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 Maternity Paternity and Adoption Policy

Probationary Policy and Procedures

Social Media Policy

Leave and Work-Life Balance

Flexible Working and Work Life Balance

Grading Review and Appeal Procedure

Appendix 1 Reviewed

Appendix 2 Reviewed

Appendix 3 Reviewed

Appendix 4 Reviewed

Appendix 5 Reviewed

Appendix 6 Reviewed
5.2 There are a number of legislative changes that have been introduced for babies due/born and children being adopted on or after 5 April. There will also be further changes in relation to adoption of children/babies on or after 5 April. These have not been fully communicated yet so we will need to amend this policy again to reflect these changes in the new year, in addition it is hoped that there may be further clarification by this time around the new entitlement to Shared Parental Leave including template forms etc that can also be included at this point. However the new legislation in relation maternity/paternity provision will be effective for employees falling pregnant now hence the intermediary changes within this revision.

The main change is the new provision for Shared Parental Leave whereby the mother can end her maternity leave and share any remaining leave and pay with the father/partner. The statutory entitlement to pay during Shared Parental Leave is at the flat rate which is likely to be the same as the lower rate of SMP, currently £138.18 pw.

In addition to the Shared Parental Leave there is now a legislative right for fathers/partners to take time off unpaid to attend up to 2 antenatal appointments (sec 9.1).

5.3 The Probationary Policy and Procedures has just had a couple of minor changes made to it which have been highlighted in red.

5.4 The Social Media Policy has been updated in line with the Social Media Guidance that has been issued by Corporate Communications.

5.5 The Leave and Work Life Balance Policy sets out in one document the leave schemes available to assist employees in achieving a work life balance.

5.6 The Flexible Working and Work Life Balance Policy sets out the various options for flexible working and clarifies the statutory obligations in respect of dealing with applications within a required time scale.

5.7 The Grading Review and Appeals Procedure has been amended to ensure that the unions are able to take more of a participative role in the process.

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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.

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<td>November 2014</td>
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List of Background Papers:

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- Appendix 2. Probationary Policy and Procedures
- Appendix 3. Social Media Policy
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- Appendix 6. Grading Review and Appeal Procedure

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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
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.

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 now 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

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.

See section 9.2 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.

9.3 Additional Paternity Leave (APL)

This will no longer be applicable for parents of babies due on or after 5 April 2015.

In order to qualify for Additional Paternity Leave (APL) you must meet the criteria referred in 9.2 together with the following additional requirements:

- you must remain in continuous employment with the Council until the week before the first week of your APL,
- the mother must be entitled to one (or more) of maternity leave, statutory maternity pay or maternity allowance, and
- the mother has to have, or is treated as having, returned to work, and
- certain procedural requirements such as giving appropriate notice to the employer must have been met. (See below the notice an employee is required to give to their employer when taking paternity leave, (APL) and to obtain statutory paternity pay).
9.3.1 Entitlement

If eligible you may take up to 26 weeks’ APL within the first year of your child’s life provided that the mother has returned to work before using her full entitlement to maternity leave.

Additional paternity leave is also available to adoptive parents within the first year after the child’s placement for adoption, provided that the child’s adopter who elected to take adoption leave (the “primary adopter”) has returned to work before using his/her full entitlement to adoption leave.

The earliest that APL can commence is 20 weeks after the date on which your child is born, ending no later than 12 months after that date and must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.

During APL your contract of employment continues in force with all terms and conditions continue with the exception of salary and other remuneration. You will continue to accrue annual holiday entitlement throughout the period.

Salary may be replaced by statutory paternity pay for some of the additional paternity leave period if you are eligible to receive it (see 9.3.3). The remaining period of additional paternity leave is unpaid.

Your position under the Local Government Pension Scheme during APL is explained in Appendix 1.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of APL. You are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during APL, you should take any outstanding entitlement before starting your APL.

9.3.2 Notification of Additional Paternity Leave

You will need to give formal notice of your intention to take APL at least eight weeks before you wish the leave to commence. The Additional Paternity Leave Notification Form (available on the intranet or from Human Resources) has been designed to assist you with applying for APL.

In addition a written declaration is required by the mother stating:

- her name, address and national insurance number;
- the date that she intends to return to work;
- that she has given notice to her employer of returning to work;
- that she is entitled to statutory maternity pay, maternity allowance or statutory adoption pay;
- the start date of her maternity pay period;
- confirmation that your relationship with the mother satisfies the relationship eligibility conditions;
- that she consents to the Council processing the information contained in the declaration;
- that you are the only person exercising their entitlement to additional paternity leave in respect of the child and also the sole applicant for additional statutory
paternity pay.

The Council may also require the name and address of the mother’s employer which must be supplied within 28 days of it being requested.

You are entitled to bring forward the start date of your APL provided you give at least 6 weeks written notice of the new start date, or, if that is not possible, as soon as reasonably practicable. You may also postpone your APL start date, or cancel it altogether, provided that you advise the Council in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

We will write to you within 28 days of your notification confirming the relevant start and end dates of additional paternity leave and pay.
9.3.3 Additional statutory paternity pay

Additional statutory paternity pay may be payable during some of the additional paternity leave. You are entitled to additional statutory paternity pay if:

- you are the father of the child or married to, the civil partner of, or the partner of, the child's mother and expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility) and intends to care for the child during the additional statutory paternity pay period;
- you have a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born;
- you remain in continuous employment until the week before the additional statutory paternity pay period begins;
- your average weekly earnings for the period of eight weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions;
- the mother is entitled to statutory maternity pay or maternity allowance and the mother has returned to work before her full entitlement to statutory maternity pay/maternity allowance has been exhausted;
- the mother has at least two weeks of her maternity pay period that remains unexpired; and
- she gives proper notification in accordance with the rules set out above.

Any statutory paternity pay due during additional paternity leave will be paid at the prescribed SPP rate, please contact Human Resources for details of the current rate (or 9/10 if this is less).

Statutory paternity pay is payable whether or not the employee intends to return to work after his/her additional paternity leave.

9.3.4 Contact during additional paternity leave

We may make reasonable contact with you (and you with us) while you are on APL, 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.

Keeping-in-touch days during additional paternity leave

During APL 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.

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 paternity payment must not exceed the contracted rate of pay for that day.

9.3.5 Returning to work after additional paternity leave

You will be expected to return to work on the next working day following the end of your APL unless you notify the Council otherwise. If you are unable to attend work at the end of APL due to sickness or injury, the Council’s normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If you wish to return to work earlier than the expected return date, you must give at least six weeks' notice of the early return, preferably in writing. If you fail to do so, it may be necessary to postpone your return to such a date as will give six weeks' notice, provided that this is not later than the expected return date.

If you decide not to return to work after your APL, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after APL has ended, you may be required to return to work for the remainder of the notice period.

9.3.6 Rights on and after return to work

On resuming work after APL you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

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

### 11.1 Main elements of shared parental leave

- Under the new provisions mothers will be 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 will be able to share the remaining maternity leave and pay between themselves.
- Fathers will still be 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 will be 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.
- Additional paternity leave and pay will be abolished.

### 11.2 Qualifying for shared parental leave

Shared parental leave applies only to employees with a working partner 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. The mother’s entitlement to shared parental leave will depend on the following conditions. She must:

- satisfy the duration of employment requirements (see 11.3.1)
- have, or expects to have with her partner the main responsibility for the care of the child
- be entitled to statutory maternity leave in respect of the child
- curtail her statutory maternity leave or returned to work
- comply with the notice requirements to her employer relating to entitlement to shared parental leave
- supply the required evidence for employer
- provide the requisite period of leave notice
- have a partner who satisfies the employment and earnings test
- have a partner who has, or expects to have (with the mother) the main responsibility for the care of the child.

The qualification requirements for the mother’s partner are similar as the partner must satisfy the duration of employment and earnings test; have or expect to have, the main responsibility for the care of the child (apart from any responsibility of the mother) and comply with the notice and evidence requirements.

### 11.3 Continuity of employment and earnings test

Both these tests will be applied to both parents in a similar way.
11.3.1 Continuity of employment

Essentially the continuity of employment test is the same as for statutory maternity pay. This means both the mother and her partner must have worked for their employers continuously for at least 26 weeks up to the 15th week before the expected week of childbirth - called the 'qualifying week'. In summary this means that shared parental leave is only available if both parents have worked for their employer for 40 weeks before the child’s due date.

Earnings test

11.3.2

Similarly the earnings test reflects that for statutory maternity pay. The individuals must be employed or self-employed earners for at least 26 weeks in the 66 weeks immediately before the expected week of childbirth. This 66 week period is known as the test period.

It is then necessary to assess the average gross earnings of both the Mother and her partner during the test period.

The average weekly gross earnings must be equal to or above a specified threshold which may be increased each tax year known as the lower earnings limit (£111 from April 2014). The earnings are averaged over a 13 week period from within the 66 week test period. The individuals can choose which 13 weeks are best for them. The 13 weeks may be separate or consecutive.

11.4 Notification requirements

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

The mother will be expected to 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.

If, before the birth the mother gives notice of her intention to end maternity leave she will be able to change her mind up to six weeks after the birth.

When giving notice of entitlement and intention to take shared parental leave, employees will be expected to provide a copy of the child’s birth certificate and the name and address of the partner’s employer within 14 days.

If the birth certificate has yet to be issued, the mother or partner can substitute a declaration which confirms the date and location of the child’s birth. They send the declaration within 14 days of the employer’s request, followed by a copy of the birth certificate when it becomes available.

Both parents have to notify their employers of their intention to opt in to the shared parental leave scheme. This will be done using the Application to take Shared Parental Leave Form.

This will include the name and national insurance number of both the employee and the other parent and set out how much maternity leave and pay the mother has already taken, if any, because this will reduce the amount of shared parental leave available.
Employees will be required to provide a non-binding indication of their expected pattern of leave in this notice.

After the notification of intention to opt into shared parental leave there will be a further formal request for leave made by an employee by means of a separate, notice at least eight weeks before the intended leave.

The number of times an employee can notify an employer of changes to a period of leave will be capped at three (the original notification and two further notifications or changes) unless mutually agreed otherwise by both the Council and employee.

11.5 Keeping in touch (KIT) days

Each parent will have 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.

11.6 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.

11.7 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

Certain changes are being introduced to Adoption Leave and Pay entitlements. If you are adopting a child and the placement date is on or after 5 April 2015 please contact HR. For placements prior to this date the following will still apply.
If you adopt a child through an approved adoption agency you are entitled to up to 52 weeks’ adoption leave provided that you have at least 26 weeks’ continuous service calculated as at the week in which notification of matching is given by the adoption agency.

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 7 of this document.

12.2 Entitlement to Adoption Pay

If you qualify for adoption leave you will also qualify for adoption pay provided that your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Statutory adoption pay (SAP) is payable for up to 39 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.

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

12.3 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.
12.3.1 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.

12.4 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.

12.5 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.

12.6 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.

12.7 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

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.
Provisionary Policy and Procedure
Introduction

1. Wyre Council is committed to ensuring that it makes clear its expectations and provides the support needed for employees to meet the standards of performance, conduct and attendance required during their probation period and beyond. Managers will monitor, assess and support all new employees so as to assist them in demonstrating their suitability to undertake the full duties of their new post.

2. The policy aims to ensure that new employees are enabled to meet the requirements of the job through induction, training and support and that where performance is not satisfactory, early action is taken to improve performance. Where an improvement in performance, conduct or attendance does not occur or is not sustained sufficiently, the employee’s contract of employment may be terminated.

Scope

3. This policy applies to all new employees of Wyre Council, including those with previous local government service, fixed term and temporary appointments.

4. In the case of fixed term staff or temporary employees with a contract shorter than the length of the probationary period the probation process will be followed for the period during which the individual is employed by the Authority. This policy is not applicable to casual workers unless they are transfer to a fixed term, temporary or permanent position.

5. The formal probationary period will not apply to existing Wyre Council employees where they have already completed a probationary period with the Council. However the employee’s performance will be monitored closely during the first 6 months of the new appointment and during this period the employee will be expected to demonstrate their suitability for the post. The manager and employee should have regular one to ones and where concerns about the employee’s performance are identified these should be addressed through the Council’s Capability Policy and Procedure.

General Principles

6. The Council is committed to ensuring that all employees are treated fairly and equitably.

7. The Council will ensure that every new employee has a probation period and an individual induction programme that includes induction to the service area and an induction to the Council.

8. During the probation period, any conduct, performance, attendance or health issues impacting on performance will be managed under this procedure in conjunction with the principles contained within the Disciplinary, Capability or Attendance policies.
9. Probationary employees must be made aware that confirmation in the role is subject to them meeting the Wyre Council’s expectations regarding conduct, performance and attendance.

10. The probationary period will last for six months for all new appointments and will involve a continuous period of assessment underpinned by a clear framework for managing and supporting new employees.

11. If an employee is absent due to any reason for more than one month during probation or before the probation period ends, the probation will be suspended from the date the absence starts and will resume on return from the absence.

12. Where there is any doubt about an employee’s suitability, the matter must be raised immediately, so that the employee has ample opportunity to improve. Managers should also contact the Human Resources Section where suitability or capability issues arise.

13. A Human Resources Advisor must be contacted at the earliest opportunity for advice and guidance where a manager believes that an employee may not be able to meet the standards required.

14. An employee whose performance is unsatisfactory during a probationary period may, following due process, have their employment terminated. This action will only be taken in consultation with a Human Resources Advisor.

15. The notice period for staff during the probationary period will be one calendar month or one week for each year of continuous local government service (up to a maximum of 12 weeks) whichever is the greater.

**Performance**

16. The Probationary Performance Plan (Appendix 1) should be used to record the initial objectives and the procedure described in section 5 is to be used to manage the performance of probationary employees. During probation, in addition to the monitoring of sickness levels, health and general conduct, employees will be assessed regularly on the extent to which they meet their objectives and the standards described in the competency framework. Any shortfalls and measures to improve performance will be identified and discussed at the First Probation Assessment Report meeting.

**Sickness Absence**

17. Satisfactory attendance is essential to the overall suitability of employees as part of the probation process. Employees will be informed of this and what the expected attendance standards are. The management and employee responsibilities, management considerations, sickness reporting and certification arrangements outlined in the Attendance policy will also apply to employees on probation.
18. Any short term, intermittent or long-term sickness during the probationary period or health issues which give cause for concern should be addressed as soon as they arise with targets and timescales for improvement set as appropriate. These concerns should be formally monitored as part of this procedure during the First and Final Probation Assessment reports.

19. Sickness absence triggers for probationary employees are: 3 occasions or 5 working days of sickness absence in which case an occupational health referral will be made. Absence levels higher than the triggers or any other pattern of absence that causes concern will be considered under the Final Probation Report meeting for potential dismissal.

20. At the end of the probation period, any absences that have occurred during probation will be included as part of the sickness absence record over a rolling six month period (i.e. carried forward) for attendance management purposes.

21. Reasonable adjustments will be considered at all stages for disabled employees, to help them achieve the expected performance levels.

Minor Misconduct

22. Relatively minor misconduct issues, e.g. regarding punctuality or timekeeping, will be picked up as part of the probationary feedback from the line manager to the employee.

Serious Concerns

23. If at any time during the probationary period, there are serious concerns about the employee’s suitability and capability to undertake the role, e.g. where the employee demonstrates serious incapability or is found to have committed gross misconduct or there are other serious reservations, Human Resources should be contacted immediately and the probationary hearing process may be implemented immediately.

24. Continued concerns regarding any of the above and concerns regarding progress on the action plan to improve performance will be followed up at monitoring meetings and finally assessed at the Final Probation Assessment Report meeting.

Roles and Responsibility

25. **The Line Manager is responsible for:**
   - ensuring that the new employee is aware of this probationary policy and procedure and how, when and why their progress will be monitored;
   - completing a planned induction with the new employee in accordance with the induction process;
   - ensuring the employee understands their role, responsibilities, objectives
and performance standards. This will be achieved through a structured induction programme that will include a schedule of regular meetings;

- ensuring that employees have access to the information, instructions and resources necessary to do their job;
- holding regular meetings to support, assess and monitor performance;
- recording progress during probation and taking action to deal with failure to reach the required standards promptly raising any areas of concern i.e. unsatisfactory performance, conduct or attendance with the employee at the earliest possible opportunity;
- providing appropriate support and assistance, including reasonable adjustments to enable employees to fulfil the duties and responsibilities of the post;
- giving advance warning to the employee where job performance is not on track and where there are issues of attendance and conduct to be addressed;
- recommending whether the employee can be confirmed into post or not.

26. **It is the responsibility of employees to:**

- ensure that they are familiar with the standards and requirements of their role;
- comply with all WBC policies and procedures, including the code of conduct;
- raise any queries or concerns about his/her job;
- maintain the required standards of performance by meeting the objectives and competency requirements of the role;
- participate fully in any supervision, induction, training, coaching, mentoring, counselling or occupational health support interventions offered to help them improve performance;
- attend any probationary / one to one meetings to which they are invited.

27. **It is the responsibility of the Human Resource Team to:**

- ensure compliance with the policy and its supporting legislation;
- provide advice, support and guidance to all parties on the application of the policy;
- ensure that the induction courses are available for each new employee as soon as possible after their appointment;
- ensure that the corporate training programme contains courses of suitable content and frequency to enable all new employees to access mandatory training within the probationary period;
• regularly review and monitor the effectiveness of the policy;
• ensure that staff affected have the support they require to deal with their situation;
• notify the employee of the outcome of their probationary period;
• Monitoring probation cases to identify trends and ensure that any disproportionate impact on any particular group is highlighted and addressed.

Probation Procedure

28. The employee should be told by their manager about the key functions of their job and that their performance and suitability for the post will be measured, by way of regular Probationary Review Meetings.

Initial Meeting

29. The line manager should meet with the new member of staff within their first few days to:

• work through the induction checklist;
• clarify responsibilities and establish priorities;
• complete the probationary performance plan (Appendix 1) to set performance objectives and targets;
• set out the performance standards that will be used to evaluate performance during the probationary period;
• explain the process that will be followed during the probationary period, including a programme of regular meetings and review dates;
• identify any initial training that the employee will need in order to carry out their duties and to make arrangements for such training to take place.

Review Meetings

30. Meetings should continue regularly throughout their probationary period and the frequency will depend on the role and performance of the employee.

31. The aim of each review meeting is to:

• review the employee’s conduct;
• review the employee’s performance against performance targets, work standards, skills and competency framework;
• review the employee’s attendance record in relation to the triggers for probationary employees and any health concerns impacting on performance;
• identify training or developmental needs;
• provide feedback and discuss any work plans/requirements of the job;
• identify how the manager can assist the probationer to meet their objectives, including any reasonable adjustments;
• discuss any concerns or issues of a personal nature, which could be affecting the employee or impacting on their work (e.g. if the employee is disabled or has personal commitments, etc).

32. Reviews must take place in private, free from interruptions and be treated as confidential.

33. Line Managers must make sure that they have clearly defined the points which they wish to raise and that these can be substantiated with examples, where appropriate.

34. If any review is deemed unsatisfactory the Line Manager must discuss with the probationer the aspects of performance that need improvement and should set clear objectives and timescales within which they will be reviewed. The probationer should be asked if they consider that any further assistance and/or training is necessary to enable them to complete tasks to the standards expected of them.

35. The Line Manager should summarise the discussion on the Performance Improvement Action Plan and the probationer should sign the review form and receive a copy of it to confirm that they have been made aware of the improvements required.

36. HR advice should be sought immediately if there are serious concerns about the employee’s conduct or capability to do the job.

Typical timetable for Probation Review meetings

<table>
<thead>
<tr>
<th>Period</th>
<th>Frequency</th>
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<tr>
<td>1st month</td>
<td>Weekly to fortnightly</td>
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<tr>
<td>2nd and 3rd month</td>
<td>Monthly if the employee is making satisfactory progress, or, Fortnightly/weekly if the line manager has identified difficulties despite the improvement action plan</td>
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<tr>
<td>By the end of 3rd month</td>
<td>Initial Probation Assessment Report</td>
</tr>
<tr>
<td>4th and 5th month</td>
<td>Monthly, if the employee is making satisfactory progress, or, up to the Final Report: Fortnightly/weekly if the line manager has identified difficulties despite the improvement action plan</td>
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By the end of 5th month | Final Probationary Assessment Report  
(this may be brought forward if there are serious concerns)

Initial Review Meeting

38. By the end of three months, the manager will meet with the employee to discuss performance and prepare an initial assessment, which will either indicate that the employee is making satisfactory progress or will identify areas of difficulty that need to be addressed with more intensive support. If the report identifies that the employee is experiencing difficulties, they will be given written confirmation of:

- what they need to do to demonstrate their suitability for confirmation of appointment;
- the reasonable measures that will be taken to support them in achieving the required standard of performance; and
- formal notification that if they fail to achieve the required standard by the date of their Final Probationary Assessment Report their employment may be terminated.

39. A summary of the main points of the discussion must be entered on the Initial Probationary Assessment Report (Appendix 3). Any items for action either by the employee or the line manager must be recorded.

40. Both the line manager and the employee must sign the review form, the employee does not necessarily have to agree with the line manager’s comments, but they should sign their form to say they have read and understood it. New employees are also given the opportunity to enter their own comments on the review form.

41. At the end of the review meeting a copy of the review form must be sent to the Human Resources Section and a copy given to the new employee.

Formal Review Meeting

42. If at any stage during the probationary period an employee appears to be having difficulties in achieving the required standard of performance, attendance or conduct, the line manager must initiate improvement action.

43. A stage 1 formal review meeting should be arranged with the employee in consultation with Human Resources and the new employee has the right to be accompanied by a trade union representative or work colleague at these meetings, if they so wish.

44. At this meeting the employee should be advised where their performance is not up to an acceptable standard and be set objectives and targets for improvement. Ideally these should be agreed with the employee, but if this is not possible then the manager may impose them. A time scale, offer of support and if appropriate,
training to allow for improvement and to enable the employee to meet the standard required should be arranged.

45. Formal Review Meetings must be arranged as soon as possible when issues arise, to advise the employee about work which is not meeting the required standards or about unsuitability in any respect. You should not wait until the 3 month or 5 month Probationary Review Meetings, even if these would be happening shortly.

46. The consequences of not meeting the necessary level of work performance must be explained to the employee, and a date arranged for a Further Formal Review meeting to assess the employee’s performance, giving the employee reasonable time to improve.

**Further Formal Review meeting**

47. The Further Formal Review meeting should be arranged by the manager to feedback on any progress and inform the employee of his/her decision. The outcomes are as follows:

- The standard of performance has been achieved and maintained; therefore, the employee will continue on their probationary period until the 6 month stage and is confirmed in post.

- Where there has been some improvement in the level of performance but it is still not to the required standard, a further period for improvement may be given. Where this is implemented the employee must be informed where the performance is not to the required standard, the improvement expected, the consequences of not achieving this and a date arranged for a Further Formal Review Meeting.

**Final Review Meeting**

48. By the end of the 5th month the manager will meet with the employee and make a final assessment on whether the employee has met the standards required. The line manager must record their findings on the Final Probationary Assessment Report (Appendix 4) and make their recommendation on whether or not the employee is to be confirmed in post. If the recommendation is to confirm the employee in post then Human Resources will be notified so that they may officially inform the employee.

49. If the recommendation is to dismiss then this will be communicated to the employee and Human Resources will arrange for the Final Probationary Assessment Report to be referred to the relevant Director so that they can determine whether or not the employee is to be dismissed.

**Extension of Probation Period**

50. It may be appropriate to extend the probationary period if:

- Through the probationer’s sickness or other authorised absence, it has not been possible to assess performance.
• The probationer has not performed satisfactorily but the manager has evidence to suggest that performance is likely to improve with a further period of probation.

51. Probationary periods should not normally be extended by more than three months. Where the probation is extended, the following should be discussed between the Line Manager and employee and confirmed in writing:
   • Reasons for the extension.
   • Length of the extension period.
   • Assistance/training that will be given during the period of extension.
   • Areas for improvement and indication of how these will be monitored and measured.
   • Dismissal will be recommended at the end of extension period if the employee fails to meet standards of performance expected for their post.

52. If progress and performance are satisfactory at the end of the extended period, the Line Manager will recommend that the appointment should be confirmed and will complete the probation form as appropriate. The employee will be advised in writing of the successful completion of their probation period.

   If progress is still considered unsatisfactory, the Line Manager will inform the employee and make a recommendation that the employee be dismissed.

### Dismissal During Probation

53. Dismissal during the probationary period is excluded from the Council’s Disciplinary Policy and Procedure and Capability Policy and Procedures.

54. Where a line manager has recommended that an employee should be dismissed Human Resources will invite the employee to attend a hearing with a member of the Management Team to consider the Line Manager’s recommendation.

55. The employee should be given 5 working days notice of the meeting and be given the right (in writing) to be accompanied by a work colleague or a trade union representative. This action may be taken at any time during the probation period.

56. A member of the Management Team supported by a representative from HR will determine whether dismissal with notice is appropriate during the probationary period.

   The Line Manager will present their evidence regarding the performance or conduct of the employee. The probationer and their representative will then be given the opportunity to challenge any evidence brought forward or to present any evidence they believe is relevant.

57. The Director and HR Representative will adjourn to review the evidence and make a decision on one of the following outcomes:
- Transfer to the permanent establishment
- Extension of the probationary period (subject to maximum extension period)
- Dismissal, with notice, during probation

58. All employees must receive their contractual notice if dismissed during the probationary period unless the dismissal is on the grounds of misconduct.

### Right of Appeal

59. Where a probationary employee is dismissed as a result of unsuitability under this procedure, he/she will have a right of appeal against the decision.

60. Any appeal must be made in writing, to the Human Resources Manager within 10 working days of the date of the letter confirming the decision. Such an appeal will not delay the date of dismissal.

61. Appeal will be arranged in accordance with stage 3 of the Council’s Grievance Procedure and will be heard by a panel of members convened by the Employment and Appeals Committee.

### Equality Impact Assessment And Monitoring

62. 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.

### Data Protection Act 1998

63. 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.
# Probationary Performance Plan

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<thead>
<tr>
<th>Name</th>
<th>Job Title</th>
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<th>Performance Objective/ Responsibilities</th>
<th>Target / Measures</th>
<th>Required Outcome</th>
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<tr>
<th>Employees Signature</th>
<th>Managers Signature</th>
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# Performance Improvement Action Plan

<table>
<thead>
<tr>
<th>Issue (performance Conduct, attendance)</th>
<th>Standard to be achieved</th>
<th>Action by employee</th>
<th>Deadline</th>
<th>Action by Manager</th>
<th>Deadline</th>
<th>Review date</th>
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**Additional remarks, notes, questions or suggestions**

**Employee comments**

**Employees**

**Managers**
## Final Probationary Assessment Report

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arm/empap/cr/14/0311lh1 appendix 2
Social Media and Employment Policy
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1. **Policy Statement**

1.1 Wyre Council acknowledges that there is significant potential for using social media and that this can bring great advantages. The responsible, corporate use of social media is therefore encouraged.

1.2 This policy provides a structured approach to using social media and will ensure that it is effective, lawful and does not compromise Council information or computer systems/networks.

1.3 Users must ensure that they use social media sensibly and responsibly, in line with council policy. They must ensure that their use will not adversely affect the council or its business, not be damaging to the council’s reputation and credibility or otherwise violate any council policies.

1.4 Personal use of social media during working hours and using council equipment is not permitted.

2. **Supporting Policies and Guidance**

2.1 This Policy should be read in conjunction with the Social Media Guidance available on the website or from Corporate Communications.

2.1 This policy has links to the following policies:

- Employee Code of Conduct
- IT Computer Use Policy
- Safeguarding Children Policy
- Safeguarding Adult Policy
- Dignity at Work Policy
- Disciplinary Policy
- Data Protection Policy

3. **Definition of Social Media**

3.1 For the purposes of this policy, social media is a type of interactive online media that allows parties to communicate instantly with each other or to share data in a public forum. This includes online social forums such as Twitter, Facebook and LinkedIn. Social media also covers blogs and video- and image-sharing websites such as YouTube and Flickr. This list is not inclusive.

3.2 Employees should be aware that there are many more examples of social media that can be given and this is a constantly changing area. Employees should follow these guidelines in relation to any social media that they use.

4. **Use of Social Media at Work**

4.1 Social media will be made available for corporate, business use only.

If it is established that an employee’s role should include the use of social media,
approval should be sought by their Head of Service using the ‘Social Media Access Form’ from the IT Systems/Software Manager (see the process set out in the Social Media Guidance)

4.2 Social media access for corporate or business use should be via an account registered to the employee’s wyre.co.uk email address only.

4.3 Responsibilities of Users

The following guidelines will apply to online participation and set out the standards of behaviour expected as a representative of Wyre Council.

1. Be aware of and recognise your responsibilities identified in the Social Media Policy.

2. Remember that you are personally responsible for the content you publish on any form of social media.

3. Never give out personal details such as home address and telephone numbers. Ensure that you handle any personal or sensitive information in line with Data Protection.

4. Be aware of safeguarding issues, as social media sites are often misused by offenders. Safeguarding is everyone’s business – if you have concerns about other site users, you have a responsibility to report these to your manager or the Designated Child Protection Officer.

5. Respect copyright, fair-use and financial disclosure laws.

6. Social media sites are in the public domain and it is important that you are confident about the nature of the information you publish. Permission must be sought if you wish to publish or report on meetings or discussions that are meant to be private or internal to Wyre Council. Don’t cite or reference colleagues, customers, partners or suppliers without their approval.

7. Don’t use insulting, offensive or discriminatory language or engage in any conduct that would not be acceptable in the workplace. Show consideration for others’ privacy and for topics that may be considered objectionable or inflammatory.

8. Don’t download any software, shareware or freeware from any social media site, unless this has been approved and authorised by the Information Technology and Tele Communications Team.

9. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views of proposals in such a way that that identifies them with any individual members or groups of members.

Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the name, wards and parties of candidates at elections.
4.4 **Investigatory Use**

It is recognised that social media can be used for investigatory purposes, such as identifying fraud, illegal events etc. It is important that employees who use social media for this purpose comply with relevant guidance and legislation.

5. **Monitoring use of social media during work time**

5.1 Social Media access is monitored in line with the guidelines set out in the IT Computer Use Policy.

6. **Social media in your personal life**

6.1 The council recognises that many employees make use of social media in a personal capacity. While they are not acting on behalf of the council, employees must be aware that they can damage the council if they are recognised as being one of our employees.

6.2 Employees are allowed to say that they work for the council, and it is recognised that sometimes staff may want to discuss their work on social media. However, an employee's online profile (for example, the name of a blog or a Twitter name) must not contain the council's name.

6.3 If employees do discuss their work on social media, they must include on their profile a statement along the following lines: "The views I express here are mine alone and do not necessarily reflect the views of my employer." This does not however exempt you from the points as set out in 6.4.

6.4 Any communications that employees make in a personal capacity through social media must not:

- bring the council into disrepute, for example by:
  - criticising or arguing with customers, colleagues or rivals;
  - making defamatory comments about individuals or other organisations or groups;
  - using foul or abusive language; or
  - posting images that are inappropriate or links to inappropriate content;

- breach confidentiality, for example by:
  - revealing information owned by the council;
  - giving away confidential information about an individual (such as a colleague or customer contact) or organisation (such as supplier or partner organisations); or
  - discussing the council’s internal workings (such as its future plans that have not been communicated to the public);

- breach copyright, for example by:
  - using someone else’s images or written content without permission;
  - posting anything that is copyrighted, including maps; or
  - failing to give acknowledgement where permission has been given to
reproduce something; and

- do anything that could be considered discriminatory, or bullying or harassment of, any individual for example by:
  - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age;
  - using social media to bully another individual (such as an employee of the council);
  - posting images or links to content that are discriminatory or offensive.

### 7. Use of social media in the recruitment process

#### 7.1
Unless it is in relation to finding candidates (for example, if an employee has put his/her details on social media websites for the purpose of attracting prospective employers), the HR department and managers will conduct searches, either themselves or through a third party, on social media only when it is directly relevant to the applicant's skills or claims that he/she has made in the recruitment process. For instance, a prospective employee might claim that:

- they have used social media in their previous job (for example, as a publicity tool); or
- their social media use is directly relevant to a claim made in an application (for example, if they run a blog based around a hobby mentioned in a CV or a skill that they claim to be proficient in).

#### 7.2
There will be no systematic or routine checking of prospective employees' online social media activities, as conducting these searches during the selection process might lead to a presumption that the applicant's protected characteristics (for example, sexual orientation or religious or political beliefs) played a part in the recruitment decision.

### 8. Disciplinary action over social media use

#### 8.1
All employees are required to adhere to this policy. Employees should note that any breaches of this policy may lead to disciplinary action. Serious breaches of this policy, for example incidents of bullying of colleagues or social media activity causing serious damage to the organisation, may constitute gross misconduct and lead to summary dismissal.

### 9. Equality Impact Assessment and Monitoring

#### 9.1
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.

10.1 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.
Leave and Work Life Balance

November 2014
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1. Introduction

1.1 Wyre Council supports the promotion of work-life balance for employees and recognises that, on occasion, they may require additional time off to meet obligations or attend events outside of their working life.

This document sets out the leave schemes that are available to assist employees in achieving this balance. Managers will consider all the circumstances surrounding each request and ensure fairness and consistency in applying the policy.

2. Supporting Policies

2.1 This policy should be read in conjunction with the following policies:
- Extended Authorised Absence Policy
- Equal Opportunities
- Flexible working Policy
- Health & Safety
- Becoming a Parent – Maternity, Paternity and Adoption
- Promoting Attendance
- Time off for Trade Union Duties


3.1 All employees are entitled to annual leave as stipulated in their contract of employment. The full time entitlements are as follows:

- Up to the completion of 4 years continuous service = 23 days
- From the 4th complete year to the 5th complete year = 25 days
- After the completion of 5 years continuous service = 28 days

3.2 Part time employees have a pro-rated entitlement.

Annual holiday entitlement is accrued at one twelfth of the annual entitlement for each full month worked. This will not affect the actual holidays taken (all of which is subject to approval) but it will be used to calculate pay-in-lieu of holiday (or excess holiday) if the employee leaves during the year. Any leave taken in excess of accrued entitlement will be deducted from the final pay.

3.3 The annual leave year will run from the month of the employee's start date with Wyre Council.

Up to 5 days annual leave (pro rata for part time staff) not taken during the leave year may be carried forward into the next leave year with the approval of the Head of Service.

Any carried over leave should be used within two months. There is no payment in lieu for holidays not taken.

3.4 In addition to your annual leave there is an entitlement to payment for 8 Bank Holidays and 1 extra statutory holiday i.e.

The extra statutory holiday is an additional day taken at Christmas and will be fixed each year depending on which days of the week Christmas falls.

**Part time employees have a pro-rated entitlement to Bank Holidays and Extra Statutory Holidays.**

### 4. Maternity Leave, Paternity Leave and Maternity Support Leave

#### 4.1 Maternity Leave

Eligible employees can take up to 52 weeks’ maternity leave. The first 26 weeks is known as ‘Ordinary Maternity Leave’, the last 26 weeks as ‘Additional Maternity Leave’.

The earliest leave can be taken is 11 weeks before the expected week of childbirth and mothers must take at least 2 weeks after the birth.

Eligibility for paid maternity leave is dependent on your length of service.

#### 4.2 Paternity Leave

Eligible employees can take up to 2 weeks ordinary paternity leave because their partner is having a baby or adopting a child, they may also be eligible for up to 26 weeks’ paid Additional Paternity Leave - but only if the mother or co-adopter returns to work.

#### 4.3 Maternity Support Leave

Maternity Support Leave of 5 days paid leave will be granted to the child’s father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

#### 4.4 Shared Parental Leave

**Shared Parental Leave**: Shared parental leave will apply to parents with babies due on or after 5 April 2015. 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.

– see “Becoming a Parent” – Maternity, Paternity & Adoption for information.

### 5. Parental Leave

#### 5.1 Each parent of a child under the age of five (18 if the child is adopted or disabled) who has a minimum of one year’s continuous service is able to request up to 18 weeks leave to look after their child or make arrangements for their child’s welfare.

The age limit for parental leave will increase to children under 18 years in April 2015.

#### 5.2 In most cases, an employee will take leave in blocks of one week or more (for example, in two-week or three-week blocks), up to a maximum of four weeks in a year for each child. However, the Council, at its discretion, may allow parents to take the leave in days or periods shorter than a week.
5.3 Wherever reasonably possible, an employee should give the Council at least 21 days’ notice, giving the dates when the leave is to start and finish. This notice should be in writing to their line manager in the first instance.

5.4 There may be exceptional circumstances where it is considered that an employee’s absence would unduly disrupt the business, and, therefore, in these circumstances, the Council may request that the leave be postponed for a period no longer than six months. This would be discussed fully with the employee.

5.5 Time off for Parental Leave is unpaid.

6. Extended Authorised Absence EEA (including Career Breaks)

6.1 This is a system whereby the employee has an extended period of time away from paid work, with a guarantee of a return to the same or a similar job at the end of the period. Employees who have more than 12 months service 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.

    All requests for EAA will be subject to operational requirements - (for further details please see the EEA Policy).

7. Special Leave

7.1 There may be occasions when employees need to take time away from work for reasons that do not necessarily fall under existing leave provisions. The Council has a number of schemes that allow staff to take time off work: some paid and some unpaid.

7.2 Time Off for Dependants

    All employees will be allowed reasonable time off to provide care and attention to dependants, this may include:

    - caring for ill dependants
    - attending hospital with a dependant
    - making longer term care arrangements for the ill or injured;
    - breakdown or unexpected disruption in care arrangements;
    - incidents at school etc.

    Time off for dependents is unpaid.

    There may be other occasions when long term leave (3 months or more) is needed particularly when a dependant requires respite care or is terminally ill, in which case it may be more appropriate for the employee to apply for a career break under the Extended Authorised Absence Policy.

7.3 Time Off for Emergencies

    The Council will also be sympathetic to a reasonable request for time off to deal with domestic emergencies not involving dependants. This may include fire, flood or theft at home. Time off for dependents and emergencies is unpaid.
As an alternative to taking unpaid leave, employees may consider, in discussion with their manager, using one or more of the following options:

- using annual leave e.g. where time off is half a day or more;
- using flexi time or arranging to work up additional hours e.g. where time off is less than half a day;
- changing working patterns or arrangements on a short-term basis.

It will depend on the individual circumstances as to the most appropriate option for taking leave and it will be at the discretion of line manager as to how leave can be taken in these circumstances, with each case being considered on its own merits.

7.4 Additional Annual Leave

In exceptional circumstances additional unpaid leave may be approved at the discretion of your Head of Service. Requests made will be considered according to the needs of the service.

Applications should be made on the “Request for Unpaid Leave Form” see Appendix 1.

Payment for unpaid leave days may be deducted over a period of up to 3 months (this may however be extended in agreement with the Head of Business Support or Corporate Director of Resources when additional days have been approved).

7.5 Compassionate Leave

The Council recognises that when faced with the death of a dependant, partner or family member employees may need to take time away from work and may require additional support.

Individuals will obviously require varying levels of time off work dependant on the relationship, the location of the funeral or if the employee is responsible for the funeral arrangements or the estate of the deceased. The Head of Business Support (or in their absence a member of the HR Team) is therefore allowed the discretion, in liaison with the line manager, to authorise compassionate leave of up to 10 days. Any extension beyond this must be authorised by a member of the Corporate Management Team.

It is recognised that not even the maximum number of days would be sufficient to recover from the loss of someone close to you. The purpose of compassionate leave is therefore not to help you get over the loss but to help deal with the immediate shock and distress and give you the time to deal any arrangements that need to be made.

It may also be appropriate to consider other flexible working/leave options covered within this policy either instead of or in addition to compassionate leave, particularly if staff need to travel abroad, are suffering from the loss of a close family member or where they are caring for a terminally ill dependant or family member. In such circumstances an extended period of unpaid leave may be considered and with the deduction from salary spread over an agreed number of months.

Support from Occupational Health and the Council’s Employee Support Programme will also be available.
7.6 Public Duties

All employees will be allowed reasonable paid time off work to undertake public duties. This will normally be up to a maximum of 10 days within the leave year (pro-rata for part time staff).

The public duties that are covered by the existing legislative provisions are as follows:

- Magistrates;
- members of a local authority (e.g. a councillor);
- members of a police authority;
- members of any statutory tribunal;
- members of a relevant health body;
- members of the managing or governing body of an educational establishment;
- members of the governing body of a further or higher education corporation;
- members of a school council or board in Scotland;
- members of the General Teaching Councils for England and Wales;
- members of the Environment Agency or the Scottish Environment Protection Agency;

Council employees should advise both their line manager and Human Resources before first entering into such commitments and discuss the extent of the commitment and the implications for their work.

Where a ‘no loss of earnings’ compensation is offered by the relevant public body, the employee is required to inform the Council and the salary will be adjusted accordingly.

Council reserves the right to instruct any member of staff not to undertake duties which it considers harmful to its interests.

7.7 Jury Service and Court Attendance

The Council will grant paid leave for employees who are called to attend Court for Jury Service. Any employee who is called for Jury Service should notify their Head of Service and forward their written notification (Jury Service Summons) to Human Resources as soon as it is received.

The court will provide a form for Wyre Council Payroll to complete in relation to loss of earnings and which should send to human resources. Once the service is completed the court will provide a statement of monies paid in relation to loss of earnings, which again, should be sent to human resources.

You will receive your normal pay during Jury Service and any monies paid to you by the court will be deducted on your return. If you fail to claim for loss of earnings through the Court, the Council reserves the right to deduct from your salary any monies paid at the standard rate for loss of earnings.

7.8 Service as a Witness

If an employee is cited to attend court as a witness, leave of absence will be granted as follows:-
in the case of an employee called as a Crown Court witness, cited by the Procurator Fiscal or equivalent, leave with pay will be granted, on the understanding that loss of earnings received by the employee from the Court, will be paid back to the council.

in all other cases where the employee is called to attend court as a witness, leave without pay will be granted. Employees can claim from the person citing them, the relevant amount in respect of loss of earnings.

7.9 Members of the Reserve Forces

Employees who are members of the Volunteer Reserve Forces (Royal Naval Reserve, Royal Marines Reserve, Territorial Army or Royal Auxiliary Air force) will normally be granted two-week’s additional paid leave per year.

Recruits to the volunteer reserve forces are required to inform the Council of their status as reservists to ensure that the Council is better informed as to its obligations to employees and to enable to plan adequately for their absence and ultimate return.

Existing reservists are also expected to inform the Council of their next reengagement.

7.10 Community Emergency Services

An employee who is a member of a community emergency service, for example retained fire fighters, will be granted paid leave to attend emergencies during working hours.

7.11 Trade Union Duties (See Time off for Trade Union Duties policy for further information).

Reasonable time off with pay during working hours will be granted for trade union officials for the purpose of carrying out trade union duties or undertaking training in relation to trade union duties for a trade union recognised by the Council.

Reasonable time off with pay during working hours will be granted for Union Learning Representatives for the purpose of carrying out related duties or undertaking relevant training for a trade union recognised by the Council.

Trade Union Representatives are required to keep a record of all time off taken during office/ working hours as it will need to be collated and published in accordance with the Code of Practice on Data Transparency.

7.12 Election Duty

Absence from normal working duties will be granted to employees performing election duties without detriment to normal salary.

7.13 Training Leave

Employees with a minimum of 26 weeks continuous service have the statutory right to make a request in relation to time off for study or training purposes.

Employees may submit a request in relation to any type of study or training, provided that they can reasonably demonstrate that the study or training is likely to lead to an
improvement in their effectiveness at work and consequently an improvement in the performance of the business.

The Council is not obliged to grant paid leave but may, at its discretion, agree to pay the employee his/her normal wage/salary during some or all of any time off granted for study or training purposes.

Each request will be dealt with individually, taking into account the nature of the employee’s request and any likely effects on the service.

7.14 Volunteering Activities

The Council recognises the valuable work that volunteers provide to the community and how this can also be used to aid employee’s personal and professional development.

In supporting employees with volunteering activities the council will allow up to 10 days unpaid leave to enable them to engage in volunteering activities. Arrangements will need to be agreed between employees and line managers and should not conflict with work requirements.

8. Applying for time off work

8.1 Applications for time off should be made on the “Request for Unpaid Leave Form”.

Although it is understood that situations may arise where it is not possible for employees to provide notice of time off, the absence must be reported to the line manager as soon as possible and no later than 10.00 am. (or no later than the specified for those who work non-standard hours).

8.2 Failure by the employee to make contact with his/her manager could lead to disciplinary action if the leave is treated as an unauthorised absence.

Requests for time off will be considered against the work commitments and take into account:

- whether the absence would be unduly disruptive to the work of the team or service, and
- whether productivity may be affected in relation to the quantity or quality of work and service delivery.

9. Equality Impact Assessment and Monitoring

9.1 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.


10.1 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.
Request for Unpaid Leave

To be completed by the Head of Service and submitted to the Human Resources Section.

Name: .........................................................................................................................

Job Title: ....................................................................................................................

Directorate: .............................................................................................................

The above member of staff has applied for unpaid leave of absence on the following grounds:

Recommendation from Head of Service including the number of days to be granted and dates (where applicable):

Signed: ......................................................................................................................

Date: .........................................................................................................................

arm/empap/cr/14/0311lh1 appendix 4
Flexible Working and Work Life Balance
<table>
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<th>Page</th>
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<td>1.</td>
<td>Policy Statement</td>
</tr>
<tr>
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<td>-----------------</td>
</tr>
<tr>
<td>1.1</td>
<td>Wyre Council recognises the importance of offering flexible working arrangements that enable employees to balance their working life with other priorities. It also recognises the need to develop modern flexible working practices that maximise service delivery. The council will therefore aim to ensure that flexible working arrangements are promoted for all employees, and that requests are considered and implemented, where operational and service conditions allow.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.</th>
<th>Aims of the Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>The aim of this policy is to:</td>
</tr>
<tr>
<td></td>
<td>• implement flexible working arrangements which allow employees to balance their working life with other commitments whilst maintaining a high standard of cost effective service to Council users;</td>
</tr>
<tr>
<td></td>
<td>• to make available flexible working arrangements at all levels regardless of age, sex, sexual orientation, race, religion, belief or disability, subject to operational and service needs;</td>
</tr>
<tr>
<td></td>
<td>• promote flexible working arrangements through information and guidance for managers and all employees;</td>
</tr>
<tr>
<td></td>
<td>• promote an agile working culture by the flexible use of office space and work locations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3.</th>
<th>Statutory Obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>The legal position is that from 30 June 2014 every employee has the statutory right to ask to work flexibly after 26 weeks service. It also stipulates that an employee can only make a statutory request once in any 12 month period. However there may be occasions (particularly where the need is urgent) where the Council will consider an application regardless of the number of previous requests or length of service. There is no obligation on Wyre Council to automatically agree to a request for flexible working.</td>
</tr>
</tbody>
</table>

| 3.2 | The law requires the employee to fulfil certain criteria when submitting their request. |
|     | **The employee must:** |
|     | • lodge the request in writing; |
|     | • date the request; |
|     | • state that the request is a request for flexible working; |
|     | • specify the change(s) to working arrangements that they would like; |
|     | • state the date on which the proposed change(s) should take effect; |
|     | • indicate the effect(s), if any, that the employee thinks the change(s) will have on the employer and how he or she thinks any such effects might be dealt with; and |
|     | • indicate whether he or she has previously submitted a request for flexible working to the employer and, if so, when. |

A request that does not fulfil the above criteria will not be valid and will not, therefore,
require the employer to activate the statutory procedure.

**The employer must**
- consider and decide upon requests and appeals within three months of the receipt of the request
- have a sound business reason for rejecting any request

Wyre Council have produced a flexible working application form to facilitate requests for flexible working. (see appendix 1).

### 4. Benefits of Flexible Working

#### 4.1 While flexible working arrangements need to be well managed, any practical difficulties that flexible working might create can often be resolved through the adoption of positive attitudes, common sense and effective communication. Line managers can gain substantially by adopting a positive approach towards flexible working.

#### 4.2 Taking a more flexible approach to work location and working time could:

- enable individuals to achieve work-life balance
- reduce the need for employees to take time off work due to care issues, problems at home etc.
- permit an employee recovering from an illness or adjusting to an impairment to return to work on a phased basis.
- provide a suitable adjustment for people with certain disabilities.
- relieve pressure and reduce employee stress
- improve morale and motivation and give better job satisfaction
- allow employees to gradually reduce their hours before choosing to retire

It could also:

- assist the Council in attracting and retaining the best people.
- enable the council to meet business needs and provide a quality-driven, added-value service to customers.
- ensure that people are making effective use of their working time.
- reduced office space and more efficient and effective use of Council buildings
- benefits the environment by reducing the use of resources and travel related emissions.

### 5. General Considerations

#### 5.1 This policy considers a number of options, but in practice the request could be for a combination of any of the following options:

- part-time working / job share
- flexible working patterns including annualised and compressed hours
- voluntary - reduced working time
- agile working / homeworking
- part-year working including term-time only
- any other such arrangements that are agreed.
<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2</td>
<td>Managers and employees will discuss the flexible working request, but discussions about contractual changes to terms and conditions of service must be done in consultation with human resources and any appropriate trade union representative.</td>
</tr>
<tr>
<td>5.3</td>
<td>Employees need to be realistic and recognise that the full range of flexible working options will not be appropriate for all jobs across all services.</td>
</tr>
<tr>
<td>5.4</td>
<td>Managers are expected to consider requests in relation to both the needs of the service area and the employee concerned and ensure that there are sound and demonstrable service, management and operational reasons for the decisions they make.</td>
</tr>
<tr>
<td>5.5</td>
<td>Operational feasibility, performance standards, health and safety, data protection, and security of equipment must not be compromised. Each application for flexible working will be considered in accordance with the following criteria:</td>
</tr>
<tr>
<td></td>
<td>- the cost of the proposed arrangement;</td>
</tr>
<tr>
<td></td>
<td>- the effect of the proposed arrangement on other staff;</td>
</tr>
<tr>
<td></td>
<td>- the level of supervision that the post-holder requires;</td>
</tr>
<tr>
<td></td>
<td>- the structure of the department and staff resources;</td>
</tr>
<tr>
<td></td>
<td>- other issues specific to the individual's department;</td>
</tr>
<tr>
<td></td>
<td>- an analysis of the tasks specific to the role, including their frequency and duration;</td>
</tr>
<tr>
<td></td>
<td>- an analysis of the workload of the role.</td>
</tr>
<tr>
<td>5.6</td>
<td>Any management proposal to instigate agile working will be taken through the normal consultation/negotiation process including trade union consultation.</td>
</tr>
<tr>
<td>5.7</td>
<td>Changes to the working pattern will normally mean a permanent change to the employees contract of employment, unless otherwise agreed.</td>
</tr>
<tr>
<td>5.8</td>
<td>Appropriate rest periods, as stipulated in the Working Time Regulations, must be factored into any work pattern or arrangement.</td>
</tr>
<tr>
<td>6.1</td>
<td><strong>The Flexible Working Options</strong></td>
</tr>
<tr>
<td>6.1.1</td>
<td><strong>Job-sharing</strong></td>
</tr>
</tbody>
</table>

This is an arrangement whereby two part-time employees share the responsibilities of one position. The arrangement of hours in a shared post should normally be determined by the line manager in consultation with the job-sharers with the total hours of the job-sharing partnership not exceeding those of the full-time established post.

The duties of the shared post may be allocated between sharers to reflect the skills, abilities and working hours of the sharers and the needs of the Service. However, it should be borne in mind that the grade applies to the whole job so managers must ensure that the work is divided fairly and that both individuals carry equal responsibility.

Job-sharers will be classed as part-time workers and, as such, have legal rights, based on the principle of equal treatment with comparable full-time workers.
6.2 **Part-time working**

Part-time working is the most prevalent and established type of flexible working any number of hours below 37 hours is considered as part-time working. Part-time workers have legal rights, based on the principle of equal treatment with comparable full-time workers.

Issues that must be addressed include:

- holiday entitlement and overtime; and
- arrangements for training and meetings, which are often designed around full-time workers' hours.

6.3 **Annualised hours**

This method of working is more suited to a service area where seasonal variations have an impact on workload.

Annualised hours working involves an employee working a set number of hours over the year rather than per week allowing flexible working patterns to be worked throughout this period. Normally a period of regular hours forms the core of the arrangement, with the remaining time left unallocated and used on a flexible basis to meet peaks in demand.

The weekly contracted hours will be converted to annualised hours by dividing the total hours to be worked per annum by 52.142. This will allow salary to be paid in 12 equal payments, irrespective of the number of hours worked that month. The contracted hours should be monitored to ensure that they are not be exceeded or underworked over the 12 month period.

Where employment is terminated part way through a year, by either side, human resources will calculate any over or under worked hours by multiplying the contract hours by the number of weeks worked that year and deducting the number of hours worked.

6.4 **Compressed hours**

This is a system that permits employees to work their total number of contractual hours over fewer working days. Usually a five-day week is compressed into four days or four and a half days, or a 10-day fortnight into nine days.

The remaining day would therefore be a non-working day and will be agreed with the line manager according to the requirements of the role, it is anticipated that this will be a fixed day but with flexibility due to service requirements.

The start and finish time in a working day should not exceed those set out in the Flexible Working Hours (Flexi) Handbook.

6.5 **Flexitime**

This permits flexibility of working hours and is designed to replace arrangements where staff start and finish work at fixed times, with a system which allows each individual a degree of freedom in choosing his or her time of arrival or departure.
A small number of staff will be excluded from the scheme due to the nature of their duties and the Council’s requirements.

6.6 **Term time working**

This method of flexible working normally means that the employee only works during school term times and their contract of employment is varied from a 52 week contract to a term time contract (normally 38 weeks) with their salary and annual leave entitlement being reduced accordingly.

Salary is usually paid in 12 equal monthly instalments.

Annual leave will normally be taken during the periods the employee is not working as the payment for annual leave will be included as part of their normal salary. However, it is recommended that managers should accommodate reasonable requests for time off as a certain amount of flexibility could be beneficial to both parties.

Issues that must be addressed include:

- whether or not half-term holidays are excluded, as well as the summer, Christmas and Easter holidays;
- whether or not it should be a requirement that all normal paid holiday be taken outside term time, or to allow the individual to swop their days / weeks off from time to time;
- the organisation of training for employees who are on term time;
- if, and how, the individual will be kept informed about workplace developments during school holidays; and
- how the responsibilities of the job can be maintained during school holidays, particularly where the job involves managing other members of staff.

6.7 **Voluntary reduced working time (V-time)**

This is a system whereby it is agreed that the employee will work reduced hours for a fixed period of time, with a return to full-time hours at the end of this period.

In principle all employees should be considered eligible for the application of V-time.

The Council will consider requests from employees to:

(i) voluntarily reduce their hours of work on a temporary basis with their pay adjusted accordingly
(ii) take extended unpaid leave of absence

The reduction in hours or unpaid leave of absence will be for a specified period of time of **up to a maximum of 5 years** and can be achieved in a number of ways, as follows:

- reducing the working day
• reducing the number of days worked in the week
• taking time off in a block of days/weeks/months

All requests will be subject to operational considerations.

At the end of the specified period, the employee will either return to their substantive working hours or submit a further application to remain on the agreed reduced hours on a permanent basis. Such a request will be considered by the manager and be subject to operational considerations.

Where a request to remain on reduced hours is approved, a new contract of employment will be issued to the employee.

6.8 Agile Working (includes working from home)

Agile working is the term used to describe how employees can work flexibly from any location, whether it is from a Council building, within the community or by varying degrees of home working and hot-desking.

Although the majority of the roles within the Council cannot be classed as totally ‘agile’, there is considerable scope in many cases for some form of agile working. The extent of agile working is dependent on the nature of the role, the needs of the service and an individual’s circumstances.

Generally any job that does not require time to be spent in one location for example to deliver face to face customer services or use specialist equipment, may be adapted for agile working. However consideration should also be given to:

• Inter-relationships with other jobs
• Communication with the public
• Communication with colleagues, the team and the manager
• Access to required information and technology
• Costs and savings etc.

Those requesting agile working should apply directly to their line manager and Head of Service using the Agile Working Application Form. (for further details please see the Agile Working Policy).

6.9 Extended Authorised Absence EEA (including Career Breaks)

This is a system whereby the employee has an extended period of time away from paid work, with a guarantee of a return to the same or a similar job at the end of the time.

Employees who have more than 12 months service may apply for a period of EAA of between three months and two years depending on their individual needs.

All requests for EAA will be subject to operational requirements - (for further details please see the EEA Policy).

7. Making an Application for Flexible Working
7.1 Employees wishing to apply for flexible working time should make their request to their Head of Service (with a copy to Human Resources) using the Flexible Working Request Form. Those who want to apply for flexibility in terms of location should refer to the Agile Working Policy and make their request on the Agile Working Application Form.

Unless a specific policy stipulates otherwise all employees are entitled to submit a request regardless of whether they are employed on a permanent or fixed-term basis.

Application forms can be found on the Council’s Intranet, or can be obtained directly from Human Resources.

7.2 **Employees’ rights:**
- To have their application considered in accordance with the set procedure and rejected only where there is a clear business ground for doing so.
- To have a work colleague or trade union representative present when meeting the manager to discuss the application.
- Where an application is rejected, to have a written explanation.
- To appeal against an employer’s decision to reject an application.
- To be protected from detriment or dismissal for making an application under the right.

7.3 **To assist matters employees should:**
- Make their applications well in advance of when they want it to take effect.
- Provide a carefully thought-out application.
- Be prepared to discuss their application in an open and constructive manner.
- Be prepared to be flexible themselves in order to reach an agreement with the manager.

8. **Considering a Request for Flexible Working**

8.1 The law requires requests to be dealt with in a timely manner and that the consideration process, including any appeal is completed within three months of first receiving the request. The time scales for appeal are such that in order to comply with statutory requirements Managers have a maximum of 30 days to deal with an application for flexible working. (see section 9 for specific time table)

8.2 An application will be considered to have been made on the day that it was received by the manager it was addressed to unless an employee fails to provide all the required information asked for in the application form. In which case the manager should tell them what is required and ask them to re-submit the application when complete.

The manager should also inform the employee that the time scale for dealing with the application would commence once the completed form has been resubmitted.

8.3 **Manager’s rights:**
- To reject an application when the desired working pattern cannot be accommodated within the needs of the business.
- To seek the employee’s agreement to extend timescales where it is appropriate.
- To consider an application withdrawn in certain circumstances, as set out in 8.6.
Managers responsibilities

- To take all reasonable steps to accommodate an employee’s flexible working, consider requests objectively and in accordance with the set procedure.
- To ensure that they adhere to the time limits and either agree or refuse an application for flexible working within 28 days of the date of application.
- To provide the employee with appropriate support and information during the course of the application.
- To consult with Human Resources before making a final decision on any request to work flexibly.
- To decline a request only where there is a recognised business ground and to explain to the employee in writing why it applies.
- To ensure that any variation of the procedure is agreed in advance with the employee, recorded in writing and passed to Human Resources for monitoring and storing.
- To ensure that they do not subject an employee to detriment or dismissal for making an application under the right.

Managers must give full objective consideration to the request as per section 5 of this policy and should aim to hold a meeting with the employee no later than 7 days after the date of receipt of the application. The purpose of the meeting will be to discuss the changes the employee has proposed, the effects of the proposed changes and any possible alternative arrangements that might suit both parties. Employees have the right, if they wish to be accompanied at the meeting by a work colleague or recognised union representative.

A manager whose employee fails to attend the meeting more than once and does not provide a reasonable explanation may treat the application as having been withdrawn. In such circumstances that manager should write to the employee confirming that the application is now considered withdrawn.

Reaching a decision

All management decisions to grant flexible working must be made by the Head of Service (or Corporate Director where appropriate) and the employee must be informed of the decision within 14 days of the date of the meeting.

If for some reason the request cannot be dealt within three months then an employer can extend this time limit, provided the employee agrees to the extension.

If it is unclear whether the arrangements requested are sustainable or agreeing the request could impact on other employees’ it is advisable to agree the request on a temporary or for a trial period in the first instance.

A trial period should be of sufficient duration to give both parties a chance to find out whether the chosen pattern of working will work out well in practice. In such circumstances, managers should agree an extension of time for making the final decision.

Having considered the changes the employee is requesting and weighed up the advantages, possible costs and potential logistical implications of granting the request the manager must let the employee know their decision. The outcome of the request will be confirmed in writing to the employee either:
• agreeing to the application and specifying the contract variation agreed and the start date on which it is to take effect;
• agreeing a compromise such as a temporary agreement to work flexibly, or
• refusing the application and stating the specified grounds for the refusal.

Refusing a flexible working application

There is no statutory obligation to grant a request and it would be unusual for managers to be able to agree to the working pattern or arrangement of every employees’ application. However where managers do reject flexible working applications this refusal can only be based on one or more of the following business grounds, as set out in the relevant legislation:

- the burden of additional costs,
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business.

If the employee is unhappy with the decision they have the right of appeal which should be lodged in writing to the Head of Business Support within 10 working days of receipt of the letter.

9. Timescales

<table>
<thead>
<tr>
<th>9.1</th>
<th>Action</th>
<th>Time scale</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The manager must hold a meeting with the employee to discuss their application for flexible working</td>
<td>no later than 7 days after the date of receipt of the application.</td>
</tr>
<tr>
<td></td>
<td>The manager will write to the employee to confirm their decision.</td>
<td>within 14 days after the date of the meeting.</td>
</tr>
</tbody>
</table>

If the employee is aggrieved

Any appeal should be lodged in writing to the Head of Business Support within 10 working days of receipt of the decision letter. 

A meeting will normally be held with the Corporate Director in accordance with Formal Stage 2 of the Grievance Policy. Within 10 working days from date of appeal letter

The Corporate Director will write to the employee to confirm their decision. within 5 working days of the hearing.

If the employee continues to be aggrieved then the matter can be referred to the Employment and Appeals Committee whose decision on the matter will be final.(Stage 3 of the Grievance Policy)
An appeal under stage 3 should be submitted in writing to the Head of Business Support within 10 working days of receiving the Stage 2 decision.

An Employment Appeals Panel will normally be arranged within 20 working days of the receipt of the appeal.

The Chairman will write to the employee to confirm their decision within 5 working days of the hearing.

9.2 **Extending the timescale to confirm a decision**

An extension to timescale would normally be requested because:

- the Manager or the employee may not be available because of illness or annual leave during the relevant period or
- it could be that an alternative working pattern was suggested by the employee at the meeting, and s/he may need more time to consider the fuller impact on service delivery, team colleagues etc.
- a trial period has been agreed to test the feasibility of the flexible working pattern

9.3 A proposal for an extension is likely to be in the employee’s interests and the employee is encouraged to be open to such requests.

If the applicant does not accept the request to extend the time limit, the application will be dealt with within the designated timescales with the information available at that time.

If the applicant’s line manager is not available during the designated timescales, then the next level of Manager will designate an alternative equivalent Manager to deputise and consider the request.

10. **Supporting Policies**

10.1 Flexible working links into a number of other supporting policies (see below) and those who want to apply for options 6.1, 6.8 and 6.9 should do so in accordance with those specific policies:

- Agile Working Policy
- Equal Opportunities
- Extended Authorised Absence
- Flexible Working Hours Handbook
- Health & Safety
- Job Share
- Promoting Attendance Controlling Absence
- Working Carers

11. **Equality Impact Assessment and Monitoring**

11.1 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.


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.

---

**FLEXIBLE WORKING REQUEST APPLICATION FORM**

**SECTION 1: TO BE COMPLETED BY EMPLOYEE**

**Note to the Employee**

You must submit this form to your line manager to make a request for a flexible working arrangement. Before completing the form please read the Work Life Balance Policy.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Directorate:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Title:</td>
<td>Section:</td>
</tr>
<tr>
<td>Employment Start Date:</td>
<td>Date of Last Flexible Working Request: (if applicable)</td>
</tr>
</tbody>
</table>

**Reason for your request (please tick as appropriate)**

a) I have responsibility for the upbringing of a child under 17

OR a child under 18 with a disability

AND I am the mother, father, adopter, guardian, special guardian or foster parent of the child

OR the spouse/partner/civil partner of the above

b) I am caring for an adult for whom I am:

the spouse/partner/civil partner or relative Or live at the same address

c) Other (please state reason below)
<table>
<thead>
<tr>
<th>Please describe your current working arrangements (days/hours of work/other):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Please describe your desired working arrangements:</th>
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</table>

<table>
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<tr>
<th>Proposed Hours:</th>
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</table>

<table>
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<tr>
<th>Proposed Working Pattern:</th>
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</table>

<table>
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<tr>
<th>Other (please detail):</th>
</tr>
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</table>

<table>
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<tr>
<th>Please detail any issues, problems or benefits that may arise from your proposal with respect to the service and/or your colleague/s:</th>
</tr>
</thead>
</table>

<table>
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<tr>
<th>How could these be addressed?</th>
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<table>
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<tr>
<th>Do you wish the arrangement to be Permanent or Temporary (please delete as appropriate)</th>
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</table>

<table>
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<tr>
<th>If Temporary please state proposed period for arrangement:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date you wish the arrangement to commence:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
</tbody>
</table>

**SECTION 2: TO BE COMPLETED BY LINE MANAGER**

**Note to the Line Manager**
Before completing this form please read the Work Life Balance Policy and seek advice from Human Resources as required.

| Name: | Job Title: |
| Please comment on benefits that may be gained by agreeing to the flexible working request: |

Please identify operational, financial, staffing or service-related problems that may arise if the request is approved:

Please identify ways in which the problems detailed above may be overcome to enable the original request to be workable:

If you believe you cannot overcome the problems identified above but can suggest a compromise arrangement please give details:

| Do you recommend approval of the request | Signature: |
I have considered the request for flexible working and the comments made by the employee(s) and line manager. I do/do not *(delete as appropriate)* approve the request.

My reason/s for refusing the request are (tick appropriate box(es) and give brief explanation below):

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Details:
OR

The following working arrangements have been agreed:

Please give reasons for any compromise arrangements reached:

The new working arrangements will commence on ............................................(insert date).

There will/will not be a trial period (please delete as appropriate)

Where applicable the trial period will last for ....................................................(insert details)

A review will be held on ...........................................(insert date)

<table>
<thead>
<tr>
<th>Name</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

Please forward this form to Human Resources.

arm/empap/cr/14/0311lh1 appendix 5
1. Statement of Intent

1.1 Wyre Council is committed to ensuring that all staff are rewarded fairly in relation to the roles to which they are appointed. The current economic climate and in particular the reduction in funding from Central Government means that staffing reviews are now more frequently undertaken. Consequently, roles change in relation to complexity, level of duties, accountabilities and responsibilities and such changes ultimately require a review of the grade for the post.

2. Purpose and Scope

2.1 This document sets out the process that should be followed when:

- a new post is created
- a staffing review identifies that a post has changed significantly
- an existing employee is dissatisfied with their grade.

The document applies to all Wyre Council employees engaged on National Joint Council for Local Government Services [Green Book] conditions of service and/or whose jobs have been evaluated using the GLPC Job Evaluation Scheme.

3. Reasons for the Evaluation / Re-evaluation of Posts

3.1 The reasons for a post to become subject to evaluation/re-evaluation would generally fall within the following three categories:

- the creation of a new post;
- a restructure where changes have a significant impact on the duties and responsibilities of post holders;
- where a post holder has taken on additional responsibilities over a period of time.

The first two categories could be considered to be management initiated evaluations whereas the third is likely to be initiated by the post holder.

3.2 Managers should identify significant changes in job roles and not allow employees to reduce or take on additional responsibilities without considering the impact on the grading of the post.

4. The Evaluation Procedure

4.1 Changes to staffing resources are documented and approved using the Officer Delegation Report (ODR). The Head of Service will complete the ODR in consultation with the Corporate Director and produce job descriptions and person specifications for the new or amended positions.

The ODR and the supporting documentation should be forwarded to the Human Resources Advisor with responsibility for job evaluation to undertake an initial assessment of the expected grade.
4.2 Management will ultimately determine the duties and responsibilities of posts but it is recognised that where applicable, the job evaluation process should be a joint process between management and employees to ensure that appropriate information is gathered regarding the position. Where changes are being made to an existing post and the employee will continue to undertake the revised duties in the future, the manager and Human Resource Advisor responsible for JE will consult with the post holder regarding the content of the revised job description.

4.3 All changes to employee terms and conditions will be subject to formal consultation with the employees and their trade union representatives. Where the proposals result in a job evaluation the Head of Business Support and a trained Trade Union Official will conduct a ‘check’ to ensure the fairness of the initial assessment. Once the ODR is approved the initial JE Assessment will stand for a period of 6 months from the date of appointment to the new/amended post.

If after 6 months the employee is dissatisfied with their job evaluation the employee has the right to request a review.

The 6 month review is an informal procedure that allows for the ‘testing’ of a new job description and initial job evaluation assessment. The post holder is given the opportunity to draw on the six months experience of working in the post and put forward any additional information to support the application. The application for review should be made no later than 20 days after the end of the 6 month period. See 5.2 below: making an application.

## 5. Request for Review

### 5.1 Grounds for review

An employee who is dissatisfied with their job evaluation may ask for a review on one or more of the following grounds:

- the scheme has been wrongly applied, e.g. factor levels have been wrongly allocated, the evaluation has failed to follow guidance;
- the job information provided was not complete;
- it is believed that an equivalent job is more highly graded;
- the job has changed significantly since the initial job evaluation.

It should be noted that:

- an increase in the volume of work undertaken by the post holder would not necessarily result in an increase in the job size sufficient to warrant re-grading;
- it may not be appropriate to consider individual factor elements identified as part of the review in isolation if there is evidence to suggest that there are other factor levels that should be re-evaluated;
- invoking this procedure could lead to a re-evaluation that results in an increase or decrease in salary.

### 5.2 Making an application

A request for review / re-grading is by "self-application" and must be submitted to
the Head of Business Support on the appropriate form (see Appendix 1 of this document).

5.3 The form mirrors the factors used in the GLPC Job Evaluation process and each request should clearly state the basis for the request and what information has not been included in the original evaluation.

5.4 Procedure on receipt of the application

On receipt of the request for review, Human Resources will check that the form contains sufficient evidence to process the request and if not, the employee will be given an opportunity to re-submit with further information.

The Human Resources Advisor responsible for Job Evaluation will review the application with a trained Trade Union Official and Head of Business Support and liaise with the employee, their Head of Service. The Corporate Director will taking into account this discussion and confirm whether or not they support the application.

5.4 The agreed effective date

New or changed posts (i.e. application made following a 6 month review period): -
If successful the agreed effective date will be the date that the employee was appointed to the role.

All other posts: If successful the agreed effective date will be the date that the employee submits their fully evidenced application to the Head of Business Support.

5.5 If no agreement is reached the post holder will be advised in writing of the decision that the post will not be re-graded. The post holder has the right of formal appeal in accordance with the procedure described below. The application for appeal should be made in writing to the Head of Business Support.

6. Hearing the Appeal

6.1 All appeals will be referred to a Grading Appeals Panel and will be heard within 20 working days.

6.2 The Grading Appeals Panel will comprise of a trained Elected Member normally from the Employment and Appeals Committee a Corporate Director and a Trade Union Official that has not been previously involved with the evaluation.

The Grading Appeals Panel will be accompanied and advised by a Trade Union Representative and a member of the Human Resources Team who will both be familiar with the GLPC Job Evaluation Scheme.

6.3 Due to the size of the Authority there may be occasions when it is not possible to restrict the panel members / advising officers (Management and/or Trade Union) to those who have had no earlier involvement in the job evaluation process. If this should arise the officers / trade union officials will be selected following full consultation with the individual concerned and their representative. The employee must be given at least 5 working days’ notice of the time and date of
6.4 the appeal hearing and if they wish, their representative has the right to attend the meeting and present their case. The Corporate Director and management representative from the applicant’s service area will also be present.

After presenting the case the employee, their representative and the management representative will leave the room to allow the Grading Appeals Panel to consult with the advisors and consider their decision. The Grading Appeals Panel will:

- check whether the applicant satisfies one or more of the grounds for appeal. Appeals which do not meet one of the grounds for appeal will be rejected and employees will be advised giving reasons for the rejection;
- consider the original evaluation, the job description and all the representations made in respect of the application;
- ascertain whether or not the issue is one that has been subject to a local convention, or one that has been dealt with as part of the moderation or evaluation process previously. In such a case the advisors to the hearing should identify the convention and advise the panel accordingly.
- determine whether or not to uphold the original evaluation or to make changes to the factor levels for the post.

6.6 This determination could result in an increase or decrease in the grade of the post.

The decision of the Grading Appeals Panel will be reached by a majority vote and there is no further right of appeal.

6.7 Notification of outcome

The employee will be notified by Human Resources of the outcome of their appeal within 5 working days.

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.


8.1 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 1

Request for Review

Name: ..........................................................  Contact Details: .................

Post Title: .................................  Grade: ........................................

Directorate: ........................................  Service: .................................

Is this job covered by a generic job description? Yes [ ] No [ ]
(i.e. Are there other people doing the job covered by this job description)

If so, is this a group application? Yes [ ] No [ ]
If so, please name all those who are submitting this appeal / re-grading request: [Please continue on another sheet if required]

I wish to appeal as the job evaluation scheme has been wrongly applied to my post
I wish to appeal because the job information provided at the evaluation stage was not complete
I wish to appeal as I believe that an equivalent job is more highly graded
I wish to apply for a re-grading because my post has changed significantly since the initial job evaluation.

All factors will be reviewed, however, you are requested to identify which factor scores you are specifically want to have re-evaluated: (Place a tick in the box)

<table>
<thead>
<tr>
<th>Supervision and Management of People</th>
<th>Work Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creativity and Innovation</td>
<td>Physical Demands</td>
</tr>
<tr>
<td>Contacts and Relationships</td>
<td>Working Conditions</td>
</tr>
<tr>
<td>Decisions – Discretion</td>
<td>Work Context</td>
</tr>
<tr>
<td>Decisions - Consequences</td>
<td>Knowledge and Skills</td>
</tr>
<tr>
<td>Resources.</td>
<td></td>
</tr>
</tbody>
</table>
**APPEAL / RE-GRADING EVIDENCE** – You must complete an evidence box for each factor **you want to have re-evaluated**.

<table>
<thead>
<tr>
<th>Factor Level</th>
<th>Evidence not previously considered / wrongly applied.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervision and Management of People</td>
<td></td>
</tr>
<tr>
<td>Creativity and Innovation</td>
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<tr>
<td>Contacts and Relationships</td>
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<td>Decisions - Discretion</td>
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<tr>
<td>Decisions - Consequences</td>
<td></td>
</tr>
<tr>
<td>Factor Level</td>
<td>Evidence not previously considered / wrongly applied.</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Resources</strong></td>
<td></td>
</tr>
<tr>
<td>cash</td>
<td></td>
</tr>
<tr>
<td>plant/equipment</td>
<td></td>
</tr>
<tr>
<td>stocks/materials</td>
<td></td>
</tr>
<tr>
<td>data systems</td>
<td></td>
</tr>
<tr>
<td>buildings</td>
<td></td>
</tr>
<tr>
<td><strong>Work Environment</strong></td>
<td></td>
</tr>
<tr>
<td>work demands</td>
<td></td>
</tr>
<tr>
<td>physical demands</td>
<td></td>
</tr>
<tr>
<td>working conditions</td>
<td></td>
</tr>
<tr>
<td>work context</td>
<td></td>
</tr>
<tr>
<td>Knowledge and Skills</td>
<td></td>
</tr>
</tbody>
</table>
I / we have also enclosed additional information in support of my/our application / appeal and give the following explanation as to why I/we think it should be included.

<table>
<thead>
<tr>
<th>Description of Additional Information.</th>
<th>Why this is relevant to the re-evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Employee(s) Signature: ……………………………………   Date: ……………………………
….......................................................................................... ……………………………
….......................................................................................... ……………………………
….......................................................................................... ……………………………

For Office Use Only

**Head of Service Report.** (Please include your observations on the evidence provided and confirmation of whether or not you support the application)

Signed: ……………………………………….   Date: …………………………….
Head of Service.

The completed form should then be forwarded to the Head of Business Support.