female employees have the perimenopause and menopause symptoms	Support is provided

### Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
n/a				

Date of Review (If applicable) .....

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## Parental Leave Policy

Document Status: Final

Document Ref: HRPOL - 007

Originator: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.03

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is HR

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
September 17	01.01.02	New format, clarification of review period, new CIA
May 2022	01.01.03	Eligibility criteria has changed in accordance with employment law.

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved
------	-------	----------

### Approvals Minor Change and Scheduled Review

Name	Title	Approved
TULG		September 2022

## Approval Path

### Major Change

Originator

Owner

TULG

CMT

Appts & Staffing Committee

### Action

HR

Head of Paid Service

Consultative Group

Corporate Approval

Council Approval

### Minor Change

HR

TULG

Director

Submission

Consultative Group

Delegated Approval

## Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

## Distribution

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## 1. Introduction

This policy sets out the circumstances where employees who have parental responsibilities may take unpaid time off work to look after their children who are under the age of 18.

Tamworth Borough Council (TBC) is committed to supporting a positive work-life balance for all our employees and recognise that time with children is important. If you are eligible, you can take ordinary parental leave to care for your child, this may be to look after your child during school holidays, be with them when they are unwell, or enjoy more quality time with them.

## 2 Amount of ordinary parental leave you can take

The Maternity and Parental Leave (Amendment) Regulations allows for a period of up to 18 weeks unpaid leave for employees who are parents of children under 18 years of age. It should not be confused with maternity, paternity, adoption or shared parental leave; see separate policies regarding this.

You can take up to 18 week's unpaid leave for each child, subject to a maximum of 4 weeks leave for each child in any one-year period.

This must be taken in blocks of at least one working week. However, if your child has a disability, and receives Disability Living Allowance, you can request to take the leave one day at a time.

Your entitlement to ordinary parental leave carries over from your previous employment. This means that if you have taken ordinary parental leave with a previous employer:

- You can take the balance with your organisation, but must wait until you have worked for us for at least a year, and
- We will ask you about the amount of ordinary parental leave already taken for your child with your previous employers

## 3 What is a week's leave?

A week's leave is equal to the length of time the employee is normally required to work, for example a week's leave is:

- 5 days for an employee working Monday – Friday
- 2 days for an employee working Tuesday and Wednesday only

## 4 Eligibility for Parental Leave

Following the birth of a child, eligible employees are entitled to take up to 18 weeks unpaid parental leave by the child's 18<sup>th</sup> birthday. An employee's entitlement to parental leave is subject to the following conditions:

- The employee must have a minimum of one year's continuous service with the employer by the time the parental leave is taken,



- The employee's name must be on the child's birth or adoption certificate, or they have, or expect to have, 'parental responsibility' for the child in question,
- The leave must be taken for the purpose of caring for the child.

## **5 Parental Responsibility definition:**

A person has 'parental responsibility' for a child if he or she is the natural parent of the child (although where the father is not married to the mother, he must be registered as the child's father). Adoptive parents are also deemed to have 'parental responsibility' as from the date of placement of the child with them for adoption. Stepparents may acquire 'parental responsibility' for their spouse or civil partner's child by means of an agreement with the child's natural parents. An individual who is a guardian will also have 'parental responsibility'.

Civil Partners – Same sex partners will both have parental responsibility if they were Civil Partners at the time of the treatment e.g. donor insemination or fertility treatment.

Non-Civil Partners – For same sex partners who aren't Civil Partners, the second person can obtain Parental Responsibility by either

- (1) Applying for parental responsibility if a parental agreement was made, or
- (2) Becoming a Civil Partner of the other parent and making a parental responsibility agreement or jointly registering the birth.

Foster parents are not eligible for parental leave unless they adopt the child whom they are fostering.

A parent does not have to live with the child to take parental leave, as long as they have parental responsibility.

## **6 The purpose of parental leave**

The aim of parental leave is to allow employees the opportunity to take time off work to care for a child. Examples of why an employee may wish to take parental leave include:

- To spend more time with their child,
- To be with the child while they settle into new childcare arrangements, and
- Accompany a child during a hospital stay.

## **7 Birth or adoption of more than one child**

In the case of multiple births or adoption of more than one child as part of the same placement, the employee has the right to take parental leave in respect of each child. Therefore, in the event of twins being born, each parent would be entitled to take a total of 36 weeks' parental leave during the period up to the twins' 18<sup>th</sup> birthday.

## **8 Documentary evidence of eligibility**

The employee will need to provide documentary evidence to support a request for parental leave. This may take the form of a birth certificate or certificate of adoption.

## **9 When parental leave may be taken**

Parental leave must be taken before the child reaches the age of 18.

## **10 Length of parental leave**

The maximum amount of parental leave that may be taken in any one year in respect of a child is four weeks. Parental leave may not be taken in blocks of less than one week, except where the child is disabled, in which case it may be taken one day at a time. Where this occurs, the days will be added together to make up complete weeks.

## **11 Notification of parental leave**

Employees must give at least 21 days' notice of the period of parental leave that they wish to take. This notice must specify the dates on which the period of parental leave will begin and end. In some cases, the employee may not be able to provide notice and discretion should be exercised.

Fathers, or others who have parental responsibility, may request to take parental leave when their child is born, notice must be given at least 21 days before the expected week of childbirth.

Similarly, when parental leave is requested to begin on an adopted child's placement, the employee's notice must be given at least 21 days before the beginning of the week of expected placement.

## **12 Link to Paternity Leave**

If you are considering taking ordinary parental leave on the birth of your child (or if you are an adopter, the placement of the child with you for adoption), you should bear in mind that you may also be entitled to two week's paid paternity leave.

Paternity leave must normally be taken within 56 days of the child's birth or placement with you for adoption. Please see our separate policy on Paternity Leave.

## **13 Applying for parental leave**

The employee must register their intention to take parental leave by completing the attached form (Appendix 1).

## **14 Postponement of parental leave**

While our aim is to agree to your request for parental leave, there are circumstances in which we may need to postpone the start date. For example, if the employee's absence at the time requested will cause undue or significant disruption. We will:

- Give the employee written notice of the postponement,
- State the reason why the postponement is necessary,
- Suggest alternative dates for the employee to take an equivalent period of parental leave within the next 6 months.

The notice of postponement must be given to the employee no more than 7 days after receipt of the employee's notice requesting parental leave.

However, TBC will never postpone parental leave where it has been requested to coincide with the birth of the child or the child's adoptive placement or it means an employee will no longer qualify for parental leave because a postponement takes them beyond the child's 18<sup>th</sup> birthday.

## **15 Return to work after parental leave**

Employees are not required to give any specific notice of their return from parental leave as their return date will have been agreed in advance. The employee should return to work in the usual way on the appropriate date.

At the end of parental leave, the employee will be entitled to return to the same job provided that the leave did not follow on immediately from a period of maternity, adoption or shared parental leave (taken in relation to the same child) that lasted more than 26 weeks, subject to the following two exceptions:

- a) Firstly, if a redundancy situation has occurred during the period and for that reason it is not reasonably practical for the employee to return to their old job, redeployment opportunities will be explored.
- b) Secondly, if it is not reasonably practical for the company to allow the employee to return to the same job, for a reason other than redundancy, redeployment opportunities will be explored.

## **16 Record Keeping**

A record of parental leave should be retained so that the scheme can be administered appropriately.

## **17 Contractual Status**

The employment contract continues during parental leave and annual leave will continue to be accrued.

## **18 Voluntary Deductions from Salary / Other Allowances Etc**

### **TBC Car Loan Repayment Scheme**

During the parental leave period, the monthly repayments will be deducted from any pay the employee receives in that month in the usual way. If at any stage during the parental leave period there is insufficient pay to cover the repayments, the employee will need to contact Payroll to arrange payment. Repayments of the loan would still need to be monthly.

### **Essential Car User Allowance**

If the employee is entitled to essential car user allowance, this will continue to be paid throughout the whole of the parental leave period.

### **All other voluntary deductions (ie. UK Healthcare, Union subscription, Charities, Rent, Council Tax)**

These will continue for as long as there is enough pay to cover the deduction, unless employees notify Payroll in writing that they would like them to cease.

### **Council Tax/Rent – Nil Pay Situation**

Employees will need to make alternative arrangements by contacting the relevant Service Unit.

### **Union subscription etc – Nil Pay Situation**

Deductions are suspended until employee returns to work.

If an employee wishes to continue making payments to preserve their benefits, they will need to make their own arrangements.

### **UK Healthcare – Nil Pay Situation**

The corporate membership will continue throughout the parental leave. If employees voluntarily 'top up' their membership, then these 'top-up' deductions will be suspended during parental leave. If employees wish for their level of cover to continue, they may wish to continue to make these 'top-up' payments by contacting UK Healthcare directly.

### **Home Working Allowance**

If employees receive this payment, this will continue during the parental leave period.

### **First Aid Payment**

If employees receive this payment as a qualified First Aider, it will continue during the parental leave period, subject to the employee's qualification remaining valid.

## **19 Monitoring/Review**

The Council will act equitably and reasonably and be able to demonstrate that they have done so in all cases. When determining the action to be taken, the Council will observe the need to satisfy the test of reasonableness in all circumstances.

To ensure that this procedure is applied fairly Human Resources will collate information from Directorates on the use of the policy and its effectiveness. The procedure will also be reviewed periodically to ensure compliance with new legislation and developments.

## **20 Appeal Process**

If the request, or the amount of time requested is not approved by the line manager, this will be confirmed in writing, detailing the reasons for refusal and the employee's right of appeal. The employee must submit an appeal within fourteen days of the original decision being received, to the Head of HR & Organisational Development, who will arrange for an appropriate Head of Service or above to hear the appeal. The decision made at this appeal will be final.

The employee has the right to be accompanied at this meeting by a colleague or Trade Union representative. The outcome of the appeal should be relayed as soon as possible and in writing within fourteen days of the meeting.

The employee should be notified of the outcome and a confirmation letter sent by Human Resources.

## **21 Abuse of the scheme**

Employees who abuse this procedure (for example, by either fraudulently or negligently, giving incorrect information or making a false statement or declaration for

the purpose of claiming Paternity Leave) may be liable to disciplinary action under the Council's Disciplinary Policy.

**Appendix 1**

**Application form for Parental Leave**

<b>Name of employee</b>		<b>Job Title</b>	
<b>Date employment commenced</b>			
<b>Amount of parental leave taken previously in respect of relevant child</b>			
<p>I would like to apply for [ ] week(s)/days(s) unpaid parental leave from [date] to [date]. (Applications for parental leave in periods of a day or multiples may be made only where the child in question is disabled).</p> <p>The leave requested relates to my [baby/son/daughter] [name where applicable] [due on [ ] /who was born on [ ] / who was adopted on [ ]] [and who has been awarded Disability Living Allowance]. (Delete as appropriate).</p> <p>I attach a copy of [child's name]'s [birth certificate/adoption papers] (delete if not applicable).</p>			
<p>I recognise that my employer is entitled to make enquiries of all of any of my previous employers in relation to any previous periods of parental leave taken.</p> <p>I also recognise the employer may postpone the period of leave requested by up to six months where the leave requested does not coincide with the expected week of my child's birth or adoption and the employer will be unduly disrupted by my absence.</p>			
<b>Signed</b>		<b>Date</b>	
<p><b>Please return this form to your Line Manager at least 21 days prior to the date on which your requested period of parental leave is due to commence. Line Manager must forward form to HR Admin mailbox to ensure salary is deducted appropriately.</b></p>			

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Parental Leave Policy	
Date Conducted	July 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To ensure all TBC employees are treated fairly regardless of their protected characteristics in their entitlement to parental leave

Who will be affected and how?

All employees who become a parent

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

All employees

## Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	But inappropriate language his/her should be they/their
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or



			belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair and assists an employee who is a carer
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living &amp; subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Covalent			

Date of Review (If applicable) .....



## Paternity Leave & Pay Policy

Document Status: Final

Document Ref: HRPOL - 008

Originator: Zoe Wolicki

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.05

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

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## Revision History

Revision Date	Version Control	Summary of changes
Draft for Consultation	01.01.01	
Approved by committee	01.01.02	
Amendment following statutory change	01.01.03	Shared Parental Leave superseding Additional Paternity Leave
September 17	01.01.04	New format, classification, review periods, appeal process, new CIA
July 2022	01.01.05	Updated to include foster to adopt, parental bereavement leave, right to appeal, time off for ante natal appointments.

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing	Committee Approval	19/09/12
TULG		September 2022

### Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin	Director of Transformation & Corporate Performance	April 15
Anica Goodwin	Director of Transformation & Corporate Performance	May 17

## Approval Path

### Major Change

Originator  
Owner  
TULG  
CMT  
Appts & Staffing Committee

### Action

HR  
Head of Paid Service  
Consultative Group  
Corporate Approval  
Council Approval

### Minor Change

HR  
TULG  
Director

Submission  
Consultative Group  
Delegated Approval

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## **1 Introduction**

This policy sets out the statutory rights and responsibilities of employees to paternity leave and pay for the purpose of caring for the child or supporting the child's mother or adopter in the early weeks after the child's birth or placement for adoption.

Tamworth Borough Council (TBC) is committed to supporting a positive work-life balance for all our employees and recognise that time with your children is important.

## **2 Who can take paternity leave**

You can take paternity leave if you:

- Have 26 weeks' continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth; or
- Have at least 26 weeks' continuous service by the end of the week in which the adoption agency formally notifies that they have been matched with a child.
- Are the biological father of a child, or the spouse, civil partner or partner of the child's mother or main adopter; and
- Have, or expect to have, the main responsibility (apart from the responsibility of the mother or main adopter) for the child's upbringing

This means that paternity leave is available to an eligible female employee who is married to or is the civil partner or partner of the child's mother or main adopter.

Paternity leave is also available to the spouse, civil partner or partner of an individual who has adopted a child. Where a couple adopt a child jointly, one may take adoption leave and the other paternity leave. They are entitled to choose themselves which adoptive parent takes which type of leave.

A child's father is not automatically entitled to paternity leave if they are separated from or have never been the partner of the child's mother, are not living with the mother and play little or no part in the child's upbringing, they will not be entitled to paternity leave.

## **3 Paternity leave**

An eligible employee can take one week's leave or two consecutive weeks. This cannot be taken in part weeks or individual days.

You can take one period of leave per pregnancy or adoption regardless of the number of children born as a result of the pregnancy or number of children placed under the same adoption arrangement.

Paternity Leave must be taken in a single block of one or two weeks within 56 days of the birth. If the child is born early, it must be taken within 56 days of the first day of the expected week of birth.

For an adopted child, it must be taken within 56 days of the child's placement for adoption with you and in the case of a child adopted from overseas, within the 56-day period beginning with the date the child entered the United Kingdom.

Paternity leave in an adoption situation now extends to surrogacy and “foster to adopt” situations. Parents who become legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption and paternity leave. Local authority foster parents who are also prospective adopters are entitled to take adoption leave and paternity leave in relation to the child matched with them.

If you wish to take shared parental leave, you must take your parental leave first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.

#### **4 Notification of paternity leave**

Where an employee wishes to request paternity leave in respect of a birth child, they must give their line manager 15 weeks’ written notice of:

- the date on which their partner's baby is due,
- the length of paternity leave they wish to take (one or two weeks); and
- the date on which they wish the leave to commence.

In the case of an adopted child, the employee must give written notice of their intention to take ordinary 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. The notice must specify

- the date the child is expected to be placed for adoption,
- the date the employee intends to start paternity leave,
- the length of the intended paternity leave period, and
- the date on which the adopter was notified of having been matched with the child.

If an employee subsequently wishes to change the timing of the paternity leave, they must give 28 days’ written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that they are entitled to paternity leave and statutory paternity pay.

#### **5 Statutory paternity pay**

An employee’s normal pay will be replaced during paternity leave by statutory paternity pay. This will be paid at the prevailing standard rate of statutory paternity pay. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE, pension and national insurance deductions and it can start from any day of the week in accordance with the date the employee starts their paternity leave.

#### **6 Occupational Paternity Pay**

For employees who have worked for the authority for 1 year at the 11<sup>th</sup> week before the child is due, TBC will make up the difference to 2 weeks paternity leave as if it were paid at their normal contractual rate, provided they comply with all the relevant notifications.



## **7 Return to work**

On resuming work after paternity leave the employee is entitled to return to the same job as they occupied before commencing paternity leave on the same terms and conditions of employment as if they had not been absent.

## **8 Time off for ante natal care**

In addition to your paternity leave, you have the right to accompany a pregnant woman with whom you are having a child at up to two antenatal appointments. This will be paid.

This could be if you are the husband or civil partner of the pregnant woman, or you could be living with the pregnant woman in an enduring family relationship. In addition, you will be eligible for time off if you are the biological father of the expected child.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. We expect that normally no more than half a day is needed for an antenatal appointment, but the leave includes the time needed to travel to the appointment and any waiting time needed for the appointment. You should endeavour to give as much notice as possible for the antenatal appointment and wherever possible arrange them as near to the start or end of the working day.

## **9 Miscarriage and stillbirth**

Where the child is miscarried in the first 24 weeks of pregnancy, the employee will not qualify for paternity leave.

If a stillbirth occurs after the 24<sup>th</sup> week of pregnancy, Parental Bereavement Leave is granted, with pay, regardless of length of service. Details are in the Leave policy.

## **10 Contractual terms**

The Paternity and Adoption Leave Regulations 2002 provide that the employee is entitled to the benefit of the terms and conditions of employment that would have applied if they had not been absent due to paternity leave. Continuity of service remains unbroken. All contractual benefits continue during the period of leave.

## **11 Appeal Process**

An employee has a statutory right to take paternity leave at their chosen time and not to suffer unfair treatment on the grounds of paternity leave. TBC will approve leave which coincides with the birth of a child or placement of a child.

If it is anticipated that requests for paternity leave will be approved and for managers to arrange the necessary cover. A manager may discuss the requested dates with the employee to explore any flexibility, but the employee's statutory right to take paternity leave at their chosen time remain regardless of business activity.

In the unlikely event and application is declined and the employee needs to appeal, they must submit an appeal within fourteen days of the original decision being

received, to the Head of HR & OD who will arrange for an appropriate member of CMT to hear the appeal.

In this policy the 'up and out' principle will be applied for all appeals, to provide objectivity and consistency in approach i.e. next level of management up and in a different Directorate. There is only one appeal under this policy.

The employee has the right to be accompanied at this meeting by a colleague or Trades Union representative. The outcome of the appeal should be relayed as soon as possible and in writing within fourteen days of the meeting.

The employee should be notified of the outcome and a confirmation letter sent by Human Resources.

## **12 Abuse of the policy**

The HM Revenue and Customs may take action where a person, either fraudulently or negligently, gives incorrect information or makes a false statement or declaration for the purpose of claiming Statutory Paternity Leave.

For statutory paternity pay purposes, HMRC requires employers to keep a record of:

- The declaration that the employee meets the responsibility criteria in relation to the child;
- The payment dates and amount paid (form SPP2)
- The date the pay period began, and
- Any week falling within an employee's paternity pay period when the employer did not pay them paternity pay and the reason why no payment was made

Records will be retained for 3 years from the end of the tax year in which they relate.

The employee may also be subject to disciplinary action under the Council's Disciplinary policy if it is found that they do not meet the eligibility criteria as outlined in this policy.

## Appendix 1

### Request for ordinary paternity leave in respect of a birth child

<b>Name of employee</b>	
<b>Job Title</b>	
<b>Continuous service date</b>	
<b>Payroll Number</b>	
<p><b><u>Declaration:</u></b></p> <p>I confirm that I meet all three of the following criteria:</p> <p>1 I am either:</p> <ul style="list-style-type: none"> <li>the baby's biological father</li> <li>married to, or in a civil partnership with the mother</li> <li>living with the mother in an enduring family relationship, but am not an immediate relative</li> </ul> <p>2 I have responsibility for the child's upbringing</p> <p>3 I will take time off work to support the mother/adoptive parent and care for the child</p> <p><b><u>Notice:</u></b></p> <p>I hereby give notice of my intention to take one weeks/two weeks paid paternity leave. (Delete as appropriate)</p>	
<b>I would like my paternity leave to start on:</b>	
<b>I will be returning to work on:</b>	
<b>The leave requested relates to the birth of a baby which is due on/was born on:</b>	
<b>Date:</b>	
<p>To qualify for Paternity Leave you must return this form to your Line Manager at least 15 weeks before the expected week of the child's birth. You must also attach a copy of your partner's MATB1 form and SC3 form (which can be downloaded from <a href="http://www.hmrc.gov.uk/forms">www.hmrc.gov.uk/forms</a>). <b>Line Manager</b> – forward a copy to HR</p>	

**Appendix 2**

**Request for ordinary paternity leave in respect of the adoption of a child**

<b>Name of employee</b>	
<b>Job Title</b>	
<b>Continuous service date</b>	
<b>Payroll Number</b>	
<b>Notice:</b> I hereby give notice of my intention to take one weeks/two weeks paid paternity leave. (Delete as appropriate)	
<b>I would like my paternity leave to start on:</b>	
<b>I will be returning to work on:</b>	
<b>The date on which my partner and I were notified by the adoption agency of having been matched with the child was:</b>	
<b>The leave requested relates to the adoption of a child who is expected to be placed for adoption on/was placed for adoption on:</b>	
<b>Signed:</b>	
<b>Dates:</b>	
To qualify for Paternity Leave you must return this form to your Line Manager no later than seven days after the date in which notification of the match with the child was given by the adoption agency. You must attach a copy of your Matching Certificate and SC4 form (which can be downloaded from <a href="http://www.hmrc.gov.uk/forms">www.hmrc.gov.uk/forms</a> ).	
<b>Line Manager</b> – forward copy to HR	

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Paternity Leave Policy	
Date Conducted	July 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To ensure all TBC employees are treated fairly regardless of their protected characteristics in their entitlement to paternity leave.

Who will be affected and how?

All employees who wish to take paternity leave. This policy provides guidance on the process and entitlements for paternity leave and paternity pay.

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

All employees

## Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment to all supporting a pregnant partner
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race

Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment to all supporting a pregnant partner
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of whether the employee is a carer
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Nota factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Nota a factor, but does support the family
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living &amp; subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>





**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Pentana			

Date of Review (If applicable) .....

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## Right to Request Flexible Working

Document Status: Final

Document Ref: HRPOL - 013

Originator: HR

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.01

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is name and title.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
26 <sup>th</sup> April 2022	V1	New policy

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved
Appointment & Staffing		September 2022

### Approvals Minor Change and Scheduled Review

Name	Title	Approved

## Approval Path

### Major Change

Originator  
Owner  
TULG  
CMT  
Appts & Staffing Committee

### Action

HR  
Head of Paid Service  
Consultative Group  
Corporate Approval  
Council Approval

### Minor Change

HR  
TULG  
Director

Submission  
Consultative Group  
Delegated Approval

## Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

## Distribution

The document is on Astute and is NON MANDATORY policy and will also be available on the Intranet and paper based copies.

## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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## **1 Introduction:**

- 1.1 Tamworth Borough Council (TBC) is committed to equality and diversity and, where operationally viable, to support employees in their wish to work on a flexible basis.
- 1.2 Employees who have at least 26 weeks' continuous service with TBC have the right to make a statutory request to work flexibly. Under the statutory procedure employees can make one request in every 12-month period. The legislation pertaining to statutory working requests is part 8A of the Employment Rights Act 1996 and the Flexible Working Regulations 2014.
- 1.3 However, TBC recognises the importance of providing flexible working for all employees. Therefore, if you are not eligible to make a formal request for flexible working under the statutory procedure, you may submit an informal request to your line manager and this will be considered.
- 1.4 Examples of requests for flexible working include.
  - Reducing the number of hours you are working
  - Compressing your working hours into fewer days,
  - Entering into a job-share arrangement,
  - Work on different days of the week,
  - Be exempted from working on a particular day of the week,
  - Be exempted from shift working,
  - Move from night shift to day shift working,
  - Start earlier or later and finish earlier or later,
  - Work the same number of hours but spread over fewer or more days,
  - Work during school term only,
  - Perform some or all work from home.

## **2 Eligibility Requirements:**

- 2.1 The right to apply for flexible working is subject to an employee meeting the following conditions, they must:
  - Be an employee,
  - Have worked continuously for at least 26 weeks by the date they make their request,
  - Not have made another application to work flexibly under this policy during the past twelve months.

## **3 The frequency of flexible working requests:**

- 3.1 Employees can make one application every twelve months. Each year runs from the date the first application was made.

#### **4 Application for a flexible working arrangement:**

4.1 Employees must apply in writing to their line manager by completing the 'Request for Statutory Flexible Working Form' (Appendix 1). Any requests made under this policy must include:

- The date of the application
- The changes you are seeking to your terms and conditions of employment
- The date on which you would like the terms and conditions to come into effect
- What effect you think the requested change would have on the organisation
- How, in your opinion, any such effect might be dealt with
- A statement that this is a statutory request
- Whether or not you have made a previous application for flexible working, and
- If you have made a previous request, when you made that application

#### **5 Timescales**

5.1 Once you submit your flexible working request, it will be dealt with as soon as possible. However, all requests will be dealt with within 3 months, from receipt of the request to notification of any appeal decision.

5.2 The timescales within this policy may be extended where this is mutually agreed by the line manager and employee.

5.3 If you fail to attend a meeting to discuss your flexible working request, including an appeal meeting, and then fail to attend a rearranged meeting without good reason, your application will be deemed to have been withdrawn.

#### **6 Considering the flexible working request:**

6.1 Within 28 calendar days of receiving your application, your line manager will arrange to meet to discuss your request. The aim of the meeting is to find out more about your proposed working arrangements and how they could be of benefit to you, the service unit and the organisation. If the request cannot be accommodated the line manager and employee are encouraged to explore alternatives to find a working pattern suitable to all parties.

6.2 The line manager can agree to a flexible working request simply on the basis of the application itself without the need for a meeting.

6.3 The employee has the right to be accompanied by a Trade Union representative or work colleague. The companion can address the meeting and confer with the employee, but may not answer on behalf of the employee.

#### **7 Reaching a decision on a flexible working request:**

7.1 The line manager will respond in writing within 14 calendar days of the meeting to notify the employee of their decision, unless both parties agree to an extension. For example, where additional information is being sought about how the proposed changes may impact on the department or section

and further discussion is taking place in the possibility of enabling an employee to work on a flexible basis.

- 7.2 If the employee's request or a compromise is agreed, the notification, which must be dated, will include a description of the new working pattern and state the date from which the new pattern becomes effective.
- 7.3 The line manager is responsible for notifying the HR Department of the agreed changes. The changes to contract will be permanent and the employee does not have the automatic right to revert to their original hours.

## **8 Equality considerations**

- 8.1 The line manager will carefully weigh up the potential benefits to the employee, the team and the organisation as a whole together with any adverse impact of implementing the changes. Each request is considered on a case-by-case basis – agreeing to one request will not set a precedent or create a right to another employee being granted a similar change to their working patterns.
- 8.2 Managers must ensure they do not discriminate against employees because of a protected characteristic under the Equality Act 2010 when dealing with flexible working requests. Under this Act, employees have the right not to be treated unfavourably on the grounds of sex, pregnancy or maternity, marriage or civil partnership, gender reassignment, race, religion or belief, sexual orientation, age or disability. Therefore, it may be appropriate if dealing with multiple requests, to look at the reasons why the employee wants to work flexibly and give priority to any employee whose request is linked to a protected characteristic.

## **9 Trial periods for flexible working arrangements:**

- 9.1 There is nothing to prevent the manager and the employee reaching an agreement that any changes to the employee's working pattern should be implemented for a defined temporary period, or that a trial period should be implemented in respect of the proposed working arrangement.
- 9.2 A trial period of no more than 12 weeks can be beneficial if there is some doubt over the viability of the working arrangements requested by the employee. It may also be appropriate where, for example, the employee suddenly becomes a carer of an adult with a terminal illness or they have to care for someone with a fluctuating condition.
- 9.3 If the trial period is successful the arrangements will become permanent.
- 9.4 If the trial period is deemed unsuccessful by either party then a meeting will be convened to fully outline and discuss the issues. The outcome of this meeting may be that the original working pattern may be reinstated or an alternative pattern agreed.
- 9.5 Line Managers may seek to cover the remaining hours by recruitment or internal arrangements.

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## **10 Refusing a flexible working request outright:**

10.1 If it is decided that the request cannot be accommodated, this must be conveyed in writing, detailing:

- which of the listed business ground(s) (see section 11) apply as to why the request cannot be agreed,
- the explanation of why the business reasons applies in the circumstances,
- Set out the Appeal Procedure.

## **11 The business grounds for rejecting a flexible working request:**

11.1 The legislation covering requests for flexible working includes a statutory list of business reasons that an employer may advance as justification for refusing an employee's request for flexible working. The valid reasons are:

- The burden of additional costs
- An inability to reorganise work among existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- A detrimental effect on ability to meet customer demand
- Insufficient work for the periods the employee proposes to work, and
- A planned structure change to the business

11.2 Where a request is refused, the reason for the refusal can only be one or more of the above reasons. Managers must not deviate from this list; there should also be evidence to support the reason for refusal to grant an employee's request.

11.3 No application should be refused without consultation with the HR Department to ensure consistency of approach across the organisation.

## **12 Right of appeal:**

12.1 The employee has a right to appeal against the decision. They must put their appeal in writing within 14 calendar days of receiving the decision to the Head of HR & OD. The appeal notice should set out the grounds for appeal.

12.3 The appeal will be heard by a member of the Corporate Management Team (CMT) who is responsible for that department of the employee. Also in attendance will be the manager that made the original decision and a member of HR who will provide HR advice to the CMT member. The employee has a right to be accompanied by a Trade Union Representative or work colleague.

## **13 Notifying an employee of the decision following the appeal meeting:**

13.1 The employee should be notified of the outcome in writing within 3 working days after the date of the appeal meeting.

13.2 If the appeal is successful, the notification should detail a description of the new working pattern and the start date in which this will take effect.

13.3 If the appeal is not upheld, the notification must state the reason(s) for the decision and contain a sufficient explanation for the refusal, see section 11 for legitimate grounds for refusal. The appeal's decision is final.

#### **14 Extensions to time limits and withdrawals:**

14.1 There may be occasions where more time is needed to reach a decision. Any extensions should be agreed by both parties and confirmed with the employee, in writing.

14.2 Applications can be treated as withdrawn in the following circumstances:

- the employee unreasonably refuses to provide the information needed to consider the application,
- the employee twice fails to attend a meeting to discuss a request without reasonable cause, or
- where the employee decided to withdraw the application.

**Appendix 1  
Application for Flexible Working**

**Note to the employee:**

Before completing this form, you should first read the Flexible Working Policy and check that you are eligible to make such a request.

You should note that under the right it may take up to 3 months to consider a request before it can be implemented. You should therefore ensure that you submit your application to your line manager well in advance of the date you wish the request to take effect.

It will help your line manager to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all questions as otherwise your application may not be valid. When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to your line manager.

**Note to the manager:**

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications seriously. You have 28 calendar days after the day you received this application in which to either agree to the request or arrange a meeting with your employee to discuss their request.

**1. Personal Details**

Name:

Manager:

Start Date:

I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of Tamworth Borough Council for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

If you are not sure whether you meet any of the criteria, information can be found in the **Eligibility** section of the Policy. If you are unable to tick all of the relevant boxes then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you will have to explore this separately with your manager.

**2a. Describe your current working pattern (days/hours/times worked):**

  
  

**2b. Describe the working pattern you would like to work in future (days/hours/times worked):**

**2c. I would like this working pattern to commence from:**

Date:

**3. Impact of the new working pattern**

Please comment upon how you think the proposed changes will impact upon the work of the department and what effect these changes may have upon colleagues etc.

**4. Accommodating the new working pattern**

I think the effect on my employer and colleagues can be dealt with as follows:

  
  

**5. If you have made a previous request for Flexible Working, please state the date and nature of the request.**

I confirm that I have considered the effects of this request on my pay, national insurance and tax contributions, my pension, annual leave entitlements and my ability to attend training courses.

I understand that this may lead to a change in the terms and conditions of my contract of employment and the changes to contract will be permanent and I do not have the automatic right to revert to my original hours.

Name:

Date:

Signature:





# Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Right to Request Flexible Working Hours	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

Provides the framework for applying for flexible working.

Who will be affected and how?

All employees

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

## Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair

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			treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair and assists an employee who is a carer
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or <b>Alcohol</b> problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

**Part 4 – Risk Assessment**

**From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications**

Impact Area	Details of the Impact	Action to reduce risk

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable) .....



Shared Parental Leave Policy – Adoption

Document Status: Final

Document Ref: HRPOL - 009

Originator: Zoe Wolicki

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.01

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

**Document Location**

This document is held by Tamworth Borough Council, and the document owner is the HR manager.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

**Revision History**

Revision Date	Version Control	Summary of changes
01.01.01	First Draft	Shared parental Leave for adoptive parent

**Approvals Creation and Major Change**

Name	Title	Approved
TULG	Approved for statutory compliance	September 2022

**Approvals Minor Change and Scheduled Review**

Name	Title	Approved

**Approval Path**

**Major Change**

Originator

Owner

TULG

CMT

Apts & Staffing Committee

**Action**

HR

Head of Paid Service

Consultative Group

Corporate Approval

Council Approval

**Minor Change**

HR

TULG

Director

Submission

Consultative Group

Delegated Approval

**Document Review Plans**

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

**Distribution**

The document will be distributed through Astute and will also be available on the Intranet and paper based copies.

**Security Classification**

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

## 1.0 Policy

This policy sets out the rights of employees adopting a child to shared parental leave and pay.

Shared parental leave is a type of leave that is available to employees having a child placed for adoption with them. Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date. The organisation provides a separate policy on shared parental leave for parents in a birth situation. Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave (Parental Leave policy refers).

Tamworth Borough Council (TBC) recognises that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. It is TBC's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, he/she should clarify the relevant procedures with Human Resources to ensure that they are followed correctly.

## 2.0 Definitions under this shared parental leave policy

The following definitions are used in this policy:

“Adopter” means the person with whom the child is, or is expected to be placed for adoption, or, in a case where two people have been matched jointly, whoever has elected to be the child's adopter for the purposes of Adoption Leave. “Partner” means the person who is married to, the civil partner of, or the partner of the adopter. This includes someone, of either sex, who lives with the adopter and the child in an enduring family relationship but who is not the adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

“Matched for adoption” means an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been “matched for adoption” with a child on the date on which the person receives the notification of the adoption agency's decision

“Placed for adoption” means placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter (foster to adopt).

“Official notification” means written notification issued by or on behalf of the relevant central authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption if a child is overseas, or that it has issued a certificate and sent it to that authority, confirming in either case, that the adopter is eligible to adopt, and has been assessed and approved as being a suitable adoptive parent.

### 3.0 Scope of this shared parental leave policy

This policy applies in relation to employees of the organisation, whether they are the adopter or the partner. If it is the adopter who is employed by TBC, their partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to their own employer, which may have its own shared parental leave policy in place, if they want to take a period of shared parental leave.

Similarly, if it is the partner who is employed by TBC, the adopter must (where relevant) submit any notifications to take shared parental leave to their own employer.

The adopter and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible. Permission will be sought by TBC to contact the other employer to confirm rights and entitlements for the partner or mother as appropriate (e.g. to confirm curtailment by the adopter).

### 4.0 Amount of shared parental leave available

The amount of shared parental leave to which an individual is entitled will depend on when the adopter brings their leave period to an end and the amount of leave that the other adoptive parent takes in respect of the child.

Shared parental leave must be taken in **blocks of at least one week**. The employee can request to take shared parental leave in **one continuous** block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement). A **maximum of three requests for leave per adoptive placement can normally be made by each adoptive parent**.

The employee can begin a period of shared parental leave at any time from the date on which the child is placed for adoption (for adoptions from overseas, at any time from the date on which the child enters Great Britain) or, where more than one child is placed for adoption through a single placement, the date of placement of the first child (for adoptions from overseas, at any time from the date on which the first child enters Great Britain). However, employees should bear in mind that the adopter's partner will lose their entitlement to take up to two weeks' paternity leave following the adoption of their child if shared parental leave is taken first. The employee must take any shared parental leave within 52 weeks of the date on which the child is placed for adoption (for adoptions from overseas, within 52 weeks of the date on which the child enters Great Britain).

### 5.0 Eligibility for shared parental leave

For employees to be eligible to take shared parental leave, both adoptive parents must meet certain eligibility requirements.

#### 5.1 Adopter's eligibility for shared parental leave

The adopter is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remains in continuous employment with the organisation until the week before any period of shared parental leave that they take
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child;
- are entitled to statutory adoption leave in respect of the child; and
- comply with the relevant adoption leave curtailment requirements (or have returned to work before the end of statutory adoption leave), and shared parental leave notice and evidence requirements.

In addition, for the adopter to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which the child enters Great Britain in relation to an adoption from overseas);
- have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks; and
- have, at the date at which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child.

## **5.2 Partner's eligibility for shared parental leave**

The partner is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with the organisation until the week before any period of shared parental leave that they take;
- have, at the date of the child's birth, the main responsibility, apart from the adopter, for the care of the child; and
- comply with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which the child enters Great Britain in relation to an adoption overseas);
- have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks;

- have, at the date the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory adoption leave or statutory adoption pay respect of the child; and
- comply with the relevant adoption leave or pay curtailment requirements (or have returned to work before the end of statutory adoption leave).

## 6.0 Notice requirements for shared parental leave

The notices that the adoptive parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- an "adoption leave curtailment notice" from the adopter setting out when they propose to end their adoption leave (unless the adopter has already returned to work from adoption leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that they are requesting.

The notice periods set out below are the **minimum required by law**. However, the earlier the employee informs the organisation of their intentions, the more likely it is that the organisation will be able to accommodate the employee's wishes, particularly if they want to take periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the adopter could provide an adoption leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide their notice of entitlement and intention and period of leave notice at the same time. **Appendix 1** (for employees who are adopters) and **Appendix 2** (for employees who are partners) set out all requirements at once, but can be resubmitted if intentions change, subject to sufficient notice and eligibility.

### 6.1 Adopter's notice curtailing maternity leave

Before the adopter or partner can take shared parental leave, the adopter must either return to work before the end of their adoption leave (by giving the required eight weeks' notice of their planned return) or provide their employer with an adoption leave curtailment notice. The adoption leave curtailment notice must be in writing and state the date on which adoption leave is to end. That date must be:

- two weeks after the first day of the adopter's ordinary adoption leave period;
- at least eight weeks after the date on which the adopter gave the adoption leave curtailment notice to their employer; and



- at least one week before what would be the end of the additional adoption leave period.

The adopter must provide their adoption leave curtailment notice at the same time they provide either their notice of entitlement and intention or a declaration of consent and entitlement signed by the adopter confirming that their partner has given their employer a notice of entitlement and intention.

## 6.2 Revocation of adoption leave curtailment notice

The adopter can withdraw their notice curtailing their adoption leave in limited circumstances. The withdrawal of an adoption leave curtailment notice must be in writing and can be given only if the adopter has not returned to work. The adopter can withdraw their adoption leave curtailment notice if:

- it is discovered that neither the adopter nor the partner are entitled to shared parental leave or statutory shared parental pay and the adopter withdraws their adoption leave curtailment notice within eight weeks of the date on which the notice was given;
- the partner has died.

## 6.3 Employee's notice of entitlement and intention

- The employee, whether the adopter or the partner, must provide their manager with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee. **Appendix 1** Details the notice required if the Tamworth Borough Council employee is the adopter, and **Appendix 2** details the notice and declaration required if the Council employee is the partner.

## 6.4 Organisational response

Within 14 days of receiving a notice of entitlement and intention from the employee, whether the adopter or partner, the manager can request from the employee:

- in relation to adoptions within the UK, documentary evidence from the adoption agency of:
  - the name and address of the adoption agency;
  - the date on which the adopter was notified of having been matched for adoption with the child; and
  - the date on which the adoption agency expects the child to be placed for adoption with the adopter; and
- in relation to adoptions from overseas, a copy of the official notification; and
- whether a UK or overseas adoption, the name and address of the other adoptive parent's employer (or a declaration that the other adoptive parent has no employer).

The employee has 14 days from the date of the request to send the organisation the required information.

### **6.5 Variation or cancellation of notice of entitlement and intention**

The employee can vary or cancel their proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that they provide the organisation with a written notice. The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the adopter and the partner that they agree to the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until they provide a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

**Appendix 3** provides the relevant notifications should the employee wish to use this.

### **6.6 Employee's period of leave notice**

To take a period of shared parental leave, the employee must provide their manager with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

### **6.7 Variation or cancellation of period of leave notice**

The employee can vary or cancel their proposed shared parental leave dates following the submission of a period of leave notice, provided that they provide their employer with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

## **6.8 Limit on number of requests for leave**

The employee can provide a combined total of up to three periods of leave notices or variations of period of leave notices per adoption, although the organisation may waive this limit in some circumstances.

## **7.0 Continuous period of shared parental leave**

If the employee submits a period of leave notice requesting one continuous period of leave, they will be entitled to take that period of leave.

## **8.0 Discontinuous periods of shared parental leave**

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the adopter and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the organisation, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify the organisation of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if TBC has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

## **9.0 Amount of shared parental pay available**

Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory adoption pay or adoption allowance the adopter has been paid when their adoption leave or pay period ends.

A total of 39 weeks' statutory adoption pay is available to the adopter. As there is a compulsory adoption leave period of two weeks, this means that an adopter who ends their adoption leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with their partner.

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

## **10.0 Eligibility for statutory shared parental pay**

For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

### **10.1 Adopter's eligibility for statutory shared parental pay**

The adopter is eligible for statutory shared parental pay if they:

- has at least 26 weeks' continuous employment ending by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remain in continuous employment with TBC until the week before any period of shared parental pay that they take;
- has normal weekly earnings for a period of eight weeks ending with the week in which the adopter is notified of having been matched for adoption with the child (or the week in which they receive official notification in relation to an adoption from overseas) of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which they receive statutory shared parental pay; and
- is entitled to statutory adoption pay in respect of the child, but the adoption pay period has been reduced.

In addition, for the adopter to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week in which the adopter is notified of having been matched for adoption with the child (or the week in which they receive official notification in relation to an option from overseas);

- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks.

### **10.2 Partner's eligibility for statutory shared parental pay**

The partner is eligible for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remain in continuous employment with their employer until the week before any period of shared parental pay that they get;
- has normal weekly earnings for eight weeks ending with the week in which the adopter is notified of having been matched for adoption with the child (or by the week in which they receive official notification in relation to an adoption from overseas) of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date on which the child is placed for adoption (or enters Great Britain if the child is adopted from overseas), the main responsibility, apart from the mother, for the care of the child; and
- is absent from work and intends to care for the child during each week in which he/she receives statutory shared parental pay.

In addition, for the partner to be eligible, the adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which they receive official notification in relation to an adoption from overseas);
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks;
- have, at the date on which the child is placed for adoption (or enters Great Britain or the child is adopted from overseas), the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory adoption pay in respect of the child, but the adoption pay period or adoption allowance period has been reduced.

### **11.0 Rights during shared parental leave**

During shared parental leave, all terms and conditions of the employee's contract except normal pay and allowances will continue. Salary including allowances will be replaced by statutory shared parental pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid. The employee will remain in the company paid health care scheme. First aid payments, essential car user allowance and home working allowance (if a home or hybrid worker) will continue to be paid.

Employees will need to make separate arrangements for any deductions normally made from their salary (e.g., Trade Union deductions, BHSF, top up for UK Healthcare, car loan or Council Tax) during any period of no-pay or where the earnings are insufficient to cover these amounts.

## **12.0 Pre-shared Parental Leave Interviews**

No later than 2 weeks prior an employee taking Shared Parental Leave an interview will be conducted with their line manager. The purpose of the pre-shared parental leave interview is to discuss the practicalities of the employee's shared parental leave. The employee should already have been informed by this stage of their shared parental leave and pay entitlement. Pre-shared parental leave interviews will be arranged as a matter of course only for employees leaving work to go on shared parental leave. A pre-shared parental leave interview will not normally be arranged for employees already on adoption leave who are switching to shared parental leave.

The purpose of the interview will be to discuss the final arrangements for the employee's shared parental leave and it will also be an opportunity for them to raise any other issues that they would like to discuss.

The interview will be an opportunity to discuss with the employee how their work will be covered during the shared parental leave, including who will take over the employee's tasks, how the handover will be managed and any other practicalities that arise.

Discussions will be held regarding the employee's right to shared-parental-leave-in-touch (SPLIT) days and whether or not they might be interested in exercising this right. The interview will also be an opportunity to agree how to keep in touch with while they are on shared parental leave, what information he/she might expect to receive and by what means.

One other important issue that will be discussed is how the employee's holiday entitlement will be managed while they are on shared parental leave. It is TBC's usual policy to require the employee takes any outstanding holiday before commencing shared parental leave. However, the holiday arrangements for employees on shared parental leave may vary depending on the circumstances and will be discussed during the meeting.

## **13.0 Contact during shared parental leave**

The organisation reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

An employee can agree to work for the organisation (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of their shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

TBC has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and the organisation. In most cases, SPLIT days will be accrued hours upon return to normal duties. For those employees covered by the flexitime scheme, or where this will cause significant operational difficulties, employees may be offered time off in lieu or paid at plain time for those hours worked upon their return.

#### **14.0 Returning to work following shared parental leave**

The employee has the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory adoption leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.

If the employee is returning to work from shared parental leave and the period of leave taken is more than 26 weeks, when added to any other period of shared parental leave, statutory maternity or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional adoption leave, the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the organisation to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for them.

#### **15.0 Relationship to other policies and statutes**

- Children and Families Act 2014
- Shared Parental Leave Regulations 2014 (SI 2014/3050)
- Statutory Shared Parental Pay (General) Regulations 2014 (SI 2014/3051)
- Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)
- Statutory Maternity Pay and Statutory Adoption Pay (Curtailed) Regulations 2014 (SI 2014/3054)
- Maternity Policy
- Paternity Policy
- Adoption Leave Policy

#### **16.0 Penalties**

Employees who abuse the scheme may be liable to disciplinary action under the Council's Capability and Conduct Policy.

**Tamworth Borough Council**

**Appendix 1**

**Shared Paternity Leave Non-binding notice of Entitlement and Intention**

**Employees Declaration - Adopter**

Employee Name :

Current Address:

National Insurance Number:

Payroll No:

I confirm:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remain in continuous employment with their employer until the week before any period of shared parental leave that they take;
- have normal weekly earnings for a period of eight weeks ending with the week in which the adopter is notified of having been matched for adoption with the child (or by the week in which they receive official notification in relation to an adoption from overseas) of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child;
- are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay; and
- are entitled to statutory adoption pay in respect of the child, but the adoption pay period has been reduced.

I have taken or intend to take statutory adoption leave from \_\_\_\_\_ to \_\_\_\_\_,

I have taken or intend to claim, occupational adoption pay from \_\_\_\_\_ to \_\_\_\_\_ or statutory adoption pay/adoption allowance from \_\_\_\_\_ to \_\_\_\_\_;

The total amount of shared parental leave available (following curtailment of adoption leave) \_\_\_\_\_ weeks;

The date on which the adopter was notified of having been matched for adoption with the child (or receives official notification in relation to an adoption overseas)



The date on which the child is expected to be placed for adoption with the adopter and the date for the placement, or the date on which the child enters Great Britain

\_\_\_\_\_;

How much shared parental leave the mother and partner each intend to take (in whole week blocks)?

Amount to be taken by the adopter \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the adopter \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the adopter \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the adopter \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the adopter \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the adopter \_\_\_\_\_ weeks (start date) \_\_\_\_\_

I declare that:

I satisfy, or will satisfy, the above eligibility requirements to take shared parental leave; the information I give in the notice of entitlement and intention is accurate; and I will immediately inform the organisation if I cease to care for the child. I will also inform my partner should any of my intended dates change.

Signed:

Dated:

I consent for information provided for this declaration to be processed by TBC and provided and discussed with my partner's employers upon their request.

Signed:

Dated:

I have curtailed/intend to curtail my Adoption leave to \_\_\_\_\_ weeks, with \_\_\_\_\_ weeks remaining for my partner to use.

**Partner Details to be completed by the non TBC employee**

Name :

Current Address:

National Insurance Number:

Current Employer:

Employers Address:

Employers Contact Details

I confirm

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remain in continuous employment with their employer until the week before any period of shared parental leave that they take;
- have normal weekly earnings for a period of eight weeks ending with the week in which the adopter is notified of having been matched for adoption with the child (or by the week in which they receive official notification in relation to an adoption from overseas) of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child; and
- are absent from work and intends to care for the child during each week in which they receive statutory shared parental pay.

I declare that:

I satisfy, or will satisfy, the conditions eligibility requirements to take shared parental leave; the information I give is accurate; and I will immediately inform Tamworth Borough Council if the mother informs me that they no longer meet the requirement to have curtailed their maternity leave or pay period set out above.

I am \* the father of the child/ married to/ the civil partner/ the partner of, the adopter; I consent to the amount of leave that the adopter intends to take; and give my consent to the adopter's employer processing the information in the partner's declaration.

Signed:

Dated:

I consent to information provided for this declaration to be provided and discussed by the above named employer on request.

Signed:

Dated:

- please delete as appropriate

**Tamworth Borough Council**

**Appendix 2**

**Shared Paternity Leave Non-binding notice of Entitlement and Intention**

**Employees Declaration - Partner**

*To be provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee.*

Employee Name:

Current Address:

National Insurance Number:

Payroll No:

I confirm:

I have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remain in continuous employment with their employer until the week before any period of shared parental leave that they take

I will remain in continuous employment with Tamworth Borough Council until the week before any period of shared parental leave I intend to take;

The adopter lives with me at the above address and we are in an enduring family relationship;

I have taken or intend to take statutory paternity leave from \_\_\_\_\_ to \_\_\_\_\_,

- the total amount of shared parental leave available (following curtailment of adoption leave) \_\_\_\_\_;
- the date on which the adopter was notified of having been matched for adoption with the child (or receives official notification in relation to an adoption from overseas);
- the date on which the child is expected to be placed for adoption with the adopter and the date of the placement, or the date on which the child is expected to enter Great Britain in relation to an adoption from overseas (although, if the child has not yet been placed for adoption or entered Great Britain, the date of placement for adoption or entry into Great Britain must be

provided as soon as reasonably practicable after the placement or entry, and before the first period of shared parental leave to be taken by the adopter);

- \_\_\_\_\_;
- how much shared parental leave the mother and partner each intend to take (in whole week blocks);

Amount to be taken by the adopter \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the adopter \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the adopter \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the partner \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the partner \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the partner \_\_\_\_\_ weeks (start date) \_\_\_\_\_

I declare that:

I satisfy, or will satisfy, the conditions set out above ; that I am \* the father of the child/ married to/ the civil partner/ the partner of, the adopter; I consent to the amount of leave that the mother intends to take; and give my consents to the adopter's employer processing the information in the partner's declaration.

Signed:

Dated:

\* delete as appropriate

I consent for information provided for this declaration to be provided and discussed with the adopter's employers.

Signed:

Dated:

**Adopter's Details to be completed by the non-TBC Employee**

Adopter's Name:

Current Address:

National Insurance Number:

Current Employer:

Employers Address:

Employers Contact Details:

I confirm:

I am entitled to statutory adoption leave, statutory adoption pay or adoption allowance in respect of this child;

I will comply with the relevant adoption leave curtailment notice (8 weeks);

I have been employed or self-employed in at least 26 weeks continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remain in continuous employment with their employer until the week before any period of shared parental leave that they take proceeding the expected week of childbirth;

I have average weekly earnings of at least the adoption allowance threshold (currently £30) for any 13 of those 66 weeks; and

I will have the main responsibility, apart from the partner for the care of the child I have taken or intend to claim statutory adoption pay from

\_\_\_\_\_ to \_\_\_\_\_;

I declare that:

I satisfy, or will satisfy, the above eligibility requirements to take shared parental leave; the information I give in the notice of entitlement and intention is accurate; and I will also inform my partner should any of my intended dates change or if I no longer qualify.

Signed:

Dated:

I consent to my details be used by Tamworth Borough Council for the purposes of processing my partners shared parental leave.

I consent to information provided for this declaration to be provided and discussed with my employer upon request.

I have curtailed/intend to curtail my Adoption leave to \_\_\_\_\_ weeks, with \_\_\_\_\_ weeks remaining for my partner to use.

Signed:

Dated:

**Tamworth Borough Council**

**Appendix 3**

**Shared Paternity Leave Variation/Cancellation Notice**

Employee Name :

Current Address:

National Insurance Number:

Payroll No:

I intend/no longer intend\* to take shared parental leave \*from \_\_\_\_\_ to \_\_\_\_\_,

This overrides my previous notification of intention of \_\_\_\_\_ to \_\_\_\_\_

- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

I attach details of the statutory shared parental pay we have been notified which will now not be relevant for the new variation

We declare that we are eligible and agree to this variation:

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

Adopter Dated:

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

This form must be provided at least 8 weeks before the variation takes effect.

\*Delete as appropriate



<b>Part 1 – Details</b>		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Shared Parental Leave Policy – Adoption	
Date Conducted	12 May 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

### Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.



To ensure all TBC employees are treated fairly regardless of their protected characteristics in their entitlement to shared parental leave.
Who will be affected and how?  All employees who wish to apply for shared parental leave. This policy provides guidance on the process and entitlements for shared [parental leave and pay.
Are there any other functions, policies or services linked to this impact assessment?  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If you answered 'Yes', please indicate what they are?  All employees

<b>Part 3 – Impact on the Community</b>			
<b>Thinking about each of the Areas below, does or could the Policy function, or service have a <u>direct</u> impact on them?</b>			
<b>Impact Area</b>	<b>Yes</b>	<b>No</b>	<b>Reason (provide brief explanation )</b>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of an employee being a carer
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor

Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

**Part 4 – Risk Assessment**  
**From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications**

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living &amp; subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Covalent			

Date of Review (If applicable) .....

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## Shared Parental Leave Policy – Birth of a Child

Document Status: Final

Document Ref: HRPOL - 009

Originator: Zoe Wolicki

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.03

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is the HR manager.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
01.01.02	First Draft	
01.01.02	Draft for approval following consultation with TU and internal circulation	Added in pre interview for SPL and refined form to include curtailment notice and variation notice
September 17	01.01.02	New format, review period, clarification, new CIA
July 2022	01.01.03	Minor amendments to add in new health scheme and home working allowance

## Approvals Creation and Major Change

Name	Title	Approved
TULG	Approved for statutory compliance	15/01/15
TULG		September 2022

## Approvals Minor Change and Scheduled Review

Name	Title	Approved
A. Goodwin	Director of Transformation & Corporate Performance	19/05/17

## Approval Path

### Major Change

Originator  
Owner  
TULG  
CMT  
Apts & Staffing Committee

### Action

HR  
Head of Paid Service  
Consultative Group  
Corporate Approval  
Council Approval

### Minor Change

HR  
TULG  
Director

Submission  
Consultative Group  
Delegated Approval

## Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

## Distribution

The document will be distributed through Astute and will also be available on the Intranet and paper based copies.

## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

## 1.0 Policy

This policy sets out the rights of employees to shared parental leave and pay.

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. Tamworth Borough Council (TBC) has a separate policy on shared parental leave for employees who are adopting children.

Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave (Parental Leave policy refers).

TBC recognises that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. It is TBC's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, they should clarify the relevant procedures with Human Resources to ensure that they are followed correctly.

## 2.0 Definitions under this Shared Parental Leave policy

The following definitions are used in this policy:

"Mother" means the mother or expectant mother of the child.

"Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.

## 3.0 Scope

This policy applies in relation to employees of TBC, whether they are the mother or the partner. If it is the mother who is employed by TBC, their partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to their own employer, which may have its own shared parental leave policy in place, if they want to take a period of shared parental leave.

Similarly, if it is the partner who is employed by the organisation, the mother must (where relevant) submit any notifications to take shared parental leave to their own employer.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly



as possible. Permission will be sought by the Council to contact the other employer to confirm rights and entitlements for the partner or mother as appropriate (e.g. to confirm curtailment of Maternity Leave by the mother).

#### **4.0 Amount of shared parental leave available**

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings their maternity leave period to an end and the amount of leave that the other parent takes in respect of the child.

Shared parental leave must be taken in **blocks of at least one week**. The employee can request to take shared parental leave in **one continuous** block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement). A **maximum of three requests for leave per pregnancy can normally be made by each parent**.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail their maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that they are entitled to take up to two weeks' ordinary paternity leave following the birth of their child, which they will lose if shared parental leave is taken first). The mother and partner must take any shared parental leave within 52 weeks of birth.

#### **5.0 Eligibility**

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

##### **5.1 Mother's eligibility for shared parental leave**

The mother is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that they take;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- are entitled to statutory maternity leave in respect of the child; and
- comply with the relevant maternity leave curtailment requirements (or have returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

## **5.2 Partner's eligibility for shared parental leave**

The partner is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with TBC until the week before any period of shared parental leave that they take;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- comply with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

## **6.0 Notice requirements**

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- a "maternity leave curtailment notice" from the mother setting out when they propose to end their maternity leave (unless the mother has already returned to work from maternity leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that they are requesting.

The notice periods set out below are the **minimum required by law**. However, the earlier the employee informs the organisation of their intentions, the more likely it is that the organisation will be able to accommodate the employee's wishes, particularly if they want to take periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide their notice of entitlement and intention and period of leave notice at the same time. Appendix 1 (for employees who are mothers) and Appendix 2 (for employees who are partners) set out all requirements at once, but can be resubmitted if intentions change, subject to sufficient notice and eligibility.

### **6.1 Mother's notice curtailing maternity leave**

Before the mother or partner can take shared parental leave, the mother must either return to work before the end of their maternity leave (by giving the required eight weeks' notice of their planned return) or provide her employer with a maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

- after the compulsory maternity leave period, which is the two weeks after birth;
- at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to their employer; and
- at least one week before what would be the end of the additional maternity leave period.

The mother must provide their maternity leave curtailment notice at the same time they provide either their notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that their partner has given their employer a notice of entitlement and intention.

### **6.2 Revocation of maternity leave curtailment notice**

The mother can withdraw their notice curtailing their maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw their maternity leave curtailment notice if:

- it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws their maternity leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity leave curtailment notice was given before the birth of the child and the mother withdraws their maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died.

### 6.3 Employee's notice of entitlement and intention

- The employee, whether the mother or the partner, must provide the organisation with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee. **Appendix 1** Details the notice required if the Tamworth Borough Council employee is the mother, and **Appendix 2** details the notice and declaration required if the Council employee is the partner.

### 6.4 Organisational response

Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, TBC can request from the employee:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer)

The employee has 14 days from the date of the request to send their manager the required information.

### 6.5 Variation or cancellation of notice of entitlement and intention

The employee can vary or cancel their proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that they provide the organisation with a written notice. The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the mother and the partner that they agree to the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until they provide a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make. **Appendix 3** provides the relevant notifications should the employee wish to use this.

## **6.6 Employee's period of leave notice**

To take a period of shared parental leave, the employee must provide TBC with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

## **6.7 Variation or cancellation of period of leave notice**

The employee can vary or cancel their proposed shared parental leave dates following the submission of a period of leave notice, provided that they provide their employer with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

## **6.8 Limit on number of requests for leave**

The employee can provide a combined total of up to three periods of leave notices or variations of period of leave notices per pregnancy, although the Council may waive this limit in some circumstances.

## **7.0 Continuous period of shared parental leave**

If the employee submits a period of leave notice requesting one continuous period of leave, they will be entitled to take that period of leave.

## **8.0 Discontinuous periods of shared parental leave**

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the organisation, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify TBC of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if TBC has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

## **9.0 Amount of shared parental pay available**

Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when their maternity leave or pay period ends.

A total of 39 weeks' statutory maternity pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of two weeks, this means that a mother who ends their maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with their partner (although it will normally be less than this because of the maternity leave that the mother would usually take before the birth).

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

## **10.0 Eligibility for statutory shared parental pay**

For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

### **10.1 Mother's eligibility for statutory shared parental pay**

The mother is eligible for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with their employer until the week before any period of shared parental pay that they get;
- have normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- have at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- are absent from work and intends to care for the child during each week in which they receive statutory shared parental pay; and
- are entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

In addition, for the mother to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks.

### **10.2 Partner's eligibility for statutory shared parental pay**

The partner is eligible for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with their employer until the week before any period of shared parental pay that they get;
- have normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- are absent from work and intends to care for the child during each week in which they receive statutory shared parental pay.

In addition, for the partner to be eligible, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks;

- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

### **11.0 Rights during shared parental leave**

During shared parental leave, all terms and conditions of the employee's contract except normal pay and allowances will continue. Salary including allowances will be replaced by statutory shared parental pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid. The employee will remain in the company paid health care scheme. First aid payments, essential car user allowance and home working allowance (if a home or hybrid worker) will continue to be paid.

Employees will need to make separate arrangements for any deductions normally made from their salary (e.g. Trade Union deductions, BHSF, top up for UK Healthcare, car loan or Council Tax) during any period of no-pay or where the earnings are insufficient to cover these amounts.

### **12.0 Pre-shared Parental Leave Interviews**

No later than 2 weeks prior to an employee taking Shared Paternity Leave an interview will be conducted with their line manager. The purpose of the pre-shared parental leave interview is to discuss the practicalities of the employee's shared parental leave. The employee should already have been informed by this stage of their shared parental leave and pay entitlement. Pre-shared parental leave interviews will be arranged as a matter of course only for employees leaving work to go on shared parental leave. A pre-shared parental leave interview will not normally be arranged for employees already on maternity or adoption leave who are switching to shared parental leave.

The purpose of the interview will be to discuss the final arrangements for the employee's shared parental leave and it will also be an opportunity for them to raise any other issues that they would like to discuss.

The interview will be an opportunity to discuss with the employee how their work will be covered during the shared parental leave, including who will take over the employee's tasks, how the handover will be managed and any other practicalities that arise.

Discussions will be held regarding the employee's right to shared-parental-leave-in-touch (SPLIT) days and whether or not they might be interested in exercising this right. The interview will also be an opportunity to agree how to keep in touch with while they are on shared parental leave, what information they might expect to receive and by what means.

One other important issue that will be discussed is how the employee's holiday entitlement will be managed while they are on shared parental leave. It is the Council's usual policy to require the employee to take any outstanding holiday before



commencing shared parental leave. However, the holiday arrangements for employees on shared parental leave may vary depending on the circumstances and will be discussed during the meeting.

### **13.0 Contact during shared parental leave**

The organisation reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

An employee can agree to work for the organisation (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of their shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

The organisation has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and the organisation. In most cases, SPLIT days will be accrued hours upon return to normal duties. For those employees covered by the flexitime scheme, or where this will cause significant operational difficulties, employees may be offered time off in lieu or paid at plain time for those hours worked upon their return.

### **14.0 Returning to work following shared parental leave**

The employee has the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory maternity leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.

If the employee is returning to work from shared parental leave and the period of leave taken is more than 26 weeks, when added to any other period of shared parental leave, statutory maternity or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional maternity leave, the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the Council to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for them.

### **15.0 Relationship to other policies and statutes**

- Children and Families Act 2014
- Shared Parental Leave Regulations 2014 (SI 2014/3050)
- Statutory Shared Parental Pay (General) Regulations 2014 (SI 2014/3051)
- Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)

- Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014 (SI 2014/3054)
- Maternity Policy
- Paternity Policy
- Adoption Leave Policy

#### **16.0 Penalties**

Employees who abuse the scheme may be liable to disciplinary action under the Council's Disciplinary Policy.

**Tamworth Borough Council**

**Appendix 1**

**Shared Paternity Leave Non-binding notice of Entitlement and Intention**

**Employees Declaration - Mother**

Employee Name :

Current Address:

National Insurance Number:

Payroll No:

I confirm:

I have at least 26 weeks' continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth;

I will remain in continuous employment with Tamworth Borough Council until the week before any period of shared parental leave I intend to take;

That at the date of the child's birth I will have the main responsibility, apart from the partner for the care of the child;

I am entitled to statutory maternity leave in respect of this child;

I will comply with the relevant maternity leave curtailment notice (8 weeks) and am giving at least 8 weeks notice of my intention to take shared parental leave;

My partner lives with me at the above address and we are in an enduring family relationship;

My partner is not my child, parent, grandparent, grandchild, sibling, aunt, uncle, niece or nephew;

I have taken or intend to take statutory maternity leave from \_\_\_\_\_ to \_\_\_\_\_,

I have taken or intend to claim, occupational maternity pay from \_\_\_\_\_ to \_\_\_\_\_ or statutory maternity pay/maternity allowance from \_\_\_\_\_ to \_\_\_\_\_;

The total amount of shared parental leave available (following curtailment of maternity leave) \_\_\_\_\_ weeks;

The child's expected week of birth or the child's date of birth \_\_\_\_\_;

How much shared parental leave the mother and partner each intend to take (in whole week blocks)?

Amount to be taken by the mother \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the mother \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the mother \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the partner \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the partner \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the partner \_\_\_\_\_ weeks (start date) \_\_\_\_\_

I declare that:

I satisfy, or will satisfy, the above eligibility requirements to take shared parental leave; the information I give in the notice of entitlement and intention is accurate; and I will immediately inform the organisation if I cease to care for the child. I will also inform my partner should any of my intended dates change.

Signed:

Dated:

I consent for information provided for this declaration to be processed by TBC and provided and discussed with my partner's employers upon their request.

Signed:

Dated:

I have curtailed/intend to curtail my Maternity leave to \_\_\_\_\_ weeks, with \_\_\_\_\_ weeks remaining for my partner to use.

**Partner Details to be completed by the non TBC Employee**

Name :

Current Address:

National Insurance Number:

Current Employer:

Employers Address:

Employers Contact Details

I confirm:

- I have been employed or self employed in at least 26 of the 66 weeks preceding the expected week of childbirth;
- I have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks; and
- At the date of birth of the child, I have the main responsibility, apart from the mother, to care for the child.

I declare that:

I satisfy, or will satisfy, the conditions eligibility requirements to take shared parental leave; the information I give is accurate; and I will immediately inform Tamworth Borough Council if the mother informs me that they no longer meet the requirement to have curtailed their maternity leave or pay period set out above.

I am \* the father of the child/ married to/ the civil partner/ the partner of, the mother; I consent to the amount of leave that the mother intends to take; and give my consent to the mother's employer processing the information in the partner's declaration.

Signed:

Dated:

I consent to information provided for this declaration to be provided and discussed by the above named employer on request.

Signed:

Dated:

- please delete as appropriate

The Council will require a copy of the MATB1 certificate and following the birth, the child's birth certificate within 40 days of the delivery.

**Tamworth Borough Council**

**Appendix 2**

**Shared Paternity Leave Non-binding notice of Entitlement and Intention**

**Employees Declaration - Partner**

*To be provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee.*

Employee Name:

Current Address:

National Insurance Number:

Payroll No:

I confirm:

I have at least 26 weeks' continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth;

I will remain in continuous employment with Tamworth Borough Council until the week before any period of shared parental leave I intend to take;

The mother lives with me at the above address and we are in an enduring family relationship;

At the date of birth of the child, I have the main responsibility, apart from the mother, to care for the child.

I have taken or intend to take statutory paternity leave from \_\_\_\_\_ to \_\_\_\_\_,

- the total amount of shared parental leave available (following curtailment of maternity leave) \_\_\_\_\_;
- the child's expected week of birth or the child's date of birth \_\_\_\_\_;
- how much shared parental leave the mother and partner each intend to take (in whole week blocks);

Amount to be taken by the mother \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the mother \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the mother \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the partner \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the partner \_\_\_\_\_ weeks (start date) \_\_\_\_\_

Amount to be taken by the partner \_\_\_\_\_ weeks (start date) \_\_\_\_\_

I declare that:

I satisfy, or will satisfy, the conditions set out above ; that I am \* the father of the child/  
married to/ the civil partner/ the partner of, the mother; I consent to the amount of leave  
that the mother intends to take; and give my consents to the mother's employer  
processing the information in the partner's declaration.

Signed:

Dated:

\* delete as appropriate

I consent for information provided for this declaration to be provided and discussed with  
the Mother's employers.

Signed:

Dated:

**Mother's Details to be completed by the non TBC Employee**

Mother's Name:

Current Address:

National Insurance Number:

Current Employer:

Employers Address:

Employers Contact Details:

I confirm:

I am entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of this child;

I will comply with the relevant maternity leave curtailment notice (8 weeks);

I have been employed or self employed in at least 26 of the 66 weeks preceding the expected week of childbirth;

I have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks; and

That at the date of the child's birth I will have the main responsibility, apart from the partner for the care of the child;

I have taken or intend to claim statutory maternity pay/maternity allowance from

\_\_\_\_\_ to \_\_\_\_\_;

I declare that:

I satisfy, or will satisfy, the above eligibility requirements to take shared parental leave; the information I give in the notice of entitlement and intention is accurate; and I will also inform my partner should any of my intended dates change or if I no longer qualify.

Signed:

Dated:

I consent to my details be used by Tamworth Borough Council for the purposes of processing my partners shared parental leave.

I consent to information provided for this declaration to be provided and discussed with my employer upon request.



I have curtailed/intend to curtail my Maternity leave to \_\_\_\_\_ weeks, with \_\_\_\_\_ weeks remaining for my partner to use.

Signed:

Dated:

The Council will require a copy of the MATB1 certificate and following the birth, the child's birth certificate within 40 days of the delivery.

**Tamworth Borough Council**

**Appendix 3**

**Shared Paternity Leave Variation/Cancellation Notice**

Employee Name :

Current Address:

National Insurance Number:

Payroll No:

I intend/no longer intend\* to take shared parental leave \*from \_\_\_\_\_ to \_\_\_\_\_,

This overrides my previous notification of intention of \_\_\_\_\_ to \_\_\_\_\_

- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

I attach details of the statutory shared parental pay we have been notified which will now not be relevant for the new variation

We declare that we are eligible and agree to this variation:

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

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

This must be provided at least 8 weeks before the variation takes effect.

\*Delete as appropriate



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Shared Parental Leave Policy	
Date Conducted	11 May 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To ensure all TBC employees are treated fairly regardless of their protected characteristics in their entitlement to shared parental leave.

Who will be affected and how?

All employees who wish to apply for shared parental leave. This policy provides guidance on the process and entitlements for shared [parental leave and pay.

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

All employees

## Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief

Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of an employee being a carer
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living &amp; subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Covalent			

Date of Review (If applicable) .....



## Standby, Callout and Shift Allowance Policy

Document Status: Final

Document Ref: HRPOL - 013

Originator: HR

Updated: Jackie Noble

Owner: Anica Goodwin

Version: 01.01.01

Date: October 2022

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is name and title.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Council's Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
7/03/07	P & C Steering Group	Draft v2
13/03/07	P & C Steering Group	Draft v3
15/05/07	Anica Goodwin	Draft v4
16/05/07	P & C Steering Group	Draft v5
9th November 2007	Anica Goodwin	Final
1 Nov 2011	Maureen Williams	BV1 Revision
19 November 2019	Anica Goodwin	Draft v1
August 2022	Jackie Noble	Rates changed, 1 shift allowance rate. Captures agreements reached with the Trade Union

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved
TULG		September 2022

### Approvals Minor Change and Scheduled Review

Name	Title	Approved

## Approval Path

### Major Change

Originator	<b>Action</b>
Owner	HR
TULG	Head of Paid Service
CMT	Consultative Group
Appts & Staffing Committee	Corporate Approval
	Council Approval

### Minor Change

HR	Submission
TULG	Consultative Group
Director	Delegated Approval

## Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

## Distribution

The document is a NON MANDATORY policy and will also be available on the Intranet and paper based copies.

## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.



## Standby, Call Out and Shift Allowance Payments

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## **1 Introduction**

Tamworth Borough Council (TBC) provides a wealth of services to the residents of Tamworth. Given the nature of some of these services, it recognises that on occasions, it will need to provide services outside of normal working hours. In some instances, this may be to comply with legal and statutory responsibilities. To achieve this, it is essential that structured standby and call out arrangements are in place.

In addition to this, some roles require unsocial hours to be worked on a regular basis and an unsocial hours uplift percentage will be paid to roles meeting this criteria.

TBC will comply with Health & Safety issues relating to this policy with particular emphasis on the safety of employees, including adhering to the Working Time Directive with the necessity for sufficient breaks in addition to providing the appropriate tools and training to undertake the role.

## **2 Scope**

This policy will apply to all employees employed on NJC terms and conditions and will not apply those employees on JNC Chief Officer and JNC Chief Executive terms and conditions of employment.

Weekends are classed as from 8.00 pm on Friday until 8.00 am on Monday. Evenings are classed as from 8.00 pm – 8.00 am.

## **3 Working Time Directive (WTD)**

The key elements of the Working Time Regulations are:

- An average of no more than 48 hours per week over a 17-week reference period.
- An uninterrupted break of not less than 20 minutes for shifts that are longer than 6 hours.
- 11 consecutive hours rest in any 24 hours period. For example, if an employee ends their working day at 10.00 pm then their next day's shift should not commence until after 9.00 am.
- 1 day off in 7 or 2 consecutive days off in 14. For example, if an employee works from Monday to Sunday in one week, then they must have 2 consecutive days off before the next Sunday.

## **4 Management Responsibilities**

Each Executive Director (ED) or Assistant Director (AD) will determine the need for standby or call out arrangements in place for their area of responsibility and ensure it is communicated to the necessary bodies.

Applicants being recruited into a position where standby, callout of unsocial hours working is required must be made aware of this at the recruitment stage. This will be included in the job offer and the job role profile.

The line manager will ensure appropriate working instructions and equipment is available including contact numbers for relevant bodies, lone working arrangements. Training will be provided to

employees on standby to resolve issues at the earliest opportunity and minimise the number of call outs.

An agreed rota will be implemented to ensure that the standby cover is adequate and this will be communicated with sufficient notice.

The line manager must ensure that suitable and sufficient risk assessments are in place and provide employees with any safety equipment needed including personal protective equipment.

The HR team will provide, upon request by CMT, reports on all call out and standby claims to ensure employees are not providing disproportionate cover and receiving inadequate rest.

## 5 Standby

An employee will be on 'standby' duty if they are on a rota to be in a state of readiness to perform work when called upon.

This will not apply to occasional calls upon an employee's time and there must be some regularity in the arrangement. An employee not on a formal standby rota i.e. who is not 'expected' to perform normal work outside of working hours but gets called upon occasionally, e.g. an alarm goes off or required to attend a one off emergency, will not be entitled to a standby payment. In these circumstances they will receive the applicable compensation for this work as overtime or flexi time.

Whilst on standby, the employee must not consume alcohol or take medication/drugs which could impact on their ability to respond to the call and make appropriate decisions.

Personal arrangements should not be made if they prevent the employee from being available during the duration of their standby cover.

If an employee becomes ill, or has a personal emergency, they should contact their line manager to ensure replacement cover can be put in place.

Employees should resolve any issue by phone or email whenever possible. However, if they are required to attend a location this should be done as soon as possible and within a 2-hour period.

If an employee cannot resolve the issue personally then they may call a person on the call out rota; this should only be done as a last resort.

Payment is as follows and future uplift of the payment will be in line with the annual pay award agreement.

- Monday – Friday - £20
- Saturday, Sunday and Bank Holidays - £30

This payment is for a 24-hour period and any part working on these days will be paid a pro rata payment. For example, an employee holds the phone for 3 hours on a weekday evening, the payment is  $\frac{3}{24} \times £20 = £2.50$

This standby period may also involve going out to attend to a situation as it will be dependent upon the nature of the job and the types of calls received. The employee is contractually required to be available over this period of time to attend incidents if the situation requires it.

An additional hourly payment will be made if the employee attends a situation. Hours will be calculated from leaving home to returning home, payment is at double time, with a minimum payment of two hours. Mileage will be paid for the return journey from home to the call out location.

Payments for standby will be paid on completion and receipt of the relevant form, available on the Infozone.

## 6 Call Out

A call out payment is made where the employee attends work in an **emergency only**, i.e. where the job holder is called out by an appropriate authority in response to an urgent situation, and this is **unplanned** as part of the normal workload for the job. There is no expectation that employees will be available to deal with these issues, and the employee will have the ability to decline to attend if they wish.

Some employees in specific roles who have advised they can assist duties will have their details kept on a list and will be called if required. Call outs are likely to be infrequent and up to date contact details must be provided.

Employees, on appointment to relevant posts, will be asked if they will be available for call outs but this is not a contractual obligation.

Payment is £25 for each call out; and will be uplifted in line with the annual pay award. An additional hourly payment will be made if the employee attends a situation. Hours will be calculated from leaving home to returning home, payment is a double time, with a minimum payment of two hours. Mileage will be paid for the return journey from home to the call out location.

## 7 Shift Allowance

A premium payment of 10% of annual salary is paid to those employees who work a high percentage of their contracted working hours over weekends and/or evenings, but this is not a 24 hour shift pattern. Work is done on a rota basis as part of an employee's contracted hours or to work on events which are programmed but are not weekly. Unsocial hours work will form a significant part of the job, equating to more than 25% of the total contractual hours. Roles which may attract this payment include Street Scene, Arts and Events, Tamworth Castle.

Payments for shift allowance will automatically be added to the basic monthly salary payment and therefore no separate claim will be necessary.

There are a few jobs which require employees to work outside of what would be considered "normal office hours" but the actual hours worked will not meet the 25% of all hours worked threshold. In this scenario, no shift allowance will be paid.

Call Out	Standby	Shift Allowance
<p><b>Definition</b> Normally in an emergency only, i.e. where job holder is called out in response to an urgent situation, and this is unplanned as part of the normal workload for the job. There is no expectation that employees will be available to deal with these issues, and the employee will have the ability to decline to attend if they wish.</p>	<p><b>Definition</b> It is planned that the job holder is required to be on “standby” and has a phone to take calls and determine what action needs to be taken. This may or may not involve going out, but the employee is required to be available over this period of time, to attend incidents covered by the service if the situation requires it.</p>	<p><b>Definition</b> Additional payment for employees who work weekends and / or evenings (but not 24 hours) on a shift pattern, Unsocial hours must exceed 25% of contracted hours.</p>
<p><b>Standard Payment</b> A flat rate for each call out occasion of £25</p>	<p><b>Standard Payment</b> £20 for Monday to Friday and £30 for Saturday, Sundays and Bank Holidays.</p>	<p><b>Standard Payment</b> An additional payment of 10% for those who work weekends and / or evenings. Any payment to be calculated pro rata for part time staff, and only paid to those who participate in rosters (an evening commences at 8pm).</p>
<p><b>Hourly Payment</b> In addition, a payment of the job holders hourly rate enhanced for the number of hours they are called out, from home to home (so including travelling time). Enhancements will be at double time, with a minimum of 2 hours payment. Mileage allowance is also paid from home to the call-out location and back.</p>	<p><b>Hourly Payment</b> Additional payment if actually attending a situation, with a minimum 2 hours payment at double time (equivalent to the payment for call out whilst not on standby Mileage allowance is also paid from home to the call-out location and back.</p>	
<p><b>Times / hours applicable</b> A payment will be made at any time when the officer has left work to finish their own shift, regardless of the time of day.</p>	<p><b>Times / hours applicable</b> Normally rostered over a week, to suit service provision, the payment will be the same regardless of the time / day the call out occurs.</p>	

# Community Impact Assessment

## Part 1 – Details

What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Standby, Callout and Shift Allowance Payment
Date Conducted	October 2022
Name of Lead Officer and Service Area	Jackie Noble HR
Commissioning Team (if applicable)	N/A
Director Responsible for project/service area	Anica Goodwin
Who are the main stakeholders	Employees
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	

What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Classified: SEC1 Routine

## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

.Provides detail and definitions of stand by, call out and shift allowances

Who will be affected and how?

All employees

Are there any other functions, policies or services linked to this impact assessment?

Yes

No

If you answered 'Yes', please indicate what they are?

## Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

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Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair and assists an employee who is a carer

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responsibilities			
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or <b>Alcohol</b> problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk

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**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable) .....

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