



Employment and Appeals Committee Agenda

Wyre Borough Council
Date of Publication: 3 March 2017
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Employment and Appeals Committee meeting on Monday, 13 March 2017 at 6.00 pm in the Committee Room 2, Civic Centre, Poulton-Le-Fylde

1. Apologies

2. Declarations of interest

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters to be considered at this meeting.

3. Confirmation of Minutes

(Pages 1 - 2)

To confirm as a correct record, the minutes of the meeting of the Employment and Appeals Committee held on Monday 14 November 2016.

4. Policy Review

(Pages 3 - 66)

Report of the Head of Business Support.

Appendices:

1. Drugs and Alcohol in the Workplace Policy
2. Smoking Policy
3. Time off for Trade Union Duties
4. Extended Authorised Absence Policy
5. Maternity, Paternity & Adoption Provisions
6. Pay and Time off in Lieu Policy

5. Date and time of next meeting

6.00pm on Monday 3 July 2017.

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Employment and Appeals Committee Minutes

Minutes of the meeting of Wyre Borough Council's Employment and Appeals Committee, which was held at 6pm on Monday 14 November 2016 at the Civic Centre in Poulton-le-Fylde.

Committee members present:

Councillor Rita Amos
Councillor Barry Birch
Councillor Simon Bridge
Councillor Ian Duffy
Councillor Ruth Duffy
Councillor Julie Robinson
Councillor Ann Turner
Councillor Val Wilson

Apologies:

Councillor Graham Holden
Councillor Natalie Reeves

Other councillors present:

Councillor Ian Amos

Officers present:

Marianne Hesketh (Service Director Performance and Innovation)
Liesl Hadgraft (Head of Business Support)
Duncan Jowitt (Democratic Services Officer)

No members of the public attended the meeting.

EA6 Declarations of interest

None.

EA7 Minutes

The committee confirmed the minutes of the meeting held on 11 July 2016 as a correct record.

EA8 Policy Review

The Head of Business Support submitted a report presenting five of the council's existing Human Resources Policies that had been reviewed and updated.

The committee asked a number of questions pertinent to the policies to which the Head of Business Support provided satisfactory elucidation.

Resolved that the revisions to the following Human Resources Policies be approved

- Safeguarding Children Policy
- Pay and Time off in Lieu Policy
- Domestic Abuse and Implications in the Workplace
- Agency Worker Policy
- Equal Opportunities

EA8 Date and time of next meeting

6pm on Monday 14 November 2016

The meeting started at 6pm and finished at 6.11pm.

Date of Publication: 15 November 2016

arm/empap/mi/141116



Report of:	Meeting	Date	Item No.
Human Resources	Employment and Appeals Committee	13 March 2017	4

Policy Review

1. Purpose of report

1.1 To present to the Panel additions and amendments to Human Resource Policies.

2. Outcomes

2.1 The amendment to existing policies and procedures.

3. Recommendation/s

3.1 That the Panel approve the policies and arrangements set out in Section 5.

4. Background

4.1 From time to time the Council needs to develop new policies and working arrangements to ensure we comply with statutory requirements and effectively manage our human resources.

4.2 The development of new policies and the review of existing policies will also be informed by employment best practice and the organisational needs of the Council.

5. Key issues and proposals

5.1	Drugs and Alcohol in the Workplace	Appendix 1	Reviewed
	Smoking Policy	Appendix 2	Reviewed
	Time off for Trade Union Duties	Appendix 3	Reviewed
	Extended Authorised Absence	Appendix 4	Reviewed
	Maternity, Paternity & Adoption Provisions	Appendix 5	Reviewed
	Pay and Time off in Lieu Policy	Appendix 6	Reviewed

- 5.2 The policies Appendix 1-3 have been reviewed and updated with very minimal changes.
- 5.3 The Extended Authorised Absence policy has been updated for readability and usability purposes and also to reflect changes in the Local Government Pension Scheme relating to periods of unpaid leave.
- 5.4 The Maternity, Paternity & Adoption policy has been reviewed solely in respect of the adoption provisions. The review of the policy in its entirety will still need to be carried out in line with the 3 yearly review cycle.

A recent review of Council's policies in the North West showed that the majority pay adoption pay in line with the NJC Maternity Scheme. Our policy has therefore been updated to reflect this.

- 5.5 The Pay and Time off in Lieu Policy has recently been reviewed and was brought to Employment Appeals in November 2016. Since this time it has come to our attention that there was potential for inconsistencies in the way key holders are paid in the event of an alarm going off out of hours requiring the appropriate employee to be called out.

This is now dealt with in section 6.7 of the policy to ensure consistency across the council.

Financial and legal implications	
Finance	There are no specific Finance issues associated with this report.
Legal	There are no specific Legal issues associated to this report. However failure to comply with appropriate legislation may expose the Council to litigation.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

implications	✓ / x
community safety	x
equality and diversity	✓
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Head of Business Support	(01253) 887316	Liesl.hadgraft@wyre.gov.uk	01/03/2017

List of background papers:		
name of document	date	where available for inspection
none		

List of appendices

- Appendix 1 Drugs and Alcohol in the Workplace
- Appendix 2 Smoking Policy
- Appendix 3 Time off for Trade Union Duties
- Appendix 4 Extended Authorised Absence
- Appendix 5 Maternity, Paternity and Adoption
- Appendix 6 Pay and Time off in Lieu Policy

arm/empap/cr/17/1303lh1



Drugs and Alcohol in the Workplace Policy

Reviewed March 2017

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1. Introduction

- 1.1 Wyre Council is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees. The drugs and alcohol policy is designed to ensure that employees are aware of the health risks associated with alcohol and drug misuse; outline the help and support available for staff and managers on these issues; and set out the consequences for those who are found to be misusing drugs and/or alcohol at work.
- 1.2 At work, alcohol or drug misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks not only for the individual concerned but also for others, for example work colleagues, members of the public, contractors, service users. Furthermore, the effects of alcohol or drug misuse are likely to be detrimental to the Council's reputation and image and its ability to deliver high-quality services.
- 1.3 The Council treats drug and alcohol dependency as a health problem that requires special treatment rather than as a disciplinary matter, although we reserve the right to take disciplinary action to deal with the problem if this is appropriate.
- 1.4 The Council actively discourages the drinking of alcohol during the working day, which also includes all breaks during the day.

2. Objectives

- 2.1 The policy aims to:-
 - Raise staff awareness of the risks and potential harm to health associated with the use of intoxicating substances
 - Set out the support available to employees who may be misusing drugs or alcohol and encourage them to seek help.
 - Set out the rules regarding the use of intoxicating substances so that employees are aware of the likely consequences for their employment of misusing them
 - Provide a framework to enable instances of substance misuse by employees to be handled in an appropriate, fair and consistent manner
 - Achieve a balance between supporting employees who come forward with a problem and the overriding need to preserve:
 - the health, safety and welfare of employees and others with whom they come into contact

As well as

- the Council's reputation, and
- the delivery of high quality, effective services.

2.2 The policy is not intended to penalise those who are legitimately taking medication which may have unforeseen side effects affecting their performance.

3. Scope

3.1 This policy covers the use and misuse of intoxicating substances, which include alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety.

3.2 This policy applies to ALL employees.

3.3 The Council also expects agency and casual workers, contractors, volunteers and others working on its behalf to comply with this policy. Failure to do so is likely to result in the working arrangements being terminated.

4. Legal Responsibility

4.1 Employers and employees are expected to abide by the law. Employers can be prosecuted if they fail to take action once aware that controlled drugs are being used, supplied or produced on their premises. Employers are required to take action if an employee's behaviour is putting themselves and/or other people at risk. This helps create a safe and healthy working environment. Employees are required to take reasonable care of themselves and others who might be affected by their behaviour and to co-operate with employers. The legislation which refers to alcohol and the misuse of drugs includes:

4.1.1 **The Misuse of Drugs Act of 1971.** The Act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example when they have been prescribed by a doctor). If the Council were to knowingly permit the production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on the premises they would be committing an offence.

4.1.2 **The Management of Health and Safety at Work Regulations, 1992** The council has the responsibility to assess the risks to the Health and Safety of its employees. If the council knowingly allows an employee under the influence of drug misuse to continue working and his or her behaviour places the employee or others at risk, they could be prosecuted. Our employees are also required to take reasonable care of themselves and others who could be affected by what they do at work.

- 4.1.3 **The Health and Safety at Work Act, 1974** The council has a duty to ensure the health, safety and welfare at work of its employees as far as is reasonably practicable.
- 4.1.4 **The Transport and Works Act of 1992** This act states that any person who is unfit to drive through drink or drugs shall be guilty of an offence. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.

5. Health Risks associated with the misuse of intoxicating substances

- 5.1 The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have far-reaching effects on their personal and working lives.

5.2 Alcohol

While drinking within the Government's suggested guidelines has minimal detrimental effect on health, there are several health risks associated with drinking too much alcohol. These include anxiety, slowed breathing and heartbeat, and impaired judgement leading to accidents and injuries. Drinking heavily can also lead to an increased risk of a variety of cancers.

Consuming large amounts of alcohol increases blood pressure. This puts a strain on blood vessels and is a major risk factor for strokes. Other health risks include osteoporosis (thinning of the bones), pancreatitis (inflammation of the pancreas), stomach ulcers, heart disease, dementia and other brain damage. Alcohol is also frequently associated with mental health problems.

Further information about the health risks of drinking too much alcohol can be found at www.drinkaware.co.uk

5.3 Drugs

Health risks depend on the drugs taken and include:

- increased risks of developing certain cancers
- depression and more severe mental health problems
- brain damage
- vascular disease.

More information can be found at www.talktofrank.com.

6. Responsibilities of Managers and Employees

6.1 The Role of the Manager

Drinking alcohol is an accepted part of social life for many people and it can be hard for managers to identify the difference between appropriate drinking and alcohol abuse. Similarly, recognising the signs of drug abuse can be difficult. It should be emphasised that managers are not expected to be experts in this area, and if they have to deal with such issues they will be given full support and guidance from the Human Resources team in liaison with Occupational Health.

Employees with a drink or drugs problem may have higher absence levels than their colleagues, but this will not always be the case. Similarly, performance may not always be adversely affected. Managers therefore have a twofold role in dealing with these issues:

- Where appropriate, to highlight the effect on performance, conduct or attendance, and
- To encourage the individual to seek help to deal with their dependence, and offer appropriate support.

As a starting point, where a Manager is aware, or suspects, that an employee is misusing intoxicating substances, they must seek advice from Human Resources. The Manager will then need to talk to the individual before any further action is taken.

6.2 Manager's responsibilities

Managers are required to:

- be aware, as far as possible, of the signs of alcohol and substance misuse and the effects on performance, attendance and health of employees
- be aware of the duty of care to ensure the health, safety and welfare of employees and others with whom they come into contact (including their colleagues)
- ensure that staff understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances
- ensure that should staff have a problem with alcohol or drugs, they are aware of the support that is available to them both within the Council and through external organisations
- monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship. If appropriate, keep accurate records of instances of poor performance, attendance or conduct to enable appropriate action to be taken (see Capability Policy, Disciplinary Policy, Promoting Attendance Controlling Absence Policy). Managers should intervene at an early stage where changes in performance, behaviour, sickness levels and/or

attendance patterns are identified. Where a manager suspects alcohol or substance abuse may be causing the problem, they should first discuss the situation with HR.

- establish whether alcohol or drug misuse is an underlying cause
- provide support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery
- instigate disciplinary measures where appropriate to do so.

6.3 **Employees Responsibilities**

Employees are required to:

- Familiarise themselves with this policy and comply with its provisions.
- Present a professional, courteous and efficient image to those with whom they come into contact at all times. They therefore have a personal responsibility to adopt a responsible attitude towards drinking and taking prescribed and over-the-counter drugs.
- Employees are not permitted to possess, store, trade or sell controlled drugs on Council premises or bring the Council into disrepute by engaging in such activities outside of work. The only exception in relation to possession is where an employee has a prescription for a controlled drug, however trading or sale of such prescription drugs is not permitted.
- Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. It is recommended that they approach either their line manager or the Human Resources Team in the first instance so that the Council can arrange for the provision of appropriate support to help speedy rehabilitation, for example referral to the occupational health service, medical professionals, professional drug/alcohol treatment agencies.
- Employees are expected to co-operate with any support and assistance provided by the Council to address an alcohol or drug misuse problem.
- Employees should not, even with the best of motives, 'cover up' for, or collude with, a colleague with an alcohol or drug-related problem but instead should encourage the individual to seek help.
- Where the individual concerned does not wish to come forward to seek help, and their colleague(s) genuinely suspect that the individual may be misusing drugs or alcohol, they have a responsibility to raise their concerns with the employee's line manager.
- Employees must inform their line manager if they are taking prescription and non-prescription medication that may affect their ability to carry out their duties at work including driving and use of machinery.
- Concerns or suspicions regarding a member of staff being under influence or taking intoxicating substances can be reported through the

whistleblowing policy.

- Employees must attend Occupational Health appointments if referred and comply with the recommendations given. Failure to do so may result in disciplinary action.

7. Confidentiality

- 7.1 The Council will treat issues relating to dependence on, or misuse of, alcohol or drugs in confidence, within the limits of what is practicable and within the law. In order to provide effective support and help, it may be necessary, for example, for information to be shared with others for example, the individual's Manager; occupational health and/or Human Resources, but this will be kept to a minimum.

8. Help and Support

- 8.1 Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. In addition to the individual's GP, there are a number of agencies which offer help and support for those experiencing problems with drugs or alcohol. A list is available at Appendix C.
- 8.2 If the individual has concerns about the way in which their consumption of drugs or alcohol is affecting their work, they may wish to approach their manager or Human Resources in the first instance. Human Resources will then arrange an Occupational Health appointment with forward signposting to appropriate support to help speedy rehabilitation, for example referral to medical professionals, professional drug/alcohol treatment agencies, and so on.
- 8.3 Where an employee has disclosed that they have a drug or alcohol problem, the Council will always adopt a constructive and supportive approach to assist them to address it. This may include allowing time to off for attending rehabilitation, counselling or medical appointments related to the problem, subject to the normal rules on Sickness Absence.
- 8.4 Help and support is also available for managers who are dealing with an employee who is dependent on alcohol or drugs. Human Resources can be contacted for confidential advice and support.
- 8.5 Confidential telephone counselling and support can be accessed through the Council's Employee Assistance Programme on 0800 882 4102, 24 hours a day, 365 days of the year. Much information and advice is also available on their website – www.pamassist.co.uk.

9. The Requirements of the Policy

9.1 During working hours

- 9.1.1 Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties.
- 9.1.2 Consumption of alcohol during the working day, including breaks, whether inside or outside the office, is actively discouraged, as the smell of alcohol on the breath is likely to create an unfavourable impression and impact on credibility. It may also affect performance and / or behaviour, which could lead to formal action being taken against an individual.
- 9.1.3 Drinking whilst driving on council business is prohibited. In addition drinking heavily or late the night before means there is still a high possibility of being above the legal limit for driving the following morning. Any drivers found to be driving under the influence of alcohol or illegal drugs will be dealt with in accordance with the Council's Disciplinary Policy.
- 9.1.4 Employees may not consume alcohol on Council premises, except at work related functions or activities, although appropriate authorisation must be sought from the relevant Head of Service or Director and then only moderate and sensible levels of alcohol should be consumed.
- 9.1.5 Where work related functions or work-related activities take place at the end of the working day, after which employees are not returning to work (for example a team visit to the pub), no authorisation need be sought from Directors for the consumption of alcohol. Where the individual is representing the Council, however, (for example attending an evening reception, seminar etc), they should bear in mind their responsibility to maintain a professional image and should behave accordingly.
- 9.1.6 Employees must not take drugs at any time during the working day, including breaks spent at or away from work premises, with the exception of drugs prescribed for the individual or over-the-counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer). Employees should also be reminded that the taking of illegal substances may lead to prosecution.
- 9.1.7 Employees must notify their staff and work manager(s) as soon as possible if they are using prescribed medication that may cause serious side effects and which is likely to impair their ability to undertake their duties safely and effectively.
- 9.1.8 Employees who experience serious side effects as a result of taking prescribed or over-the-counter medicines that impair their ability to perform their duties safely and satisfactorily must notify their staff or work manager as soon as possible. This is particularly important if they occupy a post where it is not only their own safety but the

safety of others that could be jeopardised e.g. if their work involves driving or the use of machinery. (Note that this is only applicable if the employee is attending work – there is no requirement to notify managers about medication prescribed or taken during periods of sickness absence unless it will continue to be taken after the employee's return to work.)

9.1.9 Employees are not obliged to disclose either the actual medical condition being treated or the medication – simply the impact/side effects.

9.2 **Outside Working hours**

9.2.1 Employees must not consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, for example when they are on call.

9.2.3 Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work.

10. Breaches of the policy

10.1 The Council will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction. This means that employees seeking assistance for an alcohol dependency or substance misuse problem will not have their employment terminated simply because of their dependence/addiction.

10.2 However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.

10.3 Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary matter and may result in the summary dismissal of the employee. Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, are:

- deliberate disregard for personal safety and that of others associated with the use of intoxicating substances
- unacceptable behaviour in the workplace associated with the use of intoxicating substances
- being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs
- possession, consumption, dealing/trafficking, selling, storage of controlled drugs either on work premises or engaging in such activities outside of work
- being disqualified from driving as a result of alcohol- or drug-related offences (employees required under their contract of employment to drive a vehicle)

- making malicious or vexatious allegations that a colleague is misusing intoxicating substances.
- not complying with reasonable management instruction or Occupational Health recommendation.

This list is illustrative only and should not be regarded as exclusive or exhaustive. Any disciplinary action will be in all cases proportionate to the circumstances of the breach of the policy.

- 10.4 Where evidence warrants, the Council will inform the police of illegal drug use or any activity or behaviour over which there are concerns as to its legality. For example, it would be necessary to report criminal behaviour associated with alcohol abuse such as having a drink-driving accident in a work vehicle.

11. Equality Impact Assessment and Monitoring

- 11.1 The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

12. Data Protection Act 1998

- 12.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.

APPENDIX A

Definitions

Intoxicating substance – a substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, prescription medicines (for example tranquillisers, anti-depressants, over-the-counter medicines), solvents, glue, lighter fuel.

Controlled drugs – these are drugs covered by the Misuse of Drugs Act 1971. They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.

Harmful/problematic use or misuse – use of an intoxicating substance or substances that harms health, physical, psychological, social or work performance but without dependency being present

Dependency – a compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects or pleasure (psychological dependence).

Addiction – a state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life.

APPENDIX B

Possible indicators of alcohol or drug misuse

Alcohol and drug misuse impairs judgement, concentration and co-ordination amongst other problems. The following are signs of possible alcohol or drug misuse. **It is important to note that these can also be caused by other factors, such as stress, physical illness, mental health problems or the effects of prescription drugs; each case should be considered on its merits and you should not automatically assume that drugs or alcohol are the cause. If you have any concerns about an employee who shows some of these signs, you should raise the matter with HR Employee Relations.**

- Erratic performance
- Unusual irritability or aggression
- Dilated pupils
- Hand tremor
- Increased incidents of accidents or near misses
- Overconfidence
- Inappropriate behaviour
- Sudden mood changes from extreme happiness to severe depression
- Reduced response times
- A tendency to become confused
- Reduced productivity
- Absenteeism
- Poor time-keeping
- Indiscipline
- Reduced concern for personal appearance
- Deterioration in relationship with colleagues, customers or managers
- Dishonesty and theft
- Financial irregularities

APPENDIX C

Agencies and support mechanisms

- **Employee Assistance Programme – PAM Assist** 0800 882 4102
- **Alcoholics Anonymous:** 0845 769 75555 - the largest self-help group for people who acknowledge they cannot handle alcohol, and want a new way of life without it, the service is free.
- **Alcohol Concern** has a website (www.howsyourdrink.org.uk). It is for people worried about their alcohol consumption. The website enables people to assess their alcohol consumption, along with recommended courses of action, such as contacting treatment centres or online interventions.
- **Drinkline:** 0800 917 8282 – a government funded free service. Can provide advice to the drinker or anybody concerned about the drinker. Has a database of local support and treatment services that can help the drinker. Website (www.Drinkaware.co.uk)
- **Drugline Lancashire:** 01772 825492 - a comprehensive substance use and support service www.druglinelancs.co.uk
- **Employee's General Practitioner**
- **Addaction** – offering help to those affected by drug and alcohol problems. Local support from Moving Forward Service: 01253 752100, 49-55 Cookson Street, Blackpool FY1 3DR.
- **FRANK:** is a confidential, anonymous, discreet and well informed friend ready to offer advice, information and support on drugs issues. FRANK is available by phone: (0800 77 66 00) on the web: (www.talktofrank.com) or by e-mail: (frank@talktofrank.com). You can talk to FRANK in 120 languages and you can text FRANK on (0800 917 8765).
- **Narcotics Anonymous:** 0845 373 3366 – the largest self help group for people who want to stop using drugs, services are free. Website (www.narcoticsanonymous)
- **Cocaine Anonymous:** 0800 612 0225, open 10am to 10pm – a national self help group specifically for cocaine users. Website (www.cocaineanonymous)
- **Adfam National:** 020 7553 7640 – the largest non-statutory organisation that works with and on behalf of families affected by drug and alcohol problems. Helpful for the family of the alcohol or drug user. Website (www.adfam.org.uk)
- **Samaritans:** 08457 90 90 90 or email jo@samaritans.org



Smoking Policy

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1. Policy Statement

- 1.1 Wyre Council has a legal obligation to provide a safe and healthy workplace and is committed to providing a healthy and comfortable environment for elected members, employees, contractors and visitors to its premises. It will take all reasonable steps to eliminate exposure to environmental tobacco smoke in and around all its public buildings, workplaces and facilities.

2. Legal Position

- 2.1 The Health Act 2006 laid the legal framework for Smoke Free Regulation and from the 1 July 2007 all workplaces, vehicles, enclosed or partially enclosed public places must be smoke free by law, display the legally defined notices and ensure compliance with the regulations laid before Parliament.
- 2.2 It is not intended to go in to detail to explain the whole Legislative Framework but the key areas of legislation are as follows:
- the Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368);
 - the Smoke-free (Exemptions and Vehicles) Regulations 2007 (SI 2007/765);
 - the Smoke-free (Penalties and Discounted Amounts) Regulations 2007 (SI 2007/764);
 - the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2007/760); and
 - the Smoke-free (Signs) Regulations 2012

3. Purpose

- 3.1 The purpose of this policy is therefore to ensure that Wyre Council complies with the legal requirements by taking measures to:
- create a smoke-free environment for employees, elected members, visitors, customers and service users
 - recognise a person's right to be protected from harm and to enjoy smoke-free air
 - raise the awareness of the dangers associated with exposure to tobacco smoke
 - support employees who wish to stop smoking
 - reduce the prevalence of smoking related illness and early death in Wyre

4. Scope

- 4.1 This policy applies to all elected members, employees, employees of partner organisations, third parties hiring Council premises, contractors and visitors to Wyre Council buildings and enclosed spaces.

5. Policy Rules

- 5.1 Smoking during normal working time is not allowed. Employees who smoke during their lunch break must ensure that they do so outside the areas affected by this policy.

- 5.2 In workplaces shared with other organisations (e.g. partner organisations) the Council will seek to ensure that consistent and comparable smoking policies are introduced.
- 5.3 Where Council employees are present in another organisation's workplace, employees will adhere to any additional smoking policies or restrictions put in place by that organisation.
- 5.4 The sale of tobacco products from Wyre Council sites is prohibited.
- 5.5 Electronic cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user. Although they fall outside the scope of smoke-free legislation, the council prohibits the use of e-cigarettes in the workplace.

The rationale for a ban on e-cigarettes is that:

- although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors/customers/other employees that it is acceptable to smoke.

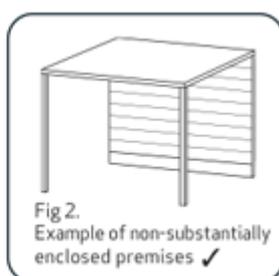
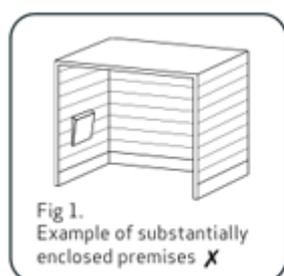
6. Non Smoking Areas

6.1 Smoking is prohibited in the following areas:

- All operational buildings, offices and depots - this will include associated outdoor areas, yards, car parks and garden areas at the Civic Centre.
- Enclosed or substantially enclosed spaces in public parks and open spaces.
- Immediately adjacent to access doorways, reception areas, lifts, any rest or common/public rooms, corridors, kitchens and toilets. This includes approach paths and the surrounding grounds.
- All Members' rooms and political group rooms
- All Council owned and managed public buildings.
- All Council owned vehicles.
- A personal vehicle being used whilst on council business.

Note:

Definition of enclosed and substantially enclosed



Premises are considered '**enclosed**' if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis.

Premises are considered '**substantially enclosed**' if they have a ceiling or roof, but have an opening in the walls, which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.

6.2 **Homeworkers**

Homeworkers are not required to refrain from smoking during the course of work that is carried out for the council in their home, unless they invite others into an area of their home for work purposes.

7. Roles and Responsibilities

7.1 **It is the responsibility of Managers to:**

- Be fully conversant with this policy.
- Ensure that all employees who report to them are aware of and comply with the policy.
- Ensure day-to-day compliance by all elected members, employees, contractors and visitors.
- Ensure that employees who report to them are not leaving their workstation to smoke during working hours.

7.2 **It is the responsibility of the Human Resource team to:**

- Provide advice, support and guidance to all parties on the application of the policy.
- Regularly review and monitor the effectiveness of the policy.
- Promote reduction in smoking and to provide assistance to those who wish to cease smoking.

7.3 **It is the responsibility of all elected members and employees to:**

- Comply with the Policy.
- Comply with smoke-free policies in force in other premises when carrying out council business.
- Not to leave their workstation to smoke during working hours.
- Promote and maintain a smoke-free working environment by ensuring, so far as it is reasonable to do so, that visitors, customers and service users are made aware of the policy and address any breaches to the policy.

8. Enforcement of the Policy

8.1 It is expected that elected members and employees will co-operate voluntarily in making the policy work without the need for more formal measures to ensure its effectiveness.

8.2 Persistent and intentional breaches of the policy may lead to disciplinary action being taken against employees.

8.3 Contraventions of the policy by elected members may lead to action by the Standards Committee.

- 8.4 Visitors will be asked to respect the Council's Policy on Smoking. Failure to comply with the policy may result in the individual being asked to leave the premises.

9. Communication of the Policy

9.1 Signage

- 9.1.1 'No Smoking' signage will be displayed in a prominent position at every entrance to smoke free premises (internal and external).
- 9.1.2 All Council Vehicles will carry a no smoking sign.
- 9.1.3 The size and style of signage will be to meet the needs of the location.

9.2 Elected Members and employees

The policy will be made available via the intranet, team briefs or as a paper copy as required.

9.3 Prospective and New Employees

All new employees will be informed of the Smoking Policy at commencement of employment and at their induction training (for new staff).

9.4 Contractors

All contractors will be provided with a copy of the policy on engagement. Compliance with the policy on smoking will be included in contracts as part of the health and safety requirements.

10. Raising Health Awareness

- 10.1 The Council will actively promote the improvement of the health of its employees providing information on health risks and other problems related to smoking of tobacco products. Information and advice on the effects of smoking (both active and second hand) will be available at regular intervals.

11. Support for Smokers

- 11.1 The Council recognises that smoking is an addiction and aims to provide a supportive environment. In recognition of this, the Council will grant a maximum of two hours paid time off (pro rata for part time or job share workers) to attend an initial smoking cessation consultation with the NHS Stop Smoking Service. Attendance at any appointments following the initial consultation must be made in the employee's own time.
- 11.2 Staff who want treatment for their tobacco addiction should contact :
- 11.2.1 **Lancashire NHS Foundation Trust – Quit Squad on 0800 328 6297**
Or [click here](http://www.quitsquad.nhs.uk/index.php) to <http://www.quitsquad.nhs.uk/index.php>

The Stop Smoking Service is delivered over a number of clinic sites.

- 11.2.2 **Smokefreelife Blackpool – 0800 246 1576 or 01253 462463**
or test QUIT to 66777. [Click here](#) to
<https://www.smokefreelifeblackpool.co.uk/Default.aspx> for further information
- 11.2.3 For staff who are registered with a GP outside the Blackpool, Fylde & Wyre area telephone the National Help-Line on 0800 169 0169, or textphone 0800 169 0171 text QUIT plus your full postcode to 88088 or [click here](#) to obtain the number of other local NHS Smokefree services.
- 11.3 The Human Resource team is able to provide those wishing to stop smoking with appropriate literature.

12. Equality Impact Assessment and Monitoring

- 12.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

13. Data Protection Act 1998

- 13.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.

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Time Off for Trade Union Duties

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Wyre Council Time off for Trade Union Duties

1.	Introduction
1.1	<p>Wyre Council values the importance of positive working relations between Elected Members, managers and employees in the delivery of Council Services.</p>
1.2	<p>Trade Union representatives have a statutory right to time off, both paid and unpaid, for trade union duties, activities and training. It is for the Council to determine the appropriate level of time off (paid and/or unpaid) that will be granted to Trade Union representatives in accordance with this Policy.</p> <p>The provisions within this Policy comply with the relevant statutory provisions for time off for trade union activities and with the guidance contained in the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.</p> <p>The amount of time off is determined by the nature of activities, operational demands and whether or not the representative belongs to a recognised trade union.</p>
1.3	<p>Definition of a “Trade Union Representative”</p> <p>Within this Policy, the term "Trade Union Representative" is intended to cover: Trade Union Officials, Trade Union Shop Stewards, Trade Union Representatives and, where appropriate, Union Learning Representatives and/or Safety Representatives.</p>
1.4	<p>What is trade union recognition?</p> <p>A trade union is “recognised” by an employer when it negotiates agreements with employers on pay and other terms and conditions of employment on behalf of a group of workers. This process is known as ‘collective bargaining’.</p> <p>A trade union may seek recognition in an organisation by voluntary or statutory means. Wyre Council have formally ‘recognised’ the following unions: Unison, GMB and UCATT.</p> <p>Where a non-recognised Trade Union wishes to be recognised by the Council for collective bargaining and representation purposes, they must make a written application to the Head of Business Support.</p>
2.	Time off for trade union duties
2.1	<p>Wyre Council will grant union representatives reasonable time off with pay during working hours to undertake the following duties:</p> <ol style="list-style-type: none"> 1. Negotiation in connection with matters for which the trade union is recognised for collective bargaining purposes i.e. <ul style="list-style-type: none"> • terms and conditions of employment, e.g. pay, working hours, holidays, pensions, sickness absence arrangements, notice periods, training, learning, equality and diversity;

- physical conditions in the workplace, e.g. workplace environment and operation of equipment or machinery;
- allocation of work or duties, including flexible working arrangements, work-life balance issues, job evaluation and grading;
- appointment (or failure to appoint) and termination or suspension of employment or the duties of employment of one or more workers (e.g. recruitment and selection policies, redundancy and dismissal arrangements);
- disciplinary matters, e.g. disciplinary procedures, including representing or accompanying workers during the disciplinary process and acting as a witness before agreed appeal bodies or tribunals;
- trade union membership (i.e. representational arrangements, any union involvement in the introduction of new workers);
- procedures for negotiation and consultation e.g. collective bargaining, grievance procedures and joint consultation arrangements.

2. Obtaining information from, and consulting with Wyre Council on redundancy (as identified under s.188 of TULR(C)A).

3. Receiving information from, and consulting with Wyre Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246).

2.2 Trade union representatives are statutorily entitled to take a reasonable amount of paid time off to accompany a worker at a disciplinary or grievance hearing regardless of whether they belong to a union that has been recognised by Wyre Council.

They must however have been certified by their union as being capable of acting as a worker's companion.

2.3 **Time off for training purposes**

The Council recognises that on their appointment, trade union representatives need to be suitably trained to undertake their role, and therefore will support the principle of representatives undertaking training that provides the relevant skills and knowledge for their particular role.

Consideration will therefore be given to providing reasonable time off with pay for Trade Union Representatives to undergo training in employee relations and health and safety matters which are relevant to the carrying out of their duties; such training will be approved by the Trade Union Congress or by the independent trade union of which they are an official.

Requests for time off to attend trade union training courses should be made to the relevant Head of Service/Service Director. Details of the request should include the course title, the name of the provider, course syllabus and timing and duration of the training, location etc.

2.4

Time Off: Duties not directly linked to the work of the Council

Time off may also be considered for trade union representatives and trade union members to represent the union at meetings and activities that are not directly related to employee relations between the Council and its employees. Consideration of any request for time off for such purposes will take into account the operational requirements of the service in relation to the employee's job.

Paid time off for delegates to attend other meetings / conferences will be at Management discretion and those wishing to attend should apply to their Head of Service/Service Director.

2.5

Time Off: Employees who are trade union members

Every employee who is a member of a recognised trade union is entitled to have reasonable time off during working hours in order to take part in trade union activities.

Trade union activities for members may include:

- Attending work place meetings to discuss and vote on the outcome of negotiations with the employer
- Meeting trade union officials to discuss issues relevant to the workplace
- Voting in union elections
- Meeting with Trade Union Learning Representatives.

Where trade union representatives intend holding meetings with their members these should, unless there are exceptional circumstances be agreed by the relevant Head of Service and take place immediately before or at the end of normal working hours / shifts or during meal or other break times, to ensure that disruption to services are minimised.

Paid time off for Trade Union Members in these circumstances will be at the discretion of the relevant Head of Service/Service Director and will normally be in relation to choosing trade union representatives or giving and receiving information and /or consultation on Wyre Council matters.

Branch officials should always consult with Human Resources in such cases.

2.6

Industrial Action

There is no right to time off for Trade Union activities which themselves consist of industrial action or any other action being taken in the furtherance of a trade dispute.

Examples would include attending a strike, rally or a demonstration during working hours. However, where a Trade Union Representative is not taking part in industrial action, but undertaking duties connected with the dispute e.g. attendance at related meetings with the Council about the dispute including discussions about exemptions, normal arrangements for time off with pay as outlined in this Policy will apply.

3.	Procedures for requesting time off
3.1	<p>In order to minimise disruption to Wyre Council business, line management should be notified of all scheduled trade union meetings. All meetings should be diarised and other than in exceptional / emergency circumstances, requests for paid / unpaid time off should be made in advance.</p>
3.2	<p>Requests for time off for extended periods such as training should be made in writing to Heads of Service/Service Director using the pro forma 'Request for Time off for Trade Union Duties and Activities'.</p> <p>All requests for time off will be considered on an individual basis with due regard to efficient running of the service. Managers must ensure that all requests are dealt with promptly.</p> <p><i>N.B. Heads of Service/Service Director may, if they wish, delegate authorisation of requests for time off to an appropriate level of line management within their Service Area, to enable requests to be determined as quickly as possible.</i></p> <p>All trade union representatives are required to keep a record of all time off taken during office/ working hours using the 'Log of Time off for Trade Union Duties and Activities'. This information should be sent to Human Recourses on a quarterly basis so that the data can be collated and published in accordance with the Code of Practice on Data Transparency.</p>
3.3	<p>Reasonableness</p> <p>Both parties must accept the need to be flexible and the determination of reasonableness will ultimately depend on the needs of the business at the time of the request. However, managers will give consideration to the nature and timing of the request, the amount of time off previously granted or planned for the future, and the number of representatives or members seeking time off within a given period.</p>
4.	Equality Impact Assessment and Monitoring
4.1	<p>The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.</p>
5.	Data Protection Act 1998
5.1	<p>In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.</p>



Extended Authorised Absence (EAA) Policy

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Wyre Council Extended Authorised Absence (EAA) Policy

1. Introduction

- 1.1 The Council is committed to equality of opportunity in employment for all staff and to developing work practices and human resource policies that support work-life balance. The Council has developed an EAA scheme to enable employees to take extended periods of unpaid time away from work and to help employees strike a balance between paid work and personal life.
- 1.2 The aims of the EAA Scheme are to attract and retain staff by demonstrating a commitment to their long-term career and personal development, to reduce the number of leavers and resulting recruitment and training costs, to support the Council's Equal Opportunities Policy and to contribute to work-life balance.

2. Details of the Scheme

- 2.1 All periods of EAA are unpaid.
- 2.2 A request for EAA would not normally be considered from an employee who has less than 12 months continuous service.
- 2.3 All requests for EAA will be subject to operational requirements. Consideration will be given to the following issues:
- The technical skills of the employee and the range of similar skills within the Council.
 - The knowledge of the employee and the availability of similar knowledge within the Council.
 - The investment in training and development that has been made by the Council to develop the employee's competence within his/her post.
 - The impact on service delivery and the workload of other employees.
 - The ability/need to recruit a temporary appointment to cover the period of absence and the cost involved.
 - The likely benefits to be realised by the employee and the Council
 - Whether the absence could assist in a career progression opportunity for another member of staff
- 2.4 Employees may apply for a period of EAA of between three months and two years depending on their individual needs. The maximum of two years ensures that Wyre as a council does not find itself at a disadvantage covering roles with limited resources.

- 2.5 A period of EAA may be taken in addition to Maternity Leave, Adoption Leave or Parental Leave or other statutory entitlements that may be available (see appropriate policies).
- 2.6 An employee may seek to take more than one EAA period, but there must be at least three years between each period.

3. Reasons for Taking an EAA

- 3.1 EAA could be taken for any of the reasons listed below, or simply to have a break from paid employment. Possible reasons for a period of EAA could include:

Childcare responsibilities
Caring responsibilities
Travel
Study
To pursue a personal interest
To undertake Territorial Army activities

In certain circumstances EAA may not be the most appropriate arrangement for an employee. Human Resources will ensure that the individual concerned is advised of any suitable alternatives and that these options are fully discussed before any final decisions are made. These alternatives could include: special leave, maternity leave, adoption leave, parental leave, or flexible working.

4. Conditions of Service During a Period of EAA

4.1 Duration

The duration of the EAA will be clearly specified and agreed before commencement of the break, and an employee will not be entitled to return to work before the expected end of the period. However the Council will consider requests to return earlier than previously agreed.

4.2 Service Accrual

The period of the EAA will not be regarded as a break in service in relation to continuity of employment for the purposes of calculation of notice periods and redundancy payments.

However:

The period of EAA will not count as qualifying service for the following:

- incremental progression
- calculation of increased annual leave entitlement
- calculation of increased sick pay entitlement
- long service award

4.3 **Pay and Benefits**

All periods of EAA are unpaid.

The period of EAA is therefore not subject to the sickness absence scheme nor counted for sick pay purposes or occupational maternity pay / adoption leave pay or paternity pay.

There is no entitlement to contractual or statutory annual leave or bank holidays during a career break. There will be no accrual of annual leave during the period of the EAA.

All annual leave, bank holiday entitlement, flexi, TOIL etc. accrued should be taken prior to commencement of the Career Break. No payment in lieu of outstanding leave will be made and no "carry over" of leave allowed unless the employee has been unable to take it because of operational reasons. Any annual leave that has been taken but yet not accrued by the employee will be deducted from the employee's last payment of their salary.

4.4 **Local Government Pension Scheme**

Whilst you are on a period of EAA you will not accrue benefits in the pension scheme which will affect the amount you are entitled to on retirement. Therefore you have the option to pay Additional Pension Contributions (APCs) when you return to work to cover any 'lost' pension.

If you elect to buy back all of your lost pension within 30 days of returning to work then the cost of the contract will be split with the Council paying 2/3rds of the cost. However if your election is received after 30 days of returning to work, or if you elect to purchase some, but not all, of your lost pension you must fund 100% of the APC yourself.

Further information on buying back of lost pension can be attained from Human Resources.

Employees on authorised leave of absence from the Pension Scheme will remain eligible for death-in-service benefits

4.5 **Other Conditions**

- Employees who are required to maintain professional registration will be expected to meet the cost of re-registering on return to work.
- An employee must obtain consent from the Council if they are undertaking paid work for another organisation during EAA. Such consent will not be unreasonably withheld and the requirement is primarily designed to avoid any conflict of interest.
- Employees can continue membership of a trade union and would still be subject to the benefits of membership, providing that subscriptions are kept up to date. The employee would have to make their own arrangements to pay the trade union subscriptions.
- Employees will need to relinquish the Council's property i.e. mobile telephones, laptops, keys, protective clothing etc prior to an employee commencing their

EAA.

- Employees will continue to be subject to, and will abide by Wyre Council's policies and code of conduct during the period of their EAA.
- Contact details and emergency contact information must be kept up to date during the EAA.

5. Keeping in Contact

- 5.1 The employee's Line Manager shall ensure that contact is maintained with employees who are taking EAA. This may include, for example, provision of information through email or inviting them to seminars, training sessions or social events that the Council may organise.
- 5.2 It is particularly important that employees are invited, where practicable, to any training which may be connected with the introduction of new courses, systems or procedures and are kept up-to-date with information on changes which may affect them, such as pay awards, Directorate or section reorganisations or new legislation. Any time spent on such training will be compensated for by the equivalent time off when the employee returns to work.
- 5.3 In addition, employees taking an EAA are encouraged to keep in contact with their section/team during the EAA.

6. Organisational Changes During EAA

- 6.1 If organisational changes occur, the Council will ensure that employees taking an EAA are involved in any consultations or other appropriate procedures as far as possible on the same basis as all other affected employees.
- 6.2 Where an employee's post is likely to become subject to redundancy during the EAA the Council will inform the employee as required by statute and the Council's procedures. It is the employee's responsibility to ensure that the Council has up to date contact details, and is available for consultation.

7. Returning to Work

- 7.1 The actual date of return will be subject to mutual agreement between the employee and the relevant Head of Service or Service Director.
- 7.2 In order to ensure the effectiveness of the EAA Policy, the Council will seek, as far as possible, to place an employee returning from EAA in his/her former job or suitable alternative employment.
- 7.3 Line managers will consider whether it is necessary to arrange for a special period of induction, retraining or re-familiarisation on return to work.
- 7.4 Failure to return at the agreed end date of the EAA will be subject to the provisions of the relevant policy and could result in the termination of the employee's contract of employment.

- 7.5 A request from an employee who wishes to return to work prematurely will be considered, taking into account the reasons, any relevant business considerations and the need to be fair and equitable in the treatment of any temporary replacement.

8. Salary on Return to Work

- 8.1 At the end of EAA, an employee will return to their previous salary uplifted for any agreed pay awards.

9. Resignation During EAA

- 9.1 If an employee decides to resign during EAA, they must submit a written statement of resignation to the Head of Business Support. The contract of employment will normally cease from the date when the resignation is received, i.e. it is not expected that a notice period will be worked.

10. Application Procedure

Employees who wish to take EAA should follow the procedures detailed below:

- 10.1 Apply to his/her Head of Service or Service Director at least three months in advance of the proposed start date of the period of EAA, using the EAA Application Form and forward a copy of the form to the Human Resources team.
- 10.2 A representative of the Human Resources team will arrange to meet with the employee and his/her line manager in order to clarify any aspect that may need resolution.
- 10.3 The Head of Service/ Service Director will consider the request in consultation with a representative of the Human Resources team and the Line Manager and they may decide to approve or refuse the request.
- 10.4 EAA may be refused for operational or financial reasons. If the application is refused, the Head of Service or Service Director will provide reasons for the refusal in writing to the applicant.
- 10.5 If the employee concerned is dissatisfied with the decision, they should follow the procedure laid out below (refusal of EEA).
- 10.6 The date for commencement and termination of the EAA will be by mutual agreement between the employee and their Head of Service or Service Director and will need to take into account outstanding work activities and arrangements for temporary staffing.
- 10.7 Before the EAA commences the relevant line manager should carry out a pre-break interview. The interviews should cover areas of mutual interest including:
- Mechanisms for keeping in touch.
 - Name of contact person.
 - Arrangements for any periods of work/training.
 - Arrangements for returning to work.
 - Pension.

- 10.8 A written record of the pre-break interview should be forwarded to the Human Resources team for entry on to the employee's personnel file.
- 10.9 On returning to work, after completion of the EAA, the employee should be welcomed back by the line manager with a re-entry interview. The interview should cover areas of mutual interest such as:
- Changes within the section/team and Council.
 - Employee's salary, working pattern, pro rata holiday entitlement etc.

11. Refusal of EAA

- 11.1 Staff who feel that they have been unreasonably refused EAA or who feel that they have been victimised for requesting one should, in the first instance, raise the matter with their Head of Service or Service Director and inform the Head of Business Support. They can also consult with their trade union and have the right to raise the matter through the grievance procedure.
- 11.2 The Head of Business Support shall record all complaints. All applications, agreements and refusals shall be monitored, with the aim of bringing about consistency between Directorates/Sections in the way that policies related to work-life balance are implemented throughout the Council.
- 11.3 None of the conditions within this policy affect an employee's right to benefit from any contractual or statutory rights that may govern the entitlement to other forms of leave/absence (paid or unpaid). Any advice or guidance required on these matters can be gained from the Human Resources team.

12. Equality Impact Assessment and Monitoring

- 12.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

13. Data Protection Act 1998

- 13.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.



Becoming a Parent?

Maternity, Paternity & Adoption Provisions

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Wyre Council Maternity, Paternity and Adoption Provisions

This document sets out to explain your entitlements.

It is a general guide and cannot cover all eventualities. For confirmation of your entitlement and further guidance, please contact the Human Resources Section who will be pleased to help.

Employee's entitlements to adoption leave and associated procedures are mainly the same as those for maternity leave however for ease of reference it has been kept separate within this document.

1. General

1.1 The following terms are used frequently throughout this policy:

EWC (Expected Week of Childbirth): This is the week in which your baby is due. A week runs from Sunday to Saturday so, if your baby is due on a Wednesday, your EWC starts on the Sunday before.

MPP (Maternity Pay Period): The 39 week period for which Statutory Maternity Pay (SMP) is payable.

OML (Ordinary Maternity Leave): The first 26 weeks of maternity leave, available to all employees, regardless of length of service, who comply with the notification requirements.

AML (Additional Maternity Leave): The Additional Maternity Leave follows on immediately after the 26 weeks Ordinary Maternity Leave period and lasts for 26 weeks. This is also available to all employees and we will assume that you are taking this leave unless you notify us to the contrary.

OPL (Ordinary Paternity Leave): Up to two weeks leave taken consecutively within eight weeks of the birth of the child.

APL (Additional Paternity Leave): Up to 26 weeks leave taken within the first year of the child's life provided the mother has returned to work before using her full entitlement. This will no longer be applicable for parents of babies due on or after 5 April 2015.

SPL (Shared Parental Leave): Mothers will be able to end their maternity leave early and share up to 50 weeks' untaken leave and 37 weeks' unclaimed pay with their partner. Shared parental leave will apply in relation to babies due on or after 5 April 2015.

QW (Qualifying Week): The 15th week before the expected week of childbirth

MAT B1 maternity certificate: This gives the date the baby is due. It is signed by a doctor or midwife and issued after the 20th week of pregnancy.

SMP (Statutory Maternity Pay): This is how much you are entitled to be paid during the Maternity Pay Period (MPP). This payment is subject to qualifying criteria - see

section 5.

SPP (Statutory Paternity Pay): This is how much you are entitled to be paid during the Paternity Pay Period. This payment is subject to qualifying criteria - see section 9.

OAL (Ordinary Adoption Leave): The first 26 weeks of adoption leave, available to all employees, regardless of length of service, who comply with the notification requirements.

AAL (Additional Adoption Leave): The Additional Adoption Leave follows on immediately after the 26 weeks Ordinary Adoption Leave period and lasts for 26 weeks. This is also available to all employees and we will assume that you are taking this leave unless you notify us to the contrary.

SAP (Statutory Adoption Pay): This is how much you are entitled to be paid during the adoption leave period. This payment is subject to qualifying criteria - see section 12.

Week's Pay: Is the normal amount payable under the Contract of Employment for working the normal hours per week. Where there are no normal working hours it is the average earnings over the previous 12 weeks.

2. Notification

2.1 Health and Safety

You are required to inform the Council as soon as you become pregnant so that your Manager can carry out a risk assessment and ensure that your health and that of your unborn child is not at risk.

Risks may include physical conditions of work such as handling loads, extremes of cold or heat, travelling, excessive use of visual display equipment etc.

2.2 Ante-Natal Care

Once a member of staff has advised the Council she is pregnant, she will be entitled to take reasonable paid time off work to attend appointments as advised by her doctor, registered midwife or registered health visitor.

Ante-natal care may also include other appointments that the member of staff has been advised to attend by her doctor, midwife or health visitor, in addition to medical examinations.

Evidence of appointments as well as the advice to attend may be requested.

You should give your 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.

Prospective fathers also have the right to time off (unpaid) to attend up to 2 antenatal appointments (see 9.1).

2.3 **Sickness absence**

If you are absent from work during pregnancy owing to sickness, you will receive normal statutory or contractual sick pay in the same manner as you would during any other sickness absence provided that you have not yet begun OML. If, however, you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before the EWC, your maternity leave will start automatically.

2.4 **Maternity Leave**

You will need to give formal notice of your intention to take maternity leave no later than the end of the 15th week before the EWC.

The '**Maternity Leave Notification Form**' (available on the intranet or from Human Resources) has been designed to assist you with applying for maternity leave. The completed form should be sent to the Human Resource Section with the original form MAT B1.

We will write to you within 28 days of receipt of the initial notification to inform you of when your maternity payments will come to an end and the date that you are expected to return if you intend to take your full 52 weeks entitlement to maternity leave.

If it is not possible for you to give notice by the end of the QW, for example, if your baby is born before this date, please give as much notice as possible.

3. **Terms and Conditions during Maternity Leave**

3.1 During both ordinary and additional maternity leave you are entitled to the benefit of – and are bound by – all the terms and conditions of employment that would have applied but for your absence, with the exception of salary and other remuneration.

Although not entitled to normal salary during your maternity leave you may qualify for Maternity Pay which will be determined by your length of service and level of earnings.

You will continue to accrue annual holiday and bank holiday entitlement throughout the period of your maternity leave.

4. **Maternity Leave**

4.1 **Maternity Leave**

Providing that you have complied with the notification procedures you will be entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave. Additional maternity leave begins on the day after ordinary maternity leave ends.

Maternity leave will start on the day you have chosen, provided it is not before the 11th week before the EWC. However if either of the following events occurs, your maternity leave and MPP will start automatically:

- Your baby is born before you have started your maternity leave. In this case, your maternity leave and MPP will start the day after the birth of your child;
- You are absent from work for a pregnancy related reason in the four weeks before your EWC (and you have not already started your maternity leave). In this case,

your maternity leave and MPP will start the day after your pregnancy-related absence began.

You are entitled to change the date you want to start your maternity leave and MPP provided you give notice of the new date in writing. Notice must be given at least 28 days before the date you were originally going to start your maternity leave or the new date, whichever is earlier.

4.2 Compulsory Maternity Leave

You will not be able to return to work for a period of two weeks commencing on the date of childbirth; It is a criminal offence for an employer to permit or require a woman to do so.

5. Entitlement to Maternity Pay

Your entitlement to Maternity Pay is dependent on your length of service, and for ease of reference the remainder of part 5 is divided into sections.

These qualifying periods can be confusing – please contact Human Resources if you require further clarification.

5.1 Employees with less than 26 weeks local government service from the commencement of employment date up to and including the qualifying week (the 15th week before the EWC)

Maternity Payments: To get Statutory Maternity Pay (SMP) you must have been employed in Local Government continuously for at least 26 weeks continuing into the 15th week before the expected week of child birth. Because of your length of service, you will not qualify for SMP. You will however be given a SMP1 by the Human Resources team so that you can claim Maternity Allowance from Jobcentre Plus. See Leaflet NI17A - A Guide to Maternity Benefits, available from the Department of Work and Pensions - www.dwp.gov.uk/publications/NI17A for more details.

5.2 Employees with more than 26 weeks service by the end of the 15th week before the EWC but less than one year continuous service by the beginning of the 11th week before the EWC.

Maternity Payments:

Weeks 1 to 6 - provided that your average earnings in the 8 weeks ending with the 15th week before the EWC were equal to the lower earnings limit for national insurance, you will be entitled to SMP, which will be 6 weeks at 9/10 pay.

Weeks 7 to 39 - this will be followed by 33 weeks at the prescribed SMP rate, (or 9/10 if this is less), please contact Human Resources for details of the current rate.

5.3 Employees with 1 year's continuous local government service at the 11th week before the EWC.

Maternity Payments:

Weeks 1 to 6 - 9/10 of a week's pay (offset against payments made by way of SMP or Maternity Allowance). Provided that your average earnings in the 8 weeks ending with the 15th week before the EWC were equal to the lower earnings limit for national insurance you will be entitled to SMP, which will be: 6 weeks at 9/10 pay.

Weeks 7 to 18 - if you have declared in writing that you intend to return to work in local government (not just your current authority) employment for at least 3 months after the end of your maternity leave you will receive half of a week's pay plus SMP at the prescribed rate (contact Human Resources for details of the current rate). **NB** if this combined payment exceeds your normal pay then the payment will be restricted to full pay. If you are not intending to return, payment will be restricted to your SMP entitlement as described in section 5.2.

Weeks 19 to 39 - for the remaining 21 weeks you will receive your SMP entitlement at the prescribed rate.

Please note: You may be required to refund any salary paid to you by Wyre Council if you fail without good cause to return to local authority employment for a period of at least three months after the end of the maternity leave period.

5.4 Your entitlement to SMP ceases if **after** the baby is born:

- you start work during your MPP for an employer who did not employ you in the qualifying week **or**
- you are taken into legal custody at any time during the MPP.
-

If you cannot get SMP or it is stopped for either of the above reasons, you may be able to get Maternity Allowance from Jobcentre Plus. See Leaflet NI17A - A Guide to Maternity Benefits available from the Department of Work and Pensions - www.dwp.gov.uk/publications/NI17A for more details.

You will need to inform Human Resources immediately if you cease to become eligible for SMP.

If you come back to work at any time when you are receiving SMP you will lose that whole week's SMP.

5.5 The NJC for Local Government Services terms and conditions detail the Occupational Maternity Scheme, which is reflected in this guide.

5.6 Local Government Pension Scheme: - Your position under the Local Government Pension Scheme is explained in Appendix 1.

6. Contact during Maternity Leave

We may make reasonable contact with you (and you with us) while you are on maternity leave, as you may wish to know about any changes at work, job vacancies, training, and other work or social events that you may wish to attend.

6.1 Keeping in Touch Days (KIT days)

During maternity leave you can do up to 10 days' work under your contract of employment, this is to allow you to "keep in touch" with the workplace. This may include staff meetings, training or any activity aimed at keeping in touch. Any work carried out on a day constitutes one day's work. This means that if you come in for a one-hour management meeting, this will count as one of the 10 days available.

The Council cannot insist that you carry out any work and you are protected from suffering a detriment for refusing to do so. Equally, you cannot insist on being given any work to do.

A keeping-in-touch day under this provision must not take place during the two-week period of compulsory maternity leave.

You will be paid for any hours work undertaken on KIT day in line with your contracted rate of pay. The combined entitlement to pay and maternity payment must not exceed the contracted rate of pay for that day.

7. Returning to Work

It will be assumed that you will be returning to work at the end of your additional maternity leave. If you are unable to attend work at the end of your maternity leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply.

If you wish to return earlier than the expected return date you must give the Council at least 8 weeks' notice of your date of return, in writing.

If you decide not to return to work after your maternity leave you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment.

7.1 Rights On and After Return to Work

If you take ordinary maternity leave, you are entitled to return to the same job. If you take longer than the ordinary maternity leave and it is not reasonably practicable for you to return to the same job, you will be offered an alternative position on no less favourable terms and conditions.

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

7.2 Return to work interview

All line managers will be required to conduct a return to work interview on the officer's return so as to ensure that they are up to date with all changes, understand their entitlements and are clear on what is expected of them.

8. Transfer of Maternity Leave

8.1 Additional Paternity Leave - Babies due before 5 April 2015

If you propose to return to work early without using your full 52-week entitlement to maternity leave, you may be eligible to transfer up to 26 weeks of your outstanding maternity leave (and outstanding SMP) to your spouse, civil partner or partner, or the father of your child. This would then be taken as additional paternity leave (and

additional statutory paternity pay) on your return to work.

The earliest that additional paternity leave may commence is 20 weeks after the date on which the child is born and it must end no later than 12 months after the date of birth. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. You must therefore have at least two weeks of your maternity leave that remains unexpired when you return to work.

Further details should be obtained from your spouse's or partner's employer and if you do wish to transfer part of your maternity leave entitlement in this way, you will be required to submit a written and signed declaration form to that employer, which may also make additional enquiries of the Council to verify its employee's entitlement to additional paternity leave and pay.

Please see Human Resources for further information.

8.2 Shared Parental Leave – babies due on or after 5 April 2015

The new system of shared parental leave (SPL) will apply if your baby is due on or after 5 April 2015.

You will still be entitled to 52 weeks of maternity leave however you can switch part of your statutory maternity leave and pay into shared parental leave and shared parental pay. Shared parental leave and shared parental pay will be available provided both parents satisfy the eligibility requirements. See section 11.

9. Paternity Leave

9.1 Time off for Antenatal Appointments

New rights introduced from 1 October 2014 enable prospective fathers or a mother's partner to take unpaid time off to attend up to 2 antenatal appointments.

9.2 Ordinary Paternity Leave (OPL)

To qualify for OPL you must:

- Have 26 weeks continuous service by the end of the 15th week before the EWC;
- Be the father, or married to or the partner or civil partner of the child's mother; and
- Expect to have responsibility for the upbringing of the child.
- Take the leave for the specific purpose of caring for a newborn-child and supporting the mother (or for the purpose of caring for a child newly-placed for adoption and supporting the adoptive parent).

9.2.1 Entitlement

Qualifying employees are entitled to take up to two weeks leave. Paternity leave must be taken within eight weeks of the birth (or adoption) of the child as either a one or two week block, odd days and weeks that are not consecutive cannot be taken.

If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or

weeks after that date.

Only one period of leave is provided per pregnancy. Therefore, if your partner gives birth to twins the entitlement will still only be two weeks' leave.

9.2.2 Paternity Payments

Paternity leave will be paid as follows:

- Week 1: a week's full pay offset against payments made by way of Statutory Paternity Pay (SPP)
- Week 2: you will receive your SPP entitlement, provided that your average earnings in the 8 weeks ending with the 15th week before the EWC were equal to the lower earnings limit for national insurance. Please contact Human Resources for details of the current rate.

See section 10 - Maternity Support Leave if you think you may not qualify for Paternity Payment.

9.2.3 Notification

Wyre Council will require the following information:

- The EWC and, (or if the baby is born early), the date of the child's birth.
- The length of the leave requested.
- The date the leave is intended to start.
- A declaration that you are in an enduring relationship with the mother, will be responsible for the child's upbringing and will be taking time off to support the child's mother or care for the child.

At the very least you must give the following information to Wyre Council by the end of the 15th week before the EWC:

- The EWC.
- The length of the leave requested.
- The date the leave will start.

The '**Paternity/Maternity Support Leave Form**' (available on the intranet or from Human Resources) has been designed to assist you with applying for leave. The completed form should be sent to the Human Resource team with a copy of the mother's form MAT B1.

You may change your mind provided 28 days' notice is given.

10. Maternity Support Leave

10.1 Entitlement

If your wife or partner is pregnant or you are the nominated carer of an expectant mother, under the Local Government Conditions, you are entitled to 5 days paid leave at or around the time of the birth. This is irrespective of length of service.

A nominated carer is the person nominated by the mother as their primary provider of

support.

The **'Paternity / Maternity Support Leave Form'** (available on the intranet or from Human Resources) has been designed to assist you with applying for leave. The completed form should be sent to the Human Resource team with a copy of the mother's form MAT B1.

NB - It is not intended to pay maternity support leave in addition to the paid paternity leave nor is there a facility for there to be more than one nominated carer.

e.g. If a father and a grandparent were employed by the authority and the father intends to claim paternity / maternity support leave there is no requirement for an additional nominated carer and the grandparent would have no entitlement.

11. Shared Parental Leave

Full details of shared parental leave including eligibility and the notification process are set out in a separate document – the "Shared Parental Leave and Notification Procedures" available from Human Resources or the Intranet.

11.1 Main elements of shared parental leave

- Under the new provisions mothers are able to switch part of their statutory maternity leave and pay into shared parental leave and shared parental pay provided both parents satisfy the eligibility requirements.
- In the 52 week period there will be two weeks' compulsory maternity leave which the mother must take and then eligible parents are able to share the remaining maternity leave and pay between themselves.
- Fathers are still entitled to two weeks basic paternity leave.
- Employees who have taken shared parental leave have the right to return to the same job if the total leave taken is 26 weeks or less in aggregate, even if the leave is taken in discontinuous blocks.
- Any subsequent leave will attract the right to return to the same job, or if that is not reasonably practicable, a similar job.
- It is up to the parents how they share the parental leave – they could take it in turns or take time off together, provided they take no more than 52 weeks of this leave, combined in total.

11.2 Qualifying for shared parental leave

Shared parental leave applies only to employees with a working partner (employed or self-employed) as long as both of them both meet the qualifying conditions. If the mother does not qualify for maternity leave or maternity allowance, her partner will not be eligible for shared parental leave and pay. Details of the eligibility criteria are set out in the "Shared Parental Leave and Notification Procedures".

11.3 Notification requirements

The notification procedures are quite complex as the mother has to give written notice to end her maternity leave before starting the shared parental leave.

The mother must give at least eight weeks written notice to end her maternity leave (in order to start shared parental leave). The notice is binding and can be given before or

after the birth.

Please see the “Shared Parental Leave and Notification Procedures” and contact Human Resources if you have any queries.

11.4 Keeping in touch (KIT) days

Each parent has the right to have up to 20 Keeping in touch (KIT) days during shared parental leave. This is in addition to the ten days allowed during maternity leave.

11.5 Shared Parental Pay

The amount of statutory shared parental pay that is available for the parents to share is 39 weeks, minus the amount of statutory maternity pay or maternity allowance taken by the mother. The mother cannot curtail her maternity leave and pay until the end of the compulsory maternity leave period (two weeks), so the maximum amount of shared parental pay available is 37 weeks. Similar provisions apply for parents taking shared parental leave in an adoption situation.

For example, if the mother takes maternity leave for 30 weeks, then the father takes a period of shared parental leave of 12 weeks, then the mother takes a period of shared parental leave of 10 weeks; the mother would be paid statutory maternity pay for 30 weeks and the father would be paid statutory shared parental pay for the first nine weeks of his leave period (provided that they meet all the relevant eligibility requirements).

Statutory shared parental pay will be paid at a flat rate for all 39 weeks.

Fathers will still be entitled to two weeks basic paternity pay.

11.6 Possible shared parental leave arrangements

Examples of how parents could share the parental leave are as follows:

- The mother could take the first eight months, with the father taking the remaining eight months.
- The mother could return to work for a period in the middle of the year with the father looking after the child for that time.
- The parents could both stay at home together with the child for up to six months.

12. Adoption Leave and Pay

12.1 Introduction

Prospective adoptive parents are entitled to take time off for the purpose of having contact with the child or for any other purpose connected with the adoption.

If you adopt a child through an approved adoption agency you are entitled to up to 52 weeks' adoption leave. Your entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave (OAL) or additional adoption leave (AAL) subject to their following the correct notification procedures as set out below.

Adoption leave entitlement applies to one adoptive parent the other adoptive parent will be entitled to take paternity leave as set out in section 9 of this document.

12.2 Entitlement to Adoption Pay

If you have at least 26 weeks' continuous service calculated as at the week in which notification of matching is given by the adoption agency you will qualify for statutory adoption pay (SAP) provided that your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Statutory adoption pay is in line with Statutory Maternity Pay and is at 9/10 of your average weekly earnings for the first six weeks followed by the a further 33 weeks at the prescribed rate set by the Government for the relevant tax year, or at 9/10 of your average weekly earnings if this is less.

12.3 If you have at least 1 year's continuous service as at the week in which notification of matching is given are entitled to adoption payments as follows:

Weeks 1-6 - 9/10 of a weeks' pay

Weeks 7-18 – if you have declared in writing that you intend to return to work in local government employment for at least 3 months after the end of your adoption leave you will receive half a week's pay plus SAP at the prescribed rate. **NB** if this combined payment exceeds your normal pay then the payment will be restricted to full pay. If you are not intending to return, payment will be restricted to your SAP entitlement as described in 12.2.

Weeks 19-39 – for the remaining 21 weeks you will receive your SAP entitlement at the prescribed rate.

Please note you will be required to refund any salary paid to you by Wyre Council if you fail without good cause to return to local authority employment for a period of at least three months after the end of the maternity leave period.

12.4 You will lose your right to Statutory Adoption Pay if at any time during the Adoption Pay Period:

- You start working for another employer, or
- You are taken into legal custody.

12.5 Local Government Pension Scheme – your position under the Local Government Pension Scheme is explained in Appendix 1.

12.6 Timing and Notification of Adoption Leave

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

You are encouraged to discuss the timing of your adoption leave as early as possible with your line manager.

12.7 Notice Requirements

In order to be entitled to take adoption leave and receive statutory adoption pay, you are required to give the Council written notification of your intention to take adoption leave no later than 7 days after the date on which notification of the match with the child was provided by the adoption agency. Notification of leave must be made in writing using the Adoption Leave Notification Form available on the intranet and must include the date the child is expected to be placed with you for adoption and the date you intend your leave to start.

The completed form should be sent to the Human Resources section with a copy of the matching certificate from the adoption agency.

Human Resources will write to you within 28 days of receipt of your notification to confirm the date you are expected to return to work if you intend to take your full 52 weeks' entitlement.

You are entitled to change the date you want to start your adoption leave provided you give notice of at least 28 days before the date you were originally going to start your leave or the new date whichever is earlier.

12.8 Rights during Adoption Leave

During your adoption leave all terms and conditions of employment will continue with the exception of salary and other remuneration.

You will continue to accrue annual holiday and bank holiday entitlement throughout the period.

12.9 Contact during Adoption Leave

Provisions regarding contact and Keeping in Touch Days (KIT) for employees on adoption leave are the same as for those on maternity leave and are set out in section 5 of this document.

12.10 Returning to Work after Adoption Leave

Provisions regarding returning to work after adoption leave are the same as for those returning to work after maternity leave and are set out in section 6 of this document.

12.11 Transfer of Adoption Leave

Provisions regarding the transfer of any untaken adoption leave if you propose to return to work early without using your full 52 week entitlement are the same as for those on maternity leave and are set out in section 8 of this document.

13. Fertility Treatment

13.1 Employees undergoing fertility treatment will be allowed time off for consultants' appointments and actual treatment. Partners of those undergoing treatment are allowed the time if they are undergoing treatment themselves and/or it is essential for the success of the treatment that they attend. Appointments where they are attending as support for their partner will need to be taken as flexi or annual leave.

If employees are not fit to attend work following treatment this would be treated as sickness absence and therefore counts towards sickness absence triggers.

In situations where treatment is unsuccessful and employees elect to undergo repeated treatment, this arrangement would need to be reviewed.

14. Equality Impact Assessment and Monitoring

- 14.1** The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

15. Data Protection Act 1998

- 15.1** In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.

Local Government Pension Scheme

Your position under the Local Government Pension Scheme is as follows:

You must pay pension contributions on the pay you receive during your maternity or paternity leave. Thereafter you may, if you wish, elect to pay pension contributions on any unpaid absence. If you elect to do this, they will be calculated on the pay you were receiving immediately before the unpaid absence commenced. If you decide not pay contributions in respect of the unpaid absence, that period will not count in any way for pension purposes.

Please use the 'Local Government Superannuation Regulations-Notification of Maternity Leave' form available on the Intranet or from the Human Resources Section.

The Human Resources Section will give you further details.

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Pay and Time Off in Lieu Policy

1. Statement of Intent

- 1.1 Wyre Council intends to manage the pay of its workforce in order to regulate expenditure, ensure transparency, fairness and consistency in pay determination, control pay drift and conform with pay agreements reached on behalf of its employees both nationally and locally.

2. Scope

- 2.1 This policy explains the Council's agreed terms and conditions on pay and applies to all Wyre Council employees engaged on National Joint Council for Local Government Services [Green Book] conditions of service.

3. Roles and Responsibilities

3.1 **The Council is responsible for:**

The responsibility for the pay structure rests with the Council, who through its Officers and principally based on the advice delivered by the Head of Business Support will establish consistency and conform with equal pay legislation.

3.2 **The Chief Executive, Service Directors and Heads of Service will be responsible for:**

- providing Human Resources with appropriate documentation, including time sheets, variation of hours, overtime and mileage claims etc. to enable the payment of salaries and wages;
- providing Human Resources with job descriptions and other information required to enable the determination of grade, wage or salary level for posts in their services;
- advising Human Resources of any variation, or proposed variation, of duties and responsibilities attached to a post in their Directorate which may have implications for the wage, grade or salary for that post.

3.3 **The Head of Business Support is responsible for:**

- advising the Council on wage rates, salary levels, job evaluation, wage and salary review procedures;
- maintaining an up to date establishment list which will contain each post on the Council's establishment, with information relating to the remuneration and other payments relative to each employee;
- advising all employees of changes to their wage and salary levels, and making appropriate variations to their written particulars of employment as required by the Trade Union Reform and Employment Rights Act 1993, and Employment Rights Act 1996;
- administering the appeals procedures relating to grading matters;
- the payment of wages and salaries to the Council's employees in accordance

- with the terms of their contract with the Council;
- making lawful deductions from the wages and salaries of the Council's employees in accordance with legislation summarised in the Employment Rights Act 1996;
- issuing an itemised pay statement to each employee of the Council at or before the time at which any payment of wages or salary is made in accordance with the Employment Rights Act 1996.

4. **Pay Procedures**

4.1 Wyre Council will pay its employees' salaries which reflect the agreement reached by the National Agreement on Pay and Conditions of Service, except in circumstances

- where locally agreed variations are in place
- which are jointly agreed between the Council and representatives of its employees in the furtherance of successful tenders for areas of activity which are exposed to competitive tendering,
- where the Council has taken into its employment employees of other councils or contractors under the TUPE regulations.

4.2 The appropriate grade for any particular post will be determined by Job Evaluation and administered by Human Resources.

4.3 **New Appointments**

Staff newly employed by the authority will normally be appointed to the initial point of the established grade for the post unless their skills, experience or previous salary justifies paying a higher scale point within that established grade. Offers above the initial point should only be made in consultation with Human Resources and the Service Director / Chief Executive.

4.4 **Calculation of Salary for New Employees**

If an employee commences their employment part way through a month, the pay due to them will be calculated as follows:-

- Normal annual salary divided into 12 equal instalments to give monthly salary.
- Monthly salary divided by the number of days in the current month multiplied by the number of days due.

Example: For a start date of 11th September the calculation would be – monthly salary/30 days x 20 days.

4.5 **Calculation of Salary for Leavers**

If an employee terminates their employment and is due to leave part way through a month, the leaving date for pay purposes will normally be a Sunday.

The pay due to them will be calculated as follows:-

- Normal annual salary divided into 12 equal instalments to give monthly salary.

- Monthly salary divided by the number of days in the current month multiplied by the number of days due.

Example: For a leaving date of 11th September the calculation would be – monthly salary/30 days x 11 days

4.6 **Incremental Progression**

Progression through the grade from one increment to the next will normally take place on the 1 April each year until the maximum point of the scale is reached.

However Officers with less than six months service by 1 April will be granted their first increment six months after their appointment, promotion or re-grading

- 4.7 Increments may be accelerated within an employee's scale on the grounds of special merit or ability subject to approval of the Service Director (or Chief Executive if Finance or Planning.)

- 4.8 At the discretion of management and in consultation with Human Resources employees can be accelerated up to two increments (within the grade) subject to the successful completion of a final examination of an approved course of study.

- 4.9 Increments may be withheld from any employee following an adverse report on an officer (subject to the normal rights of appeal). Any increment withheld may be paid subsequently when the employee's service becomes satisfactory.

4.10 **Recompense for Undertaking Temporary Additional Duties**

An employee who, for any reason other than the annual leave of another officer, is called upon by their Service Director to undertake the full duties and responsibilities of a higher graded post for a continuous period of at least four weeks is entitled to receive a salary in accordance with the first increment of the grade of the higher graded post temporarily occupied. Once qualifying the higher salary will be paid with effect from the first day on which the employee was required to undertake the duties and responsibilities of the higher graded post.

- 4.11 Where an employee undertakes additional responsibility in the absence of a more senior officer (for any reason other than annual leave), albeit not the full duties and responsibilities, any entitlement to additional payments will be subject to the qualifying period set out in 4.8 above and will be based on an evaluation of the additional duties under the Council's Job Evaluation Procedure.

Such payments are to be determined by the Head of Business Support after consultation with the Service Director / Chief Executive.

4.12 **Grading, Re-grading and Appeals**

Proposals for the management of the grading of new and changed posts, re-grading applications and appeals can be found on the Councils' Intranet.

4.13 **Calculation of Accrued/Overtaken and Unpaid Leave**

Leave is calculated based on a 5 day working week (pro-rata for part time staff). Examples of calculations are shown below:

On leaving an employee has 10 days untaken accrued leave entitlement – weekly salary/5 days x 10 days paid with their final pay.

On leaving an employee has overtaken their leave entitlement by 3 days – weekly salary/5 days x 3 days deducted from their final salary.

An employee wishes to take 6 days unpaid leave – weekly salary/5 days x 6 days deducted from their salary.

4.14 **Equal Pay Audit**

Human Resources will conduct an equal pay audit every two years.

4.15 **Equality Impact Assessment**

Human Resources will assist Line Managers to conduct an Equality Impact Assessment on restructuring proposals that have the potential to impact on a significant number of individuals.

5 Overtime and Time Off in Lieu (TOIL)

5.1 Overtime pay is defined as the additional pay claimed as a result of additional hours worked to contracted hours. It can be planned or occasionally unplanned. Unless an employee has a contractual entitlement to overtime or it has been authorised in advance by the appropriate line manager a claim for overtime will not be considered.

Planned overtime is pre- determined and the need for the overtime will have come about either from special one off project work or to carry out essential IT work.

5.2 Time off in Lieu (TOIL) is defined as time taken off to compensate for planned (or occasionally unplanned) time worked in addition to contracted hours.

Subject to working patterns and contractual arrangements TOIL should normally only apply to hours worked before 7.15am and after 7.00pm.

5.3 Employees who work additional hours on an ad hoc basis are recompensed either with an overtime payment or time off in lieu (TOIL) through the flexible hours recording system.

5.4 **Employees on or below scp 28**

Employees on or below scp 28 who are required to work additional hours beyond their working week are entitled to receive overtime payments / TOIL on the following basis:

Monday to Saturday – time and a half

Sundays and Public and Extra Statutory holidays – double time (min 2 hours)

5.5 **Employees paid on scale point 29 or above**

Those who are paid on scale point 29 and above will receive overtime payments

as outlined above but these will be calculated at scp 28.

Staff paid on scale point 29 and above will be entitled to TOIL at plain time for hours worked from Monday to Thursday, time and a half for Fridays and Saturdays and double time for Sundays and Bank Holidays.

5.6 Part time employees

Part time employees are entitled to receive overtime payments / TOIL only at times and in circumstances in which full-time employees in the establishment would qualify. Otherwise a full working week for full time employees shall be worked by a part time employee before these enhancements apply.

5.7 Work undertaken under the emergency plan

Where recall to work is outside an employees' usual/contracted working hours and their skill and professional knowledge means their attendance is critical to the emergency, the normal restriction that part time workers will need to have worked 37 hours before attracting overtime payments / TOIL at enhanced rates will be set aside. This arrangement must have been previously agreed with the Service Director for payment to be made.

Employees recalled to work under the emergency plan will be paid as follows:

Employees on or below scp 28 who are required to work additional hours beyond their working week are entitled to receive overtime payments on the following basis:

Monday to Saturday – time and a half

Sundays and Public and Extra Statutory holidays – double time (min 2 hours)

Those who are paid on scale point 29 and above will receive overtime payments as outlined above but calculated at scp 28.

Travel time will be included in the time worked

5.8 Working Hours

The Council is mindful of the Working Time Regulations and has a duty of care to protect the health and safety of its employees by ensuring that they do not work too many hours. The normal working week is one of 37 hours and employees should not work more than 48 hours a week unless agreed by the line manager. Any requirement to work beyond the Working Time Regulations should be referred to the human resources team in the first instance.

If any employee regularly works additional hours, then working hours may need to be formally amended to reflect this.

5.9 Record Keeping

Where an employee currently utilises the Council's flexitime system this will be the mechanism by which additional hours worked will be managed. The arrangements for the operation of the flexitime system are detailed in the relevant policy and

procedure.

Post holders who are required to work outside the normal core flexi time (7.15 am to 7.00pm Monday to Friday) on a regular basis, may have their carry over limit increased up to a maximum of 4 days to accommodate operational requirements. Any increase in the carryover from 2 to 4 days must be agreed by the Head of Service in consultation with the HR team.

It is the responsibility of Line Managers to monitor the accumulation of TOIL and additional hours should normally only be worked with the prior agreement of the Line Manager.

5.10 **Taking TOIL**

Every effort should be taken to take TOIL as soon as possible after it is accrued, however, it is recognised that this may be restricted due to operational requirements.

Where TOIL of more than half of a normal working day is being claimed this should be claimed in line with the principles of booking flexi or annual leave.

6. **Additional Payments and Allowances**

6.1 **Saturday and Sunday Working**

Where employees are required to work a five day in seven week; plain time rates apply to the first 37 hours of any working week (excluding Public Holidays), irrespective of which days are worked and, thereafter, the appropriate additional hours provisions apply.

6.2 **Night Work**

To qualify for night work, the night time period must be 7 hours long and include the period between midnight and 5am.

Employees who work at night as part of their normal working week are entitled to receive an enhancement of time and one third for all hours worked between 8pm and 6 am.

6.3 **Evening Work**

A number of posts work into or in the evening on an ad hoc basis and are recompensed either with an additional hours payment or time off in lieu. The time off in lieu entitlements will be calculated in accordance with this policy and administered via the flexible hours recording system.

If any employee regularly works evenings, then their working hours may need to be formally amended to reflect this.

6.4 **Public and Statutory Holiday.**

Payment / TOIL for work undertaken on Public and Statutory Holidays will be made in accordance with National Agreement on Pay and Conditions of Service.

6.5 **Severe Weather Standby and Operational Standby**

A current weekly payment of £87.82 will be paid for Severe Weather Standby (previously referred to as Albion and Neptune standby) and Operational Standby and is increased in line with national pay awards. Where there is a recall to work to deal with an incident, employees will be paid in accordance with work undertaken under the emergency plan as set out in section 5.7 of this policy.

6.6 **Recall to Work /Informal Standby**

Where an individual is not on formal standby, but they may be recalled to work to deal with a matter that has arisen, it is proposed that no standby payment be paid (on the basis that there is no requirement for the employee to be on standby). However they should be recompensed in accordance with the provisions below:

- Time and a half is paid (or corresponding time off in lieu given) to any officer recalled to duty on scp 28 or below
- Plain time is paid (or corresponding time off in lieu given) to any officer recalled to duty on scp 29 or above
- Travel time be included in the time worked

Should any part time employee be called to work under the emergency plan the normal restriction that part time workers will need to have worked 37 hours before attracting TOIL / overtime payments at enhanced rates will be set aside.

6.7 **Key holders call out**

Key holders who do not receive regular standby payments and are called out to deal with an alarm at the Council premises for which they have responsibility will be paid in accordance with the provisions below:

- Two hours at double time (or corresponding time off in lieu given) to officers on scp 28 or below.
- Two hours at plain time (or corresponding time off in lieu given) to officers on scp 29 or above.

6.8 **Duty Officers**

The Duty Officer role is not allocated to any particular post but these additional jobs are open to any employee to apply for. Where the Duty Officer is called out monitoring ensures that the provisions of the Working Time Directive are not breached.

The current weekly payment for Duty Officer standby of £266.10 is unchanged. The Duty Officer will also be re-imbursed 1 hour of flexi for each week they are on duty irrespective of whether they are called out or not.

On occasions where a call out exceeds 3 hours flexi time claimed will be the period of the call out less 1 hour. It is expected however that this will only be required in exceptional circumstances.

Where the emergency plan is activated then the Duty Officers will be paid in accordance with the emergency plan in section 5.7

6.9 **Food Safety Inspections**

These rates are updated by the value of the annual pay award each year.

6.10 **Market Supplements**

The Council is not proposing to introduce market supplements to any posts as a result of the new pay and grading structure. The Council has, however, already agreed (as part of its recruitment and retention strategy) that market supplements may be used if there is an evidenced recruitment and retention problem.

7. Equality Impact Assessment And Monitoring

- 7.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

8 Data Protection Act 1998

- 8.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.

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