



The Arc  
High Street  
Clowne  
Derbyshire  
S43 4JY

Date: 7 July 2015

Dear Sir or Madam,

You are summoned to attend a meeting of the Bolsover District Council on **Wednesday 15 July 2015 at 10.00am in the Chamber Suites, The Arc High Street, Clowne.**

**Notes for Members:**

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on pages 2 to 4.

Yours faithfully,

Assistant Director – Governance & Monitoring Officer  
To: Chairman & Members of the Council

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The Government Standard

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Chief Executive Officer: Wes Lumley, B.Sc., F.C.C.A.

# COUNCIL

## AGENDA

WEDNESDAY 15 JULY 2015 AT 1000

Item No.		Page No.(s)
	<b>PART 1 – OPEN ITEMS</b>	
1.	<b>Apologies for Absence</b>	
2.	<b>Urgent Items of Business</b>  To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B)4(b) of the Local Government Act 1972	
3.	<b>Declarations of Interest</b>  Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:-  a) any business on the agenda b) any additional urgent items to be considered c) any matters arising out of the business of those items  and withdraw from the meeting at the relevant time, if appropriate.	
4.	<b>Questions</b>  (a) Questions submitted by the Public pursuant to Rule 4.1.10 of the Council Procedure Rules.	None
	(b) Questions submitted by Members pursuant to Rule 4.1.10 of the Council Procedure Rules.	None

5.	<p><b>Reports on special urgency decisions</b></p> <p>In any event the Leader will submit reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.</p>	None
6.	<p><b>Minutes of Last Meeting</b></p> <p>To approve and the Chairman to sign the minutes of the Council Meeting on 17 June 2015.</p>	See Minute Book
7.	<p><b>Minute Book</b></p> <p>Members may put questions for clarification in respect of the minutes contained within the latest Minute Book dated 15 July 2015.</p>	To Follow
8.	<p><b>Recommended Items</b></p> <p><u>UECC, 8 June 2015</u></p> <p>(a) Draft Policies on Disciplinary, Sickness and Social Networking <b>Recommendations on page 6</b></p> <p>(b) Maternity and related Policies <b>Recommendations on page 52</b></p>	<p>5-50</p> <p>51-108</p>
9.	<p>Child Sexual Exploitation <b>Presentation from Adele Gladman</b></p>	
10.	<p>BDC House Building Programme <b>Presentation from Woodheads Ltd</b> <b>Recommendation on page 110</b></p>	109-110
11.	<p>Annual Report 2015 <b>Recommendation on page 112</b></p>	111-135

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|-----|--|---------|
| 12. | Corporate Plan 2015-19<br><b><i>Recommendation on page 138</i></b>   | 136-143 |
| 13. | New Bolsover<br><b><i>Recommendations on page 147</i></b>  | 144-148 |
| 14. | Recruitment of Chief Executive Officer Update<br><b><i>Recommendation on page 150</i></b>  | 149-151 |
| 15. | To consider an increase of the tariff fees chargeable by the Hackney Carriage trade following advertisement of a proposed increase<br><b><i>Recommendation on page 154</i></b> | 152-154 |
| 16. | <b>Chairman's Communications</b><br><br>To receive such communications as the Chairman may desire to lay before the Council.   |         |

## **BOLSOVER DISTRICT COUNCIL**

Minutes of a meeting of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday, 17 June 2015 at 1000 hours.

### **PRESENT:-**

Councillor K Walker.....Chair  
Councillor R Turner.....Vice Chair

### **Members:-**

Councillor T Alexander, A Anderson, P Barnes, R J Bowler, D Bullock, G Buxton, J A Clifton, T J Connerton, C P Cooper, M D Crane, M Dixey, S W Fritchley, H Gilmour, R A Heffer, A Joesbury, D McGregor, C Moesby, T Munro, B R Murray-Carr, S Peake, K Reid, J Ritchie, J Smith, P Smith, S Statter, E Stevenson, A M Syrett, B Watson, D Watson and J Wilson

### **Officers:-**

W Lumley (Chief Executive Officer), B Mason (Executive Director - Operations), P Hackett (Executive Director - Transformation), S Sternberg (Assistant Director - Governance and Monitoring Officer), L Hickin (Assistant Director – Leisure), S Chambers (Communications Officer), T Brown (Chief Executive and Partnerships Manager), L Khella (Partnership Programme Management Consultant), J Clayton (Partnership Performance and Sustainability Officer) and M Kane (Governance Manager).

### **0115. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors T Bennett, P Bowmer, E Hall and M Dooley.

### **0116. URGENT ITEMS OF BUSINESS**

There were no items of urgent business to be considered at this meeting.

### **0117. DECLARATIONS OF INTEREST**

There were no interests declared at this meeting.

### **0118. QUESTIONS**

There were no questions submitted on notice to this meeting.

### **0119. REPORTS ON SPECIAL URGENCY DECISIONS**

There were no reports on special urgency decisions to be considered at this meeting.

## **BOLSOVER DISTRICT COUNCIL**

### **0120. MINUTES OF PREVIOUS MEETING**

Moved by Councillor K Walker and seconded by Councillor R Turner.

**RESOLVED** that the minutes of the meeting of Annual Council held on 21 May 2015 be approved as a correct record and signed by the Chairman.

(Governance Manager)

### **0121. MINUTE BOOK**

Moved by Councillor D McGregor and seconded by Councillor K Walker.

**RESOLVED** that the minutes as printed in the Minute Book dated 17 June 2015 be noted.

(Governance Manager)

### **0122. RECOMMENDED ITEMS FROM OTHER STANDING COMMITTEES**

There were no items recommended to this meeting of Council.

### **0123. PETITION – SWIMMING BATHS IN SHIREBROOK**

Council considered a petition received under the Council's Petition Scheme calling for an extension to Kissingate Leisure Centre.

The petition, which had been led by Mrs N Simons, had received 802 signatories. The petition requested an extension to the Kissingate Leisure Centre to include a swimming baths.

Mrs Simons exercised her right to attend the meeting and present her petition before it was debated by Councillors.

In response to Mrs Simons petition, the Leader of the Council outlined some of the issues with extending Kissingate Leisure Centre.

These included:-

- The fact that to be economically viable the swimming pool must be linked to a leisure centre.
- The fact that the District Council no longer owned land at Kissingate.
- During a recent consultation on an enhanced leisure facility, many people from Shirebrook backed an extended facility at Clowne.

Taking account of all of these issues, the Leader proposed that the petition be noted, but wished to arrange a meeting with Mrs Simons and the Chair of Shirebrook Town Council, Councillor S Fritchley, to look into the other issues raised in the accompanying letter to the petition. Council recognised that more investment was needed in Shirebrook.

Moved by Councillor A Syrett and seconded by Councillor C Moesby.

## **BOLSOVER DISTRICT COUNCIL**

**RESOLVED** that:-

- (1) The petition relating to an extended swimming baths at Shirebrook be noted.
- (2) A meeting be arranged involving the Leader of the Council and Councillor Fritchley with Mrs N Simons to look into the other issues raised within her letter which accompanied the petition.

### **0124. THE IMPORTANCE OF WORKING IN PARTNERSHIP**

Council received a presentation from Wes Lumley, Chief Executive Officer and Pam Brown, Chief Executive and Partnerships Manager, on the Council's partnership working.

The presentation began with some background to Bolsover's partnership work, and in particular the Sustainable Community Strategy for 2006-2020, which included a shared vision with many agencies and communities and was used as a key driver for the Council's Corporate Plan and the work of the Partnerships Team.

In the new partnership world, a myriad of different groups and partnerships existed including local enterprise partnerships, combined authorities, city regions, health and well being boards, clinical commissioning groups, Police and Crime Commissioners and housing market areas.

Key partnership issues for Bolsover to tackle included worklessness, health, disability and financial inclusion. Notwithstanding these challenges, Bolsover had a long track record of working in partnership and an extremely successful local strategic partnership. The Council's position within the indices of multiple deprivation had significantly improved and was likely to improve further over the coming years.

Council was then given details of the delivery vehicles for the Council's partnership work which included a dedicated partnership team dealing with commissioning, procurement, jointly agreed priorities and performance management and monitoring. It was the Council's partnership team that had led the Bolsover Partnership as recognised nationally, sub-regionally and at county level, and sought to share best practice around governance and process. In particular, the partnership had a strong independent chair, well established partner relations, jointly agreed priorities and strong monitoring. There was swift intervention when projects or services were underperforming. What is more, it was well positioned to embrace the Council's new growth agenda.

Details of data mapping which set out sets of data at ward and lower super output area identified the socio economic challenges and opportunities for the District.

Members wished to place on record their thanks to the Chief Executive and Chief Executive and Partnership's Team Manager. It was felt that moving forward members should be more involved in direct input into partnership areas.

**RESOLVED** that the presentation on the importance of working in partnership be noted.

## **BOLSOVER DISTRICT COUNCIL**

### **0125. APPOINTMENTS TO COMMITTEES, ADVISORY GROUPS AND OUTSIDE BODIES**

**RESOLVED** that:-

- (1) Council confirms the appointment of the Portfolio Holder for Economic Growth to the New Bolsover Joint Committee.
- (2) Council confirms the appointment of the Portfolio Holder for Community Cohesion to the Derbyshire Police and Crime Panel.

### **0126. CHAIRMAN'S COMMUNICATIONS**

There were no communications from the Chair.

The meeting concluded at 1045 hours.

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BDC Council Mins (0617) 2015/AJD



**Bolsover District Council**

**Council**

**15 July 2015**

**Draft Policies on Disciplinary, Sickness and Social Networking**

**Report of the Assistant Director – Human Resources and Payroll**

This report is public

**Purpose of the Report**

- To ask Council to approve the draft revised Disciplinary Policy
- To ask Council to approve the draft revised Sickness Policy
- To ask Council to approve the draft Policy on Social Networking

**1 Report Details**

- 1.1 The policies on Disciplinary and Sickness have been reviewed and updated and are attached at Appendix 1 and Appendix 2.
- 2.1 A new policy has been introduced on Social Networking. With increasing use of social media, and a growing number of issues and case law in this area, all organisations are advised to develop a policy outlining the rules relating to social media use, to protect both the employee and the organisation. The draft is attached at Appendix 3.

**2 Conclusions and Reasons for Recommendation**

- 2.1 Council is asked to approve the attached draft policies for adoption at BDC.

**3 Consultation and Equality Impact**

- 3.1 Lengthy discussions have taken place with Trade Unions and the attached documents have been recommended by UECC for approval at the Council.

**4 Alternative Options and Reasons for Rejection**

- 4.1 None.

## 5 Implications

### 5.1 Finance and Risk Implications

None arising directly from this report.

### 5.2 Legal Implications including Data Protection

None arising directly from this report.

### 5.3 Human Resources Implications

None arising directly from this report.

## 6 Recommendations

6.1 That Council approve the draft revised Disciplinary Policy

6.2 That Council approve the draft revised Sickness Policy

6.3 That Council approve the draft Policy on Social Networking.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes/No
<b>District Wards Affected</b>	
<b>Links to Corporate Plan priorities or Policy Framework</b>	

## 8 Document Information

<b>Appendix No</b>	<b>Title</b>
1	Disciplinary Policy
2	Sickness Policy
3	Policy on Social Networking
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	

<b>Report Author</b>	<b>Contact Number</b>
Tania Morrell	217006

Report Reference –

**Bolsover District Council**

# **Disciplinary Policy**

**(July 2015)**



### CONTROL SHEET FOR DISCIPLINARY POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Disciplinary
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	T Morrell - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / UECC / Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

## **DISCIPLINARY POLICY**

This Disciplinary Policy sets the expected standards of conduct and performance at work, and the procedure helps to ensure that the standards are adhered to and also provide a fair and consistent method of dealing with alleged failures to observe them.

This policy and the disciplinary rules which accompany it apply to all the Council's employees except the following:

Those employees who are covered by JNC Negotiating Committee for Chief Executives and the JNC Negotiating Committee for Chief Officers of Local Authorities.

NB (1) The Chief Executive, Executive Directors and Assistant Directors as mentioned throughout this Policy document are all joint posts, but for drafting purposes the word 'Joint' has been omitted from the titles.

NB (2) No disciplinary action will be taken against a recognised Shop Steward, trade union representative or Branch Executive Officer until the circumstances of the case have been discussed with the Regional Organiser of the union concerned.

### **1. INTRODUCTION**

The philosophy of the Authority is to invest in its employees a high degree of trust. Any employee who betrays that trust should expect to be dealt with firmly but fairly. However, the disciplinary procedures should not be viewed primarily as a means of imposing sanctions. It should be borne in mind that the prime aim of the disciplinary process is to improve conduct and/or performance where it has been established that the required standards are not being met. It will, however, be the responsibility of Directors, Assistant Directors and Service Managers to make full use of measures available after having fully considered each case on its individual merits and having consulted with the Assistant Director - Human Resources and Payroll on cases of serious or gross misconduct.

Decisions under this Policy will:

- Be transparent and fully explained, in writing where appropriate;
- Take account of each employee's circumstances;
- Be consistently applied whilst allowing each case to be judged on its individual merits;
- Satisfy the principles of natural justice;
- At all times be fair and proportionate, and seek the most appropriate outcome;
- Ensure that the dismissal of an employee is only considered where all alternatives have been given proper consideration and identified as not appropriate.

## **2. RIGHT TO BE ACCOMPANIED**

- 2.1 The employee should be offered the facility of being accompanied at every stage of the disciplinary process, including the investigatory interview, but this is not always possible at the point of suspension. NB the chosen companion will usually be a Trade Union representative or colleague and cannot be any person who is in any way involved in the investigation. Consideration will be given to a request for alternative representation in some circumstances.
- 2.2 During the formal disciplinary process, the chosen companion cannot answer questions on the employee's behalf but will be allowed to participate as fully as possible in the hearing. In particular the companion has a right to address the hearing and will be permitted to ask questions. The companion should also be permitted reasonable time to confer privately with the employee.
- 2.3 Where a chosen companion is not available on the date proposed for the hearing, the parties can agree an alternative time and date so long as it is reasonable and ideally falls within ten working days of the original proposed hearing.

## **3. OUTSIDE OF THE FORMAL DISCIPLINARY PROCEDURE**

- 3.1 Where an employee is not working to the required standard, the reason should be identified by the Manager/Supervisor and an assessment made of how the situation can be improved.
- 3.2 Timely and positive discussion with an employee to highlight problems and encourage/help the employee to improve might be appropriate in certain circumstances and could avoid formal disciplinary action at a later stage. This could include offering informal advice or coaching, or arranging counselling. Managers/Supervisors may, from time to time, take informal action in order to advise an employee of matters of concern.
- 3.3 The employee should be told of the level of improvement required, the time-scale over which such an improvement is required, and how progress will be monitored. This should be noted and confirmed in writing.
- 3.4 NB: It is important that all parties involved understand that such action is being taken outside of the formal disciplinary procedure, but that disciplinary action may follow if the required improvement is not made.

## **4. SUSPENSION**

- 4.1 In certain circumstances, for example in cases involving gross misconduct where relationships have broken down, or where it is considered there are risks to the Council's property or risks or responsibilities to other parties, consideration needs to be given to a brief period of suspension with pay whilst

an unhindered investigation is conducted. Such a suspension should only be imposed after careful consideration and in consultation with the Assistant Director - Human Resources and Payroll, and it should be made clear that the suspension is not considered as disciplinary action.

- 4.2 To ensure that the suspension is not unnecessarily protracted, a regular review should take place by the Assistant Director – Human Resources. It is understood that this can be a stressful period for the employee, and that the uncertainty surrounding an open-ended suspension can potentially exacerbate the position. For this reason the suspended employee should be contacted at appropriate intervals as part of the review process.
- 4.3 The Employer (see list of delegations at Appendix 2) has the authority to suspend an employee where this is considered appropriate. At this stage it may only be possible to give a brief outline of allegations made, pending investigation, and the employee will be given the opportunity to make initial comments. Because of the circumstances giving rise to suspension, the meeting is likely to be called at short notice and there may not always be time to arrange for representation. It should be noted, however, that as suspension is a neutral act to facilitate the disciplinary process there is no automatic right in law to representation.
- Suspension should be for as short a time as possible, and should not normally take place before the employee has had an opportunity to explain matters (see above).
- However, in exceptional circumstances, if the employee is not available to attend a brief suspension meeting, it may be appropriate to notify them of the suspension in writing. They should be given the same brief outline of the allegations as they would have received at a meeting, and they should be invited to submit an initial response or comments.
- 4.4 In all cases of suspension the employee will continue to receive full pay (NB see 4.5 below).
- 4.5 If an employee falls sick during suspension then they will transfer to the sickness payment scheme whilst they are submitting fit notes. However the conditions of the suspension will still apply, and the suspension will resume if this is considered appropriate when the employee is declared well again.
- 4.6 Access to the workplace will not be allowed during suspension without the prior approval of the Employer (see list of delegations at Appendix 2). If the employee or their representative wishes to contact other employees or gain access to documents for the purpose of preparing the employee's case, provision may be made for this by the Investigating Officer on request.

## **5. APPOINTMENT OF INVESTIGATING OFFICER**

- 5.1 The investigating officer will either be the employee's manager or another investigating officer from the list at Appendix 2 of individuals who are suitably



trained and delegated to take disciplinary action, dependent upon the circumstances, eg the nature of the offence. This decision will be made in consultation with the Assistant Director – Human Resources and Payroll.

## **6. INVESTIGATION**

- 6.1 Where an employee is alleged to have committed an act of misconduct, the nominated Investigating Officer will carry out an investigation. This should happen promptly before recollections fade, and may include the employee being asked to attend an investigatory interview as well as obtaining statements from available witnesses. If the employee is invited to attend an investigatory interview, the Investigating Officer will explain the reasons for the interview.
- 6.2 The employee has a right to refuse to attend the investigatory interview but in such cases management will decide on whether to call a disciplinary hearing on the information available, without any input from the employee.
- 6.3 It should be made clear that this is not a formal disciplinary hearing but a preliminary investigation as part of a neutral process to establish the facts surrounding an act of suspected or alleged misconduct, and to decide whether or not there is a case to answer.
- 6.4 In certain circumstances it may be felt necessary for a representative from HR (and/or legal if appropriate) to be present at that interview.
- 6.5 The employee should be offered the facility of being accompanied by a Trade Union or other representative/colleague. However, as the investigatory interview is designed to ascertain whether or not there is a case to answer and to allow the employee to provide an explanation of the circumstances, the role of the companion at this stage will be in an advisory and supportive capacity only.
- 6.6 Management side will be making written notes of the investigatory interview to facilitate the process, and the employee's side is free to do the same. However the notes are not formal and will not normally be shared with the employee's side except to the extent that they will form part of a statement of case / witness statement as appropriate, and they will be destroyed as soon as that statement of case / witness statement has been produced. Where it is subsequently found that there is no disciplinary case to answer, any written records of the investigation will also be destroyed.
- 6.7 Where financial irregularities are involved, Internal Audit will be notified immediately.
- 6.8 As a result of the investigation, the Investigating Officer should make a recommendation on the following options:

- no further action
- arrange informal coaching
- arrange counselling
- issue a management recommendation
- arrange for the matter to be dealt with under the capability procedure
- arrange for the matter to be dealt with under the disciplinary procedure
- a combination of the above

6.9 It should be noted that investigations undertaken as part of this Disciplinary Policy fall outside the scope of the Regulation of Investigatory Powers Act 2000. On occasion lawful business monitoring may be required, but in such circumstances RIPA standards will be adhered to.

## **7. WHISTLEBLOWING POLICY**

The Council has a separate Whistleblowing Policy and employees are asked to refer to this in appropriate circumstances. However, a summary of relevant provisions is given below:

- 7.1 This Council is committed to the highest standards of openness, probity and accountability. In line with that commitment employees who have serious concerns about the conduct of another employee are encouraged to come forward and voice those concerns as a witness. It is important that they should be able to do so without fear of victimisation, subsequent discrimination or disadvantage.
- 7.2 Under the terms of the Whistleblowing Policy, in certain circumstances a witness may be given the right to remain anonymous throughout the disciplinary process.
- 7.3 If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the employee making the allegation. If however, an allegation is made that is frivolous, malicious or for personal gain, action may be taken against the employee in accordance with the Council's Disciplinary Procedure.

## **8 FORMAL DISCIPLINARY ACTION**

- 8.1 If on the completion of the investigation, the Investigating Officer conducting it considers that, on the balance of probabilities, there is a case to answer, the Investigating Officer will make a recommendation to the Assistant Director - Human Resources and Payroll and to the initiating officer that a disciplinary hearing should be held (see 6.8 above).

- 8.2 There may follow a short time delay whilst the Investigating Officer conducts a more detailed investigation in order to put together the Statement of Case.
- 8.3 It is the employee's responsibility to notify the Council of their chosen representative if they require copies of correspondence to be sent to them.
- 8.4 During the course of the investigation, additional matters may come to light which may not have been amongst the initial allegations but which nonetheless have to be dealt with. Therefore it should be noted that the allegations which form the basis of the hearing may differ to varying degrees from those listed in the initial correspondence, dependent upon evidence uncovered during the investigation process. However if a completely new issue arises, whilst the issues will be dealt with as part of the same disciplinary process, the employee will be notified of the new allegation and an investigation will be carried out on this also.

## **9 THE HEARING**

- 9.1 The disciplinary case will normally be heard by an Executive Director, an Assistant Director or relevant Service Manager, or their nominated representative (see table of delegations at Appendix 2). The Hearing Officer will be supported by a representative from Human Resources and a legal adviser may also be present. The hearing will normally be recorded to ensure that an accurate record is available. (If the recording equipment is not available then detailed notes will be taken). The notes will be circulated to the employee's side for signature.
- 9.2 The hearing will take place as soon as is practicable after the preparation of the necessary paperwork. Every attempt will be made to ensure that the hearing is scheduled no later than 15 working days after the conclusion of the investigation in order to minimise stress to the employee, although this may not always prove possible, for example in cases of annual leave or sickness. At all stages of the disciplinary process, the terms of the Single Equality Act will be adhered to. Wherever possible, the employer's side will attempt to agree a mutually convenient date within the stated timescale in order to avoid any delay.
- 9.3 The employee will be given at least five working days advance written notice of the hearing, told the purpose of it, with the statement of case, and invited to attend together with their Trade Union or other representative.
- 9.4 If, for good cause, the employee or their representative is unable to attend the hearing, it will be adjourned to a date which the employee and their representative (if any) will be informed of without delay. If the employee is unable to attend the rearranged hearing, it will normally proceed in their absence, but with their representative being provided with an opportunity to

present the employee's case on their behalf. Any submission by the employee in writing, or by their representative, will be considered.

- 9.5 The Hearing Officer will use the opportunity of the Disciplinary Hearing to establish facts and to consider the response put by the employee. The main points of the investigation should be examined and a decision made as follows:
- Allegations have not been proved, therefore the case is dismissed; OR
  - Case proved on the balance of probabilities.

- 9.6 If the latter decision is made, the Hearing Officer would consider mitigation and decide upon a penalty as follows:

#### **9.6.1 No sanction**

It might be that, having considered all of the evidence and mitigation, the hearing officer considers it appropriate that no sanction be applied at this time.

#### **9.6.2 First warning**

##### **One of the following:**

**Oral** For a minor infringement, an employee will be given a formal oral warning. This may include advice as to future conduct. The employee should be advised in writing of the reason for the warning, that it constitutes the first step of the disciplinary procedure, and of their right of appeal. A note of the oral warning will be kept for six months from the date of the letter confirming/giving the warning, and then expunged from the employee's personal file. **OR**

**Written** If the infringement is regarded as more serious an employee will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the time-scale allowed for this and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A note of the written warning will be kept for 12 months from the date of the letter confirming/giving the warning and then expunged from the employees personal file.

#### **9.6.3 Final Written Warning**

Where there is a failure to improve or change behaviour whilst a prior warning is still current, or where the infringement is sufficiently serious, the employee will normally be given a final written warning. This will give details of the complaint(s), warn the employee that failure to improve or modify behaviour will lead to further action under this procedure and could result in dismissal, and refer to the right of appeal. A note of the written warning will be kept for 12 months from the date of the letter confirming/giving the warning and then expunged from the employee's personal file.

#### **9.6.4 Action short of Dismissal**

If the employee has received a final written warning, further misconduct or unsatisfactory performance may warrant dismissal. However, in some circumstances it might be that, having considered all of the evidence and mitigation, the hearing officer considers that dismissal would be too severe a penalty. In such cases, consideration might be given to action short of dismissal, for example demotion or disciplinary transfer (ie transfer to a different position within the Council). In such circumstances there would be no salary protection or, in the case of a change of base, no excess travel allowances. Such action would only be taken following consultation with the Assistant Director – Human Resources to ensure consistency of approach.

#### **9.6.5 Dismissal**

If the employee's conduct or performance still fails to improve, the employee will be liable to dismissal. The decision to dismiss will only be taken by one of the Officers with delegated authority to do so (see Appendix 2) and the employee should be informed as soon as reasonably practicable of the reasons for dismissal, the date on which the contract will terminate, the appropriate period of notice (or pay in lieu of notice) and information on the right of appeal including how to make the appeal and to whom. The decision to dismiss will be confirmed in writing. Employees will be given written reasons for dismissal.

#### **9.6.6 Gross Misconduct**

In cases where gross misconduct is alleged and is established on the balance of probabilities, the employee will be liable to summary dismissal unless mitigating circumstances render a lesser penalty appropriate.

### **9.7 Mitigation**

9.7.1 NB When deciding whether a disciplinary penalty is appropriate and what form it should take, it is important to bear in mind the following:

- the need to act reasonably in all the circumstances.
- the extent to which standards have been breached;
- precedent;
- the employee's previous record and usual conduct, their position and length of service; and
- any special circumstances which might make it appropriate to adjust the severity of the penalty.

9.7.2 Where two or more employees are involved, the penalty for each must be considered separately.

9.8 NB In normal circumstances, recordings, notes of disciplinary meetings and warnings will be expunged from the employee's personal file after a set period, as outlined above. However there may be occasions when it would be

appropriate to extend this period, for example if there has been a significant period of absence.

## **10 APPEALS**

- 10.1 The opportunity to appeal against a disciplinary decision is essential to natural justice. Employees may choose to raise appeals on a number of grounds, which could include the perceived unfairness of the judgement, the severity of the penalty, new evidence coming to light or procedural irregularities. These grounds need to be considered when deciding the extent of any new investigation or re-hearing in order to remedy previous defects in the disciplinary process.
- 10.2 In all cases of formal disciplinary action an employee has a right of appeal.
- 10.3 Employees wishing to exercise the right of appeal must do so in writing to the Hearing Officer, with a copy to the Assistant Director – HR and Payroll, either individually or through their Trade Union within 10 working days of the date of the written notification, giving full details of the grounds of the appeal.
- 10.4 Appeals will be heard in accordance with the principles contained within the Council's Appeals Procedure. Wherever possible, the Appeal will be heard by individuals who have not been involved in the case previously.
- 10.5 Appellants will have the right to be accompanied by an appropriate Trade Union representative or other representative of their choice.

## **11 RECORDS**

- 11.1 Written records will be kept securely by HR and Payroll, detailing the breach of the disciplinary rules, the employee's defence or mitigation, the action taken and the reasons, the date the action was taken and details of whether an appeal was lodged and its outcome and any subsequent developments. These records will be kept confidential and retained in accordance with the disciplinary policy and the Data Protection Act 1998 which requires the release of certain data to individuals on their request. Copies of any formal meeting records will be available to the employee in accordance with the Data Protection Act 1998 although in certain circumstances some information may be withheld, for example to protect a witness.
- 11.2 Records of disciplinary decisions will be kept on file but will be expunged from the employee's personal file where required by this policy.
- 11.3 In order to monitor the corporate situation with regard to disciplinary matters, and to give advice as necessary, departments are required to inform the

Assistant Director - Human Resources and Payroll in writing whenever formal disciplinary action is taken.

## **12 GRIEVANCES**

- 12.1 In the course of a disciplinary case an employee might sometimes raise a related grievance.
- 12.2 Unless the grievance throws doubt on whether or not that process can be conducted fairly, the substance of the grievance will be discussed in the context of the disciplinary hearing.
- 12.3 However if there are any grievance issues outstanding after the disciplinary hearing, these will be dealt with under the Council's Grievance Procedure.
- 12.4 If the grievance is about the behaviour of the Investigating Officer handling the case, depending on the circumstances it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be considered. The Council may also consider, if appropriate, bringing in another Investigating Officer to deal with the disciplinary case.

## **13 CRIMINAL CHARGES OR CONVICTIONS**

- 13.1 These should not be treated as automatic reasons for dismissal. The main consideration should be whether the offence is one that makes the employee unsuitable for their type of work. In all cases a decision will need to be made as to whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure. For instance, an employee should not be dismissed solely because a charge against them is pending or because they are absent as a result of being remanded in custody.
- 13.2 Disciplinary procedures will not necessarily be postponed because other proceedings are contemplated or pending. The supervisor or manager will investigate the facts, as far as possible, and take action appropriate to the findings.

## **13 INVOLVEMENT OF POLICE**

- 13.1 Where there is a reasonable belief that a criminal offence may be involved,, it may be appropriate to include the police in the investigation. In these circumstances the Chief Executive will need to consult with the Assistant Director – HR and Payroll and the Monitoring Officer.
- 13.2 In accordance with financial regulations where theft, fraud and/or corruption are considered likely to have happened or be occurring the police may be involved following consultation with the Executive Director (Operations) and the

Assistant Director – HR and Payroll, who will make the decision following discussions with the Monitoring Officer.

## 14 DISCIPLINARY RULES

14.1 This list of disciplinary rules informs employees of the general standard of conduct expected from them. Conduct which undermines the satisfactory working of the establishment and is not in accordance with these principles will give rise to disciplinary action. The disciplinary procedure which accompanies this list of rules provides a fair method of dealing with alleged failures to meet them.

14.2 These rules apply to all the Council's employees.

14.3 The public is entitled to demand of a local government employee conduct of the highest standard, and public confidence in their integrity would be shaken were the least suspicion to arise that they could in any way be influenced by improper motives.

14.4 **All** employees of the Council are expected to meet this requirement. It is expected that every employee should:-

- Be honest and beyond the reach of suspicion of dishonesty; and
- Maintain at all times a high standard of integrity, conduct and professionalism; and
- Not put their private interests\* or those of relatives or friends before their duty to the Council; and
- Not use their position to further private interests\* or those of relatives and friends; and
- Perform faithfully the duties specified in their contract of employment;
- Treat others with respect and courtesy.

\* NB 'Private Interests' includes any interests or activities that are not directly related to an employee's contracted position. Please note this can include work connected with trade union duties or activities.



## Appendix 1

The basis upon which the Council operates is one of trust, high expectations and responsibility. Emphasis is placed upon positive outcomes and achievements.

Gross misconduct is misconduct of so serious a nature that an employer is justified in no longer tolerating the continued presence at the workplace of the employee who committed the offence. Dismissal can either be with notice or without notice (summary dismissal) and gross misconduct may also warrant dismissal for a first offence. The lists below show examples of the types of offences which constitute misconduct and gross misconduct. It should be noted that some offences appear in both lists, and this is because the seriousness of the breach might be minor or significant. The lists are **not** exhaustive and there may be other offences which result in disciplinary action being taken. Every offence will be carefully considered, and disciplinary action taken in accordance with the disciplinary procedure, depending on the seriousness of the case and in the light of all the circumstances.

### EXAMPLES OF GROSS MISCONDUCT

Employees should be aware of the type of conduct, often referred to as gross misconduct, which may warrant summary dismissal (ie dismissal without notice). Summary is not synonymous with instant and incidents of gross misconduct will still need to be investigated as part of the formal procedure. Acts which constitute gross misconduct include those resulting in a serious breach of contractual terms. Examples of acts which this Council considers to constitute gross misconduct are as follows:

- Theft, fraud or deliberate falsification of records
- Physical violence
- Deliberate damage to property
- Fraudulent misuse of Council's name or property
- Serious incapability brought on by alcohol or drug abuse
- Serious negligence which causes or might cause unacceptable loss, damage or injury
- Serious acts of insubordination
- Serious infringement or health and safety rules
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
- Unfair discrimination against an employee or member of the public on the grounds of colour, disability, sex, age, ethnic origin, religion, marital status, sexual orientation or political beliefs.
- Unfair discrimination against an employee undertaking/participating in Trade Union activities.
- Harassment
- Inappropriate use of ICT equipment and systems.
- Inappropriate use of work time
- Serious breach of one or more of the Council's Policies\*

- Conflict of Interests
- Inappropriate access and/or disclosure of personal or confidential information obtained through employment with the authority without authorisation.
- Abuse of Position: All employees have a position of trust and responsibility in respect of the effective and efficient operation of the organisation. No person may use an official position for a private advantage for themselves or another, and such activity may be regarded as gross misconduct.
- Failure to disclose personal circumstances that may affect employment with the Council

## **EXAMPLES OF MISCONDUCT**

(This list is not intended to be exhaustive but gives examples of the type of conduct which is considered to constitute misconduct. It should be noted that accumulation may result in dismissal).

- Unauthorised absence from duty
- Insubordination or failure to obey a reasonable instruction
- Disregard of safety practices, procedures and rules
- Misuse or unauthorised use of Council property or equipment, including private use of Council mobile telephones
- Being an accessory to a disciplinary offence by another employee
- Undertaking activities detrimental to recovery whilst on sick leave
- Failure to follow Council procedures
- Harassment
- Inappropriate use of ICT equipment and systems
- Smoking on Council property
- Inappropriate use of work time
- Breach of one or more of the Council's policies\*
- Conflict of interests
- Inappropriate access and/or disclosure of personal or confidential information obtained through employment with the authority without authorisation.
- Failure to disclose secondary employment
- Failure to disclose personal circumstances that may affect employment with the Council

**\* All employees will observe the provisions of the Council's Standing Orders, Financial Regulations, Employee Code of Conduct, ICT Information Security Policy and other policies / rules applicable to employees. Copies of all these documents are available on the intranet or from Human Resources. A serious breach of these rules is likely to result in a breakdown in trust and confidence and will be treated as gross misconduct.**

**Officers delegated to take Disciplinary Action or Suspend from Duty**

<b>Investigation &amp; Suspension</b>	<b>Warnings and Dismissals</b>
<p><b>Chief Executive</b>            Chief Executive Officer            Assistant Director Economic Growth            Assistant Director Planning &amp; Environmental Health            Assistant Director – Governance and Monitoring            Senior Principal Solicitor (BDC)            Chief Executive’s and Partnership Manager (BDC)            Economic Development and Investment Manager (BDC)            Development Control Manager (BDC)            Planning Policy Manager (BDC)            Heritage Conservation Manager (BDC)            Principal Solicitor (NE)            Planning Services Manager (NE)            Estates &amp; Valuation Manager (NE)            Partnership Co-ordinator (NE)            Housing Strategy Manager (BDC and NE)</p>	<p>Chief Executive Officer            Assistant Director Economic Growth            Assistant Director Planning &amp; Environmental Health            Assistant Director - Governance</p>
<p><b>Transformation</b>            Executive Director Transformation            Assistant Director Customer Service and Improvement            Assistant Director Human Resources and Payroll            Assistant Director Leisure            Customer Services Operational Manager (NEDDC)            Customer Contact Manager (BDC)            Senior Duty Officers (Leisure)            ICT Manager</p>	<p>Executive Director Transformation            Assistant Director Customer Service and Improvement            Assistant Director Human Resources and Payroll            Assistant Director Leisure</p>

Investigation & Suspension	Warnings and Dismissals
<p><b>Operations</b>  Executive Director Operations  Assistant Director Finance, Revenues &amp; Benefits  Assistant Director Streetscene  Billing &amp; Recovery Manager (BDC)  Benefits Manager (BDC)  Head of Housing (BDC)  Housing Needs Manager (BDC)  Housing Enforcement Manager (BDC)  Operational Repairs Manager (BDC)  Strategic Repairs Manager (BDC)  Waste &amp; Recycling Manager  Grounds Maintenance and Cleansing Manager  Chief Accountant  Revenues &amp; Benefits Manager  Fleet Transport Manager</p>	<p>Executive Director Operations  Assistant Director Finance and Revenues &amp; Benefits  Assistant Director Streetscene</p>

**Bolsover District Council**

# **Sickness Absence Management Policy**

**(July 2015)**



## CONTROL SHEET FOR SICKNESS ABSENCE MANAGEMENT POLICY

Policy Details	Comments / Confirmation  (To be updated as the document progresses)
Policy title	Sickness Absence Management
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	S Gordon - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	Covered within document
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / UECC (08/06/15) / Council (15/07/15)
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

## **SICKNESS ABSENCE MANAGEMENT POLICY**

### **SCOPE**

This policy outlines the steps to be followed if an employee is absent due to ill-health.

The Council's policy is designed to achieve an improvement in employee attendance by providing support and advice whenever necessary to help employees overcome ill health difficulties and attend for work.

All employees feel the impact of ill health and sickness absence. It can significantly affect how teams and services perform. This in turn affects the level and quality of service provided to our customers.

The Council is concerned for the health, safety and welfare of all its employees and seeks to ensure that absence is handled in a fair, positive and supportive way.

Each case will be considered on its merits taking into account the needs of the service and each employee's circumstances. Throughout all stages of the process, managers should seek advice from the HR and Payroll Service where appropriate. The HR and Payroll Service will provide ongoing support and guidance to managers in the management of sickness absence. This will ensure the policy is applied appropriately within each case and across the Council.

In return, the Council expects its employees to respond in the following ways:

- To care for their health and to seek medical help whenever appropriate
- To attend for work whenever they are able to do so
- Not to be involved in activities whilst on sick leave which may inhibit recovery and return to work
- Co-operate fully with the application of this policy
- When absent, advise their Line Manager/Supervisor in accordance with this policy
- To use their own time (i.e. annual leave, flexi leave, TOIL etc) for elective surgery (i.e. surgery that is not considered to be medically necessary such as cosmetic surgery) except in cases where this is linked to a serious medical condition.

Throughout the formal stages of the policy, employees have the right to be accompanied by their Trade Union representative, colleague or friend. Throughout the informal stages (e.g. return to work meeting, Occupational Health referral etc) whilst there is no entitlement in law, sympathetic consideration will be given to requests to be accompanied, and each case will be considered on its merits.

In the management of sickness absence, the Council will have due regard to the Equality Act 2010 covering age, gender, disability, pregnancy, race, religion, belief and sexual orientation.

Employees should note in the event of unreasonable failure to co-operate with the terms of this policy including attending occupational health appointments and sickness capability



meetings, sick pay may be withheld in respect of the period of the employee has failed to co-operate with the Council's policy.

## **PART ONE – SICKNESS ABSENCE REPORTING**

This is the process to be followed if an employee is unable to attend work due to ill health. It applies to all employees of the Council, including those on temporary contracts and casual workers.

### **1 Employee Notification Policy**

#### **1.1 First day of absence**

When an employee is unable to attend work the employee (or, in the case of severe incapacity, the person acting on their behalf) must notify their immediate **Line Manager/Supervisor/ or nominated officer before 9.00 am on the first day of absence**. This notification must be via a telephone call.

Street Scene employees, should notify their **Supervisor or nominated officer** as soon as possible but no later than the start of their shift to enable alternative arrangements to be made.

**Those employees who work fixed patterns or shifts** should normally report to the **nominated officer** at least 30 minutes before the commencement of their shift – or in the case of early morning shifts as soon as possible and in any event no later than 15 minutes after the commencement of the shift.

It is important that contact is made with the employee's Line Manager/ Supervisor in the first instance. If the Line Manager/Supervisor is not available contact should be with another nominated officer.

Services should make employees aware of individual reporting lines.

#### **1.2 The Line Manager/Supervisor/nominated officer should obtain the following information:**

- a) Employee's name
- b) Section in which employee works
- c) Reason for absence.  
(This should be the general nature of any illness, the first day of sickness and whether the absence is work related or due an industrial injury at work, or whether the absence is disability related).
- d) Expected date and time of return to work if known
- e) If any assistance or advice is required by the employee
- f) Any outstanding work commitments
- g) Who reported the absence
- h) Whether or not the GP has been contacted

In addition, the employee should be advised that a further call is necessary on the fourth calendar day.

1.3 Upon initial notification of absence the Line Manager/Supervisor or person receiving the call must complete a Sickness Absence Form SF1. (BDC ONLY, also complete the weekly absence return and ensure TMS is updated accordingly).

1.4 **Fourth day of absence (calendar days)**

If the absence continues after three calendar days and the employee has not provided further notification, then on the **fourth day (if part-time the fourth calendar day)** the employee, (or, in the case of severe incapacity, the person acting on their behalf), must telephone the **Line Manager/Supervisor** and give details of the general nature of illness and the expected date of return. The times by which notification must be made are as listed in 1.1 above.

1.5 **Eighth day of absence (calendar days) and ongoing**

If the absence continues beyond seven calendar days a Doctor's Statement of Fitness for Work (see Section 2) must be provided to the Council **by not later than the eighth calendar day, or posted before the eighth calendar day**. Employees are advised to make early contact with their Doctor if they have reason to believe their absence may go on for longer than seven calendar days to avoid problems booking appointments.

1.6 On receipt of the Statement of Fitness for Work note, if the Doctor has indicated that the employee may be fit for work subject to certain conditions, the Line Manager/Supervisor will arrange to see the employee at the earliest opportunity to discuss a way forward. Advice should be sought from the HR & Payroll Service where appropriate.

1.7 One of the most important aspects of managing sickness absence is to **maintain communication** with absent employees and this is by definition a two way process. Managers and employees should therefore be proactive in maintaining contact during any period of sickness absence. This will help to facilitate a successful return to work. The form, or forms, of contact such as telephone or personal visits should always be agreed with the employee and must be in line with this policy.

It will be very important the employee and line manager understand that the purpose of the contact is to keep in touch, exchange information and provide advice and support to facilitate an early return to work. Communication will be maintained using a sensitive approach to help employee's wellbeing and confidence while absent and maintain a link with work.

1.8 Subsequent Doctor's Statements must be submitted to cover absence if it extends beyond the period covered by the initial Statement. These should be provided to the Council by no later than the day after the expiry of the previous Statement and should be sent direct to the HR and Payroll Service, who will in turn notify line managers.

1.9 Employees should note that in the event of late notification of sickness, late submission of fit notes or failure to co-operate with the terms of the policy, sick pay may be withheld. Doctors' notes will be not accepted retrospectively where these are more than five working days overdue. Backdated statements will not be accepted, except in exceptional circumstances and with the authorisation of the relevant Assistant Director or Director in consultation with the HR and Payroll Service.

Where an employee fails to follow the notification/certification requirements, sick pay

may be deducted in respect of days where notification is late, or where Doctors' Statements of Fitness have not been received. In such circumstances, the Line Manager/Supervisor will have the discretion to reinstate sick pay for the day(s) in question only where there are exceptional reasons for doing so, in consultation with advice from the HR and Payroll Service.

- 1.10 An employee must return to work as soon as they are fit to do so, in particular if they consider themselves fit to do so before the expiry of their current Fitness for Work note. Arrangements should be agreed between the employee and their Line Manager/Supervisor, and may involve the Occupational Health Service and advice from the HR and Payroll Service as appropriate.

### **Return to Work**

- 1.11 As soon as possible on the return to work the employee must complete a Self-Certification Form/Return to Work (SF2) in the presence of their Line Manager/Supervisor, who will conduct a Return to Work meeting at this point (see Section 3).

This information is to be kept confidential by management and HR and Payroll. A copy of a Self-Certification Form/Return to Work Form SF2 will be given to the employee at the time of completion if they wish. The completed SF2 Form must be returned to HR & Payroll.

Line Managers/Supervisors/nominated officers must send an email to the Payroll inbox to notify the date of the employee's return to work immediately upon their return. Managers are requested to send a copy of this email to the employee unless it is not possible to do so, e.g. because the employee does not have an email account

- 1.12 If an employee knowingly submits false information in relation to their incapacity it will be treated in accordance with the Council's Disciplinary Procedure.
- 1.13 If an employee returns from certificated absence for less than seven working days then this will normally be treated as a continuation of the previous absence and a Doctor's Statement will be required to cover the absence.

## **2 Statement of Fitness for Work**

- 2.1 A Statement of Fitness for Work, or Fit note, will indicate whether the employee is unfit for work, or whether they may be fit subject to certain conditions.
- 2.2 The information on the form is advice for the employee and is not binding on the employer. There is no longer a requirement to obtain a fit to return to work note once the current Statement expires, or if the Line Manager/Supervisor and employee, with or without the involvement of Occupational Health, agree that the employee can return sooner than the expiry of the Statement.
- 2.3 The Line Manager/Supervisor and employee must keep in regular contact throughout any period of sickness absence, (See 1.7). The employee must inform their Line Manager/Supervisor immediately if they are issued with a Statement of Fitness for Work or Fit Note.

- 2.4 If the Statement indicates that the employee is fit for work subject to certain conditions, then a meeting will be arranged between the Line Manager/Supervisor and the employee to discuss the position with a view to the employee returning to work as soon as possible. In cases where the Council cannot reasonably offer the required adjustments the Statement will be treated as though the employee was declared 'not fit for work'. Advice and guidance should be sought from HR and Payroll Service where appropriate.

### **3 Return to Work**

- 3.1 The line manager must conduct a return to work meeting with the employee following EVERY absence.
- 3.2 During the meeting, the employee and line manager will complete a Self-Certification Form/Return to Work Form SF2 together. Both will sign the form and one copy will be retained by the employee if they wish. The other will be placed on the employees personal file.
- 3.3 The purpose of the meeting is:
- (i) to identify any emerging problems that the employee may be experiencing
  - (ii) to identify any support or assistance that the Council may be able to offer as an employer to facilitate attendance at work in the future.
  - (iii) to discuss the employee's absence and to consider it in the context of other absence and an update/briefing on the service.

### **4 Management Recording**

- 4.1 Management is responsible for ensuring:
- (i) that all employees are aware of the absence notification procedures.
  - (ii) all appropriate information and documentation is accurately completed and sent to the HR and Payroll Service in a timely manner.
- 4.2 Copies of all the documentation, including any Doctor's Statements/Fit Notes, will be retained on the employee's medical/personal file. This information is treated in the strictest confidence and retained in line with legislation.
- 4.3 Employees will have access to their own absence/medical records on written request, allowing three working days notice.

### **5 Sickness absence and annual leave**

- 5.1 To obtain reinstatement of Annual Leave due to ill-health a Statement of Fitness for Work will be required and reinstatement will be given based on the dates in the Doctor's Statement.
- 5.2 In the event that an employee is prevented from taking their annual leave owing to

long term sickness and does not return to work before the end of their annual leave year, they may be entitled to carry forward some annual leave entitlement to the following year. The entitlement will be based on 20 days (including bank holidays) for the year, and any annual leave/bank holidays already taken will be deducted. Line Manager/Supervisors should seek guidance from HR & Payroll on cases where the above applies.

- 5.3 If the employee does not return to work, the entitlement as calculated under the terms of 5.2 above will be paid and based on the 20 days (including bank holidays) for the year. Line Manager/Supervisors should seek guidance from HR & Payroll on cases where the above applies.
- 5.4 Where it is felt an employee is using their annual leave to mask an underlying medical condition and this is preventing the Council from providing advice and support to facilitate attendance at work the Line Manager/Supervisor will discuss this with the employee.

## **6 Management Monitoring**

- 6.1 Senior, Service and Line Managers/Supervisors with ongoing support and guidance from the HR and Payroll Service are responsible for managing and monitoring employees' absence in accordance with this policy. Advice and guidance must be sought from the HR and Payroll Service where appropriate. Managers will be provided with support from the HR and Payroll Service in the management of sickness absence within their service.

## **SICKNESS ABSENCE MANAGEMENT POLICY**

### **PART TWO - SICKNESS CAPABILITY**

#### **INTRODUCTION**

This section of the policy details the Council's expectations of both managers and employees in the management of sickness absence. Its aim is to provide a framework within which managers can balance the needs of individual employees with the need to provide services.

The policy sets out how sickness levels of employees will be monitored by their managers and how medical advice should be sought where issues continue to occur. The measures contained in this policy are not intended to prohibit sickness absence or to punish staff who have time off sick. They are designed to achieve an improvement in overall employee attendance levels and to help employees overcome ill health issues by providing advice and support whenever necessary.

The Council is concerned for the health, safety and welfare of all its employees and seeks to ensure that absence is handled in a fair, positive and supportive way.

Wherever possible the objective will be to assist employees to return to normal attendance at work. However it is acknowledged that this will not be possible in all cases. Therefore, this capability policy sets out the processes whereby sickness issues are addressed.

Managers should always offer support, but employees must be aware that extended or recurrent short-term absence cannot be absorbed by the service and may ultimately result in dismissal on ill-health or attendance grounds.

Each case will be considered on its merits taking into account the needs of the service and each employee's circumstances. Throughout all stages of the process, managers should seek advice from the HR and Payroll Service where appropriate. The HR and Payroll Service will provide ongoing support and guidance to managers in the management of sickness absence. This will ensure the policy is applied appropriately within each case and across the Council.

#### **The issue is the level of absence experienced and not whether it is genuine.**

Where an employee has a physical or mental impairment which has a substantial, long-term (one year or more) adverse effect on their ability to carry out normal day-to-day activities, the provisions of the Equality Act 2010 may apply. In these circumstances the manager must seek appropriate specialist advice from the HR and Payroll Service.

## **COUNCIL SICKNESS TRIGGERS**

The sickness triggers implemented by the Council to identify individual levels of sickness absence and to notify managers when further action may be beneficial to facilitate employee attendance at work, are as follows:

- a) Where there is any pattern of regular short term absence; or
- b) Four or more separate periods of absence in any rolling 12 month period; or
- c) Where there have been six days (pro-rated to hours worked) absence in any 12 month rolling period.
- d) Any ongoing absence which has lasted, or can be expected to last for four weeks or more or for any recurrent periods (which could be less than 4 weeks) associated with a serious health problem. (NB In respect of employees who work on a part-time or job-share basis the four week period would remain the same, regardless of the amount of time the employee would normally have been in attendance during that time).

This is the process to be followed if an employee is absent due to ill-health. It applies to all employees with the sole exception of employees undergoing a probationary period.

(For probationary employees please refer to the Probationary Procedure)

Senior, Service and Line Managers/Supervisors with ongoing support and guidance from the HR and Payroll Service are responsible for managing and monitoring employees' absence in accordance with this policy. Advice and guidance must be sought from the HR and Payroll Service where appropriate. Managers will be provided with ongoing support from the HR and Payroll Service in the management of sickness absence within their service.

### **1 REPORTING INSTRUCTIONS AND RETURN TO WORK MEETINGS**

1.1 See Part One of the Sickness Absence Management Policy.

### **2 FREQUENT SHORT-TERM ABSENCES**

2.1 Sickness absence will normally be addressed through Part One of the Council's Sickness Absence Management Policy, for example, monitoring sickness absence and carrying out return to work meetings.

2.2 However, a meeting will be arranged with the employee (see Section 3) by their line manager where there is concern about an employee's level of repeated short term absences or an unacceptable level of sickness absence is identified as outlined in the sickness triggers, below:

- a) Where there is any pattern of regular short term absence; or
- b) Four or more separate periods of absence in any rolling 12 month period; or

- c) Where there have been six days (pro-rated to hours worked) absence in any 12 month rolling period.
- 2.3 It should be noted that an employee's absence record will be monitored to enable managers both to identify emerging difficulties (for example where an employee has had consistent full attendance and then begins to have regular or significant absence); and to identify a fair overview of the employee's attendance and any annual patterns of absence.
- 2.4 A meeting may also take place at the line manager's discretion in other circumstances where there are reasonable grounds for review. Line Manager/Supervisors must seek guidance from HR & Payroll on cases where the above applies.
- 2.5 Where a meeting is called to discuss the outcome of a referral to the Council's Occupational Health Service, this may take place as part of, or in addition to, the meetings detailed in the following sections, dependent upon the circumstances.

### **3 First Meeting**

- 3.1 The purpose of the meeting is to encourage an open discussion between the manager and employee to facilitate attendance at work. This is in addition to any Return to Work meetings.
- 3.2 The employee will be given five working days notice of the meeting by the line manager or it can take place earlier by mutual agreement.
- 3.3 The meeting will focus on the employee's health and welfare to help facilitate attendance at work. It will identify the reasons for absence and whether or not the absences relate to a disability or any other underlying cause. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.
- 3.4 It is also possible that absences relating to disability may reach the stage where it is considered that the service can no longer sustain those absences. Such a situation will also be dealt with in line with this Policy, but it will be necessary to consider carefully issues about how the individual's job is done, and whether or not reasonable adjustments would assist with attendance issues.
- 3.5 Employees should be advised that continuing absences may necessitate formal action which could include termination of employment.
- 3.6 An attendance target, based on the corporate sickness trigger levels as stated in this policy, should be set with a date for a review meeting after three months (see Section 4).
- 3.7 The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.
- 3.8 Managers will be provided with ongoing support from the HR and Payroll Service in the management of sickness absence cases within their teams. Advice and guidance must



be sought from HR and Payroll where appropriate.

#### **4 First Review Meeting**

- 4.1 The first review meeting (see Section 3.6 above) can be brought forward at the manager's discretion having sought advice from the HR and Payroll Service. This would generally be where sickness absence had continued or other relevant changes had occurred. In this case the employee should be given five working days notice of the meeting or it can take place earlier by mutual agreement.
- 4.2 The meeting will focus on the employee's health and welfare, to review the attendance record against the target previously set and to help facilitate attendance at work. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health. Managers must seek advice and guidance from the HR and Payroll Service if a referral to Occupational Health is being considered.
- 4.3 If the employee has attended an Occupational Health appointment, a meeting will take place with the employee, normally within ten working days of receipt of the report (see Section 6).
- 4.4 If the level of sickness absence has reduced, this should be positively acknowledged. It may be considered necessary to arrange a further review meeting (see Section 5) after a further three month period or sooner at the manager's discretion having sought advice from the HR and Payroll Service. This should be confirmed in writing normally within five working days.
- 4.5 If the level of sickness absence has not improved, the employee should be made aware of the effect on the service and on other colleagues of their continued high level of sickness absence. If the employee has attended an Occupational Health appointment, various options will be considered (see Section 6). In addition, the meeting may also result in an appropriate outcome (see Section 7). A date should be set for a second review meeting after three months or sooner at the manager's discretion having sought advice from the HR and Payroll Service.
- 4.6 The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.
- 4.7 Managers will be provided with ongoing support from the HR and Payroll Service in the management of sickness absence cases within their teams. Advice and guidance must be sought from the HR and Payroll Service where appropriate.

#### **5 Second Review Meeting**

- 5.1 The second review meeting (see Section 4.5 above) can be brought forward at the manager's discretion from the original date proposed for the meeting having sought advice from the HR and Payroll Service. In this case the employee should be given five working days notice of the meeting or it can take place earlier by mutual agreement.

- 5.2 The meeting will focus on the employee's health and welfare, to review the attendance record against the target previously set at the first review and to help facilitate attendance at work. Advice and support will be provided where appropriate. An outcome of the meeting may be a referral to Occupational Health.
- 5.3 If the level of sickness absence has reduced, this should be positively acknowledged and confirmed in writing normally within five working days.
- 5.4 If the level of sickness absence has not improved, as much information as is available about the employee's attendance record and other relevant factors should be obtained. The employee should then be referred to the Council's Occupational Health Service (see Section 6), unless they have already attended such an appointment.
- 5.5 If the employee has attended an Occupational Health appointment, various options will be considered (see Section 6). In addition, the meeting may also result in an appropriate outcome such as the issuing of a first level warning, (see Section 7).
- 5.6 Further review meetings will take place where necessary to facilitate attendance at work.
- 5.7 Managers will be provided with ongoing support from the HR and Payroll Service in the management of sickness absence cases within their teams. Advice and guidance must be sought from the HR and Payroll Service where appropriate.

## **6 REFERRAL TO COUNCIL'S OCCUPATIONAL HEALTH SERVICE**

- 6.1 Dependent upon the circumstances of each individual case, the Council will have the facility to refer the employee to the Occupational Health Service for assessment.

Examples of referral circumstances are listed below (please note this list is not exhaustive):

- a) When there are concerns about the health and safety of the individual or others
  - b) When trigger points are reached
  - c) If it is felt that early referral would benefit the employee and the organisation, e.g. in stress cases where it has been proven statistically that early referral facilitates a speedier return to work
  - d) If information is required about the likely length of absence
  - e) After an absence of four weeks, (unless the prognosis is clear e.g. broken leg etc)
  - f) Where there is no medical evidence to support frequent self certificated absences
- 6.2 Managers must seek advice and guidance from the HR and Payroll Service if a referral to Occupational Health is being considered.
  - 6.3 The employee has a duty to undertake appointments with the Occupational Health Service, and to give immediate notice if he/she is unable to attend. Failure to do so would normally lead to withdrawal of pay under the Sickness Payments Scheme.

- 6.4 In certain circumstances, one of the options that will be considered during the Occupational Health assessment, in consultation with the employee, may be a referral under the Leisure GP Referral Scheme. The initial consultation may take place in work time, but the employee would need to pursue any subsequent programme in their own time.
- 6.5 Following receipt of the Occupational Health report, a meeting will take place with the employee, normally within ten working days of receipt of the report. This may be part of the scheduled meetings or an additional meeting, dependent upon the circumstances and timing. A representative from the HR and Payroll Service may be present at the meeting. The HR and Payroll Service will provide support and guidance to managers on this stage of the process.
- 6.6 The report will form the basis of discussion at the meeting. One of the following options should be agreed according to the circumstances which have been identified:
- a) Accept the position and keep it under review.
  - b) A return to work on a phased basis from a specified date. (See Section 9 below)
  - c) Consider introducing modified duties and/or reduced hours for a limited period of rehabilitation, with the aim that the employee will return to the full range of duties/hours in due course. If employees reduce their hours this will result in adjusted pay. Dependent upon individual circumstances, modified duties may result in adjusted pay.
  - d) Arrange alternative employment, using the Council's Redeployment Procedure, where such suitable alternative employment can be identified.

If an employee should fall under the provisions of the Equality Act 2010 in terms of disability, then the employee may be entitled to reasonable adjustments to enable them to return to, or remain at work. In these circumstances, the manager must seek appropriate specialist advice from the HR and Payroll Service.

- e) If termination of employment is being considered, a further meeting should be arranged with the employee and their representative to discuss this and allow the employee and their representative the opportunity to respond. (See Section 7.5)

The content and outcome of the meeting should be confirmed in writing, normally within five working days, and a copy given to the employee with a copy for the personal file.

- 6.7 Managers will be provided with ongoing support from the HR and Payroll Service in the management of sickness absence cases within their teams. Advice and guidance must be sought from the HR and Payroll Service where appropriate.

## **7 MEETING OUTCOMES**

### **Withdrawing Overtime**

- 7.1 In the case of an employee normally required to undertake additional hours or non-contractual overtime, it may be appropriate to indicate that, as the commitment to additional hours may be affecting the employee's health, consideration will be given to withdrawing such overtime until the employee's attendance record indicates that the

impact of ill health has been reduced or eliminated.

## **Formal Sickness Capability Warnings**

### **7.2 First Level Sickness Capability Warning**

A First Level Sickness Capability Warning will normally be issued where the employee has not achieved the target set at the first review meeting (See Section 4). The warning will be confirmed in writing, and it will be made clear that failure to improve attendance may lead to termination of employment. Once an employee has been placed on a warning, meetings will take place on a regular basis to set targets for, and review, attendance. Where there has been full attendance over a period of 12 months since the warning was issued, the warning will no longer be considered as 'live'. Line Managers/Supervisors should seek guidance from the HR and Payroll Service on cases where the above applies.

### **7.3 Final Sickness Capability Warning**

Where there is continued failure to improve attendance and achieve targets, the employee will normally be issued a Final Sickness Capability Warning. It should be made clear that the service can no longer tolerate the high level of sickness absence and that any further failure to achieve targets will lead to termination of employment. This warning will be confirmed in writing and placed on the employee's personal file. Meetings will continue to take place on a regular basis to set targets for, and review, attendance. Line Managers/Supervisors should seek guidance from the HR and Payroll Service on cases where the above applies.

7.4 These warnings will remain on the individual's file to enable an overview of the employee's attendance. However, where it is considered that a reasonable period of full attendance has elapsed since the Final Sickness Capability Warning was issued, or there are significant mitigating circumstances to a recent period of absence, there will be the facility to reaffirm the Final Sickness Capability Warning as an alternative to termination of employment. In any event, where there has been full attendance over a period of 12 months since the warning was issued, the warning will no longer be considered as 'live', and the warning will be expunged.

### **7.5 Termination of Employment**

If the employee's attendance still fails to reach the required targets, or if the outcome of discussions concerning Occupational Health Service reports results in termination of employment being one of the relevant options, then a meeting will be held with the employee and their representative to discuss this and allow the employee and their representative the opportunity to respond. Managers must seek advice and guidance from the HR and Payroll Service on this stage of the process.

7.6 The employee and their representative will be given five working days notice of the meeting and informed of the reason for the meeting. **The employee should be made aware that a potential outcome of the meeting may be that the only course of action available is termination of their employment on the grounds of sickness capability (as all other options have been considered).**

The following process should always be followed:

- The purpose of the meeting is to discuss the position and this will include a review of all the options available. The employee and their representative will be given the opportunity to respond.
- The meeting should be convened by the relevant Executive Director or Assistant Director and should be formal.
- The employee's Line Manager/Service Manager or Supervisor will be present.
- A Senior Officer from the HR and Payroll Service should always be present.
- A legal adviser may be present.

If the outcome is a decision to dismiss, the employee will receive:

- 1 The appropriate period of notice, or payment in lieu of notice (if appropriate).
- 2 Written notice of the reasons for their dismissal within five working days.

7.7 **Appeals** - The employee will have a right of appeal to the Council's Appeals Panel against a decision to dismiss. Please refer to the Council's Appeals Procedure.

## 8 LONG-TERM ABSENCE

8.1 Any ongoing absence which has lasted, or can be expected to last, for four weeks or more can generally be regarded as "long-term" or any recurrent periods (which could be less than 4 weeks) that are associated with a serious health problem. (NB In respect of employees who work on a part-time or job-share basis the four week period would remain the same, regardless of the amount of time the employee would normally have been in attendance during that time).

8.2 Where an employee has a physical or mental impairment which has a substantial, long-term (one year or more) adverse effect on their ability to carry out normal day-to-day activities, the provisions of the Equality Act 2010 may apply. In these circumstances the manager must consider the need for reasonable adjustments and should seek appropriate specialist advice from the HR and Payroll Service.

8.3 Where an employee returns to work for less than seven calendar days and then goes off sick again, the period of absence will normally be considered to be continuous for absence management purposes.

8.4 One of the most important aspects of managing sickness absence is to **maintain communication** with absent employees and this is by definition a two way process. Managers and employees should therefore be proactive in maintaining contact during any period of sickness absence. This will help to facilitate a successful return to work. The form, or forms, of contact such as telephone or personal visits should always be agreed with the employee and must be in line with this policy.

It will be very important the employee and line manager understand that the purpose of the contact is to keep in touch, exchange information and provide advice and support to facilitate an early return to work. Communication will be maintained using a sensitive approach to help employee's wellbeing and confidence while absent and maintain a link with work.

8.5 **At the latest, after four weeks' absence the manager will invite the employee to attend a meeting to discuss progress.** At the employee's request, this meeting

might take place at their home or another agreed location. Five working days notice should be given of the visit or it can take place earlier by mutual agreement. A meeting may not be necessary if, for example, a return date is already in prospect.

- 8.6 The purpose of the visit is to review the employee's health and prospects for a return to work. If there is no date for a return to work, then the employee should be advised that it may be necessary to arrange a medical referral to the Council's Occupational Health Service, (see Section 6 above).
- 8.7 The outcome of the discussion should be confirmed in writing within five days of the meeting by the manager.
- 8.8 Managers will be provided with ongoing support from the HR and Payroll Service in the management of long term sickness absence cases within their teams. Advice and guidance must be sought from the HR and Payroll Service where appropriate.
- 8.9 Where an employee has a physical or mental impairment which has a substantial, long-term (one year or more) adverse effect on their ability to carry out normal day-to-day activities, the provisions of the Equality Act 2010 may apply. In these circumstances the manager must consider the need for reasonable adjustments and should seek appropriate specialist advice from the HR and Payroll Service.
- 8.10 If the employee continues to remain absent due to sickness and/or within ten working days of the receipt of the Occupational Health report, the manager should arrange a meeting with the employee (or home visit at the employee's request) to advise him/her of the content of the report, if applicable. A representative from the HR and Payroll Service may be present at the meeting. The HR and Payroll Service will provide support and guidance to managers on this stage of the process.
- 8.11 At the meeting the following options should be explored according to the circumstances which have been identified:
  - a) A return to work on a specified date.
  - b) A return to work on a phased basis from a specified date.(see section 9 below)
  - c) A return to work at a later unspecified date following convalescence.
  - d) A return to work on modified duties and/or reduced hours for a limited period of rehabilitation, with the aim that the employee will return to the full range of duties/hours in a given period. If employees reduce their hours this will result in adjusted pay. Dependent upon individual circumstances, modified duties may result in adjusted pay.
  - e) The possibility of a return to work to suitable alternative employment on a permanent basis (where such suitable alternative employment can be identified). Please refer to the Authority's Redeployment Procedure.
  - f) The possibility of ill-health retirement in accordance with the Local Government Pension Scheme. This option will only apply where the independent Medical Practitioner issues a Certificate of Permanent Incapacity and the employment is terminated on the grounds of permanent ill-health. (See below for policy to be followed for termination of employment on grounds of ill-health.)
- 8.12 In the event of the Occupational Health requesting the opportunity to review the employee's health after, for example, a meeting/ home visit should be arranged by the

manager prior to elapse of the period to acquire up to date information for a second referral to Occupational Health. Within ten working days of receipt of the report, the manager should meet with the employee again to discuss its contents and consider the options (8.11 a-f). A representative from the HR and Payroll Service may be present at the meeting. The HR and Payroll Service will provide support and guidance to managers on this stage of the process.

- 8.13 If the above options have been considered and none of the above options available in 8.10 and 8.11 are viable, please see Section 10. Managers must seek advice from the HR and Payroll Service at this stage of the process.

## **9. Phased Return to Work**

- 9.1 In order to facilitate a return to work following long-term sickness absence, or in certain cases dependent on the nature of the illness, e.g. stress related absence, to facilitate an early return to work before the absence becomes long-term, the Occupational Health Adviser may recommend some form of phased return to full duties and responsibilities. This could involve a return to work on modified duties, on reduced hours, on a temporary basis or working from home, or such other reasonable measure which would reduce the need for a longer period of absence, as appropriate.
- 9.2 A meeting should take place with the employee, their line manager and a representative from the HR and Payroll Service at which agreement should be reached on the terms of a Return to Work Plan.
- 9.3 The Return to Work Plan will be produced by the line manager in consultation with the HR and Payroll Service, and will outline the terms of the phased return. It is anticipated the employee will gradually build up to a return to full duties and responsibilities, and this should be for the shortest time possible and be achieved within a four week period. Depending upon the circumstances this may be extended for a further 2 weeks maximum. The manager must seek advice from the HR and Payroll Service when reviewing Return to Work Plans.
- 9.4 For this limited phased return, the employee will need to supply a 'fit to return to work' note from their GP agreeing to the terms of the phased return. This period will therefore be classed as being at work for pay purposes and the employee will be paid their normal rate of pay.
- 9.5 If the employee has difficulty in increasing their hours/attendance/workload and it becomes unlikely that a full return will be possible as planned, then the employee will need to obtain a Statement of Fitness for Work from their GP and the phased return should be terminated as soon as practicable. In addition, a referral should be made to the Occupational Health Adviser for additional advice. The manager must seek advice from the HR and Payroll Service when reviewing Return to Work Plans.

## **10. Termination of Employment**

- 10.1 After considering all the options identified in 8.11 a) – f), it may be that the only course of action available is to consider the termination of employment on the grounds of sickness capability. This course of action may be considered where the Occupational Health Adviser is unable to certify the ill-health/incapacity as permanent and therefore ill-health retirement is inappropriate but also where the prognosis is difficult to determine. In reaching a decision on this course of action, the medical opinion given by the Occupational Health Adviser will be taken into account. However, managers

must be aware that this is only one element and that there may be other relevant factors which should be taken into account in coming to a decision. Managers must seek advice from the HR and Payroll Service at this stage of the process.

- 10.2 If termination of employment is being considered, a meeting will be held with the employee and their representative to discuss this and allow the employee and their representative the opportunity to respond.
- 10.3 The employee and their representative will be given five working days notice of the meeting and informed of the reason for the meeting. **The employee should be made aware that a potential outcome of the meeting may be that the only course of action available is termination of their employment on the grounds of sickness capability (as all other options have been considered).**
- 10.4 The following process should always be followed:
- The purpose of the meeting is to discuss the position and this will include a review of all the options available. The employee and their representative will be given the opportunity to respond.
  - The meeting should be convened by the relevant Executive Director or Assistant Director and should be formal.
  - The employee's Line Manager/Service Manager or Supervisor will be present.
  - A Senior Officer from the HR and Payroll Service should always be present.
  - A legal adviser may be present.

If the outcome is a decision to dismiss, the employee will receive:

- 1 The appropriate period of notice, or payment in lieu of notice (if appropriate).
  - 2 Written notice of the reasons for their dismissal within five working days.
- 11 **Appeals** - The employee will have a right of appeal against this decision under the Council's Appeals Procedure.
12. This policy applies to all the Council's employees except the following: those employees who are covered by JNC Negotiating Committee for Chief Executives and the JNC Negotiating Committee for Chief Officers of Local Authorities.

### **Responsibility for Implementation**

Senior, Service and Line Managers/Supervisors with ongoing support and guidance from the HR and Payroll Service are responsible for managing and monitoring employees' absence in accordance with this policy. Advice and guidance must be sought from the HR and Payroll Service where appropriate. Managers will be provided with support from the HR and Payroll Service in the management of sickness absence within their service.

### **Glossary of terms – Not applicable**

### **Appendices – Not applicable**





Bolsover District Council

# Policy on Social Networking

(July 2015)



## CONTROL SHEET FOR POLICY ON SOCIAL NETWORKING

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Social Networking
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	T Morrell - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / UECC / Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

## Policy on Social Networking

### Scope

This Policy applies to all employees of the Council, including those on temporary, fixed term and casual contracts, as well as agency workers working at the Council.

The Policy covers all forms of social media and social networking sites\* which include (but are not limited to):

- Facebook, Myspace, Bebo, Friendster, Twitter, or other similar sites
- Blogs and discussion forums
- YouTube or other podcast or video clip sites

\*NB access to the site LinkedIn is permitted

### General

There should be NO personal use of social networking media on Council Equipment as access is only granted if there is a legitimate business case (the only exception to this rule is with the site LinkedIn). Please note that if you are required to access such sites for business purposes you could contact the Communications and Marketing Service, who will consider the request in conjunction with ICT and HR.

The purpose of this policy is to outline the responsibilities to the Council of employees using social networking websites.

Appropriate comments made on union media in the course of lawful trade union business would generally fall outside of the remit of this policy. However statements made by union officials on their own individual sites will be subject to the terms of this policy.

### POLICY

The Council respects an employee's right to a private life. However, the Council must also ensure that confidentiality and its reputation are protected. In so doing, it also seeks to protect employees from inadvertently posting comments which may lead them into difficulties.

The following guidelines should be followed at all times when using social networking sites, whether outside of the workplace or on Council premises outside of work time:

- Employees should consider not identifying themselves as working for the Council on their personal account to avoid misinterpretation or misunderstanding

- Employees should ensure that they do not conduct themselves in a way that might cause embarrassment or bring the Council into disrepute
- Employees should not post disparaging or offensive remarks connected with their employment.
- Employees must not disclose personal, sensitive or confidential information relating to the District Council, its partners, employees, elected members or service users
- Employees should not upload any photographs video clips, or logos which relate to the District Council unless appropriate authority has been granted
- Employees should take care not to allow their interaction on these websites to damage working relationships between employees, partners, elected members and / or service users of the Council

Contravention of this Policy could result in a disciplinary investigation .

### Security and Identity Theft

Employees should be aware that social networking websites are a public forum and should not assume that their entries on such sites will remain private. Employees should never send abusive or defamatory messages.

Employees must also be security conscious and are advised to take steps to protect themselves from identity theft, for example by restricting the amount of personal information that they give out. Social networking websites allow people to post detailed personal information which can form the basis of security questions and passwords. In addition, employees should:

- Ensure that no information is made available that could provide a person with unauthorised access to the Council and / or any confidential information
- Refrain from recording any confidential information about the Council on any social networking website

### Recruitment

At no stage during the recruitment process will HR or line managers conduct searches on prospective employees on social networking websites. This is in line with the Council's Equalities Policy.

### Legal Position

- An employee who makes a defamatory statement that is published on the internet may be legally liable for any damage to the reputation of the individual concerned. The Council could be vicariously liable for the acts of its employees in the course of their employment, even if performed without consent or approval. The Council / an associated organisation can sue if a defamatory statement is made in connection with its business or trading reputation

- Throughout the recruitment process, all job applicants are protected from discrimination because of various protected characteristics. As social networking websites display personal details such as age, religion and beliefs, and sexual orientation, managers should not use these websites to look for background information about job applicants
- If an employee is subjected to harassment because of protected characteristics (with the exceptions of marriage and civil partnership, and pregnancy and maternity), he or she may have grounds to bring a complaint to an employment tribunal under the relevant anti-discrimination legislation. Harassment can take place in online environments such as social networking websites. Employers can be liable for anything done by an employee in the course of his/her employment whether or not it was done with the employer's knowledge or approval.
- Under common law, there is an implied duty of trust and confidence between an employer and an employee. Employees who have access to confidential information should be aware that even inadvertent disclosure could result in disciplinary action.

**Bolsover District Council**

**Council**

**15 July 2015**

**Maternity and related Policies**

**Report of the Assistant Director – Human Resources and Payroll**

This report is public

**Purpose of the Report**

- To ask Council to approve the attached draft Maternity Policy and Procedures;
- To ask Council to approve the attached draft Adoption Policy;
- To ask Council to approve the attached draft policy on Maternity Support Leave and Paternity Leave;
- To ask Council to approve the attached draft Parental Leave Provisions;
- To ask Council to approve the attached draft Shared Parental Leave Policy and Procedures.

**1 Report Details**

- 1.1 The Children and Families Act 2014 introduced a number of changes to take effect from April 2015, including a new entitlement to shared parental leave.
- 1.2 All of the attached draft policies are drafted to reflect entitlements under legislation and terms and conditions of service only.

**2 Conclusions and Reasons for Recommendation**

- 2.1 It is important to update policies to reflect changes in legislation.

**3 Consultation and Equality Impact**

- 3.1 UECC have considered the attached draft documents, and recommend that these be adopted by the Council.

**4 Alternative Options and Reasons for Rejection**

- 4.1 None

## 5 **Implications**

### 5.1 **Finance and Risk Implications**

None arising directly from this report.

### 5.2 **Legal Implications including Data Protection**

None arising directly from this report.

### 5.3 **Human Resources Implications**

None arising directly from this report.

## 6 **Recommendations**

- 6.1 That Council approve the attached draft Maternity Policy and Procedures;
- That Council approve the attached draft Adoption Policy;
  - That Council approve the attached draft policy on Maternity Support Leave and Paternity Leave;
  - That Council approve the attached draft Parental Leave Provisions;
  - That Council approve the attached draft Shared Parental Leave Policy and Procedures.

## 7 **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes/No
<b>District Wards Affected</b>	
<b>Links to Corporate Plan priorities or Policy Framework</b>	

## 8 **Document Information**

<b>Appendix No</b>	<b>Title</b>
1	Maternity Policy and Procedures
2	Adoption Policy
3	Maternity Support Leave and Paternity Leave
4	Parental Leave Provisions
5	Shared Parental Leave Policy and Procedures



**Background Papers** (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)

<b>Report Author</b>	<b>Contact Number</b>
Tania Morrell	01246 217006

Report Reference –

Bolsover District Council

# Maternity Policy and Procedures

(May 2015)



### CONTROL SHEET FOR MATERNITY POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Maternity
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	T Morrell - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	N/A
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / UECC / Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

## **MATERNITY POLICY**

### **SCOPE**

This policy applies to all women employees who, regardless of length of service and hours of work are entitled to maternity leave. The information in this Policy reflects the relevant legislation and specifically deals with the occupational maternity scheme of the National Joint Council for Local Government Services.

### **HOW TO USE THIS POLICY**

Both the statutory and contractual maternity scheme offer benefits to employees which vary depending on their length of service. This leads to three groups of employees who have slightly different entitlements:

- those who have been continuously employed for 26 weeks by the 15<sup>th</sup> week before EWC,
- those who have less than 26 weeks continuous employment by the 15<sup>th</sup> week before EWC, and
- those with at least one year's continuous service at the 11<sup>th</sup> week before the EWC.

### **PURPOSE**

This Policy is intended to help managers and employees understand maternity leave and pay.

Maternity provisions can be very complex and the information contained in the policy is intended to answer the initial questions managers and employees may have. If you have any further queries regarding maternity leave, pay, or pensions, please contact a member of the Human Resources and Payroll Team.

### **DEFINITIONS**

#### **Childbirth**

In this context, childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.

#### **Expected Week of Childbirth (EWC)**

In this context, expected week of childbirth means the week, beginning with midnight between Saturday and Sunday, in which it is expected that the baby will be born.

## **Week of Childbirth**

In this context, week of childbirth means the week, beginning with midnight between Saturday and Sunday, in which the baby is actually born.

## **Average weekly earnings**

Average weekly earnings take into account what an employee actually earned in the 8 week period ending with the qualifying week. Therefore bonuses, pay awards and other ad-hoc payments which fall in that period count in the calculation of SMP.

## **Qualifying week**

The qualifying week is the 15<sup>th</sup> week before the expected week of childbirth.

## **ABBREVIATIONS**

**EWC** Expected Week of Childbirth

**OML** Ordinary Maternity Leave

**AML** Additional Maternity Leave

**APL** Additional Paternity Leave

**SMP** Statutory Maternity Pay

**MA** Maternity Allowance

**SPL** Statutory Paternity Leave

**MSL** Maternity Support Leave

**SPL** Shared Parental Leave

**ShPP** Statutory Shared Parental Pay

## **MATERNITY ENTITLEMENT:**

Maternity entitlement can be divided into two main areas: Entitlement to Time Off, and Entitlement to Pay.

### **1 LEAVE**

There are three types of maternity leave: ordinary, additional and compulsory.

#### **1.1 Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML)**

Regardless of length of service, all women are entitled to take 26 weeks' Ordinary Maternity Leave (OML), followed by 26 weeks' Additional Maternity Leave (AML). All pregnant employees are therefore entitled to a total period of up to 52 weeks' maternity leave. This includes those employed under the Apprenticeship Scheme.

In order to be eligible for ordinary maternity leave and additional maternity leave, an employee must give notification:

- That she is pregnant;
- Of her expected week of childbirth;
- Of the date on which she intends her maternity leave to start.

If requested, the employee must provide notification in writing and provide a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth. (Please see section 3 on Notification.)

OML can start on any day from the 11<sup>th</sup> week before the EWC.

If an employee's maternity leave has not already started, it will be triggered by the birth of the child, or a pregnancy-related absence from the beginning of the 4<sup>th</sup> week before the EWC. In both of these situations, the employee must notify her employer in writing as soon as reasonably practicable. If the employee gives birth prior to the start of her OML, OML begins on the day childbirth occurs.

An employee is still entitled to OML if she has a stillbirth after 24 weeks of pregnancy, or if the child dies.

#### **1.2 Compulsory Maternity Leave**

An employee must not return to work for two weeks following the date of childbirth.

### **1.3 When Does Maternity Leave Commence?**

Maternity leave can start on any day from the beginning of the 11<sup>th</sup> week before the Expected Date of Childbirth (EWC), apart from two circumstances.

- If childbirth occurs before this date, or before the employee has been able to notify the Authority of her intention, maternity leave will begin the day after childbirth (NB See definition).
- The start of ordinary maternity leave will be triggered automatically if the employee is absent from work wholly or partly on account of a pregnancy-related condition within four weeks of the week her baby is due.

## **2 PAY**

There are two types of pay to which an employee may be entitled. Statutory Maternity Pay which comes from the State, and Occupational Maternity Pay which is paid by the employer. Both are based on length of service as follows:

### **2.1 Statutory Maternity Pay**

An employee who is pregnant will be eligible to receive Statutory Maternity Pay (SMP) for 39 weeks provided that:

- She has been employed for a minimum of 26 weeks as at the end of the 15<sup>th</sup> week before the week her baby is due (which is known as the qualifying week);
- She is still employed during that week, ie has not resigned or been dismissed before the beginning of that week;
- Her average weekly earnings during the period of eight weeks that immediately precede the 14<sup>th</sup> week before the expected week of childbirth, are equal to or greater than the lower earnings limit for national insurance contributions.\*

If the above conditions have not been met, SMP will not be payable.

SMP is payable once the employee begins her maternity leave and it can begin on any day of the week. If an employee chooses to return to work before SMP is due to end (ie before the 39<sup>th</sup> week), she will forfeit any outstanding SMP that would otherwise have been due to her.

SMP is payable whether or not the employee intends to return to work or actually returns to work after maternity leave.

SMP is payable as follows:

- 6 weeks at 90% of average earnings;
- 33 weeks at a rate set annually by the Government or 90% of normal wage, whichever is lower.

It should be noted that SMP is regarded as earnings and therefore tax and National Insurance contributions will be deducted.

\* If earnings are below this level the employee should complete form SMP1 so that she can claim Maternity Allowance from the Benefits Agency. Where a woman qualifies, she will receive 39 weeks' Maternity Allowance payable at the same flat rate as SMP or 90 percent of earnings, if less.

NB If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether OML or AML), 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 she may qualify for SMP if she 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.

## 2.2 Occupational Maternity Pay

Employees with at least one year's continuous service at the 11<sup>th</sup> week before the EWC will be entitled to the following Occupational Maternity Pay:

- **Weeks 1 – 6** 90% of a week's pay (offset against payments made by way of SMP or Maternity Allowance\*).
- **Weeks 7 - 18** Where an employee has declared in writing that she intends to return to work, she will receive half pay plus SMP, provided that this does not exceed full pay. This is paid on the understanding that a woman will return to local authority employment for at least three months following maternity leave. For employees not intending to return, payment will be the employee's entitlement to SMP only.

(If an employee is unsure whether or not she will return, there are two options; - to repay the half pay if she decides not to return, - or to ask the employer to withhold the half pay and receive this in a lump sum if she decides to return.)



- **Weeks 19-39** For the remaining 21 weeks, the employee will receive their SMP entitlement only.  
(\*This means that the statutory payments are made in addition to Occupational Maternity Pay, but the salary element will be adjusted so that the total does not exceed full pay.)

### **3 NOTIFICATION**

#### **3.1 Notification of Pregnancy**

An employee must notify her employer of the following as soon as possible, and at least 28 days before her absence begins:

- That she is pregnant
- Of her expected week of childbirth (EWC)
- Of the date on which she wants her maternity leave to start. This cannot be earlier than the 11<sup>th</sup> week before the EWC.

If an employee who has already provided notification of her maternity leave start date subsequently changes her mind, she may do so by giving at least 28 days' notice of the revised start date. This may be earlier or later than the date originally notified, but cannot be earlier than the 11<sup>th</sup> week before the EWC.

On receipt of an employee's notification that she intends to take maternity leave, the employer must respond in writing within the next 28 days acknowledging the employee's intentions and informing her of the latest date on which she may return to work after her maternity leave. This will be 52 weeks after the start of the employee's maternity leave.

If childbirth occurs early the employee must notify the Authority that she has given birth. This notification must be provided as soon as reasonably practicable and must be in writing.

#### **3.2 Notification of Return**

An employee who decides to return to work at the end of her additional maternity leave is not required to give any specific notice of her return date. She may simply turn up to work in the usual way on the appropriate date.

If however she wishes to return to work early, including at the end of her ordinary maternity leave, she must give at least eight weeks' notice in writing of the date on which she intends to return.

### **3.3 Requests to return on varied hours**

If a woman wishes to return from maternity leave on reduced hours, she should make the request as soon as possible, and no later than 28 days prior to her intended return to work date.

### **3.4 Right to return to the same job**

The employee has the right to resume working in the same job on return from OML. If the employee returns to work after a period of AML, she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Employees on an Apprenticeship contract have a right to return to the job in which they were employed up to the end of the Apprenticeship contract.

### **3.5 Failure to return to work**

Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless the employee is sick and produces a current fit note before the end of the maternity leave period.

If the employee decides during maternity leave that she does not wish to return to work, she should give written notice of resignation to the organisation as soon as possible and in accordance with the terms of her contract of employment.

## **4 KEEPING-IN-TOUCH DAYS**

Employees on ordinary or additional – but not compulsory – maternity leave may do up to 10 days' work under their contract of employment without bringing their maternity leave period to an end or losing their entitlement to statutory maternity pay. These days are known as 'keeping-in-touch' days.

The employee can go in for one hour or a whole day. This will still be a 'keeping-in-touch' day. The days of work may be separate days or a single block, as agreed between the employee and her manager. The provision can be used in a number of ways, for example to invite an employee on maternity leave to go on a training course, to attend an important team meeting, or to undergo an EDPR interview.

Line managers may not, however, oblige the employee to do any work during their maternity leave. Neither are employees entitled to be offered any work to do. The amount and type of work to be done is subject to the agreement of both parties, as is the amount of remuneration that the employee will be paid. A woman's maternity

leave will not be extended due to the fact that she has carried out some work during this period.

## **5 REASONABLE CONTACT**

Managers may make reasonable contact with employees who are on maternity leave, for example to discuss the employee's plans to return to work, significant workplace developments, job vacancies, training opportunities or whether the employee might wish to seek any changes to her working hours or pattern of work on her return. This would not constitute 'work' and would not therefore count towards the 10 days.

In the case of Apprentices, prior to going on maternity leave the Apprenticeship Officer will ascertain whether or not the Apprentice wishes to receive copies of any job vacancies or training opportunities during their maternity leave. Should there be any significant workplace developments, they will be informed of these in writing by the Apprenticeship Officer.

## **6 CONTRACTUAL BENEFITS**

Apart from remuneration, an employee is entitled to benefit from the same terms and conditions of employment throughout the ordinary maternity leave and additional maternity leave period.

### **What qualifies as remuneration?**

Examples of payments which count as remuneration are:

- Basic Pay
- Contractual overtime

### **6.1 Car User Allowances**

An employee is entitled to receive the allowance in full (pro rata to hours worked) for the whole of the ordinary maternity leave and additional maternity leave period.

### **6.2 Mobile Phone**

Employees who are in receipt of a mobile phone will continue to have the provision of the mobile phone for the whole of the ordinary maternity leave and additional maternity leave period.

### **6.3 Childcare Vouchers**

An employee is entitled to request and receive childcare vouchers for the whole of the ordinary maternity leave and additional maternity leave period.

#### **6.4 Annual Leave**

Annual leave is a contractual benefit and therefore must be protected during the AML period. This means that annual leave continues to accrue during the maternity leave period and will be added to their entitlement for the leave year. Therefore the time when an employee is on maternity leave will count towards her continuous service for the purposes of qualifying for additional annual leave (ie the additional five days leave after five years service) and longer sick pay entitlement.

However, it should be noted that there is no provision for carry-forward of leave from one leave year to the next. Therefore dependent on the employee's individual leave year and the timing of the maternity leave, the employee may wish to convert part of the unpaid AML period to paid leave. For guidance on this, please speak to a member of the Human Resource Team.

Apprentices who do not return to work before the end of their Apprenticeship contract are entitled to payment for any untaken days as part of their final salary.

#### **6.5 Sickness Absence**

If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory / contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun OML. If, however, the employee is absent from work due to a pregnancy related illness after the beginning of the fourth week before her EWC, her maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the EWC, she must confirm this in writing as soon as reasonably practicable.

#### **6.6 Pension Contributions**

During the employee's paid maternity leave she will continue to pay superannuation contributions on the actual maternity pay she has received (including statutory pay, contractual pay and any payment in respect of KIT days). The employer's contributions will be based on the employee's assumed pensionable pay, which will be calculated in accordance with the Local Government Pension Scheme rules.

No contributions will be payable by either the employee or the employer in any period of AML in which a woman receives no pay.

Any period of unpaid AML will not count as membership unless an election is made to pay contributions for this period following return to work or resignation (see below).

When the employee returns to work, or equally if she resigns or is dismissed during or after the AML, she can pay the contributions relating to any period of unpaid maternity leave. If the employee wishes to buy back the amount of 'lost' pension in respect of the unpaid period of absence they can do so through an age related APC (Additional Pension Contribution) contract, either over a period of time or, if impracticable, Derbyshire County Council may determine that a lump sum is appropriate. If the employee elects to enter into an APC contract within 30 days of returning from the leave, the cost will be split 1/3<sup>rd</sup> employee and 2/3<sup>rd</sup>s employer. If they elect for an APC contract after the 30 day period the full cost of the APC will be borne by the employee.

An employee's membership in the pension scheme is preserved while her contributions are payable. Therefore, employees in the Local Government Pension Scheme will have their continuity of membership preserved during OML and for any period of the AML in which they receive SMP and/or contractual maternity pay, or have entered into an APC contract for the unpaid period of absence.

## **6.7 Working Pattern**

Employees returning from maternity leave may request a variation to their working pattern, and should refer to the Council's Policies on Job-sharing, Carer's Leave and the Career Break Scheme. In addition, employees have a statutory right to apply for flexible working. Please refer to the separate policy on Flexible Working.

## **6.8 Less favourable treatment**

An employee who is treated less favourably on the grounds of their pregnancy or ordinary or additional maternity leave period, can make a claim for maternity-related discrimination.

## **7 HEALTH AND SAFETY**

The Authority owes their employees a duty of care. The Authority must therefore take adequate steps to protect their employee's health and safety whilst at work. There are various pieces of health and safety related employment legislation which address many aspects of this obligation.

In the field of maternity, there are a number of statutory obligations on employers regarding the health and safety of pregnant employees and those who are new mothers.

## **7.1 Stage One: Notification of Pregnancy**

Where an employee notifies the Authority that she is pregnant or a new mother, the particular risks that she faces specifically in her working environment as a result of her condition will have to be assessed.

### **Risk Assessment**

Under the Management of Health and Safety at Work Regulations, employers are required to make a suitable and sufficient assessment of the health and safety risks to which their employees are exposed at work.

Where women of child bearing age are employed the risk assessment must take into account risks to new and expectant mothers.

The Health and Safety Adviser is available to be consulted in relation to pregnant workers and risk assessment. However, all managers have an important role to play as they will be more aware of any potential risks in their areas. The following are examples of the type of risks that can arise in the workplace.

- For pregnant women and women who have had a caesarean section, lifting heavy items can lead to injury.
- Physical fatigue from standing for long periods of time can lead to miscarriage.

Special consideration should be paid towards the higher risks incurred in early pregnancy when the foetus is in the early stages of formation eg of muscular – skeletal problems as well as the risks from chemical/pathogenic hazards.

Once the risk assessment has been carried out further action may be required to make sure that everything possible has been done to reduce or eliminate the risk.

## **7.2 Stage Two: Action Following Notification**

Appropriate steps should be taken as follows by the Health and Safety Adviser:

- Checks must be made to ensure that the preventative action identified as a result of the risk assessment has been undertaken. If the employee is still exposed to a risk that could jeopardise her health and safety after the identified action has been carried out, then her working conditions and hours of work should be

temporarily adjusted, or if it is not reasonable to do this, or it would not avoid the risk, suitable work should be offered, if any is available.

**Alternative work will be suitable if:**

- It is a kind which is suitable in relation to her and appropriate for her to do in the circumstances; and
- The terms and conditions applicable, if they differ from her normal conditions, are not substantially less favourable to her;

All measures taken must continue for as long as the risk exists.

If there is no suitable alternative work available, the employee must be suspended on full pay for as long as the risk remains or until the commencement of her maternity leave.

Managers play an important role in helping to identify the risks and in helping to adapt working arrangements if necessary.

Please contact Human Resources and/or the Health and Safety Adviser for advice if an employee informs management that she is pregnant, has recently given birth or is breast feeding.

It is important to review the assessment as risks can vary according to the stage of pregnancy and there are different risks for those who are breast feeding.

If the employee works in a manual job which involves lifting, ladder work, contact with hazardous substances or work that is particularly stressful, the Authority will give the employee every help and assistance to continue their job. At a later stage in the pregnancy, redeployment may be considered wherever practicable.

**Display Screen Equipment**

DSE (display screen equipment) users who have concerns over their work will be given an opportunity to discuss any anxieties with their line manager. Consideration will be given to either reduce or eliminate the need for work at DSE should this be requested. There are no scientific or medical reasons to link DSE work with any risks to pregnancy.

**Ante-Natal Care**

All pregnant employees are entitled to take a reasonable amount of paid time off work on medical advice to attend antenatal appointments. An employee can be asked to produce a medical certificate or appointment card, except in the case of her first request for time off.

Managers cannot ask employees to work additional hours to make up for any time spent at ante-natal appointments,

“Ante-natal care” includes doctors, midwives and hospital appointments. It can also include relaxation and exercise classes and parentcraft classes, where the appointment has been made on the advice of a registered midwife, doctor or health visitor.

The employee should endeavour to give her 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.

## **8 QUESTION AND ANSWERS**

### **8.1 What if the employee has more than one contract?**

The Authority aggregates its payment of National Insurance Contributions (NICs) for the employee, therefore the contracts of employment are effectively combined for SMP purposes and only one entitlement arises.

### **8.2 What are the employee’s rights on returning to work?**

After a period of OML, the woman is entitled to return from leave to the job in which she was employed before her absence. This does include apprentices, provided that maternity leave ends before the conclusion of the apprenticeship contract.

After AML, the woman is entitled to return either to the job she was in before her absence or, if impracticable, the employer has the right to have her return to another job which is both suitable and appropriate for her in the circumstances.

### **8.3 What if the employee becomes pregnant again during maternity leave?**

It will be possible, although rare, for a woman to be able to take a further period of ordinary and additional maternity leave (if she was having another child) following on from a former period of ordinary and additional maternity leave. Identical provisions apply, and her right to return will be as it was after the first period of AML.

### **8.4 What happens if the employee is sick?**

If an employee notifies the Authority that she intends to return to work before the end of the 26 week period, and is unable to do so due to sickness or she returns and is subsequently absent due to sickness, she should receive SMP until the end of the 39 week period. This



should be topped up with occupational sick pay, but the total should not exceed her normal pay. The employee's entitlement to occupational sick pay will depend on her length of service and the amount of sick leave already taken.

If an employee is unable to return to work at the end of the 52 week maternity leave period or on the date she has notified (if she intended to return early) due to illness she will be entitled to SSP as she will then be outside the Maternity Pay Period. This should be made up to full pay with occupational sick pay, if eligible. The normal sickness provisions will apply from the date she was due to return.

### **8.5 What happens if the employee decides not to return to work?**

If the employee simply fails to turn up for work, her absence is unauthorised and should be dealt with as any other case of this nature, under the Council's Disciplinary Procedure if necessary. It is important to ensure that an employee is aware of the last day by which she must return.

If the employee no longer wishes to return to work, she will effectively be resigning and should notify the Council in accordance with her contractual obligations.

### **8.6 What is the difference between Parental Leave and Shared Parental Leave?**

**Parental Leave** Parental leave is for employees to take time off work to look after a child's welfare, is normally unpaid, and is available for each child up to their 18<sup>th</sup> birthday.

If the employee has completed one year's service with the Council, they are entitled to a total of 18 weeks unpaid parental leave for each child born or adopted. The leave can be taken in blocks of a week or multiples of a week, and may not be taken as odd days unless the child is disabled. No more than four weeks parental leave can be taken during a year. Please see separate policy on Parental Leave for more information.

**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.

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 Council will have to accept the request as long as eligibility and notice requirements are met), or as a number of separate blocks of leave (in which case the employee needs

the Council's agreement to this). Please see separate policy on Shared Parental Leave for full information.

**8.7 What should an employee do if she feels she is being treated differently because she is pregnant and intends to take maternity leave?**

Employees have a right not to suffer any harassment, intimidation or detriment on the grounds of pregnancy, childbirth or maternity leave. Employees who are treated less favourably can bring a claim for maternity-related discrimination. Employees should discuss this with a member of the Human Resource Team and/or their Trade Union Representative who will advise on their rights.

**8.8 What happens if an employee changes her mind about returning to work, or does not complete the three months after receiving half pay under the Occupational Maternity Pay scheme?**

If she does not return for three months she must repay the 12 weeks half pay (but not the SMP) as determined by the Authority. However, the longer she returns to work the less she will have to repay.

If the employee simply fails to turn up for work, her absence is unauthorised and should be dealt with as any other case of this nature.

**8.9 What happens if the baby dies, or if the employee miscarries?**

If the baby dies or is still-born after 24 weeks pregnancy the Scheme applies. Where miscarriage occurs before 24 weeks, sympathetic consideration will be given to the circumstances and as necessary special leave or sick leave will be considered. The decision will be based upon the needs of the employee and medical opinion.

**8.10 What can the employee do to ensure a healthy lifestyle?**

During the first three months of your pregnancy, working may be difficult particularly if you are feeling sick and tired. You should make maximum use of lunchtime periods to rest but if you feel the need to rest at some other time explain this to your supervisor or manager.

In general – employees wanting specific advice on diet/exercise, smoking, alcohol and drugs should consult their GP or other relevant health care professional.

**8.11 How will the employee's maternity pay be paid?**

Maternity pay is usually paid in the same way as wages/salary.

### **8.12 What about pay awards?**

Any pay award will be reflected in the calculation of maternity pay. Employees are entitled to backdated awards.

### **8.13 Will the employee's grade be affected?**

Maternity leave will not affect job grade, employees are entitled to return to exactly the same grade as before they left. Unless for reasons of redundancy or reorganisation it is not possible or practicable for employees to return to their own job following maternity leave, they will normally return to the job they are contracted to on terms and conditions not less favourable than had they not been absent.

### **8.14 What happens if the employee is part way through post-entry training?**

If an employee is part way through a Post Entry Training course when she goes on maternity leave then she will not be required to continue attendance. However, should she wish to do so she may continue on a voluntary basis but she will not be eligible to claim travelling and subsistence expenses. The two year repayment clause will be waived automatically.

Bolsover District Council

# Adoption Policy

(May 2015)



### CONTROL SHEET FOR ADOPTION POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Adoption
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	T Morrell - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	N/A
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / UECC / Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

## **ADOPTION POLICY**

### **SCOPE**

This policy applies to all employees, subject to certain conditions being satisfied.

Adoption provisions will not be granted to two employees in respect of the same adoption. In such cases, the other employee will be entitled to the same provisions as maternity support leave.

Prospective adopters are legally required to be 21 years of age or older. There is no upper age limit.

Statutory adoption pay and adoption leave are also available to parents who will become the legal parents of a child under a surrogacy arrangement, and local authority foster parents who are also prospective adopters ('foster to adopt'), but are not normally available to step-parents who go on to adopt a child.

### **PURPOSE**

This Policy is intended to help managers and employees understand adoption leave and pay.

Adoption provisions can be very complex and the information contained in the policy is intended to answer the initial questions managers and employees may have. If you have any further queries regarding adoption leave and pay, please contact a member of the Human Resources Team.

For pension and salaries enquiries, please contact the Human Resources and Payroll team.

### **DEFINITIONS**

#### **Adopter**

For the purpose of this guidance, an adopter is a person who has been matched with a child for adoption or, if a couple have been matched jointly, the member of the couple who has chosen to take adoption leave and/or statutory adoption pay.

#### **Adoption Agency**

An adoption agency has the meaning given to it in section 1(4) of the Adoption Act 1976 in England and Wales. In Scotland, it has the meaning given to it in section 1(4) of the Adoption (Scotland) Act 1978.

## **Matched/Matching**

A person is matched with a child for adoption when an adoption agency decides that the person would be a suitable adoptive parent for the child, either individually or with another person.

## **Notification of Matching**

A person is notified of having been matched with a child on the date on which they receive notification of the Agency's decision that they have been matched with a child for adoption.

## **Placement**

A child is placed for adoption when the child goes to live with the adopter or adopters with a view to being adopted by them in the future.

## **Paternity**

In this guidance the term 'paternity' is used in reference to those entitlements applying either to the individual who is the member of a jointly adopting couple who has chosen not to take statutory adoption leave or pay, regardless of the sex of either, or an individual adopter's partner, regardless of the sex of either.

## **Relevant Week**

The week in which a person is notified by the adoption agency of being matched with a child.

## **Abbreviations**

**OAL** Ordinary Adoption Leave

**AAL** Additional Adoption Leave

**SAP** Statutory Adoption Pay

**CAP** Contractual Adoption Pay

## **UK ADOPTIONS**

### **1 LEAVE**

There are two types of adoption leave: ordinary and additional.

#### **1.1 Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL)**

An employee (including those employed under the Apprenticeship Scheme) is entitled to 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave for the purpose of caring for their newly adopted child if all of the following conditions have been satisfied:

- They are the child's adopter.
- They have notified the Agency that they agree for the child to be placed with them and agree the date of placement.
- They have given notice in writing no more than seven days after notification has been received that they have been matched with a child. If it is not reasonably practicable for the employee to give notice of their intention to take OAL within seven days of the date on which they are notified of having been matched with the child, they will still qualify for such leave provided they give notice as soon as it is reasonably practicable;
- They have provided a Matching Certificate from the adoption agency.

If the above conditions have not been met, there is no entitlement to OAL and AAL.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures.

#### **1.2 Notification Requirements for Taking OAL**

In order to satisfy the notification requirements for taking ordinary adoption leave, an employee must provide the following written notification within seven days of being informed that they have been matched with the child:

- The date on which the child is expected to be placed with the employee.
- The date on which they intend to begin their OAL

On receipt of an employee's notification that they intend to take ordinary adoption leave, the employer will respond in writing within the next 28 days acknowledging the employee's intentions and informing them of the latest date on which they may return to work after their AAL. This will be 52 weeks after the start of the employee's adoption leave.



### **1.3 When OAL Can Begin**

An employee may choose to start their OAL on:

- The date on which the child is placed with them for adoption. If the employee is at work on this date, their OAL will begin on the following day.
- A pre-determined date specified in writing that falls within the 14-day period immediately before the date of placement.

### **1.4 Changing the Start Date of OAL**

An employee who has already provided notification in writing of the date on which they intend to begin their ordinary adoption leave may change that date provided they give at least 28 days notice:

- Where the change is to provide for the employee's OAL to begin on the date on which the child is expected to be placed with them for adoption,
- Where the change is to provide for the employee's OAL to begin on a pre-determined date (or a different pre-determined date).

The employee must give notice in writing of the changed start date of the OAL as soon as is reasonably practicable if unable to give the minimum 28 days' notice.

On receipt of an employee's notification that they intend to change the start date of their ordinary adoption leave, the employer must respond in writing within the next 28 days acknowledging the employee's intentions and informing the employee of the new revised date on which they may return to work after their AAL.

### **1.5 Length of OAL or AAL Where the Adoption Has Been Disrupted**

Where the adoption is disrupted or fails to take place, the employee's OAL or AAL will end eight weeks after the end of the week in which the disruption occurred.

A 'disruption' will occur in the following circumstances:

- The employee is notified, before the placement, that it will not now occur;
- The child dies;
- The child is returned to the adoption agency;
- The child ceases to live with the adopter

### **1.6 Early Return from Adoption Leave**

If an employee wishes to return to work before the end of their additional adoption leave, they should give notification in writing at least eight weeks before the date of their intended return.

An employee who has notified the Council that they wish to return to work before the end of the full 52 weeks of adoption leave, as set out above, is entitled to change their mind. However, in these circumstances they should give the Council notice of this new, later, date of return at least eight weeks before the earlier date.

If an employee fails to provide the required eight weeks' notice, the Council can postpone their return to work by up to eight weeks (but not beyond the end of their AAL period).

Under the Paternity and Adoption Leave Regulations 2002 (SI 2002/2788), reg.25(4), where an employee is notified that their return to work has been postponed until a certain date, but they return to work before that date, the Council is under no contractual obligation to pay their remuneration until the date to which their return was postponed.

## **2 PAY**

There are two types of pay to which an employee may be entitled. Statutory Adoption Pay (SAP) which comes from the Government, and Contractual Adoption Pay (CAP) which is paid by the Council. Both are based on length of service.

### **2.1 Statutory Adoption Pay**

An employee is entitled to receive 39 weeks statutory adoption pay, if the following conditions have been satisfied:

- They have been continuously employed for at least 26 weeks by the week in which they are notified by the adoption agency of being matched with a child (relevant week).
- They are the person with whom a child is, or is expected to be, placed for adoption under the law of any part of the United Kingdom.
- They have taken ordinary adoption leave in order to care for the child.
- Have normal weekly earnings over the eight-week period ending with the relevant week not less than the lower earnings limit for National Insurance purposes.
- Have provided evidence of their entitlement to SAP.
- Have complied with the notification requirements for taking SAP.

SAP is payable as follows:

- 39 weeks a rate set annually by the Government or 90% of normal wage, whichever is lower.

It should be noted that SMP is regarded as earnings and therefore tax and National Insurance contributions will be deducted.

An employee is entitled to no more than 39 weeks' SAP where more than one child is placed for adoption, or is expected to be placed for adoption, as part of the same arrangement.

An employee is not entitled to receive SAP if they have exercised their entitlement to receive statutory paternity pay. (NB Please see Maternity Support Leave and Paternity Leave Policy.)

In addition to this, an employee is not entitled to receive SAP for the adoption of a child if their partner is eligible (and has elected) to receive SAP for the adoption of the same child.

## **2.2 Evidence of Entitlement to SAP**

As evidence of entitlement to SAP, an employee must provide one or more of the following documents from the adoption agency containing:

- The name and address of the person claiming SAP.
- The name and address of the adoption agency.
- The date on which the child is expected to be placed for adoption (or where the child has already been placed for adoption, the date the child was placed).
- The date on which the employee claiming SAP was informed by the adoption agency that the child would be placed for adoption with them.
- A declaration that they have elected to receive SAP (and not statutory paternity pay) for the newly adopted child.

The document(s) and the declaration must be given to the Council as least 28 days before the start of the SAP period, or as soon as is reasonably practicable thereafter.

## **2.3 Notification Requirements for SAP**

In order to satisfy the notification requirements for SAP, the employee must give at least 28 days' notice in writing of the date from which they expect to start receiving SAP or, if that is not reasonably practicable, as soon as they reasonably can.

At the same time, the employee is also required to provide notice of the date on which the child is expected to be placed with them for adoption.

Where an employee has chosen to begin their SAP period on the date the child is placed with them for adoption, they must further notify the Council as soon as is reasonably practicable of the date the child was actually placed for adoption.

## **2.4 When the SAP Period Can Begin**

The statutory adoption pay period begins at the same time as the period of ordinary adoption leave.

## **2.5 Length of the SAP Period Where the Adoption Has Been Disrupted**

Where the adoption is disrupted or fails to take place, the employee's entitlement to SAP will end eight weeks after the end of the week in which the disruption occurred.

## **2.6 Contractual Adoption Pay**

Employees with at least one year's continuous service at the time of the adoption placement will be entitled to the following Contractual Adoption Pay:

- Weeks 1 – 6 90% of a week's pay (offset against payments made by way of SAP\*).
- Weeks 7 - 18 Where an employee has declared in writing that they intend to return to work, they will receive half pay plus SAP, provided that this does not exceed full pay. This is paid on the understanding that an employee will return to local authority employment for at least three months following adoption leave. For employees not intending to return, payment will be the employee's entitlement to SAP only.

(If an employee is unsure whether or not they will return, there are two options; - to repay the half pay if they decide not to return, - or to ask the employer to withhold the half pay and receive this in a lump sum if they decide to return.)

- Weeks 19-39 For the remaining 21 weeks, the employee will receive their SAP entitlement only.

(\*This means that the statutory payments are made in addition to Contractual Adoption Pay, but the salary element will be adjusted so that the total does not exceed full pay.)

## **OVERSEAS ADOPTIONS**

Some of the criteria listed above also apply to employees who adopt a child from overseas. The eligibility criteria for UK Adoptions for Ordinary Adoption Leave, Additional Adoption Leave, Statutory Adoption pay and Contractual Adoption Pay should therefore be read taking into account the following amendments relating to Overseas Adoptions.

### **3 Leave**

#### **3.1 Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL)**

An employee is entitled to 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave for the purpose of caring for their newly adopted child if all of the following conditions have been satisfied:

- The employee is the child's adopter.
- The employee has been continuously employed for at least 26 weeks either:
  - a) Ending with the week in which they receive official notification, or
  - b) Starting with the week in which their employment with the employer began.

"Official notification" means written notification, issued by or on behalf of the relevant domestic authority (eg the Secretary of State for Health), that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to the authority confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

The reasoning behind option (b) (which is not available in the case of domestic adoptions) is that it can take a long time between an employee being notified as a suitable parent and actually having a child from overseas being placed with them for adoption.

- The employee has complied with a request to provide written evidence of their entitlement to OAL for a child adopted from overseas.
- The employee has complied with the notification requirement for taking OAL for a child adopted from overseas.

If the above conditions have not been met, there is no entitlement to OAL and AAL.

#### **3.2 Evidence of Entitlement to OAL**

As proof of their entitlement to ordinary adoption leave, an employee must give their employer a copy of the official notification together with evidence of the date of entry of the child into Great Britain.

#### **3.3 Notification Requirement for Taking OAL**

In order to satisfy the notification requirements for taking ordinary adoption leave for a child adopted from overseas, an employee must provide written notification of:

- The date on which they receive an official notification;
- The date on which the child is expected to enter the UK;

These must both be given either within 28 days of the date they received an official notification, or on the date on which they complete 26 weeks' continuous employment, whichever is later.

- The date on which they wish to begin their OAL.
- The date on which the child actually enters Great Britain. – this must be given no more than 28 days after the date of entry into Great Britain.

On receipt of an employee's notification that they intend to take ordinary adoption leave, the employer must respond in writing within the next 28 days acknowledging the employee's intentions and informing them of the latest date on which they may return to work after their AAL. This will be 52 weeks after the start of the employee's adoption leave.

### **3.4 When OAL Can Begin**

An employee may choose to start their OAL for a child adopted from overseas on:

- The date on which the child enters Great Britain. (If the employee is at work on this date, their OAL will begin on the day after that date.)
- A predetermined date specified in their notice under the notification requirements for OAL for a child adopted from overseas, that is no later than 28 days after the date on which the child enters Great Britain.

### **3.5 Changing the Start Date of OAL**

An employee who has already provided notification in writing of the date on which they intend to begin their ordinary adoption leave may change that date provided they give at least 28 days notice:

- Where the change is to provide for the employee's OAL to begin on the date on which the child enters Great Britain,
- Where the change is to provide for the employee's OAL to begin on a pre-determined date (or a different pre-determined date).

The employee must give notice in writing of the changed start date of the OAL as soon as is reasonably practicable if unable to give the minimum 28 days' notice.

On receipt of an employee's notification that they intend to change the start date of their ordinary adoption leave, the employer must respond in writing within the next 28 days acknowledging the employee's intentions and informing the employee of the new revised date on which they may return to work after their AAL.

## **4 Pay**

### **4.1 Evidence of Entitlement to SAP**

As evidence of their entitlement to statutory adoption pay in the case of an overseas adoption, an employee must provide notification in writing of:

- A copy of the official notification.
- The name and address of the person claiming SAP.
- The date on which it is expected that the child will enter Great Britain or, where the child has already entered Great Britain, the actual date of entry.
- A declaration that they have elected to receive SAP (rather than statutory paternity pay) for the child. (NB Please see Maternity Support Leave and Paternity Leave Policy.)
- Evidence of the date on which the child entered Great Britain within 28 days of that date.

### **4.2 Notification Requirements for SAP**

In order to satisfy the notification requirements for statutory adoption pay for an overseas adoption, the employee must give at least 28 days' notice in writing of the date from which they expect to start received SAP or, if that is not reasonably practicable, as soon as they reasonably can.

In addition, an employee must also give written notice of;

- The date on which official notification was received, within 28 days of that date or within 28 days of their completion of 26 weeks' continuous employment, whichever is later.
- The actual date on which the child enters Great Britain within 28 days of that date.

Where the child has not entered Great Britain on the expected date of entry, an employee who still wishes to claim SAP for that child must notify the Council as soon as is reasonably practicable that their SAP period will start on a different date.

### **4.3 When the SAP Period Can Begin**

The statutory adoption pay period for overseas adoptions begins at the same time as the period of ordinary adoption leave for overseas adoptions.

## **5 Keeping-in-Touch Days – UK or Overseas Adoptions**

Employees on ordinary or additional adoption leave may do up to 10 days' work under their contract of employment without bringing their adoption leave period to an end or losing their entitlement to statutory adoption pay. These days are known as 'keeping-in-touch' days.

The employee can go in for one hour or a whole day. This will still be a 'keeping-in-touch' day. The days of work may be separate days or a single block, as agreed between the employee and their manager. The provision can be used in a number of ways, for example to invite an employee on adoption leave to go on a training course, to attend an important team meeting, or to undergo an EDPR interview.

Line managers may not, however, oblige the employee to do any work during their adoption leave. Neither are employees entitled to be offered any work to do. The amount and type of work to be done is subject to the agreement of both parties, as is the amount of remuneration that the employee will be paid. An employee's adoption leave will not be extended due to the fact that they have carried out some work during this period.

#### **4 Reasonable Contact – UK or Overseas Adoptions**

Managers may make reasonable contact with employees who are on adoption leave, for example to discuss the employee's plans to return to work, significant workplace developments, job vacancies, training opportunities or whether the employee might wish to seek any changes to their working hours or pattern of work on their return. This would not constitute 'work' and would not therefore count towards the 10 days.

In the case of Apprentices, prior to going on adoption leave the Apprenticeship Officer will ascertain whether or not the Apprentice wishes to receive copies of any job vacancies or training opportunities during their adoption leave. Should there be any significant workplace developments, they will be informed of these in writing by the Apprenticeship Officer.

#### **5 Contractual Benefits – UK or Overseas Adoptions**

Apart from remuneration, an employee is entitled to benefit from the same terms and conditions of employment throughout the ordinary adoption leave and additional adoption leave period.

##### **What qualifies as remuneration?**

Examples of payments which count as remuneration are:

- Basic Pay
- Contractual overtime

##### **5.1 Car User Allowances**

An employee is entitled to receive the allowance in full (pro rata to hours worked) for the whole of the ordinary adoption leave and additional adoption leave period.



## **5.2 Mobile Phone**

Employees who are in receipt of a mobile phone will continue to have the provision of the mobile phone for the whole of the ordinary adoption leave and additional adoption leave period.

## **5.3 Childcare Vouchers**

An employee is entitled to request and receive childcare vouchers – please see intranet for further information.

## **5.4 How will adoption leave affect an employee's annual leave entitlement?**

Annual leave is a contractual benefit and therefore must be protected during the AAL period. This means that annual leave continues to accrue during the adoption leave period and will be added to their entitlement for the leave year. Therefore the time when an employee is on adoption leave will count towards their continuous service for the purposes of qualifying for additional annual leave (ie the additional five days leave after five years service) and longer sick pay entitlement.

However, it should be noted that there is no provision for carry-forward of leave from one leave year to the next. Therefore dependent on the employee's individual leave year and the timing of the adoption leave, the employee may wish to convert part of the unpaid AAL period to paid leave. For guidance on this, please speak to a member of the Human Resource Team.

Apprentices who do not return to work before the end of their Apprenticeship contract are entitled to payment for any untaken days as part of their final salary.

## **5.5 What happens to the employee's pension contributions?**

During the employee's paid adoption leave they will continue to pay superannuation contributions on the actual adoption pay they have received (including statutory pay, contractual pay and any payment in respect of KIT days). The employer's contributions will be based on the employee's assumed pensionable pay which will be calculated in accordance with the Local Government Pension Scheme rules.

No contributions will be payable by either the employee or the employer in any period of AAL in which an employee receives no pay. Any period of unpaid AAL will not count as membership unless an election is made to pay contributions for this period following return to work or resignation (see below).

When the employee returns to work, or equally if they resign or are dismissed during or after the AAL, the employee can pay the contributions relating to any period of unpaid adoption leave. If the employee wishes to buy back the amount of 'lost' pension in respect of the unpaid period of absence, they can do so through an age-related APC (Additional Pension Contribution) contract, either over a period of time or, if impracticable, Derbyshire County Council may determine that a lump sum is appropriate. If the employee elects to enter into an APC contract within 30 days of returning from the leave, the cost will be split 1/3<sup>rd</sup> employee and 2/3<sup>rds</sup> employer. If they elect for an APC contract after the 30 day period, the full cost of the APC will be borne by the employee.

An employee's membership in the pension scheme is preserved whilst their contributions are payable. Therefore employees in the Local Government Pension Scheme will have their continuity of membership preserved during OAL and for any period of the AAL in which they receive SAP and/or contractual adoption pay, or have entered into an APC contract for the unpaid period of absence.

**5.6 Can the employee request a variation to their working pattern on return?**

Yes, and employees should refer to the Council's Policies on Job-sharing, Carer's Leave and the Career Break Scheme. In addition, an employee has a statutory right to apply for flexible working. Please refer to the document entitled 'Flexible Working Arrangements within NEDDC'.

Bolsover District Council

# Maternity Support Leave and Paternity Leave

(May 2015)



## CONTROL SHEET FOR MATERNITY SUPPORT LEAVE AND PATERNITY LEAVE

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Maternity Support Leave and Paternity Leave
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Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

## **MATERNITY SUPPORT LEAVE AND PATERNITY LEAVE**

Maternity Support Leave (MSL) provided by National Conditions of Service is a similar entitlement to Paternity Leave, which has been introduced by legislation. Those employees who qualify for both will be entitled to one week's MSL at full pay and one week's paternity leave at the nationally agreed rate equivalent to SMP

### **MATERNITY SUPPORT LEAVE**

A partner or nominated carer of a woman expecting a baby is entitled to up to five days paid maternity support leave in any 12 month period. A nominated carer is the person nominated by the mother as their primary provider of support at or around the time of birth. In most cases such care and support would be provided by the father. However, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother and/or child. The purpose of granting the leave is to meet the needs of the employee in addressing problems or commitments outside work which are likely to have a bearing on the employee's wellbeing and ability to perform other duties. Such leave is subject to certain conditions as follows:

- advance notification\* from the employee to their line manager and a copy of the MatB1 form, and
- the leave being taken within eight weeks of the birth unless there are exceptional circumstances approved by the appropriate Core Manager.

(\*Notification is requested as early as possible, but needs to be at least 28 days before the start of EWC, or the first day of leave, whichever is later.)

### **STATUTORY PATERNITY LEAVE (SPL)**

A child's father, or the person who will share the responsibility with a partner for bringing up a child, may have the right to Statutory Paternity Leave and Pay. This includes those who are adopting a child.

Paternity leave is available to employees who:

- have, or expect to have, responsibility for the child's upbringing;
- are the biological father of the child, or the mother's husband or partner (including same sex relationships)
- have worked continuously for their employer for 26 weeks ending with the 15<sup>th</sup> week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child;
- give the correct notice.

There is entitlement to only one period of leave regardless of the number of children born as a result of the pregnancy.

An employee still qualifies for paternity leave if the child is stillborn after 24 weeks of pregnancy, or dies subsequently.

## **Payment**

Paternity leave is paid at the standard rate of Statutory Maternity Pay (SMP) which applies in the year in which the leave starts. The rate is updated on 1 April annually.

To apply for Paternity Leave and Pay, please complete form SC3 (in the case of birth parents), SC4 (in the case of adoptive parents) or SC5 (for those parents adopting from overseas). All these forms are available at [www.Gov.uk](http://www.Gov.uk).

If the employee qualifies for Maternity Support Leave and Statutory Paternity Leave, there is currently only an entitlement to a total of two weeks, ie one week's MSL on full pay and one week's SPL on Statutory Maternity Pay only.

## **When does SPL Commence?**

The employee can choose to take:

- one week's leave, or
- two consecutive weeks,
- and the leave must be taken within 56 days of the EWC.

The employee can choose to start SPL on

- The date the child is born
  - A certain number of days after the child is born; or
  - On a predetermined date after the first day of the EWC
- Paternity leave cannot start before the birth of the baby.

## **Ante-natal appointments**

Fathers and partners of pregnant women are currently entitled to unpaid time off to attend two ante-natal appointments.

## **Notification**

An employee must give notice in writing of the following before the end of the 15<sup>th</sup> week before the EWC, or as soon as reasonably practicable:

- The EWC;
- The length of leave they wish to take;
- The date on which they want their leave to begin;
- Confirmation that he/she is taking leave to care for the child or support the child's mother;
- Confirmation that he/she is the father, or married to or the civil partner or partner of the child's mother;
- Confirmation that he/she expects to have responsibility for the upbringing of the child.

The employee can change his/her mind about the date that he/she wishes leave to start, provided notice is given as follows:

- If the employee wishes to take SPL on the date the child is born, notice must be given at least 28 days before the first day of the EWC

- Where the employee wishes to take leave a certain number of days after the child is born, he/she must give notice 28 days before that point

If an employee wishes to start his/her leave on a predetermined date, notice must be provided 28 days before that date.

Where it is not possible to give this much notice, notice must be provided as soon as is reasonably practicable.

Where the employee has chosen to take his/her leave on a predetermined date and the child has not been born by that date, the employee must choose another date or choose another option and give the employer notice of the change as soon as reasonably practicable.

It is possible for the employee to change the date more than once.

The employee must inform their line manager of the date the child was born as soon as reasonably practicable.

NB Where the employee has chosen to start his/her leave on the date the child is born and he/she is at work on this date, SPL will start on the following day. This is to fit in with the Statutory Paternity pay (SPP) Regulations which do not allow an employee to receive SPP in a week in which he/she has worked. Therefore, the employee's first SPP week cannot start on a day in which he/she has done some work and it will therefore start on the next day.

Bolsover District Council

# Parental Leave Provisions

(May 2015)





### CONTROL SHEET FOR PARENTAL LEAVE PROVISIONS

Policy Details	Comments / Confirmation  (To be updated as the document progresses)
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Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

## PARENTAL LEAVE PROVISIONS

Parental Leave is for employees to take time off work to look after a child's welfare. This leave is on an unpaid basis, and is available for each child up to their 18<sup>th</sup> birthday.

**Parental Leave should not be confused with Shared Parental Leave which is a new entitlement for eligible parents of children due to be born or adopted on or after 5 April 2015 (see separate policy and procedures document).**

### Entitlement

Parental leave of 18 weeks shall be granted to employees with one year's continuous service, who have or are expecting to have parental responsibility for a child (ie they must be the parent:

- named on the child's birth certificate OR
  - named on the child's adoption certificate OR
  - with legal parental responsibility for a child under 18.
- 
- The Authority will also make parental leave available to foster parents, who do not currently fall under the legal definition.

### Notice

- Every attempt must be made by the employee to give as much notice as possible with a minimum of 21 days' notice in writing before the day on which s/he proposes to take the leave.
- To take parental leave straight after the birth or adoption of a child, an employee should give notice 21 days before the beginning of the expected week of childbirth or placement. (In cases where this may not be possible notice should be given as soon as possible, eg if a child is born prematurely or where less than 21 days notice is given that a child is to be placed for adoption.
- As long as the employee qualifies for parental leave and gives the correct notice, it should be possible to take this leave at any time.
- Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the Head of Service. Such discretion shall not be unreasonably withheld.

### Postponement

An employer can only postpone parental leave if they have a good business reason for doing so, for example seasonal production, another member of staff is off or the staff absence would harm the business. Parental leave can be postponed for up to 6 months but can not be postponed so that the leave ends after the child's 18th birthday.

Every attempt will be made by the Head of Service to avoid postponement. In any event, leave shall not normally be postponed for more than three months except in exceptional circumstances. Postponement will not be used in the following circumstances:

- Following maternity support leave
- Following maternity/adoption leave

In the event that postponement becomes an option, the Head of Service will undertake a consultation exercise with the Employee and their Trade Union representative (if applicable) with a view to coming to agreement over alternatives. These could include:

- A different pattern of leave – e.g. part time rather than full time
- A shorter or longer period of leave
- Alternative dates within the period

Where there is no agreement, the Head of Service will permit the employee to take a period of leave of the same duration and beginning on a date determined in consultation with the employee no later than three months after the originally notified start date.

Following consultation, and not more than seven days after the employee's notice was given to the Head of Service, the Head of Service shall give the employee notice in writing of the postponement, stating the reasons for it and specifying the date on which the agreed period of leave will begin and end.

Parental leave should be taken in blocks of a week, or multiples of a week and should not be taken as 'odd' days off, unless this is agreed for exceptional reasons. Employees cannot take off more than four weeks during a year.

#### Return

Employees on parental leave shall have the same right to return to their job as provided to those on maternity leave

#### Terms and conditions during parental leave

- Time taken as parental leave shall be treated as continuous service for the purpose of Part 2 Paragraph 14 of the Terms and Conditions of Service.
- Employees who fall sick during a period of parental leave and who give the Authority the relevant notification shall be entitled to pay under the sickness scheme and this period shall not count towards their parental leave entitlement for the period covered by the Fit Note from their doctor.

**Bolsover District Council**

# **Shared Parental Leave Policy and Procedures**

**(May 2015)**



## CONTROL SHEET FOR SHARED PARENTAL LEAVE

Policy Details	Comments / Confirmation  (To be updated as the document progresses)
Policy title	Shared Parental Leave
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Date policy approved	

Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

## Shared Parental Leave Policy and Procedure

Shared Parental Leave is a legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year.

### Scope

This policy applies in relation to employees of the Council, whether they are the mother/adopter (see definition below) or the partner. If it is the mother who is employed by the Council, her partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to his/her own employer, which may have its own shared parental leave policy in place.

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 her 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.

### Introduction

This policy sets out the rights of employees to shared parental leave and pay. Shared parental leave enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity / adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave. Please note, the mother can share her leave with only **one** other person.

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.

As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, they should clarify the relevant procedures with a member of the HR and Payroll team.

### Definitions

The following definitions are used in this policy:

SPL: Shared Parental Leave

‘Mother’ means the mother or expectant mother of the child, or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).

‘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.

‘EWC’ means ‘expected week of childbirth’ and in this context means the week, beginning with midnight between Saturday and Sunday, in which it is expected that the baby will be born or the child placed for adoption.

‘NEI’ means Notice of Entitlement and Intention

The vast majority of employees who will be eligible for, and who will apply for, shared parental leave and/or pay will be birth parents, and therefore the references within this policy will refer to birth parents. However, the same principles apply to employees who are adopting and the intended parents in a surrogacy arrangement where they are applying for a parental order and are eligible for adoption leave and pay. Therefore, references to ‘birth’ will also apply to ‘placement’; references to maternity leave or pay will also apply to adoption leave and pay; pregnancy to adoption etc

### **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 her 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 Council 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 Council’s agreement). A maximum of three requests of leave per pregnancy can normally be made by each parent.

The maximum period that parents could take as shared parental leave is 50 weeks between them, although it will normally be less than this because of any maternity leave that a mother takes before the birth.

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 he/she is entitled to take up to two weeks’ ordinary paternity leave following the birth, which will be lost if shared parental leave is taken first. The mother and partner must take any shared parental leave within 52 weeks of the birth or placement.



## **Eligibility for shared parental leave**

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

### *Mother's eligibility for shared parental leave*

The mother is eligible for shared parental leave if she:

- Has at least 26 weeks' continuous employment ending with the 15<sup>th</sup> week before the EWC (OR at the week in which notification of matching was given by the adoption agency); and
- Remains in continuous employment with the Council until the week before any period of shared parental leave;
- Has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- Is entitled to statutory maternity leave, in respect of the child;
- Complies with the relevant maternity leave curtailment requirements (or has 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 EWC;
- Have average weekly earnings of at least the maternity allowance threshold 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.

### *Partner's eligibility for shared parental leave*

The partner is eligible for shared parental leave if he/she:

- Has at least 26 weeks' continuous employment ending with the 15<sup>th</sup> week before the EWC (OR at the week in which notification of matching was given by the adoption agency); and
- Remains in continuous employment with the Council until the week before any period of shared parental leave;
- Has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- Complies 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 EWC;
- Have average weekly earnings of at least the maternity allowance threshold 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).

### **Notice requirements for shared parental leave**

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 she proposes to end her 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 he/she is 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 he/she is requesting.

The notice periods set out below are the minimum required by law. However, the earlier the employee informs the Council of his/her intentions, the more likely it is that the organisation will be able to accommodate the employee's wishes, particularly if he/she wants 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.

#### *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 her maternity leave (by giving the required eight weeks' notice of her planned return) or provide the Council with a maternity leave curtailment notice. This 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 submits the maternity leave curtailment notice to the Council

- At least one week before what would be the end of the additional maternity leave period.

The mother must provide her maternity leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention (see relevant paragraph below).

#### *Revocation of maternity leave curtailment notice*

The mother can withdraw her notice curtailing her 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 her 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 her 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 her maternity leave curtailment notice within six weeks of the child's birth; or
- The partner has died.

#### *Employee's notice of entitlement and intention (NEI)*

The employee, whether the mother or the partner, must provide the Council with a non-binding notice of entitlement and intention. This 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. It should contain the following information:

#### If the employee is the mother, the NEI must set out:

- The mother's name
- The partner's name
- The start and end dates of any statutory maternity leave taken or to be taken by the mother;
- The total amount of shared parental leave available;
- The child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother);
- How much shared parental leave the mother and partner each intend to take; and
- A non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

The mother's NEI must also include a declaration signed by her that:

- She satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- The information she gives in the NEI is accurate; and
- She will immediately inform the Council if she ceases to care for the child.

In addition, the mother's NEI must include a declaration signed by her partner:

- Specifying the partner's name, address and national insurance number (or declaring that the partner does not have a national insurance number);
- Declaring that the partner satisfies, or will satisfy, the conditions set out above (see mother's eligibility for SPL);
- Declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother;
- Declaring that the partner consents to the amount of leave that the mother intends to take; and
- Declaring that the partner consents to the Council processing the information in the partner's declaration.

If the employee is the partner, the partner's NEI must set out:

- The partner's name;
- The mother's name
- The start and end dates of any periods of statutory maternity leave, statutory maternity pay or maternity allowance taken or to be taken by the mother;
- The total amount of SPL available;
- The child's EWC and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of SPL to be taken by the partner);
- How much SPL the partner and mother each intend to take; and
- A non-binding indication as to when the partner intends to take SPL (including the start and end dates for each period of leave).

The partner's NEI must include a declaration signed by the partner that:

- He/she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- The information given by the partner in the NEI is accurate; and
- He/she will immediately inform the organisation if he/she ceases to care for the child or if the mother informs him/her that she no longer meets the requirement to have curtailed her maternity leave or pay period.

In addition, the partner's NEI must include a declaration signed by the mother:

- Specifying the mother's name, address and national insurance number (or declaring that the mother does not have a national insurance number);
- Declaring that the mother satisfies, or will satisfy, the conditions set out above (see Partner's eligibility for SPL) and she will notify the partner if she no longer qualifies for maternity leave, statutory maternity pay or maternity allowance;
- Declaring that the mother consents to the amount of leave that the partner intends to take;
- Declaring that she will immediately inform the Council if she no longer meets the requirement to have curtailed her maternity leave or pay period; and
- Declaring that the mother consents to the Council processing the information in the mother's declaration.

Within 14 days of receiving an NEI from the employee, whether the mother or partner, the Council 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 the information to the Council.

#### *Variation or cancellation of notice of entitlement and intention*

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of an NEI, provided that he/she does this in writing. The written notice must contain:

- An indication as to when the employee intends to take SPL (including the start and end dates for each period of leave);
- Details of any periods of SPL 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 SPL 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 he/she provides 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.

### *Employee's period of leave notice*

To take a period of shared parental leave, the employee must provide the Council 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 SPL 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.

### *Variation or cancellation of period of leave notice*

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides the Council 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.

### *Limit on number of requests for leave*

The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy.

### **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.

### **Discontinuous periods of shared parental leave**

The employee may submit a period of leave notice requesting discontinuous periods of leave. The Council will respond within two weeks and will either:

- Consent to the pattern of leave requested;
- Propose an alternative pattern of leave; or
- Refuse the pattern of leave requested.

If agreement is not reached within the 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 Council of that date within five days of the end of the two-week discussion period, and if they do not do so then 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 the Council 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 15<sup>th</sup> 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.

### **Shared Parental Pay**

- If an employee meets the qualification criteria they will be entitled to a maximum of 37 weeks shared parental pay between them (NB this excludes the 2 weeks compulsory maternity leave immediately following childbirth and any maternity leave taken prior to the birth).
- Shared parental pay is at a nationally fixed standard weekly rate equivalent to SMP or 90% of the employee's normal weekly earnings if they earn less than this.
- It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

#### *Eligibility for statutory shared parental pay*

Both the mother and partner are eligible for statutory shared parental pay if they meet the criteria for statutory shared parental leave (see above), and if the mother is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced. In addition they must also:

- have normal weekly earnings for a period of eight weeks ending with the 15<sup>th</sup> week before the EWC of at least the lower earnings limit for national insurance contribution purposes;
- be absent from work and intend to care for the child during each week in which they receive statutory shared parental pay.

### **Rights during shared parental leave**

During shared parental leave, all terms and conditions of the employee's contract, except normal pay, will continue. Salary will be replaced by statutory shared parental pay if the employee is eligible to receive this.

Whilst this means that holidays will continue to accrue when an employee is off on SPL, please note that carry-forward of untaken leave from one leave year to the next is not permitted so this should be taken into consideration when applying for SPL.

### **Contact during SPL**

The Council reserves the right to maintain reasonable contact with employees during SPL. 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 Council (or to attend training) for up to 20 days during SPL without that work bringing the period of SPL and pay to an end. These are known as 'shared parental leave in touch (SPLIT) days'.

The Council has no right to require employees to carry out any work, and employees have no right to undertake any work, during their SPL. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, will be a matter of agreement between the employee and the Council. If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, the employee will be paid for each hour that they work during a SPLIT day at their normal hourly rate.

### **Returning to work following SPL**

The employee has the right to resume working in the same job when returning to work from SPL if the period of leave, when added to any other period of SPL, SML or SPL taken by the employee in relation to the same child, is 26 weeks or less.

If the employee is returning to work from SPL and the period of leave taken is more than 26 weeks when added to any other period of SPL, SML or SPL 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 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 him/her.



**Bolsover**

**Council**

**15 July 2015**

**BDC House Building Programme**

**Report of the Deputy Leader**

This report is public

**Purpose of the Report**

- To introduce members to the Councils new build contractor Robert Woodhead Ltd.
- To inform members of the aims of the programme and potential outcomes

**1 Report Details**

- 1.1 Over the past 12 months, Officers in Housing, Estates and Housing Strategy have been working together in developing a 4 year, new build programme which aims to deliver 100 new Council houses by 2018, as identified in the emerging Corporate Plan. Over this period, a number of Council owned sites have been identified as potential development sites, feasibility/viability works undertaken, procurement of construction partners and funding secured for the development of 30 Council houses.
- 1.2 At the council meeting a presentation will be given by Officers and Robert Woodhead ltd which will address:
- The full scope of the 4 year programme
  - The types and quality of the houses being developed
  - The potential social and economic benefits delivered through the programme
- 1.3 It is hoped the presentation gives members the insight as to how BDC will deliver one of its key corporate plan targets, aligned to the growth strategy, whilst maximising the social and economic impact of the programme.

**2 Conclusions and Reasons for Recommendation**

- 2.1 The report and presentation is for information purposes only.

**3 Consultation and Equality Impact**

- 3.1 Consultation on each scheme will be through the normal Planning Process

**4 Alternative Options and Reasons for Rejection**

- 4.1 No alternatives, for information only.

## 5 **Implications**

### 5.1 **Finance and Risk Implications**

None

### 5.2 **Legal Implications including Data Protection**

None

### 5.3 **Human Resources Implications**

None.

## 6 **Recommendations**

To note the presentation and report.

## 7 **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	
<b>Links to Corporate Plan priorities or Policy Framework</b>	Growth Strategy

## 8 **Document Information**

<b>Appendix No</b>	<b>Title</b>
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<b>Report Author</b>	<b>Contact Number</b>
Matthew Broughton, Commercial Properties & Developments Manager	01246 242210

**Bolsover District Council**

**Council**

**15<sup>th</sup> July 2015**

**Annual Report 2015**

**Report of the Leader of the Council**

This report is public.

**Purpose of the Report**

- To present to Members performance against the Corporate Plan 2011-2015 and a summary of the councils spending against the 2014/15 proposed financial budget.

**1 Report Details**

- 1.1 Attached (see appendix 1) is the Annual Report 2015 which celebrates our final achievements against the current corporate plan. Performance against the targets set in 2011 has been positive with an achievement rate of 82%. This is extremely good given the backdrop of austerity measures and the changing landscape of local government.
- 1.2 Included within the document is a summary of the Council's finances which are managed through its Medium Term Financial Plan which is updated annually and regularly monitored during the financial year. The Medium Term Financial Plan provides a clear overview of the Council's overall financial position and is closely linked to the Council's Corporate Plan, as well as Service Plans. This helps to ensure that the Council's budgets are targeted at delivering agreed objectives and service priorities. The information within the Annual Report shows the Councils spending for 2014/15 against the approved budget and projected for 2015/16.

**2 Conclusions and Reasons for Recommendation**

- 2.1 The production of the Annual Report is in line with the Budget and Policy Framework.

**3 Consultation and Equality Impact**

- 3.1 Consultation on the original Corporate Plan was extensive. No consultation on the outcomes of the performance targets is required.

3.2 Equality and diversity were considered as part of the original Corporate Plan. No Equality Impact Assessment is required on the outcomes of the performance targets.

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

4.1 The Council has a duty to publish its performance against targets and financial information each year. The production of a report offers the best option to achieve this duty.

#### 5 **Implications**

##### 5.1 **Finance and Risk Implications**

Finance is detailed within the report. There are no risk implications involved as this is a review of the previous years performance.

##### 5.2 **Legal Implications including Data Protection**

The Council has a duty to publish its performance and financial information each year. There are no data protection issues.

##### 5.3 **Human Resources Implications**

There are no Human Resources Implications associated with the Annual Report.

#### 6 **Recommendations**

6.1 That Council receives and approves the Annual Report 2015 prior to publication by the end of July.

#### 7 **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	
<b>Links to Corporate Plan priorities or Policy Framework</b>	Budget and Policy Framework

#### 8 **Document Information**

Appendix No	Title
1	Annual Report 2015

<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Detail of performance within the PERFORM management system. Medium Term Financial Plan.	
<b>Report Author</b>	<b>Contact Number</b>
Assistant Director – Customer Service and Improvement	Ext 2343

Report Reference – JEF.annualreport2015

**Bolsover District Council**

**Council**

**15<sup>th</sup> July 2015**

**Corporate Plan 2015-2019**

**Report of the Leader of the Council**

This report is public.

**Purpose of the Report**

- Following internal and external consultation to present to Council (in line with the Budget and Policy Framework within the Constitution) the key content of the Corporate Plan 2015 – 2019.

**1 Report Details**

1.1 As part of the Growth and Transformation Programme we agreed to produce new corporate plans to begin at the start of the civic year in 2015. In July 2014 a development programme was agreed and a document produced for consideration. This formed the basis of the new proposed corporate plan.

1.2 Since July 2014 the draft corporate plan has gone through a programme of consultation which included the following groups:

- Strategic Alliance Management Team
- Senior Officers (workshop and individual contributions)
- Members (through a variety of workshops and committee meetings)
- Employees (team meetings and individual contributions)
- Trade union representatives (workshops)
- Joint Investors in People Group (values)
- Citizens Panel and Ask Derbyshire (external public consultation)
- Youth Council (meeting)
- Bolsover Partnership Executive Board and action groups (meeting)
- Partners (individual contributions)
- Parish and Town Councils (meetings).

1.3 The main public consultation was through the Citizen's Panel survey (November 2014) and Ask Derbyshire website. Some 1056 surveys were distributed and a response rate of 45% achieved. The consultation focused on three aims excluding 'Unlocking our Growth Potential' as consultation on this had already taken place as part of the Growth Strategy in 2014. In general there was overall support (between 72% - 82% agreement) for the aims and priorities within the proposed plan. Levels of disagreement were correspondingly low (between 6% - 10%). Many respondents provided written

feedback on the proposals. This has been disseminated back to departments for consideration as part of day to day work and service planning.

1.4 Throughout the consultation period the proposed plan has been amended to take on board (where possible) the feedback and suggestions received. The key content of the proposed Corporate Plan 2015 – 2019 is attached as Appendix 1.

1.5 Once the Corporate Plan is approved monitoring of the new targets will begin and will be reported after the second quarter in October 2015. All data relating to the targets will be included in the Councils performance management system (PERFORM) which can be viewed by officers and members. The Council will issue an Annual Report on progress against the targets. Departments are currently producing Service Plans to complement the Corporate Plan once approved.

## **2 Conclusions and Reasons for Recommendation**

2.1 Following a period of extensive consultation the Corporate Plan 2015-2019 is presented to Council for approval prior to electronic publication.

## **3 Consultation and Equality Impact**

3.1 An Equality Impact Assessment was started at the beginning of the process and was updated in March 2015 following the consultation. Within the corporate plan specific priorities have been included to ensure equality and diversity are embedded into the work of the Council. In addition there is a specific target on the delivery of equality objectives within the Single Equality Scheme. Other targets will also contribute to supporting disadvantage groups within society. As a result of the EIA Additional work is being undertaken to map the overall contribution of the plan to tackling disadvantage and discrimination, whilst also identifying which targets will require EIAs.

3.2 The timetable of internal and external consultation was produced at the start of the process in June 2014. This has been followed and additional opportunities for consultation have been taken as they have arisen. Consultation has been a key factor in the development of the corporate plan as detailed in the sections above.

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

Throughout the consultation period different options have been put forward. All options have been considered. Wherever possible amendments have been made following feedback. Some options may not have been viable due to cost or resource implications. Some proposals put forward as part of the public consultation fell outside the Councils remit and have been rejected for this reason.

## **5 Implications**

### **5.1 Finance and Risk Implications**

There is a governance risk if the Council does not have a valid corporate plan. The proposed plan will ensure that we meet good governance requirements for the next four years.

No detail in respect to finance is included within individual targets. Concern was raised by some respondents to the Citizens' Panel survey on how the Council would fund the priorities when resources are constrained. The targets within the plan will either be funded through existing budgets or business cases which will be presented to Officers/Members as appropriate. In general though, it is accepted that the targets within the Corporate Plan will provide direction for the Council in addition to the delivery of statutory day-to-day services.

The Annual Report will summarise the Councils budget position for the year as well as the performance against the Corporate Plan targets.

## 5.2 **Legal Implications including Data Protection**

There are no legal or data protection implications in the development of the corporate plan.

## 5.3 **Human Resources Implications**

Both employees and the trade unions have been involved in the development of the plan.

There are no direct human resource implications in the development of the corporate plan. Specific targets have been included that support employees within the workplace.

## 6 **Recommendations**

- 6.1 That Council receives and approves the key content of the Corporate Plan 2015 - 2019 in line with the Budget and Policy Framework prior to electronic publication.

## 7 **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	
<b>Links to Corporate Plan priorities or Policy Framework</b>	Corporate Plan

## 8 **Document Information**

Appendix No	Title
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1	Corporate Plan 2015 - 2019	
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
Various consultation summary documents. Citizens' Panel Survey Report (November 2014). Equality Impact Assessment.		
<b>Report Author</b>		<b>Contact Number</b>
Assistant Director- Customer Service and Improvement		BDC – 2343 NE - 7029

Report Reference – Corporate Plan Development

## Bolsover District Council Corporate Plan 2015-2019

<b>Our Vision</b>
To enhance and improve the wealth profile, well-being and quality of life for the communities of Bolsover District
<b>Our Corporate Aims</b>
We will focus on: <ul style="list-style-type: none"><li>○ Unlocking our <b>Growth</b> Potential</li><li>○ Providing our <b>Customers</b> with Excellent Service</li><li>○ Supporting our <b>Communities</b> to be Healthier, Safer, Cleaner and Greener</li><li>○ <b>Transforming</b> our Organisation</li></ul>
<b>Our Values</b>
Bolsover District Council values are that we: <ul style="list-style-type: none"><li>○ Will show respect, honesty and openness in everything we do</li><li>○ Will challenge ourselves and change for the better</li><li>○ Are proud and passionate about what we do</li><li>○ Will work with partners to provide quality services.</li></ul>

### Our Key Aim - Unlocking Our **Growth** Potential

#### **Our Priorities**

*We are committed to:*

- **Supporting Enterprise: maintaining and growing the business base**
- **Unlocking Development Potential: unlocking the capacity of major employment sites**
- **Enabling Housing Growth: increasing the supply, quality and range of housing to meet the needs of the growing population and support economic growth**

*To deliver these priorities we will:*

- Through the use of Key Account Management develop a relationship with a minimum of 50 local businesses by March 2019.
- Establish business support programme by engaging with D2N2 (Local Enterprise Partnership for Derby, Derbyshire, Nottingham and Nottinghamshire) and SCR (Sheffield City Region) Growth Hub by March 2016.
- Optimise business growth (as measured by gross NNDR) by £2.5m by March 2019.

- Support 200 young people to raise their aspirations and provide them with relevant employability skills by December 2015.
- Through the Bolsover North East Derbyshire LEADER Approach collectively support the creation of 65 sustainable jobs in the combined programme area by December 2020.
- Undertake statutory public consultation on the Local Plan (Strategic Policies and Site Allocations) in line with the adopted Local Development Scheme timetable by July 2017.
- Submit Local Plan (Strategic Policies and Site Allocations) for examination by the Planning Inspectorate by November 2017.
- Process all major planning applications 10% better than the minimum for special measures per annum.
- Deliver a minimum of 100 new Council properties by March 2019.
- Enable the development of at least 1,000 new residential properties within the district by March 2019.
- Through a programme of targeted refurbishment bring 15 empty private sector properties back into use per annum.
- Achieve an increase of £850,000 in additional New Homes Bonus from the government by March 2019.
- Work with partners to deliver an average of 20 units of affordable homes each year.
- Identify with partners key actions and funding mechanisms to bring forward priority employment sites at Markham Vale, Shirebrook and former Coalite site by March 2016.

<b>Our Supporting Aims</b>		
<b>Our Aim</b>	<b>Our Aim</b>	<b>Our Aim</b>
<i>Providing Our <b>Customers</b> with Excellent Service</i>	<i>Supporting Our <b>Communities</b> to be Healthier, Safer, Cleaner and Greener</i>	<i><b>Transforming</b> Our Organisation</i>
<b>Our Priorities</b> <i>We are committed to:</i>	<b>Our Priorities</b> <i>We are committed to:</i>	<b>Our Priorities</b> <i>We are committed to:</i>
<ul style="list-style-type: none"> <li>○ <i>Increasing customer confidence and satisfaction with our services</i></li> <li>○ <i>Improving customer contact and access to information</i></li> <li>○ <i>Promoting equality and diversity</i></li> <li>○ <i>Supporting vulnerable and disadvantaged people</i></li> <li>○ <i>Providing good quality council housing where people choose to live</i></li> </ul>	<ul style="list-style-type: none"> <li>○ <i>Improving health and wellbeing by contributing to the delivery of Healthy Bolsover priorities</i></li> <li>○ <i>Increasing participation in sport and leisure activities</i></li> <li>○ <i>Working with partners to reduce crime and anti-social behaviour</i></li> <li>○ <i>Increasing recycling</i></li> <li>○ <i>Ensuring a high standard of environmental maintenance and</i></li> </ul>	<ul style="list-style-type: none"> <li>○ <i>Supporting and engaging with our employees</i></li> <li>○ <i>Making the best use of our assets</i></li> <li>○ <i>Demonstrating good governance</i></li> <li>○ <i>Ensuring financial sustainability and increasing revenue streams</i></li> <li>○ <i>Transforming services through the use of technology</i></li> <li>○ <i>Actively engaging with partners to benefit our communities</i></li> </ul>

	<p><i>cleanliness</i></p> <ul style="list-style-type: none"> <li>○ <i>Developing attractive neighbourhoods</i></li> </ul>	<ul style="list-style-type: none"> <li>○ <i>Maximising opportunities with North East Derbyshire District Council through the Strategic Alliance</i></li> </ul>
<p><i>To deliver these priorities we will:</i></p> <ul style="list-style-type: none"> <li>○ Retain Customer Service excellence accreditation year on year.</li> <li>○ Achieve an overall biennial external satisfaction rate of 85% or above for services provided by the Contact Centre.</li> <li>○ Achieve an overall annual satisfaction rate of 80% or above for leisure, recreation and cultural activities and services.</li> <li>○ Promote the Council website and increase (unique) visitor numbers by 7% year on year.</li> <li>○ Implement the new EU Regulations on Data Protection within the timescales stipulated by the Information Commissioners Office.</li> <li>○ Prevent homelessness for more than 50% of people who are facing homelessness each year.</li> <li>○ Install 150 new lifelines within the community each year.</li> <li>○ Process all new Housing Benefit and Council Tax Support claims within an average of 20 days.</li> <li>○ Process changes to Housing Benefit and Council Tax Support within an average of 14 days.</li> <li>○ Carry out 300 disability adaptations to Council houses each year.</li> </ul>	<p><i>To deliver these priorities we will:</i></p> <ul style="list-style-type: none"> <li>○ Deliver a minimum of 8000 hours of positive activity through community based culture and leisure engagement per year.</li> <li>○ Increase participation/attendances in leisure, sport, recreation, health, physical and cultural activity by 3,000 per year.</li> <li>○ Deliver a health intervention programme which provides 900 adults per year with a personal exercise plan via the exercise referral scheme.</li> <li>○ Tackle childhood obesity through the delivery of a child focused health intervention programme to all Key Stage 2 year groups by the end of each academic year.</li> <li>○ Support 417 inactive 16+ individuals per year increase their activity levels to more than 30 minutes of moderate intensity physical activity per week.</li> <li>○ Provide signposting and support for people who want to volunteer and recruit 150 new volunteers by February 2016.</li> <li>○ Assist partners in reducing crime by delivering 12 Crime Cracking events in the community each year.</li> <li>○ With partners organise 3 community cohesion events each year to bring communities together in identified areas.</li> <li>○ Achieve a combined recycling and</li> </ul>	<p><i>To deliver these priorities we will:</i></p> <ul style="list-style-type: none"> <li>○ Retain accreditation against the Investors in People (IIP) extended framework by July 2015 and full external assessment in 2018.</li> <li>○ Produce a Strategic Alliance People Strategy and action plan for 2016-2019 by December 2015 with Council specific objectives/ milestones as necessary.</li> <li>○ Establish interest from the market to work in partnership to develop a delivery method for the development and or refurbishment of key council-owned assets and report findings back to Members by October 2015.</li> <li>○ Assess the potential revenue impact and develop an action plan to address issues arising from the implementation of the Minimum Energy Standards on commercial properties by April 2018.</li> <li>○ Initiate a build programme for the new Clowne leisure facility by December 2015 and complete by December 2016.</li> <li>○ Introduce alternative uses to 20% of garage sites owned by the Council by March 2019.</li> <li>○ Produce a Procurement Strategy by March 2016.</li> </ul>

<ul style="list-style-type: none"> <li>○ Fully deliver the equality objectives identified in the Single Equality Scheme by March 2019.</li> <li>○ Aim for 50% of clients expressing a positive outcome from Domestic Violence Services each year.</li> <li>○ Reduce average relet times of Council properties (not including sheltered accommodation) to 20 days by March 2019.</li> <li>○ Carry out 99% of emergency repairs within 6 working hours.</li> <li>○ Ensure a minimum of 50% of clients receiving parenting support each year express a positive outcome.</li> <li>○ Agree a project with Derbyshire County Council and other stock retaining authorities to deliver alarm monitoring to 12,000 people county wide by April 2016.</li> </ul>	<p>composting rate of 49% by March 2019.</p> <ul style="list-style-type: none"> <li>○ Sustain standards of litter cleanliness to ensure 96% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS).</li> <li>○ Sustain standards of dog fouling cleanliness to ensure 98% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS).</li> <li>○ Annually undertake 10 local environmental enforcement and educational initiatives in targeted areas to deal with dog fouling, littering or fly tipping.</li> <li>○ Develop an action plan for the improvement of each of the four town centres by March 2019.</li> <li>○ Submit a detailed scheme for the repair and restoration of New Bolsover Model Village to Heritage Lottery Fund by September 2015.</li> <li>○ Reduce energy use in sheltered housing schemes by 10% by March 2019.</li> <li>○ Replace each year 200 gas fired back boilers in our Council houses with more efficient 'A' rated combi boilers.</li> </ul>	<ul style="list-style-type: none"> <li>○ Fully deliver the electoral changes to District and Parish wards as a result of the Local Government Boundary Commission for England's electoral review by 1 December 2018.</li> <li>○ Reduce the percentage of rent arrears by 10% through early invention and effective monitoring by 2019.</li> <li>○ Reduce the level of Former Tenants Arrears by 10% through early intervention and effective monitoring by 2019.</li> <li>○ Through successful delivery of projects within the Transformation programme achieve total income/savings of £600,000 by March 2019.</li> <li>○ Develop a series of strategies and plans to support the ambition of a sustainable leisure service by March 2016.</li> <li>○ Increase on-line self service transactions dealt with by the Contact Centre by 20% each year.</li> <li>○ Achieve the Member Development Charter by December 2018.</li> </ul>
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Assistant Director – Customer Service and Improvement 30th July 2014. Revised 26/05/15 BDC

**Bolsover District Council**

**Council**

**15 July 2015**

**New Bolsover**

**Report of the Portfolio Holder for Housing and IT**

This report is public

**Purpose of the Report**

- To update members of the progress at New Bolsover
- To ask members to support a bid to the Heritage lottery Fund of up to £2million
- To agree around £8m investment from the HRA for Council owned properties in the area, subject to detailed costing.

**1 Report Details**

New Bolsover Estate is a model village on the outskirts of Bolsover. Built by Bolsover Colliery Company in 1891 to accommodate their workforce at the nearby Bolsover Colliery. It was the first of a series of Model mining villages developed by the Company and is seen as an excellent example of a model village.

Properties listed Grade II and in Conservation area

The development consisted of 194 cottages for workers and 12 villa properties for colliery officials and administrative staff, together with a Co-operative store, Miners' Welfare, orphanage, Methodist Church and school (now demolished), Allotments Space for cricket, bowls, tennis and football

Of the 194 properties 138 are owned by the Council as part of the Housing Stock. The properties are often in poor condition and are difficult to let.

Problems include

- Poor energy performance for dwellings making properties difficult (and expensive) to heat
- UPVc and aluminium windows failing, problems with damp
- Increasing number of voids, approximately 23 voids among council properties
- Lettings affected by bedroom tax – most properties are 3 bedroom family properties

Many of the privately owned properties also have similar problems.

As the properties are in a conservation area, the work required to bring them into a modern standard is more expensive than other properties, as there is a need to maintain

the appearance and uniformity of the estate. For example, it is not possible to fit modern uPVC window to the properties, wooden sash windows are required.

To address these issues the council has tried previously to gain external funding, Application to Heritage Lottery Fund under the Townscape Heritage Initiative Scheme – 2 applications turned down 2010 and 2011

In 2012 the Council in partnership with English Heritage (EH) carried out energy demonstration project at 113 New Bolsover. This provided crucial information about the properties and tested a variety of products.

The Council have used this information to gain external funding from the Heritage Lottery Fund (HLF). A Stage 1 application was approved April 2014. Awarded £68,500 from HLF to develop the scheme to a full stage 2 submission. Total cost of development phase £83,402 (£68,500 HLF, £15,202 from BDC).

This funding has been used to appoint specialist architects to survey the properties and to design a solution that bring the properties to a modern standard, yet still maintains the unique appearance of the Estates

The Hallsall Lloyds Partnerships were appointed in February 2015

Surveys completed on 101 out of the 194 properties and detailed specification prepared for the building work

The proposed work to all properties include

- Re-pointing
- Replacement traditional wooden windows
- Replacement cast iron rainwater goods
- Replacement doors (when needed)
- Repairing roofs (when needed).

It is proposed that private properties will be eligible for 100% grant for these works, funded by HLF. Owners will also have the option for paying for additional works at full cost.

The proposed work to Council properties is more extensive. In addition to the above these includes

- Re-roofing
- Additional Insulation
- Replacement floors if needed
- Converting some properties from 3 to 2 bed properties by moving the bathroom from the ground to the first floor

The HLF may make some contribution to the external works (less than 10%), with the balance and 100% of the internal works being met from the HRA.

Some additional external funding has also been secured from Public Health, from DCC and officers are currently working at funding applications towards the cost of insulation work.

In addition to the building work there has been a significant investment made in building community capacity, and assisting the local people to play a more active role in community issues. This has included setting up a local “Friends of New Bolsover” group who have played an increasing role in local activities.

The project also aims to maximise the social value of the investment in the area. This includes developing a training plan and maximising the opportunities for local people to gain training and/or employment through this investment.

It is also important to recognise that this project offers the opportunity to link with other activities such as tourism in general and specifically Bolsover Castle.

Preliminary analysis suggests the overall scheme costs will be in the region of £10.5 million, this will be funded by £2million from HLF with the bulk of the remaining £8.5m being met from within the HRA.

The cost for the Council properties can be met from within the HRA. This calculation factors in the reduction in rent loss, the reduced cost of repairs for refurbished properties, and the cost of council tax.

Costs are currently being finalised and talks are ongoing with manufacturers to ensure value for money on economies of scale, however the true cost of the project will not be known until the work is tendered.

The stage 2 bid to the HLF must be made by August 2015. The bid will be strengthened if members are able to make an in principle decision to support the scheme and to earmark HRA funds towards the project.

The council will be notified if the scheme is successful by December 2015. If successful the project will go out to tender in January or February with an aim of starting building work by May 2016. The project is expected to last for around three years.

Executive will be presented with a more detailed costing prior to the award of any building contract.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 That New Bolsover is an important and valuable asset, but that has been neglected.
- 2.2 That investment is needed to ensure that the properties are brought to a modern standard, and that homes are safe and warm.
- 2.3 That the HLF funding of this project provides an opportunity for private owners to improve their homes
- 2.4 That there are a range of social added value to this project including. Community development, increased training and employment.



### **3 Consultation and Equality Impact**

3.1 There has been extensive consultation in the early part of this project. This has included

- Public meetings
- Individual visits
- Staff on site
- Questionnaire to residents
- Work with young people and local schools
- Setting up a resident group “Friends on New Bolsover”

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

4.1 Do nothing. Rejected as the area is deteriorating and swift action is needed to address this.

4.2 Carry out less work. Rejected. The properties are in poor condition and are difficult to heat. This project will provide properties that are to modern standards and cheaper to heat, making the area more attractive.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

Not directly. More detailed costing will be considered at a later date.

#### **5.2 Legal Implications including Data Protection**

None

#### **5.3 Human Resources Implications**

Members have previously agreed that an officer is seconded to the project. This will continue

### **6 Recommendations**

6.1 That members endorse the decision made by Executive to

- a. Recognise the importance of New Bolsover, and the need for investment to keep and maintain this valuable asset
- b. To support a bid to the Heritage Lottery Fund for funding towards this project.
- c. To support the investment from the HRA into this project

d. To support this project.

**7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	
<b>Links to Corporate Plan priorities or Policy Framework</b>	

**8 Document Information**

<b>Appendix No</b>	<b>Title</b>
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<b>Report Author</b>	<b>Contact Number</b>

Report Reference –

**Bolsover District Council**

**Council**

**15 July 2015**

**Recruitment of Chief Executive Officer Update**

**Report of the Assistant Director – Governance Manager**

This report is public

**Purpose of the Report**

- To agree the membership of the Joint Appointments Panel that will make a recommendation to both Councils on the appointment of a new Joint Chief Executive.
- To resolve to hold Extraordinary Council Meetings on 27 July 2015.

**1 Report Details**

- 1.1 In April, both Councils agreed to release the existing Chief Executive on efficiency of the service on a date to be agreed with the Leaders of both Councils and to carry out a procurement exercise to engage a suitable recruitment consultant to advise on the appointment of a replacement. The Councils also agreed to establish a working group to oversee the process of recruitment and appointed members from the Executive (BDC) and Cabinet (NEDDC). Finally, the Councils agreed that a Joint Appointments Panel would be utilised at the final stage to recommend an appointment to an extraordinary meeting of both Councils.
- 1.2 Following a procurement exercise, the working group selected Gatenby Sanderson to assist the Alliance in their recruitment. Following a recruitment campaign that included advertisements in local government and national media and executive search 21 applications for the post were received. The working group met on 23 June 2015 and long-listed six candidates. On 14 July, the long-listed candidates will be interviewed by two serving local authority chief executives and then the working group will meet to agree a final shortlist.
- 1.3 This report proposes that, the existing working group members (Councillors N Barker, G Baxter, M Dooley, B Hill, B Murray-Carr and A Syrett) be joined by the two Opposition Group Leaders (Councillors J Clifton and M Thacker) to form an eight-member Joint Appointments Panel who will undertake the final stage interviews and make a recommendation to Extraordinary Council Meetings at both authorities on 27 July 2015. The report to the Extraordinary Council Meeting may also deal with any outstanding issues arising from the departure of the current Chief Executive. The Extraordinary Meeting at North East Derbyshire is scheduled for 10am and the one at Bolsover for 2pm.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 To finalise the process for the appointment of a new chief executive.

## **3 Consultation and Equality Impact**

- 3.1 Both Leaders have been consulted on this report.

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

- 4.1 The appointment of the Chief Executive and Head of Paid Service is a Council decision and cannot be delegated. Accordingly, the Joint Appointments Panel will only make a recommendation to both Councils and so is not required by law to be politically balanced. However, given the corporate importance and wider strategic significance of this appointment it is felt that involvement of all political groups would be of benefit to the process.

## **5 Implications**

As set out in the report.

## **6 Recommendations**

- 6.1 That Bolsover District Council:

- (a) Appoints Councillors J Clifton, M Dooley, B Murray-Carr and A Syrett to the Joint Appointments Panel for the purposes of recommending the appointment of a new Joint Chief Executive;
- (b) Resolves to hold an Extraordinary Council Meeting on Monday 27 July 2015 at 2.00pm for the purposes of approving the appointment of a new Joint Chief Executive and dealing with any issues arising from the departure of the current Chief Executive.

- 6.2 That North East Derbyshire District Council:

- (a) Appoints Councillors N Barker, G Baxter MBE, B Hill and M Thacker to the Joint Appointments Panel for the purposes of recommending the appointment of a new Joint Chief Executive;
- (b) Resolves to hold an Extraordinary Council Meeting on Monday 27 July 2015 at 10.00am for the purposes of approving the appointment of a new Joint Chief Executive and dealing with any issues arising from the departure of the current Chief Executive.

- 6.3 That power be delegated to the Assistant Director – Governance and Monitoring Officer to vary any of the arrangements in 6.1 and 6.2 if necessary.

**7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

**8 Document Information**

<b>Appendix No</b>	<b>Title</b>
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<b>Report Author</b>	<b>Contact Number</b>
M Kane	7753

Report Reference –

**Bolsover District Council**

**Council**

**15 July 2015**

**To consider an increase of the tariff fees chargeable by the Hackney Carriage trade following advertisement of a proposed increase**

**Report of the Assistant Director Planning and Environmental Health**

This report is public

**Purpose of the Report**

- To consider an increase of the tariff fees chargeable by the Hackney Carriage trade following advertisement of a proposed increase

**1 Report Details**

- 1.1 Bolsover District Council may fix the maximum rates or fares within its district, for both time and distance, and all other charges in connection with the hire of a vehicle to be paid in respect of journeys made by Hackney Carriages.
- 1.2 Following a request from the trade, Bolsover District Council Licensing Committee of 26 February 2015 resolved that the maximum rate for a 2 mile journey be increased to £4.60 to align Bolsover District Council with neighbouring authorities and that the statutory consultation be carried out based on the proposed maximum rate.
- 1.3 Tariffs were calculated as below:

<b>Tariff 1</b>	
Distance: Not exceeding ONE mile for the whole distance	£3.00
Exceeds one mile for the first mile	£3.00
For each subsequent 1/10 <sup>th</sup> of a mile or uncompleted part thereof	£0.16
Waiting time: For each period of 40 seconds or part thereof	£0.16
<b>Tariff 2</b>	
For hirings begun between midnight and 06.00	50% surcharge on

Monday to Saturday And all day Sunday	Tariff 1
<b>Tariff 3</b>	
For hirings begun between 18.00 and midnight on Christmas Eve and New Years Eve and all day on any public holiday in England and Wales	100 surcharge on Tariff 1
Soiling charge	£40.00

- 1.4 The consultation exercise was duly carried out with no comments being received.
- 1.5 Licensing Committee of 11 June 2015 resolved to introduce the revised tariffs following referral to Council.

**2 Conclusions and Reasons for Recommendation**

- 2.1 The Licensing Committee may recommend any changes to hackney carriage tariffs to Council to approve for consultation and adoption.

**3 Consultation and Equality Impact**

- 3.1 An increase in the maximum tariff chargeable by the Hackney Carriage trade may have a detrimental effect on some vulnerable persons.

**4 Alternative Options and Reasons for Rejection**

- 4.1 None

**5 Implications**

**5.1 Finance and Risk Implications**

Any challenge by way of Judicial Review would incur costs in preparing a defence case and to attend Court. Costs may be recovered at the discretion of the Court in the event that the application is dismissed.

Costs could be awarded against the Authority in the event that the appeal is successful.

**5.2 Legal Implications including Data Protection**

Any decision made by the Council is open to challenge by way of Judicial Review.

**5.3 Human Resources Implications**

None

**6 Recommendations**

6.1 That Council considers the request to increase the Hackney Carriage tariff, and approve the revised hackney carriage tariffs as per the decision of the Licensing Committee.

**7 Decision Information**

<b>Is the decision a Key Decision?</b>	No
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	<p><b>COMMUNITY SAFETY – Ensuring that communities are safe and secure.</b></p> <p><b>ENVIRONMENT – Promoting and enhancing a clean and sustainable environment.</b></p>

**8 Document Information**

<b>Appendix No</b>	<b>Title</b>
None	None
<b>Background Papers</b>	
Request and Supporting Documents	
<b>Report Author</b>	<b>Contact Number</b>
John Chambers	01246 217216