



**MEETING** : LOCAL JOINT PANEL  
**VENUE** : LEA ROOM, WALLFIELDS, HERTFORD  
**DATE** : TUESDAY 21 MAY 2024  
**TIME** : 12.00 PM

**PLEASE NOTE TIME AND VENUE**

**MEMBERS OF THE PANEL**

**EMPLOYER'S SIDE:**

Councillors E Buckmaster, A Daar, J Dumont, D Hollebon

**STAFF SIDE – UNISON:**

J Bruce, S Forde, H Marsh and P Stevens

**Substitute:**

N Munro

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

**CONTACT OFFICER:**

**Michele Aves**

**[michele.aves@eastherts.gov.uk](mailto:michele.aves@eastherts.gov.uk)**

**01279 502177**

## **Disclosable Pecuniary Interests**

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.

## **Public Attendance**

East Herts Council welcomes public attendance at its meetings and meetings will continue to be live streamed and webcasted. For further information, please email [democraticservices@eastherts.gov.uk](mailto:democraticservices@eastherts.gov.uk) or call the Council on 01279 655261 and ask to speak to Democratic Services.

The Council operates a paperless policy in respect of agendas at committee meetings and the Council will no longer be providing spare copies of Agendas for the Public at Committee Meetings. The mod.gov app is available to download for free from app stores for electronic devices. You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device.

Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

### **Audio/Visual Recording of meetings**

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

## **AGENDA**

1. Appointment of the Chairman for 2024/25

To appoint a Chairman for 2024/25 from the Staff Side.

2. Appointment of the Vice-Chairman for 2024/25

To appoint a Vice Chairman for 2024/25 from the Employers Side.

3. Apologies

To receive apologies for absence.

4. Chairman's Announcements

5. Declarations of Interest

To receive any Members' Declarations of Interest.

6. Reports from the Employer's Side

(A) Flexible Working Policy Report\_(Pages 6 - 22)

(B) General Leave Policy Report\_(Pages 23 - 47)

(C) Family Friendly Policy Report\_(Pages 48 - 79)

(D) Redundancy Policy Report\_(Pages 80 - 99)

(E) Volunteering Policy Report\_(Pages 100 - 111)

7. Reports from the Staff Side

There are no reports from 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.

# Agenda Item 6a

## **East Herts Council Report**

### **Local Joint Panel**

**Date of meeting: 21 May 2024**

**Report by:** HR and Organisational Development Service Manager

**Report title:** Flexible Working Policy

**Ward(s) affected: None**

### **Summary**

This report addresses the legalisation passed in April 2024, which changes flexible working rights for employees and ensures the Council's policy aligns with the amendments explained in the background section below.

### **RECOMMENDATIONS FOR Local Joint Panel:**

a) To approve the updated Flexible Working Policy

#### **1.0 Proposal(s)**

1.1 The proposals are set out in the recommendations below.

#### **2.0 Background**

2.1 From 6 April 2024, the Flexible Working Regulation removed the requirement for employees to have at least 26 weeks of continuous service to make a flexible working application. This is now a 'day one' right, and employees can make two statutory flexible working requests every 12 months. They have also reduced the time limit for employees to deal with statutory requests from three to two months and removed the need for employees to explain the effect of the proposed changes.

#### **3.0 Reason(s)**

3.1 Given the significant changes above, we have reviewed our flexible working scheme to ensure it reflects the new

requirements. We aim to train managers to handle flexible working requests and plan communications to staff to reflect the changes.

3.2 We have updated the recruitment request form to capture the justification for the proposed hours before going out for recruitment. This can, therefore, be referred to if an application differs from the hours.

3.3 The current flexible working application process (via intranet) will be reviewed to remove questions relating to the impact of the new working pattern and the effect on the service and colleagues.

3.4 The policy has been approved by the Leadership Team and Unison.

#### **4.0 Options**

4.1 N/A

#### **5.0 Risks**

None

#### **6.0 Implications/Consultations**

##### **Community Safety**

No

##### **Data Protection**

No

##### **Equalities**

No

##### **Environmental Sustainability**

No

**Financial**

No

**Health and Safety**

No

**Human Resources**

Yes – as set out in the report

**Human Rights**

No

**Legal**

No

**Specific Wards**

No

**7.0 Background papers, appendices and other relevant material**

7.1 The updated policy can be found in Appendix 1.

**Contact Officer**

Alex Wanless, HR and OD Service Manager

[alex.wanless@eastherts.gov.uk](mailto:alex.wanless@eastherts.gov.uk)

**Report Author**

Emily Cordwell, HR Advisor

[emily.cordwell@eastherts.gov.uk](mailto:emily.cordwell@eastherts.gov.uk)





# **EAST HERTS COUNCIL**

## Flexible Working Scheme

---

**Policy owner: Human Resources**

**Policy date of last review: April 2024**

## Contents

1.0	Purpose.....	3
2.0	Eligibility.....	3
3.0	Principles.....	4
4.0	Legal Issues .....	4
5.0	The Business Need.....	5
6.0	Flexible Working Options.....	5
7.0	Process.....	6
7.1	Considering the request .....	6
7.2	Making the Decision .....	8
7.3	Multiple Requests .....	8
7.4	Trial Periods .....	8
7.5	Refusing the Request.....	9
8.0	Monitoring .....	11
9.0	Appeal .....	11
10.0	Policy Review and Amendment .....	12
	APPENDIX A .....	13
	APPENDIX B .....	17

## **1.0 Purpose**

- 1.1 This policy sets out the council's approach to flexible working arrangements which is in accordance with the ACAS code of practice and guidance on handling requests to work flexibly in a reasonable manner.
- 1.2 The council recognises that flexible working can increase staff motivation, promote work-life balance, enrich employee wellbeing, and improve performance and productivity.
- 1.3 This policy outlines an employee's statutory rights to request flexible working which the Council will seek to support where it is reasonable and practicable to do so. (See section 4.2)
- 1.4 Requests for flexible working may be for any reason and are not restricted to employees with family care commitments. This policy does not include agency workers, contractors, consultants, or any self-employed individuals working for the Council.

## **2.0 Eligibility**

- 2.1 All employees have the statutory right to request flexible working on day one of employment. Under the statutory procedure, an employee can make two requests in any 12-month period. If you have submitted a flexible working request, you must wait until that one has been considered and any appeal has been dealt with, before submitting another.

## **3.0 Principles**

- 3.1 An employee does not have a right to work flexibly but has a right to request to do so.
- 3.2 The council will try to accommodate requests where possible and may also, if appropriate, explore alternative flexible arrangements with the employee in order to reach a mutually beneficial arrangement.

- 3.3 All requests will be considered as quickly as possible. This will normally be within a calendar month of the line manager receiving the request. The whole process, including any possible appeal against the decision, must be conducted within a maximum period of 2 calendar months. This timescale may be extended, if necessary, where this is mutually agreed.

#### **4.0 The Business Need**

- 4.1 Although the council is committed to encouraging flexible working patterns, some flexible working options will not be appropriate for all roles across all service areas.
- 4.2 Where an instance of flexible working is proposed, managers need to consider:
- the effect of the proposed arrangement on the service;
  - the effect of the proposed arrangement on other employees, customers and the council;
  - the cost of the proposed arrangement;
  - the level of supervision that the post-holder requires;
  - the structure of the service and staff resources;
  - other issues specific to the employee's service;
  - an analysis of the tasks specific to the role, including their frequency and duration;
  - analysis of the workload of the role.

#### **5.0 Flexible Working Options**

- 5.1 The policy considers the following options, but the council recognises that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:
- part time working;
  - compressed hours;
  - temporary voluntary reduced working time;
  - term-time working;
  - job share.
- 5.2 Please see Appendix A for further details on the types of flexible working options. Flexi time and home working are not

covered by this policy. Please refer to the Blended Working policy on the intranet.

## **6.0 Process**

### **6.1 Considering the request**

6.1.1 The employee is required to submit a request to work flexibly using the Flexible Working Request form on the intranet. The request must include the following:

- the date of their application, the change to working conditions they are seeking and when they would like the change to come into effect;
- a statement that this is a statutory request and if and when they have made a previous application for flexible working.
- (optional) the reasons for their request, especially if the council's Equality and Diversity Policy may be relevant, for example, if the request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability.

6.1.2 On receipt of the request the manager should arrange a meeting to discuss the request with the employee within 10 working days of receipt of the request. A HR Officer must be present at this meeting. This will provide an opportunity to explore the desired work pattern in depth and to discuss how this might be accommodated. It will also provide an opportunity to consider other alternative working patterns.

6.1.3 The manager may determine they need more time to make a decision, they will discuss this with the employee and agree a time period which may include a timescale extension in line with 3.3 above.

6.1.4 Employees have the right to be accompanied at the meeting by a work colleague or Trade Union representative.

6.1.5 When considering the request the manager should view it as objectively and fully as possible, taking into account the

business needs (see 4.0) and the employee's current role. The manager should take into account:

- the workload (of the employee making the request, and the team)
- options for re-scheduling / re-prioritising work
- alternative options for flexible working
- implications for conditions of service
- financial implications to the council.

6.1.6 Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working patterns.

## 6.2 Making the Decision

6.2.1 The manager must seek approval from the Head of Service before informing the employee of the decision. HR will confirm the manager's decision in writing and confirm any impact on pay and annual leave as appropriate.

## 6.3 Trial Periods

6.3.1 All approved flexible working requests should include a trial period (usually for 3-6 months) for both the benefit of the employee and the service. This is to establish whether the arrangements requested are sustainable in the council, the impact on the role, colleagues and service(s). The trial period will be agreed between the employee and manager taking into consideration the role of the employee and needs of the service.

6.3.2 A successful trial period should be confirmed in writing stating that the arrangement is now permanent (or for a fixed term if it is agreed the flexible arrangements are temporary).

6.3.3 If it is considered that the trial period has been unsuccessful, the reasons for this decision must be communicated to the employee and followed up in writing.

Managers should use one or more of the business grounds outlined in point 6.4.2 when explaining their decision.

6.3.4 Employees will have the right to revert back to their original pattern of working within the trial period subject to the employee giving appropriate notice to the manager.

#### 6.4 Refusing the Request

6.4.1 Managers in consultation with the Head of Service should contact their HR Officer for advice before refusing a flexible working request.

6.4.2 If it is considered that a post is unsuitable for the specific flexible working option proposed by the employee, the reasons for this decision must be communicated to the employee, ideally by discussion and followed up in writing. Requests for flexible working should only be refused on one or more of the following business grounds:

- burden of additional costs
- detrimental effect on the ability to meet customer demand
- inability to reorganise work among employees
- inability to recruit additional employees
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the period the employee proposes to work
- planned structural changes, e.g. a pending or current restructure
- other relevant business grounds
- Working Time Regulations 1998 are not met.

6.4.3 If the employee verbally withdraws the request this must be confirmed by the employee in writing.

## **7.0 Monitoring**

- 7.1 All flexible working arrangements should be reviewed on an annual basis, through the PDR process. Any changes to flexible working arrangements once they have been confirmed as permanent must be with agreement from both parties.
- 7.2 All flexible working arrangements are subject to a proviso that the employee may be required to revert back to their original pattern of working if there are identifiable and significant operational problems identified at any time. Such action will not be taken unreasonably and will be subject to full discussion with the employee(s) concerned and the giving of appropriate notice.

## **8.0 Appeal**

- 8.1 The employee may appeal the decision within 5 working days of the decision being notified to them. The grounds for the appeal should be put in writing to the HR and OD Manager. Please refer to the Appeals Policy for the process and appeals submission form.

## **9.0 Policy Review and Amendment**

- 9.1 This Policy shall be reviewed in line with legislation and best practice and business needs.



## **APPENDIX A**

### **Further information on flexible working options**

#### Part-time working

Part time working is where an employee is contracted to work fewer than 37 hours a week, the full time equivalent contractual hours per annum.

#### Compressed Hours

Compressed hours is a system that permits employees to work their total number of contractual hours over fewer working days. Usually a 5 day week is compressed into 4 days or 4.5 days, a 10-day fortnight into 9 days or 18 day month (based on a 4 week month).

#### Temporary voluntary reduced working time

Temporary voluntary reduced working time is a system whereby it is agreed that the employee will work reduced hours for a certain period of time, with a return to their substantive working hours at the end of this period. Pay would be pro-rated during this time accordingly.

#### Term Time Working

Term time working is a system of flexible working where the employee's working weeks mirror schools' term weeks and pay is adjusted accordingly. All requests for term time working will be considered subject to operational needs.

Term time working will not be suitable for all roles or services and managers are required to ensure there is no detriment to service provision and the required level of service is provided at all times. A term time working employee will be expected to make themselves available for key training initiatives or service meetings even if they fall during school holidays. Adequate notice will be given to make alternative arrangements for those days and compensatory time off will be offered. In exceptional circumstances where alternative time off is not an option, other alternatives may be considered.

## Job share

A job share is where two employees voluntarily share the duties and responsibilities of one full-time position, dividing the hours between them. The full-time salary and leave entitlement are allocated on a pro-rata basis to each of the job share partners.

The way in which the actual hours of a job share position are divided between the job share partners should be decided by the manager/supervisor in consultation with the job share partners, taking into account the following:

- the needs of the service, section and/or department;
- any limitations on accommodation, equipment etc.;
- the requirement for a handover period (the total hours worked by the job share partners should not exceed the normal full-time hours of the post);
- if there is a requirement for job share partners to cover each other's annual leave and the service budget needed to support this.

Job Sharing can be introduced into a post in a number of ways:-

- The manager may decide that a vacant role is best suited for job share in order to accommodate the needs of the service. It will then be advertised accordingly and two separate candidates appointed on a job share basis.
- An existing employee formally applying for a job share arrangement to be agreed in respect of the post they occupy.
- An application being made by one employee/external candidate to share a vacant post.
- A joint application being made by two or more employees/external candidates to share a vacant post.
- Two or more separate applications being made, whether internal or external, which can be matched together to form a job share.

Some services may choose to make it a requirement that the job sharing partner shall make themselves available to cover their job sharing partner's annual leave. If this is the case the following conditions will apply:-

- given three weeks' notice, the cover for absence shall be full time.
- given a lesser notice period, the job sharing partner shall use their best endeavour to attend on a full time basis.
- only one job-sharing partner shall have annual leave in the same period.

The extra hours worked to cover annual leave will be paid to the employee as Job Share Allowance (this is plain time rate).

If the employee prefers they may request that some or all of their extra hours are used to accrue flexitime provided the flexitime policy is adhered to. The manager will consider this request based on the needs of the service.

In the case of unplanned/emergency absence, the job sharing partner shall use their best endeavours to attend. In the case of long-term sickness, the remaining job share partner may be requested to consider increasing their hours to cover. If the job share partner does not wish to increase their working hours, a temporary job share partner may be appointed or other arrangements made as appropriate.

## **APPENDIX B**

### **Flexible Working Requests – Guidance for managers**

**Line Managers must not speculate on what the outcome will be in relation to any flexible working request, any decision must be approved by the Head of Service before the employee is informed of the decision.**

1. Flexible working arrangements can be beneficial to both employees and the council. Keep an open mind and view requests positively and objectively as they may open up new possibilities in the way the service is provided. Finding the right work-life balance is important for all of us in terms of motivation and commitment to our work.
2. As the nature of the discussion is confidential and potentially sensitive, the meeting between the manager and the employee should be held in private, at a mutually convenient time, to discuss their request. Allow sufficient time for the employee to arrange to bring a workplace colleague or Trade Union representative with them, should they wish to do so.
3. Meeting with the employee provides the opportunity to ensure that the proposal put forward is the best solution.
4. The aim of the discussion is to explore the potential benefits of their request, the impact it may have on the service and the rest of the team and how it might be accommodated. Encourage the employee to put forward his or her ideas about how the working pattern sought could be made to work, as s/he may have some sound ideas about how the job might be done differently, but equally effectively.
5. Remember that if the working hours reduce, the workload will need to be reduced proportionately. Would you need to find a replacement/cover or could the work be done at a different time or in a different way? Are there any potential costs or savings? Does this present development opportunities for others in the team? Consider whether the probation period will be affected or need to be extended.
6. You are free to explore alternative suggestions in order to try to find a compromise solution (Appendix B provides examples of various flexible arrangements you may consider). You may agree a temporary or trial period if you have justifiable reservations, or agree a different start

date if other measures need to be put in place, in order to make their request workable, such as training up a colleague to cover when they are not there.

7. Be careful not to discriminate inadvertently, for example, by being more sympathetic to requests from one particular sex. If you receive requests from more than one employee do not make value judgements about which is the most deserving case. Look at each case individually based on the impact on the service; consideration may also be given to reasons for the application e.g. if it relates to a disability. Ensure any decision is based on justifiable business grounds.
8. If two or more requests are made very close together it may be helpful to hold separate discussions with each of the employees and explain the situation. Through discussion you might find a compromise which enables you to accommodate all or more of the requests.
9. If you find you are unable to approve any further requests due to the impact on the service, where you already have a number of other employees working flexibly, you may call for volunteers from the existing flexible working employees to change their hours (some may be happy to do so if their situation has changed) thereby creating capacity to approve new requests.
10. Having weighed up the situation, you are under no legal obligation to grant the request if it cannot be accommodated. You can turn down a request as long as the reason for turning it down is one of the business reasons set out in the policy.
11. Once a decision has been made by the Head of Service:
  - i. If you are agreeing to some form of flexible working arrangements, inform the employee verbally and send the employee's request and a contract amendment form to HR who will write officially to the employee to confirm the contractual changes.
  - ii. If you are rejecting the request you may wish to meet with the employee to explain your reasons but you do not have to do so. Please contact your HR Officer who will help you draft a letter confirming your decision in writing to the employee. The written confirmation should specify which of the statutory grounds for refusing a request applies and should also explain why that reason applies in the individual case.

12. Informal short-term temporary arrangements to deal with personal issues, such as reduced hours for a couple of months to care for a sick relative, may be dealt with outside of this policy where appropriate. Contact your HR Officer for further advice and guidance.

## East Herts Council Report

### Local Joint Panel

**Date of meeting: 21 May 2024**

**Report by:** HR and Organisational Development Service Manager

**Report title:** General Leave Policy

**Ward(s) affected: None**

### Summary

A new legislation passed in April 2024 added a statutory requirement that entitles employees to carer's leave. This report proposes updating the general leave to establish this entitlement and explain how to take paid and unpaid leave to attend to caring duties.

### **RECOMMENDATIONS FOR** Local Joint Panel:

a) To approve the updated General Leave Policy

#### **1.0 Proposal(s)**

1.1 The proposals are set out in the recommendations below.

#### **2.0 Background**

2.1 Carer's leave is a new right for employees that was passed into law in April 2024. This gives employees the right to request unpaid leave of up to five days FTE per year to care for dependents.

2.2 For more information on the new leave, please see ACAS.

<https://www.acas.org.uk/carers-leave>

<https://www.acas.org.uk/time-off-for-dependants>

### **3.0 Reason(s)**

- 3.1 We propose to add the carer's leave to the General Leave Policy connected to our current Dependents Leave (5 days paid leave per year to give emergency leave to dependants) and split the current pot of five paid days between both types of leave. This will allow employees to take leave to support their caring duties for planned or unplanned situations.
  
- 2.2 The policy changes are in section 7 in Appendix 1. We have to add statutory carer's leave, describe the leave in line with the legalisation, and explain how to access paid and unpaid leave to care for dependents via carer's leave, dependants leave, flexitime, unpaid leave, and annual leave as required.
  
- 3.3 The policy has been approved by the Leadership Team and Unison.

### **4.0 Options**

- 4.1 N/A

### **5.0 Risks**

None

### **6.0 Implications/Consultations**

#### **Community Safety**

No

#### **Data Protection**

No

#### **Equalities**

No

#### **Environmental Sustainability**

No

#### **Financial**

No



**Health and Safety**

No

**Human Resources**

Yes – as set out in the report.

**Human Rights**

No

**Legal**

No

**Specific Wards**

No

**7.0 Background papers, appendices and other relevant material**

7.1 The updated policy can be found in Appendix 1.

**Contact Officer**

Alex Wanless, HR and OD Service Manager

[alex.wanless@eastherts.gov.uk](mailto:alex.wanless@eastherts.gov.uk)

**Report Author**

Alex Wanless, HR and OD Service Manager

[alex.wanless@eastherts.gov.uk](mailto:alex.wanless@eastherts.gov.uk)



# East Herts Council

## General Leave

## Policy Statement

### **Policy Statement No 7 (Issue No 2) December 2019 (updated April 2024, April 2019, December 2019, March 2020)**

- 
1. **April 2019** - 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. **December 2019** - 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.

3. **March 2020** - Updated to ensure a change in legislation on statutory parental bereavement leave from 1 April 2020 is included.
4. **April 2024** - Carer's leave is a new right for employees that was passed into law in April. This gives employees the right to request unpaid leave of up to five days FTE per year to care for dependents. Adding the carer's leave to the General Leave Policy connected to our current Dependents Leave (5 days paid leave per year to give emergency leave to dependents). To open the current pot of five paid days to be split between both types of leave. This will allow employees to take leave for planned or unplanned situations to support their caring duties.

<b>Contents</b>	<b>Page</b>
1. Introduction	3
2. Contractual Relationship during Absence	3
3. Granting and Recording Leave	3
4. Public Holidays	3
5. Annual Leave	4
6. Bereavement	5
7. Dependency Leave and Carer's Leave	8
8. Career Breaks	11
9. Citizenship Duties	14
10. Union Duties	16
11. Training Courses and Day Release	17
12. Examination and Study Leave	17
13. Interviews in Other Authorities	17
14. Leave for Medical Reasons	18
15. Time of for Religious Observance	19
16. Review	19

## **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**

(Please also see 6.3 Statutory Parental Bereavement Leave in relation to a child under the age of 18)

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.

## **6.3 Bereavement of a Child under the age of 18 (Statutory Parental Bereavement Leave)**

- 6.3.1 When an employee suffers the loss of a child under the age of 18 (including parents who suffer a still birth after 24 weeks of pregnancy), the employee will be entitled to two weeks parental bereavement leave. The leave must be taken as a single block of two weeks or two separate blocks of one week at different times. Leave cannot be taken as single days.

- 6.3.2 Employees can take the leave at the time(s) they choose within the 56 weeks from the date of the death. They might choose, for example, to take it at a particularly difficult time such as their child's birthday.

- 6.3.3 If the employee has lost more than one child, they have a separate entitlement to bereavement leave for each child who has passed away.
- 6.3.4 The scope of who qualifies as a bereaved parent for the right to statutory parental bereavement leave and pay includes the following:
- Biological and adoptive parents;
  - Natural parents of adopted children who have been granted some court-ordered contact;
  - Intended parents in a surrogacy arrangement (who must either have applied or intend to apply (within six months of a child's birth) for a parental order under ss.54 or 54A of the Human Fertilisation and Embryology Act 2008 in relation to the child);
  - Local authority foster parents who are also prospective adopters under a fostering for adoption scheme; and
  - "Parents in fact" who, for a continuous period of at least four weeks before the child died, lived with the child and had "day-to-day responsibility" for them (but who are not being paid to look after the child).
- 6.3.5 The partner of qualifying parents, who lives with the child and the parent in an enduring family relationship, also qualifies for statutory parental bereavement leave and pay.
- 6.3.6 Employees do not need to have a continuous period of service to be entitled to take statutory parental bereavement leave or to receive statutory parental bereavement pay.
- 6.3.7 The council will pay statutory parental bereavement pay. An enhanced contractual provision will be made for the first week of parental bereavement leave where the 5 day paid provision set out in 6.1.1 above will be used to enhance to full pay for the first week. The second week will be paid at the statutory rate (e.g. £151.20 for 2020/21).
- 6.3.8 If the employee needs to take parental bereavement leave within the first 56 days after their bereavement, they can take the leave straight away. They do not have to provide any notice however they must let their manager and HR know no later than when they are due to start work on the first day on which they wish to take leave or, if that is not feasible, as soon as they can.



6.3.9 To take leave more than 56 days after their bereavement, employees must give their manager at least one week's notice.

## **7.0 Dependency Leave and Carer's Leave**

### **7.1 Pay entitlement for Carers' and Dependency Leave.**

7.1.1 The Council has historically offered up to 5 days (pro rata for part-time staff) of paid leave for dependency leave. Starting in April 2024, you can use this same paid entitlement for Carer's leave and Dependency leave. However, you can only claim up to 5 days (pro rata) of paid leave in a rolling year for both types of leave combined. Once you've used up the 5-day (pro rata for part-time staff) entitlement, any additional leave for either carer's or dependency leave will be unpaid. Alternatively, you can take annual leave or use the flexible time scheme. Unpaid dependency leave is a reasonable amount as described in 7.2.4. Combined total of paid and unpaid carer's leave is defined as a statutory entitlement in 7.10

### **7.2 Dependency Leave**

7.2.1 Eligibility to dependency leave:

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

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

7.2.4 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.

### **7.3 What is a dependant?**

7.3.1 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.

## 7.4 When dependency leave may be taken

7.4.1 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.

7.4.2 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.

## 7.5 Procedure for taking dependency leave

7.5.1 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. 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.

- 7.5.2 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, carer's leave or parental leave for any planned absence, as dependency leave is not intended for such purposes.
- 7.5.3 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.
- 7.5.4 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, carer's leave, flexi leave or unpaid if appropriate.

## **7.6 Carer's Leave**

- 7.6.1 This section sets out the statutory right of employees to carer's leave to provide or arrange care for a dependant with a long-term care need, and other support that we offer to combine work with care. We recognise the challenges that carers face while trying to balance the demands of caring, work, and looking after their own health. As an organisation, we are committed to doing what we can to help to ensure that the health and wellbeing of employees with caring responsibilities is looked after. The right to carers leave does not form part of your contract of employment and we reserve the right to amend it at any time.

## **7.7 Being a Carer**

- 7.7.1 A carer is anyone with caring responsibilities who provides care, assistance and support to any other individual who may be seriously ill or unable to care for themselves.
- 7.7.2 Carers might find it difficult to distinguish their caring role from the personal relationship they have with the individual they are caring for, be it a relationship with a spouse, civil partner, child, parent, or friend.

Therefore, some employees may not immediately identify themselves as a carer.

7.7.3 The activities that carers undertake are wide-ranging, including but not limited to:

- help with personal care;
- help with mobility;
- managing medication;
- practical household tasks;
- emotional support; and
- help with financial matters or administration.

## **7.8 Requesting support**

7.8.1 We recognise that caring can be unpredictable and emotionally upsetting. An employee may acquire caring responsibilities overnight or caring responsibilities may develop over time. We realise that caring is a subject that not everyone finds it easy to talk about. However, we urge you to be as open as possible about any particular issues that you are experiencing to ensure that you are provided with the right level of support. In particular, you are encouraged to speak to your line manager about your caring responsibilities to explore how we can help you with any challenges you are facing. If, for any reason, you are unable to approach your line manager, you can speak to the HR department. Any information disclosed by you during discussions with your line manager or the HR team will be treated sensitively and in strict confidence.

## **7.9 Entitlement to carer's leave**

7.9.1 Whatever your length of service, you have a statutory right to take carer's leave to provide or arrange care for a dependant if they have a long-term care need.

7.9.2 In the context of statutory carer's leave, a dependant means:

- your spouse, civil partner, child or parent;
- any person who lives in the same household as you (other than as a lodger, tenant, boarder or employee); or
- any other person who would reasonably rely on you to provide or arrange care.

7.9.3 A dependant has a long-term care need if they:

- have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
- have a condition that amounts to a disability under the Equality Act 2010;
- require care for a reason connected to their old age.

7.9.4 This statutory right to carer's leave applies to a wide range of caring situations, but excludes general childcare, except where your child meets the definition of a dependant with a long-term care need.

## **7.10 Amount of carer's leave you can take**

7.10.1 The amount of carer's leave that you can take is up to 1 week in any 12-month rolling period. A week of carer's leave is the same duration as your normal working week, meaning that a full-time employee is entitled to five days' carer's leave in any 12-month rolling period. If you are contracted to work four days per week, you will be entitled to four days of carer's leave in any 12-month rolling period, and so on. You can take the leave in one continuous block, as individual days, or as half days. If you are caring for more than one dependant, you do not have a separate entitlement to carer's leave for each dependant.

## **7.11 Notice to take carer's leave**

7.11.1 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 carer's leave by logging it into MyView (the council's HR & Payroll system) which will ensure the paid allowance is managed. 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. We ask that you give as much notice as possible when requesting carer's leave so that we can plan for your absence. In any event, you must give notice in advance that is either twice the number of working days that you wish to take as carer's leave, or three days, whichever is earlier.

## **7.12 Postponing your carer's leave**

7.12.1 While every effort will be made to meet your request, we may postpone a period of carer's leave if we consider that your absence will disrupt the operation of our business. If a decision is taken to

postpone your leave, your line manager will consult with you to find an alternative leave period within one month of the carer's leave period original requested.

### **7.13 Cancelling your carer's leave**

7.13.1 You can cancel your carer's leave and take it at a different time as long as you let your line manager know before your leave has started. You cannot cancel any carer's leave that has already begun.

### **7.14 Our commitment to you**

7.14. You have the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) because you have taken, sought to take, or made use of the benefits of carer's leave.

### **7.15 Other types of leave**

7.15.1 The statutory right to carer's leave is intended to be for planned and foreseen caring commitments. If you need to take time off to manage an unexpected or sudden problems relating to a dependant this is Dependency Leave. We recognise that you may need a longer period of time off work that goes beyond your statutory entitlement to carer's leave under this policy. In such cases, we may agree for you to take the time off work as annual leave or flexi leave.

#### **7.15.2 Requesting flexible working**

We realise that flexible working can help navigate the challenges of caring while also working. We enable a wide range of flexible working practices within the workplace. If you feel that you would benefit from a permanent change to your working arrangements to help balance your work and caring responsibilities, we encourage you to look at our Flexible Working Scheme.

### **7.16 Further support for Carers/Staff with dependents**

7.16.1 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.

#### 7.16.2 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

7.16.3 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.

#### 7.16.4 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.

# Agenda Item 6c

## **East Herts Council Report**

### **Local Joint Panel**

**Date of meeting: 21 May 2024**

**Report by:** HR and Organisational Development Service Manager

**Report title:** Family Friendly Policy

**Ward(s) affected: None**

### **Summary**

New legislation passed in April 2024 has initiated the requirement to review our Family-friendly policy, the details of which are shared below. We have taken the opportunity to consolidate shared parental leave and fertility treatment within this version as they sit better under the 'family-friendly' policy rather than stand-alone.

### **RECOMMENDATIONS FOR Local Joint Panel:**

**a)** To approve the updated Family Friendly Policy

#### **1.0 Proposal(s)**

1.1 The proposals are set out in the recommendations below.

#### **2.0 Background**

2.1 The legislation changed regarding paternity leave from 6/4/2024.  
The changes are:

2.1.1 Instead of taking the entire two-week entitlement in consecutive weeks, employees can now separate their leave into separate one-week blocks.

2.1.2 Employees can take paternity leave at any time during the 52 weeks after the birth or adoption of their child.



2.1.3 Rather than the current 15-week notice period before the expected week of childbirth or adoption, employees only need to give 28 days' notice (4 weeks).

2.1.4 Any dates specified for leave to be taken can be changed as long as an employer is given at least 28 days' notice. This is instead of just changing the start date to reflect the other changes.

### **3.0 Reason(s)**

3.1 We have updated this policy to reflect the statutory changes above. We have combined shared parental leave and fertility treatment within this version as they sit better under the 'family friendly' policy rather than stand-alone. This policy has been informed by best practices from Brightmine (previously XpertHR) and should be more user-friendly and clearer.

3.2 The revised forms for this policy will follow.

3.3 The policy has been approved by the Leadership Team and Unison.

### **4.0 Options**

4.1 N/A

### **5.0 Risks**

None

### **6.0 Implications/Consultations**

#### **Community Safety**

No

#### **Data Protection**

No

#### **Equalities**

No

#### **Environmental Sustainability**

No

**Financial**

No

**Health and Safety**

No

**Human Resources**

Yes – as set out in the report

**Human Rights**

No

**Legal**

No

**Specific Wards**

No

**7.0 Background papers, appendices and other relevant material**

7.1 The updated policy can be found at Appendix 1.

**Contact Officer**

Alex Wanless, HR and OD Service Manager

[alex.wanless@eastherts.gov.uk](mailto:alex.wanless@eastherts.gov.uk)

**Report Author**

Emily Cordwell, HR Advisor

[emily.cordwell@eastherts.gov.uk](mailto:emily.cordwell@eastherts.gov.uk)



# **EAST HERTS COUNCIL**

## Family Friendly Policy

---

### **Policy Statement**

March 2024

**Policy owner: Human Resources**

## Contents

Family Friendly policy .....	1
1.0 Introduction.....	4
2.0 Who the policy applies to.....	4
3.0 Responsibilities .....	5
3.1 Employer Responsibilities .....	5
3.2 Manager Responsibilities .....	5
3.3 Employee Responsibilities .....	5
4.0 Maternity.....	6
4.1 Maternity Leave .....	6
4.2 Conditions applying to maternity leave .....	7
4.3 Maternity Pay .....	8
4.4 Risk assessments.....	11
4.5 Sickness Absence .....	11
4.6 Keeping in touch days .....	12
4.7 Returning to work after maternity leave.....	12
4.8 Premature birth.....	13
4.9 Neonatal care leave and pay .....	13
4.10 Stillbirth or miscarriage.....	14
4.11 Breastfeeding .....	15
5.0 Paternity .....	16
5.1 Paternity Leave .....	17
5.2 Calculation of and claiming paternity pay.....	17
6.0 Adoption .....	18
6.1 Adoption Leave .....	18
6.2 Statutory Adoption Pay .....	19
6.3 Occupational Adoption pay .....	20
6.4 Claiming Adoption pay and leave.....	20
6.5 Placement disrupted .....	21
6.6 Returning to work after adoption leave .....	21
6.7 Multiple adoptions .....	22
6.8 Surrogacy.....	22
6.9 Fostering to adopt.....	23

7.0	Shared Parental Leave.....	24
7.1	Shared Parental Leave eligibility .....	24
7.2	Notifications and requests for shared parental leave.....	26
7.3	Change in circumstances .....	27
7.4	Statutory Shared Parental Pay.....	28
7.5	Occupational shared parental pay .....	29
7.6	Shared Parental leave in touch (SPLIT) days.....	29
7.7	Returning to work.....	30
8.0	Fertility Treatment.....	30
9.0	Antenatal and Postnatal care.....	30
9.1	Antenatal care.....	30
9.2	Postnatal care .....	31
9.3	Parental leave .....	32
10.0	General.....	33
10.1	Entitlements .....	33
10.2	Annual leave.....	34
10.3	Pension.....	34
10.4	Council vehicles .....	34
10.5	Student loans .....	34
10.6	Council property .....	35
10.0	Rights upon return to work.....	35
	APPENDIX 1 .....	
	APPENDIX 2 .....	

## **1.0 Introduction**

- 1.1 The Council is committed to treating you with compassion and inclusion. The Council seeks to be a great place to work by providing a work environment which accommodates family requirements where possible, thereby improving the quality of working life.
- 1.2 The purpose of this policy is to detail statutory and contractual obligations for Family Leave and pay including Maternity, Paternity, Adoption and Parental Leave and pay. This Policy also covers arrangements for employees undertaking IVF.

## **2.0 Who this policy applies to**

- 2.1 For Maternity/adoption leave and pay:
  - any employee of the Council who has become pregnant, who is fostering to adopt or who has been matched with a child for adoption.
  - Any employee of the Council that has recently given birth to a child.
- 2.2 For paternity leave and pay:
  - any employee of the Council, whose partner has become pregnant, is fostering to adopt or been matched with a child for adoption.
- 2.3 For Shared Parental leave:
  - employees who have elected to bring their maternity/adoption leave to an early end and opt-In to a period of shared parental leave and pay instead;
  - any employee whose partner has become pregnant or been matched with a child for adoption (subject to certain qualifying and earnings criteria);
- 2.4 For unpaid parental leave:
  - any employee with at least one years' service who has a child under 18 years old.

## **3.0 Responsibilities**

### **3.1 Employer Responsibilities**

- 3.1.1 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.

3.1.2 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.

### **3.2 Manager Responsibility**

3.2.1 All managers will be responsible for familiarising themselves with the contents of this policy so that they can provide guidance and support to their staff on maternity, paternity, adoption and parental leave and pay as their initial and main point of contact.

3.2.2 All managers must view all applications with an open mind and follow a fair and justifiable decision-making process for all types of Family Leave including Maternity, Paternity, Adoption and Parental Leave without any undue delay.

3.2.3 All managers must consider what training or support the employee may require to integrate them back into the workplace after a period of leave.

### **3.3 Employee Responsibility**

3.3.1 Employees are responsible for co-operating in the Family, Maternity, Paternity, Adoption and Parental Leave procedures and must make every effort to attend meetings arranged by management

3.3.2 Employees are responsible for informing their manager soon as possible that they intend to take leave/pay in accordance with the requirements in the policy.

3.3.3 Employees will be asked to help with the relevant risk assessment(s); it is important that any advice an employee has received from their doctor or midwife which could impact on the assessment is passed on to the line manager or person carrying out the risk assessment(s)

## **4.0 Maternity**

### **4.1 Maternity Leave**

- 4.1.1 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.
- 4.1.2 Employees need to notify HR 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.
- 4.1.3 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.
- 4.1.4 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. Women are required by law to take a minimum of two weeks leave after the birth of the child.

### **4.2 Condition applying to Maternity Leave**

- 4.2.1 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). If the baby is born early (before the planned leave date) the maternity leave will begin from the day after the birth.
- 4.2.2 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.



4.2.3 Employees have to be advised that if the baby dies or is stillborn 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.

### **4.3 Maternity Pay**

4.3.1 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.

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

4.3.2 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).

4.3.3 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.

#### **Rates of SMP**

4.3.4 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.

4.3.5 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.

4.3.6 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.

4.3.7 SMP is treated as earnings and is, therefore, subject to PAYE and national insurance deductions. SMP is payable whether or not the employee intends to return to work after maternity leave.

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

4.3.8 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.

4.3.9 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) 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

4.3.10 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.

4.3.11 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.

4.3.12 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.

### **Casual workers**

#### **SMP**

4.3.13 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.

4.3.14 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

4.3.15 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.

4.3.16 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. If casual workers do not qualify for SMP, they may be able to claim SMA. Casual workers should seek advice from HR and Payroll if they think they are entitled to SMP.

4.3.17 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.

4.3.18 If you carry out paid work for the Council or an alternative employer whilst in receipt of OMP or SMP you should discuss this with your line manager as this may affect your entitlement to maternity pay and may be considered as fraud.

#### **4.4 Risk Assessment**

4.4.1 Once you have made your manager aware that you are pregnant, your line manager will complete a risk assessment for new and expectant mothers to ensure your continue health and safety. This will help to identify whether any temporary adjustments to the working environment or role are required. Your line manager will regularly review the risk assessments throughout your pregnancy and upon your return to work as a new mother.

- 4.4.2 Where a risk is identified Occupational Health and/or the Health and Safety department will be contacted by the line manager. If the risk assessment identifies:
- An unavoidable risk to the health and safety of a pregnant employee, or
  - An adverse effect on the pregnancy of the employee, or
  - An adverse effect on breastfeeding
- 4.4.3 The Council will act to avoid harm to the employee and their child. For example, by considering altering the employee's working conditions and hours (where operationally possible), offering suitable alternative employment (on existing salary) or placing the employee on special leave with full pay.

#### **4.5 Sickness Absence**

- 4.5.1 During pregnancy you will be entitled to sick pay in accordance with your terms and conditions of employment and the Council's absence management policy.
- 4.5.2 Occasional days of pregnancy related illness during this period may be disregarded for this purpose if they wish to continue working until the maternity leave date previously notified to their Manager.
- 4.5.3 Sickness absence prior to the last 4 weeks before the expected week of childbirth, supported by a medical certificate of incapacity for work as pregnancy related shall be treated in accordance with the relevant section(s) of the Council's Absence Management Policy. Pregnancy related absences will not be considered or contribute towards any triggers. Line managers will ensure the absence is clearly recorded as pregnancy related on My View.
- 4.5.4 If you are unwell following your maternity leave, you will be entitled to sick pay in accordance with your terms and conditions of employment and the Council's Absence Management Policy.

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

- 4.6.1 Keeping in Touch (KIT) Days, allow you the right to go into work, undertake training or other events and keep in touch with the Council, for up to a maximum of 10 days without losing the right to maternity pay.
- 4.6.2 To facilitate the process of keeping in touch days (KIT days), it is important that you and your manager have early discussion to plan and make arrangements for KIT days before your maternity leave takes place. Work on

KIT days can be consecutive or not. Any work must be by agreement and neither the Council nor the employee can insist upon it.

- 4.6.3 Your manager should notify Payroll of any KIT days taken. This should include the dates and times worked. The time will be paid at your usual salary. Any amount of work done on one day counts as one KIT day, regardless of the number of hours worked

#### **4.7 Returning to work after maternity leave**

- 4.7.1 If you intend to return at the end of your agreed period maternity leave, you will not be required to give any further notification to your Manager, although if you wish to return early you must give at least 8 weeks' notice. Pay during maternity leave (SMP and/or OMP) will cease immediately at the point that you return to work.
- 4.7.2 If at the end of maternity leave you wish to return to work on different hours your manager will consider this wherever possible. You should refer to the Council's Flexible Working Policy and follow the guidance on applying for flexible working arrangements. The request should be made at least 12 weeks before the anticipated return to work. If the request cannot be granted, your manager must provide written, objectively justifiable reasons for this and you should return to the same grade and work of a similar nature and status to that which you held prior to your maternity leave absence.
- 4.7.3 If it is agreed that you will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period this will not affect your right to return to your job under your original contract at the end of the agreed period.

## **4.8 Premature Birth**

- 4.8.1 Where your baby is born alive prematurely, you will be entitled to the same amount of maternity leave and pay as if your baby was born at full term.
- 4.8.2 Where your baby is born before the 11th week before the expected week of childbirth and you have worked during the actual week of childbirth, maternity leave will start on the first day of your absence.
- 4.8.3 Where your baby is born before the 11th week before the expected week of childbirth, and you have been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth.
- 4.8.4 Where your baby is born before the 11th week before the expected week of childbirth and the baby is in hospital you may split your maternity leave entitlement, taking a minimum period of 2 weeks leave immediately after childbirth and the rest of your leave following your baby's discharge from hospital.

## **4.9 Stillbirth or Miscarriage**

- 4.9.1 Where a stillbirth occurs at or after the 24<sup>th</sup> week of pregnancy, you will be entitled to the same amount of maternity leave and pay as if the baby had been born alive.
- 4.9.2 Where you have a miscarriage before the 24<sup>th</sup> week of pregnancy normal sick leave and pay provisions will apply as necessary in accordance with the Council's Absence Management Policy. Any absences of this nature would be classed as pregnancy related and not contribute or be considered for indicators or any expectations set.
- 4.9.3 If you have had a miscarriage or stillbirth, you and perhaps your partner, may need time off in the future to attend appointments related to your loss. You will be entitled up to 5 days paid to attend these appointments will be granted.

## **4.10 Breast Feeding**

- 4.10.1 You should notify your manager that you wish to breastfeed or express in the workplace prior to your return to work. Your manager will then ensure that the new and expectant mother's risk assessment is reviewed.

4.10.2 Arrangements will be made to provide a private, healthy and secure environment for nursing mothers to express and store milk (a toilet would not be deemed appropriate). Along with easy access to hand washing facilities. You will also agree with your manager to take suitable breaks to enable milk to be expressed.

4.10.3 Adjustments to work may be required, for example allowing where feasible some flexibility in working patterns such as start, and finish times. This could include allowing time to travel home to breast feed or express milk, or arrangements agreed where practicable to enable the new mother's baby to be brought to work by the baby's carer during working hours.

## **5 Paternity**

### **5.1 Paternity Leave**

5.1.1 Paternity leave is provided to enable employees to support a partner who has had a baby. This applies to the father of the child (including adoptive fathers), the mother's spouse or partner (whether opposite or same sex) or nominated carer. It also applies to employees who:

- Are the secondary carer for an adopted child, at the time of adoption
- Are fostering to adopt
- Are adopting from abroad

5.1.2 You may take a maximum of 2 weeks leave. To be eligible you must have continuous employment for 26 weeks ending with the 15th week prior to the EWC or the matching week (either the end of the week they are matched with the child for UK adoptions or the date the child enters the UK or when the employee wants their pay to start for overseas adoptions)

5.1.3 You may commence your Paternity leave:

- in a block of either one or two weeks
- within 52 weeks of the birth / adoption placement

### **Statutory Paternity Pay (SPP)**

5.1.4 To qualify for SPP you must:

- Have continuous employment for 26 weeks ending with the 15<sup>th</sup> week prior to the EWC
- Be employed by the Council up to the date of birth
- Have average weekly earnings above the lower earnings limit for the payment of National Insurance contributions.

## **Occupational Paternity Pay (OPP)**

- 5.1.5 To qualify for OPP you must have 12 months continuous service at the beginning of the EWC.
- 5.1.6 The amount of OPP paid is 2 weeks full pay. If you have been in receipt of OPP and do not return to work in the Council you will not be liable to repay the OPP you have received.

### **5.2 Calculation of and claiming Paternity Pay.**

5.2.1 Paternity pay is calculated by your average earnings. This is calculated from the last 2 monthly pay slips which precede the 15th week prior to the EWC. As with maternity pay, if you are a member of a salary sacrifice scheme, this may have an impact on your paternity pay.

5.2.2 To claim Paternity leave you must submit the submit a paternity leave/pay notification form. In cases of adoption, submit a Paternity leave/pay notification form no later than 7 days after the employee's co-adopter or partner is matched with a child.

5.2.3 To claim pay you must submit the Paternity leave/pay notification form at least 28 days before you want your pay to start. You must ask your line manager to complete their relevant section and then pass the form onto HR. At the point that you submit a completed maternity leave/pay notification, your line manager will arrange to meet with you to discuss:

- The date the leave will start and end;
- Whether you intend to take Shared Parental Leave (SPL);
- Arrangements for maintaining contact during leave;
- Considerations to the Flexible Working Policy for when you return to work;
- Arrangements for returning to work

5.2.4 When you return to work after new parent support leave you will return to the job to which you are employed on the same terms and conditions.

## **6 Adoption**

### **6.1 Adoption Leave**



- 6.1.1 This leave will be granted subject to you providing written confirmation that you have been newly matched with a child for adoption by an adoption agency as soon as this is given. This should be in the form of a letter or 'matching certificate' from a recognised adoption agency.
- 6.1.2 In circumstances where a colleague gains parental responsibility for a child as a result of a surrogacy agreement then adoption leave will be granted for one parent. If there are two adoptive parents, the other may be eligible for paternity leave and the couple must elect which of them will take adoption leave as the 'primary' adopter.
- 6.1.3 Eligible employees who are the 'primary' adopter may take a maximum of 52 weeks leave. There is no qualifying period of continuous employment to gain entitlement to adoption leave and it is considered a "day one" right.
- 6.1.4 It is considered best practice to let your line manager know within 7 days. However, if this is not practicable, then as soon as reasonably possible, so that they are made aware. You must give written notification to your line manager of being matched to include
- the expected date of adoption placement
  - the date on which the adoption leave is expected to commence.
  - a copy of the matching certificate
- 6.1.5 Requests for leave prior to adoption must be made in writing to the line manager. Requests at short notice will not be unreasonably refused.
- 6.1.6 Adoption leave can start:
- Up to 14 days before the date 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)
  - The day the child is born or the day after (where a surrogate has been used to have a child)
- 6.1.7 In addition, applicants may apply for paid time off work to attend up to 5 adoption appointments after they have been matched with a child and prior to the adoption for the purpose of making necessary preliminary arrangements e.g. attending legal proceedings.

## **6.2 Statutory Adoption Pay (SAP)**

6.2.1 To qualify for SAP you must:

Have worked for the Council continuously for at least 26 weeks up to the week you were matched with the child;

- Give written notification to your line manager 28 days before you intend to stop work and take adoption pay;
- Produce proof of adoption, which must show:
  - Your name and address and that of the agency;
  - the match date - e.g. the matching certificate;
  - the date of placement - e.g. a letter from the agency;
  - the relevant UK authority's 'official notification' confirming the employee is allowed to adopt (overseas adoptions only);
  - The date the child arrived in the UK - e.g. plane ticket (overseas adoptions only).

There is no requirement to intend on returning to work.

6.2.2 You do not qualify for SAP if you:

- Arrange a private adoption
- Become a special guardian or kinship carer
- Adopt a step-child
- Adopt a family member or step-child
- Are taken into custody

6.2.3 You will be paid SAP for up to 39 weeks. This will be:

90% of your average weekly earnings for the first 6 weeks

Flat rate SAP (Flat rate SAP varies each year. Please visit <https://www.gov.uk/adoption-pay-leave> to find out the current rate of SMP) or 90% of your weekly earnings (whichever is lower) for the next 33 weeks.

## **6.3 Occupational Adoption Pay (OAP)**

6.3.1 Adoption pay mirrors maternity pay, please see section 4.3 for more details.

## **6.4 Claiming Adoption Pay and Leave**

6.4.1 To claim adoption, pay and leave you must inform your line manager using the adoption leave/pay notification form. It is considered best practice to let your line manager know within 7 days of being matched with a child.

However, if this is not practicable then as soon as reasonably possible, so that they are made aware.

- how much leave they intend to take

- the start date of their leave
- the date the child is placed with them (date of placement)
- for an overseas adoption:
- the date of your 'official notification' (permission from a UK authority that you can adopt from abroad)
- the estimated date the child arrives in the UK – within 28 days of getting the notification
- the actual date the child arrives in the UK – within 28 days of this date
- how much leave you want and the start date – giving 28 days' notice

6.4.2 You must submit an adoption leave/pay notification form at least 28 days before you want your adoption pay to start with proof of the adoption as set out above.

6.4.3 The line manager will then meet with you to discuss your adoption leave as set out within Claiming Maternity Pay & leave section.

## **6.5 Placement Disrupted**

6.5.1 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.

## **6.6 Returning to work after adoption leave**

6.6.1 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.

6.6.2 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.

6.6.3 If disruption on the placement occurs during AAL, the employee should give eight weeks' notice, as soon as the disruption occurs. 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).

## **6.7 Multiple Adoptions**

6.7.1 You will not be entitled to extra adoption leave or pay if adopting more than one child at the same time.

6.7.2 If two or more siblings are adopted from the same family within 39 weeks of entitlement to SAP for the first child, this will be considered as a separate arrangement if a separate matching certificate is issued. Entitlement of up to 39 weeks of SAP will commence from the date the second child is placed with the adopter.

## **6.8 Surrogacy**

6.8.1 Surrogacy is when someone else carries and gives birth to a baby for the intended parents. If you use a surrogate, the surrogate will be the child's legal parent at birth. You must apply to become the legal parent within 6 months of the child's birth to get surrogacy rights, leave and pay. You must apply for:

- a parental order – if one intended parent is genetically related to the child
- an adoption order – if the intended parents are not genetically related to the child

6.8.2 In circumstances where you and another parent gain parental responsibility for a child as a result of a surrogacy agreement then adoption leave will be granted for one parent. If there are two adoptive parents, the other may be eligible for new parent support (paternity leave) and you must decide which of you will take adoption leave. Documentation to support such an arrangement should be provided as soon as it is available e.g., written surrogacy agreement or solicitors correspondence.

6.8.3 If you become pregnant as part of a surrogacy agreement you may be entitled to maternity leave and pay dependent on meeting the qualifying factors set out within the Maternity section. What you, as a surrogate, do after the child is born does not affect your right to maternity leave.

## **6.9 Fostering to Adopt**

6.9.1 Is where a child in care is placed with registered foster carers who have also been approved as adopters. The foster carers care for the child, whilst the

child's social worker works with and assesses their birth family and makes a recommendation to the Court about the child's future care.

## **7.0 Shared Parental Leave & Pay**

### **7.1 Shared Parental Leave Eligibility**

7.1.1 Shared Parental Leave (SPL) enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could involve returning to work for part of the time and then resuming leave at a later date. Shared parental leave is designed to give parents / adopters more flexibility in how to share the care of their child in the first year following birth or adoption. An eligible employee can share up to 50 weeks 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.

7.1.2 If you are eligible for statutory maternity leave and pay you may choose to switch part of your entitlement into shared parental leave (SPL) and pay (ShPP). The following section sets out the requirements for eligibility of both of the parents. This applies where both or only one parent is an employee of the Council.

7.1.3 If you have given birth, you are required to take two-weeks compulsory maternity leave following the birth of your child regardless of if you would like to use Shared parental leave. If you are eligible, you can share the remaining leave and pay. The two-week period of new parent support leave will continue to be available to partners.

7.1.4 You can choose to opt into shared parental leave at any time so long as there is some untaken maternity leave to share. Both SPL and shared parental pay must be taken before the child's first birthday or within a year of adoption.

7.1.5 To be eligible for SPL as the mother you must:

- Be entitled to:
  - Statutory Maternity leave or pay;
  - Statutory adoption leave or pay; or
  - Maternity allowance.
- Have, or expect to have the main responsibility for the care of the child;
- Curtail or give notice to reduce your maternity / adoption leave or pay / allowance (complete a curtailment of maternity/adoption leave notification form);
- Notify the Council (or your employer) of your intention to take shared parental leave giving at least 8 weeks' notice of each block;

- 7.1.6 Additionally, if you are seeking to take SPL you must satisfy each of the following criteria:
- You must still be working for the organisation at the start of each period of SPL.
  - You must have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
  - You must have a partner who meets the 'employment and earnings test' – they have worked for the Council (or their respective employer) for at least 26 weeks during the 66 weeks before the baby is due/matching date. This does not need to be for a continuous period and may include agency or self-employed work. They must also have earned at least £30 a week on average in any 13 of the 66 weeks.
  - To check eligibility, you can use the online calculator at [www.gov.uk/pay-leave-for-parents](http://www.gov.uk/pay-leave-for-parents) .
  - The Council's application forms for SPL are available in the appendix.
- 7.1.7 If you are eligible, you may be entitled to take up to 50 weeks (52 weeks total minus 2 weeks compulsory leave for the mother) SPL during the child's first year in your family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. You may choose how you want to take the leave. This could be taking it in turns or taking time off together, however you must not take more than 50 weeks in total.
- 7.1.8 Shared parental leave only becomes available once the mother has given notice to end her entitlement to maternity /adoption leave. Once a mother has ended her right to maternity leave she cannot reinstate that right and will be bound by the decision to take shared parental leave.
- 7.1.9 The leave can be taken separately or at the same time, subject to the following requirements:
- The minimum period of leave must be one week
  - The leave must be taken in multiples of complete weeks, and the leave may be taken as one continuous period or can be broken down into a maximum of three separate periods per parent (
  - Only three periods of leave notices in total can be given by each parent
- 7.1.10 This means that the mother can return to work after maternity leave and take shared parental leave at a later date or dates (subject to the notice periods). Similarly, the father/partner can take shared parental leave at any time; it does not need to start as soon as the mother has given notice to curtail her entitlement to maternity leave or after she has returned to work.
- 7.1.11 Shared parental leave can also be taken when the other partner is on another type of leave, such as new parent support or unpaid parental leave. A father/partner could start a period of shared parental leave while the mother

is still on maternity leave provided she has given a binding notice to end her entitlement to maternity leave.

## **7.2 Notification and requests for shared parental leave**

7.2.1 The process starts with the mother giving notice to end her maternity leave early. The parent or parents wishing to take shared parental leave must then give notice of this intention to their employer. Separately, they must also give notice of the period of leave requested.

7.2.2 If you or your partner wish to take shared parental leave you must submit a written "notice of entitlement" to your own employer at least eight weeks (please note that this is best practice and there may be exceptional circumstances where this is not possible. In these situations, a reasonable discussion can take place with your line manager) before the start of the first period of shared parental leave. The notice should include certain information including:

- Both parents' names and National Insurance numbers
- The start and end date of any period of statutory maternity leave taken/to be taken by the mother
- The start and end date of any statutory maternity pay or maternity allowance received or to be received by the mother
- The expected week of childbirth and/or actual date of birth of the child or the date of matching for adoption or adoption following fostering to adopt.
- The total amount of shared parental leave available
- Confirmation that the mother/father/partner is sharing child care responsibilities with their partner
- A non-binding indication of how much shared parental leave both parties are entitled to take, how much you both intend to take and the proposed start and end dates of such leave
- A declaration from you and your partner to confirm that:
  - The mother satisfies the eligibility criteria
  - The father/partner satisfies the eligibility criteria
  - That the information given is accurate
  - That if either parent ceases to meet the conditions of entitlement to shared parental leave then they will immediately notify the employer

7.2.3 The parents may vary the amount of shared parental leave they intend to take by giving written notice to their employers. There is no limit on the number of times the parents may make a variation to a notice of entitlement to shared parental leave, so long as this is done before the 8 weeks notice has been given. If you request one period of continuous shared parental leave, you are entitled to take that period of leave. If you are considering taking your shared parental leave in multiple blocks, a conversation needs to take place with your line manager to agree how this will work.

7.2.4 Once the period of leave has been agreed, written notice must be provided if you would like to vary the leave. This may vary the start and end dates, vary the amount of leave or change if the leave is discontinuous or not. This notice must be given at least 8 weeks before the variation date.

### **7.3 Change in circumstances**

7.3.1 The Council recognises that your circumstances may change after periods of shared parental leave have been arranged. In these exceptional circumstances a discussion with your line manager is encouraged at least eight weeks' notice of a change in your planned arrangements. If this is not practicable, then best practice is to let your manager know as soon as reasonably possible.

7.3.2 If less than eight weeks before either parent is due to take a period of shared parental leave, you inform your manager that you no longer meet the conditions of entitlement, and due to any difficulties the Council may face at that time, it may not be possible to accommodate this change in circumstances. The Council may still require that parent to take the period of leave.

7.3.3 The leave must be treated as shared parental leave and will start on the same date that the next period of shared parental leave was due to start. It will either end on the same end date, or eight weeks from the date the Council is informed of the change in circumstances, whichever is earlier.

### **7.4 Statutory Shared Parental Pay**

7.4.1 You may be entitled to statutory maternity pay/adoption pay/maternity allowance for up to 39 weeks subject to the criteria set out within the maternity section. If you give notice to reduce your entitlement before you will have received it for 39 weeks then any remaining weeks could become



available as shared parental pay.

7.4.2 Up to 37 weeks of shared parental pay will be available to be shared between the parents as the mother must take her two compulsory weeks of maternity/adoption leave.

7.4.3 To qualify for shared parental pay you must meet the 'continuity of employment test' and your partner must meet the 'employment and earnings test' as set out above. In addition, you must also have earned above the 'Lower Earnings Limit' in the eight weeks leading up to and including the 15th week before the child's due date/matching date and still be employed with the same employer at the start of the first period of shared parental pay.

7.4.4 If your employment comes to an end while you are still entitled to some shared parental pay then any remaining weeks will usually remain payable unless you start working for someone else.

7.4.5 Statutory shared parental pay is for up to 37 weeks at the lower of the statutory prescribed rate of maternity/paternity pay or 90% of the relevant parent's normal weekly earnings (subject to the lower earnings limit). The remaining 13 weeks of shared parental leave are unpaid.

## 7.5 **Occupational Shared Parental Pay**

7.5.1 Where you intend to return to work after a period of shared parental leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below.

7.5.2 The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity pay, maternity allowance or statutory or occupational adoption pay in respect of the child.

- Where such pay (excluding pay during the compulsory two-week maternity/adoption leave period) has been received by either parent, the maximum joint entitlement set out below will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either parent, or notified as intending to be taken by either parent for the first six weeks you will receive full pay. Full pay is inclusive of any statutory shared parental leave (ShPP). The total amount you receive cannot exceed full pay;

- for the next 18 weeks you will receive half of full pay plus any ShPP. The total receivable cannot exceed full pay;
- for the next 13 weeks, you will receive any ShPP that you are entitled to under the statutory scheme.
- for the final 13 weeks, you will receive no pay.

## 7.6 Shared Parental Leave in Touch (SPLIT) Days

7.6.1 You and your partner can each work up to 20 days while you're taking SPL. These are called 'Shared Parental Leave in touch' (or SPLIT) days.

7.6.2 These days are in addition to the 10 'keeping in touch' (or KIT) days available to those on maternity or adoption leave.

## 7.7 Returning to work

7.7.1 You have the right to return to the same job if you have taken up to 26 weeks leave (when all periods of leave, maternity/new parent leave/adoption and SPL, are added together).

7.7.2 If you use additional maternity leave, you will normally still have the right to return to your job on the same terms as before you commenced maternity leave. If it is not possible for you to return to the same job because there have been significant changes to the organisation, you could be offered a similar job on the same terms as the role held prior to commencing maternity leave.

## 8.0 Fertility Treatment

8.1 Provision for time off during IVF treatment will be in accordance with the General Leave Policy.

8.2 If you are sick due to undergoing IVF or fertility treatment you will be supported in accordance with the Absence Management Policy in line with the additional provisions provided to those who are pregnant.

## **9.0 Antenatal and Postnatal Care**

### **9.1 Antenatal Care**

- 9.1.1 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.
- 9.1.2 Employees must agree their time off arrangements with their manager in advance of the appointments and produce their appointment card where appropriate.
- 9.1.3 Employees on flexi-time should record time to attend appointments as described in the Flexi-Time Guidance in the section relating to hospital appointments.
- 9.1.4 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.

### **9.2 Postnatal Care**

- 9.2.1 Following your period of maternity leave if further postnatal care appointments are required, paid time off may be given for attendance.

### 9.3 Parental Leave

- 9.3.1 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.
- 9.3.2 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.
- 9.3.3 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.
- 9.3.4 Employees can take parental leave at the end of maternity/adoption/shared parental leave providing they give 21 days' notice.
- 9.3.5 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.
- 9.3.6 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.
- 9.3.7 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 peak period of work
  - at the same time as other employees have requested leave
  - when the employee's absence would unduly harm the business
- 9.3.8 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 eighteenth birthday), they must still be allowed to take the leave.

9.3.9 Any parental leave taken in previous employment is deducted from an employee's parental leave entitlement.

## **10.0 General**

### **10.1 Entitlements**

10.1.1 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

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

### **10.2 Annual leave**

10.2.1 The entitlement to annual leave continues to accrue whilst on maternity /adoption / paternity 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.

10.2.2 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.

10.2.3 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.

### 10.3 **Pension**

10.3.1 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.

10.3.2 An employee wishing to maintain their contributions or make contribution during the unpaid period of maternity / adoption leave must contact Payroll before their leave commences.

10.3.3 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.

### 10.4 **Council Vehicles**

10.4.1 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.

### 10.5 **Student Loans**

10.5.1 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.

### 10.6 **Council Property**

10.6.1 An employee will not be required to return items such as a mobile phone, laptop, security cards or uniforms throughout maternity /adoption/ parental leave.

10.6.2 An employee not returning to the council's employ must ensure that all council property is returned with their notice of resignation.

## **11.0 Rights upon return to work**

- 11.1 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.
- 11.2 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.
- 11.3 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.

# Agenda Item 6d

## **East Herts Council Report**

### **Local Joint Panel**

**Date of meeting: 21 May 2024**

**Report by:** HR and Organisational Development Service Manager

**Report title:** Redundancy Policy

**Ward(s) affected: None**

### **Summary:**

This report concerns the Redundancy policy. It proposes an update to reinstate a clause that is not in the current policy but is required to protect the Council and public money.

### **RECOMMENDATIONS FOR Local Joint Panel:**

- a) To approve the updated Redundancy Policy

#### **1.0 Proposal(s)**

1.1 The proposals are set out in the recommendations below.

#### **2.0 Background**

- 2.1 This policy used to have a clause that prevented employees from taking redundancy money and then being rehired. At some point, this clause fell off the policy, but neither HR nor the union have a record of this change, nor do we have a record of a policy before 2009.

#### **3.0 Reason(s)**

- 3.1 We propose adding the clause back in, as allowing someone to take public money and rejoin so quickly is not good practice. We spoke to Unison, and she supports the additional clause: Previous policies included the reference, but there is no record of it being removed and not included in the latest version. It is common



practice in other Local Authorities and keeps us in step with public and private sector processes and procedures.

3.2 Added into 10.9:

Employees who take redundancy will be ineligible to apply for or be appointed to any roles within East Herts District Council for a minimum of six months from the date of their departure.

3.2 The policy has been approved by the Leadership Team and Unison.

#### **4.0 Options**

4.1 N/A

#### **5.0 Risks**

None

#### **6.0 Implications/Consultations**

##### **Community Safety**

No

##### **Data Protection**

No

##### **Equalities**

No

##### **Environmental Sustainability**

No

##### **Financial**

No

##### **Health and Safety**

No

##### **Human Resources**

Yes – as set out in the report.

**Human Rights**

No

**Legal**

No

**Specific Wards**

No

**7.0 Background papers, appendices and other relevant material**

7.1 The updated policy can be found in Appendix 1.

**Contact Officer**

Alex Wanless, HR and OD Service Manager

[alex.wanless@eastherts.gov.uk](mailto:alex.wanless@eastherts.gov.uk)

**Report Author**

Alex Wanless, HR and OD Service Manager

[alex.wanless@eastherts.gov.uk](mailto:alex.wanless@eastherts.gov.uk)



# **East Herts Council**

## **Redundancy Policy**

### **Policy Statement**

#### **Policy Statement 6 (Issue No 3) July 2012 (updated April 2024<sup>1</sup>)**

---

<sup>1</sup> 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.

## **Contents**

<b>1.0</b>	<b>PURPOSE.....</b>	<b>3</b>
<b>2.0</b>	<b>PRINCIPLES.....</b>	<b>3</b>
<b>3.0</b>	<b>AN OVERVIEW.....</b>	<b>4</b>
<b>4.0</b>	<b>MEASURES TO REDUCE COMPULSORY REDUNDANCIES .....</b>	<b>5</b>
<b>5.0</b>	<b>EXPLORING OPTIONS .....</b>	<b>6</b>
<b>6.0</b>	<b>COMMUNICATION AND CONSULTATION .....</b>	<b>6</b>
<b>7.0</b>	<b>OBTAINING FORMAL APPROVAL FOR PROPOSALS .....</b>	<b>8</b>
<b>8.0</b>	<b>VOLUNTARY REDUNDANCY .....</b>	<b>9</b>
<b>9.0</b>	<b>APPOINTING EMPLOYEES TO THE NEW STRUCTURE AND SELECTION FOR REDUNDANCY .....</b>	<b>10</b>
<b>10.0</b>	<b>REDUNDANCY PAYMENT CALCULATION .....</b>	<b>10</b>
<b>11.0</b>	<b>APPEALS .....</b>	<b>12</b>
<b>12.0</b>	<b>SUITABLE ALTERNATIVE .....</b>	<b>12</b>
<b>13.0</b>	<b>NOTICE PERIODS .....</b>	<b>13</b>
<b>14.0</b>	<b>REDEPLOYMENT .....</b>	<b>13</b>
<b>15.0</b>	<b>COUNTER NOTICE.....</b>	<b>13</b>
<b>16.0</b>	<b>TRIAL PERIOD.....</b>	<b>13</b>
<b>17.0</b>	<b>TIME OFF TO LOOK FOR NEW WORK OR FOR TRAINING .....</b>	<b>14</b>
<b>18.0</b>	<b>POLICY REVIEW AND AMENDMENT .....</b>	<b>15</b>

## **1.0 Purpose**

- 1.1 The Council, in consultation with the Trade Unions, will seek to avoid and minimise the effect of staff changes by endeavouring to find suitable alternative employment using the Council's Redeployment Procedures. Where ever possible reduction in the number of employees will be achieved through natural wastage.
- 1.2 Where compulsory redundancy is unavoidable the Council will handle the redundancy process in a fair, consistent and sympathetic manner in accordance with the Council's policy, under the requirements of the law.
- 1.3 This policy applies to all employees of the Council (except Chief Officer level and above) and takes into account relevant employment legislation, ACAS guidance and best practice.
- 1.4 The policy will not apply where an employee's services are terminated in the following situations:
- At the end of a pre-determined limited or fixed term contract where the employee has less than two years continuous employment.
  - Retirement.
  - Contravention of an enactment (e.g. where an employee who requires a work permit does not have one).

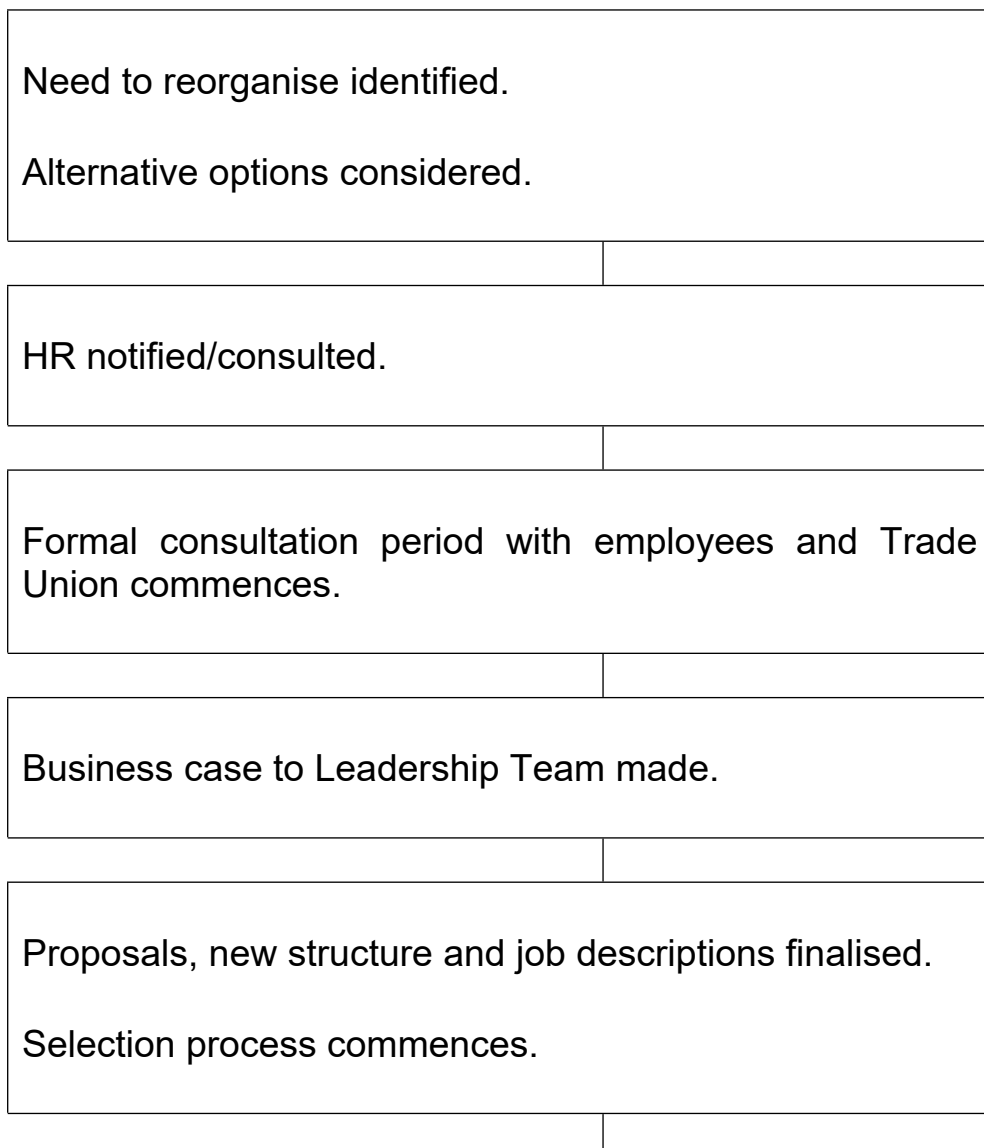
## **2.0 Principles**

- 2.1 The following principles underpin how organisational change will be implemented. The Council will:
- 2.1.1 Strive to avoid redundancies where possible and will always consider alternative options to achieve its objectives.
- 2.1.2 Seek to retain employees in accordance with the Redeployment Policy.

- 2.1.3 Seek to develop our employees to the maximum of their potential and to retain their skills within the Council wherever possible.
- 2.1.4 Provide a framework for the process of organisational change within which the Council's changing requirements of the workforce can be managed fairly and equitably.
- 2.1.5 Communicate and consult with employees and Trade Unions, keeping them informed about the changes and the implications of the changes for the Council and its employees.

**3.0 An Overview**

3.1 The following flowchart shows the key stages of the redundancy process:



Appointments made / redundancy confirmed.

Right of Appeal.

New structure implemented / Go Live date.

3.2 A more detailed outline of the stages and likely timescale for a service restructuring are set out in the form of a management planning tool at Appendix A.

#### **4.0 Measures to reduce compulsory redundancies**

4.1 A range of measures will be looked at to minimise the potential number of redundancies where there is the possibility of a reduction in the number of posts. Consideration will be given to the following alternative options:

- Redeployment or retraining of affected employees (in accordance with the Redeployment Policy)
- Restricting the use of outside agencies and the employment of contractors and temporary employees (where this does not adversely affect the efficient operation of Council services).
- Reduction/elimination of overtime working within the section.
- Review of working patterns, rotas and shifts.
- Exploring other options such as early retirement, voluntary redundancy (in accordance with the Council's policies).
- Restrictions on recruitment to certain posts.
- The use of temporary employees on short term contracts where the future of a service or role is uncertain.

## **5.0 Exploring Options**

- 5.1 Having established that a business/service need has changed or a restructure is required, managers need to consider the option/s open to them to meet the needs of their service and how they might be implemented. This will include an early consideration of measures to reduce compulsory redundancies.
- 5.2 Managers are asked to arrange a meeting with HR to discuss the proposed business case, new structure and new job descriptions (where applicable). The manager should bring draft documents to this meeting.
- 5.3 HR will advise and support managers throughout the process.
- 5.4 If new job descriptions are required, these will need to be drafted by managers, with support and advice from HR. The new job descriptions will be evaluated in accordance with the Job Evaluation Policy and an indicative grade given.

## **6.0 Communication and Consultation**

- 6.1 The Council is committed to on-going communication with employees and the Trade Union about organisational change and its processes.
- 6.2 The outcomes of change will also require communication on an individual basis. This will be facilitated by the line manager or Head of Service.
- 6.3 Communication will commence as soon as is reasonably practical and updated on a regular basis.
- 6.4 Formal consultation will commence with employees and the Trade Union on the business proposals as soon as is practical and will include the 30 days statutory consultation period required by law.
- 6.5 Consultation will provide an opportunity for employees and the Trade Union representatives to express their views and



have these taken into account when alternatives are being considered as part of the decision making process.

6.6 The statutory consultation period where between 20 – 99 employees are to be dismissed on the grounds of redundancy is at least 30 days. The 30 day consultation period must end before the first redundancy notice is issued. (NB for 100 employees or more the consultation period must be at least 90 days).

6.7 Whilst the statutory requirement to commence formal consultation at least 30 days before the first redundancy notice is issued only applies if 20 or more employees are to be made redundant, there is a statutory requirement on employers to act reasonably if fewer than 20 employees are to be made redundant. In such cases the Council will therefore endeavour to commence formal consultation at least 30 days before the first redundancy notice is issued.

6.8 Formal consultation starts with the Trade Union being invited to a meeting with the Head of Service and a HR representative and being given the following information in writing:

- The reason for the proposed redundancies.
- The number of posts affected and the likely number of redundancies.
- The total number of similar posts within the Authority.
- The selection criteria for redundancy.
- The proposed method of carrying out the dismissals having regard to the agreed procedure including the period over which the dismissals are to take effect.

Formal consultation with the Trade Union must cover:

- Avoiding the dismissals
- Reducing the numbers of employees to be dismissed
- Mitigating the consequences of the dismissals
- Selection criteria and method (this will include any “ring-fence” arrangements).

6.9 Formal consultation with employees will start with employees being invited to a team meeting and/or followed with individual 121 meetings by the Head of Service and/or line manager. A representative from HR will also be

present. The business proposals, reasons for change, proposed changes including new structure, draft job descriptions, process for selection and appointment will be discussed (if applicable).

- 6.10 Employees will have the right to be accompanied by a workplace colleague or a trade union representative during any of the 121 meetings throughout the consultation process.
- 6.11 Employees will be written to setting out the proposals and consultation process. The letter will confirm that they are at potential risk of redundancy and will detail the timescale of the process.
- 6.12 Payroll will be able to provide estimates of likely severance benefits for employees who have been told that they are at risk of redundancy.
- 6.13 Employees who are at risk of redundancy will be able to join the redeployment register early and take advantage of support available on a voluntary basis. If employees wish to explore these options they should contact HR.
- 6.14 As part of the consultation process employees will be able to request voluntary redundancy in accordance with this Policy (see 8.0).
- 6.15 Employees who wish to explore alternative working options such as early or flexible retirement; flexible working such as reduced hours should discuss this with their line manager and/or Head of Service as part of the consultation process (in accordance with the Council's policies).
- 6.16 Further consultation meetings with employees and Trade Union representatives will be held as necessary.

## **7.0 Obtaining Formal Approval for Proposals**

- 7.1 Following the end of the consultation process, a report should be submitted for approval in principle by the Leadership Team.

- 7.2 A copy of the report will be given to employees and the Trade Union at least 5 working days before the submission deadline for the report, so that they may comment on its proposals.
- 7.3 The report will include the comments and feedback received by employees and the Trade Union during the consultation process (if applicable).
- 7.4 Should the Trade Union wish to submit a written summary as an appendix to the report, this must be sent to the Head of Service and a copy to HR before the submission report deadline.

## **8.0 Voluntary Redundancy**

- 8.1 Part of the consultation process will include deciding if it is appropriate to ask employees if they want to volunteer for redundancy. When making this decision the points to consider are:-

- Is the manager seeking a reduction in the number of employees;
- Retention of skills to deliver services;
- Organisational priorities (and the skills that are needed to deliver these)
- Cost of redundancy versus redeployment.

- 8.2 Applications for Voluntary Redundancy can be made at the Formal consultation stage and/or formally when employees will be asked to respond to the provisional letter sent after the formal consultation ends.

- 8.3 Voluntary redundancy may be available:

- If the employee is part of a ring fence in an area where there is significant pressure for available posts such that individuals within that ring fence may ultimately be declared 'at risk' of redundancy; and
- If the employee's release presents no specific problems for continuity of services;
- If the employee's release presents no specific problems in relation to the need to retain an

appropriate balance of skills and experience in the new structure;

- In the context of all of the above, your release is affordable for the Service and the Council.

8.4 Employees that are interested in exploring voluntary redundancy will be provided with an estimate of the redundancy payment that will be payable on receipt of a written request. Employees aged 55 or over, will also receive an estimate for any retirement benefits if they are a member of the local government pension scheme.

8.5 Applications for voluntary redundancy will only be approved if it is considered to be in the Council's interest. There will be no right of appeal against a decision not to grant an application for voluntary redundancy.

8.6 Employees whose voluntary redundancy has been accepted will be given notice as detailed in section 13.1.

8.5 Employees may submit a request for an early release date to their Head of Service. If a leaving date is agreed before the end of the contractual notice period, no payment of lieu of notice will be made.

## **9.0 Appointing Employees to the New Structure and Selection for Redundancy**

9.1 Guidelines on the appointment and selection process should be followed by Managers in conjunction with this Policy (Appendix B: Appointment & Selection Process).

9.2 In cases where selection is required a management selection process may be used (Appendix C: Management Selection Matrix).

## **10.0 Redundancy Payment Calculation**

10.1 Employees must have 2 years continuous service with East Herts Council to qualify for a redundancy payment.

10.2 In calculating entitlement to, and the amount of, redundancy payment the Council must count all continuous

local government service (and with other specified bodies) up to a maximum of 20 years.

- 10.3 For employees that have two jobs with the Council. Where they are made redundant from both jobs simultaneously their redundancy entitlement will be based on local government service (as stated in 10.2). If they are made redundant from one job their redundancy entitlement will also be based on their local government service (as stated in 10.2). If they are subsequently made redundant from their second job their redundancy entitlement will be calculated on their local government service provided the hours in that role have not increased. If they have increased their hours since last being made redundant or taken on another role within the authority the redundancy entitlement for the extra hours/new role will be calculated on their length of service in that role, not on their local government service.
- 10.4 The Council uses the Government's Department for Business Innovation and Skills (BIS) statutory redundancy pay calculator to determine the number of week's pay and then multiplies this by 2.
- 10.5 BIS use the following figures in their Statutory Redundancy Reckoner table:-
- 0.5 week's pay for each full year of service where age during year is less than 22
  - 1 week's pay for each full year of service where age during year is 22 or above, but less than 41
  - 1.5 weeks' pay for each full year of service where age during year is 41+.
  - The maximum number of year's service with one employer that can be used to calculate redundancy is 20.
  - The Government sets out a statutory entitlement for weekly pay. The limit changes annually in line with the retail prices index (up or down) as appropriate.
  - The Council uses actual weekly pay for the purposes of redundancy payment calculations.
- 10.6 A copy of the statutory redundancy reckoner table can be found on the [Direct Gov website](#)

- 10.7 Estimates of possible severance payments should be requested from HR.
- 10.8 Employees over age 55 can apply for immediate payment of accrued pension on dismissal for grounds of redundancy.
- 10.9 Employees who take redundancy will be ineligible to apply for or be appointed to any roles within East Herts District Council for a minimum of six months from the date of their departure.

## **11.0 Appeals**

- 11.1 Employees will have the right to appeal in accordance with the Council's Appeal Policy on the following grounds:
- Their post is not redundant
  - They believe they should have been slotted in/ring fenced for a post
  - That the selection criteria during interview / management selection were unfairly applied
  - The post is not a suitable alternative
- 11.2 Employees will not be confirmed in post and notices of dismissal will not be sent until all appeals on slotted in/ring fenced or selection criteria have been heard as they may impact other employees.
- 11.3 Appeals against redundancy will be heard during an employee's notice period.

## **12.0 Suitable Alternative**

- 12.1 The term "suitable alternative" derives from redundancy law, which dictates that if an employee is made redundant from a job, but an employer offers suitable alternative employment, the employee is bound to accept it, or leave and forgo any redundancy payment.
- 12.2 In considering whether employment is suitable, account will be taken of the employee's old job, earnings in the old and proposed posts, status of the post and the employee's training, qualifications and skills. It should be noted that some difference between the two posts would not

necessarily make the proposed post unsuitable. However, the extent of the change is what is relevant, and that can only be judged in the particular circumstances.

### **13.0 Notice Periods**

- 13.1 Employees who are made compulsorily redundant will be given a minimum of 12 weeks notice of termination of employment, regardless of their actual statutory or contractual entitlement to enable them to make full use of the Redeployment Procedure and identify alternative employment within the Council. (N.B. If the member of employees has a contractual entitlement to more than 12 weeks notice they will receive their contractual entitlement.)
- 13.2 Employees whose voluntary redundancy has been accepted will be given the same notice period as set out in 13.1.

### **14.0 Redeployment**

- 14.1 Full details of the application of the Redeployment Procedure to employees under notice of redundancy are set out in the Redeployment Policy.

### **15.0 Counter Notice**

- 15.1 If an employee finds employment with another employer during their notice period they may wish to terminate their contract earlier than the date on which their notice will expire. To do this they have to give the Council written notice to terminate the contract early; this is known as "Counter Notice".
- 15.2 The Council will, in the majority of cases, agree to such requests. There are, however, some specific employment law considerations that will need to be taken into account and managers who receive a written counter notice must contact HR for advice.

### **16.0 Trial Period**

- 16.1 Employees under notice of redundancy have a statutory entitlement to a four-week trial period in a job offered as suitable alternative employment. The trial period allows both the employee and the employer to assess the suitability of the offer of alternative employment.
- 16.2 The statutory four-week trial period may be extended only for the purpose of training the employee to do the job and the length of the trial period must be determined at the outset. The Trial Period can only be extended once it has been started by mutual consent.
- 16.3 Where the trial period is successful, the employee will not be entitled to receive a statutory redundancy payment, as there will have been no termination of employment and hence no redundancy. If, during or at the end of the initial agreed trial period, either the employer or the employee concludes that the job is not suitable for the employee, the position reverts back to that of redundancy and the employee's employment will terminate (assuming no other suitable alternative job is available). The employee will need to demonstrate why they cannot with suitable training, undertake the role. The date of the redundancy for the purposes of calculating statutory redundancy pay in these circumstances is the date on which the employee's original job ended, and not the date of termination of employment after the trial period.
- 16.4 The trial period can last beyond the date of dismissal and, if a suitable vacancy is identified very near the dismissal date, the trial period can start after the old contract has ended.

## **17.0 Time Off to Look for New Work or for Training**

- 17.1 Managers must allow their employees a reasonable amount of time off to look for new employment or for training during the notice period. Requests for time off will have to be assessed on a case by case basis but some latitude should be extended to this group of employees during what is a very difficult period. HR will advise.



17.2 The sort of activities for which requests for time off will receive favourable consideration will include:

- Completing an application form
- Attending career counselling
- Registering with employment agencies
- Conducting internet searches at work
- Attending interviews.

This is not an exhaustive list.

17.3 Employees that find new employment with Local Government (or an organisation on the modification order) within 4 weeks of their termination date will be required to return their redundancy pay.

## **18.0 Policy Review and Amendment**

18.1 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.

## Key Steps in Redundancy

The following table sets out the possible actions in implementing organisational change. Not all change initiatives will involve all of the steps and larger restructurings will inevitably take longer to take through them. A major restructuring could easily take over 6 months to implement. Thinking through how your change initiative is likely to proceed will allow you to plot the likely time-line.

Key Action	Associated Actions	Likely Timescale
Need to restructure identified and alternative options developed.	<ul style="list-style-type: none"> <li>• Define business case for changes</li> <li>• Identify objectives of new structure.</li> <li>• Identify savings and impact on employees.</li> <li>• Discuss proposals with HR.</li> </ul>	1 week to 1 month
Notify/consult HR	<p>This may have been started at the previous stage – but needs to go further. HR will need to:</p> <ul style="list-style-type: none"> <li>• Confirm the extent of any possible redundancies and advise on any legal requirements.</li> <li>• Review draft job descriptions and person specifications.</li> <li>• Do indicative JE's to ensure that grades being sought reflect duties</li> <li>• Outline consultation process.</li> <li>• Identify any potential problems with consultation (e.g. employees on maternity leave) and identify how they will be addressed.</li> <li>• Discuss options for selection criteria and processes – whilst these will be subject to consultation with employees and trade union during Formal consultation, it is important for management to be clear about their preferences and the reasons for those preferences early in the process.</li> <li>• If management selection is the preferred option confirm the availability and quality of management information on which to base decisions using the Management Selection Criteria template.</li> </ul>	2 weeks to 1 month
Commence Formal consultation with employees and TU.	<p>Commence formal consultation</p> <ul style="list-style-type: none"> <li>• Set a date for the first meeting – tie in with 1-2-1 meetings with affected employees and general employees meeting immediately following TU meeting</li> <li>• Send “at risk” letters to employees potentially facing redundancy.</li> </ul>	30 days minimum

<b>Key Action</b>	<b>Associated Actions</b>	<b>Likely Timescale</b>
	<ul style="list-style-type: none"> <li>• Send s188 letter to TUs.</li> <li>• Invite TU reps to further consultative meetings – number of meetings will vary depending on the nature and effects of the restructuring.</li> <li>• Work out likely timetable for the selection process and, if redundancies seem likely, any appeals.</li> <li>• Consider Voluntary redundancy requests.</li> <li>• Ensure that all suggestions from employees and TU are responded to with explanations.</li> </ul>	
New structure finalised and approved	<ul style="list-style-type: none"> <li>• Write report for Leadership Team identifying reasons for change, proposals and costs.</li> <li>• Send copy of report to TU and employees 5 working days before the submission report deadline</li> <li>• Leadership Team consider and approve.</li> <li>• New job descriptions evaluated in accordance with Policy.</li> </ul>	3 weeks
Finalise selection criteria and method	<ul style="list-style-type: none"> <li>• Write to employees and trade Union on the conclusion of the consultation process. Conforming new structure, job descriptions, grades and selection process.</li> <li>• Consider Voluntary redundancy requests.</li> <li>• Follow appointment and selection process</li> <li>• Ensure that all employees are aware of how the selection process will operate, what the timetable is and if they need to do anything to ensure that they are considered</li> </ul>	1 week
Implement new structure	<ul style="list-style-type: none"> <li>• Make selection decisions</li> <li>• Decide how you will manage the crossover period</li> <li>• Tell employees in writing</li> <li>• Hold meetings with employees and advise them of the outcome in writing, including rights of appeal</li> <li>• If appeals are received, advise HR and CE and comply with requirements for exchange of documentation before appeal hearing</li> <li>• Once all appeals have been heard, confirm final decisions in writing, giving notice of termination to unsuccessful employees</li> <li>• Determine what action is necessary to ensure that all employees are aware of their new roles in the new organisation.</li> <li>• Consider team-building and training initiatives necessary to maximise the potential for successful change.</li> </ul>	1 to 2 months

# Agenda Item 6e

## **East Herts Council Report**

### **Local Joint Panel**

**Date of meeting: 21 May 2024**

**Report by:** HR and Organisational Development Service Manager

**Report title:** Volunteering Policy

**Ward(s) affected: None**

### **Summary**

This report outlines the need for a volunteering policy to allow the BEAM Theatre to run effectively. It updates an old policy and recommends the adoption of the new policy.

### **RECOMMENDATIONS FOR Local Joint Panel:**

a) To approve the updated Volunteering Policy

#### **1.0 Proposal(s)**

1.1 The proposals are set out in the recommendations below.

#### **2.0 Background**

2.1 The council currently has a Volunteering Policy that covers the use of volunteers on a council-wide basis. In practice, the only volunteers the council has used for years now have been at the theatre.

#### **3.0 Reason(s)**

3.1 The theatre's Hospitality and Operations Manager has worked with HR to update the policy to make it specific to the theatre. They need to recruit new volunteers for the theatre's opening in early June and use this policy as part of the recruitment pack when advertising.

3.2 The policy has been approved by the Leadership Team and Unison.

#### **4.0 Options**

4.1 N/A

#### **5.0 Risks**

None

#### **6.0 Implications/Consultations**

##### **Community Safety**

No

##### **Data Protection**

No

##### **Equalities**

No

##### **Environmental Sustainability**

No

##### **Financial**

No

##### **Health and Safety**

No

##### **Human Resources**

Yes – as set out in the report

##### **Human Rights**

No

##### **Legal**

No

##### **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

7.1 The updated policy can be found at Appendix 1.

### **Contact Officer**

Alex Wanless, HR and OD Service Manager

[alex.wanless@eastherts.gov.uk](mailto:alex.wanless@eastherts.gov.uk)

### **Report Author**

Claire Kirby, Human Resources Officer

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

## **Volunteering Policy**

### **Beam Hertford**

#### **Introduction**

This policy has been written to demonstrate BEAM's commitment to its volunteer programme and to individual volunteers. It ensures fairness and consistency in managing volunteers and helps volunteers know where they stand and how they can expect to be treated. The policy does not refer to the specific current volunteering role requirements to enable the scope of new volunteering opportunities to be included within this policy in the future.

A volunteer is a person who gives freely of his/her/their time, skills, and experience without expectation of financial reward. Volunteering can take many forms. Some tasks require skills whereas others require none. Volunteering may be for a limited time to complete a particular project or may be on an ongoing basis.

BEAM recognises the immense benefits that volunteers provide, and the bridges that they build between BEAM and the local community. In return BEAM hopes to give its volunteers an opportunity to exercise their skills in a different environment and to undertake new experiences.

BEAM tries to offer a range of volunteering opportunities and, in accordance with East Herts District Councils equal opportunities and diversity policies, to ensure that the opportunity to volunteer is widely available.

#### **1. The importance of volunteers to BEAM**

- 1.1. Volunteers are invaluable to BEAM as they enable us to deliver our programme of work that would not otherwise be possible. Working with volunteers provides an opportunity for BEAM to engage on a deeper level with our visitors and community to provide a first-class experience for all.
- 1.2. BEAM welcomes the contribution made by volunteers and is committed to encouraging a diverse and inclusive volunteering programme where possible.
- 1.3. Volunteers will be managed by the Hospitality and Operations Manager, supported by the wider BEAM team.
- 1.4. Our Volunteering Values, are complementary values to help guide us and shape an engaging and appropriate volunteering experience.

Inclusive	It is welcoming and accessible to all.
Flexible	It takes into account how people who volunteer can give their time and fits around their circumstances.
Impactful	It makes a positive difference.
Connected	It gives people a sense of connection to others, a cause and/or an organisation.

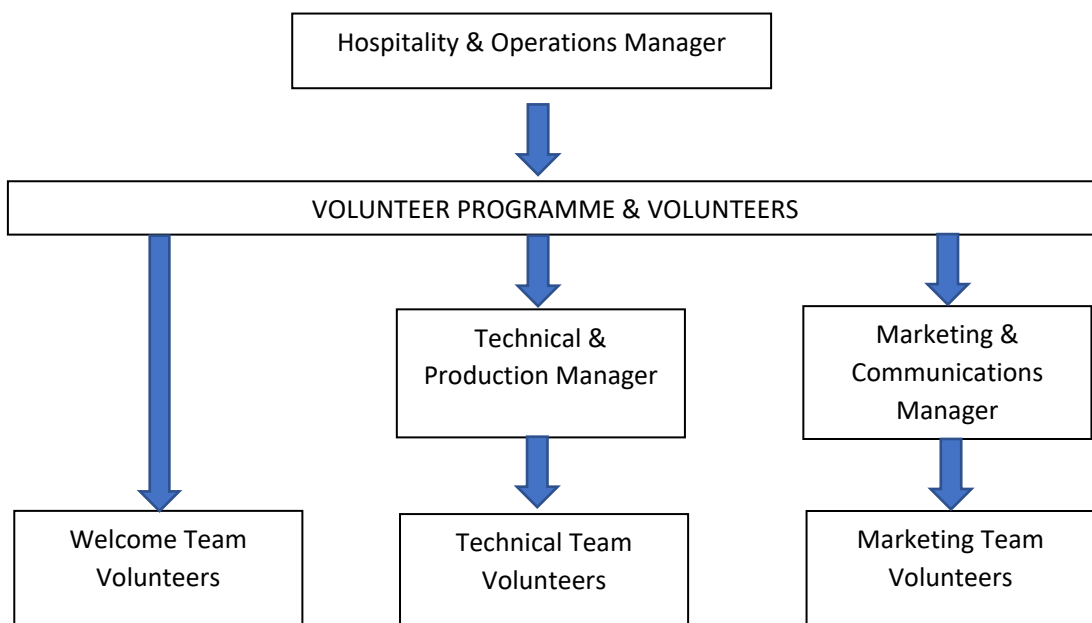
Balanced	It doesn't overburden those who volunteer with unnecessary processes and priorities.
Enjoyable	It provides enjoyment and people feel good about what they are doing.
Voluntary	It is the volunteer who has freely chosen to do it.
Meaningful	It resonates with people's lives and interests.

1.5. This policy will be underpinned by guidance which will provide greater detail on different aspects of the volunteer journey and how we will work together to create an inclusive and appropriate volunteering experience.

## 2. Our Volunteering Programme

2.1. All volunteers fall under the management of the Hospitality and Operations Manager supported by department heads who will act as the volunteer key contact for their respective department. Department heads will be responsible for the overall experience for the volunteers which work within their teams.

2.2. Our volunteering community comprises of the following groups:



2.3. We will seek to develop and deliver volunteering opportunities for tasks to be undertaken in ways which will provide identifiable benefits and motivation for potential volunteers. Department Heads will also discuss individual volunteer requirements to ensure that volunteers feel adequately supported in their role throughout their time as a volunteer.



- 2.4. Department Heads are responsible for the day to day running of the volunteer activity and the volunteers within their teams. Department Heads are expected to have a good understanding of BEAM policy and practice and work with the Hospitality and Operations Manager to ensure these are followed.

The Hospitality and Operations Manager will be available to provide advice and guidance on the following areas:

- Role and Activity development
- Recruitment
- Selection
- Training
- Support and Supervision
- Dealing with concerns, issues, and problems

#### 2.5. Support for Department Heads

Department heads play a major role organising and leading teams of volunteers across the venue. We are committed to providing the necessary support to those volunteers in that role to ensure they can deliver that role safely.

All Department Heads will be provided with information and guidance about their role including a Job Description.

Department Heads will provide advice and guidance on the following areas:

- Volunteering role and activity delivery
- Recruiting and welcoming new volunteers into the team
- Dealing with concerns, issues and problems

The Hospitality and Operations Manager is available to provide support on the following areas:

- BEAM wide policy and practices.
- Role of the Department Head in relation to managing volunteers
- Dealing with concerns, issues, and problems

### 3. The relationship between BEAM and our volunteers

A volunteer is not an employee and will not have a contract of employment with BEAM. BEAM will agree a role, with the volunteer and there will be an expectation that the volunteer will meet the role's requirements and that BEAM will provide work for the volunteer. However, the volunteer is free to refuse to fulfil the role and BEAM is not bound to provide the work. BEAM and the volunteer will endeavour to give as much notice as possible if unable to meet these expectations, however either party can terminate the agreement with or without notice at any time.

- 3.1. The relationship of a volunteer to BEAM is one bound by trust, mutual understanding and benefit; it is a 'gift' relationship, with time given freely and willingly, without expectation of

financial reward by the volunteer. Neither we nor the volunteer regard the relationship as a contract of employment.

- 3.2. No enforceable obligation, contractual or otherwise, can be imposed on the volunteer to attend, give or be set a minimum amount of time or carry out the tasks provided. Likewise we cannot be compelled to provide regular work or benefit for any activity undertaken.
- 3.3. The relationship is based on the principle that volunteers add value to our work by performing a wide range of roles, and by contributing specialist skills and a flexible approach.

Although volunteers offer time freely and willingly and without binding obligation, there is a presumption of mutual support and reliability.

- 3.4. We will provide guidance on expectations.
- 3.5. BEAM will agree working practices and procedures for all volunteering activity, with Staff and Department Heads to ensure all requirements of the volunteer experience and journey are completed efficiently and effectively.

#### **4. Volunteering agreement**

The volunteer will be invited to enter into a volunteering agreement with the BEAM (East Herts District). This agreement will identify:

- the volunteer's role;
- the training that the volunteer is expected to undertake.
- the insurance cover that will be provided for the volunteer.
- who will supervise the volunteer.
- the notice that will be given to a volunteer if his/her role is to come to an end.

#### **5.0 Dress Code**

Volunteers are requested to present themselves in a smart but casual manner (no trainers or logo t-shirts). Branded volunteer t-shirts/polo's will be provided by the venue.

#### **6.0 Principles for volunteer management**

- 6.1 This policy sets out the broad principles of volunteering at BEAM and forms the foundation for good-practice volunteer management across the organisation.

Fundamentally:

- We will always aim for fair and equal treatment for all volunteers.
- We aim to match volunteers with suitable projects so that we gain from the activities of the volunteers and the volunteers gain from working with us.
- Each volunteer will be appointed by the Hospitality and Operations Manager and Department Heads to guide and advise them in their tasks.
- We will provide clear, up to date Volunteer Job roles, so expectations are managed appropriately.
- We will provide and maintain necessary documents (including policies, procedures and handbooks) and training relevant to BEAM and the volunteer roles, so volunteers can be confident and impactful in their volunteering.

- We will include our volunteers in all relevant communications.
- In return we expect that volunteers will provide their time and help us to keep our venue, projects and activities on track.

6.2 This policy is relevant for all current and potential volunteers, as well as every department head involved with selecting, supporting, developing volunteers, managing volunteer projects or promoting voluntary activity within BEAM.

## **7.0 Recruitment of Volunteers**

7.1 All volunteering roles within BEAM will have a written Job Description - a clear, complete and current description of duties and responsibility of the role that they are expected to fill. Prior to any volunteer assignment or recruitment effort, a Job Description must be developed. This will be used as part of our recruitment process. Job Descriptions should be reviewed each time recruitment takes place and updated at least every two years or whenever the work involved in the role changes substantially.

All Job Descriptions shall include a description of the purpose and duties for the role, a designated department head, volunteering location, hours and timing for the volunteering, and a list of required skills and experience.

7.2 Opportunities to join the team as a volunteer will be advertised through BEAMS website, social media and in the venue.

## **8.0 Selection of volunteers**

8.1 We have a fair and consistent process for selecting volunteers that is relevant and appropriate to each role.

8.2 Our volunteering recruitment communications will use language that is accessible and easily understood, using various formats and messages to attract a diverse range of applicants.

8.3 We will select volunteers according to the venues needs (detailed in Job Descriptions) and aim to match volunteers' skills, knowledge, experience, motivation and availability to suitable projects and activities.

8.4 Anyone being considered for a volunteer role will be invited for an informal interview with the Hospitality and Operations Manager or Department Head, who will explore their skills, experience, interests and suitability, as well as their motivation, with the aim of setting up teams that are best suited for the role.

8.5 Reasonable adjustments may be made to the selection methods to suit the access requirements of applicants with disabilities.

## **9.0 Equal opportunities and diversity**

9.1 BEAM recognises the importance of encouraging diversity and achieving equality among volunteers, as well as employees and audiences. Volunteers are actively encouraged from a wide cross-section of backgrounds and experiences to help ensure that BEAM's various volunteering opportunities are accessible to an increasingly diverse range of people.

9.2 BEAM values and respects the individual by providing equality of opportunity to all for active involvement subject to the scope of the organisation's needs and resources.

9.3 All staff, volunteers, contractors and partner organisations are expected to actively support BEAM's commitment to diversity and equality.

9.4 Acceptance of volunteer assistance for a particular role will be made on merit, the sole selection criterion being an individual's suitability to carry out the specified task(s) subject to the needs and restrictions of the location, along with their availability in line with the needs of the volunteering opportunity.

Reasonable adjustments will be considered for a volunteer with a disability in accordance with BEAM's Equal Opportunities Policy.

9.5 Volunteers are required to be over 18 years of age.

9.6 BEAM has no upper age limit for volunteers, recognising the contribution made by older volunteers in terms of valuable knowledge and experience. However, BEAM would be irresponsible if it permitted volunteers to continue beyond a point where volunteering is detrimental to their own or other people's health and safety.

## 10.0 **Basic Requirements to join as a volunteer**

10.1 All volunteers need to:

- Show us identity documents (ideally photographic) to confirm their identity.
- Provide us with their full contact details.
- Provide us with emergency contact details.
- Inform us about any access, support or health needs.
- Agree to our Volunteer Agreement and relevant policies and practices.

10.2 Volunteers will be expected to undertake a venue induction on site at BEAM which includes:

- An introduction to BEAM
- Our values, mission and strategy
- Key Security and Health and Safety requirements
- Venue Orientation

10.3 Volunteers will need to complete the following core training:

- Relevant Health and Safety
- Security
- Safeguarding
- Role Specific e.g handheld payment and ticket scanning devices

## 10.4 **References**

Volunteers are required to provide us with two personal references. References will be taken up after interview via email.

**11.0 New starters**

No new volunteers will be allowed to take up their role until the relevant vetting checks have been completed. These would have been detailed in the Job Description.

**12.0 Induction, training and development**

12.1 New volunteers will be made to feel welcome and will be provided with an informal induction. As part of their induction to BEAM, volunteers will receive a copy of the volunteer handbook, containing essential information for all volunteers, together with material relevant to the specific role.

12.2 Volunteers will be asked to attend training and undertake annual refresher training to meet relevant needs and any other training activities relevant to their specific volunteering activity. Training will be provided face to face and in some cases online.

**13.0 Support and supervision for volunteers**

13.1 BEAM respects volunteers by both listening to and learning from what they have to say, supporting a two-way dialogue between staff and volunteers.

13.2 Department Heads are encouraged to discuss progress with their volunteers on a regular basis. This provides an opportunity to monitor their contribution, establish whether the volunteer would like to change their current contribution, and ensure that they feel valued and satisfied with their volunteering.

13.3 Volunteers are free to end their involvement at any time. Wherever possible, an end date should be agreed between volunteer and Hospitality and Operations Manager /Department head. Exit interviews may be conducted to find out why a volunteer is leaving, share any learning points and establish whether the volunteer may want to be involved again in the future.

**14.0 Health and safety**

14.1 We are committed to ensuring the health, safety and welfare of our volunteers. We want to make sure that volunteers are aware of and understand the health and safety risks associated with their role. We aim to provide volunteers with the appropriate information, instruction, supervision and training required to provide a safe environment while volunteering at BEAM.

14.2 Volunteers should at all times follow BEAM's (East Herts District Councils) health and safety policies and procedures. Volunteers have a duty to take care of themselves and others who might be affected by their actions. Volunteers should not act outside their authorised area or work. Volunteers should report all accidents to their volunteer coordinator.

## **15.0 Recognition and Benefits**

15.1 BEAM is committed to recognising the contribution our extensive volunteer community make to the venue and will develop a recognition and benefit offering to reflect their contribution.

## **16.0 Insurance**

16.1 All volunteers engaged in BEAM's activities are indemnified under East Herts District Councils public liability insurance.

16.2 We will ensure that volunteers are covered for insurance purposes in respect of personal injury. The insurance will not cover unauthorised actions or actions outside the volunteering agreement and role guidance.

## **17.0 Confidentiality and data**

17.1 Volunteers are likely to become aware of confidential information about the BEAM, East Herts District Council, its staff, customers and suppliers. Volunteers should not disclose this information or use it for their own or another's benefit without the consent of the party concerned. This does not prevent disclosure once the information is in the public domain (unless it has been made public as a result of the volunteer's breach of confidentiality) or where the law permits or requires disclosure.

17.2 Volunteers will be advised of the need for confidentiality and are required to sign a confidentiality agreement.

17.3 Personal information recorded about volunteers will be stored electronically by the HR team and maintained with appropriate safeguards for confidentiality.

## **18.0 Resolving problems**

18.1 BEAM aims to treat all volunteers fairly, objectively and consistently. The Hospitality and Operations Manager and Department Heads are responsible for handling any problems regarding volunteer conduct or complaints together and BEAM actively supports Staff by providing relevant training. They will seek to ensure that volunteers' views are heard, noted and acted upon promptly and will aim for positive and amicable solutions.

## **19.0 Leaving volunteers**

19.1 Whether a volunteer chooses to leave their volunteering or is asked to leave, BEAM will have appropriate procedures in place to ensure a volunteer's departure is handled with care.

## **20.0 BEAM Policies**

20.1 The following BEAM policies are applicable to volunteers:

- Equality and Diversity Policy
- Health and Safety Policy

- Volunteering Policy

There may be additional policies which apply to specific roles and these will be identified by the Staff Lead and included in any written guidance, induction and training delivered.