



Alison Stuart  
Head of Legal and  
Democratic Services

**MEETING** : LOCAL JOINT PANEL  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 7 JUNE, 2017  
**TIME** : 2.30 PM

**MEMBERS OF THE PANEL**

**EMPLOYER'S SIDE:**

Councillors E Buckmaster, L Haysey, G McAndrew and L Radford

*Substitute:*

Councillor A Alder

**STAFF SIDE - UNISON**

Ms F Brown, Mr S Ellis, Mr A Stevenson and Ms C Wise

*Substitutes:* J Bruce and J Francis

*(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)*

**CONTACT OFFICER:** Lorraine Blackburn  
01279 502172  
[Lorraine.blackburn@eastherts.gov.uk](mailto:Lorraine.blackburn@eastherts.gov.uk)

## DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
  - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
  - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
  - participate in any discussion or vote on a matter in which a Member has a DPI;
  - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing [committee.services@eastherts.gov.uk](mailto:committee.services@eastherts.gov.uk) or calling the Council on 01279 655261 and asking to speak to Democratic Services.

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## AGENDA

1. Appointment of Chairman and Vice Chairman

2. Apologies

To receive apologies for absence.

3. Minutes (Pages 5 - 8)

To confirm the Minutes of the meeting held on 30 November 2016. (Please note that the meeting scheduled for 15 March 2017 was cancelled).

4. Chairman's Announcements

5. Declarations of Interest

To receive any Member's Declarations of Interest.

6. Reports by Secretary to the Employer's Side

(A) Family Friendly Policy\_(Pages 9 - 48)

(B) Home Working Policy\_(Pages 49 - 74)

(C) Safeguarding Policy\_(Pages 75 - 94)

7. Reports by Secretary to the Staff Side

There are no reports from the Secretary to the Staff Side.

8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE  
LOCAL JOINT PANEL HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 30  
NOVEMBER 2016, AT 2.30 PM

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PRESENT:      **Employer's Side**

Councillor E Buckmaster (Chairman)  
Councillors L Haysey and G McAndrew

**Staff Side (UNISON)**

Fiona Brown  
Andrew Stevenson

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Emma Freeman	- Head of Human Resources and Organisation Development

7      **LEADERSHIP TEAM PERFORMANCE REPORT**

**The Secretary to the Employer's Side submitted a report on a proposed 360 Performance Review Process and related pay scheme. The Secretary to the Employer's Side provided a summary of the report.**

**The Secretary to the Staff Side confirmed that UNISON had worked closely with the Secretary to the Employer's Side on the review process and scheme and was happy with the new scheme proposed.**

**In response to a query from Councillor L Haysey, the Secretary to the Employer's Side confirmed that training would be given to Heads of Service on the new process.**

The Panel recommended to Human Resources Committee, approval of the report, as now detailed.

**RECOMMENDED** - that the Leadership Team 360 Performance Review process and performance related pay scheme, as now submitted, be approved.

## 8 **MANAGING PERFORMANCE**

The Secretary to the Employer's Side submitted a report on a revised Managing Performance Policy. She summarised key changes which had been made to the policy to ensure consistency with the new Absence Management Policy. Following feedback from managers, the Policy had also been amended to include support for managers and holding case reviews at the end of the performance process. The Secretary to the Staff Side explained that UNISON had worked closely with the Secretary to the Employer's Side on the revised policy and was happy with the changes.

The Panel recommended to Human Resources Committee, approval of the report, as now detailed.

**RECOMMENDED** – that the revised Managing Performance Policy, as now submitted, be approved.

## 9 **LONE WORKING POLICY**

The Secretary to the Employer's Side submitted a report on a revised Lone Working Policy. She provided a summary of the key changes necessary to ensure that the policy reflected comments and current working practices.

In response to a query from the Panel Chairman, the Secretary to the Employer's Side explained that Personal Safety Devices were available to staff and how these worked. The Secretary to the Staff Side explained that there had been some issues with the safety devices and

its particular anomalies. Councillor L Haysey asked that the devices be also made available to Members and that their availability be highlighted in the Members' Information Bulletin. This was agreed.

The Panel recommended to Human Resources Committee, approval of the report, as now detailed.

**RECOMMENDED** – that the revised Lone Working Policy, as now submitted, be approved.

10 **PROBATION POLICY**

The Secretary to the Employer's Side submitted a report on a revised Probationary Policy. The Secretary to the Employer's Side explained that the policy had been updated to include a formal review meeting and a final review meeting and that the second review meeting stage had been reconsidered.

The Panel recommended to Human Resources Committee, approval of the report as now detailed.

**RECOMMENDED** – that the revised Probationary Policy, as now submitted, be approved.

11 **APOLOGIES**

Apologies for absence were submitted on behalf of Councillors G Cutting and T Jackson.

12 **MINUTES**

**RESOLVED** - that the Minutes of the meeting held on 8 June 2016 be confirmed as a correct record and signed by the Chairman.

13 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman stated that there were no reports from the

Secretary to the Staff Side.

The meeting closed at 2.55 pm

Chairman .....

Date .....



## EAST HERTS COUNCIL

LOCAL JOINT PANEL – 7 JUNE 2017

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

FAMILY FRIENDLY POLICY

WARD(S) AFFECTED:      NONE

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### **Purpose/Summary of Report**

- Members are invited to approve the revised Family Friendly Policy and to make a recommendation or not to Human resources Committee

### **RECOMMENDATIONS FOR LOCAL JOINT PANEL:**

**That: Human Resources Committee be advised that:**

(A)	the revised Family Friendly Policy be approved
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#### 1.0 Background

1.1 The Family Friendly Policy was last reviewed in 2015. The council's programme of policy review is after three years or sooner in line with legislation and best practice.

#### 2.0 Report

2.1 The Family Friendly policy has been updated to include the health and safety arrangements (section 5) so these will now be deleted from the health and safety intranet pages to remove duplication.

2.2 There are also some minor amendments following legislation changes regarding shared parental leave and surrogacy leave.

2.3 The revised Family Friendly Policy can be found at **Essential Reference Paper 'B'**.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None

Contact Officer: Emma Freeman – Head of Human Resources and Organisational Development.  
Ext 1635  
[Emma.Freeman@eastherts.gov.uk](mailto:Emma.Freeman@eastherts.gov.uk)

Report Author: Claire Kirby – HR Officer.  
Ext 1630  
[claire.kirby@eastherts.gov.uk](mailto:claire.kirby@eastherts.gov.uk)

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Priority 2 – Enhance the quality of people's lives
Consultation:	Unison and the Leadership Team have been consulted on the revised Family Friendly Policy.
Legal:	None
Financial:	None
Human Resource:	As detailed in the report.
Risk Management:	None
Health and wellbeing – issues and impacts:	None

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## **East Herts Council**

### **Family Friendly Policy**

### **Policy Statement**

#### **Policy Statement No 16 (Issue No 5) April 2017**

(This policy replace the Maternity, Paternity & Adoption Leave Policy No 16 (Issue No 2) dated March 2013)

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## **GLOSSARY**

OML	Ordinary Maternity Leave
AML	Additional Maternity Leave
OMP	Occupational Maternity Pay
SMP	Statutory Maternity Pay
SMA	Statutory Maternity Allowance
EWC	Expected Week of Childbirth (Sunday to Saturday)
EDC	Expected Date of Childbirth
QW	Qualifying Week for the payment of SMP / SAP
MATB1	Maternity Certificate
SPP	Statutory Paternity Pay
OAL	Ordinary Adoption Leave
AAL	Additional Adoption Leave
SAP	Statutory Adoption Pay
OAP	Occupational Adoption Pay
KIT	Keeping in Touch (KIT) days
SPL	Shared Parental Leave
ShPP	Shared Parental Pay

## **1.0 Introduction**

- 1.1 This policy complies with all relevant employment legislation and provisions in the NJC Green Book. This policy reflects the recent legislative changes and is compliant with The Shared Parental Leave Regulations 2014, The Shared Parental Pay (General) Regulations 2014, The Maternity and Adoptions Leave (curtailment of statutory rights to leave) Regulations 2014, Employment Rights Act 1996, Child and Families Act 2014 and Equality Act 2010

## **2.0 Purpose and Scheme Coverage**

- 2.1 The purpose of this document is to provide employees and managers with information on maternity, paternity, parental, surrogacy and adoption leave entitlement.
- 2.2 This scheme is applicable to all employees of East Herts Council. Casual employees may not be eligible for maternity pay, please see section 7.6 for more information.
- 2.3 The council will endeavour to ensure that an employee does not suffer any detrimental treatment at work whilst exercising their rights to maternity, paternity, parental, surrogacy or adoption leave.

## **3.0 Notification of Pregnancy and Maternity Leave**

- 3.1 Employees are encouraged to tell their manager about their pregnancy as soon as they feel able to, especially if they are feeling unwell or work in an area that may put them at risk.
- 3.2 Employees should also contact the Health and Safety Officer as soon as possible to arrange a work station assessment and maternity risk assessment.
- 3.3 Employees need to notify Human Resources of their pregnancy, the expected week of childbirth and the date they intend to start their maternity leave at least 28 days before their maternity leave begins, or as soon as



reasonably practicable, by completing the Maternity Leave Form (Appendix 1). This should be signed by the employee, their manager and returned to Human Resources. Human Resources will reply within 28 days of notification stating the expected date of return from maternity leave. Please see Appendix 2 for a maternity timeline and Appendix 3 for a maternity leave checklist that employees should complete with their managers.

- 3.4 The original MATB1 should also be forwarded to Human Resources. The MATB1 gives confirmation of the expected date of childbirth. This is usually available from the midwife from 21 weeks of pregnancy. The council are unable to process maternity pay without the MATB1 form.

#### **4.0 Antenatal Care**

- 4.1 Any pregnant employee is entitled to take reasonable paid time off to attend antenatal care appointments. Antenatal appointments are those recommended by a registered medical practitioner, midwife or health visitor. These can include relaxation or parent craft classes as well as medical examinations, if recommended by a medical professional.
- 4.2 Employees must agree their time off arrangements with their manager in advance of the appointments and produce their appointment card where appropriate.
- 4.3 Employees on flexi-time should record time to attend appointments as described in the Flexi-Time Guidance in the section relating to hospital appointments.
- 4.4 Fathers/partners have a legal right to unpaid time off to attend up to two antenatal appointments. This also applies to agency workers after twelve (12) weeks on the same assignment. The council encourages managers to allow employees to take time off to attend antenatal appointments with their partners by taking flexi or annual leave. All requests are subject to line manager approval and will need to be considered in the context of cover available within the team during that period to ensure that the service provided is not disrupted.

## **5.0 Health and Safety**

### **5.1 Employer's Responsibility**

5.1.1 The council will take all reasonable steps to safeguard the health, safety and welfare of new, expectant or nursing mothers, and of their unborn children.

5.1.2 An assessment will be conducted on all risks to new or expectant mothers arising from their work activities and appropriate preventative or control measures will be implemented. This will be regularly reviewed to monitor the individual's ability to work safely and without risk. All problems identified will be addressed, so far as is reasonably practicable, and all risks will be adequately controlled and safe systems of work established. An assessment of the employees display screen equipment and workstation will be carried out and reviewed as required.

### **5.2 Line Managers' Responsibilities**

- Refer to any existing risk assessments for that work area or that type of work and consider, with the employee concerned, whether all potential risks have been covered. Amend the assessment to reflect current circumstances as necessary.
- Consider removing any identified hazard or preventing exposure to it. If this is not feasible put in place measures to control the risk of exposure.
- Undertake a risk assessment to cover any previously undocumented area of risk
- Consult with Human Resources if control measures are not considered adequate
- Monitor and regularly review the assessment as circumstances dictate
- Inform affected employees and provide any supervision, instruction or training as is deemed necessary
- Maintain records of risk assessments, control measures, details relating to any exposure to

hazardous substances and any other applicable information

- Send copies of the assessment to the Health and Safety Officer.

### **5.3 Risk Assessment**

5.3.1 In determining and evaluating the level of risk the following factors must be taken into consideration:

- Exposure to physical agents such as noise, vibration or extremes of temperature
- Prolonged working postures, repetitive movements or poor ergonomic layout
- Night work
- Manual handling activities (these should be assessed and regularly reviewed)
- Exposure to ionising radiation, biological agents, mercury, lead and chemicals with particular risk factors such as harm to the unborn child, genetic damage etc.
- Any personal protective equipment provided as a last resort must be suitable for controlling the identified risks and be compatible with the changing physical size and shape of the user.
- Pregnancy is not a static condition and the nature and degree of risk will change as the pregnancy develops
- Physiological risks such as morning sickness, backache, varicose veins and tiredness
- Physical changes in body size and shape may affect work space, mobility, dexterity or balance

5.3.2 In some cases where the control measures prove to be inadequate and a significant risk to the new or expectant mother still exists the following steps must be taken:

- Temporarily adjust the working conditions and/or hours of work. If this is not reasonable to do or would not avoid the risk then:
- Suspend her from work (on leave with full pay) for as long as is necessary to protect her safety or health or that of her child. The suspension can be extended to night work if a signed certificate is received from a

registered medical practitioner or midwife stating that such a suspension is necessary for the woman's health or safety.

- 5.3.3 When it becomes apparent that any of these steps may be necessary, Human Resources should be approached for advice and guidance.

## **6.0 Maternity Leave**

### **6.1 Length of Maternity Leave**

- 6.1.1 An employee is automatically entitled to a period of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML), regardless of hours of work or length of service, where the appropriate notice has been given. This means an employee can remain on maternity leave for a total period of up to 52 weeks. Employees may receive Statutory Maternity Allowance, Statutory Maternity Pay and/or Occupational Maternity Pay during this period; depending on their eligibility (see section 7 on maternity pay).

- 6.1.2 Women are required by law to take a minimum of two weeks leave after the birth of the child.

### **6.2 Conditions applying to Maternity Leave**

- 6.2.1 Maternity leave may start on any day of the week and can commence no earlier than 11 weeks and any time up to the day before the expected date of childbirth (EDC) (except see 6.2.2 below). If the baby is born early (before the planned leave date) the maternity leave will begin from the day after the birth.

- 6.2.2 An employee who is absent from work due to a pregnancy related reason after the beginning of the fourth week before the expected week of childbirth (EWC) but before the date notified for maternity leave, the maternity leave begins automatically on the day after her first day of absence.

6.2.3 Employees have to be advised that if the baby dies or is still-born after 24 weeks pregnancy, the maternity scheme applies. Where this occurs before 24 weeks (miscarriage) or there is a termination, the needs of the employee and medical opinion will be considered in deciding the appropriate leave (be it sick leave or bereavement leave), according to the circumstances.

## **7.0 Maternity Pay**

7.1 The council operates two maternity pay schemes:

- Statutory Maternity Pay, which is a legal entitlement to a set weekly payment (providing employees meet the eligibility criteria set out below)
- Occupational Maternity Pay, which is an enhanced payment made by the council in accordance with their terms and conditions (eligibility for this payment depends on the criteria set out below).

Depending on the employee's length of service, they may have entitlement under one or both of these schemes.

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

### **7.2.1 Eligibility for SMP**

7.2.2 Statutory maternity pay is payable for up to 39 weeks during maternity leave. To qualify for SMP, employees must have been continuously employed in local government for at least 26 weeks, at the start of the 15<sup>th</sup> week before the EDC. This 15<sup>th</sup> week is known as the qualifying week (QW).

7.2.3 If an employee is not entitled to SMP, Payroll will issue them with a form SMP1, explaining why they are not entitled to SMP and how they can claim State Maternity Allowance (SMA). SMA is the same as lower rate SMP or 90% of average weekly earnings, whichever is less.

## **7.3 Rates of SMP**

- 7.3.1 For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of average weekly earnings calculated over the period of eight weeks up to and including the qualifying week.
- 7.3.2 The standard rate of SMP is paid for the remaining 33 weeks (or less if they return to work sooner). This is paid at the lower of either the standard rate set by the Government or 90% of average gross weekly earnings.
- 7.3.3 Payment of SMP cannot start prior to the 11<sup>th</sup> week before the EWC. SMP can start from any day of the week in accordance with the date the employee starts their maternity leave.
- 7.3.4 SMP is treated as earnings and is, therefore, subject to PAYE and national insurance deductions.
- 7.3.5 SMP is payable whether or not the employee intends to return to work after maternity leave.

#### **7.4 Occupational Maternity Pay (OMP)**

- 7.4.1 To qualify for OMP, employees must have completed at least one year's continuous local government service at the 11<sup>th</sup> week before the EWC. If an employee has less than one year's continuous local government service at the 15<sup>th</sup> week before the expected week of childbirth, they will not qualify for OMP, but will still get SMP or SMA as appropriate.
- 7.4.2 If an employee is eligible for OMP, they will receive 12 weeks half pay after the six weeks at 90%, on top of the standard rate SMP (unless half pay plus standard rate SMP exceeds normal pay, see section 7.4.5). The 12 weeks half pay is calculated using the employee's pay at the point of going on maternity leave. OMP can be paid in two ways:
- Paid as it falls due (i.e. in their regular pay)
  - As a lump sum on their return to work

7.4.3 The qualifying week for SMP is the 15<sup>th</sup> week before the week the baby is due but the qualifying week for OMP is the 11<sup>th</sup> week before the week the baby is due. If the baby is born early, before or during the qualifying week and the employee would have completed 26 weeks employment but for the early birth, the continuous service rule for OMP is satisfied.

7.4.4 If an employee does not return to work following their maternity leave or leaves within 13 weeks of returning to work, they will need to repay their OMP.

7.4.5 If half pay plus standard rate SMP would exceed normal pay, the 12 weeks of 50% enhanced pay will be spread over 20 weeks to ensure that the employee is not paid over and above their normal salary whilst on maternity leave. SMP will be paid as normal.

## 7.5 Summary of Main Benefits

Length of Service	OML	AML	SMP	OMP
Less than 26 weeks at QW	✓	✓	X (may be entitled to SMA)	X (may be entitled to SMA)
At least 26 weeks at QW but less than 1 year at 11 weeks prior to EWC	✓	✓	6 weeks at 90% of pay plus 33 weeks standard rate SMP	X
More than 1 year at 11 weeks before EWC	✓	✓	6 weeks at 90% of pay plus 33 weeks standard rate SMP	12 weeks half pay (unless half pay plus standard rate SMP exceeds normal pay)

## **7.6 Casual workers**

### **7.6.1 SMP**

7.6.1.1 Casual workers are eligible for SMP as long as they meet the continuous service and earnings conditions. Employees are considered to have continuous service as long as they work for at least one day in every week, a week beginning on a Sunday and ending on a Saturday.

7.6.1.2 If there are weeks where a casual worker did not work, this will not break their continuous service if the reason they did not work was one of the following:

- They were unavailable to work because they were off sick
- They were taking annual leave
- The council did not require them to work

7.6.1.3 If they did not work for the council in the 15th week before the week the baby is due for one of these reasons, they will still be able to claim SMP as long as they did further work for the council after that week.

7.6.1.4 Casual workers who are paid irregularly must find their last pay date before or in the 15th week before the week the baby is due, and count back eight weeks. This is their calculation period.

7.6.1.5 If casual workers do not qualify for SMP, they may be able to claim SMA.

7.6.1.6 Casual workers should seek advice from HR and Payroll if they think they are entitled to SMP.

### **7.6.2 OMP**

7.6.2.1 Casual workers may also be eligible for OMP if they have at least one year's continuous local government service at the 11<sup>th</sup> week before the EWC (please see 7.6.1.2 for details of what constitutes continuous service).



7.6.2.2 Casual workers should seek advice from HR and Payroll if they think they are entitled to OMP.

## **8.0 Returning to Work after Maternity Leave**

8.1 The council will assume that the employee will return to work on the date specified on their maternity leave form. No written confirmation is required to return to work on that day, although they will receive a letter from Human Resources to remind them of their return to work date.

8.2 If the employee wants to return to work from maternity leave earlier than previously planned or later than the previously agreed date she must give eight weeks' notice. If the employee fails to provide sufficient notice the employer may postpone the return so eight weeks' notice is given but may not postpone beyond this.

8.3 If an employee decides not to return to work at all after their maternity leave, they must give written notice of their resignation in accordance with the notice period in their contract of employment.

8.4 Where an employee is unable to return to work on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

8.5 For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes or as soon as reasonably practicable.

## **9.0 Paternity Leave**

### **9.1 Eligibility for Paternity Leave**

9.1.1 Employees will be eligible for Paternity Leave if they:

- Expect to have responsibility for bringing up the child **and**

- Will be taking leave to care for the child and/or support the mother/adopter **and**
- They must also be either the:
  - biological father of the child
  - mother/adopter's husband or partner (including same-sex relationships)
  - child's adopter or fosterer under the 'Early Permanence' Scheme
  - the intended parent (if they are having a baby through a surrogacy arrangement) **and**
- Have been continuously employed for at least 26 weeks by either:
  - the end of the 15th week before the baby is due up until the actual date of birth
  - the end of the week they are notified they are matched with their child to the actual date of adoption (UK adoptions)
  - the date the child enters the UK (for overseas adoptions)

## **9.2 Paternity Leave**

9.2.1 Employees who meet the criteria as set in 9.1.1 are entitled to two weeks paid Paternity leave. Paternity leave can be taken from the date of birth or up to eight weeks (56 days) from the birth and must be taken as one continuous period.

9.2.2 The council pays the two weeks paternity leave at full pay.

9.2.3 Employees should give Human Resources and their manager notice of the EDC by the 15<sup>th</sup> week before the baby is due. Please see Appendix 4 for the Paternity Leave form.

## **9.3 Shared Parental Leave**

9.3.1 Shared Parental Leave gives parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents are able to share a pot of leave, and can decide to be off work at the same time

and/or take it in turns to have periods of leave to look after the child. Please refer to the Shared Parental Leave (SPL) Policy for more information.

## **10.0 Adoption Leave**

### **10.1 Entitlement to Adoption Leave**

10.1.1 Employees can apply to take Adoption Leave if they are newly matched with a child by an adoption agency or they are fostering a child under the 'Early Permanence' scheme and are the primary adopter. There are no qualifying conditions for eligible adopters and employees may apply for adoption leave from the first day of employment with the council. Agency workers are eligible to this right at twelve (12) weeks in the same assignment.

10.1.2 Employees who have had an adoption match should complete the Adoption Match form and pass it to HR in order to secure their statutory entitlement. The adoption agency must be recognised in the UK.

10.1.3 Employees will not qualify for Statutory Adoption Leave or Pay if they:

- arrange a private adoption
- become a special guardian
- adopt a stepchild

### **10.2 Adoption Leave**

10.2.1 As with maternity leave, employees are entitled to a period of 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL).

10.2.2 Adoption leave starts on the date the employee has specified or on the expected date of placement. Adoption Leave can start:

- up to 14 days before the child starts living with the employee (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)

10.2.3 Employees who are the primary adopter have a legal right to unpaid time off to attend up to five (5) adoption meetings. The secondary adopter has the right to unpaid time off to attend up to two (2) appointments. The council encourages managers to allow employees to take time off to attend antenatal appointments with their partners by taking flexi or annual leave. All requests are subject to line manager approval and will need to be considered in the context of what cover is available within the team during that period to ensure that the service provided is not disrupted.

### **10.3 Adoption Pay**

10.3.1 Adoption pay mirrors maternity pay; please see section 7 for more details.

### **10.4 Placement Disrupted**

10.4.1 Where after starting the leave, an employee is notified that the child will not be placed, or after the child is placed, the child dies or is returned to the adoption agency, the employee will not be entitled to the full adoption leave period. In this situation the adoption leave will end eight weeks after the end of the week in which the disruption occurred. Additional discretionary or unpaid leave may also be granted in such instances, managers should contact HR for advice.

### **10.5 Notification of Adoption Leave**

10.5.1 Applications for leave should be made to HR and the line manager within at least 28 days of the expected date of placement or if the employee wants the leave to start on a predetermined date, notice must be provided at least 28 days before that date. Please see Appendix 5 for the Adoption/Surrogacy Leave form.

### **10.6 Returning to Work after Adoption Leave**

10.6.1 The council will assume that the employee will return to work on the date specified on their adoption leave form.

No written confirmation is required to return to work on that day, although they will receive a letter from Human Resources to remind them of their return to work date.

- 10.6.2 If the employee wants to return to work from adoption leave earlier than previously planned or later than the previously agreed date they must give eight weeks' notice. If the employee fails to provide sufficient notice the employer may postpone the return so eight weeks' notice is given, but may not postpone beyond
- 10.6.3 If disruption on the placement occurs during AAL, the employee should give eight weeks' notice, as soon as the disruption occurs.
- 10.6.4 Employees who fail to return to work after a period of adoption leave or resign before completing three months service on return from adoption leave will be required to repay their Occupational Adoption Pay (OAP).

## **11.0 Fostering Leave**

- 11.1 Employees who have a fostering arrangement are entitled to take up to 5 days discretionary leave in accordance with the General Leave Policy. The purpose of the leave is to allow the employee to attend training or meetings related to the Foster Care arrangement.
- 11.2 Additionally, employees with an 'Early Permanence' arrangement with a local authority will be entitled to Adoption leave, Paternity leave and Shared Parental leave in accordance with the council's policies.

## **12.0 Keeping in Touch (KIT) days**

- 12.1 An employee on maternity or adoption leave can do some work for the employer during their maternity / adoption leave pay period under their contract of service without losing their SMP / SAP for that week. They can work for up to 10 days, whether consecutive or not. This enables the employee to undertake odd days training or to go into work on occasion to 'Keep in Touch' (KIT). The employee would not lose their pay for the week in which the work is

done or need to end their maternity/adoption leave. Whether the employee just goes in for one hour or a whole day, it will still be counted as one day for KIT purposes.

- 12.2 This provision is designed to help ease the employee's eventual return to work and to make it easier for them to keep in touch with their employer during their leave from work.
- 12.3 Employees will be paid a full day's pay for each KIT day worked, minus any statutory or occupational maternity pay to ensure it does not exceed a normal day's pay.
- 12.4 Employees should complete a KIT day claim form (Appendix 6) for each KIT day worked and forward to Payroll for payment by the 6<sup>th</sup> of the month. Claim forms must be signed by an authorised manager.

### **13.0 Contractual Relationship during Absence**

- 13.1 Having granted a period of paid or unpaid leave, the contract of employment between both parties remains in existence and therefore a commitment to maintain confidence, trust and act in good faith during the period of leave.
- 13.2 Employees on periods of extended leave will be required to maintain regular contact with their manager and, if appropriate, inform them of any changes in circumstance which may affect their intention to return to work.
- 13.3 Managers should maintain reasonable contact with employees on maternity / adoption leave. The amount of contact that is reasonable depends on whether the employee prefers to have frequent or minimal contact with their manager. Managers should discuss how they will keep in touch with the employee before they begin their maternity / adoption leave. If the employee requests in writing not to be contacted whilst on leave, the manager should only contact the employee to advise them of situations which may affect the contractual relationship such as a restructure.

13.4 Employees can continue to access the intranet from home to view details of any permanent or temporary vacancies. If an employee does not have internet access they can contact HR to find out details of any vacancies.

13.5 Employees suspected of abusing the provisions of these procedures or fraudulently applying for leave will be subject to disciplinary investigation as detailed in the Disciplinary Procedure.

#### **14.0 Surrogacy Parents**

14.1 Where a child is born to a surrogate mother, the intended parents can become the child's legal parents by applying for a parental order (if the child is genetically related to one of the intended parents) or an adoption order (if neither intended parent is genetically related to the child). The child must live with the intended parents. Please see Appendix 5 for the Adoption/Surrogacy Leave form.

14.2 Where a couple has a parental/adoption order in relation to a child, or is applying for one, one of the parents can be eligible for adoption leave and pay and the other can be eligible for paternity leave and pay. The couple must elect which of them will take adoption leave. An employee who takes adoption leave in these circumstances can curtail their adoption leave and take shared parental leave with the other parent, provided that the parents both meet the relevant eligibility requirements. Please see Shared Parental Leave Policy.

14.3 Employees who intend to apply for a parental/adoption order and expect to become the child's legal parents in a surrogacy situation have the right to unpaid time off work to accompany the birth mother to up to two antenatal appointments.

#### **15.0 Impact on Conditions of Service**

##### **15.1 Generally**

15.1.1 An employee returning to local government following a break for maternity, paternity or adoption reasons will be entitled to have previous service recognised for the purpose of calculating:

- Annual Leave
- Periods of Notice
- Sickness Payments
- Redundancy Payments
- Maternity Leave

15.1.2 There may be implications on other conditions of service. These have been detailed below.

## **15.2 Annual Leave**

15.2.1 The entitlement to annual leave continues to accrue whilst on maternity / adoption leave. Where the leave period straddles two annual leave years, annual leave accrued up to the end of the first leave year should be taken before the commencement of the leave period in order that it is not lost.

15.2.2 An employee requesting to return to work on a part-time contract will normally take all annual leave accrued on the full-time contract before the new working arrangements commence.

15.2.3 Employees are entitled to paid leave for each of the bank holidays that fall during their maternity / adoption leave and these should be taken upon their return to work.

## **15.3 Pension**

15.3.1 An employee who is a member of the Local Government Pension Scheme (LGPS) will continue to pay contributions; however, this will be based on the employee's individual contribution rate of their actual earnings during maternity / adoption leave.

15.3.2 An employee wishing to maintain their contributions or make contributions during the unpaid period of maternity /



adoption leave must contact Payroll before their leave commences.

- 14.3.3 For further guidance contact Payroll or the London Pensions Fund Authority (LPFA). An employee with a private pension should contact their pension provider for guidance.

#### **15.4 Council vehicles**

- 15.4.1 An employee in possession of a council vehicle must ensure that it is left with the council before they take maternity / adoption leave. The vehicle will be returned to the employee on their return to work.

#### **15.5 Student Loans**

- 15.5.1 Student loan repayments will continue throughout paid maternity / adoption leave until such point that monthly salary does not meet the income threshold set by the Student Loans Company. At this point, repayments will stop until the employee is earning above the income threshold. Employees should contact the Student Loans Company for more information.

#### **15.6 Council Property**

- 15.6.1 An employee will not be required to return items such as a mobile phone, laptop, security cards or uniforms throughout maternity / adoption / parental leave.
- 15.6.2 An employee not returning to the council's employ must ensure that all council property is returned with their notice of resignation.

#### **15.7 Childcare Vouchers**

- 15.7.1 Employees who become pregnant / are planning to adopt and are in the childcare voucher scheme must consider the implications of this before the period up to and including the qualifying week (weeks 17-25 weeks of pregnancy). This is because the salary sacrifice element of the scheme will have an impact on the calculation for

the employee's Higher Rate SMP / SAP and Occupational Maternity / Adoption pay. The employee's average earnings calculation, which is used to assess this payment, will be on the employee's salary sacrifice earnings amount and **not** on the employee's full salary.

15.7.2 Employees have the choice of:

- **Continuing their childcare vouchers.** Higher rate SMP / SAP and Occupational Maternity / Adoption pay will be reduced but the council will pay for the value of the childcare vouchers throughout the maternity leave period, including any unpaid maternity leave as childcare vouchers are classed as a non-cash benefit. The exception to this will be during the 12 weeks Occupational Maternity / Adoption pay when the employee will pay for the value of the vouchers. Employees should contact HR for advice if their Occupational Maternity / Adoption pay is not enough to cover the cost of the vouchers during this period. The employee will continue to receive their vouchers via the normal methods.
- **Ceasing their childcare vouchers before the 8 week period up to and including the qualifying week (weeks 17-25 weeks of pregnancy).** Employees can use the "lifestyle changes" clause to leave the scheme. Their SMP / SAP and OMP / OAP will not be reduced but they will be unable to re-join the scheme until their maternity / adoption leave has ended and they have returned to work.

15.7.3 Employees requiring further assistance on childcare vouchers and maternity / adoption leave should contact Human Resources for more information.

## **15.8 Rights upon Return to Work**

15.8.1 An employee has the right to return to the job in which they were employed under their original contract of employment and terms and conditions not less favourable than those, which would have been applicable to them if they had not been absent. Where this is not practicable

by reason of redundancy, an employee will be entitled to be offered suitable alternative employment where one exists.

15.8.2 Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a general re-organisation), which would have occurred if the employee were not absent.

15.8.3 The work to be done should be suitable to the employee and appropriate to the circumstances. The capacity and place in which the employee is to be employed and the terms and conditions of employment should not be less favourable to the employee if the employee had been able to return to the job in which they were originally employed.

## **16.0 Flexible Working**

16.1 Please refer to the Flexible Working Policy for details on applying for Flexible Working.

16.2 Employees returning from maternity / adoption leave should make their request to work flexibly in sufficient time to enable arrangements to be looked at and considered. Therefore the request should be made at least 12 weeks before the anticipated return to work.

## **17.0 Parental Leave**

17.1 There is a right for both parents to take up to 18 weeks unpaid parental leave per parent per child, up until your child's 18<sup>th</sup> birthday. This leave is also available to parents who adopt a baby/child.

17.2 Employees must have more than one year's continuous service in local government and must either be the parent of the child, named on the child's birth/adoption certificate or have legal parental responsibility for the child.

17.3 The council will endeavour to make parental leave available to those with parental responsibilities but who do not fall under the legal definition. This might include foster parents, adoptive parents prior to placement,

grandparents with a significant parenting role and stepparents. Cases will be considered on an individual basis, employees should contact HR for more information.

- 17.4 Employees can take parental leave at the end of maternity/adoption /shared parental leave providing they give 21 days' notice.
- 17.5 To apply for parental leave employees should write to their Head of Service who will forward the request to Human Resources and take advice. Employees must give 21 days' notice before their intended start date.
- 17.6 The limit on how much parental leave can be taken a year is 4 weeks. Unless the child is disabled, leave should be taken in blocks of one week. A 'week' equals the length of time an employee normally works in a week.
- 17.7 Managers cannot turn down a request for parental leave, but can ask employees to postpone it if it would cause significant disruption to the business, e.g. if leave was requested:
- over a period of peak seasonal production
  - at the same time as other employees have requested leave
  - when the employee's absence would unduly harm the business
- 17.8 If a manager needs to postpone a request for parental leave, they must consult with the employee about a new date and must write to the employee within seven days of receiving the employee's notification explaining why the leave needs to be postponed and confirming the new start and end date. Managers must allow the employee to take the same amount of parental leave as they originally applied for. If the postponement goes past the end of the entitlement period (e.g. after the child's fifth / eighteenth birthday), they must still be allowed to take the leave.
- 17.9 Any parental leave taken in previous employment is deducted from an employee's parental leave entitlement.

## **18.0 Review**

- 18.1 This policy will be reviewed every three years or sooner if there are any changes in legislation requiring amendments to be made.



# APPENDIX 1: MATERNITY LEAVE FORM

This form should be returned to HR no later than 28 days before you go on leave. Please ensure you have read the Maternity policy before completing this form.

**To be completed by employee**

<u>Personal Details</u>		
Title: _____	Name: _____	Surname: _____
Employee No. _____	Nat Ins No. _____	Section: _____
Address: _____		
_____	Post Code: _____	Tel No. _____

<u>Leave and Pay Details</u>	
I have attached my MATB1 <input type="checkbox"/>	My MATB1 is to follow <input type="checkbox"/>
Maternity Leave Start Date: _____	Maternity Leave Return Date: _____
(These dates should exclude any annual leave)	

<b>Entitlement A</b>	I have more than 1 year continuous local government service by the Expected Date of Childbirth (EDC).	<input type="checkbox"/>
<b>Entitlement B</b>	I have 26 weeks continuous local government service by the 15 <sup>th</sup> week before EDC, but less than 1 year continuous local government service by the EDC.	<input type="checkbox"/>
<b>Entitlement C</b>	I do not have 26 weeks continuous local government service by the 15 <sup>th</sup> week before EDC. (Please seek advice from the Job Centre Plus for SMP)	<input type="checkbox"/>

Pay Options – please indicate the number of weeks to be paid at each rate	Please specify the number of weeks		
	Entitlement A	Entitlement B	Entitlement C
Up to 6 weeks at 90% pay			Please seek advice from Job Centre Plus
Up to 12 weeks SMP	n/a		
Up to 12 weeks SMP & 50% enhanced pay	<b>Select one option</b>		
Up to 12 weeks SMP & 50% enhanced pay (deferred until 3 months after return to work)		n/a	
Up to 21 weeks SMP			
Up to 13 Additional Maternity Leave (Unpaid)			

<u>Agreement</u>	
<ul style="list-style-type: none"> <li>I will make arrangements with payroll with regard to my pension &amp; car contributions.</li> <li>I will give 12 weeks' notice if I wish to be considered for flexible working arrangements.</li> <li>I will give 8 weeks' notice should I wish to change my return date from maternity leave.</li> <li>I agree to refund any amounts owed to the council should I decide not to return to work after receiving OMP (50% Enhanced Pay) or if an overpayment is made.</li> <li>I will return all council property should I not return to work after maternity leave (including mobile phone, laptop, ID Badge, Uniform etc.)</li> </ul>	
Signed: _____ (Employee)	Date: _____
Signed: _____ (Authorised Officer)	Date: _____

**To be completed by HR & Payroll**

Received by HR \_\_\_\_\_ (Init.) \_\_\_\_\_ (Date)      Written to \_\_\_\_\_ (Date)

Received by Payroll \_\_\_\_\_



## Guidance Notes

Please read below for guidance on how to complete the Maternity Leave Form.

### Personal Details

Please ensure that every section is completed.

### Leave & Pay Details

Maternity leave and pay are separate entities.

**Maternity leave** dates should exclude any annual leave taken before or after. If you give birth earlier than expected, maternity leave will start from this point and leave will be adjusted.

### **Maternity pay**

Dependant on your continuous local government service, employees are entitled to different options regarding their maternity pay. Please select 1 statement that applies to you.

Pay options – the 3 columns correspond to the entitlements above. Please ensure you only complete the column that applies to you.

The rate that maternity leave is paid decreases after a given amount of weeks. You should indicate how many weeks you would like to be paid at the set rate in the relevant box. The number of weeks should all add up to the number of weeks you are on maternity leave.

### Guidance for Entitlement A

- Up to 6 weeks at 90%.
- Up to 12 weeks of **either**; SMP + 50% enhanced pay **or** SMP + 50% enhanced pay (which will be deferred until 3 months after return from maternity leave).
- Up to 21 weeks of SMP.
- Up to 13 weeks of additional (unpaid) maternity leave.

Employees that fall into Entitlement A have the option of 12 weeks of 50% enhanced maternity pay; this must be repaid to the council if they do not return to the council after maternity leave. For employees unsure whether they will return, they can select the option which will pay the 50% enhanced maternity pay, 3 months after they return.

### Guidance for Entitlement B

- Up to 6 weeks at 90%.
- Up to 12 weeks at SMP.
- Up to a further 21 weeks of SMP.
- Up to 13 weeks of additional (unpaid) maternity leave.

### Guidance for Entitlement C

Job Centre Plus will pay your SMP; you should provide a copy of your MATB1 to HR and take the original to Job Centre Plus.

### Agreement

Please read the agreement carefully before you sign this form. It should then be countersigned by your line manager (authorised officer) before you forward to HR.



## APPENDIX 2: PREGNANCY AND MATERNITY LEAVE TIMELINE

Week	Pregnancy
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	Employees currently in receipt of childcare vouchers who plan to stop them due to the impact on Higher Rate SMP and Occupational Maternity pay must do so this week.
18	
19	
20	
21	The midwife will usually issue the MATB1 form from the 21st week of pregnancy
22	
23	
24	If the baby dies or is still-born after 24 weeks pregnancy, the maternity scheme still applies
25	The 15 <sup>th</sup> week before the EDC is known as the qualifying week. To qualify for SMP, employees must have been continuously employed in local government for at least 26 weeks at the start of the qualifying week.
26	
27	
28	
29	The 11th week before the EDC is the earliest maternity pay can commence (except in cases of premature birth)
30	
31	
32	
33	
34	
35	
36	
37	
38	
39	
40	Expected Week of Childbirth



Week	Maternity Leave			
1	<b>Ordinary Maternity Leave</b>	Compulsory Maternity leave (this is part of Ordinary Maternity Leave)		
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27	<b>Additional Maternity Leave</b>			
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41			Flexible working requests should be submitted at least 12 weeks before the anticipated return to work	If an employee decides not to return to work at all after their maternity leave, they must give written notice of their resignation in accordance with the notice period. This may be one to three months, depending on the contract of employment.
42				
43				
44				
45				
46				
47				
48				
49				
50				
51				
52				



## APPENDIX 3: MATERNITY LEAVE CHECKLIST

Action	You	Your Manager	HR
Inform your manager of your pregnancy.	✓		
Contact the Health and Safety Advisor to arrange a health and safety risk assessment.	✓		
If any risks are identified in the health and safety risk assessment, take action to mitigate these.	✓	✓	
Request time off for ante natal care (e.g. midwife appointments) with your manager.	✓		
Read the Maternity Policy.	✓		
If you currently have childcare vouchers, speak to HR about your options before you are 17 weeks pregnant because the salary sacrifice element of the scheme will have an impact on the calculation for Higher Rate SMP and Occupational Maternity pay.	✓		
Complete the maternity leave form, confirming when you want to start maternity leave and how long you want to take off. Get the form authorised by your manager and send to HR.	✓	✓	
Send your MATB1 to HR, either with the maternity leave form if you have it, or as soon as you receive it afterwards.	✓		
HR will send you a letter upon receipt of your maternity leave form, confirming your maternity leave dates, entitlements and date due back to work.			✓
Take the annual leave you have accrued to date before you start your maternity leave.	✓		
Agree communications required during maternity leave and provide as required.	✓	✓	
HR will send you a letter during your maternity leave, reminding of your return date.			✓
If appropriate, your line manager will contact you to ensure you are fully informed and consulted in the event of any organisational restructure.		✓	
Contact your Manager or Human Resources if you have any questions or concerns during your leave.	✓		
Inform your Manager in writing if you wish to return to work earlier or later than planned, giving at least 8 weeks' notice.	✓		

Inform your manager in writing if you wish to curtail Maternity leave and invoke Shared Parental leave	✓		
Attend voluntary keeping in touch days in agreement with your Manager.	✓	✓	
Complete the KIT day claim form and send to Payroll to ensure payment for any agreed keeping in touch days.	✓		
Complete a flexible working request if you want to apply to change your working pattern at least 12 weeks before planned return date.	✓		
Respond to flexible working request in writing, following the Flexible Working Policy.		✓	
Take any accrued annual leave before you return to work.	✓		
Hold welcome back 1-1 meeting with you during your first week back.		✓	
Carry out a further risk assessment if you are still breastfeeding or the baby is under 6 months old (during your first week back at work).		✓	



# APPENDIX 4: PATERNITY LEAVE FORM

Please complete this form to claim your Statutory Paternity Pay (SPP) and forward to HR at least 15 weeks before the expected due date.

First Name: _____	Surname: _____
Payroll No: _____	Nat Ins. No: _____
Job Title: _____	Department: _____
The baby is due on: _____ <b>OR</b> The baby was born on: _____	

Please note that paternity leave must be taken in **weekly blocks**.

I would like my SPP / Paternity leave to start on: _____
I want to be away from work for _____ week(s)

You must be able to tick all three boxes below to get Statutory Paternity Pay and paternity leave.

I declare that:

I am:	
- the baby's biological father, or	
- the mother/adopter's husband or partner (including same-sex relationships), or	
- the child's adopter, or	
the husband or partner (including same-sex relationships) of the child's adopter or fosterer under the 'Early Permanence Scheme'	<input type="checkbox"/>
I have responsibility for the child's upbringing	<input type="checkbox"/>
I will take time off work to support the mother or care for the child	<input type="checkbox"/>
I have provided a copy of my partner's MATB1 form	<input type="checkbox"/>

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employee)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Line Manager)

### To be completed by HR & Payroll only

Received by (Init.) \_\_\_\_\_ Date: \_\_\_\_\_

Acknowledge: \_\_\_\_\_ Forward to payroll: \_\_\_\_\_



# APPENDIX 5: ADOPTION/SURROGACY LEAVE FORM

This form should be returned to HR no later than 28 days before you go on leave. Please ensure you have read the Maternity, Paternity, Adoption, Surrogacy and Parental Leave Policy before completing this form.

**To be completed by employee**

<u>Personal Details</u>		
Title: _____	Name: _____	Surname: _____
Employee No. _____	Nat Ins No. _____	Section: _____
Address: _____		
_____	Post Code: _____	Tel No. _____

<u>Leave and Pay Details</u>	
I have attached my Matching Certificate/Parental Order <input type="checkbox"/>	My Matching Certificate/Parental Order is to follow <input type="checkbox"/>
Adoption/Surrogacy Leave Start Date: _____	Adoption/Surrogacy Leave Return Date: _____
(These dates should exclude any annual leave)	

<b>Entitlement</b>	I have 26 weeks continuous local government service by the expected matching date of the adoption.	<input type="checkbox"/>
--------------------	--	--------------------------

Pay Options – please indicate the number of weeks to be paid at each rate	Please specify the number of weeks	
	Entitlement	
Up to 6 weeks at 90% pay		
Up to 12 weeks SAP & 50% enhanced pay	<b>Select one option</b>	
Up to 12 weeks SAP & 50% enhanced pay (deferred until 3 months after return to work)		
Up to 21 weeks SAP		
Up to 13 Additional adoption leave (Unpaid)		

<u>Agreement</u>	
<ul style="list-style-type: none"> <li>I will make arrangements with payroll with regard to my pension &amp; car contributions.</li> <li>I will give 12 weeks' notice if I wish to be considered for flexible working arrangements.</li> <li>I will give 8 weeks' notice should I wish to change my return date from adoption leave.</li> <li>I agree to refund any amounts owed to the council should I decide not to return to work after receiving OAP (50% Enhanced Pay) or if an overpayment is made.</li> <li>I will return all council property should I not return to work after adoption/surrogacy leave (including mobile phone, laptop, ID Badge, Uniform etc.)</li> </ul>	
Signed: _____ (Employee)	Date: _____
Signed: _____ (Authorised Officer)	Date: _____

**To be completed by HR & Payroll**

Received by HR \_\_\_\_\_  
(Init.) \_\_\_\_\_ (Date)

Received by Payroll \_\_\_\_\_

Written to \_\_\_\_\_  
(Date)



## Guidance Notes

Please read below for guidance on how to complete the Adoption/Surrogacy Leave Form.

### Personal Details

Please ensure that every section is completed.

### Leave & Pay Details

Adoption leave and pay are separate entities.

Adoption dates should exclude any annual leave taken before or after.

### **Adoption pay**

The rate that adoption leave is paid decreases after a given amount of weeks; you should indicate how many weeks you would like to be paid at the set rate in the relevant box. The number of weeks should all add up to the number of weeks you are on adoption leave.

### Guidance for Entitlement

- Up to 6 weeks at 90%.
- Up to 12 weeks of **either**; SAP + 50% enhanced pay **or** SAP + 50% enhanced pay (which will be deferred until 3 months after return from adoption leave).
- Up to 21 weeks of SAP.
- Up to 13 weeks of additional (unpaid) adoption leave.

Employees have the option of 12 weeks of 50% enhanced adoption; this must be repaid to the council if they do not return to the council after adoption leave. For employees unsure whether they will return, they can select the option which will pay the 50% enhanced adoption pay, 3 months after they return.

### Agreement

Please read the agreement carefully before you sign this form. It should then be countersigned by your line manager (authorised officer) before you forward to HR.



## APPENDIX 6: KEEPING IN TOUCH (KIT) DAY CLAIM FORM

Please complete this form to claim payment for KIT days worked during maternity / adoption / leave. Forms must be submitted to Payroll by the 6<sup>th</sup> of the month. **Please note a maximum of 10 full KIT days can be worked during maternity / adoption / leave.**

**Name:** \_\_\_\_\_ **Payroll No.**

--	--	--	--	--	--

**Job title:** \_\_\_\_\_ **Department:** \_\_\_\_\_

Date	Time (rounded to 15 mins)		Reason	Total Hours	Payroll Use	
	From	To			Code	Amount

**Total Claimed:**

--

I certify that the above hours were worked on the dates shown for the reason given

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

This claim has been examined and verified for payment by

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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## EAST HERTS COUNCIL

LOCAL JOINT PANEL – 7 JUNE 2017

REPORT BY SECRETARY TO THE EMPLOYER’S SIDE

HOME WORKING POLICY

WARD(S) AFFECTED: NONE

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### **Purpose/Summary of Report**

- Members are invited to approve the revised Home Working Policy and to make a recommendation or not to Human resources Committee

### **RECOMMENDATIONS FOR LOCAL JOINT PANEL:**

**That: Human Resources Committee be advised that:**

(A)	The revised Home Working Policy be approved
-----	---

#### 1.0 Background

1.1 The Home Working Policy was last reviewed in 2014. The council’s programme of policy review is after three years or sooner in line with legislation and best practice.

#### 2.0 Report

2.1 The key changes to the policy are:

#### 2.2 General

- Whole policy rewritten to remove duplication and streamline the process
- Strengthened approval process based on service needs
- Clearer process for amending, changing or ending home working agreements
- Clearer requirements for home workers to be contactable and available in exactly the same way as office based employees.

### 2.3 IT provision

- Broadband will no longer be provided by the council
- The list of available equipment has been updated to be consistent with the current IT offer
- IT will no longer go to employee's homes to install equipment, it will be sent by post or collected by the employee from the office and following an instruction manual the employee will install the equipment themselves (with over the phone help from the helpdesk if required). IT have advised that it is not sustainable for IT staff to continue to go to employee's homes so if this service was to continue they would need to engage a third part provider to do this.

### 2.4 Equipment

- Employees will be required to bring their equipment to the offices once a year to be PAT tested. Currently they are tested when they are first issued but are not re-tested.

### 2.5 Process

- The process has been simplified and forms have been consolidated
- New home working request form rather than using the flexible working application, removing the requirement to refer to another policy
- Employees can now appeal against a decision to refuse a homeworking request rather than raising a grievance

2.6 The revised Home Working Policy can be found at **Essential Reference Paper 'B'**.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers - None

Contact Officer: Emma Freeman – Head of Human Resources and Organisational Development.  
Ext 1635  
[Emma.Freeman@eastherts.gov.uk](mailto:Emma.Freeman@eastherts.gov.uk)

Report Author: Claire Kirby – HR Officer.  
Ext 1630

[Claire.kirby@eastherts.gov.uk](mailto:Claire.kirby@eastherts.gov.uk)

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Priority 2 – Enhance the quality of people's lives
Consultation:	Unison and the Leadership Team have been consulted on the revised Home Working Policy.
Legal:	None
Financial:	None
Human Resource:	As detailed in the report.
Risk Management:	None
Health and wellbeing – issues and impacts:	None

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# **East Herts Council**

## **Home Working Policy**

### **Policy Statement No 9 (Issue No 3) July 2017**

Policy owner: Human Resources

Date of last review: July 2017

Date of next review: July 2020

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## **1.0 Introduction**

- 1.1 The council will consider homeworking requests, providing the request suits the individual, role requirement, service needs and the wider organisational needs. This home working policy outlines the obligations for effective and efficient home working whilst maintaining the council's high standards of customer service delivery.
- 1.2 There are benefits to both the council and the employee which include:
- Improved efficiency and productivity
  - Improved recruitment and retention of employees
  - More effective use of office space
  - Reduction in sickness absence
  - Supports work life balance
  - Increased goodwill, morale and motivation of employees
  - Reduction in travel time/commuting
  - Supports the council's Green Travel Plan
  - Supports the council's Equality and Diversity policy

## **2.0 Scope**

- 2.1 This policy and guidance applies to all employees who have a contract of employment with the council. It does not apply to agency workers or contractors.

## **3.0 Business Need**

- 3.1 Homeworking is not an employee right. The council will consider the introduction of a home working arrangement where it is based on business need and is considered beneficial to both the service and the employee concerned.

## **4.0 Definitions**

- 4.1 For the purpose of this policy and guidance a home worker is defined as either:

### **Regular Home Worker**

This applies to employees who work from home at least 2 days per week. They may not have a designated workspace or desk in the office, although they have access to shared facilities, such as team desking.

### **Field Based/Mobile Worker**

This applies to employees who spend more than 20% of the normal working week on council business away from an office or a home base.

Their base could be the home or the office. They have access to shared facilities.

### **Occasional Home Worker**

This applies to employees who are based in the office but have a flexible arrangement that allows them to work occasionally from home. Occasional home working is permitted at the discretion and prior authorisation of their manager and is not subject to the approval process detailed in section 5 below. Occasional home workers must be contactable, during contracted working hours, by phone and email in exactly the same way as if they were in the office.

## **5.0 The Process for Regular Home Working**

- 5.1 To make an application to become a regular home worker, an employee must complete a home working request form (Appendix A) stating how their role is suitable and how it will meet the service and business needs.
- 5.2 The manager should arrange a meeting with the employee to assess the suitability of the post for regular home working. They should complete:
  - **Regular Home Working Suitability Checklist** (Appendix B). This assesses the suitability of the post and employee for regular home working.
  - **Safe Working Checklist for Home Workers** (Appendix C). This assesses the suitability of the employee's home for regular home working.
- 5.3 The impact on the employee, service and team must be taken into consideration as part of the application process. There should be no increase or decrease in workload for colleagues as a result of an employee working from home. All aspects of the employee's current role should be able to be performed.
- 5.4 If following the meeting the manager supports the home working request, the manager should arrange for the employee to complete a DSE / Work Station Assessment (see section 7).
- 5.5 If the manager approves the home working request all of the documents should be signed by the manager and employee and then sent to the Head of Service for final approval.

- 5.6 On receipt of the documents HR will issue the employee with a home working agreement. Enclosed with the home working agreement will be an equipment inventory and operational agreement for the employee and manager to complete and return to HR.
- 5.8 The home working arrangement will be subject to a trial period of three months. A letter of confirmation will be sent after the trial period confirming whether the arrangement has been agreed.
- 5.9 The manager will undertake annual reviews of the home working arrangement to ensure it continues to meet service needs. If it is deemed to not meet service needs; this will be discussed with the employee and notice may be given to end or change the home working agreement.
- 5.10 Where a request for home working is declined or an existing arrangement is changed, the manager should explain to the employee the reasons for this. The employee is able to challenge the decision in accordance with the council's Appeals Policy.

## **6.0 Conditions of Home Working**

### **Communication and Contact**

- 6.1 The home worker will be required to attend council offices at least monthly, during normal office hours, for the following:
- Performance Development Reviews
  - Customer meetings. The home worker is expected to make clear to their manager when and how they will be available to customers of the organisation. This should be in line with office based staff availability.
  - Staff briefings and/or other staff meetings as required
  - Team meetings
  - Training that has been identified through their PDR as supporting their learning and development plan, as well as any mandatory training necessary for their role.
  - Any other occasion where required and notified by the employee's manager.
- 6.2 Managers will ensure that home workers are kept as up-to-date and involved with work developments and changes in the organisation as office based staff.

- 6.3 The home worker must be contactable, during contracted working hours, by phone and email in exactly the same way as if they were in the office. The manager and employee must take joint responsibility to ensure that regular contact and communication between the home worker and the rest of their team is maintained.
- 6.4 Regular pre-planned meetings will be held between the home worker and their manager in order to maintain their work performance and enable appropriate support to be provided. Frequency and duration of home visits by managers should be agreed when home working first commences. Any visits made on an ad hoc basis should provide five days' notice.
- 6.5 There may be a requirement for the home worker to provide access to their home, such as for routine maintenance and equipment repairs

### **Working Hours**

- 6.6 The home worker remains subject to the Working Time Regulations 1998 with the requirement to take regular breaks and not work more than an average of 48 hours per week, in any 17 week period. All employees must take a minimum break of 20 minutes every six hours.
- 6.7 The home worker will be required to record their working patterns daily, including their hours worked at home. This should be accessible by their manager. Time sheets should not record time travelled to work as office based staff are not permitted to do so.
- 6.8 Business meetings and customer visits must be arranged at a suitable venue away from the home worker's home. Under no circumstances should home workers meet with customers at their home.
- 6.9 Home working must not be a means of combining work with caring responsibilities. Employees with caring responsibilities must have proper care arrangements in place during their contracted working hours.

### **Performance**

- 6.10 Clear objectives/targets/deadlines and performance standards must be agreed and met in accordance with the council's Performance Development Review Scheme (PDRS).
- 6.11 If agreed performance targets are not met over the agreed period of time, the home worker will be required to work from an office location. Please see section 14.

## **7.0 Health, Safety and Welfare**

- 7.1 The Health and Safety Executive (HSE) has produced “guidance for employers and employees on health and safety and home working”. This explains the employers’ duties towards home workers and should be read in conjunction with the council’s health and safety policy.
- 7.2 Managers will ensure that home workers are subject to an annual review that will take full account of all the health and safety issues associated with home working and make adjustments to working arrangements as necessary. DSE / Work Station Assessments should be reviewed as and when necessary.
- 7.3 All employees who work from home have a duty to ensure that they work in a safe manner and that they follow all health and safety instructions issued by the council. The home worker must report any health and safety concerns to their manager.
- 7.4 Employee’s homes will be visited where health and safety concerns have been identified or recorded on the display screen and workstation self-assessment. Accompanied visits may be made within the designated working hours and the appointment should be agreed in advance between the council and the employee. A record of any inspection visits/risk assessments should be sent to HR and made available as appropriate for inspection purposes.

### **Avoiding Isolation/Stress**

- 7.5 In some circumstances home workers can feel isolated or stressed. Managers should ensure that employees are in regular contact with colleagues. Home workers must attend team meetings in a face-to-face capacity. Managers should contact their employee, via email and telephone, daily.
- 7.6 Employees are also able to use the Employee Assistance Programme or visit Occupational Health.
- 7.7 Employees should read this section in conjunction with the council’s Lone Working Policy.

## **8.0 Equipment and Office Supplies**

- 8.1 The council will ensure that all equipment supplied to regular home workers to carry out their duties, is suitable for the purpose intended, with due regard to health and safety.

- 8.2 The specification of equipment to be provided will be dependent upon the definition of the home worker and the duties of the employee. The manager should request from IT the equipment required and this must be signed off by the Head of Service. The range of equipment that could be provided, includes:

Regular Home Worker: Monitor, keyboard, mouse, zero client and voice over internet protocol (VoIP) phone. The full IT kit will not be supplied until the employee and their manager have confirmed as part of their trial period that homeworking is agreed for a minimum of 12 months.

Field Based Worker: A data enabled portable device with a docking station where appropriate, monitor, keyboard, mouse, zero client, mobile telephone, scanner (on request), car kit (on request), and VoIP phone.

Occasional Home Worker: Access to a pool laptop and other equipment\* as deemed necessary (\*upon approval from the Head of Service).

- 8.3 IT access is available via download of the freely available VMware Horizon client, which can be found by visiting <https://mydesktop.eastherts.gov.uk>. Further instructions about installing the client software and logging in are available from the Intranet.
- 8.4 Broadband connection will not be provided by the council; home workers are expected to use their personal broadband connection.
- 8.5 The council will consider additional or specialist equipment for employees with specialist requirements as part of the assessment of eligibility for home working. In particular, employees may need adaptations to accommodate a disability as recognised under the Equality Act 2010.
- 8.6 Employees will be provided with the equipment (either posted to the employee's home address or collected from the office) but will be required to install it themselves. Instructions will be provided with the equipment and over the phone advice will be available via the IT Helpdesk.
- 8.7 The manager will maintain a signed inventory of council purchased equipment supplied to the employee, and a copy of this should be sent to HR to be placed on the employee's personal file and to Facilities so that they can maintain a register of when equipment needs to be PAT tested.

- 8.8 The employee is responsible for the ordering and collection of supplies from the office. The employee should make arrangements with their manager to collect and send work related post, if applicable.
- 8.9 All equipment supplied will be PAT tested to meet current safety standards and must be re-tested annually in line with legislation. Facilities will notify employees when their equipment needs to be PAT tested and the employee will need to make arrangements to bring their equipment to the office to enable the testing to be done. The council will not accept responsibility for any electrical supplies to IT equipment.
- 8.10 Home workers must undertake a basic visual inspection of the equipment they have been supplied with. The visual inspection does not involve the testing of electrical supply. The inspection sheet can be found under forms on the Health and Safety section of the intranet.
- 8.11 All equipment and software supplied by the council will remain the property of the council and must be returned in good condition should the home worker revert to an office-based role or leave the council.
- 8.12 The council will be responsible for replacing lost, stolen or damaged council equipment unless the damage or loss occurred as a direct result of an employee's negligence. The employee has a duty of care to immediately report all identified hazards/defects/damage to the manager for replacement/repair.
- 8.13 All equipment provided by the council is for council work only. The equipment should be operated in conjunction with the instructions and training provided, and in line with the relevant policies. The council reserves the right to make a deduction from pay for any maintenance/repairs/replacements required due to the misuse or negligence by the employee.
- 8.14 Equipment to be used at home and in the office should be taken directly to/from the employee's home/office, and not left in an unattended vehicle.

## **9.0 Confidentiality and Security of Data**

- 9.1 The council will ensure that appropriate technical security measures are in place and provide suitable equipment to protect the information used by the employee.

- 9.2 It is the responsibility of the home worker to safeguard information in line with the council's policies on data protection, email and internet use and the code of conduct.
- 9.4 Before agreeing to home working, managers must discuss and be satisfied with the arrangements the employee has for keeping equipment and data safe in their homes and on their computers. IT staff can provide advice where required.
- 9.5 If the work involves confidential or personal information, any waste paperwork must either be brought into the workplace for shredding or shredded at the employee's home.

## **10.0 Tax, Insurance, Mortgage and Moving Home**

### 10.1 Home workers will:

- Inform the tax office that they are working from home. They cannot claim tax relief on their council tax, but may be able to claim relief on lighting and heating costs. The amount will depend on the size of bills and the number of rooms in the house. Claims should be made direct to the local tax office. The exclusive use of one room in the home for work purposes is likely to attract capital gains tax when the house is sold.
- Check tenancy/mortgage agreements to ensure homeworking is permitted. Mortgage lender/landlord should be informed, in writing, that they will be working from home.
- Inform their insurance company to avoid the risk of invalidating their home insurance policy and to ensure equipment is covered. The policy schedule must be shown to their manager prior to home working. Employees will not be required to pay business rates as a home worker and employee of the council.
- Inform their manager if they move house. The continuation of home working will be subject to the location and facilities of the new home being acceptable. A review of the DSE/Work Station assessment will need to be conducted.

10.2 The council's liability policies indemnify the council, its staff and members from claims arising from their official duties. This includes homeworking. If an employee suffers injury, or personal property is damaged, the council will not meet any costs unless legally liable. Home insurance policies usually have a public liability extension.



10.3 The payment of council tax will continue to be the full responsibility of the employee working at home.

## **11.0 Expenses**

11.1 Regular home workers are entitled to a tax free allowance of £216 per annum, based on HMRC limits, as re-imbusement for such expenses as heating, lighting and electricity. This is paid on a monthly basis. In the event that the employee is unable to work for more than one month, the council reserves the right to suspend payment, until such time as the employee is able to resume working from home.

11.2 If employees do not have a work mobile phone or VoIP phone; the council may reimburse the costs of business calls made from an employee's personal mobile/home telephone.

11.3 Where an employee is required to travel for work, travel and/or subsistence payments will be paid in accordance with normal conditions of service. Home workers may not claim for journeys to an East Herts office base.

## **12.0 External Difficulties**

12.1 There may be occasions when circumstances, beyond the home workers' control, mean that work cannot be carried out. For example, a power cut or loss of internet. It is expected that the home worker should identify other duties that could be carried out at home. Where this is not possible the home worker would be expected to come into the office to work.

## **13.0 Reporting Illness/Incidents**

13.1 Employees working from home must report any sickness or incidents in accordance with the council's Absence Management Policy. Following sickness absence, a return to work interview will be conducted either by telephone or face to face.

## **14.0 Termination and variation of a regular home working arrangement**

14.1 Regular home working is subject to a three month trial period. Due to the financial implications of setting up a regular home worker, where the trial period is successful the employee will be required to remain a regular home worker for a minimum of 12 months, (excluding the trial period) before they can give notice to terminate the home working arrangement. In exceptional circumstances the council may agree to

the employee returning to office based working before the end of the 12 month period should they request to do so.

- 14.2 If the home worker wishes to change or end their home working agreement, they must write to their manager to request this change. They must give one month's notice.
- 14.3 If there is evidence that health and safety issues are being ignored, the manager must consult with the Health and Safety Officer, who may in consultation with the Head of HR and OD request the suspension of the arrangements.
- 14.4 It is the manager's responsibility to record and take action regarding work performance. If the agreed performance targets are not met over the agreed period of time, the home worker will be required to work from an office location to ensure appropriate supervision and support. Performance issues will be dealt with in line with the Managing Performance Policy.
- 14.5 Changes in service provision and business needs will sometimes result in home workers being required to work from an office location either permanently or more frequently than they do currently. In this instance, employees would be consulted at the earliest opportunity and given one months' notice to either terminate or change their home working agreement.
- 14.6 Where a home worker is appointed to a new job, the home working arrangement will be reviewed to see if the new post meets the home working criteria. If the new post is unsuitable for homeworking, the arrangement will be terminated following one month's notice being given. Home working will only continue if a new agreement is reached.

## **15.0 Policy Review and Amendment**

- 15.1 This Policy shall be reviewed after three years or sooner in line with legislation and best practice.

# HOME WORKING REQUEST FORM

## Note to the employee

It will help the council to consider your request if you provide as much information as you can about your request. It is important that you complete all the application form.

When completing sections 3 and 4, think about what effect working from home will have both on the work that you do, your service and on your colleagues.

**Once you have completed the form, you should forward it to your manager and send a copy to HR.**

## 1. Personal Details:

Name:

Job Title:

Service:

Manager:

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work (number of days working from home):

**2c. I would like my home working request to commence from:**

**Date:**

**3. Impact of working from home**

**I think that working from home will affect the service and my colleagues as follows:**

**4. Accommodating working from home**

**I think the effect on the service and colleagues can be resolved as follows:**

**Signed .....**

**Dated... ..**

# REGULAR HOME WORKING SUITABILITY CHECKLIST

Name: \_\_\_\_\_ Manager: \_\_\_\_\_

Service: \_\_\_\_\_ Job Title: \_\_\_\_\_

The manager is required to complete the suitability checklist in conjunction with the employee. This needs to be considered together with the employee's home working application.

The checklist must be signed by both the manager and employee. This should then be signed off by the Head of Service and sent to HR to be kept on the employee's personal record.

<b>The Post</b>	<b>Suitability Yes/No</b>	<b>Comments</b>
Capable of being done from home without having an adverse impact on the quality of service or on other employees.		
Capable of being done without on-going face to face contact with other staff or direct supervision.		
Self sufficient in terms of administrative support.		
Have clear objectives and measurable outputs.		
Requires limited supervision and checking.		
Is not dependent on large numbers of paper files or other work- based records/equipment that cannot be accessed from other locations.		
The work can be performed on an individual basis e.g. drafting/writing reports, planning/reviewing/ researching, computer programming, data entry, word processing.		
<b>The Employee</b>		
Are they self motivated, have self reliance and discipline to work without direct supervision?		
Do they have the ability to complete work to scheduled deadlines?		
Do they have initiative, flexibility		

and time management skills?		
Do they have the ability to communicate well by telephone and in writing?		
Do they feel they are able with reduced social contact and isolation?		
Is the employee flexible so that team/service needs can be met; this might include working from the team location rather than home to cover absence of other colleagues at short notice.		
<b>The Home</b>		
Is the home environment conducive to work and not subject to frequent interruptions/distractions/noise?		
Does the employee have childcare arrangements in place (if applicable)?		
<b>The Team</b>		
Will the arrangement impact on appropriate and fair cover in the office e.g. telephones, visitors?		
Is the team flexible so that the team/ service needs can be met?		
Have the team been consulted on the arrangement and if so are there any issues to be resolved?		

Signed (employee): \_\_\_\_\_ Date: \_\_\_\_\_

Signed (manager): \_\_\_\_\_ Date: \_\_\_\_\_

Signed (HoS): \_\_\_\_\_ Date: \_\_\_\_\_

# SAFE WORKING CHECKLIST FOR HOME WORKERS

Name: \_\_\_\_\_ Manager: \_\_\_\_\_

Service: \_\_\_\_\_ Job Title: \_\_\_\_\_

Home address: \_\_\_\_\_

Post Code: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please complete this form for regular home working. It will be used to assist the council in safeguarding your health and safety whilst you work at home. This needs to be considered by your manager together with your home working application.

A DSE / Work Station Assessment must also be completed. Please note if you are using potentially hazard substances a COSHH assessment is also required.

The checklist must be signed by both the manager and employee. This should then be signed off by the Head of Service and sent to HR to be kept on the employee's personal record.

Where you answer 'No' please give further details in the comments column.

General Health & Safety and Emergencies	Yes/No	Comments
Do you have a room at home which will be used specifically as an office base?		
Is the work area tidy, free from obstructions including waste materials?		
Is combustible material e.g. stationery, stored away from sources of heat?		
Are you aware that you must comply with the normal procedure for reporting accidents/incidents or work related illnesses (i.e. as if you were office-based)?		
Do you have a specified contact(s) at work in the event of an emergency?		
<b>Electrical Equipment (Please note that the council is only responsible for equipment it has supplied. Equipment, electrical sockets and other parts of your domestic electrical system are your responsibility.)</b>		
Have you received training/information in how to use any equipment or software in your work?		
Has all council equipment been tested? (Must		

be retested periodically in line with the local policy)		
<b>Manual Handling and Slips Trips &amp; Falls</b>		
Have you received information and/or training providing guidance on manual handling and avoiding slips trips and falls?		
Are work areas and walkways clear of tripping hazards e.g. trailing cables, boxes?		
<b>Well-being</b>		
Are you in good health, not suffering from any discomfort or ill health, from working at home (including stress)?		

Please use this space to make any further comments:

<b>Issue/Problem</b>	<b>Recommended Action, Person Responsible and Date for Completion</b>	<b>Priority Rating (Urgent, Important, Useful or Desirable)</b>



Signed (employee): \_\_\_\_\_ Date: \_\_\_\_\_

Signed (manager): \_\_\_\_\_ Date: \_\_\_\_\_

Signed (HoS): \_\_\_\_\_ Date: \_\_\_\_\_

**IMPORTANT:**

- If there are any changes in your health or you make any adjustments to your working conditions, you should inform your manager as a new self-assessment may need to be undertaken
- Expectant mothers – please notify your manager as soon as possible of your pregnancy as an additional risk assessment will need to be undertaken.

**The manager must review this assessment of the risks which may arise from the work activity and the workplace. The manager (acting as the employer) has specific responsibilities under the Health and Safety at Work Act 1974 and subsequent statutory regulations.**

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EAST HERTS COUNCIL

LOCAL JOINT PANEL – 7 JUNE 2017

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

SAFEGUARDING POLICY

WARD(S) AFFECTED:      NONE

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## **Purpose/Summary of Report**

- Members are invited to approve the revised Safeguarding Policy

## **RECOMMENDATIONS FOR LOCAL JOINT PANEL:**

**That: Human Resources Committee be advised that:**

(A)	The revised Safeguarding Policy be approved
-----	---

### 1.0 Background

1.1 The Safeguarding Policy was last reviewed in January 2014. The current policy required updating to comply with legislation and reflect the current structure and named contacts at the Council.

### 2.0 Report

#### **Key Changes in the Policy**

2.1 The policy has been updated to ensure the language and points of reference reflect the Mental Health Act amended in 2015.

2.2 The lead officer details have been amended to the Head of Housing and Health.

2.3 The revised Safeguarding Policy can be found at **Essential Reference Paper 'B'**.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None

Contact Officer: Emma Freeman – Head of Human Resources and Organisational Development.  
Ext 1635  
[emma.freeman@eastherts.gov.uk](mailto:emma.freeman@eastherts.gov.uk)

Report Author: Helen Farrell – HR Officer.  
Ext 1633  
[helen.farrell@eastherts.gov.uk](mailto:helen.farrell@eastherts.gov.uk)



## **East Herts Council**

# **Safeguarding Policy and Procedure Children, Young People and Adults at Risk**

**Policy Statement No 41 (Issue No 2)  
June 2017**

**Policy Owner: Jonathan Geall**

**Date of last review: January 2014**

**Date of next review: June 2020**

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## **1. Introduction**

1.1 The council firmly believes that:

- children, young people and adults at risk have the right to be safe when using our services
- children, young people and adults at risk have a right to be protected from being hurt, mistreated or suffering abuse – in body or mind, regardless of age, race, disability, culture, sex or sexual orientation.

1.2 The council is committed to ensuring that the needs and interests of children, young people and adults at risk are considered by councillors, employees, volunteers and contractors in the provision of services and decision-making.

## **2. Policy Statement**

2.1 The purpose of this policy is to safeguard and promote the welfare of children, young people and adults at risk, including by:

- respecting the rights, wishes, feelings and privacy of children, young people and adults at risk
- ensuring all employees understand the different forms abuse can take, how to identify them and how to act on their concerns
- taking any concern made by a councillor, employee, contractor or child/young person/adult at risk seriously and sensitively
- implementing effective procedures for recording, reporting and responding to any allegations, incidents or suspicions of abuse
- ensuring that contracted/commissioned and grant-funded services have safeguarding policies and procedures consistent with the council's commitment to the protection of children, young people and adults at risk

- encouraging safeguarding best practice at the council
  - ensuring that unsuitable people are prevented from working with children, young people and adults at risk through a robust recruitment process.
- 2.2 The policy helps the council ensure there is a clear and effective approach to safeguarding across the organisation and that all employees, councillors, volunteers and contractors delivering services directly by the council or on the council's behalf are aware of their legal obligations to safeguard children, young people and adults at risk.
- 2.3 This policy applies to all services within the scope of the council. In addition to all internal provision of services, it also applies to:
- outside organisations delivering services involving children, young people or adults at risk on behalf of the council
  - contractors
  - grant-funded organisations.
- 2.4 Safeguarding is not a practice that operates in isolation. The issues covered in this policy cut across every service and function that the council undertakes and so is embedded within the organisation and has direct links to other Human Resources policies and the council's Prevent Action Plan.
- 2.5 This policy is inclusive of all children, young people and adults at risk irrespective of their age, race or ethnicity, religion, disability, sex or sexual orientation.

### **3. Definitions and Types of Abuse**

#### **Definitions**

- 3.1 The phrase 'children, young people and adults at risk' refers to:
- a **child** – anyone under the age of 18 years



- a **young person** – a person aged over 16 but under 18. Those aged 16-18 are included in the legal definition of a child
- an **adult at risk** –any person aged 18 or over who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or serious exploitation. Vulnerability and risk may arise from:
  - a mental health problem or mental illness, including dementia
  - a physical disability
  - a sensory impairment
  - a learning disability
  - frailty
  - a temporary illness
  - old age

3.3 The term **parent** is used in the broadest sense to include parents, carers and guardians.

### Types of abuse

3.4 Abuse can take a number of forms as listed in the table below.

Type of abuse	Explanation / examples
Physical abuse	Slapping, pushing, kicking, rough handling, twisting of limbs/ extremities, misuse of medication, or inappropriate sanctions or restraint
Sexual abuse	Non-contact abuse such as voyeurism, involvement in pornography. Sexual acts to which the vulnerable adult has not consented, could not consent or was pressured into consenting. Rape and sexual assault
Psychological and/or emotional abuse	Verbal assault or intimidation, deprivation of contact, threats of harm or abandonment, humiliation or blaming, overriding of consent, choices or wishes
Financial abuse	Theft, fraud, exploitation, and pressure often in connection with savings, wills, property, possessions or benefits

Neglect and/or acts of omission	Ignoring someone's medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating
Discriminatory abuse	Discriminatory and oppressive attitudes based race gender, culture background, religion physical and/ or sensory impairment, sexual orientation or age
Institutional abuse, neglect and/or poor practice	Repeated and pervasive mistreatment and/or isolated incidents of poor or unsatisfactory professional practice
Self-neglect	Lack of self-care, including neglect of personal hygiene, nutrition and hydration, or health. Lack of care of a person's environment, including living in domestic squalor. Refusal of services such as care services, health assessments or interventions
Domestic Abuse	An incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been partners or family members regardless of gender or sexuality
Child Sexual Exploitation (CSE)	Exploitative situations, contexts and relationships where young people (under 18) receive 'something', for example affection, gifts, money, food, accommodation, drugs, alcohol, cigarettes, as a result of them performing, and/or another or others performing on them, sexual activities
Forced Marriage	Someone is coerced into marrying someone against their will. This may be by means of other types of abuse such as physical and/or emotional abuse
Honour Based Abuse	Violence and abuse in the name of honour, covering a variety of behaviours, mainly but not exclusively against females, where the person is being punished by their family and/or community for a perceived transgression against the 'honour' of the family or community, or is required to undergo certain activities or procedures in 'honour' of the family
Female Genital Mutilation (FGM)	A collective term used for illegal procedures, such as female circumcision, which include the partial or total removal of the external female genital organs, or injury to the female genital organs for a non-therapeutic reason
Modern Slavery	Being forced to work through mental or physical threat, owned or controlled by an 'employer' usually through mental or physical abuse or the threat of abuse, dehumanised and being treated as a commodity or bought and sold as 'property'

Human Trafficking	Someone is moved from one place to another for the purpose of exploitation, this could be through sexual exploitation, domestic servitude, forced labour, forced criminality or organ harvesting
Radicalisation	Typically tackled as part of the Government's Prevent programme, radicalisation is essentially a safeguarding issues. It covers incitement, whether face-to-face or through publications or the Internet, to promote or carry out acts of terrorism or extremist behaviour. This can covers all manner of political, religious or ideological positions

3.5 It is recognised that from time-to-time different risks to children, young people and vulnerable adults may emerge or different forms of abuse may become more prevalent. Also, different ways of identifying, reporting or tackling abuse may become available.

#### 4. Roles and responsibilities

4.1 **Safeguarding is everyone's responsibility** so there are key roles and responsibilities for everyone:

- **Head of Housing and Health** – lead role for the council for promoting and addressing the safeguarding of children, young people and adults at risk
- **Human Resources** – supporting the promotion of the council's safeguarding duties and responsibilities, notably with regard to training and recruitment vetting
- all **Directors and Heads of Service** need to ensure contractors agree to comply with the council's Safeguarding Policy and where relevant have own policy and procedures in place
- **Councillors** – they are required to follow this policy including participating in safeguarding training and briefings. Not paying due attention to the Safeguarding Policy may be grounds for reporting their behaviour to the Standards Committee, which may require an investigation under the Councillors Code of Conduct. If a safeguarding issue occurs relating to a Councillor, the Head of Housing and Health

should contact the Monitoring Officer immediately.  
Awareness training will be made available for councillors

- all **employees** of the council, and **contractors and volunteers** if so directed by the council, must adhere to best practice regarding safeguarding, including participating in relevant training, keeping as up-to-date as possible about how safeguarding issues particularly relate to their areas of work, reporting any disclosure, concern, incident or allegation to the appropriate agency
- **outside organisations** that deliver services involving children, young people and adults at risk on behalf of the council should comply with the council's Safeguarding Policy and, where relevant, to have their own policy and procedures in place.

4.2 The council participates fully in multi-agency groups and statutory Safeguarding Boards.

#### **Herts Safeguarding Children's Board (HSCB)**

4.3 The HSCB is a statutory multi-agency organisation formed by Hertfordshire County Council in line with Section 13 of The Children Act 2004. The organisation brings together agencies who work to safeguard and promote the welfare of children.

4.4 The objective of the HSCB is to co-ordinate what is done by each person or body represented on the board for the purposes of safeguarding and promoting the welfare of children and young people in the area of the authority by which it is established.

4.5 The council is committed to maintaining an effective working relationship with the HSCB to help achieve its mutual aims in respect of child safeguarding.

#### **Herts Safeguarding Adults Board (HSAB)**

4.6 The HSAB is an inter-agency forum for co-ordinating how the different services and professional groups should cooperate to safeguard adults at risk across Hertfordshire. It ensures that arrangements work effectively to identify abuse or inadequate

care, help vulnerable people and plan and implement joint preventative strategies.

- 4.7 The HSAB aims to raise awareness and promote the welfare of adults at risk by the development of an effective cooperative involving people from a wide range of public and voluntary services and other organisations. The council is committed to maintaining an effective working relationship with the HSAB to help achieve its mutual aims in respect of the safeguarding of adults at risk.

## **5. Recognising and responding to potential abuse**

- 5.1 Even though councillors, employees, volunteers and contractors may have limited contact with children, young people and adults at risk as part of their duties and responsibilities for the council, everyone should be aware of the potential indicators of abuse and bullying and be clear about what to do if they have concerns.
- 5.2 It is not the responsibility of any councillor, employee or contractor to determine whether abuse is taking place. Concerns, incidents or allegations must be reported. The role of the councillor or employee is to refer the case to the appropriate person, not to investigate or make a judgement.
- 5.3 Where an employee is concerned about the **immediate** safety of a child, young person or adult at risk they should:
- call the Police on 999
  - call an Ambulance on 999 if the person needs urgent medical assistance.
- 5.4 Where an employee has concerns that a child, young person or adult at risk is being harmed or neglected, or is at risk of this, they should speak to the Head of Housing and Health.

## **6. If an Employee is Implicated**

- 6.1 If it is suspected or reported that an employee is implicated in the abuse of a child, young person or adult at risk the council's Disciplinary policy will be followed.
- 6.2 An employee may be suspended from all duties or relevant duties with immediate effect pending investigations as outlined in the council's approved Disciplinary policy.
- 6.3 These allegations could potentially result in any of the following types of investigation: Disciplinary, Criminal or Child protection. Refer to the Disciplinary policy for the correct process.

## **7. Confidentiality**

- 7.1 Employees have a duty to share information relating to suspected abuse with Hertfordshire County Council and Hertfordshire Police.
- 7.2 Employees must not:
  - discuss any allegations of abuse or bullying, substantiated or not, with anyone from the council other than their manager, the Head of Housing and Health or Human Resources
  - discuss any allegations of abuse or bullying, substantiated or not, with any member of an external agency (excluding Hertfordshire County Council and Hertfordshire Police), other than as part of a formal investigation
  - discuss any allegations of abuse or bullying, substantiated or not, with any other interested party, including parents, carers and relatives of the child, young person or adult at risk without the express permission of the person with overall responsibility for the investigation.
- 7.3 This does not exclude the employee from the need or right to consult with a trade union representative or solicitor/legal advisor.
- 7.4 Consent is not required to breach confidentiality and make a safeguarding referral where:

- a serious crime has been committed
- where the alleged perpetrator may go on to abuse other adults
- other vulnerable adults are at risk in some way
- the adult at risk is deemed to be in serious risk
- there is a statutory requirement such as Children’s Act 1989, Mental Health Act 1983, Care Standards Act 2000
- the public interest overrides the interest of the individual
- when an employee of a statutory service, a private or voluntary service or a volunteer is the person accused of abuse, malpractice or poor professional standards.

**8. Data Protection**

8.1 All copies of referrals relating to children, young people and adults at risk to Hertfordshire County Council should be retained by the Head of Housing and Health to ensure confidentiality. This information will be retained in accordance with data protection periods. No other copies should be kept.

**9. Impacts of the Safeguarding Policy of specific elements of East Herts Council’s work**

**Homelessness**

9.1 The council has a legal duty to provide temporary accommodation to individuals whose status and circumstances meet certain criteria as defined in the Housing Act 1996 as amended by the Homelessness Act 2002. Employees may need to refer families or individuals to Hertfordshire County Council outside of the safeguarding process, as follows:

<b>Persons affected</b>	<b>Reason for contacting Hertfordshire County Council</b>
Homeless 16-17 year olds	A 16 or 17 year old may be referred to Hertfordshire County Council for assessment to

	determine if they are a child in need with a duty owed to them by Hertfordshire County Council.
Intentionally homeless household with children	If a household with children is found to be intentionally homeless, Hertfordshire County Council should be advised in writing so that they can ascertain whether a duty is owed under the Children Act 1989.

- 9.2 If children, young people and/or adults at risk are placed in temporary accommodation while an assessment is carried out, housing officers should complete the Housing Options form with applicants. This helps to identify needs and vulnerabilities, and assists in the process of safeguarding children, young people and adults at risk.

### **Use of Contractors**

- 9.3 Heads of Service, in consultation with the council's legal services, must take reasonable care that contractors doing work on the council's behalf are monitored appropriately.
- 9.4 Any contractor or sub-contractor engaged by the council in areas where workers are likely to come into regular contact with children, young people or adults at risk, should have its own equivalent child protection and adults at risk policies, or failing this, must comply with the terms of this policy. This requirement should be written into the contract.
- 9.5 Where contact with children, young people and adults at risk is a necessary part of the contracted service, it is the responsibility of the manager who is monitoring the services of the contractor to ensure that satisfactory Disclosure and Barring Service (DBS) checks have been completed where appropriate.

### **Grant Applications**

- 9.6 Safeguarding policies and procedures are required from all grant funded organisations. In addition, satisfactory DBS checks may be required from appropriate individuals working with children, young people and adults at risk which seek



funding from the council. Such requirements are subject to relevant legislation including the 'regulated activity' criteria contained within the Protection of Freedoms Act 2012. This information will be requested at the application stage and applications will not be processed without the relevant documentation.

### **Licensing**

- 9.10 The council is responsible for carrying out certain licensing functions. Protection of children from harm is a licensing objective that the council is legally obliged to consider as part of its licensing function, for example when licensing, though not limited to, premises under the Licensing Act 2003 or the Gambling Act 2005. This Safeguarding Policy should be referred to as appropriate when assessing licence applications.

### **Work Experience**

- 9.11 The council may offer work experience placements across the organisation to a number of young people each year. This is beneficial to both the young person and to the council. When the organisation offers a work experience placement, managers have a responsibility for their health, safety and welfare. Under health and safety law, these students will be regarded as employees.

### **Photography**

- 9.12 Councillors, employees and contractors who use cameras or film recorders for or on behalf of the council must have either completed media consent forms from the parents of children being photographed or filmed, or have checked with the parent or guardian, before the activity commences. When commissioning professional photographers or inviting the press to cover the organisation's services, events and activities, the council will ensure that expectations are made clear in relation to child protection.
- 9.13 There are some easy steps to take:
- check the credentials of any photographers and organisations used

- ensure identification is worn at all times
- do not allow unsupervised access to children or adults at risk including through one-to-one photographic sessions
- do not allow photographic sessions outside of the activities or services, or at a child's home
- it is recommended that the names of children or adults at risk should not be used in photographs or footage, unless with the express permission of the parent/carer of the child, young person or adult at risk.

9.14 Employees should contact the Communications Team for advice and a copy of the Media Consent Form before the activity commences.

## 10. Safeguarding Training

10.1 Safeguarding is a crucial way in which the contents of this policy are communicated to employees and councillors and volunteers and contractors as appropriate.

10.2 The council's induction programme for all **new employees** will include cover safeguarding issues and provide signposting information to key contacts and to the council's policy and training programme.

10.3 **All employees** will be required every three years to undertake a basic (level one) short awareness training session. This programme may be through an online programme for individuals or through 'bite-size' group training or other methods. The actual form of the training will be determined by Human Resources. Human Resources will co-ordinate and monitor the take up of this awareness raising programme to ensure corporate coverage and shall report to Leadership Team annually on take up levels: the target for take up will be 100% of those due to take part in safeguarding training in that year.

10.3 Specific or specialist training (level two) training shall be provided for all **employees who come into direct contact**

**with children, young people and adults at risk** as part of carrying out the requirements of their job.

- 10.4 The council will consult with the Hertfordshire Safeguarding Children Board and the Hertfordshire Safeguarding Adults Board about which categories of employees require specific training.

## **11. Safe Recruitment**

- 11.1 The council is committed to taking all reasonable steps to prevent unsuitable people working with children, young people and adults at risk.
- 11.2 Disclosure and Barring Service (DBS) checks must be sought where employees and volunteers have substantial or regular or unsupervised contact with children, young people or adults at risk as part of their duties or responsibilities for or on behalf of the organisation.
- 11.3 DBS checks only guarantee that the person concerned does not have a relevant criminal conviction up to the date that the certificate is issued.

## **12.0 Key contact information**

### **Any safeguarding concerns**

- concerns and/or wish to discuss any aspect of safeguarding – contact Jonathan Geall, Head of Housing and Health, East Herts Council | e-mail: [jonathan.geall@eastherts.gov.uk](mailto:jonathan.geall@eastherts.gov.uk) | tel: 01992 531594 | mobile: 07921 941239

### **Children and young people**

- concerns and/or wish to raise an issue with Children's Services – contact Hertfordshire County Council Children's Services (including out of hours) 0300 123 4043. Children's Service may refer the case on to the Hertfordshire Multi-Agency Safeguarding Hub, MASH

- for further safeguarding support for a child, young person or adult at risk – contact the police calling 101 or check the FAQs [www.herts.police.uk](http://www.herts.police.uk)
- for signposting to the appropriate agencies for children and young people –  
<http://www.hertsdirect.org/services/healthsoc/childfam/childprotection/>

### **Adults at risk**

- to download an adult concern form –  
<http://www.hertsdirect.org/your-council/hcc/healthcomservices/acspolicies/safeadults/>
- concerns and/or wish to raise an issue with Adult Care Services – contact Hertfordshire County Council Adult Care Services (including out of hours): 0300 123 4042
- if the adult at risk doesn't have a care worker – contact See & Solve (East) 01438 844344
- if the adult at risk is living in a registered care home or receiving domiciliary (home) care services – contact the Care Quality Commission (CQC) on 03000 616 161

## **13. Monitoring and policy review**

13.1 Actions required under this policy will be regularly monitored, including via:

- external audits
- internal audits
- recording of employee training
- engagement with the Herts Safeguarding Boards
- review of the council's Strategic Risk Register.

13.2 The policy will be reviewed every three years or sooner if there are any changes in legislation or best practice requiring amendments to be made.

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Priority 2 – Enhance the quality of people's lives
Consultation:	Unison and the Leadership Team have been consulted on the revised Safe Guarding Policy.
Legal:	None
Financial:	None
Human Resource:	As detailed in the report.
Risk Management:	None
Health and wellbeing – issues and impacts:	None

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