



James Ellis

Head of Head of Legal and Democratic
Services

MEETING : LOCAL JOINT PANEL
VENUE : VIRTUAL MEETING
DATE : WEDNESDAY 1 JULY, 2020
TIME : 12.00 PM

MEMBERS OF THE PANEL

EMPLOYER'S SIDE:

Councillors M Stevenson, E Buckmaster, L Haysey and J Dumont (Vice-Chairman)

Substitutes: Councillors A Alder and G Cutting

STAFF SIDE – UNISON

Ms J Bruce (Chairman), Ms N Munro, Ms S Forde and Ms J Pomfrett

Substitute: Ms J Francis

(Membership for this Committee and all other committees remains unchanged following a decision taken at Council on 13 May 2020 to confirm the position during these unprecedented times. Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting).

CONTACT OFFICER: Democratic Services,
Scrutiny Officer 01279 502172
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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.)

Public Attendance

This is Consultative Panel and as such an Officer / Member meeting. While the agenda is available for public inspection, the meeting is not open to the Public.

If you need further information please contact the Democratic Services Manager rebecca.dobson@eastherts.gov.uk or call the Council on 01279 655261 and ask to speak to Democratic Services.

AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes (Pages 7 - 12)

To confirm the Minutes of the meeting held on 5 February 2020.

Members are reminded that the meeting scheduled for 23 April 2020 was cancelled as a result of Covid-19.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Reports by Secretary to the Employer's Side

(A) General Leave Policy_(Pages 13 - 36)

(B) Out of Hours Policy_(Pages 37 - 48)

6. Reports by Secretary to the Staff Side

There are no reports by the Secretary to the Staff Side

7. 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.

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MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 5 FEBRUARY 2020, AT 12.00
PM

PRESENT:

Employer's Side

Councillors M Stevenson,
E Buckmaster, L Haysey

Staff Side (UNISON)

J Bruce (Chairman), N Munro, J Francis

ALSO PRESENT: Councillor R Bolton

OFFICERS IN ATTENDANCE:

Andre Ferreira	- Democratic Services Officer
Simon O'Hear	- Head of Human Resources and Organisational Development
Emily Cordwell	- Human Resources Apprentice
Claire Kirby	- Human Resources Officer

5 APOLOGIES

Apologies for absence were received on behalf of Councillor Dumont and Debbie Thomas (Unison).

6 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed everybody to the meeting,

specifically Councillor Bolton, who was attending the meeting as an observer in her capacity as Chairman of the Human Resources Committee.

The Chairman said that while last meeting of the Committee was held some time ago, in June 2019, meetings would only be held if there was a strategic reason to do so.

The Chairman conveyed her thanks to Simon O'Hear, Head of Human Resources and Organisational Development, for his co-operation and contribution to the good working relationship which existed between the Staff Side and the Employer Side.

7 DECLARATIONS OF INTEREST

In response to Councillor Buckmaster who enquired if he should declare an interest on any agenda item as his son had recently been appointed as an EHC employee, the Chairman said that this was not necessary.

8 MINUTES - 5 JUNE 2019

It was moved by Councillor Buckmaster and seconded by Councillor Stevenson that the Minutes of the previous meeting be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

With reference to the Acceptable Use Policy, the Chairman said that certain arrangements, such as the use of Drop Box, had not yet been practically introduced. The Head of Human Resources and

Organisational Development said that while the Acceptable Use Policy had been implemented, there were some practical issues, mainly where the Council did not fully control the application of certain systems, but these were being reviewed. The preference was to use applications which were fully controlled by the Council.

RESOLVED – that the Minutes of the meeting held on 5 June 2019 be confirmed as a correct record and signed by the Chairman.

9 GENERAL LEAVE POLICY UPDATE

The Head of Human Resources and Organisational Development presented a report on the Updated General Leave Policy and the removal of the Carers Policy. He said that a review of the General Leave Policy, the Carers Policy and the Family Friendly Policy had identified that there was duplication between the Carers Policy and the other two policies.

The Head of Human Resources and Organisational Development said that the main issue identified related to a misalignment, in that the Carers Policy had a clear provision for eligible staff for five days paid dependency leave (further such leave would be unpaid), whereas the General Leave Policy only referred to dependency leave in the unpaid section, but did refer elsewhere to five days paid discretionary leave, with the main reason being for emergencies relating to dependents.

The Committee briefly discussed how and when dependency leave was used and the Chairman said

that the UNISON had worked closely with the Human Resources team on the exact definition of a dependant, which was now in line with statutory guidance. The aim was to ensure a consistent and fair approach across all departments.

The Head of Human Resources and Organisational Development said that the General Leave Policy had been updated with more detail on dependency leave, and that the policy now made it clear that line managers should consult with HR on the use of the policy. He provided examples of when dependency leave could be used, such as to support unplanned/emergency events. He emphasised that dependency leave should not be used for planned events, which should be managed through planned leave.

The Head of Human Resources and Organisational Development said that once the amendments had been made and tested on MyView, the Union were fully consulted, and the policy was agreed to with a few minor amendments. The revised policy had then been published and line managers were fully briefed on the changes. To date, some requests for dependency leave had been approved, while some had been declined; managers and staff would be consistently educated on the use of dependency leave.

The Head of Human Resources and Organisational Development provided an update on the East Herts Together Development and said that a group had now been established, with representatives from all services being invited to the first full meeting.

The Head of Human Resources and Organisational Development explained why the group had been formed and what matters which they would consider. Some initial “quick-wins” were identified, which included supporting staff to use the MiCollab telephone system; consistent use of the Outlook calendar; the use of a standard e-mail signature; and the uploading of officer photographs to corporate systems.

Councillor E Buckmaster said that consistency was very important and referred to standardised voicemail messages as an example.

The Head of Human Resources and Organisational Development said there was still some frustration that not all staff were consistent when using Outlook. Details of policies would be rolled-out to all staff and any amendments would be submitted to the Local Joint Panel. No management training would take place until all policies had been approved and put in place so that they could be used as part of the training.

Councillor Haysey said that the request to upload photographs would also apply to Councillors and she had asked Members to do this by Friday 14 February 2020. She would give feedback on her request to the Head of Human Resources and Organisational Development and Democratic Services.

(Note from Democratic Services: Councillor Haysey was informed post-meeting that only Members could upload their photographs to their Outlook accounts as only account holders could do this. Members were also informed via the weekly Members' Information Bulletin

how this could be done.)

It was proposed by Jenny Francis and seconded by Councillor Haysey that the Panel note the recommendations in the report and the update on the East Herts Together Development Group. After being put to the meeting and a vote taken, the Motion was declared CARRIED.

RESOLVED – that the Panel note the:

(a) updated General Leave Policy which had been published on the intranet in January 2020;

(b) removal of Carers Policy from January 2020 (which duplicated sections of the General Leave Policy and the Family Friendly policy which had caused confusion); and

(c) update on the East Herts Together Policy Development Group.

The meeting closed at 12.25 pm

Chairman
Date

Local Joint Panel

Date of Meeting: 1 July 2020

**Report by: Head of Human Resources & Organisational
Development**

Report title: Updated General Leave Policy

Ward(s) affected: None

Summary

RECOMMENDATIONS:

- (a) that HR Committee be advised that the Local Joint Panel support the approval of the updates to the general leave policy to reflect legislation changes from 6 April 2020 regarding statutory parental bereavement leave & pay; and**
- (b) support the approval of a proposal to enhance the second statutory week of bereavement pay to full pay as requested by Unison and agreed by LT.**

1.0 Proposal(s)

- 1.1 The proposals are set out in the recommendations above. The General Leave Policy has been updated and published on the intranet with Unison agreement to ensure it is clear and up to date with legislation changes on statutory parental bereavement leave and pay.
- 1.2 The main proposal is to agree to further update the policy to enhance the second week of statutory parental bereavement pay to full pay.

2.0 Background

- 2.1 The General Leave Policy was previously taken to Local Joint Panel on 5 February 2020 and HR Committee on 12 February 2020 following updates to the section on dependency leave and to add further sources of support for carers/staff with dependents.
- 2.2 Legislation introducing Statutory Parental Bereavement Leave and Pay came into effect from 6 April 2020. The bereavement section of the General Leave policy was therefore updated to incorporate the required statutory changes. The statutory changes were agreed with Unison and the Leadership Team and implemented in line with the legislation
- 2.3 Once the policy was updated and published to reflect the statutory provision in line with the 6 April 2020 effective date, Unison contacted the Chief Executive and the Head of HR to request that East Herts Council enhance the second week of statutory parental bereavement pay to full pay in addition to the enhancement already provided by the existing policy for the first week (5 days) to be full pay. The Chief Executive on behalf of LT has agreed to the proposed enhancement and it is now for LJP to consider.

3.0 Reason(s)

- 3.1 The council's General Leave Policy already includes a provision for bereavement leave and pay for employees in the event of the death of their child (and other immediate family members) of up to 5 days paid leave. Leave may be taken at/or around the time of bereavement at the employees request. Where an employee requires more than the 5 days leave the employee can discuss with their manager regarding taking additional annual leave or accrued flexi time.
- 3.2 From 6 April 2020, employees who satisfy certain

eligibility criteria are entitled to take up to two weeks parental bereavement leave (with statutory pay where applicable – see below). Employees can take leave as a single two-week period or take one or two separate periods of leave of a week each (it cannot be taken as single days) within 56 weeks of the child's death.

The right to parental bereavement leave and pay applies to parents of a child under the age of 18 who dies, or parents of a child who is stillborn after 24 weeks of pregnancy, on or after 6 April 2020.

- 3.3 The bereavement section of the council's General Leave Policy has been amended to include the provision for statutory parental bereavement leave and pay. It has been made clear in the policy that it is not intended that parental bereavement leave is taken in addition to the existing 5 days paid bereavement leave that can be taken for the loss immediate family members (referred to in 3.1 above). To be entitled to statutory bereavement pay during parental bereavement leave, employees must have at least 26 weeks' continuous service. The qualifying period does not apply in the first week as the existing 5 day provision would be used.
- 3.4 Initially it was proposed that the council would pay for parental bereavement leave as follows:
- first week to be paid at full pay (the policy already had a provision for 5 days paid bereavement leave for the loss of immediate family members)
 - second week to be paid at the statutory rate (e.g. £151.20 for 2020/21)
- 3.5 Following consultation with Unison it was agreed to change the second week to be paid at full pay subject to approval by LJP and HR Committee. This means therefore that both weeks would be paid at full pay.

6.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

Yes – the General Leave Policy support a number of equality areas i.e. those with dependents, career breaks, religious events

Environmental Sustainability

No

Financial

LT agreed which includes section 151 Officer as well as all Heads of Service

Health and Safety

No

Human Resources

Yes as set out this is an employment matter and the report has been produced by HR

Human Rights

No

Legal

As set out in the report statutory parental bereavement leave is required to comply with legislation and therefore the legal requirements have been met.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 The updated General Leave Policy is attached at

Appendix 1.

Contact Officer

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East Herts Council

General Leave

Policy Statement

Policy Statement No 7 (Issue No 2) December 2019 (updated April 2019¹ and December 2019²)

¹ Minor updates made to reflect pay and terms and conditions changes agreed through collective bargaining in March 2019, this policy applies to situations which arise from 1 April 2019 onwards.

² Updated to ensure dependency leave is clear and no longer relies on a separate Carer's policy to provide clarity, Carer's Policy has been incorporated and deleted with General Leave updated to ensure consistency, changes were not material but have been agreed with Unison and will be reported to LJP/HRC.

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1.0 Introduction

- 1.1 The General Leave Policy provides employees and managers with information on the various types of leave entitlement.
- 1.2 This policy applies to all employees including Chief Officer level that are employed by East Herts Council.

2.0 Contractual Relationship during Absence

- 2.1 Having granted a period of paid or unpaid leave, the contract of employment between both parties remains in existence (except in the case of a Career Break) and therefore a commitment to maintain confidence, trust and act in good faith during the period of leave.
- 2.2 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.
- 2.3 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 Policy.

3.0 Granting and Recording Leave

- 3.1 It is the Line Manager's responsibility to consider applications for special leave or approving and logging dependency leave and use the following information as guidelines (please contact HR for further guidance where appropriate and to ensure consistency).

4.0 Public Holidays

- 4.1 Employees are entitled to public holidays, irrespective of length of service. Part time employees are entitled to a pro rata entitlement to these holidays. This is calculated as a fifth of the employee's working week, for each bank holiday, regardless whether this is a working day or not. For example, an employee working 20 hours per week would be entitled to receive 4 hours for each bank holiday.

5.0 Annual Leave

5.1 Leave Year

5.1.1 The Council operates an anniversary leave period commencing on the date an employee commenced working for the Council. Those employees starting or leaving employment during the year are entitled to leave proportionate to the number of completed weeks of service during the year.

5.2 Part Time Staff

5.2.1 Annual Leave entitlement and any other leave allowances will be applied pro-rata for part time employees based on 37 hours full time working week. For example an employee with full time equivalent 25 days annual leave (7.4 hours x 25 days = 185 hours) entitlement working 20 hours per week will be entitled to 13.5 days/100 hours annual leave.

5.3 Approval for Taking Leave/Carrying Forward Leave

5.3.1 All leave is taken at the discretion of your Line Manager and requests will need to be looked at in the context of the cover available within the team to ensure that the service provided is not disrupted.

5.3.2 Managers should try and plan staffing arrangements well in advance so that peak holiday periods are adequately covered so that holiday requests can be treated equitably.

5.3.3 Where a late request is received, the employee should not expect or assume that it will be granted and managers should treat such requests, due to unexpected events, sympathetically. As a general rule, however, employees should give at least twice the amount of notice that they wish to take as leave. Therefore, if 5 days' holiday is being requested, at least 10 working days' notice is required.

5.3.4 As far as possible all employees should take their annual leave before the end of their leave year. Where this is not possible up to five days annual leave may be carried forward into the next leave year with the prior written consent of their Line Manager.

5.4 Cancelling Leave due to sickness

5.4.1 If an employee is due to go on annual leave or during their leave becomes unwell, any absence will be counted as sickness absence rather than annual leave if a fit note is provided. Employees must notify their manager as soon as possible to inform them that they are unwell. Details of the nature of the illness and an indication of the expected return to work should be provided.

5.5 Continuous Service

5.5.1 Employees who have 5 years' continuous local authority service with East Herts or another local authority are entitled to an extra 5 days annual leave.

5.6 Basic Leave Entitlement

5.6.1 The basic leave entitlement is dependent upon the scale point an employee has reached. It is banded as follows:-

SCP 4 - 22	25 days
SCP 23 - 25	26 days
SCP 26 - 28	27 days
SCP 29 and above	28 days

6.0 Bereavement

6.1 Bereavement of Immediate Family Members

6.1.1 When an employee suffers the loss of an immediate family member, for example, partner, child, parent or sibling, the employee will be entitled to 5 paid days leave. Leave may be taken at/or around the time of bereavement at the employees request.

6.1.2 If the employee has the same relationship with the deceased as described above, for example, having been brought up by the person, then the same provision of leave will apply.

6.1.3 Managers should endeavour to facilitate any requests for leave in these circumstances. However, if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.

6.1.4 There may be circumstances where an employee requires more than the 5 days leave when an immediate family member has died. In this event the employee should make their Line Manager aware of the situation in order to arrange that annual leave or accrued flexi time can be added on.

6.2 Bereavement of Relatives / Friends

6.2.1 When an employee suffers the loss of a relative or friend, for example, grandparent, aunt/uncle or neighbour, the employee will be entitled to 1 day's paid leave to attend the funeral.

6.2.2 Line Managers should endeavour to facilitate any requests for leave in these circumstances. However, if the Line Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.

6.2.3 There may be circumstances where an employee requires more than 1 day's leave when a relative or friend has died. In this event the employee should make their Line Manager aware of the situation in order to arrange that annual leave or accrued flexi time can be added on.

7.0 Dependency Leave

7.1 Dependency Leave

7.1.1 Eligibility to dependency leave:

7.1.2 Employees have the right to take dependency leave during working hours to deal with unforeseen/unplanned or emergency events.

7.1.3 The right applies to all employees regardless of length of service, hours worked, permanent or fixed term.

7.1.4 Employees are entitled to take reasonable time off in order to take action necessary in relation to the types of unplanned circumstances set out in 7.3 below.

7.2 What is a dependant?

7.2.1 A dependant is someone who relies on the employee for care. A dependant is defined for the purposes of this procedure as an employee's spouse, partner, child, parent, dependant relative or someone who lives in the same household as the employee but who is not his or her employee, tenant, lodger or boarder or someone else who is dependent on the employee. If a manager or employee requires further clarity on what a dependant is please contact HR.

7.3 When dependency leave may be taken

7.3.1 Employees may take reasonable time off during working hours in order to take action necessary to deal with the following types of unforeseen/unplanned or emergency events:

- To provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
- To make arrangements for the provision of care for a dependant who is ill or injured;
- Because of the unexpected disruption or termination of arrangements for the care of a dependant; or
- To deal with an incident that involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment that the child attends is responsible for him or her.

7.3.2 These are examples of instances which may require dependency leave; however, the council will give consideration to requests for dependency leave which are not included above but may require the support of the council, **manager should consult with HR to ensure consistency.** Illness and injury do not necessarily have to be serious or life-threatening and may be linked to a dependant with a deteriorating condition requiring occasional support. The council will consider sympathetically each individual request for dependency leave considering the merits and circumstances of the specific case.

7.4 Procedure for taking dependency leave

7.4.1 The council will allow employees reasonable time to do what is necessary in any particular given situation. Employees will need to

notify their line manager who can approve dependency leave by logging it into MyView (the council's HR & Payroll system) which will ensure the paid allowance is managed. Up to five days in any twelve month period will be paid (this will be pro-rata for part time employees in line with all leave provisions). Further time required for dependency leave is to be taken as unpaid leave, again a manager can log this into MyView but will need to log it as unpaid with the reason of dependency chosen. Agreement should be reached regarding what time is required and for what purposes, though it is accepted that the employee may need to alter the initial agreement depending on the circumstances. Each request will be considered individually in the context of the particular circumstances.

7.4.2 There is no limit to the number of occasions on which an employee can exercise the right to take time off; however, such leave should normally be for genuine emergencies and unforeseen matters or in the case of paid provision for providing care. Employees should, therefore, utilise annual leave, or parental leave, for any planned absence as dependency leave is not intended for such purposes.

7.4.3 Permission for dependency leave should not be unreasonably refused. Employees who feel they have not been treated reasonably in relation to such leave should discuss the matter with HR and if it cannot be resolved they should access the council's grievance procedure.

7.5 Unpaid Dependency Leave (where entitlement to paid Dependency leave has been exhausted)

7.5.1 Paid dependency leave should be used to take the appropriate action necessary to resolve or deal with an emergency/unplanned event which has arisen because of a dependant. Once the employee has had reasonable time to make alternative arrangements for care provision, any further planned time off for that particular event should be taken as annual leave or flexi leave or unpaid if appropriate.

7.5.2 Where an employee has exhausted their entitlement to paid dependency leave (5 days pro-rata in a rolling year), any further time off required for dependency leave within a rolling 12 month period is to be taken as unpaid leave unless flexi or annual leave can be authorised.

7.5.3 Managers should log unpaid dependency leave on MyView as unpaid absence with the reason of dependency chosen.

7.6 Further support for Carers/Staff with dependents

7.6.1 East Herts Carers Group is self-organised staff group which meets on a monthly basis in staff own time (usually at lunch time) to provide support to fellow carers by sharing best practice and experiences. The group is open to any staff member to join and as well as supporting each other it also works with human resources to ensure staff feel supported by the council in line with the provisions made.

7.6.2 Other provisions

As set out in this General Leave Policy and the Family Friendly Policy in addition to providing an enhanced provision of paid dependency leave and operating a flexi-leave scheme for most staff:

The council also provides enhanced occupational paid leave in the following areas:

- Antenatal care
- Maternity
- Adoption
- Paternity
- Fostering
- Bereavement

The council also provides the opportunity to take unpaid leave in the following areas:

- Parental Leave
- Career Breaks which can be used to support a longer term caring arrangement
- Dependency leave
- Unpaid leave to provide planned care

7.6.3 Employee Assistance Programme (EAP) The council provides employees with an external EAP which provides proactive, practical information and emotional support to help you to manage and reduce the impact of all of life's events, both at home and at work. The service is available 24/7 and is completely free and confidential. The service provides a specially trained, legal and information team which can help to resolve issues around: debt, legal concerns, consumer and care etc. In addition to a helpline/ telephone service

and online support where appropriate employees will have access to up to 6 sessions of structured counselling.

7.6.4 Useful Links:

- Carers UK: <https://www.carersuk.org/>
- Herts Carers: <https://www.carersinherts.org.uk/> this site also provides links to many other useful sites
- Hertfordshire County Council:
<https://www.hertfordshire.gov.uk/home.aspx>
- Unison (Trade Union) Carers support/news:
<https://www.unison.org.uk/search/carers/>

8.0 Career Breaks

8.1 **What is a Career Break?**

8.1.1 A career break enables an employee with 2 years continuous service with the Council to take an unpaid break from work for personal reasons and maintain continuity of service with the Council. The employee is required to give a minimum of 3 months' notice to commence a career break. With the exception of continuity of service, all other terms of the employment contract with the Council will be suspended. On return, at an agreed date following the career break, the employee will be able to return to the same or similar post within the Council without competitive selection.

8.1.2 It is recognised that during an employee's working life there will be times when personal commitments may take priority over work for example, bringing up children, longer term care for sick or elderly relatives, or pursuing a course of further education. The Council can accommodate such personal commitments, where operationally practicable, through career breaks.

8.2 **What is the purpose of a career break?**

8.2.1 The purpose of a career break could be:

- To extend the maternity/ paternity leave period
- To extend a period of adoption leave
- To care for dependent relatives
- To enter full time education
- Extended foreign travel

- To convalesce after a period of illness or major life crisis such as bereavement or divorce

8.2.3 These reasons are not all inclusive and others may be considered, with the major exception of taking up other paid employment.

8.3 How long is a career break?

8.3.1 The minimum break is 3 months and the maximum break is 1 year.

8.3.2 There is no limit to the number of career breaks an employee can take providing that they return to work for the Council for a minimum of 2 years between each career break.

8.4 Who can apply for a career break?

8.4.1 All permanent employees, with at least two years continuous service with the Council, regardless of the number of hours worked, are eligible to apply for a career break.

8.4.2 An employee must submit their request to their manager, with a copy to Human Resources stating when they would like their career break to commence, the reason for their career break and the durations of the requested break.

8.5 What happens to the employee's job?

8.5.1 After a career break the employee will have the right to return to their same or equivalent position (in terms of service area and pay) where this is available. However, where this is not available the Council will offer an alternative which can include work elsewhere in the Council at a different level and pay. The new job would need to be a suitable alternative, within the definition used when employees are facing redundancy and would be in line with the Redeployment Policy regarding salary protection. (see Redundancy policy and Redeployment policy for more details)

8.6 Extending or cutting short the career break

8.6.1 If the employee wishes to extend the career break, they must do so in writing giving a minimum of three months' notice. The Line Manager will give consideration to the extension along the same lines as the original request and may grant up to one year in total.

8.6.2 There will be no automatic right to cut short a career break but Line Managers will consider such requests from an employee as they can accommodate, without impacting on service level.

8.7 Contract of employment

8.7.1 The employee will be required to sign an agreement suspending all terms of their contract of employment, with the exception of continuity of service with the Council. The contract of employment will remain suspended for the duration of the career break. This will not constitute a break in service and general conditions of service will apply as at the start of the career break when the employee returns to work.

8.8 Rate of Pay/Pension

8.8.1 At the end of the career break the employee will return to the same incremental point they were on at the start of the career break which may result in salary protection if the post has been downgraded in a restructure or an alternative post has been agreed by all in lieu of the original post.

8.8.2 Employees considering career breaks should contact LPFA pensions for more information.

8.9 Disciplinary warnings

8.9.1 Any live disciplinary warnings will be suspended for the duration of the career break and will be carried forward upon the employee's return to work.

8.9.2 Please also view the Flexible Working Policy for more information.

9.0 Citizenship duties

9.1 Elected Members of other Council Authorities

9.1.1 Employees who undertake duties as an Elected Member in another authority will be allowed to take up to a maximum of 10 days paid leave per annum. Leave must be used to attend official functions or meetings. Requests for leave must be accompanied by proof that attendance is required.

9.1.2 All employees paid on or above SCP 44 are politically restricted and therefore, unable to undertake these duties. Other employees may also be restricted from undertaking these duties. Guidance should be sought from their line manager or Human resources. In both circumstances the restriction will be detailed in the employee's contract.

9.1.3 It is the Line Manager's responsibility to approve and monitor requests for time off to undertake Civic Duties. However, if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.

9.2 Magistrates

9.2.1 Employees who are Magistrates will be allowed to take up to a maximum of 10 days paid leave per annum. Leave must be used to attend court sessions. Requests for leave must be accompanied by proof that attendance is required.

9.2.2 It is the Line Manager's responsibility to approve and monitor requests for time off to undertake Civic Duties. However, if the Line Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.

9.3 Court Attendance as a Witness/Jury Member

9.3.1 Employees summoned as a witness or jury member will be allowed the necessary time off to attend court. The employee should inform their Line Manager at the earliest convenience and pass on the summons document to Payroll for completion.

9.3.2 Any monies received by an employee to compensate for loss of pay must be declared to Payroll.

9.4 Court Attendance as the accused or to pursue a Personal Claim

9.4.1 Employees who are attending court as the accused or to pursue a personal claim will be required to take annual or flexi leave.

9.5 Active Citizen Duties

- 9.5.1 Employees who volunteer their expertise for public service may take up to 3 days paid leave per annum to attend formal meetings or functions.
- 9.5.2 Applications for leave must be accompanied by proof that attendance is required. Leave will be granted at the discretion of the manager.
- 9.5.3 The definition of active citizenship duties would include School Governors, Trustees of Charitable Trusts, Management Committee members of charitable trusts, members of publicly constituted watchdog organizations. N.B. This list is not exhaustive and other bodies may fall into this category.

9.6 Service in Reserve Forces

- 9.6.1 Employees who are members of the Reserve Forces may be required to attend summer camp on an annual basis. Two weeks' paid leave will be allowed in these circumstances.
- 9.6.2 Employees are required to give as much notice as possible for annual camp in order for the Line Manager to arrange appropriate cover. Leave may be refused if it would have a detrimental impact on service delivery.
- 9.6.3 In circumstances where a reservist employee is mobilised they will not be paid by East Herts Council and should be placed on a Career break for payroll purposes to ensure their continuous service is not broken.

10.0 Union duties

10.1 Time off to Undertake Trade Union Duties

- 10.1.1 Unison stewards and officers are entitled to reasonable time off for Unison activities in accordance with the Recognition and Procedural Agreement 2004. As much notice as possible must be given to their line manager of absence due to union duties.
- 10.1.2 When the Employer request Unison to attend meetings, the employees concerned will be allowed paid time off from their normal duties to attend. Any additional expenses incurred by attendance will be reimbursed under the normal Council guidelines subject to approval by the Employer before they are incurred.

10.2 Unison Annual General Meeting

10.2.1 The annual general meeting will be arranged in consultation with the Chief Executive who should be given at least one month's notice of the date of the meeting.

10.2.2 The meeting will generally be held at lunchtime and Unison members attending may credit flexi time up to the end of the meeting.

10.3 Executive and Safety Committee Meetings

10.3.1 Unison will hold monthly executive meetings at Wallfields, Hertford and occasionally other EHDC venues.

10.3.2 The meeting may commence any time after 16.00 hours and employees attending may credit the flexi system until the end of their attendance or until 17.30 hours whichever is first.

10.4 Other Trade Union Activities

10.4.1 Managers may allow reasonable time off for Unison Officers to attend training courses, regional meetings and the annual conference in accordance with the Recognition and Procedural Agreement 2004.

11.0 Training Courses and Day Release

11.1 Employees who are required by the Council to participate in training events and/or day release courses will be allowed paid time off.

11.2 Employees will not be required to work extra hours to compensate for time off to attend Council run training events or courses. If an employee attends a course the time should be recorded in flexi time in accordance with the Flexitime Policy and guideline.

12.0 Examination & Study Leave

12.1 Employees who are required by the Council to undertake training course examinations will be allowed paid time off to do so. The time should be recorded in accordance with the Flexitime Policy and guide line.

- 12.2 Employees may apply to take one day's study leave per exam at the discretion of their manager.
- 12.3 Time off to resit exams should be taken as annual leave or flexi leave.
- 12.4 Employees should inform their manager of dates and times of examinations in order that cover arrangements can be made.

13.0 Interviews in other Local Authorities

- 13.1 Employees will be able to take up to 5 days' paid leave per annum in order to attend interviews at other Local Authorities.
- 13.2 It is the Line Manager's responsibility to approve and monitor requests for time off to attend Local Authority Interviews. However, if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.

14.0 Leave for Medical Reasons

14.1 Medical Screening

- 14.1.1 Employees will be entitled to paid time off for the purpose of medical screening as deemed necessary by their GP or any relevant medical body.
- 14.1.2 Employees should inform their Line Manager of date and times of the appointment and provide details of appointments as soon as practicable in order that cover arrangements can be made.

14.2 Hospital Appointments

- 14.2.1 Employees are entitled to paid time off to attend hospital appointments following referral by their GP or any relevant medical body.
- 14.2.2 Disability leave should be considered where a person needs time off every week, every few weeks, every few months or every year for medical appointments, treatments or rehabilitation relating to disability. Disability leave should not be counted towards trigger points. Please refer to the Absence Policy for detail.

14.2.3 Employees should inform their Line Manager of date and times of the appointment and provide details of appointments as soon as practicable in order that cover arrangements can be made

14.3 Fertility Treatment

14.3.1 An employee will be given reasonable time off to undertake fertility treatment.

14.3.2 Employees must agree their time off arrangements with their manager in advance of the appointments and produce their appointment card where appropriate.

14.3.3 Employees on flexi-time should record time to attend appointments as described in the Flexitime Policy in the section relating to hospital appointments.

14.4 GP and Dental Appointments

14.4.1 Normally employees should use flexi time to visit their GP or Dentist or arrange appointments outside work time.

15.0 Time off for Religious observance

15.1 Many religions or beliefs have special festival or spiritual observance days. Employees may request holiday in order to celebrate festivals or attend ceremonies. Line Managers should sympathetically consider such requests and grant leave out of holiday entitlement, flexitime or unpaid leave.

16.0 Review

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

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Local Joint Panel

Date of Meeting: 1 July 2020

Report by: Head of Human Resources & Organisational Development

Report title: Updated Standby and Out of Hours Policy

Ward(s) affected: None

Summary

RECOMMENDATION that:

- (a) Human Resources Committee be advised that the Local Joint Panel support the changes made to the Standby and Out of Hours Policy following the decision to cease the Corporate Standby Rota are approved.**

1.0 Proposal(s)

- 1.1 The proposals are set out in the recommendations above. The Standby and Out of Hours Policy has been updated following the decision to cease the Corporate Standby Rota.

2.0 Background

- 2.1 The Standby and Out of Hours Policy was first written in 2010 and has not been updated since then apart from to update the payment amounts in line with annual pay awards.
- 2.2 The original policy covered three teams that received payment for Standby/Out of Hours duties; Environmental Health, Building Control and the Corporate Standby team.
- 2.3 In 2015 the Caretaking team raised a grievance stating that they should also receive standby payments for

being on call for alarm call-outs for Wallfields. Their grievance was upheld and payments have been made since but the policy was not updated to reflect this.

- 2.4 Since the policy was introduced, Environmental Health has now ceased their out of hours rota and Building Control is no longer part of the Council but these sections had not been removed from the policy.
- 2.5 The decision to cease the Corporate Standby Rota taken by Leadership Team on 26 May 2020 means that the Caretaking Team will be the only remaining team receiving payment for standby duties.

3.0 Report

Corporate Standby Rota

- 3.1 Leadership Team took the decision on 26 May 2020 to cease the Corporate Standby Rota. This section has been removed from the updated policy.
- 3.2 The Corporate Standby Rota is a voluntary shared rota and officers on the rota are not contractually obliged to provide this service and can give or be given one month's notice to terminate.
- 3.3 There are four standby officers who are on a 128 hour per week rota and are paid £2.02 per hour (£258.56 per normal week) and double on public holidays. If costs are incurred these can be claimed back and if calls last longer than 15 minutes, overtime payment can be claimed for the entire length of the call. The annual cost of this service for 2019/20 is £13,690.
- 3.4 The standby officer records the caller's details and passes this to the appropriate officer during the next working day.
- 3.5 Calls received typically cover alarm notifications, stray dogs, noise complaints, building control and illegal

encampments.

- 3.6 There has been a 77% decrease in calls received by the Corporate Standby Team since 2016/17, reducing from 272 calls in 2016/17 to 63 calls in 2019/20. This means that the cost per call has drastically increased and averaged £217.30 per call in 19/20 (the annual cost was £13,690 in 2019/20). Please see the table below showing call volumes between 2016/17 and 2019/20.

Type	Number in 2016/17	Number in 2017/18	Number in 2018/19	Number in 2019/20
Noise	120	72	71	32
Dogs	114	79	61	20
Travellers	0	1	0	6
Structural Damage	8	5	6	3
House Alarm	10	5	3	1
Highways	5	0	0	1
Homelessness	0	1	0	0
Bonfires	15	5	0	0
Total	272	168	141	63

- 3.7 Leadership Team agreed to put in place an automated system to give out of hours callers the appropriate response. Building Control matters would normally go through HCC as the first point of contact and then should be dealt with through the LT on call rota. With all other matters there should be an automated voice message informing the caller to email or call during the next working day or highlighting information on the councils' or other relevant websites.
- 3.8 UNISON were consulted on the revised policy and decision to cease the Corporate Standby Rota and have agreed the changes to the policy.
- 3.9 UNISON accept that the cessation of the Corporate

Standby Rota would result in considerable savings for the Council and this could be achieved without a significant loss of service to residents. However, UNISON consider that the required notice period of one month to be unjust due to the lack of notice of any planned change to this service being given. In order to allow the recipients to become accustomed to what may be a significant reduction in their income, UNISON propose that a notice period of not less than three (3) months should be given once the revised policy and report have been agreed by the LJP to be advised to HR committee.

- 3.10 Leadership Team have accepted UNISON's proposal to extend the notice period to 3 months to provide more time for the four staff members to adjust subject to LJP approval.

Environmental Health and Building Control

- 3.11 Environmental Health ceased their standby rota some time ago so this section has been removed from the policy. Building Control Officers who used to provide standby cover are no longer employed by the Council so this section has also been removed.

Caretaking Team

- 3.12 The Caretaking team have been receiving standby payments since their grievance was upheld in 2015. Details of their standby rota have been added to the policy.

4.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

Financial savings of £13,690 per annum will be made by ceasing the Corporate Standby Rota.

Health and Safety

No

Human Resources

Yes as set out this is an employment matter and the report has been produced by HR

Human Rights

No

Legal

No

Specific Wards

No

5.0 Background papers, appendices and other relevant material

- 5.1 The updated Standby and Out of Hours Policy is attached at Appendix 1.

Contact Officer

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East Herts Council

Standby Duty and Out of Hours Call Out

Policy Statement

Policy Statement No 39 (Issue No 3)

Updated August 2020

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Introduction

- 1.1 Services may require employees to be available outside working hours to respond to incidents / emergencies which, due to their nature, cannot wait until the next working day.
- 1.2 The purpose of this policy is to compensate individuals for the inconvenience of being at their employer's disposal outside of working hours and for the limitations this imposes on them.
- 1.3 Rates of pay are standardised across the council in recognition of the principle that employees' own time outside of working hours is of equal value.
- 1.4 Officers carrying out standby or out of hours duties are required to remain contactable, available and fit for duty. Officers must therefore refrain from being under the influence of alcohol or any other substances that would impair their ability to work safely.
- 1.5 Officers on standby or out of hours duties are not required to stay at their home address but should be within a reasonable proximity of the district boundary and ensure that telephone contact coverage is maintained.

2.0 Out of Hours Working

- 2.1 The Caretaking team are currently the only team in the council working on a standby rota.
- 2.2 The Caretaking team run an out of hours rota whereby one Caretaker is always available on standby outside of the Wallfields' opening hours to respond to alarm call outs for Wallfields. A normal week of standby duty for the Caretaking team is 103 hours as follows:

Day	Hours to/from	Hours
Mon/Tues	20.00-7.00	11.00
Tues/Weds	20.00-7.00	11.00
Weds/Thurs	20.00-7.00	11.00
Thurs/Fri	10.00-7.00	11.00
Fri	20.00 - 0.00	4.00
Sat	0.00 – 0.00	24.00
Sun/Mon	0.00 - 24.00 + 7.00	31.00

2.3 Certain officers in the council, for example in Planning and Licensing also take part in out of hours working as part of their role, but are not required to be on call as they only make proactive planned visits. Officers in these teams do not receive additional payments as the out of hours working is taken into account in their job description and therefore basic salary. Officers in this team can claim time off in lieu (TOIL) in line with current policy for any visits made outside of hours, inclusive of travelling time.

3.0 Emergency Planning Activities

3.1 A number of members of staff have chosen to be trained as emergency planning volunteers so that they can be called upon to assist the council in the event of an emergency. They are not required to be on call so do not receive any payment for this but if they are available and fit for duty at the time of an emergency they will be asked if they can assist.

3.2 If emergency planning volunteers are called out to attend an emergency outside of normal office hours they will be reimbursed for their time with either overtime or TOIL. It will be the decision of the employee whether they wish to take overtime or TOIL.

3.3 The Deputy Chief Executive and all Heads of Service are required to take part in an on call rota to act as the first responder in relation to out of hours emergencies. This is a contractual requirement for which there is no additional remuneration. In line with this policy they too must remain contactable, available and fit for duty while on call, and therefore refrain from being under the influence of alcohol or any other substances that would impair their ability to work safely.

4.0 Payment

4.1 A corporate approach has been adopted across the council, with the same level of payment being awarded to all staff undertaking standby and out of hours duties (excluding emergency planning volunteers). The rate per hour as of 1 April 2020 is £2.02 and this is doubled for Public Holidays.

4.2 Payments will be increased each year by the same percentage increase as the NJC agreed annual pay award.

- 4.3 If employees are required to be on standby / out of hours duties on Public Holidays they will be paid an enhanced rate of hours for that day, as detailed in the table above.
- 4.4 Officers can claim overtime (or TOIL if requested by the employee) for any alarm call outs they are required to attend, inclusive of travelling time.
- 4.5 The standby / out of hours duty payments that employees receive form part of the employee's pensionable pay.
- 4.6 Where staff are unable to provide planned standby / out of hours cover (for example, through sickness or annual leave), staff are required to swap duties with a colleague. Staff will not be paid for standby / out of hours duty whilst on annual leave or off sick. Staff must make every effort to take annual leave at a time when they are not on standby / out of hours duty.
- 4.7 However, if staff wish to continue to undertake standby duties whilst on annual leave, for example they are staying at home and will be contactable and available to take calls/ attend call outs, then this is permissible, subject to approval from the relevant manager.

5.0 Job Descriptions, Person Specifications and Written Particulars of Employment (not applicable to emergency planning volunteers)

- 5.1 Job Descriptions – It must be stated in all appropriate job descriptions that it is a requirement of the job to perform out of hours duties.
- 5.2 Person Specifications – It must be stated on all appropriate person specifications that the employee must be available to work out of hours in line with service requirements.
- 5.3 Written Particulars of Employment – It must be stated that the employee will be required to participate in an out of hours rota.

6.0 Administration

- 6.1 Payment for Standby and Out of Hours duties should be claimed on an overtime claim form that should be completed by the employees, passed to the relevant manager for authorisation and forwarded to Payroll for payment by the 6th of the month following the month claimed. The manager who authorises the

payment and associated overtime / TOIL must be an authorised signatory. This will ensure that payment is only made to those employees who have carried out this service.

7.0 Policy Review and Amendment

- 7.1 This policy shall be reviewed after three years, or sooner in line with legislation and best practice to reflect the best possible level of support and management.