### Policy Review

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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**
   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 Gender Reassignment Policy Appendix 1 Review
   Work Life Balance Policy Appendix 2 Review
   Safeguarding Children Policy Appendix 3 Review
   Preventing Illegal Working Policy and Procedure Appendix 4 New
   Working Carers Policy Appendix 5 New
   Fostering Policy Appendix 6 New
5.2 The Gender Reassignment Policy has had a couple of minor amendments to ensure it is in line with the Equality Act 2010.

5.3 The Work Life Balance Policy has had just one amendment due to legislative changes around parental leave. Each parent used to be entitled to take 13 weeks' leave (unpaid) for each child and this has now increased to 18 weeks'.

5.4 The Safeguarding Children Policy has been reviewed using a template that has been circulated around District Council's within Lancashire. The main difference between this and the previous policy is that Safeguarding Contacts are to be appointed who will be more accessible to staff who have contact with children and will be able to provide initial support and advice.

5.5 The Preventing Illegal Working Policy and Procedure replaces the current Asylum and Immigration Policy. It has been re-written to reflect changes in legislation and to make it a more user friendly document for those responsible for ensuring that we follow safe practices when recruiting staff.

5.6 The Working Carer’s Policy and Fostering Policy are both new policies that bring existing leave and flexible working options to the attention of employees with caring responsibilities those considering fostering children. The options within both policies reflect those set out within Work Life Balance Policy.

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<tr>
<td>Head of Business Support</td>
<td>(01253) 887313</td>
<td><a href="mailto:Liesl.hadgraft@wyre.gov.uk">Liesl.hadgraft@wyre.gov.uk</a></td>
<td>February 2013</td>
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List of Background Papers:

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**LIST OF APPENDICES**

Appendix 1. Gender Reassignment Policy
Appendix 2. Work Life Balance Policy
Appendix 3. Safeguarding Children Policy
Appendix 4. Preventing Illegal Working Policy
Appendix 5. Working Carer’s Policy
Appendix 6. Fostering Policy

com/empap/13/cr/1103lh1
Gender Reassignment Policy

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1. Policy Statement

1.1 Many transgender people face harassment and discrimination throughout their daily lives. Ignorance of the issues that surround transsexualism has led to negative stereotyping, ridicule, discrimination and persecution of the transgender community. Many encounter alienation by family and friends, suffer anxiety and depression and fear ridicule and victimisation from work colleagues.

1.2 Wyre Council is committed to equitable treatment for all staff both in its role as an employer and in its provision of services. Everyone has the right to be treated with fairness, dignity and respect. This includes any individuals whose gender presentation is atypical. Among these are people who may wish to undergo, are undergoing or have undergone permanent transition to a gender role, which is opposite to that assigned to them at birth. For all these people, we aim to ensure equal treatment.

2. Purpose

2.1 The purpose of the Gender Reassignment Policy is:

- To ensure employees or members of staff who are contemplating undergoing, are undergoing or have undergone gender reassignment are treated with dignity and respect and are supported in recruitment, employment and personal development.

- To provide management guidance on the status of transsexual or transgender staff and the issues faced by individuals going through the process of gender reassignment.

- To detail the appropriate procedure to be followed when a transsexual or transgender person applies for a post with the Council following gender reassignment, or states that they are about to undergo gender reassignment whilst in the employment of the Council.

- To provide guidance to staff and officers in supporting staff who are contemplating undergoing, are undergoing or have undergone transition.

- To provide understanding of the need for confidentiality and respect with regard to staff who are contemplating undergoing, are undergoing or have undergone transition.

3. Scope

3.1 This policy is applicable to employees throughout the Council.

4. Definitions for the Purpose of this Policy

4.1 Transsexualism also known as gender dysphoria is a consistent and overwhelming desire to live and be accepted as a member of the sex opposite to that allocated at birth. The term transsexual is therefore used to describe a person who intends to undergo, is undergoing or has undergone ‘transitioning’ or ‘gender reassignment’ which usually involves undergoing significant medical treatment in the form of hormones and sometimes various surgical procedures.

4.2 Gender reassignment describes the process whereby a person changes their gender. The process consists of changing name and gender markers on documentation, counselling, followed by hormone treatment designed to alter the physical appearance of the body and ultimately may include surgery.

4.3 Transgender: Generally a person who belongs to one biological sex but takes on the appearance of the opposite sex. They may or may not desire gender reassignment. Some transsexual people
also may prefer to be referred to as transgender.

4.4 Transsexual and transgender persons (as per the definitions given above) have gender dysphoria, which is a recognised medical condition and must be treated as such.

4.5 However the term ‘transgender’ is often used as an ‘umbrella term’ to include people who identify as transsexual, transgender and transvestite.

4.6 Transvestites, those who wish, to dress in the clothes of the opposite sex, do not have gender dysphoria.

5. The Legal Position

It is not intended to go in to great detail to explain the whole Legislative Framework, suffice to say that the key areas of legislation are as follows:

5.1 European Court of Justice - April 1996: ruled that it was not legal to discriminate against a person on the grounds of their having undergone, or intending to undergo gender reassignment. This case also found that the Equal Treatment Directive 76/207/EEC (the principle of equal treatment for men and women in employment and training) applied to those intending to undergo, undergoing or having undergone gender reassignment. This means that from the date when a person begins working as their acquired gender, they are for the purposes of employment their acquired gender.

5.2 The Gender Recognition Act (GRA) 2004: gives legal recognition to transsexual/ transgender people in their acquired gender. They must satisfy the Gender Recognition Panel that they:

- Have or have had gender dysphoria
- Have lived in the acquired gender for a period of two years prior to the application
- Intend to live permanently in the acquired gender
- Are not married

The gender recognition process ensures that they receive a full Gender Recognition Certificate (GRC) and new birth certificate reflecting their acquired gender. They are also afforded all the rights and responsibilities appropriate to that gender.

It should be noted that under section 22 of the Gender Recognition Act if such an individual is in possession of a GRC, it is a criminal offence to disclose their transgender status without their consent.

It should also be noted that it is inappropriate to ask someone to produce a GRC and they are not obliged to produce it.

5.3 Disability Discrimination Act 1995 (DDA): The individual rights under this Act now incorporated into the Equality Act 2010 must be considered where the individual has been diagnosed as suffering from gender dysphoria or gender identity disorder and the condition has lasted 12 months, is likely to last 12 months or will remain with the individual for the rest of their life.

5.4 Section 8 Asylum and Immigration Act 1996: Since May 2004 a potential employer must see an applicant’s proof of identity and right to work in the UK. This includes a UK/EEC passport or a full birth certificate and a P45, P60, National Insurance card or a letter from a Government agency.

Some transsexual people may not have any identification documents in their acquired gender, for example birth certificate. A birth certificate is not sufficient proof of identity for the purpose of this Act, it may therefore be more appropriate for them to produce a passport. Employers must ensure that any information which discloses an employee as trans, must be kept confidential.
5.5 **Data Protection Act 1988:** Under this Act transsexual identity and gender reassignment would constitute 'sensitive data' for the purposes of the legislation and must be processed as such.

5.6 **The Equality Act 2010:** This harmonises and replaces previous legislations such as the Sex Discrimination and Disability Discrimination Acts. Under this Act a transsexual person is someone who proposes to, starts or has completed a process to change his or her gender.

Provisions within this Act cover:
- discrimination on the grounds of gender reassignment in relation to pay, treatment in employment and vocational training.
- individual rights must be considered where the individual has been diagnosed as suffering from gender dysphoria or gender identity disorder and the condition has lasted 12 months, is likely to last 12 months or will remain with the individual for the rest of their life.

The Equality Duty under this Act places a statutory duty on public authorities to pay due regard to the elimination of discrimination and harassment of transsexual staff.

5.7 This policy also has links to the following policies:
- Equal Opportunities Policy.
- Dignity at Work Policy.
- Disciplinary Policy.

### 6. Roles and Responsibilities

6.1 It is the responsibility of Managers to:
- Be fully conversant with this policy.
- Ensure support for members of staff who are contemplating undergoing, are undergoing or have undergone gender reassignment.
- Set a good example by treating all staff with dignity and respect.
- Make every effort to ensure that unwanted, unreasonable and offensive behaviour does not occur.
- Respect the individual’s right to privacy and to ensure that all sensitive information remains totally confidential.
- Be aware of the genuine concerns that employees may have, and resolve any issues quickly.

6.2 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.
- Regularly review and monitor the effectiveness of the policy.
- Ensure that managers and staff have the support they require to deal with their situation.
- To arrange confidential support and counselling for those who are suffering emotionally.

6.3 The Role of Occupational Health/Welfare:
- to advise the employer on fitness for work issues.
- advise on any temporary adjustments which may be required.
- to provide confidential support and counselling.

6.4 It is the responsibility of employees to:
- Support colleagues who may require assistance in accordance with this policy.
- Respect the individual’s decision and right to privacy and ensure confidentiality at all times.
- Maintain a good working relationship and ensure that their own standards of conduct do not cause offence.
• Discourage inappropriate behaviour by others by making it clear that they find their actions unacceptable.

7. Action on initial request for support

7.1 Should a member of staff seek support because they wish to undergo gender reassignment their request should be managed sympathetically and confidentially. The person first approached may not necessarily be in the best position to advise on the way forward but who ever is approached must first reassure the individual (who is likely to be under considerable stress) that the Council will be as supportive as possible.

That individual should request the permission of the staff member to contact the Head of Business Support who will help identify a main point of contact to discuss the process for handling the transition. This nominated person could be a line manager or Human Resources Advisor, but as there may be a number of practical changes needed it may be necessary to appoint a team of officers to deal with these.

7.2 Accommodating an employee's transition to the new gender - agreeing a process

It is imperative that the nominated person(s) discusses with the staff member concerned how they would prefer to handle the change, and that a plan of action is developed so that the transition process is one that is totally acceptable to the council as the employer and to the individual concerned.

This plan should be regularly reviewed to ensure that the staff member is fully supported.

7.3 The plan might include:

1. The expected timescale of the medical treatment and any surgical procedures, if known. The timescales for changing gender differ in each case and will depend on what decisions the staff member has made in terms of treatment and surgery.

   Staff undergoing medical and surgical procedures related to gender reassignment will require time off from work and the process may take several months or even years. Sick pay entitlements and time off for medical appointments etc will be in accordance with corporate policies and managers should ensure that the individual concerned is treated the same as any other member of staff who is absent from work because of sickness or injury.

2. Whether the employee would prefer to stay in their current post or be considered for redeployment (either temporarily or permanently) whilst undergoing gender re-assignment or after they change gender. If this is a preferred option then the request should be supported wherever operationally possible.

   During the earlier part of the medical process, the staff member may display characteristics of both genders and his or her physical appearance will begin to change, relocation may need to be considered if for instance they have face to face contact with the public. However any decision should always be made in consultation with the individual as some employees may prefer to stay within the environment in which they have made friends and where they feel supported.

3. An estimate of when the staff member thinks he or she would like to start attending work in their desired gender.

4. An agreement on ‘who needs to know’ and at what point. Does the member of staff wish to inform their line manager, colleagues and clients themselves, or would he or she prefer this to be done for them?
If the staff member intends to make a personal disclosure it would be advisable to liaise with the HR Advisor and Line Manager (if they are already aware of the situation) so they can provide the appropriate support and any further staff training or briefing that may be appropriate. This will usually be required where the member of staff is planning to continue working with the same people during or after they change gender.

Employers must not breach the personal privacy of employees, recognising that the right to disclose or discuss their medical history is the prerogative of the individual.

5. Use of facilities - Staff should use the facilities, of their acquired gender and part of the discussion process will be to agree the point at which the use of facilities e.g. toilets and changing rooms should change from one sex to the other and how colleagues should be informed of this change.

It is not acceptable, in the long term, to expect a transsexual employee to use separate facilities, such as a disabled person’s toilet. However, this may be a practical and acceptable short-term option whilst the individual is going through the earlier stages of reassignment provided this is what they wish.

The line manager is responsible for resolving any issues that arise and of reminding staff of their responsibility to treat colleagues with dignity and respect.

6. What amendments will need to be made to records and systems.

7. Whether a transsexual employee is adequately covered by existing policies on issues such as confidentiality, harassment and insurance and if not, how these will be amended.

8. Potential areas of conflict should be identified and dealt with before they arise and nothing should be done without the consent / knowledge of the individual.

8. Security of restricted information

8.1 Applicants do not have to disclose their transsexual/ transgender status during recruitment or as a condition of employment. If they choose to do so, this must not be used as a reason for not offering employment and non-disclosure or subsequent disclosure are not grounds for dismissal.

8.2 The recruitment selection panel, will not be informed of any disclosure made by an applicant either personally or on their application or pre-employment medical questionnaire. Should the applicant be successful any disclosure would remain strictly confidential unless a relevant Genuine Occupational Qualifications (GOQ) applies. GOQ for a specific gender are rarely required and advice should be sought from the Head of Business Support in such cases.

8.3 Staff should be treated with dignity and respect at all times and no action should be taken, or further disclosure made, without full discussion with and wherever possible consent of, the individual.

Section 22 of the Gender Recognition Act 2004 establishes a right to privacy for the transsexual person in that it is an offence for a person to disclose information he or she has acquired in an official capacity about a person's application for a GRC or about the gender history of a successful applicant – this is ‘protected information’. All records should therefore be totally secure and their administration should be strictly in keeping with the Data Protection Policy.

8.4 The respective forms used for security checks and medical screening will seek information that will lead to identification of transsexual status. This information will remain 'confidential' and the disclosure of this information will be restricted to those personnel closely involved in the two procedures who will be required to honour that confidentiality. Any subsequent paperwork that indicates the individual’s transsexual status will not be accessible to other staff.
8.5 Any deliberate or inappropriate release of confidential information leading to a transsexual staff member or recruit being identified against their wishes, whether internally or externally, could be treated as a matter of gross misconduct.

8.6 Access to any records showing the change of name and other details associated with the individual’s transsexual status such as records of absence for medical treatment should be restricted to HR staff who require such information to perform their specific duties.

The Head of Business Support will be responsible for the safe keeping of all records and documentation relating to the transition and he or she will destroy all such documents as soon as the person has successfully transitioned into their new gender role.


9.1 The current age at which state retirement pensions become payable and liability to National Insurance contributions ceases is 60 for women and 65 for men but the retirement age for women will rise gradually from 60 to 65 from 6 April 2010 to 2020, making it equal to that of men. People who were born before 5 April 1955 and change gender and obtain a full Gender Recognition Certificate will pay National Insurance Contributions on the basis of their acquired gender. This needs to be borne in mind in the administration of National Insurance and pension issues.

The State Pension age for anybody born after 5 April 1955 will be 65 (increases to 66 by October 2020), so a change of gender will have no effect on when the pension is paid or when an individual’s contribution liability ends.

10. Occupational Pension

10.1 Members of the pension scheme who wish to assume a different gender will need to contact Lancashire Pensions Services and inform them of the circumstances and the name by which they wish to be known so as to ensure that their pension benefits are calculated correctly.

11. Corporate Insurance

11.1 With regard to the Council’s general insurance (group motor and personal accident policies) there is currently no necessity to disclose whether or not an individual has undergone gender reassignment as such individuals would be treated in the same way as anyone else. However there are insurers who would automatically invalidate a policy if the medical aspects of gender reassignment is not disclosed. Once we are aware that an employee has reassigned gender, any insurance implications would be discussed in full with the employee. No disclosure would be made without the written agreement of the employee concerned.

If we as an employer remain unaware, then the obligation to disclose falls upon the employee, who could also be held liable in the event of an incident for which no valid insurance cover existed.

12. Victimisation, Discrimination, Bullying or Harassment

12.1 Direct discrimination in the form of bullying or harassment will be dealt with in accordance with the Council’s Dignity at Work Policy and may involve dismissal of the perpetrator from the Council in cases of gross misconduct.

13. Counselling

13.1 This procedure can be distressing for all parties, if you feel unable to discuss your problems with your direct line manager the Human Resources Team and Occupational Health are there to help.
Alternatively confidential advice is available from the Employee Support Programme - 0800 882 4102.

### 14. Equality Impact Assessment and Monitoring

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

### 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.
Work Life Balance Policy

Updated March 2013
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1. Policy Statement

1.1 Wyre Council believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best, and utilising all the talent and experience available. It also appreciates that the UK workforce is becoming increasingly diverse and includes a high percentage of parents and individuals with other caring responsibilities, as well as those whose interests and aspirations impact on their time.

The Council therefore recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.

Work Life Balance is about introducing flexible working practices so that all employees regardless of age, gender, sexual orientation, race, religion or belief, marital status, gender reassignment, disability or circumstance can find practical arrangements that allow them to balance or combine their working life with their social life, health, family, caring and other responsibilities or aspirations.

The Council understand that individual needs differ depending on circumstance and the Council's range of policies which support work-life balance are intended to reflect this. We will continue to encourage a culture within the Council which makes it acceptable for individuals to discuss openly their concerns about work-life balance.

2. Aims of the Policy

This policy incorporates flexible working and special leave options that can be utilised appropriately dependent on individual or business needs at the time.

It aims to set out the ways in which flexible working can increase staff motivation, build better relationships between the Council and its employees, increase the rate of retention of staff, improve wellbeing, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the Council's efficiency, productivity and service provision.

In addition, this policy aims to provide a framework that enables employees to take reasonable time off:

- to care for a child or make arrangements for a child’s welfare;
- to provide care and attention to a dependant;
- to deal with emergencies or unexpected events;
- to take compassionate leave;
- for public duties.

3. Scope

3.1 This Policy is applicable to all employees.
4. Supporting Policies

4.1 This policy has links to the following policies and procedures:

- Annual Leave
- Equal Opportunities
- Health & Safety
- Job Share
- Home working
- Maternity and Paternity
- Attendance
- Attendance Review
- Extended Authorised Absence
- Time off for Trade Union Duties

5. Flexible Working Arrangements

5.1 The Council aims to respond positively to all requests for a change in working patterns or arrangements taking into consideration the need to balance flexible working with the ability to deliver its objectives, provide a service and avoid any unreasonable impact on colleagues.

This policy considers the following options, but the Council recognises that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:

- job-sharing;
- part-time working;
- annualised hours;
- compressed hours;
- flexitime;
- term-time working;
- voluntary-reduced working time;
- working from home;
- career breaks.

Although the Council is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and to recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the business.

Where an instance of flexible working is proposed the Council will need to take into account a number of criteria including (but not limited to) the following:

- the cost of the proposed arrangement;
- the effect of the proposed arrangement on other staff;
- the level of supervision that the post-holder requires;
- the structure of the department and staff resources;
- other issues specific to the individual's department;
- an analysis of the tasks specific to the role, including their frequency and duration;
- an analysis of the workload of the role.
5.2 **Eligibility**

Although it is recognised that certain employees do have a legal right to request flexible working, the Council’s policy is that all employees are entitled to submit a request regardless of age, gender, sexual orientation, gender reassignment, marital status, race, religion or belief, whether they have a disability, their level of seniority, their length of service, current working pattern, or whether they are employed on a permanent or fixed-term basis.

There is, however, no automatic right for employees to change to any of the flexible working patterns - each application will be considered on the basis of the particular work involved and the effect the change could have on individual, team or business performance.

The Council’s legal duty to consider requests applies to employees who have a minimum of 26 weeks’ continuous service with specified caring responsibilities, as follows:

- employees who are the parent of or have parental responsibility for a child under the age of 17, or a child with a disability under 18, and
- those with caring responsibilities for adults aged 18 or over who is their spouse, partner or civil partner, a relative or someone who lives at the same address.

While it is the Council's policy to be flexible on working patterns for all its employees, in order to ensure that it is complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

5.3 **Procedure for Requesting Flexible Working**

Requests for Flexible working should be made to employee’s line manager using the Flexible Working Request form in Appendix.

The Council will take all reasonable steps to accommodate an employee's request for flexible working and within 28 days of receiving the request the line manager, in liaison with Human Resources will either agree to the request notifying the employee accordingly in writing, or hold a meeting with the employee to discuss 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.

The outcome of the meeting will be confirmed in writing to the employee within 10 working days of the meeting, either:

- agreeing to the application and specifying the contract variation agreed and the start date on which it is to take effect; or
- refusing the application and stating which of the specified grounds for refusal it considers to be applicable and explaining why those grounds apply in relation to the application.
If the employee is unhappy with the decision they do have the right of appeal which should be lodged in writing to the HR Manager within 10 working days of receipt of the letter.

### 6. The Flexible Working Options

#### 6.1 Job-sharing

This is an arrangement whereby two part-time employees share the responsibilities of one position.

In a 'shared responsibility' arrangement the individuals both carry out all the duties of the job, simply picking up the work where the other one left off, while in a 'divided responsibility' arrangement the duties of the position are divided between the two individuals, with each being able to provide cover for the other where necessary.

**Benefits to employee**

- Permits more time for caring responsibilities or other commitments.
- The employee works at regular, defined times, permitting arrangements in his/her free time to be made in advance.
- Can allow the employee to become more accustomed to increased leisure time in the run-up to retirement.

**Benefits to employer**

- Two individuals are likely to bring increased skills and expertise to the position.
- Peak periods of demand can be covered by hours when the two individuals work simultaneously.
- Sick leave and annual leave can be covered.
- Overtime savings may be made.

**Points to watch**

- Increased costs are likely to result from training, overlap time and equipment where it cannot be shared.
- The arrangement is likely to be unsuccessful unless regular communication and handovers take place between the individuals.
- Account must be taken of what happens if one individual leaves.
- Demands on line managers increase in line with the number of individuals for whom they have responsibility.
- One individual’s prolonged sickness or other absence or an issue with his/her conduct will impact on the other individual in the arrangement.
6.2 **Part-time working**

This is where the employee is contracted to work fewer than the standard 37 hours per week.

*Benefits to employee*

- Employee can fit paid work around childcare and other commitments.
- Can allow the employee to become more accustomed to increased leisure time in the run-up to retirement, to supplement a pension from another employer, or through flexible retirement.

*Benefits to employer*

- Periods of peak demand in production or service can be targeted.
- Can be used to retain the skills of women employees after maternity leave.
- A reduction in the number of hours worked may enable an employee who is finding the full time hours difficult due to health or disability to continue in the job.

*Points to watch*

- Reduced pay may not make it feasible for all employees.

6.3 **Annualised hours**

This is a system whereby the employee's contractual working hours are expressed as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout this period.

Usually the hours are divided into rostered hours, which are set, and reserve hours, when the employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment is usually in 12 equal instalments.

This arrangement would usually be introduced to provide greater flexibility in the way work is organised to accommodate peaks and troughs in demand for a particular service and would rarely be available on an individual basis.

*Benefits to employee*

- The set hours that an employee is rostered to work will usually be known well in advance.
- Offers regular salary level throughout the year even though hours of work vary.

*Benefits to employer*

- Particularly suitable where there are predictable fluctuations in activity level for different teams over different periods, or where the situation is less predictable but workload is likely to be heavy at points throughout the year and light at others.
• Greater flexibility to match staffing to the demands of work.
• The working hours necessary to produce an effective customer relationship can be guaranteed.
• Reduced overtime payments.
• Improved productivity.
• A reduction in the cost of employing temporary or bank staff.

Points to watch
• Employees can be called in at short notice so may find they have less freedom in planning their leisure hours.
• Long hours at particular times of the year in industries with seasonal demand can result in increased stress and absence, and difficulties for employees with caring responsibilities.
• Overtime opportunities for employees are reduced or non-existent so can no longer be used as an incentive.
• The employer may find itself paying for hours not actually used.
• Effective communication may be problem, especially where rostering arrangements mean individuals are away from work for long periods at a time.
• Demands on administrative time and resources are often high.
• The need for overtime may not be removed completely.

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

Benefits to employee
• An extra day per week/fortnight is freed up for the employee to pursue a hobby or further education, or spend time with dependants.
• No reduction in pay.

Benefits to employer
• Quiet periods of work can be used more effectively if the employee’s time off is arranged to coincide with them.
• Staff cover can be extended beyond the normal hours of work.

Points to watch
• Working long hours can cause fatigue and affect performance, cancelling out the advantages of the scheme.
Where service cover has been extended by longer hours, consideration needs to be given to what will happen if the employee no longer wants to continue with the arrangement.

Where more than one employee within a team wishes to work compressed hours, a rota may be necessary to ensure fairness, as some days (usually Monday and Friday) will be more popular choices for time off.

6.5 **Flexitime**

This is a system that 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.

Under this scheme, employees are allowed some discretion in arranging their working time. However sufficient cover within a section must be maintained as agreed with their Manager and provided the exigencies of the service are met as determined by management. Normal office opening times are 0830 to 1700 Monday to Friday.

Many of the Council’s employees do already benefit from this scheme however unfortunately a small number of staff will be excluded from the scheme due to the nature of their duties and the Council's requirements.

**Benefits to employee**

- Increased scope to manage work and personal commitments.
- Credit hours may be turned into full days off work (subject to the rules of the scheme).
- Travel to and from work may be easier and cheaper outside peak hours.
- Some people are naturally early or late risers and their working day can be fitted around these natural rhythms.
- Tasks requiring concentration can be undertaken during the quiet extended parts of the working day.

**Benefits to employer**

- Flexitime can act as a recruitment and retention aid.
- Staff cover can be extended beyond the normal hours of work.
- Individual control over the start and end of the working day can be particularly helpful for those with caring responsibilities, the majority of whom are women - such a scheme can therefore assist in the promotion of equal opportunities.

**Points to watch**

- Depending on business requirements, it may be necessary to stipulate that adequate cover is provided during the flexi period.
- Working long hours can cause fatigue and affect performance.
Use of the scheme needs to be managed effectively to ensure that additional burdens are not placed on some team members or that customer service does not suffer at particular times.

6.6 Term time working

This is a system whereby the employee works under a permanent contract, but can take unpaid leave of absence during the school holidays.

Salary is usually paid in 12 equal monthly instalments.

Benefits to employee

- The problem of finding childcare during school holidays is removed, and the employee can spend more time with his/her children during this time.
- Offers regular salary level throughout the year.

Benefits to employer

- The recruitment and retention of individuals whose childcare responsibilities might otherwise keep them out of the employment market. This is particularly valuable in areas where recruitment is hard, and as a means of attracting women back to work.

Points to watch

- Other employees may be put under pressure not to take their annual holiday during the school holidays.
- The reduction in pay could act as a disincentive.
- Averaged pay will affect the calculation of maternity and other benefits.
- Where a long break from employment would be disruptive to the job or service provided, or where the employee has unique knowledge or skills that are needed on a consistent basis throughout the year, this system may be unsuitable.
- Where a managerial role is being considered for term-time working, account must be taken of whether the team involved can work extended periods without direct supervision.

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 certain period of time, with a return to full-time hours at the end of this period.

Salary, pension, holiday and other benefits are pro rated during this time.

Benefits to employee

- A temporary reduction in hours allows an employee to accommodate a specific event in his/her life, eg a course of study or a relative's illness, but to return to the security of a full-time position.
Benefits to employer

- The employee’s skills are retained on a reduced basis at a point when they might otherwise have been lost completely, and regained on a full-time basis when the agreed period comes to an end.

- The system could also act as a means of permitting an employee recovering from an illness or adjusting to an impairment to return to work on a phased basis.

6.8 Working from home (see Homworking policy for details)

This is a system whereby the employee carries out all or a proportion of his/her duties from home rather than on the employer's premises.

It may consist of the occasional day at home to coincide with a domestic requirement, or a regular arrangement of several days a week.

Benefits to employee

- Travel time and costs are reduced, often resulting in a reduction in stress.

- The system may permit more flexible hours, eg the employee may be able to start work earlier as a result of no longer having to commute to work.

- The employee may be able to move away from his/her place of work to take advantage of cheaper house prices or a different lifestyle. Commuting a long distance may not be feasible on a daily basis, but could be if the commute is required only once or twice a week and for the remainder of the time the employee works at home.

Benefits to employer

- A wider catchment area for recruitment is created.

- Employees who move out of the immediate vicinity of the workplace may be retained.

- Productivity can be increased by reducing working time lost to traffic jams and train and bus delays.

- Employees who do not have to commute to work may start their working day more mentally alert.

- Desk and equipment sharing can save on costs.

- The system may make work more feasible for an individual with a disability affecting mobility.

- Reduction in car journeys and resulting reduction in fuel use and carbon emissions in line with current regional and national policies on climate control.

Points to watch

- A higher degree of trust may need to be placed in the employee as direct supervision of his/her activities will no longer be possible.
• Unless it is clear at which times the employee can be contacted at home regarding work, work time may overspill into the employee's leisure time.

• Employee motivation may be an issue.

• The employee may begin to feel isolated and out of touch with the workplace and the rest of the team.

• Communication may deteriorate, particularly if the individual rarely visits the employer's premises.

• Risk assessment of the employee's work station will need to be carried out to ensure that he/she is working safely.

• Mortgage or rental agreements may prohibit working from home, so these should be checked.

• Where it is necessary for the employee to take confidential material home, thought should be given to provision for its storage. Safeguards to ensure that other people cannot access computer systems may also need to be considered.

• For the initial period of their employment, new employees will probably have to spend the majority of their time on the employer's premises to familiarise themselves with the role and procedures.

• Care must be taken that employees working from home are not overlooked for training or promotion.

• A trial basis may be helpful.

• A change in the employee's personal circumstances, eg if he/she becomes a parent or moves to a smaller house, may make home working more difficult, so the suitability of the arrangement may need to be reviewed on a regular basis.

• The impact of the employee's absence from the workplace on other employees in the team must be considered carefully.

6.9 Career breaks (See Extended Authorised Absence Policy for details)

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

Benefits to employee

• The employee has an extended period of time away from the workplace to study, spend time with dependants, carry out voluntary work or perhaps travel abroad.

• A career break can be used as an opportunity for personal development.

Benefits to employer

• The employee's skills are retained in the long term.

• New ideas and extra skills, motivation and enthusiasm may result from the employee's period of time away from the workplace.
While the possibility of a career break to look after young children may be particularly attractive to female employees, career breaks can also be used to attract, motivate and retain other sectors of the workforce, for example those who missed out on a ‘gap year’ of travel between school and Council.

**Points to watch**

- Lack of pay over the career break period is likely to limit the number of employees for whom this will be an option.
- A replacement will have to be found for the employee in his/her absence, or the workload divided between the remaining members of the workforce.
- The individual's status during the career break, and the impact of the break on his/her continuity of service, pension and other conditions of service must be made clear.
- Thought needs to be given to how any business reorganisation or restructuring might impact on the employee's right to return.
- Time away from the workplace can lead to a loss of skills or confidence.

7. **Special Leave**

7.1 The Council recognises that 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 **Parental Leave**

Employees who are parents of children under the age of five (18 if the child is adopted or disabled) and have a minimum of one year’s continuous service are able to request time off work to look after a child or make arrangements for their child’s welfare.

Parental leave is available to employees who have, or expect to have, parental responsibility for a child and may enable parents to spend more time with their children and achieve a better balance between their work and family commitments.

From 8 March 2013 each parent can take 18 weeks’ parental leave in total for each child. This means that both mothers and fathers, if they have twins or adopt more than one child at a time, can take 18 weeks’ leave for each child.

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.

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.
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.

Time off for Parental Leave is unpaid.

7.3 **Time Off for Dependents and Emergencies**

All employees will be allowed reasonable time off to provide care and attention to dependants or to deal with an unexpected event involving a dependant.

This may include:

- caring for ill dependants or accompanying them during an appointment/stay at hospital;
- making longer term care arrangements for the ill or injured;
- breakdown or unexpected disruption in care arrangements;
- incidents at school.

Reasonable time off will be granted for the employee to deal with the situation and put necessary longer term arrangements in place. For example, if the employee’s child falls ill time can be taken to deal with their initial needs, such as taking them to the doctor and arranging for their care.

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.

Although it is understood that situations may arise where it is not possible for employees to provide notice of time off it is important that contact is made with their line manager as soon as possible on the first day of absence of the reason(s) for the absence and how long they may expect to be absent from work.

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 **Unpaid Leave**

Additional annual leave may be taken in the form of unpaid leave up to a maximum of 5 days per annum.
Application for unpaid leave should be made to the Head of Service using the “Request for Unpaid Leave Form” (see Appendix 1). Requests made will be considered according to the needs of the service and any unpaid leave taken under other sections within this policy e.g. for public duties and volunteering activities.

In exceptional circumstances additional unpaid leave may be approved at the discretion of your Head of Service.

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 Payroll & Pensions Officer 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.

Line managers have the discretion to grant up to 6 days paid compassionate leave (pro-rata for part time staff) to employees following the bereavement of a dependant, partner or family member.

Individual circumstances, the nature of relationships and the required observances of different religions may vary. Therefore, rather than being prescriptive on the number of days applicable, each case should be assessed individually by the manager who will normally take the following into consideration:

- the relationship between the individual and the employee;
- whether the employee is involved in making funeral arrangements;
- whether there may be a requirement to travel or attend a funeral.

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.

7.6 All employees will be allowed reasonable 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:

- Justices of the Peace;
- 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;
in England and Wales, prison independent monitoring boards, and in Scotland, prison visiting committees; members of Scottish Water or a Water Customer Consultation Panel.

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.

Employees will be allowed reasonable time off on a case-by-case basis. The following points should be taken into consideration when considering a request for time off:

- how much time off is required overall to perform the duties and how much time off is required to perform the particular duty in question;
- how much time off the employee has already been granted for this purpose;
- the impact of the employee’s absence upon the Council.

The Council will normally grant paid leave to employees taking reasonable time off for public duties. However, where ‘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.

7.7 Court Attendance

The Council will grant paid leave for employees who are called to attend Court for either Jury Service or as a witness during a trial. The employee should claim loss of earnings from the Court and their salary will be adjusted accordingly.

Any employee who is called for Jury Service should forward their written notification (Jury Service Summons) to Human Resources as soon as it is received.

An employee should receive an expenses claim form from the Court where they can normally claim loss of earnings, subsistence allowance and travelling expenses.

Details of the amount the employee claims for loss of earnings must be forwarded to Human Resources to enable the appropriate adjustments to be made to the employees’ salary.

7.8 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.

7.9 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.

7.10 **Election Duty**

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

7.11 **Training Leave**

Employees with a minimum of 26 weeks continuous service have the 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.

Requests can be made either in relation to an accredited programme leading to the award of a recognised qualification, or in relation to unaccredited training that will help the employee to develop specific skills relevant to his/her job. The proposed training can be conducted in any location and at any time, and can be supervised or unsupervised. However, it must be relevant to the employee’s employment within the Company.

The Council is not obliged by law to pay an employee for any time off granted for study or training under the right to make a request in relation to study or training.

However, the Council 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.

The Council will also consider, in appropriate cases, whether or not it is willing to pay for any training requested by the employee.

The Council will endeavour, wherever possible, to accommodate an employee’s request in relation to study or training, provided that the needs of the business are not likely to be adversely affected if the request is granted.

Each request will be dealt with individually, taking into account the nature of the employee’s request and any likely effects of granting it, eg any effects on the employee’s work or on the employee’s colleagues. Agreeing to one employee’s request will not set a precedent or create a right for other employees to have their requests in relation to study or training granted.

7.12 **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.

Approval for time off will need to be sought using the ‘Special Leave’ Form available from Human Resources or on the intranet and employees should provide evidence of the voluntary activity if required.

8. **Equality Impact Assessment and Monitoring**

8.1 The operation of this policy will be monitored for its impact on different equality groups, and particularly in relation to race (in line with the Race Relations (Amendment) Act 2000), gender, age and disability. This annual review will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

9. **Data Protection Act 1998**

9.1 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 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: ................................................................................................................
Appendix 3

Safeguarding Children Policy

Important!
If you’re worried about a child please use the flowchart on the back page to decide the correct course of action

Reviewed March 2013
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1. Our Commitment to Safeguarding

1.1 Wyre Council delivers a range of services and activities that impact on the lives of children both directly and indirectly. Safeguarding children and young people, ensuring their welfare, safety and health is of paramount importance. We are committed to providing safe and supportive services that will give children the opportunities to achieve their full potential. This includes:

- Having commitment from senior managers and councillors to safeguarding
- Having a safe recruitment and selection process
- Ensuring that all relevant staff are DBS\(^1\) checked at the appropriate level
- Providing training at the appropriate levels for staff, volunteers and councillors
- Having Designated Safeguarding Officers to provide guidance and advice to staff
- Having information about our safeguarding processes easily accessible on our web-site for children, young people and their families
- Having all the relevant information for staff available on our intranet and from their line manager
- Having an easily understandable reporting and monitoring system
- Working co-operatively with partner organisations/services, including using the Common Assessment Framework (CAF)

1.2 We want to make sure that all children and young people have a safe, healthy and happy life and get encouragement for them to do their best.

1.3 This policy and guidance will provide all staff, volunteers and councillors with a clear understanding of the issues around safeguarding including their responsibilities, the council's processes and procedures, and what to do in an emergency. It should be considered in conjunction with the council’s Safeguarding Adults Policy.

2. What Safeguarding means at Wyre Council

2.1 All children and young people (defined as people under the age of 18) have the right to be safe from harm and to be able to live and grow with confidence in their communities.

2.2 As a district council we have a duty and responsibility to ensure the safeguarding and promote the welfare of children and young people (as per the Children Act 2004, Section 11). This has been further defined by statutory guidance (“Working Together to Safeguard Children” - 2010) to mean:

- Protecting children from maltreatment
- Preventing impairment of their health and development
- Ensuring they are growing up in circumstances consistent with the provision of safe and effective care, and undertaking that role, so as to enable those children to have optimum life chances and to enter adulthood successfully

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\(^1\) The Disclosure Barring Service (DBS) replaced the Criminal Records Bureau (CRB) in December 2012
There are certain council services that will regularly deal directly with children, families and vulnerable people – for example, Housing Options, Leisure Services and Community Safety. Some of the work they do will be classed as ‘regulated activity’ by the government, such as unsupervised coaching of young people. These staff and services must operate in a manner that ensures the safety of all service users, and staff must receive training as appropriate, especially if they undertake regulated activity.

Other services will have little or no direct contact with children or vulnerable people. However, safeguarding is everybody’s business and everyone has a duty to ensure children are safe and that abuse and neglect is reported. All staff at the authority must receive awareness raising or guidance on safeguarding to ensure they know what is meant by abuse and neglect and what to do if they see it.

This includes knowing what to do outside of work as responsible citizens if they are concerned about the welfare of a child or young person.

As a council we have appointed a Lead Designated Safeguarding Officer, who takes a strategic and operational lead on matters related to safeguarding children and young people within the authority. Responsibilities include:

- To act as first point of contact for the Council on issues of Child Protection both internally and externally
- Liaise with Lancashire Safeguarding Children Board as appropriate
- Promote child protection throughout the Council in conjunction with the Management Team
- Ensure the Safeguarding Children Policy is communicated and updated as necessary
- Represent Wyre Borough Council on relevant local groups
- Keep an up to date knowledge and understanding of the area of Child Protection this will include attending relevant training
- Ensure all relevant information is communicated to the Designated Officers
- Ensure safe storage of all reports and records of incidents, disclosures and allegations.
- Provide a point of contact with the Children’s Social Care Duty Officer and hold an up-to-date list of contacts for statutory child protection agencies
- Oversee/carry out all responsibilities of Designated Child Protection Officers

In addition there are two Designated Safeguarding Officers who are responsible for the following:

- Provide a point of contact for staff who want to test concerns about child protection issues and act appropriately – seeking advice from or making referral to statutory agencies
- Receive reports or incidents of suspected or actual abuse in liaison with the Lead Designated Child Protection Officer
- Report incidents seek advice from relevant agencies
- Pass on records to the Lead Designated Child Protection Officer for safe storage
- Act in support of the Lead Designated Child Protection Officer as appropriate, undertaking any necessary actions in their absence.
Safeguarding Contacts have also been appointed and although have not had the level of training of the Designated Safeguarding Officers are able to offer initial support and advice to staff before handing over to a Designated Officer.

Contact details for these officers can be found on Page 12.

2.6 As a council we also need to ensure that robust safeguarding procedures are applied when entering into contracts and service-level agreements. It is the responsibility of the officer managing the agreement to make sure that the organisation concerned has appropriate policies and procedures relating to safeguarding, and that their staff have relevant training and are DBS checked where necessary.

3. Understanding Abuse

3.1 The council has a duty to ensure children and young people are protected from abuse whilst in our care, and staff members are also required to report abuse should they suspect it is occurring outside of the council's area of responsibility. There are four types of child abuse that we wish to safeguard against. They are defined in the UK Government guidance *Working Together to Safeguard Children 2010* (1.33 – 1.36) as follows:

1. **Physical abuse:** may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

2. **Emotional abuse:** Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or ‘making fun’ of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child’s developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

3. **Sexual abuse:** Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
4. **Neglect**: Neglect is the persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance abuse.

Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers); or
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs.

4. **How to protect children and young people**

4.1 **What to do if you’re worried about a child**

Staff members should follow the procedure on the back of this document, dependent on the situation.

- **In an emergency, where there is a serious or immediate threat to a child**: call 999
- **Not an emergency, in work hours**: contact your line manager. If they aren’t available contact one of the council’s Designated Safeguarding Officers or Safeguarding Contacts (see page 12 for contact details)
- **Not an emergency, outside work hours**: contact the local Lancashire County Council Social Services
  - 8am – 8pm Monday to Friday: 08450 530009 (local number 01772 221 609)
  - 8pm – 8am Monday to Friday and anytime weekends and bank holidays: 0845 602 1043
- **You wish to remain anonymous**: anyone can contact the NSPCC helpline, 24 hours a day, on 0808 800 5000.

4.2 **What to do if a child or young person discloses abuse**

Children and young people often don’t disclose abuse, and when they do it’s rarely directly to professionals. Partly this is due to lack of awareness of services, and partly to do with trust and a fear of losing control of a situation. It’s therefore very important that if a child or young person discloses abuse to a staff member they should:

- Listen carefully
- Respond sensitively and take the matter seriously
- Make the child fully aware that the staff member cannot ‘keep a secret’ and must disclose any evidence of abuse to the appropriate agency
- Make a note of everything that was discussed as soon as possible after the disclosure (see ‘how to record your concerns’ below).

Confidential support is available from the NSPCC and council employees should be aware of their Helpline Number – 0808 800 5000.
4.3 **How to record your concerns**

If you are made aware of any instance of abuse, or have any concerns about it, it is important to note down the details in writing as soon as possible. As well as aiding you in taking the appropriate action as described above, it will also enable you to complete a safeguarding referral form, which is available on the intranet or from your line manager. This ensures the council can maintain a full corporate record of all safeguarding issues encountered by staff, which allows us to take action to reduce them in future. A copy of the referral form must be sent to the Lead Designated Safeguarding Officer.

5. **Communications and Media**

5.1 **Photography and Video Footage**

In order to protect children and young people consent may be required from a parent or guardian before photographs or video can be taken by council staff or on council property.

5.2 **e-Safeguarding**

e-Safeguarding refers to all safeguarding issues which relate to the use of Information and Communications Technology (ICT). There are two main elements to these issues:

- **e-Security:** Procedures to protect the physical network infrastructure to ensure all confidential information and electronic data that the council holds relating to children and young people is securely maintained. These procedures form part of our overall approach to electronic data sharing, which restricts the use of removable media (such as USB drives) and also governs secure external data transfer by SFTP (secure file transfer protocol) and secure GCSX (Government Connect Secure Extranet) e-mails.

- **e-Safety:** Procedures to ensure that any child or young person accessing the internet whilst being employed by or under the care of council staff, whether on council premises or not, know their access rights and responsibilities and are kept safe. Every new employee with PC access is required to sign an ‘IT Computer Use Policy’ that governs their use of the network, e-mail, software, the web, etc. The council also operates ‘iCritical’ software that filters any inappropriate content.

6. **Recruitment and Selection**

6.1 We must ensure that the people who work with children, whether they are paid employees or volunteers, are safe to do so. As a council we need to make sure that our practices and standards are consistent across all services in recruitment and selection of staff/volunteers that will be working with/having access to children.

6.2 The following points express the actions we will take during the recruitment and selection process to ensure this. They take into account the latest (September 2012) changes to the national vetting and barring scheme as per the 2012 Protection of Freedoms Act.

- All posts will be assessed by the HR team and the line manager to identify which posts
will undertake regulated activity.

- All advertising of regulated posts will be explicit in the need for DBS clearance
- Successful candidates will produce confirmation of identity by producing two from the following – passport, birth certificate, driving licence (photographic identity, confirming date of birth, proving current address)
- Two written references will be taken up. Where possible at least one should be associated with former work with children/young people.
- Induction will include explanation of the council's Safeguarding Policy and relevant service-specific procedures.
- The new employee/volunteer will sign that they understand and will comply with the policy
- Training needs will be identified and places booked on the appropriate level of child protection, Common Assessment Framework (CAF) and other training sessions as relevant
- DBS Checks will be refreshed at a minimum of 3 yearly intervals

6.3 **Supervision**

Regular supervision and management of staff is carried out as part of the ongoing process for all staff, including a 6–monthly review of performance and welfare.

6.4 **Work Experience for Young People**

Individual services may offer work experience positions to young people as part of their ongoing education. The work protocol and recruitment and selection procedures outlined within this policy will apply. The Human Resources department are available to offer tailored advice, including advising whether any member of staff supervising young people needs to undertake a DBS check.

7. **Training**

7.1 It is the responsibility of each service, in liaison with Human Resources, to make sure that all staff have received the appropriate level of training for them to be confident and competent when working with children and are able to recognise and respond to safeguarding concerns. Training has to be up-dated regularly, to keep up with new developments and initiatives.

7.2 **New Starters**

All new starters will have an introduction to the safeguarding policy and procedures through their induction process.

New starters who have had child protection/safeguarding training through a previous employer will still have to do the council’s training – this training includes how to work within the council’s safeguarding policy and procedures. In this way we make sure that staff that have contact with children have a workable understanding of council policy and have the knowledge and skill to make sure that children are safe.
Should a specific job role require a higher level of training, the recruiting manager in liaison with Human Resources will ensure that the appropriate training, whether internal or external, is undertaken as soon as possible after the new employee starts.

7.3 All staff

Any training needs relating to safeguarding issues will be identified through an employee’s annual appraisal process. Staff with regular contact with children will update their training every 3 years (as a minimum) and it is the responsibility of the line manager in liaison with Human Resources to arrange for this training to take place.

7.4 Members

Basic Safeguarding training will be offered to all members via the ‘Member Training Programme’.

7.5 Specialist Training

The Designated Safeguarding Officers will inform responsible officers such as the Safeguarding Contacts and other relevant officers about any relevant interagency and professional training opportunities to ensure they are able to deal effectively with a wide range of queries and situations.

8. Working Protocol for staff, volunteers and councillors

8.1 It is important for all staff, paid or unpaid, and councillors to behave correctly and to be positive role models for the children who they come into contact with. In particular, any staff in regular, unsupervised contact with children and young people, or any other ‘regulated activity’ (as defined by the Protection of Freedoms Act 2012) must adhere to appropriate guidelines.

8.2 As set out in section 7 above, full training will be provided to any staff member having regular contact with children and young people. Managers must also develop local policies and systems to maximise staff safety including the need to carry out risk assessments as appropriate – if staff feel that they have a training need or want to know more they should speak to their line manager.

8.3 The following are common sense points for anyone to take into account which will help to create a positive culture and also safeguard staff against false allegations:

- Treat all children and young people fairly and with respect. Maintain professional boundaries and don’t have favourites.
- Respect a child/young person’s right to privacy.
- Always work in an open environment, avoiding private or unobserved situations, where appropriate encourage the young person to bring in a friend, leave a door open.
- Inform colleagues if there is need for a confidential chat with a young person, let them know where you are and how long you’ll be.
- Don’t give lifts to young people unless parents have been notified. Where circumstances require the transportation of children, another Council representative must be present, ensure your manager is aware of this and how long you will be. Take
a mobile phone to communicate reasons for any delays.

- Don’t take young people to your home.
- If you have to visit a young person in their home always make sure that your manager is aware of this and you record the home visit.
- Don’t develop social relationships with young people who are service users (including via social media).
- Don’t accept money or gifts from service users – don’t give money or gifts to service users.
- Be aware of physical contact with a young person – any support or assistance should be provided openly and appropriately – see the guidelines of appropriate sports/activities National Governing Body.
- If working with mixed gender groups of young people off site (on trips, at different venues) ensure there are always male and female staff with them unless previously agreed with the Designated Safeguarding Officer.
- Don’t smoke or drink alcohol in the presence of young people in any work related environment.

9. Allegations against Staff, Volunteers or Councillors

9.1 Staff who work with children can be vulnerable to malicious or misplaced allegations against them. Unfortunately there are also occasions where some adults/professionals have been found to be perpetrators of child abuse or displaying unsuitable behaviours which would harm the children they work with.

9.2 Allegations of harm or inappropriate behaviour made against staff, either paid or unpaid, are serious and must be dealt with by the Local Authority Designated Officer (LADO), a professional who is employed by Lancashire County Council and is independent of Wyre Council who has been appointed by the Lancashire Safeguarding Children Board.

The LADO’s role includes:

- The management and oversight of individual cases
- Providing advice and guidance to employers and voluntary organisations
- Liaising with the police and other agencies
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process

For contact details see page 12.

9.3 Guidance for staff on dealing with allegations of harm or inappropriate behaviour

If someone (a child, parent, service user, fellow colleague, etc) makes an allegation to you or a member of staff:

- Do NOT investigate yourself but speak to your line manager
- Your line manager will contact the Lead Designated Safeguarding Officer and Human Resources
• The Lead Designated Safeguarding Officer will contact the LADO directly at the earliest available opportunity

If you have concerns about your line manager, the DSCO, or anyone else that may make the above process inappropriate, please refer to the council’s Whistleblowing policy.

9.4 The Welfare of Staff

Wyre Council is committed to following the correct process for dealing with any allegation against a member of staff, but it is also mindful of the welfare of that staff member and will provide appropriate help and support to them.

10. Working with Partners

10.1 There is a need for organisations to work together when it comes to safeguarding. Joined up services, common processes and procedures reduce the risk of vulnerable children ‘falling through the net’.

The following are key elements of partnership working around safeguarding:

10.2 **The Lancashire Safeguarding Children Board** (LSCB) ensures countywide priorities are achieved whilst at the same time taking account of local issues and priorities. The Children Act 2004 puts this Board on a statutory footing, giving it legal responsibilities. It must ensure that all statutory agencies are working together to effectively safeguard children, providing procedures, guidance and advice and holding agencies to account if they are not meeting their safeguarding responsibilities effectively.

10.3 A range of themed sub-groups and Local Safeguarding Groups assist the LSCB in carrying out its work programme and scrutinizing the work of agencies across Lancashire. Local Safeguarding Groups also identify any local issues and develop their own work plans to ensure local differences are addressed alongside countywide priorities.


http://www.lancashire.gov.uk/education/safe_child_board/

https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00305-2010

10.4 **The Lancashire Safeguarding Children Procedures** provide multi-agency guidance for all organisations. This policy has been aligned with the key requirements of these procedures which are an excellent source of additional information, and should be accessed at the link below for further guidance about any safeguarding issue.


10.5 **Children and Young People’s Trusts** in Lancashire, at both district and county level, formalise the need for organisations to work together. Joined up services, common processes and procedures should reduce the risk of vulnerable children ‘falling through the net’.

http://www.lancashirechildrenstrust.org.uk/district/
10.6 **The Common Assessment Framework.** We have signed the ‘declaration of acceptance’ agreement to use the Common Assessment Framework (CAF). This is a process of evaluation to identify and record the needs of vulnerable children and young people, and as a result to work alongside families and other professionals to meet those needs before things reach crisis situation. Staff from any organisation in Lancashire can use the CAF process to decide whether action needs to be taken to support a child. Contact the CAF Support Officer for further information at caf@lancashire.gov.uk or 07837 066 914.

11. **Contacts and Communications**

**Internal – Designated Safeguarding Officer and Contacts**

**Lead Designated Officer**  
Michael Ryan, Director of People and Places  
Tel: 01253 887605 Email: michael.ryan@wyre.gov.uk

**Designated Officers**  
Ian Munro, Head of Culture, Leisure and Tourism  
Tel: 01253 887208 Email: ian.munro@wyre.gov.uk

Jane Collier, Human Resources Advisor  
Tel: 01253 887506 Email: jane.collier@wyre.gov.uk

**Human Resources and Staff Issues**  
Liesl Hadgraft, Head of Business Support  
Tel: 01253 887316 Email: liesl.hadgraft@wyre.gov.uk

**Safeguarding Contacts**

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Outside of office working hours 5pm – 8.30am Monday to Friday and anytime weekends and bank holidays contact the Council Duty Officer  
Tel: 01253 891000

**External**

**Lancashire County Council Social Care Services**  
For any child protection queries, the appropriate team can be accessed via the Lancashire Hub
  - 8am – 8pm Monday to Friday: 08450 530009 (local number 01772 221 609)
  - 8pm – 8am Monday to Friday and anytime weekends and bank holidays: 0845 602 1043

**Local Authority Designated Officer (LADO):** for allegations against adults working with children
  - Tim Booth (tim.booth@lancashire.gov.uk, 01772 536694)
Lancashire Safeguarding Children Board: for info on the countywide approach & resources available
  • Richard Matthews (richard.matthews@lancashire.gov.uk, 01772 530 283/01772 530 329)

NSPCC: For anonymous nationwide advice and support, 24 hours a day
  • Helpline: (help@nspcc.org.uk, 0808 800 5000)

12. **Equality Impact Assessment and Monitoring**

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

13. **Data Protection Act 1998**

13.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.
If an incident occurs or you have concerns please follow the flowchart below to understand what to do:

Start Here

Is there is a serious and immediate threat to a child?

Yes → Call 999

No → Is it during normal working hours?

Yes → Contact a Designated Safeguarding Officer or Safeguarding Contact (see page 12 for contact details)

No → Are you acting on council business, or does it involve a council property or service?

Yes → Contact the council’s Duty Officer Team on 01253 891000 where you will be re-directed to the Officer on duty

No → Do you want to remain anonymous?

Yes → Contact Lancashire County Council Social Care Services directly (see page 12 for contact details)

No → Anyone can anonymously contact the NSPCC helpline, 24 hours a day, on 0808 800 5000

Contact Lancashire County Council Social Care Services directly (see page 12 for contact details)

com/empap/cr/13/1103 – Appendix 3
### Safeguarding Children Incident Reporting Form

Please give as much information as possible, using extra sheets if necessary. All information will be treated in strict confidence.

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<th>Name of Child:</th>
<th>D/o/B:</th>
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<th>Parent/Guardian:</th>
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Are you reporting your own concerns or passing on those of someone else? Own/Other*

Give details:

Brief description of what has promoted the concerns: include dates, times, locations etc. of any specific incidents. Please write only facts and avoid interpretation.

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<th>Any physical signs?</th>
<th>Behavioural signs?</th>
<th>Indirect signs?</th>
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Have you spoken to the child? Yes/No* If so, what was said?

Has anybody been alleged to be the abuser? Yes/No* If so, give details?

Have you consulted anybody? Yes/No* If so, give details of Police or Children Social Care Services contact re:- Police Officer Name Badge No. Social Worker details, give dates.

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<th>Does the Child have a disability?</th>
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<th>Position:</th>
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<th>To whom reported:</th>
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This form **must** now be given to a Designated Officer or Lead Designated Officer by hand in a sealed envelope marked ‘Confidential’.

**REMEMBER TO MAINTAIN CONFIDENTIALITY, DO NOT DISCUSS THE MATTER WITH ANYONE OTHER THAN THOSE THAT NEED TO KNOW.**
Preventing Illegal Working Policy and Procedure
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1. Introduction

1.1 The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 (known as the 2006 Act). These rules came into force on 29 February 2008.

1.2 Our duty under the 2006 Act

The Council is required to make document checks on all potential and current employees in order to confirm that they have the right to work in the UK. If it is found that an employee has a time limit on their stay then we should carry out repeat checks at least once every 12 months. Additionally if there’s a restriction on the type of work they can do and, or, the amount of hours they can work, then we must not employ them in breach of these restrictions.

The penalty for not carrying out the required checks could be a fine of up to £10,000 for each employee found to be working illegally or a maximum 2 year prison sentence and / or an unlimited fine.

1.3 Statutory excuse against payment of a civil penalty

Provided that the Council follows the guidance of the UK Border Agency, adopts this policy and procedure and ensures that it carries out the required document checks then it will have a legal excuse (known as a statutory excuse) against payment of a civil penalty if it was found to be employing an illegal worker.

2. Who is entitled to work in the UK

Whether a person is allowed to work in the UK, the type of work they are able to do and for how long will depend on their immigration status. There are work restrictions on nationals from certain countries, these could be a restriction on the type of work they can do and, or the amount of hours they can work.

2.1 The Council can employ the following people without restriction:

- British citizens;
- Commonwealth citizens with the right of abode;
- Nationals from the Common Travel Area
- Nationals from European Economic Area (EEA) countries and Switzerland (except for Romanian and Bulgarian nationals who have restrictions placed on them)
- Family members of adult nationals from EEA countries and Switzerland, providing the EEA/Swiss national is lawfully residing in the UK.

The Council will always ask for, check and take copies of acceptable documents to confirm immigration status of all prospective employees.
3. Employing Nationals from the European Economic Area

3.1 Swiss Nationals and nationals from the following European Economic Area (EEA) can work in the UK without restriction:

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<th>Austria</th>
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<td>Netherlands</td>
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<td>Germany</td>
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3.2 Their immediate family members are also able to work freely in the UK while their adult EEA family members are legally residing and working here.

However all job applicants are required to produce an official document showing their nationality, this will usually be either a national passport or national identity card.

3.3 Bulgarian and Romanian nationals (known as EU2 workers) are free to come to the UK but unless exempt, they will be subject to worker authorisation. This means that they are only able to work in the UK if they hold a valid accession worker authorisation document or if they are exempt from authorisation.

This authorisation will normally take the form of an Accession Worker Card. An Accession Worker Card will specify the employer and the occupation or category of employment for which it is issued. The card will not be issued for a specified period of time but will no longer be valid if the employment for which it has been issued ends. EU2 workers therefore need to apply for a new Accession Worker Card if they change employment.

4. Asylum Seekers

4.1 Asylum seekers are those who have made an application to be recognised as a refugee under the Geneva Convention or otherwise make an application for international protection.

Asylum seekers do not normally have the right to work here and may only be lawfully employed if the UK Border Agency lift restrictions on them taking employment.

If an asylum seeker is allowed to work they will hold a Home Office issued Application Registration Card (which we call an ARC) stating one of the following:

- Allowed to Work
- Employment Permitted
- Work Restricted – SOL (which stands for Shortage Occupation List)
- Work Restricted – Student
• Work Restricted – Other
Or Biometric Residence Permit

5. Employing Students

5.1 Students from outside the European Economic Area (EEA) are permitted to take limited employment in the UK, providing their conditions of entry to the UK allow this. There are strict conditions on the type of work students can carry out and the hours they can work while they are studying in the UK.

The limits on a student’s working hours depend on when they applied for permission to come to, or stay in the UK, the type of course they study and the type of educational provider they are studying with. Those studying here who have entered the UK as ‘student visitors’ are not allowed to work.

Applications for employment from persons other than those allowed to work in the UK without restrictions (see paragraph 3.1) will only be considered following consultation with the UK Border Agency.

6. Checking that a person is entitled to work in the UK

6.1 What documents are acceptable?

The documents that are acceptable for proving someone has the right to work in the UK are split into two lists. These lists are called List A and List B. (See Appendix 1)

Any of the documents, or specified combinations of documents, described in List A show that the holder has an on-going right to work in the UK.

Any of the documents, or specified combinations of documents, described in List B show that the holder has a right to work in the UK for a limited period of time. If the checks are made correctly, these checks must be checked at least every 12 months if the Council is to be protected from prosecution and penalties.

6.2 How to carry out the checks

Action should be taken complying with steps 1-3 prior to the employee starting work with the Council so as to ensure that we only employ those who are eligible to work in the UK.

6.3 Step 1 – Documents to be produced

All prospective employees (or existing employees, if you are carrying out repeat checks) must be asked to provide one of the single documents, or specified combinations of documents from List A or List B (see Appendix 1).

Only original documents are to be accepted.

If a new or existing employee is only able to provide documents from List B, these documents must be checked again at least once every twelve months.
6.4 Step 2 – Examination of documents

The Council is required to take all reasonable steps to ensure the validity of the documents produced and that they correspond in every way to the person to be employed.

You should do this by:

- checking any photographs are consistent with the appearance of the person; and
- checking any dates of birth listed are consistent across documents and that you are satisfied that these match up with the appearance of the person; and
- checking that the expiry dates of any limited leave to enter or remain in the UK have not passed; and
- checking any UK government endorsements (Biometric Residence Permits, stamps, stickers, visas) to see if the person is able to do, or can continue to do, the type of work you are offering; and
- satisfying yourself that the documents are genuine, have not been tampered with and belong to the holder; and
- asking for a further document in explanation if you are given two documents which have different names. The further document could, for example, be a marriage certificate or a divorce decree absolute, a deed poll or statutory declaration.

These documents should also specify that the prospective employee (or an existing employee undertaking a re-check) is allowed to undertake the post.

6.5 Step 3 – Record of documents

You must take a copy of the relevant pages of the document in a format which cannot later be altered, for example a photocopy or scan. In the case of a passport or other travel document, the following parts must be copied:

- the document’s front cover and any page containing the holder’s personal details particularly those providing details of nationality, his or her photograph, date of birth, signature, date of expiry or biometric details; and
- any page containing UK Government endorsements indicating that the holder has an entitlement to be in the UK and is entitled to undertake the work in question.

Other documents should be copied in their entirety.

6.6 A record should then be kept of every document that has been copied. The officer who has checked and copied the document should sign and date the copy to confirm that they have checked the original document.

These copies of the documents should be kept securely in the employee’s HR file for the duration of the employment and for a further two years after the employment has ceased. This will enable the Border and Immigration Agency to determine the Council’s liability if they detect anyone who is employed illegally.
6.7 **Required documentation not produced prior to recruitment**

The Council will refuse to employ any person who fails to produce evidence of their entitlement to work in the UK.

7. **Carrying out repeat checks**

7.1 If the potential employee provides a document or documents, from List A, this will establish an "excuse" for the duration of their employment.

If the employee presents a document from List B, this is likely to indicate that they only have limited leave to be in the UK. To comply with the regulations and avoid penalty, follow-up checks must be made by repeating steps 1 to 3 **at least once every 12 months** until the individual provides documents indicating that they can remain permanently in the UK.

7.2 If the required documentation is not produced, or it is found that the employee is no longer allowed to work or carry out the work in question in the UK then the Council must terminate the contract of employment on expiry of the document confirming the right to work.

This action will only be taken in consultation with Human Resources.

8. **Transfer of Undertakings (Protection of Employment)**

8.1 Employees who are acquired as a result of a Transfer of Undertakings (Protection of Employment) transfer will be required to provide the documents as outlined above. The Council will have 28 days from the date of transfer to check and copy the relevant documentation.

9. **Avoiding Discrimination**

9.1 It is important that we adopt procedures which protect us from prosecution, but equally important to ensure that these procedures do not fall foul of the Race Discrimination Laws. The Human Resource Team will ensure that there are no discriminatory practices and all potential employees will be treated in the same way and be required to provide documentation as outlined in this procedure before they start work.

This will ensure that we have complied with the changes and have a valid defence against payment of a civil penalty if it is found that an employee is not legally allowed to work in the UK.

10. **Equality Impact Assessment and Monitoring**

10.1 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.
11. **Data Protection Act 1998**

11.1 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**

**Documents that show an ongoing right to work**

All prospective employees (or existing employees, if you are carrying out repeat checks) must be asked to provide one of the single documents, or specified combinations of documents from **List A** or **List B**

However documents included on list B show a right to work for up to 12 months only. Follow up checks will therefore be required at least once every 12 months to ensure legal employment.

**List A**

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.

2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.

3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, Border and Immigration Agency or UK Border Agency to a national of a European Economic Area country or Switzerland.

4. A permanent residence card issued by the Home Office, Border and Immigration Agency or UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.

5. A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.

6. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.

7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, **when produced in combination with** an official document giving the person’s permanent National Insurance Number and their name issued by a Government agency or a previous employer.

8. A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder’s parents, **when produced in combination with** an official document giving the person’s permanent National Insurance Number and their name issued by a Government agency or a previous employer.

9. A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder’s adoptive parents **when produced in combination with** an official document giving the person’s permanent National Insurance Number and their
name issued by a Government agency or a previous employer.

10. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person’s permanent National Insurance Number and their name issued by a Government agency or a previous employer.

11. An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person’s permanent National Insurance Number and their name issued by a Government agency or a previous employer.

12. A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person’s permanent National Insurance Number and their name issued by a Government agency or a previous employer.

13. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination with** an official document giving the person’s permanent National Insurance Number and their name issued by a Government agency or a previous employer.

**List B**

1. A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.

2. A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.

3. A work permit or other approval to take employment issued by the Home Office, Border and Immigration Agency or UK Border Agency **when produced in combination with** either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer confirming the same.

4. A certificate of application issued by the Home Office, Border and Immigration Agency or UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.

5. A residence card or document issued by the Home Office, Border and Immigration Agency or UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.

6. An Application Registration Card issued by the Home Office, Border and Immigration Agency or UK Border Agency stating that the holder is permitted to take employment, **when produced in combination with** evidence of verification by the UK Border
Agency Employer Checking Service.

7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question, when produced in combination with an official document giving the person’s permanent National Insurance Number and their name issued by a Government agency or a previous employer.

8. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question when produced in combination with an official document giving the person’s permanent National Insurance Number and their name issued by a Government Agency or a previous employer.
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1. **Background**

1.1 Current figures suggest that as many as one in eight adults in the United Kingdom (approximately six million people in total) are carers and half of these individuals try to juggle their caring commitments with paid employment. With on-going advances in medical technology and treatment, people are living longer and it is anticipated that the number of carers could rise to nine million by the year 2037.

1.2 At Wyre Council we recognise that some employees have caring responsibilities for seriously ill, elderly or disabled relatives, partners and family members. We also recognise that other employees may have these responsibilities in the future.

1.3 As an employer, we have a duty of care for the health, safety and wellbeing of our employees, therefore a legal and moral responsibility to support employees who are carers.

1.4 Further, we are committed to offering carers the same recruitment and retention opportunities as everyone else, regardless of their responsibilities outside work. The Equality Act 2010 protects job applicants and employees against direct discrimination and harassment if they are associated with someone who has a protected characteristic, for example a disability.

1.5 In addition to the legal and moral responsibilities we have, research has shown that it makes business sense to care for and support carers in their employment. Other employers have found that offering carers flexible ways of working and leave arrangements, to accommodate their needs, can bring huge benefits to an organisation, resulting in:

- Lower staff turnover
- Reduced recruitment and training costs
- Greater productivity
- Lower absenteeism
- Higher staff morale
- Higher levels of trust in working relationships
- Improved image of the organisation

We appreciate the demands that caring responsibilities have on our employees and we are aware that, at times, it may be difficult to combine paid work with caring responsibilities outside of work. It is accepted that these caring demands place an additional strain upon an employee, which can in some cases impact on their performance at work as well as their health. It is for this reason that we recognise the importance of supporting carers and aim to assist them successfully manage the balance between caring and work responsibilities, wherever possible.

2. **Purpose**

2.1 The aim of this policy is to ensure that we are able to recruit and retain the service of valued employees who have caring responsibilities outside of the workplace. The policy is a guide for both employees and managers as to how to approach and deal with requests for leave and flexibility to assist with caring commitments. It is intended to cover all possible situations and circumstances that an employee with caring responsibilities could face.
2.2 It is important to note that although the decision to agree requests for leave and flexibility in relation to working arrangements ultimately lies with line managers, they are encouraged and expected to sympathetically consider employees’ requests for support in these circumstances, where business or service needs allow.

3. **Scope of the Policy**

3.1 The Work and Families Act 2006 and the Employment Rights Act 1996 gave working carers statutory rights to help them manage work and caring responsibilities, including the right to request flexible working arrangements and leave with effect from April 2007.

3.2 This policy pulls together the existing provisions that Wyre Council operates for employees needing time away from work with the flexible working provisions. This Working Carers Policy should therefore be read in conjunction with these statutory provisions, Council policies and approved practices/procedures.

4. **Policy Statement**

4.1 - Employees are actively encouraged to inform their line manager if they are caring for someone.
- Managers are actively encouraged to meet with their employees who have caring responsibilities to discuss the support they need.
- Managers are encouraged to consider requests from employees with caring responsibilities (for leave or flexibility in their working arrangements) favourably, wherever possible, where business or service needs allow.
- Issues raised and discussed between employees and their manager are dealt with in a confidential manner.
- Employees with caring responsibilities are treated fairly and consistently, whilst taking into account the individual needs and circumstances of each case.
- Employees are not discriminated against, harassed, victimised or disadvantaged because of their caring responsibilities.

Note: This policy is separate to and therefore not designed to cover issues relating to employees with childcare responsibilities (as separate parental leave arrangements exist in relation to childcare) unless the child in question has a disability or serious long term health condition.

5. **Definition of a Carer**

5.1 For the purpose of this policy, a “working carer” is defined as “a Council employee who spends a significant proportion of their life providing unpaid support to family in addition to their working role. This could be caring for a relative or partner who is ill, frail, disabled or has mental health or substance misuse problems.”
6. **Carer’s Responsibilities**

6.1 Staff are under no obligation to tell their line manager that they are a carer but we would encourage them to do so, wherever possible. By speaking with their line manager, and explaining their caring commitments to him/her, they are able to discuss how these impact on their ability to balance work with caring responsibilities. Staff are also encouraged to seek advice and information from the sources of support available to them (for example, from their line manager, HR, the Carers Centres, Occupational Health or the Employee Support Programme).

6.2 We would also encourage staff to inform their work colleagues of their caring responsibilities, if they feel able to do this. Work colleagues can often be very supportive and understanding of the commitments people have outside of work and may find that colleagues are carers themselves, therefore aware of the difficulties that are faced in managing work and caring responsibilities.

7. **Manager’s responsibilities**

7.1 To actively encourage employees with caring responsibilities to meet with them and to openly and honestly discuss the difficulties they are experiencing balancing their work and caring commitments. Managers, have a duty of care for the health, safety and wellbeing of their employees.

7.2 To consider requests from employees with caring responsibilities for leave or flexibility in their working arrangements favourably, wherever possible, where business or service needs allow, to enable these valued members of staff time to attend to their caring commitments.

8. **Support Options**

8.1 Employees are encouraged to discuss their individual circumstances with their line manager and bring options/suggestions to the meeting as to what leave or flexible working arrangements would assist with their caring commitments, having also considered the impact their request could have on the delivery of the service.

8.2 The options open and available to employees include the following leave and flexible working provisions, but this list is not exhaustive. Managers have the discretion to agree to specific/individual requests, which take account of the circumstances their employee is experiencing, if they feel this course of action is reasonable and it is something they are able to accommodate. The following options should therefore be considered alongside more short term, informal, options such as working from home, mobile working or allowing employees to make up the time they owe over an agreed period of time.

8.3 **Support Options – Leave**

The following provisions are available to support employees who require leave to attend to their caring commitments. The leave most appropriate to the situation, which takes account of the individual circumstances, should be discussed with and agreed between the employee and their line manager:
- Annual Leave
- Special Leave – Time off for Dependents or Emergencies (Unpaid)
- Special Leave (Unpaid)
- Extended Authorised Absence (Unpaid)

Further details on the above provisions and how to request them can be found within the Work life Balance Policy which can be accessed via the Council website.

8.4 **Support Options - Flexible Working Arrangements**

It is important that flexibility is available to all employees and in particular to carers who have to balance work with caring responsibilities. Offering flexibility often means that carers are able to continue working effectively and add value to the organisation whilst at the same time cope with the pressures they face outside of work.

Often the arrangements that have to be made are relatively straightforward and can easily be put into place by the line manager.

Most caring emergencies for which specific arrangements have to be made will be relatively short term, and it is therefore important to emphasise the need for an on-going flexible approach between employees and managers.

In addition to considering formal flexible working options, employees and line managers are also encouraged to consider informal, short term, alterations to working practices to help employees cope with a caring emergency or unforeseen situation.

The following formal flexible working provisions are available to support employees who require flexibility in their working arrangements on a more long term basis to attend to their caring commitments. It is important to note that a number of the flexible working arrangements are subject to qualifying criteria. This does not, however, prevent a manager from agreeing to or proposing a variation in working arrangements for an employee who does not meet the qualifying criteria if agreeing to this request will assist the employee with their caring commitments and does not adversely impact on business or service needs:

- Flexible Working Hours
- Working from home
- Annualised Hours
- Compressed Hours
- Term Time Working
- Voluntary Reduced Working Time (V Time)
- Extended Authorised Absence
- Job Share
- Part time Working

Further information on the above options and details of how to submit a flexible working request can be found within the Work life Balance Policy which can be accessed via the Council website.
9. **Additional Sources of Support**

9.1 If further help and assistance is needed, the following sources of support are available to both employees and line managers:

- HR Section
- Occupational Health
- Employee Support Programme
- Carers Centres
- Carers Direct

10. **Equality Impact Assessment and Monitoring**

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

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.
Fostering Policy

March 2013
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1. Introduction

1.1 Fostering is an activity where even though a looked after child or young person is placed with a fostering family, the legal responsibility remains with the local authority and/or the child’s birth parents. Fostering can last as long as months or years - or as short as just a few days. Sometimes the child will end up returning to their birth families; sometimes they will get adopted into a new family. Fostering is not the same as adoption; placements are considered a temporary solution that will help in the journey towards a permanent solution. There are many reasons why fostering is put into place and children are brought into care, including illness, a family breakdown, instances where the child's welfare is in jeopardy and relationship problems. While the benefits to the looked after child or young person are numerous, there are also benefits to the fostering family and the wider community where children live in a loving and supportive environment.

1.2 Wyre Council is committed to supporting employees to become foster parents and employees in their role as a foster parent. This policy sets out the Council’s support for employees who are undertaking the care of a child or children under a foster-care arrangement with a local authority.

1.3 It is recognised that, in such cases, employees have specific obligations towards the child/children in accordance with their arrangement with the local authority and that, in some cases; the child/children may require a high level of care. This policy is intended to form part of the Council’s overall family-friendly approach, and it attempts to strike a balance between the business needs of the Council and the needs of the employee to meet his/her care obligations.

2. Notification requirements

2.1 To ensure that the line manager and colleagues can provide employees with the necessary support and encouragement, employees who are intending to foster a child/children are asked to give their line manager at least four weeks’ notice of their intention to train as a foster carer. This is to ensure that, should they wish to request any special arrangements to care for the child/children, their line manager has sufficient notice to make any necessary arrangements for staff cover.

3. Time off to care for new foster children

3.1 Foster carers may need to take time off work to help the child/children to settle into the new environment. They may also need time off to attend training courses, meetings with professionals or appointments with the child/children. There is no statutory entitlement to special leave for foster carers with or without pay. However within Wyre Council we do operate a process of allocating special leave in certain circumstances. Employees who require time off to attend training or meetings or to care for the child/children at the start of the foster-care arrangement may request special leave to do so. The request must be in writing and the employee must specify the period of time off that he/she requires.

3.2 The following provisions are available to support employees who require leave to attend to their fostering commitments. The leave most appropriate to the situation, which takes account of the individual circumstances, should be discussed with and agreed between the employee and their line manager:
4. Time off for dependents

4.1 Foster carers (irrespective of length of service, and whether they are part time or full time) are entitled to take a reasonable amount of time off during working hours to take necessary action:

- to provide assistance when a dependant falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for an ill or injured dependant;
- in consequence of the death of a dependant;
- because of the unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident that involves their child and occurs unexpectedly while the child is at school/other educational establishment.

4.2 It is helpful if the foster carer informs their line manager the reason for their absence and how long he/she expects to be absent as soon as is reasonably practicable. Time off work is envisaged as being no more than one or two days. It is envisaged that this leave is used by an employee to attend to an emergency that arises during working hours. It cannot be used as a means of the employee seeking time off to attend to care to care of the foster child/children because of lack of available childcare options.

5. Parental leave

5.1 All employees who have parental responsibility for children are entitled to take up to 18 weeks’ unpaid parental leave for each individual child before that child reaches the age of five. Where the child is in receipt of disability living allowance, the employee may take up to 18 weeks before the child’s 18th birthday.

5.2 However, the statutory right to parental leave is available only to carers when they have parental responsibility for the children concerned. It is normally the case that foster carers will not have parental responsibility, since this will usually be with the local authority if the child has been placed under an interim or full care order.

5.3 Employees who are foster carers and wish to take parental leave may be asked to supply evidence of parental responsibility.

5.4 In cases where employees do not have parental responsibility for the child, they will not be entitled to parental leave. Instead, employees may request annual or special leave.

6. Flexible Working

6.1 Foster carers who are responsible, or who expect to become responsible for, a child/children under the age of 17, or a disabled child/children under the age of 18, have a statutory right to request flexible working if they have 26 weeks’ continuous service.
6.2 It is the Council’s policy to endeavour to be flexible on working patterns for all employees, not just those who have the statutory right to submit such requests. Nevertheless, precedence will be given to employees who have the statutory right to request flexible working to ensure that the council is complying with its legal obligations.

6.3 Each request will be dealt with individually, taking into account the likely effects that the proposed changes to working hours or place of work are likely to have on the council, the work of the department in which the employee making the request is employed and the employee’s colleagues. Agreeing to one employee’s request will not therefore set a precedent or create a right for another employee to be granted a similar change to his/her working pattern.

6.4 Employees who wish to submit a request for flexible working should do so in writing in line with the procedure set out in the Work Life Balance Policy which can be accessed via the intranet or available from HR.

6.5 The request may be for a permanent or temporary variation of their working arrangement.

7. Equality Impact Assessment and Monitoring

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


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.

com/empap/cr/13 – Appendix 6