

## EMPLOYMENT COMMITTEE

WEDNESDAY 22 JULY 2015

7.00 PM

Forli Room - Town Hall

### AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

3. **Minutes of the Meeting Held on 17 June 2015**

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4. **Exclusion of the Press and Public**

In accordance with Standing Orders, Members are asked to determine whether item 7, 'Senior Management Restructuring - Service Director City Services and Communications - Determination of Salary', which contains exempt information relating to contemplated consultations or negotiations in connection with a labour relations matter arising between the authority and employees or office holders of the authority as defined by Paragraph 4 of Schedule 12A of Part 1 of the Local Government Act 1972 should be exempt and the press and public excluded from the meeting when this item is discussed, or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

5. **Changes to Employee Policies and Procedures**

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6. **Salary Sacrifice Car Leasing Scheme for Employees**

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7. **Senior Management Restructuring - Service Director City Services and Communications - Determination of Salary**

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*In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.*

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<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

### Committee Members:

Councillors: M Nadeem (Chairman), J Holdich (Vice Chairman), W Fitzgerald, N Khan, Thulbourn, C W Swift and N Sandford

Substitutes: Councillors: D Lamb, Forbes, B Saltmarsh and Davidson

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – [philippa.turvey@peterborough.gov.uk](mailto:philippa.turvey@peterborough.gov.uk)



**MINUTES OF A MEETING OF THE EMPLOYMENT COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 17 JUNE 2015**

**Members Present:** Councillors Nadeem (Chair), Holdich (Vice-Chair), Fitzgerald, Khan, Thulbourn, Swift and Sandford

**Officers Present:** Kim Sawyer, Director of Governance  
Paul Smith, Human Resources Advisor  
Pippa Turvey, Senior Democratic Services Officer

**1. Apologies for Absence**

No apologies for absence were received.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Exclusion of the Press and Public**

In accordance with Standing Orders, the Committee was asked to determine whether item 6, 'Senior Management Restructuring – Assistant Director: Digital Peterborough – Determination Of Salary', which contained exempt information relating to contemplated consultations or negotiations in connection with a labour relations matter arising between the authority and employees or office holders of the authority as defined by Paragraph 4 of Schedule 12A of Part 1 of the Local Government Act 1972, and item 7 'Interviews for the Positions of Assistant Director for Human Resources and Development and Assistant Director for Legal and Democratic Services', which contained exempt information relating to individuals as defined by Paragraphs 1, 2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when they were discussed, or whether the public interest in disclosing this information outweighed the public interest in maintaining the exemption.

The Committee unanimously agreed to the exclusion of the press and public for agenda item 6 and 7.

**4. Minutes of the Meeting Held on:**

**4.1 22 January 2015**

The minutes of the meeting held on 22 January 2015 were agreed as a true and accurate record.

**4.2 27 January 2015**

The minutes of the meeting held on 27 January 2015 were agreed as a true and accurate record.

**4.3 12 February 2015**

The minutes of the meeting held on 12 February 2015 were agreed as a true and accurate record.

**5. Assistant Director for Human Resources and Development Proposed Job Description and Job Evaluation Process**

The Director of Governance presented a report to the Committee which detailed the proposed job descriptions and job evaluation process for the post of Assistant Director for Human Resources and Development.

The report sought the Committee's approval for the proposed job description for the post. It also provided an opportunity for the Committee to ensure that the role had a job description which accurately reflected the work undertaken and the standards expected of the post holder.

The Committee discussed the centralised training budget and that the role would encompass the workforce development of the whole Council. The matter of consultants was also discussed, and the Committee were advised that it was the aim of the Council to reduce the number of Consultants used and for the workforce to be self-sufficient. It was noted that Consultants were brought in for specific purposes only.

A motion was proposed and seconded to accept the proposed job description for the post of Assistant Director for Human Resources and Development. This motion was carried unanimously.

**RESOLVED** that the proposed job description for the post of Assistant Director for Human Resources and Development be agreed.

**Reasons for the decision:**

The proposed changes were to ensure the Council operated within frameworks that were lawful, transparent and consistent.

**6. Senior Management Restructuring – Assistant Director: Digital Peterborough – Determination of Salary**

As agreed at agenda item 3, the meeting moved into exempt session. Human Resources Advisor presented a report which asked the Committee to determine the appropriate level of remuneration for the post of Assistant Director: Digital Peterborough.

The report followed from the meeting of the Committee on 12 February 2015, where Richard Godfrey was appointed to the post. The role had been evaluated by the Hay Group and was submitted to the Committee for determination.

The Committee discussed the level of remuneration for the post and noted that the initial evaluation and determination of pay on appointment had been undertaken three months ago.

The Human Resources Advisor clarified that a job description evaluation could be requested at any time and that new information in relation to Customer Experience and Transformation responsibilities had been factored in to the evaluation. This was due to the fact that the post holder was now undertaking the role and could provide detailed information, where previously the post had been vacant and newly created.

A motion was proposed and seconded that the appropriate remuneration for the post Assistant Director: Digital Peterborough be the median point on Pay Band 6, £71,619. This motion was carried five voting in favour, one voting against and one abstaining from voting.

**RESOLVED** (5 in favour, 1 against and 1 abstention) that the appropriate remuneration for the post of Assistant Director: Digital Peterborough be the median point on Pay Band 6, £71,619.

**Reasons for the decision:**

The proposal was in accordance with Peterborough City Council's job evaluation policy for senior staff.

**7. Interviews for the Positions of:**

**7.1 Assistant Director for Human Resources and Development**

One candidate was interviewed for the position of Assistant Director for Human Resources and Development.

**RESOLVED:** to appoint Mandy Pullen, who was currently employed as Acting Head of Human Resources at Peterborough City Council.

**7.2 Assistant Director for Legal and Democratic Services**

One candidate was interviewed for the position of Assistant Director for Legal and Democratic Services.

**RESOLVED:** to appoint Alison Stuart.

Chair  
10:00am – 12:00pm

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<b>EMPLOYMENT COMMITTEE</b>	AGENDA ITEM No. 5
<b>22 JULY 2015</b>	<b>PUBLIC REPORT</b>

Contact Officer(s):	Mandy Pullen - Assistant Director Human Resources & Development	Tel. (01733) 384501
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## CHANGES TO EMPLOYEE POLICIES AND PROCEDURES

R E C O M M E N D A T I O N S	
<b>FROM</b> : Assistant Director Human Resources & Development	<b>Deadline date</b> : N.A.
<p>It is recommended that Employment Committee approves the following employment policy and procedures:</p> <ol style="list-style-type: none"> <li>1. Loyalty Award Scheme (Appendix 1)</li> <li>2. Travel &amp; Subsistence Policy (Appendix 2)</li> <li>3. Substance Misuse &amp; Alcohol Policy (Appendix 3)</li> <li>4. Domestic Abuse Policy (Appendix 4)</li> <li>5. Maternity Scheme (Appendix 5)</li> <li>6. Maternity Scheme Teachers (Appendix 6); and</li> <li>7. Adoption Scheme (Appendix 7)</li> </ol>	

### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Employment Committee following a review of a number of HR policies in the light of legislative and policy changes.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to ensure that the Council maintains up to date and legal employment policies.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.3.1.2 'to determine employee procedures, including dismissal procedures' and 2.3.1.4 'to determine local terms and conditions of employment for employees'.

### 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
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### 4. BACKGROUND

- 4.1 Like most employers, Peterborough City Council has a number of HR policies. These exist to ensure that employees and managers are aware of their rights and responsibilities and to ensure that the City Council acts lawfully and also offers attractive terms and conditions of employment to existing and potential employees. These policies are kept under review and are updated in line with legislative changes and best practice.

Accordingly, a number of policies have now been reviewed on this basis and are submitted to this Committee for approval.

#### **4.2 Loyalty Award Scheme – (Appendix 1)**

This is awarded to those employees who have completed 25 years' service with the City Council (or any employer from whom they have transferred under TUPE or Statutory Transfer). Under the previous scheme, the council was able to purchase gifts for employees using cheques. However, changes to accounting processes mean that the council are no longer able to purchase gifts in this way. Therefore, it was necessary to find a method of rewarding employees that was simple to administer and complied with Her Majesty's Revenue & Customs (HMRC) regulations. The award is a 'gift' of £160 (net of tax and National Insurance) that the employee has full discretion over how they spend it.

#### **4.3 Travel & Subsistence Policy – (Appendix 2)**

This policy was approved by this Committee at its meeting on 3<sup>rd</sup> July 2014. However, at its meeting on 4<sup>th</sup> March 2015, the Council, as part of its budget proposals, approved both the removal of the key user car allowance and also increased car parking charges for staff. This policy has therefore been updated to reflect these changes.

#### **4.4 Substance Misuse & Alcohol Policy – (Appendix 3)**

This is a new policy which details the council's expectations in respect of alcohol and substance misuse in the workplace. Many employers have these in place and in the ACAS (Advisory, Conciliation and Arbitration Service) guidance "Health, Work & Well Being" (March 2012) it is suggested that it is good practice to have such a policy. In addition to the policy a set of guidance documents for managers and staff have been produced which set out clearly the procedures that will be followed if misuse is suspected and also the support that the council will provide where applicable.

#### **4.5 Domestic Abuse Policy – (Appendix 4)**

This is a new policy which sets out the council's position on Domestic Abuse. In addition to the policy a manager's guidance document has been produced which outlines how managers should deal with any allegations of abuse that are reported to them. The policy is in place to make very clear that the council is committed to dealing with violence and abuse and to safeguarding the health and well-being of its employees.

### **Maternity and Adoption Policies**

#### **4.6 Maternity Scheme – (Appendix 5)**

This document has been amended to ensure that it is compliant with changes to legislation contained within the Children and Families Act 2014 which includes the Shared Parental Leave regulations 2014. It also clarifies the position regarding election duties for employees on maternity leave.

#### **4.7 Maternity Scheme for Teachers – (Appendix 6)**

This outlines the maternity scheme for teachers in line with national terms and conditions. This applies to the centrally employed teachers in the council only. Schools have their own policies as adopted by their respective Governing bodies.

#### **4.8 Adoption Scheme – (Appendix 7)**

Previously this was contained within the Worklife Balance Policy. However, it was decided that it would be more appropriate to produce a specific policy for adoptive parents that detailed the changes in the law regarding adoptive parent's rights. The policy outlines the statutory arrangements for adoption leave and pay which would apply to all employees.



## **5. CONSULTATION**

- 5.1 The joint trade unions were consulted at meetings on 18 December 2014, 12 March 2015 and 10 June 2015.

## **6. ANTICIPATED OUTCOMES**

- 6.1 Implementation of these policies will ensure that the council is compliant with employment legislation and taking full account of business need and best practice.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 To ensure that the council operates within legislation including the Children and Families Act 2014.

- 7.2 To move forward with improved HR policies

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The policies incorporate statutory requirements or best practice advice and therefore the council is obliged to have these in place.

## **9. BACKGROUND DOCUMENTS**

Children and Families Act 2014  
HMRC Section 323 ITEPA 2003  
ACAS Health, Work & Well Being (March 2012)

## **10. APPENDICES**

Loyalty Award Scheme (Appendix 1)  
Travel & Subsistence Policy (Appendix 2)  
Substance Misuse & Alcohol Policy (Appendix 3)  
Domestic Abuse policy (Appendix 4)  
Maternity Scheme (Appendix 5)  
Maternity Scheme Teachers (Appendix 6)  
Adoption Scheme (Appendix 7)





## Loyalty Award Scheme

### 1.0 Introduction

Peterborough City Council are committed to reward the loyalty of those employees who have completed 25 years continuous service with the city (and its predecessor authorities) by presenting a loyalty award.

The Loyalty Award will take the form of a monetary award to the value of £160. This ensures that the employee is able to choose a gift of their choice.

### 2.0 Eligibility

Eligible service will be service with Peterborough City Council. It will also include predecessor service with Cambridgeshire County Council (i.e. those who transferred under the statutory transfer order in 1998). Where an employee has been transferred out and back into the council this service will also count providing there has been no breaks or contract changes in between.

### 3.0 Publicity

It is recognised that although most employees will wish to see their long service and loyalty marked by communicating the news to colleagues, there may be some who would prefer their award not to be recognised publicly in this manner.

Employees will therefore be given the opportunity if they prefer for no publicity.

**Telephone:** 01733  
**Facsimile:** 01733 384622  
**E-Mail:** hrsupport@peterborough.gov.uk  
**Please ask for:**  
**Our Ref:**

**CHIEF EXECUTIVE'S OFFICE**

Town Hall  
Bridge Street  
Peterborough PE1 1HL  
DX 12310 Peterborough 1  
Telephone: (01733) 747474

**PRIVATE & CONFIDENTIAL**

Dear

**LOYALTY AWARD - 25 YEARS SERVICE**

I have been advised that on \_\_\_\_\_ you celebrated 25 years of continuous service to the people of Peterborough. It gives me great pleasure to be able to recognise your hard work and commitment over that long period.

To commemorate your achievement the council would like you to accept a small monetary award. An additional £XX will be paid to you in your XX salary which we hope will allow you to purchase a gift of your choice from the council. (Please see the guidance attached).

The Internal Communications Team would like to include your story in a future edition of the staff e-magazine Connected, so that your colleagues can hear about your experiences at the council over this period of time. A member of the Internal Communications Team will contact you shortly. If you would prefer not to take part please let the team member know when they contact you.

If you would like further information, please contact HR Support at Manor Drive House, Manor Drive, Paston Parkway, Peterborough, on (01733) 864046.

Best wishes

Yours sincerely

**Gillian Beasley**  
*Chief Executive*

Enc

**Additional information in respect of the loyalty award payment:**

The council will pay the Income Tax and the National Insurance contributions due on your loyalty award to ensure that you receive the full £160 gift. This tax will be recorded on your P60 figure as tax that you have paid during the year. This award will not be pensionable.

Your actual gross pay figure will be different to what appears on your pay slip to take account of this.

The actual gross pay figure will be used if you are in receipt of any statutory payments.

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## TRAVEL & SUBSISTENCE POLICY

### 1. Purpose

This guidance is to cover entitlements and obligations in respect of working hours, travel, and subsistence allowances whilst undertaking council business.

### 2. Scope

This policy applies to all employees as far as possible. A different procedure may be necessary for certain employees, e.g. those based in schools, who are subject to procedures involving governing bodies.

### 3. Key Principles

Council business is any essential travel which is not to the employee's normal place of work whether for business or training reasons.

If the duties of the post require the employee to have a vehicle available for council business visits then a mileage allowance will be paid. The car must be insured for business use.

Workers with a business address:

Travel to and from the employee's normal place of work from the home address is not council business.

Workers without a business address:

The normal place of work for a permanent home worker will be their home address. Full details are given in the home working policy.

Any additional hours above the contracted hours per day must be approved before they are worked.

Every employee must take a 30 minute unpaid break and deduct this from their working hours where six hours or more have been worked.

Claims for payment (travel and hours) which are not regarded as appropriate, and/or for which prior approval has not been gained may be refused for payment.

Employees should report any errors to their line manager in respect of under or over payment of expenses or mileage payments at the point the error occurs.

### 4. Working hours – business visits

Where the council business visit starts from and ends at the normal place of employment within the standard working day then the working hours are claimed as worked. Travel may be claimed from the start point to the return point.

Where the most reasonable place for the council business visit to start and end from is the home address then the working hours may be claimed from the time of leaving and returning home. Travel may be claimed from the start point to the return point LESS the normal home to work return mileage.

Where the most reasonable place for the council business visit to start from is the home address but the visit ends at the normal place of employment then the working hours may be claimed from the

time of leaving home. Travel may be claimed from the start point to the end point LESS the normal home to work single mileage.

Where the council business visit starts from the normal place of employment but it is not reasonable to return there at the end of working day but to return to the home address then the working hours may be claimed until the time of returning home. Travel may be claimed from the normal place of employment as the start point to the return point LESS the normal home to work single mileage.

## 5. Learning & Development

When attending any type of learning and development opportunity for one or more days then the maximum hours which may be claimed are the contractual hours for that day or 7 hours 24 minutes. Additional hours may not be claimed. This includes training at or away from the normal place or employment, and where appropriate will include travelling time.

Where the training occurs for just half a day, e.g. a whole morning or afternoon (and/or the evening/night), then the maximum hours which may be claimed are half the contractual hours for that day or 3 hours 42 minutes. The other half day at work should be recorded as the number of hours actually worked.

## 6. Planning Travel

Council business visits must be planned sensibly taking account of safety, cost, convenience, distance, destination, time of day, the number of employees travelling and the place(s) at which the journey commences and ends. Wherever practicable, public transport at the lowest fare should be used.

The council encourages the use of sustainable methods of transport. Those employees who use a bicycle will receive a cycle allowance for approved council visits. The rates are given on the rate table. Alternatively a number of pool bikes are available in each department.

Where pool cars are supplied then a pool car must be used before an employee's private vehicle. Information regarding the council electric cars scheme is available via this link:  
<http://insite/Information%20Library2/InfoLibraryPages/CategoryDetails.aspx?CatID=834>

## 7. Travel by car

Employees travelling to the same place should travel together. The claim for mileage should be made only by the driver of the vehicle and never by the passengers.

Employees are responsible for ensuring that their vehicle is fully insured for council business visits, for carrying passengers, and for third party claims. Employees may be asked to produce their driving licence.

Any employee who is undertaking training to obtain qualifications that are necessary in the performance of their job must refer to their individual training agreement. Particular HMRC rules apply.

## 8. Expenses claims - mileage

Employees who claim mileage allowances must:

- Produce at least one VAT receipt to cover the fuel consumed on the council journeys for which the car mileage allowance is paid. The receipt must be dated on or before the earliest journey for which the mileage allowance is claimed.
- Record the actual miles undertaken per journey on each claim
- Deduct the home to work miles per journey on each claim
- Record the miles claimed per journey on each claim
- Provide a full explanation of each journey including names of passengers.  
(If the passenger is a child or young person their identity must not be revealed.)



- e.g. The form should refer to the child as Child A, Children A,B).
- Clearly rule off the form after the last claim with a single line
- Submit the claim in the month following the journey

Claims not supported by a receipt, and/or not following these criteria will not be paid.

Claims over three months old must be authorised by the departmental Director.

It is the responsibility of every manager who signs a claim form to ensure that:

- The claim covers a valid journey
- Any expenses claimed were a valid expense
- The claim was for valid business reasons
- The claim complies with all relevant council policies
- The claim is accurate, complete and signed

Managers may check distances in order to verify claims (e.g. by using either the RAC or AA web based route planner). Formal action will be taken against any claimant or manager who completes or signs an invalid claim.

## 9. Travel by train, plane, ferry & hotel bookings

All bookings **must only be made** via the corporate policy in place for procurement of travel and hotel accommodation. Only in extenuating circumstances (i.e. unavoidable emergencies) should employees make their own arrangements and claim back the costs via a travel and subsistence claim.

Where ever possible employees should avoid travelling when major events are occurring which result in increased costs for travel and hotel accommodation.

Hire cars are outside of the corporate policy. Employees may hire cars independently taking full account of cost, safety and fuel efficiency.

## 10. Subsistence (Meals & Accommodation)

Employees who incur additional expenditure as a result of council business that takes them away from their normal place of employment and/or home will be reimbursed – the maximum amounts are given on the rate table. Claims cannot be made where food and accommodation are supplied as part of a training opportunity.

Claims may only be made where a receipt supports the expenditure

Claims over three months old must be authorised by the departmental Director.

## 11. Expenses claims - subsistence

Employees who claim subsistence allowances must:

- Produce a VAT receipt to support each separate part of the expenditure.
- Provide a full explanation for each claim
- Clearly rule off the form after the last claim with a single line
- Submit the claim in the month following the expenditure

Claims not supported by a receipt, and/or not following these criteria will not be paid.

Claims over three months old must be authorised by the departmental Director.

It is the responsibility of every manager who signs a claim form to ensure that:

- Any expenses claimed were a valid expense
- The claim was for valid business reasons
- The claim complies with all relevant council policies
- The claim is accurate, complete and signed

Formal action will be taken against any claimant or manager who completes or signs an invalid claim.

## 12. Car Parking

Employees who travel to work by car will have the opportunity of purchasing a car parking permit under a salary sacrifice scheme. Salary sacrifice is not compulsory but personal choice. Eligibility is based on HMRC rules. The benefits of the scheme will be dependent upon each employee's personal circumstances.

### Permit cost

The cost of the permit will be determined by the salary tiers outlined on the rate table. The tier will be reviewed annually. The permit cost for each employee will be based on the pensionable pay elements. Basic salary is assessed at the full time equivalent rate, in each post an employee holds at 1 April. The permit rate will be re-assessed annually on implementation/application (regardless of when the award is made) of the annual pay award. Re-assessment will take place at any point in the year in the following circumstances:-

Promotion	Demotion	Incremental progression	Pay Award	Acting up starts
Acting up ceases	Contractual allowance starts	Contractual allowance ceases	Increase in hours	Decrease in hours

### Part time staff

The actual cost of the permit will be determined by the weekly contracted hours and reduced pro-rata to the hours worked.

Example – Miss A works 18.5 hours on Grade 5, Point 18. Her full time salary (for 37 hours) of £17161 puts her into permit band 3. The full cost of a band 3 permit is £320 per year. The cost to Miss A per year is £160 as she only pays for the hours she is contracted to work.

### Salary Sacrifice

A salary sacrifice happens when an employee gives up the right to receive part of the pay due under the contract of employment. The sacrifice is made in return for the employer's agreement to provide the employee with a non-cash benefit. The terms and conditions of employment relating to pay would be varied. Where an employee agrees to a salary sacrifice in return for a non-cash benefit, they give up their contractual right to future cash remuneration.

The HMRC rules will apply to those who have taken up the salary sacrifice option. To comply with these regulations employees must intend to commit to be in the scheme for a minimum of 12 months. During this time it is not possible to leave the scheme unless as the result of a significant change in personal circumstances (major 'lifestyle change'). Full details regarding the implications of salary sacrifice are outlined in the Salary Sacrifice document.

### Change of circumstances

In normal circumstances the charges for each permit will be effective from 1<sup>st</sup> April – 31<sup>st</sup> March each year providing payment continues. Lifestyle choice or a change to financial circumstances, home address, work address, use of public transport etc will allow employees to opt in/out of the permit scheme once in any twelve month period, or more than once in extenuating circumstances. A minimum of one month's notice must be given to leave the scheme.

### Occasional User permits

For those who only need parking for their car on an occasional basis then it will be possible to purchase a daily permit at a reduced rate. Salary Sacrifice will not be an option with these permits. Employees on the payroll must purchase these permits through the payroll.

### Special Permits

There may be circumstances where special permits are issued for specific locations. This will only be where there are extenuating short term circumstances regarding an employee's health and well being, as a requirement of a risk assessment or a reasonable adjustment.

### **Use of permits**

The permit will in no circumstances be valid on days when the employee is not at work for the city council. The permit must be returned when payment ceases. Only those who have opted to pay the premium rate will be allowed to park their car in Car Haven or Riverside car park.

### **Abuse of permits**

Breach of the use of the permit will result in disciplinary action and the withdrawal of the permit.

### **Absence from work**

Where an employee is aware that they will be absent from work for three months or more then they may apply for a temporary deferment of their car park permit during their absence. Where an employee is in receipt of no pay then no deduction will be made for car parking. Fuller details regarding the maternity arrangements are outlined in the Salary Sacrifice Scheme details. This will result in no payment during their time away.

Employees who are suspended from work will continue with their valid permit throughout the period of their suspension as they are in receipt of full pay.

### **Starters**

In the first year the permit charge will commence on the first day at work and run until the end of March. This may result in a part month charge. The charge will be calculated in accordance with the calculation of a day's pay.

### **Leavers**

The permit will be charged until the last day of service. This may result in a part month charge. The charge will be calculated in accordance with the calculation of a day's pay.

### **Employees on a temporary contract**

Temporary employees may join the permit scheme from their first day of employment.

### **All Interim, Contract, Consultant workers and Agency Workers**

Workers who are working at the council as an interim, consultant, agency worker, or contract worker, or on a 'no mutuality of obligation' basis may purchase occasional user permits if they choose to do so.

### **Car Sharing**

The council recognises that staff currently car share and may want to continue in such informal arrangements. To that end the following option will be available to facilitate a formal sharing of the costs.

It may be possible for two, three or four car sharers to 'share' the cost of a permit. One permit will be issued displaying all the registration numbers. When the occupants do not car share then those without the permit will need to purchase an occasional user permit and display accordingly. The cost of the permit will be dependent on the car sharer's tier and so may differ.

Example – Miss A works 37 hours on Grade 5, Point 18. Her salary of £17161 puts her into permit band 3. The full cost of a band 3 permit is £320 per year. She car shares with Mr B who also works 37 hours on Grade 3, Point 11. His full time salary of £14733 puts him into permit band 2. The full cost of a band 2 permit is £210 per year. As Mr B is sharing a permit with Miss A he only has to pay for a 50% permit which would reduce his cost to £105 per year. The cost to Miss A per year will also be 50% and she will pay £160.

### **Multiple Cars**

A maximum of four registration numbers may be printed on a permit to assist those employees who drive more than one vehicle.

### **Motorcycle & Bicycle permit**

There will be no parking permit charge for employees who use their motorcycle or their bicycle for travel to work. Parking must be in properly designated parking spaces.

## RATE TABLE

### 1. Car Park Permit charges

Band	Bands (2013/14)	Parking Permit Price per month	Parking Permit Price per year	Salary Sacrifice Rate (approximate) per year
7	More than £87,100	£76.58	£919.00	£551
6	£46,501 to £87,100	£66.92	£803.00	£482
5	£34,701 to £46,500	£48.84	£586.04	£469
4	£20,801 to £34,700	£40.33	£484.00	£387
3	£16,101 to £20,800	£28.00	£336.00	£269
2	£13,701 to £16,100	£18.42	£221.00	£176
1	£0-£13,700	£18.42	£221.00	£176

Permit to park in Car Haven or Riverside car park	Additional £150 per year
Occasional User Permit	£2.80 per day to be purchased in batches

(Rates effective 1 April 2015)

### 2. Mileage rates

Type of Vehicle	Engine Capacity (cc)	Mileage rate First 10,000 business miles in tax year	Mileage rate Each business mile over 10,000 in tax year
Car	All	45p	25p
Motorcycle	All	24p	24p
Bicycle	All	20p	20p

### 3. Subsistence rates

Breakfast	£5.73
Lunch	£7.92
Tea	£3.13
Evening Meal	£9.80

### 4. Out of pocket expenses

Per night	£4.00
Per week	£16.00

Taxation of payments will be in accordance with HMRC rules



# SUBSTANCE MISUSE & ALCOHOL POLICY

## 1. Purpose

This Policy covers all employees, consultants, volunteers, casual workers and agency workers (referred to as "Staff" throughout this document).

Peterborough City Council is committed to providing a safe, healthy and productive working environment. This includes ensuring that all "staff" are fit to carry out their jobs safely and effectively in an environment which is free from alcohol and drug misuse.

The purpose of this Policy is to increase awareness of the effects of alcohol and drug misuse and its likely symptoms and to ensure that:

- *All "staff" are aware of their responsibilities regarding alcohol and drug misuse and related problems.*
- *"Staff" who have an alcohol or drug-related problem are encouraged to seek help, in confidence, at an early stage.*
- *"Staff" who have an alcohol or drug-related problem affecting their work are dealt with sympathetically, fairly and consistently.*

In this Policy the term 'Substance Abuse' includes misuse of controlled and prescription drugs, and use of illegal and designer drugs and other substances such as solvents.

Drugs are defined as any substance that affects the way the body functions physically, emotionally or mentally.

'Misuse' is defined as any use that harms social or physical functioning.

## 2.0 Key Principles

Misuse of alcohol and drugs can lead to reduced levels of attendance, reduced efficiency and performance, impaired judgement and decision making and increased health and safety risks for "staff", service users, and members of the public. Irresponsible behaviour or the commission of offences resulting from the misuse of alcohol or drugs may damage the Council's reputation and as a result, public confidence in the services provided.

The Council will not accept "Staff" arriving at work under the influence of alcohol or drugs and/or whose ability is impaired in any way by reason of the consumption of alcohol or drugs or who consume alcohol or take drugs (other than prescription or over the counter medication, as directed) on our premises and grounds

"Staff" are expected to arrive at work fit to carry out their job and able to perform their duties safely without any limitations due to the use or after effects of alcohol or drugs (whether prescribed, over the counter or illegal).

The Council expects "Staff" to demonstrate responsible behaviour at work-related functions and work-related social events and to act in a way that will not have a detrimental effect on its reputation. Individuals who represent the Council at events where alcohol is served, they are considered to be "at work" regardless of whether they do so outside normal working hours or on Council premises. Consequently, The Council expects them to remain professional and fit for work at all times.

“Staff” must comply with drink-driving laws at all times. Conviction of a drink-driving offence may harm the Council’s reputation and, if their job requires them to drive, result in them being unable to continue in their role. Committing a drink-driving offence while carrying out duties on behalf of the Council or outside working hours may lead to action under the Disciplinary Policy and Procedure.

The Council expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance. If any such incidents take place on Council premises, in Council vehicles or at a Council function, they will be regarded as serious, will be investigated by the Council, and may lead to disciplinary action and possible reporting to the Police.

The Council will undertake and regularly review risk assessments to identify and assess the risks associated with alcohol and substance abuse. Managers will be encouraged to consider substance abuse as part of their risk assessments which will consider the scope of all work activities undertaken by the council (in particular any safety critical operations) to determine the appropriate policies and arrangements for managing the risks associated with alcohol and substance abuse by “staff” and, where relevant, customers and the public. As a policy of Peterborough City Council this will be incorporated in to the internal health and safety audit process.

The Council will take all reasonable steps to prevent “staff” from carrying out work-related activities if they are considered to be unfit/unsafe to undertake the work as a result of alcohol consumption or substance abuse.

### 3.0 Management of Suspected Substance Misuse

If a manager has reason to believe that an individual is suffering the effects of alcohol or drugs misuse, for example, due to a deterioration in their work or behaviour, they will be invited to an investigatory interview. The purpose of the interview is to:

- discuss the reason for the investigation and seek the individual’s views on, for example, the deterioration of their work performance and/or behaviour; and
- Where appropriate, offer to refer the individual to Occupational Health for medical and/or specialist advice.

If, as the result of the interview, the manager continues to believe that the individual is suffering the effects of alcohol or drugs misuse and they refuse an offer of referral to Occupational Health the matter may be dealt with under The Council’s Disciplinary Procedure.

If they agree to be referred to Occupational Health the manager will request an urgent appointment and prepare a letter of referral, a copy of which will be provided to the individual.

Occupational Health may ask for the individuals’ consent to approach their GP for advice. A report or information provided in compliance with this request will be shared with the individual’s manager who will then reassess the reasons for their investigatory meeting with them and decide on the way forward.

### 4.0 Providing support

Alcohol and drug-related problems may develop for a variety of reasons and over a considerable period of time. The Council is committed, in so far as possible, to treating these problems in a similar way to other health issues. Support will be provided where possible with a view to supporting a full recovery, allowing the person to return to work and to undertake the full range of their duties. This may include:

- referral through Occupational Health Department to appropriate treatment providers, where necessary in conjunction with the individual’s GP.
- time off work to attend treatment as recommended by Occupational Health, and recognition of any periods of absence for treatment as periods of sickness absence.

- Adjusting the individual's duties or other support as recommended by Occupational Health during treatment and for an agreed period thereafter, subject to operational requirements and feasibility.

If an individual does not finish a programme of treatment (either because the treatment provider ceases to support them or because they stop attending) or their recovery and return to work does not happen as anticipated at the outset of a course of treatment, their manager and a member of the Human Resources Department will meet with them to decide what further action should be taken.

## 5.0 Alcohol & Drug Testing

The Council reserves the right under this Policy to exercise alcohol and drug testing of its "staff" including its senior managers.

The council retains the right to undertake testing for alcohol and drugs in all cases where:-

- Employees are involved in an accident at work
- Employees are involved in any incident that has caused or could have caused a danger to health or safety.
- A member of the management team has grounds to believe or suspect that an individual is or may be under the influence of alcohol or drugs.

This will only be under extenuating circumstances where the manager is of the opinion that the employee, their colleagues, or those in their care are or could be at risk. The manager will only take any action following a risk assessment and approval from a Director and/or the Head of HR before commencing any process for a random test to be carried out.

The Council retains the right to undertake testing for alcohol and drugs where they have 'good cause' to do so and usually in the following circumstances:-

- For those who work in safety-critical jobs, including those working with or around machinery.
- Where the duties of the job involve driving.
- Where the person is involved in or has responsibility for the care of others.

This will only be under extenuating circumstances where the manager is of the opinion that the employee, their colleagues, or those in their care are or could be at risk. The manager will only take any action following a risk assessment and approval from a Director and/or the Head of HR before commencing any process for a random test to be carried out.

Alcohol and drug testing will only be carried out by qualified and competent personnel from an external alcohol and drug testing company who will use accepted and reliable methods and ensure that tests are carried out with the least possible intrusion into the individual's privacy. All possible measures will be put in place to ensure confidentiality and accuracy of test results through the processes undertaken by the external provider.

Employees who are tested have the right to be informed of their test result before the result is passed to Occupational Health.

Employees who unreasonably refuse to submit to an alcohol and drug test in accordance with this Policy will be subject to action under the Council's Disciplinary Policy and Procedure.

### Action after a Positive Test

If a test proves positive, the individual will be invited to attend an interview with a senior manager. They will have the right to be accompanied by a colleague or trade union official at this interview.

The outcome of the interview will depend on the circumstances but could include:

- provision of support under paragraph 4.0; and/or



- The instigation of disciplinary action under the Council's Disciplinary Policy and Procedure.

## Monitoring

The testing of staff will be monitored on an annual basis by members of the Joint Consultative Forum.

### 6.0 Responsibility of "Staff"

"Staff" must inform their line manager (in accordance with the Self Disclosure Policy) regarding any prescribed medication that may have an effect on their ability to carry out their work safely, and must follow any instructions subsequently given. Drugs that cause drowsiness that cause the employee to be unfit or unsafe to perform their work duties must not be used whilst at work.

The Council encourages any individual who suspects they have an alcohol and/or substance misuse problem to seek assistance voluntarily. The Council will subsequently provide reasonable assistance, dealing with absences for treatment and/or rehabilitation as any other sickness absence.

In the event of an individual not seeking voluntary assistance, an alcohol or substance misuse problem might be identified by either:

- A manager, including concerns being raised by another person.
- Occupational Health.

Medical advice and monitoring will be offered by Occupational Health in the strictest confidence and with the informed consent of the employee. Testing may be carried out in accordance with this Policy.

If any individual notices a change in a colleague's pattern of behaviour they should encourage them to seek assistance through their manager or the Human Resources Department. If they will not seek help themselves the colleague should draw the matter to the attention of their manager. Employees must not attempt to cover up for a colleague whose work or behaviour is suffering as a result of an alcohol or drug-related problem.

### 7.0 Examples of behaviour which could lead to disciplinary action

The following are **examples** of behaviour which would ordinarily be considered to be gross misconduct or misconduct. This list is neither prescriptive nor exhaustive and other types of behaviour which are of a comparable nature may also amount to misconduct or gross misconduct:

- reporting, or endeavouring to report for duty having consumed drugs or alcohol rendering them unfit and/or unsafe for work;
- unreasonable refusal to undertake a drugs or alcohol test;
- consuming or being under the influence of drugs or alcohol whilst on duty;
- storing drugs or alcohol in personal areas such as lockers and desk drawers;
- Attempting to sell or give drugs or alcohol to any other individual or other person on the council premises.

### 8.0 Document Retention

Managers should forward copies of all paperwork relating to the investigation and meetings to discuss issues arising under this Policy to HR Support, Manor Drive. Any such correspondence should be marked as 'Strictly Private and Confidential'

Any paperwork provided will be stored and/or destroyed in accordance with the Council's records retention and management policies.



## 9.0 Further Information

For further advice, manager and employee guidance documents are available. For template letters please discuss with an HR Business Partner for the relevant service area.

## 10.0 Relevant legislation

### *Leading statutory authority*

Health and Safety at Work etc. Act 1974

Management of Health and Safety at Work Regulations 1999 SI 1999/3242

Access to medical records Act 1988

Equality Act 2010

Data Protection Act 1998

Human Rights Act 1998

Employment practices data protection code (on the Information Commissioner's website)

### Health and Safety Executive Guidelines

The Health and Safety at Work etc. Act 1974 has an over-arching requirement that employers should keep employees and third parties free from risk of harm as far as reasonably practicable. Employees are also required to cooperate with and implement their employer's policies in this respect.

The Management of Health and Safety at Work Regulations 1999 require a suitable and sufficient assessment of risks arising from workplace activities to be undertaken, and this includes risks arising from potential drug and alcohol use. The Regulations also place a duty on employers to undertake specific risk assessments for vulnerable persons.

Under the Management of Health and Safety at Work Regulations 1999 employees have a legal duty to inform their employer of any situation that could be considered to constitute risk, and therefore must report any other employee who appears to be under the influence of drugs or alcohol.

## 11.0 Relevant policies

Other relevant policies include:-

Driving at Work Policy

Attendance Policy

Disciplinary Policy

Self Disclosure Policy

Health and Safety Policy

Special Leave Policy

## 12.0 Guidance documents

Manager guidance: Alcohol & Substance Misuse

Manager guidance: Identifying substance misuse

Manager guidance: Process to follow

Manager guidance: Referral to Occupational Health

Occupational Health referral form

Managers guidance: Substance misuse treatment

Employee guidance: Responsibilities of staff

Employee guidance: Process to follow.



# Domestic Abuse Policy



## 1.0 Introduction

Peterborough City Council has developed this policy as part of a suite to support employees' health and wellbeing at work. It covers the internal and external support available to employees experiencing domestic violence, including the appointment of an employee as a nominated point of contact, (usually the line manager), special leave provisions and signposting to external sources of advice and help.

The Council is committed to tackling all forms of violence and abuse; including violence and abuse against women and girls and domestic and sexual violence against men. All cases of domestic violence and abuse experienced by employees will be taken seriously.

The Council recognises that its employees will be amongst those affected by domestic violence and abuse, either as survivors/victims of domestic violence and abuse, friends, family or colleagues of victim/survivors, or perpetrators of domestic violence and abuse.

The Council is committed to ensuring a safe workplace and to safeguarding the health and wellbeing of employees. As such, the Council is committed to developing a workplace culture in which there is zero tolerance for violence and abuse. The council is clear that the responsibility for domestic violence and abuse lies with the perpetrator.

## 2.0 Purpose

The purpose of this policy is to:

- support employees experiencing domestic violence;
- enable employees experiencing domestic violence to remain productive and at work;
- aid managers seeking to help team members experiencing domestic violence;
- assist colleagues of those experiencing domestic violence; and
- reinforce organisational corporate social responsibility objectives by demonstrating that the employer values, and is prepared to support, its staff during difficult periods.

## 3.0 Definitions

Domestic violence is defined as physical, emotional, sexual, psychological and/or financial control by one person over another who is or has been in a relationship. This includes family members. Domestic violence includes forced marriage, so-called "honour"-based violence, and female genital mutilation.

It can also occur in a range of relationships including heterosexual, gay, lesbian, bi-sexual and transgender relationships. Although less prevalent, men may also be victims of domestic violence.

The misuse of domestic violence also includes the use of children to control an adult victim. Because of this, child abuse and domestic abuse can overlap.

Domestic violence is a continuing pattern of events, behaviour and coercive control.

## 4.0 Key Principles

### Internal support

In order to support employees who experience domestic violence, the Council will:

- nominate an appointed person in the workplace as a confidential first point of contact for those experiencing domestic violence;
- offer employees experiencing domestic violence access to counselling, and publicise the availability of this support regularly through notice boards, the intranet and ongoing health and wellbeing initiatives; and
- Undertake to raise workplace awareness of domestic violence issues through a programme of regular information initiatives.

The Employee Assistance Programme is also designed to support employees.

### External support

The Council will signpost external sources of help and support for employees and managers, more details can be found at the end of this policy.

### Line managers' role

Line managers have a crucial role to play in enabling employees experiencing domestic violence to seek help. The organisation provides training for all managers in handling sensitive issues.

The role of the line manager is to:

- identify employees experiencing difficulties as a result of domestic violence by fostering an open management culture that enables team members to disclose sensitive issues;
- provide support in the first instance, including specific advice on the options available, but also recognise the limitations of his/her role (managers are usually not professional counsellors or experts);
- protect confidentiality in all instances (excepting the requirements of child protection and vulnerable adult protection);
- refer the individual to the appropriate internal or external source of help and support, for example the Council's Employee Assistance Programme or external agency;
- ensure that the safety of all employees in the team is protected; and
- enable the affected employee to remain productive and at work during a difficult period in his/her domestic life, for example by using the organisation's special leave policies and procedures.

### Attendance

The Council recognises that those experiencing domestic violence may need to be absent from work at times and will assist them by using its special leave policies.

Individual absences can be discussed and agreed between the employee and the line manager, with HR support where appropriate.

### Financial Arrangements/Contact Details

Payment to all Council employees is via BACS into the employee's bank account. In an emergency situation, where an employee wants to stop BACS payment into a joint account, the employee should contact their manager and request the payment is paid into a different bank account.

An employee can also change their bank account details and correspondence address – via their manager, employee self-service account (Myfile) or via HR. Bank details normally need to be changed before the payroll deadline to ensure that salary payment goes into the correct account.

### Security and safety

The Council will aim to protect the safety and security of all employees at work, including those affected by domestic violence and their colleagues.

Employees need to disclose that they are at risk from domestic violence in order to receive this protection and the organisation will seek to enable employees to disclose such facts by generating a supportive and open management culture.

### **Alleged perpetrators of domestic violence and abuse**

Domestic violence and abuse perpetrated by employees of Peterborough City Council will not be condoned under any circumstances. The Council requires perpetrators of domestic violence and abuse to declare any related prosecutions, and to follow the Self Disclosure Policy at all times.

All allegations of domestic violence will be investigated, and disciplinary action will be considered dependant on the circumstances. Domestic violence is a serious matter that can lead to criminal conviction. If an employee is charged with a criminal offence relating to domestic violence this may constitute a disciplinary offence.

The council may offer access to counselling and other support to employees perpetrating domestic violence who seek help from the employer.

In cases where both the victim and perpetrator are employees of the Council, appropriate action will be taken. The safety of the victim will always be prioritised and action should be taken to minimise risks. Disciplinary action may be considered against the employee who is perpetrating abuse. Action may also be taken to minimise the potential for the perpetrator to use their position or Peterborough City Council's resources to further abuse or to locate the victim. Any decisions will be taken in partnership with the victim/survivor.

### **Sources of help and support for people experiencing domestic abuse**

National Domestic Violence Helpline - **0808 2000 247**

<http://www.nationaldomesticviolencehelpline.org.uk/>

Peterborough Rape Crisis Centre – 01733 317899

<http://www.peterboroughrapecrisis.co.uk/>

Men's Advice Line - **0808 801 0327**

[www.mensadviceline.org.uk](http://www.mensadviceline.org.uk)

Karma Nirvana (supporting victims of honour crimes) **0800 5999247**

<http://www.karmanirvana.org.uk/>

Broken Rainbow (LGBT domestic violence support) **0300 999 5428**

<http://www.brokenrainbow.org.uk/>

**The Respect Phonenumber – 0808 802 4040**

(For domestic violence perpetrators and professionals who would like further information about services for those using violence/abuse in their intimate partner relationships)

[www.respectphonenumber.org.uk](http://www.respectphonenumber.org.uk)

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## Maternity Scheme

### Abbreviations

The following abbreviations and definitions are used in this document:

EWC	"Expected week of childbirth"	The week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.
QW	"Qualifying week"	The 15 <sup>th</sup> week before the expected week of childbirth.
MATB1	Maternity Form	Form provided by midwife giving confirmation of the EWC
OML/AML	Ordinary or Additional Maternity Leave	A period of 26 weeks OML and 26 weeks AML
MA	Maternity Allowance	Allowance paid to employees who do not qualify for SMP
SMP	Statutory Maternity Pay	Basic allowance paid to employees who qualify
OMP	Occupational Maternity Pay	Enhanced allowance paid to employees who qualify
SPL	Shared Parental Leave	Mothers can choose to end their maternity leave after the initial two week compulsory maternity leave and then share the remaining leave with their working partner.
SSPP	Statutory Shared Parental Pay	Statutory Maternity Pay shared by another rather than all taken by the mother
CML	Compulsory Maternity Leave	Women must take two weeks compulsory maternity leave after the birth of their child
KIT	Keeping In Touch days	Up to 10 days that can be worked during the OML/AML period
SPLIT	Shared Parental Leave In Touch days	An additional 20 days that can be worked during the SPL period without bringing the SPL to an end
Continuous Service	Includes previous service with another public authority which will be advised in the employees contract of employment where relevant or where an employee returns to local government following a break for maternity reasons, or reasons concerned with caring for children or other dependants provided the break is no longer than 8 years and that no permanent paid full time employment has intervened or where a TUPE transfer occurs to another organisation and is transferred back to PCC within 5 years of the original transfer.	

### Principles

This scheme will **not** apply to employees of Peterborough City Council who are employed centrally on Teachers or Agenda for Change terms and conditions.

## 1. STAGE ONE – PRIOR TO BIRTH

### Fertility Treatment

Reasonable time off will be given to employees undergoing fertility treatment. This will be in accordance with the Attendance Policy.

### Notification of Pregnancy

On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there may be health and safety considerations.

Before the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee must provide written confirmation of the following to their line manager:

- the fact that she is pregnant;
- her Expected Week of Childbirth; and
- The date on which she intends to start her maternity leave (“the intended start date”).

***It is the responsibility of the line manager to hold a maternity meeting with the employee once she has given notification of her pregnancy. A [maternity meeting checklist](#) is available and will provide useful information on what should be covered at this meeting.***

The employee must also provide a MAT B1 Form, which is a certificate from a doctor or midwife confirming the EWC. The form must have either the doctor's name and address or the midwife's name and registration number on it.

The Council will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

### Time off for Antenatal Care

Employees will be entitled to take reasonable paid time off during working hours for ante-natal care. This may include specific appointments or classes that the employee's doctor, registered midwife or registered health visitor has advised them to attend.

When requesting time off for antenatal care, employees will be required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

From 1 October 2014 fathers and partners of pregnant women are able to take unpaid time off work to attend up to two antenatal appointments. Up to 6.5 hours can be taken for each appointment. Line managers may ask the employee to provide a signed declaration of their entitlement to take time off.

### Health and Safety

The Council has a duty to carry out a [risk assessment](#) to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.



It is the responsibility of the employee's line manager to arrange the risk assessment as soon as they have been informed of an employee's pregnancy. The [risk assessment form](#) is available through the Health and Safety pages on InSite. The completed risk assessment should be regularly reviewed and adapted as necessary.

The employee's line manager will provide them with information as to any risks identified in the risk assessment and any preventative or protective measures that have been or will be taken. If it is considered that as a new or expectant mother, the employee would be exposed to health hazards in carrying out their normal work, any such steps as are necessary (for as long as they are necessary) will be taken to avoid those risks. This may involve:

- changing the employee's working conditions or hours of work;
- offering the employee suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- Suspending the employee on full pay unless they have unreasonably refused suitable alternative work.

Suitable places for rest periods and places to rest shall be provided for new and expectant mothers.

### **Miscarriage or Still-Birth**

Although the vast majority of pregnancies are healthy, clearly problems can arise. The Council acknowledges that the needs of each individual employee will differ as employees handle difficult circumstances in their own way. However, the Council will react sympathetically to employees. If support or guidance is required then the employee should contact their HR Business Partner or line manager who may have access to external resources which may help the employee deal with their situation.

#### **Miscarriage**

If the employee should suffer a miscarriage, at any time up to and including the 24<sup>th</sup> week of pregnancy, then the provisions of the maternity policy will not apply. If the employee is unfit to work following the miscarriage then the provisions of the Attendance Policy will apply.

#### **Stillbirth**

If a child is still born after the 24<sup>th</sup> week of pregnancy, or dies within the period of Maternity leave, the terms of the maternity policy apply in full in respect of maternity pay, allowances, and maternity leave. If the employee is unfit to return to work at the end of their maternity leave then the provisions of the Attendance Policy will apply.

### **Sickness Absence**

Periods of pregnancy-related sickness absence shall be paid in accordance with the [Attendance Policy](#) in the same manner as any other sickness absence. Any payment in excess of this as a result of the pregnancy-related sickness will be entirely at the Council's discretion.

If an employee is absent due to an illness wholly or partly related to pregnancy, the maternity leave will start automatically on the day after the first day of absence if the employee is absent from work during the 4<sup>th</sup> week before the EWC, regardless of the planned maternity leave start date.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the EWC, she must notify the Council in writing of this as soon as possible.

If an employee is absent due to a condition not related to the pregnancy then the sick leave will continue up to the date that was the notified intended date for the maternity leave.

All other absences will be dealt with in accordance with the Council's [Attendance Policy](#).

Periods of pregnancy-related absence from the start of the employee's pregnancy until the end of their maternity leave will be recorded separately from sickness absences and will be disregarded in any future employment-related decisions.

## 2. STAGE TWO – MATERNITY LEAVE PERIOD

### Maternity Leave

All pregnant women are entitled to take up to 26 weeks' OML and up to 26 weeks' AML (one year's leave in total) regardless of length of service. AML begins on the day after OML ends.

All pregnant women must take a two week period of Compulsory Maternity Leave immediately following the birth of a child (or a four-week period where the woman works in a factory). It is a criminal offence to require or allow a woman to work during compulsory maternity leave.

OML can start at any time after the beginning of the 11<sup>th</sup> week before the employee's EWC (unless the child is born prematurely before that date in which case it will start earlier).

OML will start on whichever date is the earlier of:

- the intended start date (if notification is given in accordance with section 3 of this document);
- the day after the employee gives birth; or
- The day after any day, on which the employee is absent for a pregnancy related reason in the four weeks before the EWC.

Employees may postpone their intended start date by informing their line manager in writing at least 28 days before the original intended start date or, if that is not possible, as soon as reasonably practicable.

Employees may bring forward the intended start date by informing their line manager at least 28 days before the newly proposed start date or if that is not possible as soon as reasonably practicable. The newly proposed start date should not be earlier than the 11<sup>th</sup> week before the employee's EWC.

At the discretion of the manager, the employee may be allowed leave with or without pay in excess of the 26 week period, for example, where a baby is born prematurely consideration should be given to allowing an extension of the maternity leave period. Any decision made is discretionary and considered on a case by case basis.

If the employee gives birth before her maternity leave was due to start, she must notify the Council in writing of the date of the birth as soon as reasonably practicable.

### Maternity Pay

#### Maternity Allowance (MA)

Employees whose average earnings are below the lower earnings limit of National Insurance at the qualifying week will not be entitled to SMP.

Form SMP1 will be issued to in these circumstances and dependent upon earnings the employee may be able to claim MA. Further advice in this respect can be obtained by the employee from the Jobcentre Plus.

## Statutory Maternity Pay (SMP)

SMP is payable for up to 39 weeks. SMP will stop being payable if the employee returns to work (see '[keeping in touch](#)' days section).

Employees will be entitled to SMP if:

- they have been continuously employed for at least 26 weeks at the end of the qualifying week and are still employed during that week;
- their average weekly earnings during the eight weeks ending with the qualifying week ("the Relevant Period") are not less than the lower earnings limit sent by the Government;
- they have provided their line manager with a doctor or midwife's certificate (MAT B1 Form) stating their EWC;
- they have given at least 28 days' notice (or if that is not possible as much notice as they are able) of their intention to take maternity leave; and
- They are still pregnant 11 weeks before the start of the EWC or have already given birth.

SMP is calculated as follows:

- First six weeks: SMP is paid at the earnings-related rate of 90% of the employee's average weekly earnings calculated over the relevant period;
- Remaining 33 weeks: SMP is paid at the prescribed rate which is set by the Government for the relevant tax year or the earnings-related rate if this is lower.

The definition of a weeks' pay for SMP purposes is all the earnings which are taken into account for national insurance contributions

SMP accrues from the day on which the employee commences OML and afterwards at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

If an employee becomes eligible for a pay rise before the end of their maternity leave they will be treated for SMP purposes as if the pay rise had applied throughout the relevant period. This means that SMP will be recalculated and increased retrospectively or that the employee may qualify for SMP when they did not previously. In those circumstances arrangements should be made for the employee to be paid a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the earnings related rate (if any) will also be increased as necessary.

An employee will still be eligible for SMP if they leave employment for any reason after the start date of the qualifying week (for example they resign or are made redundant). In such cases, if maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:

- The week following the week in which employment ends; or
- The eleventh week before the EWC.

A pregnant employee is disqualified from receiving SSP throughout the whole of her 39 week period of entitlement to SMP (or MA period if applicable. This applies even if she resumes work during the 39 week period and then falls ill before the end of that period. If this happens she can go back to receiving SMP but not SSP.

## Occupational Maternity Pay (OMP)

Employees who have completed 1 year's continuous local government service at the beginning of the 11<sup>th</sup> week prior to the EWC are entitled to additional benefits under the Peterborough City Council OMP scheme.

The total of SMP and OMP or MA plus any allowances and OMP should not exceed normal full pay, regardless of the option taken below, or when the payment is made.

Employees can choose from one of the following options in addition to their SMP or MA:-

- **Option A: 12 weeks at half salary paid during Weeks 7-18; OR**
- **Option B: 06 weeks full pay paid in a lump sum on return from maternity leave**

In order to claim OMP the employee must provide written notification of their intention to return to work at Peterborough City Council after their maternity leave. A sample form is attached at [Appendix A](#). This form will be sent to all qualifying employees by HR Support. Although there is no specified date by which this notification should be given, payment of OMP will only be made when the employee feels able to make an informed decision to return.

OMP shall be paid only on the understanding that the employee will return to employment at the Council for a period of at least three months following her maternity leave.

If an employee decides not to return to work, payments during the subsequent 20 weeks will be paid at the SMP rate only and if any OMP was claimed then the total sum of OMP is refundable to the Council. In such circumstances, the line manager must be informed immediately, and arrangements made to reimburse the sum in full.

Payments made to the employee by way of SMP are not refundable.

OMP will not be payable to the partner of the mother where shared parental leave is being taken.

*Definition of a week's pay:*

- A week's pay for employees whose remuneration for normal working hours does not vary with the amount of work done in the period is the normal week's pay.
- Where there are no normal working hours a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

If an employee becomes eligible for a pay rise before the end of their maternity leave they will be treated for OMP purposes as if the pay rise had applied throughout the relevant period. This means that OMP will be recalculated and increased retrospectively. In those circumstances arrangements should be made for the employee to be paid a lump sum to make up the difference between any OMP already paid and the amount payable by virtue of the pay rise. Any future OMP payments at the earnings related rate (if any) will also be increased as necessary.

**Employees who do not qualify for SMP but have one year's continuous service 11 weeks before the EWC**

Employees who earn below the lower earnings limit for national insurance at the qualifying week will not be entitled to SMP. However, these employees will be entitled to OMP if they have one year's service at the 29<sup>th</sup> week of pregnancy. For the first six weeks of absence the employee shall be entitled to 90% of a weeks' pay offset against any MA payable (which should be declared to the employer). An employee who declares in writing that they intend to return to work will for the subsequent 12 weeks receive half a weeks' pay providing that the combined MA, any allowances, plus OMP do not exceed full pay. The 12 weeks half pay can be paid as per the options (A and B) detailed above.

**Maternity Support Leave**

**Eligibility:**

Maternity Support Leave may be granted to the baby's father, or the partner or the nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

**Entitlement:**

Maternity Support Leave is one week's duration paid at full (normal) pay. (Where there are no normal working hours a week's pay is the average remuneration in the period of 12 weeks preceding the

date on which the last complete week ended, excluding any week in which no remuneration was earned.

**How to claim:**

Applications should be made to the line manager using the [Maternity Support Leave Request Form](#) at least 21 days before the leave is due to commence.

**Paternity Leave**

**Eligibility:**

Paternity Leave may be granted to the father, or the mother's partner, who expects to have responsibility for the upbringing of the child, for the purposes of caring for a child or supporting the child's mother. The employee must have 26 weeks' continuous service by the end of the 15<sup>th</sup> week before the EWC with average weekly earnings at the lower earnings limit for NI contributions at the end of the QW.

**Entitlement:**

Paternity Leave is one week's paternity leave (offset against the employee's maternity support leave and paid as full pay) plus one week's standard paternity leave (paid as Statutory Paternity Pay). Regardless of the number of children born there is entitlement to only one period of leave. Leave can start on any day of the week on or following the child's birth but must be completed within 56 days of the actual date of birth of the child. The leave must be taken in a period of one consecutive week and not on odd days.

**How to claim:**

Applications should be made to the line manager using the [Paternity Leave Request Form](#) at least 28 days before the leave is due to commence.

**Other considerations (Maternity Support Leave and Paternity Leave)**

The employee can change the date that they wish the leave to start provided 28 days' notice is given where practicable. The employee may vary their notice more than once. It is understood that in the event of premature birth it may not be possible to give notice.

The employee must inform the employer of the date the child was born as soon as reasonably practicable.

**Terms and Conditions**

An employee is entitled to receive some of the same terms and conditions as follows:

**Pension Arrangements (LGPS)**

During the paid period of AML period pension contributions will continue to be made. Employees can choose whether or not to pay contributions to cover the pension 'lost' during periods of authorised unpaid leave of absence. This includes any period of unpaid additional maternity, paternity or adoption leave. This unpaid period must follow a period of ordinary maternity, paternity or adoption leave and any paid additional maternity, paternity or adoption leave.

To buy back the amount of pension 'lost' during the period of absence the employee would need to elect to pay an Additional Pension Contribution (known as an APC).

The election can be made at any time following a return to work, however providing the election is made within 30 days of returning to work the employee pays 1/3<sup>rd</sup> of the cost and the employer pays 2/3<sup>rd</sup>s of the cost of the APC. If the election is made after the 30 day period then the cost of the APC will be fully met by the employee.

Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had she not gone on maternity leave.

Employees are advised to contact payroll or the pension scheme to discuss their individual circumstances.

### Trade Union Subscriptions

During the period of paid maternity leave/SPL contributions will continue to be made. When maternity pay ceases the employee must contact their union to make their own arrangements.

### Annual Leave

Employees are encouraged to take any outstanding annual leave due to them before the commencement of OML/SPL. Annual leave will continue to accrue during the period of OML, AML and SPL and may be taken at the end of the annual leave year once they return. The normal rules apply regarding the standard leave year and carry-over of annual leave.

When the holiday year is due to end during the maternity leave or shared parental leave period, the employee should take the full year's entitlement before starting the leave. However, in exceptional circumstances where this is not possible, Peterborough City Council will allow carryover of annual leave entitlement up to the statutory 28 days allowance (inclusive of bank holidays).

The employee must then make arrangements to take the carried over leave within the next leave year at a time which is fully agreed by the manager.

### Bank Holidays

Employees on a period of maternity leave who have less than 5 years' service must receive a minimum of 28 days per annum to comply with the Working Time Regulations. Therefore, they will be entitled to accrue a maximum of 4 bank holidays in order to meet this minimum requirement. For those with more than 5 years' service who already receive 29 days annual leave entitlement, there will be no accrual of bank holidays.

### Salary Sacrifice – Childcare Vouchers

SMP is calculated on the salary earned in the 8 weeks prior to maternity leave. If childcare vouchers are taken during this period, these would not be considered part of salary, hence lowering the maternity pay that the employee may be eligible for. Employees participating in the scheme who become pregnant and ultimately due to take maternity leave are advised to contact HMRC for advice on whether to opt out of the salary sacrifice scheme or not. The following is a summary of either continuing with salary sacrifice or terminating the agreement:-

As the employee, if you <b>continue</b> your salary sacrifice arrangement	As the employee, if you <b>terminate</b> your salary sacrifice arrangement
The value of your SMP will be lower than it would be if no salary sacrifice arrangement was in place.	The value of your SMP will be greater than if you continue your salary sacrifice.
The value of your OMP will be lower than it would be if no salary sacrifice arrangement was in place – as your salary is reduced by the salary sacrifice.	The value of your OMP will be greater than if you continue your salary sacrifice – as your salary will no longer be reduced.
You will continue to receive your childcare vouchers non-cash benefit throughout the period of maternity leave.	You will cease to receive your childcare vouchers non-cash benefit when you terminate your salary sacrifice arrangement prior to the period of maternity leave.

If an employee starts maternity leave without any childcare voucher benefit in place, they may enter into a salary sacrifice agreement during a maternity leave period but will not receive the revised salary or benefit until they return to work. An employee on SPL may enter into a salary sacrifice agreement during a maternity leave period but will not receive the revised salary or benefit until they return to work.

Pension implications of salary sacrifice – LGPS/NHS/TPS pension contributions are calculated on your salary paid after the salary sacrifice deductions. Entering into a salary sacrifice arrangement that reduces gross pensionable pay will have a negative effect on the amount of pension built up in that year.

Further information on childcare vouchers is available through InSite.



**Contact during Maternity Leave/SPL**

The Line Manager should where possible discuss with the employee appropriate arrangements for staying in touch before maternity leave or SPL commences.

The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during the maternity leave or SPL. This may be to discuss for example, significant workplace developments, the employee's plans to return to work, any required special arrangements, training opportunities and vacancies.

All employees are entitled to receive the vacancy bulletin whilst on maternity leave or SPL. An email address should be supplied to Business Support HR (Serco) who will then arrange for each issue to be sent electronically. This can also be supplied by post to employees with no email. Externally advertised jobs are available through the Council website. The employee can also request that HR Support send them the Council's weekly news bulletin.

**Keeping-in-touch (KIT) days (Maternity Leave)**

Except during the first two weeks after childbirth (four weeks for a factory worker), an employee can agree to work for the Council (or to attend training) for up to 10 days during either OML or AML without that work bringing the period of her maternity leave to an end and without loss of a week's SMP. These are known as KIT days. Any work carried out on a KIT day shall constitute a day's work for these purposes. The KIT [form](#) must be completed for each day worked.

An employee on Maternity Leave cannot undertake election duties. Unless the employee works in the elections team they are also unable to use a Keeping in Touch day to undertake election duties.

**Work on SPLIT days (Shared Parental Leave)**

An employee can work for up to 20 days during a period of SPL without bringing the SPL to an end. "Work" can include any training or activity undertaken for keeping in touch with the place of work. These SPLIT days are in addition to the 10 KIT days.

The Council has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during the maternity leave or SPL. Any work undertaken, including the amount of salary paid for any work done is entirely a matter for agreement between the Council and the employee. Days worked do not extend the period of maternity leave or SPL. Once the days have been used up, the employee will lose a week's SMP/SSPP for any week in which work is carried out for the Council. It may also bring ML/SPL to an end.

The days should be recorded on the form [attached](#) and sent to payroll within the normal deadline dates. The employee will be entitled to their full contractual remuneration, less any SMP/SSPP amount. The sum paid will not exceed full pay.

An employee on Shared Parental Leave cannot undertake election duties. Unless the employee works in the elections team they are also unable to use a SPLIT day to undertake election duties.

### 3. STAGE THREE – RETURN TO WORK

#### Returning to work from Maternity leave

The employee will have been formally advised in writing by the Council of the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless she notifies the Council otherwise.

If the employee is unable to attend work at the end of her maternity leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply. Where work is interrupted (due to industrial action or some other reason), the employee must return when work resumes, or as soon as possible thereafter. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist the Council if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, she must give the Council at least eight weeks' notice of her date of early return, preferably in writing. If insufficient notice is given, the Council may postpone the employee's return date until 8 weeks after notice was given or to the expected return date if sooner.

An employee who has confirmed that she wishes to return to work before the end of her AML is entitled to change her mind. However, in these circumstances she will then need to give eight weeks' notice of the change of date.

If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, the Council may require the employee to return to work for the remainder of the notice period. Any annual leave accrued during the OML or AML period may be taken at the end of the maternity leave period to reduce or prevent this requirement.

#### Rights On and After Return to Work from Maternity Leave

On resuming work after OML, the employee is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent.

On resuming work after AML the employee is again entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable for the Council to allow the employee to return to the same job, the employee may be offered suitable alternative work on terms and conditions that are not substantially less favourable than would have applied if she had not been absent. It is good practice to consult with employees about any proposed changes to their job at the end of their maternity leave if it is possible to do so.

An employee who worked full-time prior to her maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Council's business.

If an employee would like to propose a change to their working pattern she should write to her line manager as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request. Managers must take the needs of breastfeeding employees into account if this is a factor when considering a flexible working request. The procedure for dealing with such requests is set out in the Council's [Worklife Balance Policy](#).



Periods of OML and AML shall be regarded as continuous service for the purposes of NJC sickness and maternity schemes and annual leave.

**Shared Parental Leave (for employees with an EWC beginning on or after 5<sup>th</sup> April 2015)**

The entitlement to Shared Parental Leave (SPL) is created by the mother ending her maternity leave before she has taken her full entitlement. The remaining period then becomes SPL.

**Eligibility:**

- Both parents must meet the eligibility criteria for shared parental leave to apply.
- Both parents must have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the expected week of childbirth.
- Both parents must meet the statutory employment test (employed for at least 26 weeks out of the 66 weeks preceding the EWC) and earnings test (normal weekly earnings which are not lower than the Maternity Allowance threshold).
- The mother must be entitled to SMP **and** have chosen to end her SML **or** have returned to work.
- Both parents must have at the time of the child's birth the main responsibility for the care of the child.

**Entitlement – Shared Parental Leave:**

Shared parental leave is available for up to 50 weeks and can begin at any time after the two week period of compulsory maternity leave.

Shared parental leave must be taken in multiples of complete weeks. This may be taken as one continuous period or with breaks of complete weeks in between.

Shared parental leave must not exceed the balance of untaken maternity leave.

**Entitlement – Statutory Shared Parental Pay:**

The entitlement to Statutory Shared Parental Pay is 39 weeks, less the number of weeks in which SMP or MA has been payable to the mother. SSPP must not exceed the balance of untaken maternity pay or maternity allowance available at the point at which the woman returns or plans to return to work. To be eligible for SSPP the employee should have normal weekly earnings for the 8 weeks ending with the EWC that are not lower than the lower earnings limit.

As the mother must take two weeks compulsory maternity leave this means that there is a maximum of 37 weeks SSPP.

An employee can be absent on shared parental leave at the same time as another employee is absent on maternity leave, adoption leave, parental leave, or paternity leave in respect of the same child.

SSPP is not payable after the end of the 52 weeks following the birth of the baby.

If there is a need for the manager to discuss an application for SPL then they can be accompanied by a workplace colleague, trade union representative or a friend or family member.

**How to apply:**

The mother can give notice to return to work early. This must be done at least 21 days before the return date. However, if the leave is to be shared then each parent will have to give not less than eight weeks' notice of their entitlement to SPL. This needs to be not less than eight weeks' before the start date of the first period of SPL to be taken by each of the parents. This should be done using the TWO [forms](#) at the back of this document.

If the parent wants to vary the dates then a notice [form](#) should be provided at least eight weeks before the beginning of the first week of leave to the line manager. This form should also be completed for cancelling leave that has been previously arranged. The employee can give three notices to vary. Notices that are withdrawn by the employee, given because the baby was born

earlier or later than the EWC, or given because the employer has requested it, will not count towards the three.

If the leave request is for one continuous period of SPL then the employee is entitled to take that leave. Where discontinuous periods of leave are requested then (within two weeks of the request) the employer may either agree to it, propose alternative dates, or refuse the leave.

If the mother changes her mind then she can submit a cancellation notice in accordance with the statutory rules.

#### **Other considerations:**

The employer can insist that the employee takes agreed SPL if the parent informs their employer that they no longer meet the criteria for SPL less than eight weeks before the leave is due to start.

The employee is entitled to return to work after SPL to the same job provided that the period of SPL when added to any other period of statutory leave taken by the employee in relation to the child is 26 weeks or less. If the time off is more than 26 weeks then they should either return to the same job or to another job which is suitable for the employee and appropriate in the circumstances.

#### **Redundancy**

In the event that the employee's post is affected by a proposed restructure or other situation through which their post may become at risk of redundancy during their maternity leave or SPL they should be consulted in accordance with the Managing Change Policy.

Employees on maternity leave or SPL shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills. If the employee is offered a suitable alternative vacancy then they are entitled to a four week trial period in which to decide whether the employment is suitable.

#### **Other policies that may be applicable**

##### **Parental Leave following Maternity Leave**

Parents with one year's continuous service can take parental leave of 13 weeks per child or 18 weeks where the child is entitled to disability living allowance

##### **Time Off for Dependents (Special Leave)**

All employees can take reasonable unpaid leave to take action in relation to dependants

For further information regarding these rights refer to the Council's [Worklife Balance Policy](#) on InSite.

## 4. APPENDICES

## APPENDIX A

**SAMPLE FORM FOR REFERENCE ONLY  
ACTUAL FORM WILL BE SENT BY HR SUPPORT**

Please return this form to the Human Resources department.

This is to confirm that I elect to receive my OMP as follows:-  
(Please delete clearly the one which does not apply)

**A:** 12 weeks half pay paid at the same time as the first twelve weeks of the 33 weeks standard SMP, (during OML)

**or**

**B:** 6 weeks at full pay paid as a lump sum following return from maternity leave

1. **I understand that the total of Statutory Maternity Pay and Occupational Maternity Pay or Maternity Allowance plus any allowances and Occupational Maternity Pay will not exceed normal full pay regardless of the option I choose, or when payment is to be made.**
2. I understand that I will be required to repay this Occupational Maternity Pay if I do not return to work after maternity leave and remain at work for a period of at least three months.

**I understand that I will automatically receive vacancy information and I *do/do not* want to receive weekly news bulletins - delete as applicable.**

<b>Signed:</b>	<b>Date:</b>
<b>Employee Name:</b>	<b>Payroll Number:</b>

SHARED PARENTAL LEAVE FORM – FOR USE BY THE EMPLOYEE FOR THEIR EMPLOYER			
<b>EMPLOYEE NAME</b>			
<b>EMPLOYEE PAYROLL NUMBER</b>			
<b>DETAILS OF MOTHER AND PARTNER</b>	MOTHER:	PARTNER:	
<b>DATES OF MATERNITY LEAVE</b>	START DATE OF STATUTORY MATERNITY LEAVE	END DATE OF STATUTORY MATERNITY LEAVE	
<b>DATES OF BIRTH</b>	EXPECTED WEEK OF CHILD BIRTH	OR ACTUAL DATE OF BIRTH	
<b>TOTAL AMOUNT OF SHARED PARENTAL LEAVE AVAILABLE</b>			
<b>PARENTAL LEAVE TO BE TAKEN BY MOTHER</b>			
<b>PARENTAL LEAVE TO BE TAKEN BY PARTNER</b>			
<b>INTENDED DATES FOR TAKING THE LEAVE</b> (These dates can be changed)			
<p><b>DECLARATION</b></p> <p>This is to confirm that I meet the following:-</p> <ul style="list-style-type: none"> <li>• I am sharing responsibility for the care of the child,</li> <li>• The mother has given notice to end her maternity entitlement</li> <li>• I meet the continuity of employment test</li> <li>• I will inform the employer if I cease to be eligible and</li> <li>• The information I have given is accurate.</li> </ul> <p>This notice is binding and can only be withdrawn if one of the statutory reasons applies for cancellation.</p>			
<b>SIGNED BY</b>		<b>DATE</b>	
Line Manager to send to Payroll	DATE	Payroll received and actioned	DATE

<b>SHARED PARENTAL LEAVE FORM – FOR USE BY PARTNER OF THE EMPLOYEE</b>		1 of 2
<b>EMPLOYEE NAME</b>		
<b>EMPLOYEE PAYROLL NUMBER</b>		
<b>PARTNER'S NAME</b>		
<b>PARTNER'S ADDRESS</b>		
<b>PARTNER'S NATIONAL INSURANCE NUMBER</b>		
<b>RELATIONSHIP TO CHILD</b> (PLEASE DELETE AS APPROPRIATE)	MOTHER / FATHER / PARTNER OF MOTHER OF THE CHILD	
<b>TO BE COMPLETED BY THE MOTHER ONLY</b>	I AM ENTITLED TO:- STATUTORY MATERNITY LEAVE <input type="checkbox"/> STATUTORY MATERNITY PAY <input type="checkbox"/> MATERNITY ALLOWANCE <input type="checkbox"/>	
<b>DATES OF MATERNITY LEAVE</b>	START DATE OF STATUTORY MATERNITY LEAVE	END DATE OF STATUTORY MATERNITY LEAVE
<b>DATES OF BIRTH</b>	EXPECTED WEEK OF CHILD BIRTH	OR ACTUAL DATE OF BIRTH
<b>TOTAL AMOUNT OF SHARED PARENTAL LEAVE AVAILABLE</b>		
<b>PARENTAL LEAVE TO BE TAKEN BY MOTHER</b>		
<b>PARENTAL LEAVE TO BE TAKEN BY PARTNER</b>		
<b>INTENDED DATES FOR TAKING THE LEAVE</b> (These dates can be changed)		

**SHARED PARENTAL LEAVE FORM – FOR USE BY PARTNER OF THE EMPLOYEE 2 of 2****DECLARATION**

This is to confirm that I meet the following:-

- I meet the criteria for the earnings test
- I meet the criteria for the employment test
- At the time of the birth I shared responsibility for the care of the child with the employee detailed above,
- I consent to the amount of leave and pay that the employee is seeking to take
- I consent to the employer receiving this declaration to process the information within it
- I will inform the employer if I cease to be eligible and
- The information I have given is accurate.

<b>SIGNED BY PARTNER</b>		<b>DATE</b>	
<b>SIGNED BY EMPLOYEE</b>		<b>DATE</b>	
<b>Line Manager to send to Payroll</b>	<b>DATE</b>	<b>Payroll received and actioned</b>	<b>DATE</b>

<b>SHARED PARENTAL LEAVE FORM – FOR USE FOR VARYING THE DATE OF THE LEAVE PREVIOUSLY AGREED</b>
-------------------------------------------------------------------------------------------------

This notice must be given at least eight weeks before the dates varied begin.

<b>EMPLOYEE NAME</b>			
<b>EMPLOYEE PAYROLL NUMBER</b>			
<b>DETAILS OF (PREVIOUSLY AGREED) AMOUNT OF SHARED PARENTAL LEAVE AVAILABLE</b>			
<b>DETAILS OF PREVIOUSLY AGREED PARENTAL LEAVE TO BE TAKEN BY MOTHER</b>			
<b>DETAILS OF PREVIOUSLY AGREED PARENTAL LEAVE TO BE TAKEN BY PARTNER</b>			
<b>REVISED DATES REQUIRED FOR TAKING THE LEAVE - MOTHER</b> (These dates can be changed)			
<b>REVISED DATES REQUIRED FOR TAKING THE LEAVE - FATHER</b> (These dates can be changed)			
<b>NUMBER OF VARIATION NOTICE</b>	<b>VARIATION TWO OR VARIATION THREE</b> (Delete as appropriate)		
<b>DECLARATION</b>			
<p>This is to confirm that I meet the following:-            I am sharing responsibility for the care of the child,            The mother has given notice to end her maternity entitlement            I meet the continuity of employment test            I will inform the employer if I cease to be eligible and            The information I have given is accurate.            This notice is binding and can only be withdrawn if one of the statutory reasons applies for cancellation.</p>			
<b>SIGNED BY PARTNER</b>		<b>DATE</b>	
<b>SIGNED BY EMPLOYEE</b>		<b>DATE</b>	
<b>Line Manager to send to Payroll</b>	<b>DATE</b>	<b>Payroll received and actioned</b>	<b>DATE</b>

<b>Keeping in Touch Days – Maternity &amp; Shared Parental Leave</b>		
<b>Employee name:</b>		
<b>Payroll number</b>		
<b>Date of KIT day</b>	<b>Hours worked</b>	<b>Number of KIT days taken to date</b>
<b>Date of SPLIT day</b>	<b>Hours worked</b>	<b>Number of SPLIT days taken to date</b>
<b>I confirm that this is an instruction to payroll to pay for the day(s) listed above</b>		
<b>Line Managers Name:</b>		
<b>Signature:</b>		
<b>Date:</b>		
<b>Payroll actioned. Date and signature:</b>		

**Notes on KIT Days**

- KIT days are defined as any day during the maternity/adoption leave period where work-related activity is undertaken for a period up to the employee's normal hours of work.
- Because KIT days are not compulsory, the individual cannot be required to work them and the council cannot be required to agree to them being worked.
- A maximum of 10 KIT days can be taken during the maternity/adoption leave period provided they do not occur within the 2 weeks following childbirth.
- The timing of KIT days should be agreed by the staff member and their line manager.
- Managers should keep their own record of how many days have been taken and are responsible for instructing Payroll to make appropriate payments.
- Payment for KIT days will be made for a full day regardless of the hours worked.
- The total payment will not exceed full pay. Therefore, where an individual is still on full pay, no additional payment will be made for KIT days and when an individual's maternity pay is below full pay, a "top up" payment will be made.
- KIT days may be taken as single days or as blocks of two or more days.
- Staff who work on one of their 10 KIT days will still receive maternity pay (at the appropriate rate) for the remainder of the week. Once the 10 KIT days have been worked, staff will lose maternity pay for the whole of any week in which any further work is undertaken.
- The same rules apply to SPLIT days as to KIT days.





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## Maternity Scheme TEACHERS

### Abbreviations

The following abbreviations and definitions are used in this document:

EWC	"Expected week of childbirth"	The week, starting on a Sunday, during which the teacher's doctor or midwife expects her to give birth.
QW	"Qualifying week"	The 15 <sup>th</sup> week before the expected week of childbirth.
MATB1	Maternity Form	Form provided by midwife giving confirmation of the EWC
OML/AML	Ordinary or Additional Maternity Leave	A period of 26 weeks OML and 26 weeks AML
MA	Maternity Allowance	Allowance paid to teachers who do not qualify for SMP
SMP	Statutory Maternity Pay	Basic allowance paid to teachers who qualify
OMP	Occupational Maternity Pay	Enhanced allowance paid to teachers who qualify
SPL	Shared Parental Leave	Mothers can choose to end their maternity leave after the initial two week compulsory maternity leave and then share the remaining leave with their working partner.
SSPP	Statutory Shared Parental Pay	Statutory Maternity Pay shared by another rather than all taken by the mother
CML	Compulsory Maternity Leave	Women must take two weeks compulsory maternity leave after the birth of their child
KIT	Keeping In Touch days	Up to 10 days that can be worked during the OML/AML period
SPLIT	Shared Parental Leave In Touch days	An additional 20 days that can be worked during the SPL period without bringing the SPL to an end
Continuous Service	Includes previous service with another local authority which will be advised in the teachers' contract of employment where relevant or where a teacher returns to local government following a break for maternity reasons, or reasons concerned with caring for children or other dependants provided the break is no longer than 8 years and that no permanent paid full time employment has intervened or where a TUPE transfer occurs to another organisation and is transferred back to PCC within 5 years of the original transfer.	

### Principles

This document only applies to those on Teachers' terms and conditions.

## 1. STAGE ONE – PRIOR TO BIRTH

### Fertility Treatment

Reasonable time off will be given to teachers undergoing fertility treatment. This will be in accordance with the Attendance Policy.

### Notification of Pregnancy

On becoming pregnant, a teacher should notify her line manager as soon as possible. This is important as there may be health and safety considerations.

Before the end of the qualifying week, or as soon as reasonably practicable afterwards, the teacher must provide written confirmation of the following to their line manager:

- the fact that she is pregnant;
- her Expected Week of Childbirth; and
- The date on which she intends to start her maternity leave (“the intended start date”).

***It is the responsibility of the line manager to hold a maternity meeting with the teacher once she has given notification of her pregnancy. A [maternity meeting checklist](#) is available and will provide useful information on what should be covered at this meeting.***

The teacher must also provide a MAT B1 Form, which is a certificate from a doctor or midwife confirming the EWC. The form must have either the doctor's name and address or the midwife's name and registration number on it.

The Council will formally respond in writing to the teacher's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

### Time off for Antenatal Care

Teachers will be entitled to take reasonable paid time off during working hours for ante-natal care. This may include specific appointments or classes that the teacher's doctor, registered midwife or registered health visitor has advised them to attend.

When requesting time off for antenatal care, teachers will be required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the teacher should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

The teacher should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

From 1 October 2014 fathers and partners of pregnant women are able to take unpaid time off work to attend up to two antenatal appointments. Up to 6.5 hours can be taken for each appointment. Line managers may ask the teacher to provide a signed declaration of their entitlement to take time off.

### Health and Safety

The Council has a duty to carry out a [risk assessment](#) to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.

It is the responsibility of the teacher's line manager to arrange the risk assessment as soon as they have been informed of a teacher's pregnancy. The [risk assessment form](#) is available through the Health and Safety pages on InSite. The completed risk assessment should be regularly reviewed and adapted as necessary.

The teacher's line manager will provide them with information as to any risks identified in the risk assessment and any preventative or protective measures that have been or will be taken. If it is considered that as a new or expectant mother, the teacher would be exposed to health hazards in carrying out their normal work, any such steps as are necessary (for as long as they are necessary) will be taken to avoid those risks. This may involve:

- changing the teacher's working conditions or hours of work;
- offering the teacher suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- Suspending the teacher on full pay unless they have unreasonably refused suitable alternative work.

Suitable places for rest periods and places to rest shall be provided for new and expectant mothers.

### **Miscarriage or Still-Birth**

Although the vast majority of pregnancies are healthy, clearly problems can arise. The Council acknowledges that the needs of each individual teacher will differ as teachers handle difficult circumstances in their own way. However, the Council will react sympathetically to teachers. If support or guidance is required then the teacher should contact their HR Business Partner or line manager who may have access to external resources which may help the teacher deal with their situation.

#### **Miscarriage**

If the teacher should suffer a miscarriage, at any time up to and including the 24<sup>th</sup> week of pregnancy, then the provisions of the maternity policy will not apply. If the teacher is unfit to work following the miscarriage then the provisions of the Attendance Policy will apply.

#### **Stillbirth**

If a child is still born after the 24<sup>th</sup> week of pregnancy, or dies within the period of Maternity leave, the terms of the maternity policy apply in full in respect of maternity pay, allowances, and maternity leave. If the teacher is unfit to return to work at the end of their maternity leave then the provisions of the Attendance Policy will apply.

### **Sickness Absence**

Periods of pregnancy-related sickness absence shall be paid in accordance with the [Attendance Policy](#) in the same manner as any other sickness absence. Any payment in excess of this as a result of the pregnancy-related sickness will be entirely at the Council's discretion.

If a teacher is absent due to an illness wholly or partly related to pregnancy, the maternity leave will start automatically on the day after the first day of absence if the teacher is absent from work during the 4<sup>th</sup> week before the EWC, regardless of the planned maternity leave start date.

If the teacher is absent from work wholly or partly because of pregnancy during the four weeks before the EWC, she must notify the Council in writing of this as soon as possible.

If a teacher is absent due to a condition not related to the pregnancy then the sick leave will continue up to the date that was the notified intended date for the maternity leave.

All other absences will be dealt with in accordance with the Council's [Attendance Policy](#).

Periods of pregnancy-related absence from the start of the teacher's pregnancy until the end of their maternity leave will be recorded separately from sickness absences and will be disregarded in any future employment-related decisions.

If a teacher is advised by an approved medical practitioner to absent herself from school because of the risk of rubella then this will be at full pay provided that the teacher is prepared to work in an alternative school where there is no risk.

## 2. STAGE TWO – MATERNITY LEAVE PERIOD

### Maternity Leave

All pregnant women are entitled to take up to 26 weeks' OML and up to 26 weeks' AML (one year's leave in total) regardless of length of service. AML begins on the day after OML ends.

All pregnant women must take a two week period of Compulsory Maternity Leave immediately following the birth of a child (or a four-week period where the woman works in a factory). It is a criminal offence to require or allow a woman to work during compulsory maternity leave.

OML can start at any time after the beginning of the 11<sup>th</sup> week before the teacher's EWC (unless the child is born prematurely before that date in which case it will start earlier).

OML will start on whichever date is the earlier of:

- the intended start date (if notification is given in accordance with section 3 of this document);
- the day after the teacher gives birth; or
- The day after any day, on which the teacher is absent for a pregnancy related reason in the four weeks before the EWC.

Teachers may postpone their intended start date by informing their line manager in writing at least 28 days before the original intended start date or, if that is not possible, as soon as reasonably practicable.

Teachers may bring forward the intended start date by informing their line manager at least 28 days before the newly proposed start date or if that is not possible as soon as reasonably practicable. The newly proposed start date should not be earlier than the 11<sup>th</sup> week before the teacher's EWC.

At the discretion of the manager, the teacher may be allowed leave with or without pay in excess of the 26 week period, for example, where a baby is born prematurely consideration should be given to allowing an extension of the maternity leave period. Any decision made is discretionary and considered on a case by case basis.

If the teacher gives birth before her maternity leave was due to start, she must notify the Council in writing of the date of the birth as soon as reasonably practicable.

### Maternity Pay

#### Maternity Allowance (MA)

Teachers whose average earnings are below the lower earnings limit of National Insurance at the qualifying week will not be entitled to SMP.

Form SMP1 will be issued to in these circumstances and dependent upon earnings the teacher may be able to claim MA. Further advice in this respect can be obtained by the teacher from the Jobcentre Plus.

#### Statutory Maternity Pay (SMP)

SMP is payable for up to 39 weeks. SMP will stop being payable if the teacher returns to work (see [‘keeping in touch’](#) days section).

Teachers will be entitled to SMP if:

- they have been continuously employed for at least 26 weeks at the end of the qualifying week and are still employed during that week;
- their average weekly earnings during the eight weeks ending with the qualifying week (“the Relevant Period”) are not less than the lower earnings limit sent by the Government;
- they have provided their line manager with a doctor or midwife’s certificate (MAT B1 Form) stating their EWC;
- they have given at least 28 days’ notice (or if that is not possible as much notice as they are able) of their intention to take maternity leave; and
- They are still pregnant 11 weeks before the start of the EWC or have already given birth.

SMP is calculated as follows:

- First six weeks: SMP is paid at the earnings-related rate of 90% of the teacher’s average weekly earnings calculated over the relevant period;
- Remaining 33 weeks: SMP is paid at the prescribed rate which is set by the Government for the relevant tax year or the earnings-related rate if this is lower.

The definition of a week’s pay for SMP purposes is all the earnings which are taken into account for national insurance contributions

SMP accrues from the day on which the teacher commences OML and afterwards at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

If a teacher becomes eligible for a pay rise before the end of their maternity leave they will be treated for SMP purposes as if the pay rise had applied throughout the relevant period. This means that SMP will be recalculated and increased retrospectively or that the teacher may qualify for SMP when they did not previously. In those circumstances arrangements should be made for the teacher to be paid a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the earnings related rate (if any) will also be increased as necessary.

A teacher will still be eligible for SMP if they leave employment for any reason after the start date of the qualifying week (for example they resign or are made redundant). In such cases, if maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:

- The week following the week in which employment ends; or
- The eleventh week before the EWC.

A pregnant teacher is disqualified from receiving SSP throughout the whole of her 39 week period of entitlement to SMP (or MA period if applicable. This applies even if she resumes work during the 39 week period and then falls ill before the end of that period. If this happens she can go back to receiving SMP but not SSP.

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

Teachers who have completed 1 year’s continuous service with one or more local authority schools at the beginning of the 11<sup>th</sup> week prior to the EWC, are entitled to additional benefits under the Conditions of Service for School Teachers in England and Wales (the Burgundy Book) OMP scheme. This scheme does not apply to Supply Teachers.

The total of SMP and OMP or MA plus any allowances and OMP should not exceed normal full pay, regardless of when the payment is made.

Eligible teachers will be entitled to:

- 4 Weeks full pay
- 2 weeks at 90% of normal pay
- 12 weeks at half normal pay plus SMP
- 21 weeks SMP/MA
- 13 weeks unpaid

In order to retain all OMP, a teacher shall be required to return to work for 13 weeks, based on her normal working week. If a teacher changes from full to part-time employment, then she will be required to work the equivalent of 13 full-time weeks on return from maternity leave.

If the teacher does not return for this length of time, then she will have to repay the 12 weeks half pay element of her OMP. In such circumstances, the line manager must be informed immediately, and arrangements made to reimburse the sum in full.

Payments made to the teacher by way of SMP are not refundable. OMP will not be payable to the partner of the mother where shared parental leave is being taken.

*Definition of a week's pay:*

- A week's pay for teachers whose remuneration for normal working hours does not vary with the amount of work done in the period is the normal week's pay.
- Where there are no normal working hours a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

If a teacher becomes eligible for a pay rise before the end of their maternity leave they will be treated for OMP purposes as if the pay rise had applied throughout the relevant period. This means that OMP will be recalculated and increased retrospectively. In those circumstances arrangements should be made for the teacher to be paid a lump sum to make up the difference between any OMP already paid and the amount payable by virtue of the pay rise. Any future OMP payments at the earnings related rate (if any) will also be increased as necessary.

### **Teachers on Temporary Fixed Term Contracts**

It is possible for teachers who are on temporary fixed-term contracts to take maternity, paternity and parental leave. The same eligibility conditions for entitlement to pay apply to these teachers as to permanently employed teachers.

If the contract ends while the teacher is on maternity leave, OMP will cease but SMP will continue to be paid.

### **Teachers who do not qualify for SMP but have one year's continuous service 11 weeks before the EWC**

Teachers who earn below the lower earnings limit for national insurance at the qualifying week will not be entitled to SMP. However, these teachers will be entitled to OMP if they have one year's service at the 29<sup>th</sup> week of pregnancy in line with the amounts and conditions stated above.

### **Paternity Leave**

**Eligibility:**

Paternity Leave may be granted to the father, or the mother's partner, who expects to have responsibility for the upbringing of the child, for the purposes of caring for a child or supporting the child's mother. The teacher must have 26 weeks' continuous service by the end of the 15<sup>th</sup> week before the EWC with average weekly earnings at the lower earnings limit for NI contributions at the end of the QW.

**Entitlement:**

Paternity Leave is two week's paternity leave (paid as Statutory Paternity Pay). Regardless of the number of children born there is entitlement to only one period of leave. Leave can start on any day of the week on or following the child's birth but must be completed within 56 days of the actual date



of birth of the child. The leave must be taken in a period of one consecutive week and not on odd days.

#### How to claim:

Applications should be made to the line manager using the [Paternity Leave Request Form](#) at least 28 days before the leave is due to commence.

#### Other considerations (Paternity Leave)

The teacher can change the date that they wish the leave to start provided 28 days' notice is given where practicable. The teacher may vary their notice more than once. It is understood that in the event of premature birth it may not be possible to give notice.

The teacher must inform the employer of the date the child was born as soon as reasonably practicable.

#### Terms and Conditions

A teacher is entitled to receive some of the same terms and conditions as follows:

##### Pension Arrangements (TPS)

During the paid period of AML pension contributions will continue to be made. Teachers are advised to contact payroll or the pension scheme to discuss their individual circumstances in full:

<https://www.teacherspensions.co.uk/employers/training-and-resources/employer-forms.aspx>

##### Trade Union Subscriptions

During the period of paid maternity leave/SPL contributions will continue to be made. When maternity pay ceases the teacher must contact their union to make their own arrangements.

##### Salary Sacrifice – Childcare Vouchers

SMP is calculated on the salary earned in the 8 weeks prior to maternity leave. If childcare vouchers are taken during this period, these would not be considered part of salary, hence lowering the maternity pay that the teacher may be eligible for. Teachers participating in the scheme who become pregnant and ultimately due to take maternity leave are advised to contact HMRC for advice on whether to opt out of the salary sacrifice scheme or not. The following is a summary of either continuing with salary sacrifice or terminating the agreement:-

As the teacher, if you <b>continue</b> your salary sacrifice arrangement	As the teacher, if you <b>terminate</b> your salary sacrifice arrangement
The value of your SMP will be lower than it would be if no salary sacrifice arrangement was in place.	The value of your SMP will be greater than if you continue your salary sacrifice.
The value of your OMP will be lower than it would be if no salary sacrifice arrangement was in place – as your salary is reduced by the salary sacrifice.	The value of your OMP will be greater than if you continue your salary sacrifice – as your salary will no longer be reduced.
You will continue to receive your childcare vouchers non-cash benefit throughout the period of maternity leave.	You will cease to receive your childcare vouchers non-cash benefit when you terminate your salary sacrifice arrangement prior to the period of maternity leave.

If a teacher starts maternity leave without any childcare voucher benefit in place, they may enter into a salary sacrifice agreement during a maternity leave period but will not receive the revised salary or benefit until they return to work. A teacher on SPL may enter into a salary sacrifice agreement during a maternity leave period but will not receive the revised salary or benefit until they return to work.

Pension implications of salary sacrifice – LGPS/NHS/TPS pension contributions are calculated on your salary paid after the salary sacrifice deductions. Entering into a salary sacrifice arrangement

that reduces gross pensionable pay will have a negative effect on the amount of pension built up in that year.

Further information on childcare vouchers is available through InSite.

### **Contact during Maternity Leave/SPL**

The Line Manager should where possible discuss with the teacher appropriate arrangements for staying in touch before maternity leave or SPL commences.

The Council reserves the right in any event to maintain reasonable contact with the teacher from time to time during the maternity leave or SPL. This may be to discuss for example, significant workplace developments, the teacher's plans to return to work, any required special arrangements, training opportunities and vacancies.

All teachers are entitled to receive the vacancy bulletin whilst on maternity leave or SPL. An email address should be supplied to Business Support HR (Serco) who will then arrange for each issue to be sent electronically. This can also be supplied by post to teachers with no email. Externally advertised jobs are available through the Council website. The teacher can also request that HR Support send them the Council's weekly news bulletin.

### **Keeping-in-touch (KIT) days (Maternity Leave)**

Except during the first two weeks after childbirth (four weeks for a factory worker), an teacher can agree to work for the Council (or to attend training) for up to 10 days during either OML or AML without that work bringing the period of her maternity leave to an end and without loss of a week's SMP. These are known as KIT days. Any work carried out on a KIT day shall constitute a day's work for these purposes. The KIT [form](#) must be completed for each day worked.

A teacher on Maternity Leave cannot undertake election duties. Unless the teacher works in the elections team they are also unable to use a Keeping in Touch day to undertake election duties.

### **Work on SPLIT days (Shared Parental Leave)**

A teacher can work for up to 20 days during a period of SPL without bringing the SPL to an end. "Work" can include any training or activity undertaken for keeping in touch with the place of work. These SPLIT days are in addition to the 10 KIT days.

The Council has no right to require the teacher to carry out any work, and the teacher has no right to undertake any work, during the maternity leave or SPL. Any work undertaken, including the amount of salary paid for any work done is entirely a matter for agreement between the Council and the teacher. Days worked do not extend the period of maternity leave or SPL. Once the days have been used up, the teacher will lose a week's SMP/SSPP for any week in which work is carried out for the Council. It may also bring ML/SPL to an end.

The days should be recorded on the form [attached](#) and sent to payroll within the normal deadline dates. The teacher will be entitled to their full contractual remuneration, less any SMP/SSPP amount. The sum paid will not exceed full pay.

A teacher on Shared Parental Leave cannot undertake election duties. Unless the teacher works in the elections team they are also unable to use a SPLIT day to undertake election duties.

### 3. STAGE THREE – RETURN TO WORK

#### Returning to work from Maternity leave

The teacher will have been formally advised in writing by the Council of the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. The teacher is expected to return on this date, unless she notifies the Council otherwise.

If the teacher is unable to attend work at the end of her maternity leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply. Where work is interrupted (due to industrial action or some other reason), the teacher must return when work resumes, or as soon as possible thereafter. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the teacher is under no obligation to do so, it would assist the Council if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

If the teacher wishes to return to work earlier than the expected return date, she must give the Council at least eight weeks' notice of her date of early return, preferably in writing. If insufficient notice is given, the Council may postpone the teacher's return date until 8 weeks after notice was given or to the expected return date if sooner.

A teacher who has confirmed that she wishes to return to work before the end of her AML is entitled to change her mind. However, in these circumstances she will then need to give eight weeks' notice of the change of date.

If the teacher decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, the Council may require the teacher to return to work for the remainder of the notice period. Any annual leave accrued during the OML or AML period may be taken at the end of the maternity leave period to reduce or prevent this requirement.

#### Rights On and After Return to Work from Maternity Leave

On resuming work after OML, the teacher is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. There is no right to return to the same timetable, age group or room.

On resuming work after AML the teacher is again entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. However, there is no right to return to the same timetable, age group or room. It is good practice to consult with teachers about any proposed changes to their job at the end of their maternity leave if it is possible to do so.

A teacher who worked full-time prior to her maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Council's business.

If a teacher would like to propose a change to their working pattern she should write to her line manager as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request. Managers must take the needs of breastfeeding teachers into account if this is a factor when considering a flexible working request. The procedure for dealing with such requests is set out in the Council's [Work life Balance Policy](#).

Periods of OML and AML shall be regarded as continuous service for the purposes of sickness and maternity schemes and annual leave.

### **Shared Parental Leave (for teachers with an EWC beginning on or after 5<sup>th</sup> April 2015)**

The entitlement to Shared Parental Leave (SPL) is created by the mother ending her maternity leave before she has taken her full entitlement. The remaining period then becomes SPL.

#### **Eligibility:**

- Both parents must meet the eligibility criteria for shared parental leave to apply.
- Both parents must have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the expected week of childbirth.
- Both parents must meet the statutory employment test (employed for at least 26 weeks out of the 66 weeks preceding the EWC) and earnings test (normal weekly earnings which are not lower than the Maternity Allowance threshold).
- The mother must be entitled to SMP **and** have chosen to end her SML **or** have returned to work.
- Both parents must have at the time of the child's birth the main responsibility for the care of the child.

#### **Entitlement – Shared Parental Leave:**

Shared parental leave is available for up to 50 weeks and can begin at any time after the two week period of compulsory maternity leave.

Shared parental leave must be taken in multiples of complete weeks. This may be taken as one continuous period or with breaks of complete weeks in between.

Shared parental leave must not exceed the balance of untaken maternity leave.

#### **Entitlement – Statutory Shared Parental Pay:**

The entitlement to Statutory Shared Parental Pay is 39 weeks, less the number of weeks in which SMP or MA has been payable to the mother. SSPP must not exceed the balance of untaken maternity pay or maternity allowance available at the point at which the woman returns or plans to return to work. To be eligible for SSPP the teacher should have normal weekly earnings for the 8 weeks ending with the EWC that are not lower than the lower earnings limit.

As the mother must take two weeks compulsory maternity leave this means that there is a maximum of 37 weeks SSPP.

An teacher can be absent on shared parental leave at the same time as another teacher is absent on maternity leave, adoption leave, parental leave, or paternity leave in respect of the same child.

SSPP is not payable after the end of the 52 weeks following the birth of the baby.

If there is a need for the manager to discuss an application for SPL then they can be accompanied by a workplace colleague, trade union representative or a friend or family member.

#### **How to apply:**

The mother can give notice to return to work early. This must be done at least 21 days before the return date. However, if the leave is to be shared then each parent will have to give not less than eight weeks' notice of their entitlement to SPL. This needs to be not less than eight weeks' before the start date of the first period of SPL to be taken by each of the parents. This should be done using the TWO [forms](#) at the back of this document.

If the parent wants to vary the dates then a notice [form](#) should be provided at least eight weeks before the beginning of the first week of leave to the line manager. This form should also be completed for cancelling leave that has been previously arranged. The teacher can give three notices to vary. Notices that are withdrawn by the teacher, given because the baby was born earlier or later than the EWC, or given because the employer has requested it, will not count towards the three.

If the leave request is for one continuous period of SPL then the teacher is entitled to take that leave. Where discontinuous periods of leave are requested then (within two weeks of the request) the employer may either agree to it, propose alternative dates, or refuse the leave.

If the mother changes her mind then she can submit a cancellation notice in accordance with the statutory rules.

**Other considerations:**

The employer can insist that the teacher takes agreed SPL if the parent informs their employer that they no longer meet the criteria for SPL less than eight weeks before the leave is due to start.

The teacher is entitled to return to work after SPL to the same job provided that the period of SPL when added to any other period of statutory leave taken by the teacher in relation to the child is 26 weeks or less. If the time off is more than 26 weeks then they should either return to the same job or to another job which is suitable for the teacher and appropriate in the circumstances.

**Redundancy**

In the event that the teacher's post is affected by a proposed restructure or other situation through which their post may become at risk of redundancy during their maternity leave or SPL they should be consulted in accordance with the Managing Change Policy.

Teachers on maternity leave or SPL shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills. If the teacher is offered a suitable alternative vacancy then they are entitled to a four week trial period in which to decide whether the employment is suitable.

**Other policies that may be applicable**

**Parental Leave following Maternity Leave**

Parents with one year's continuous service can take parental leave of 13 weeks per child or 18 weeks where the child is entitled to disability living allowance

**Time Off for Dependents (Special Leave)**

All teachers can take reasonable unpaid leave to take action in relation to dependants

For further information regarding these rights refer to the Council's [Work life Balance Policy](#) on InSite.

Notwithstanding the contents of this document, statutory obligations and statements contained within the Conditions of Service for School Teachers in England & Wales will apply.

## 4. APPENDICES

## APPENDIX A

SHARED PARENTAL LEAVE FORM – FOR USE BY THE TEACHER FOR THEIR EMPLOYER			
<b>TEACHER NAME</b>			
<b>TEACHER PAYROLL NUMBER</b>			
<b>DETAILS OF MOTHER AND PARTNER</b>	MOTHER:	PARTNER:	
<b>DATES OF MATERNITY LEAVE</b>	START DATE OF STATUTORY MATERNITY LEAVE	END DATE OF STATUTORY MATERNITY LEAVE	
<b>DATES OF BIRTH</b>	EXPECTED WEEK OF CHILD BIRTH	OR ACTUAL DATE OF BIRTH	
<b>TOTAL AMOUNT OF SHARED PARENTAL LEAVE AVAILABLE</b>			
<b>PARENTAL LEAVE TO BE TAKEN BY MOTHER</b>			
<b>PARENTAL LEAVE TO BE TAKEN BY PARTNER</b>			
<b>INTENDED DATES FOR TAKING THE LEAVE</b> (These dates can be changed)			
<b>DECLARATION</b>  This is to confirm that I meet the following:- <ul style="list-style-type: none"> <li>• I am sharing responsibility for the care of the child,</li> <li>• The mother has given notice to end her maternity entitlement</li> <li>• I meet the continuity of employment test</li> <li>• I will inform the employer if I cease to be eligible and</li> <li>• The information I have given is accurate.</li> </ul> This notice is binding and can only be withdrawn if one of the statutory reasons applies for cancellation.			
<b>SIGNED BY</b>		<b>DATE</b>	
Line Manager to send to Payroll	DATE	Payroll received and actioned	DATE

<b>SHARED PARENTAL LEAVE FORM – FOR USE BY PARTNER OF THE TEACHER</b>		1 of 2
<b>TEACHER NAME</b>		
<b>TEACHER PAYROLL NUMBER</b>		
<b>PARTNER'S NAME</b>		
<b>PARTNER'S ADDRESS</b>		
<b>PARTNER'S NATIONAL INSURANCE NUMBER</b>		
<b>RELATIONSHIP TO CHILD</b> (PLEASE DELETE AS APPROPRIATE)	MOTHER / FATHER / PARTNER OF MOTHER OF THE CHILD	
<b>TO BE COMPLETED BY THE MOTHER ONLY</b>	I AM ENTITLED TO:- STATUTORY MATERNITY LEAVE <input type="checkbox"/> STATUTORY MATERNITY PAY <input type="checkbox"/> MATERNITY ALLOWANCE <input type="checkbox"/>	
<b>DATES OF MATERNITY LEAVE</b>	START DATE OF STATUTORY MATERNITY LEAVE	END DATE OF STATUTORY MATERNITY LEAVE
<b>DATES OF BIRTH</b>	EXPECTED WEEK OF CHILD BIRTH	OR ACTUAL DATE OF BIRTH
<b>TOTAL AMOUNT OF SHARED PARENTAL LEAVE AVAILABLE</b>		
<b>PARENTAL LEAVE TO BE TAKEN BY MOTHER</b>		
<b>PARENTAL LEAVE TO BE TAKEN BY PARTNER</b>		
<b>INTENDED DATES FOR TAKING THE LEAVE</b> (These dates can be changed)		

**SHARED PARENTAL LEAVE FORM – FOR USE BY PARTNER OF THE TEACHER 2 of 2****DECLARATION**

This is to confirm that I meet the following:-

- I meet the criteria for the earnings test
- I meet the criteria for the employment test
- At the time of the birth I shared responsibility for the care of the child with the teacher detailed above,
- I consent to the amount of leave and pay that the teacher is seeking to take
- I consent to the employer receiving this declaration to process the information within it
- I will inform the employer if I cease to be eligible and
- The information I have given is accurate.

<b>SIGNED BY PARTNER</b>		<b>DATE</b>	
<b>SIGNED BY TEACHER</b>		<b>DATE</b>	
<b>Line Manager to send to Payroll</b>	<b>DATE</b>	<b>Payroll received and actioned</b>	<b>DATE</b>



**SHARED PARENTAL LEAVE FORM – FOR USE FOR VARYING THE DATE OF THE LEAVE PREVIOUSLY AGREED**

This notice must be given at least eight weeks before the dates varied begin.

<b>TEACHER NAME</b>			
<b>TEACHER PAYROLL NUMBER</b>			
<b>DETAILS OF (PREVIOUSLY AGREED) AMOUNT OF SHARED PARENTAL LEAVE AVAILABLE</b>			
<b>DETAILS OF PREVIOUSLY AGREED PARENTAL LEAVE TO BE TAKEN BY MOTHER</b>			
<b>DETAILS OF PREVIOUSLY AGREED PARENTAL LEAVE TO BE TAKEN BY PARTNER</b>			
<b>REVISED DATES REQUIRED FOR TAKING THE LEAVE - MOTHER</b> (These dates can be changed)			
<b>REVISED DATES REQUIRED FOR TAKING THE LEAVE - FATHER</b> (These dates can be changed)			
<b>NUMBER OF VARIATION NOTICE</b>		<b>VARIATION TWO OR VARIATION THREE</b> (Delete as appropriate)	
<b>DECLARATION</b>  This is to confirm that I meet the following:- I am sharing responsibility for the care of the child, The mother has given notice to end her maternity entitlement I meet the continuity of employment test I will inform the employer if I cease to be eligible and The information I have given is accurate. This notice is binding and can only be withdrawn if one of the statutory reasons applies for cancellation.			
<b>SIGNED BY PARTNER</b>		<b>DATE</b>	
<b>SIGNED BY TEACHER</b>		<b>DATE</b>	
<b>Line Manager to send to Payroll</b>	<b>DATE</b>	<b>Payroll received and actioned</b>	<b>DATE</b>

<b>Keeping in Touch Days – Maternity &amp; Shared Parental Leave</b>		
<b>Teacher name:</b>		
<b>Payroll number</b>		
<b>Date of KIT day</b>	<b>Hours worked</b>	<b>Number of KIT days taken to date</b>
<b>Date of SPLIT day</b>	<b>Hours worked</b>	<b>Number of SPLIT days taken to date</b>
<b>I confirm that this is an instruction to payroll to pay for the day(s) listed above</b>		
<b>Line Managers Name:</b>		
<b>Signature:</b>		
<b>Date:</b>		
<b>Payroll actioned. Date and signature:</b>		

**Notes on KIT Days**

- KIT days are defined as any day during the maternity/adoption leave period where work-related activity is undertaken for a period up to the teacher's normal hours of work.
- Because KIT days are not compulsory, the individual cannot be required to work them and the council cannot be required to agree to them being worked.
- A maximum of 10 KIT days can be taken during the maternity/adoption leave period provided they do not occur within the 2 weeks following childbirth.
- The timing of KIT days should be agreed by the staff member and their line manager.
- Managers should keep their own record of how many days have been taken and are responsible for instructing Payroll to make appropriate payments.
- Payment for KIT days will be made for a full day regardless of the hours worked.
- The total payment will not exceed full pay. Therefore, where an individual is still on full pay, no additional payment will be made for KIT days and when an individual's maternity pay is below full pay, a "top up" payment will be made.
- KIT days may be taken as single days or as blocks of two or more days.
- Staff who work on one of their 10 KIT days will still receive maternity pay (at the appropriate rate) for the remainder of the week. Once the 10 KIT days have been worked, staff will lose maternity pay for the whole of any week in which any further work is undertaken.
- The same rules apply to SPLIT days as to KIT days.

## ADOPTION SCHEME

### 1.0 Purpose

This is to enable employees to understand their entitlements to leave and pay when adopting a child or children from the UK or overseas.

This applies to all employees regardless of their status or length of service.

This document does not form part of any employee's contract of employment. It may be amended from time to time.

### 2.0 Definitions

Adoption Leave is available where an employee has been notified of being matched with a child on or after 5<sup>th</sup> April 2015 or where a child has been placed with them for adoption on or after this date. Where a couple are adopting jointly they must decide which one of them will take adoption leave and which one will take paternity leave (adoption) or shared paternity leave (adoption).

Provided they meet the eligibility criteria, parents who have a child through surrogacy will be permitted to take ordinary paternity leave and pay; adoption leave and pay and shared parental leave and pay.

Adoption from overseas is the adoption of a child who enters Great Britain (GB) from outside the United Kingdom (UK) in connection with, or for the purpose of, adoption. Adoption leave and pay is not available to employees if they have not been assessed and approved (i.e. those who have not received official notification as detailed below).

### 3.0 Key Principles

To be eligible for Adoption leave (AdL) an employee must:

- Be the child's adopter

In addition, for an adoption of a child from the UK the employee must:

- have been matched with a child to be placed with them by a UK adoption agency (Including Fostering for Adoption placements under s.22C of the Children Act 1989.)
- have notified the adoption agency that they agree that the child should be placed with them and have agreed on the date of placement
- notify the Council of when they want to take their adoption leave within 7 days of the date on which they are notified of having been matched with the child

In addition, for an adoption of a child from overseas the employee must:

- have received an official notification – i.e. written notification that the authority is prepared to issue a certificate (or has issued a certificate) confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent
- have complied with the notification procedures
- have informed the council of the date official notification was received and the date the child is expected to enter Great Britain. This must be within 28 days of receiving notification of the date
- give notice of the chosen date for the adoption leave to begin – which must be 28 days prior to the start date for the leave
- give notice of the date on which the child enters Great Britain – which must be given no later than 28 days after the date of entry
- provide the council with a copy of the official notification together with the evidence of the date of entry into Great Britain.

There is an entitlement to only one period of adoption leave for each placement regardless of the number of children placed.

#### 4.0 Time off for Appointments

Where an employee has been notified of being matched with a child on or after 5<sup>th</sup> April 2015 or where a child has been placed with them for adoption on or after this date, the main adopter will be eligible to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

Parents who have a child through surrogacy will be entitled to take unpaid time off to attend two antenatal appointments with the woman carrying the child.

#### 5.0 Adoption Leave

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures as set out below.

The employee can choose to start their adoption leave on:

- The date the child is placed for adoption, or
- a predetermined date, no more than 14 days before the date the child is expected to be placed, and no later than the expected date of placement. The date may be changed providing 28 days' notice of the change is given to the Council. Where this is not possible, it must be given as soon as is reasonably practicable.

An Adoption Leave Request form is available on InSite for this purpose

To make administration as easy as possible, the employee should discuss the timing of his/her adoption leave with his/her immediate manager as early as possible.

#### 6.0 Adoption Pay

Employees who qualify for adoption leave will also qualify for statutory adoption pay (SAP). SAP is payable at 90% of the employee's normal weekly earnings for the first six weeks, the remaining leave is paid at the prescribed rate which is set by the Government for the relevant tax year or the earnings-related rate if this is lower.

SAP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

If an employee is not eligible for SAP then form SAP1 will be issued which explains why SAP cannot be paid.

SAP will cease if the employee is taken into legal custody or dies. If the placement of the child is disrupted then the SAP will end 8 weeks after the end of the week in which the disruption occurred.

SAP is not payable in any week in which an employee is entitled to SSP.

#### 7.0 Notice Requirements

To be entitled to take adoption leave and receive SAP, the employee is required to give the Council written notification of his/her intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which must be in writing, must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends his/her adoption leave to start.

The employee is permitted to bring forward his/her adoption leave start date, provided that he/she advises the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her adoption leave start date, provided that he/she advises the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The employee must also provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

Within 28 days of receiving the employee's notice of intention to take adoption leave, the Council will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

### **8.0. Adoption Support Leave**

Adoption Support leave is a contractual entitlement, to help your partner or spouse look after a child placed in your care at or around the time the child is placed with the family.

Eligible employees may take one weeks' paid leave at or around the time of the placement. This will be classed as week one of any ordinary paternity leave (adoption) taken (see paragraph 9).

Requests should be submitted in writing using the Adoption Support Leave Request Form to the Line Manager at least 28 days before the leave is due to commence.

It is understood that in the event of early, emergency placement it may not be possible to give notice.

### **9.0 Ordinary Paternity Leave (Adoption)**

Ordinary paternity leave (OPL) is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave.

The employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

Ordinary paternity leave is granted in addition to an employee's normal annual leave entitlement. Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the adoption of the child. Ordinary paternity leave can start either from the date the child is placed for adoption or from a chosen number of days or weeks after that date.

There is an entitlement to only one period of paternity leave regardless of the number of children placed at any one time.

The employee must give written notice of his/her intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

If an employee subsequently wishes to change the timing of the ordinary paternity leave, he/she must give 28 days' written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that he/she is entitled to ordinary paternity leave and ordinary statutory paternity pay.

Pay during ordinary paternity leave will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for ordinary statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts his/her paternity leave.

The Employee should complete the Paternity Leave Request form available on Insite, (further documentary evidence may be requested from your line manager).

If a disruption occurs after the child has been placed the employee will be entitled to paternity leave and SPP as planned.

SPP is not payable in any week in which an employee is entitled to SSP. SPP is not refundable if the employee does not return to work following Adoption leave.

## 10.0 Ordinary Parental Leave

Ordinary Parental Leave is available where an employee has been notified of being matched with a child on or after 5<sup>th</sup> April 2015 or where a child has been placed with them for adoption on or after this date.

To qualify for ordinary parental leave an employee must have completed at least one year's continuous service with the Council.

"Ordinary parental leave" should not be confused with shared parental leave.

Qualifying employees will be entitled to a maximum of 18 weeks' parental leave to be taken up until the child's eighteenth birthday.

### Conditions of "ordinary" parental leave

An employee may not exercise any entitlement to parental leave unless he/she has complied with any request made by the Council to produce evidence as to:

- his/her entitlement (eg parental responsibility or expected responsibility for the child in question);
- the child's date of birth or date on which placement for adoption began;
- or, where the employee is exercising a right in relation to a disabled child, details of the child's entitlement to disability living allowance or personal independence payment).

Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to the Council at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.

The Council may postpone a period of parental leave (other than where parental leave has been requested immediately after placement for adoption) where the Council considers that its business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, the Council will allow the employee to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested. The Council will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice was given to the Council.

Employees may not take parental leave in blocks of less than one week (except in relation to a child who is disabled).

Employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

## 11.0 Shared Parental Leave

Shared Parental Leave is a form of leave that may be available to an employee where a child is placed with him/her and/or their partner for adoption on or after 5 April 2015.

Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave.

### Eligibility for SPL

Employees must meet the following eligibility criteria in order to be entitled to take shared parental leave:

- The employee must have 26 weeks continuous service by the end of the week that he/she is informed they have been matched with the child (known as the relevant week) and have remained in continuous employment up to the week before any shared parental leave is taken.

- The employee's partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the relevant week and had average weekly earnings of at least £30 during 13 of those weeks.
- The employee and partner must have, at the time of the child's adoption, the main responsibility for the care of the child.
- Either the employee or his/her partner must qualify for Statutory Adoption Leave and/or Statutory Adoption Pay and must take at least two weeks of adoption leave and/or pay.
- The employee or their partner must have ended their entitlement to statutory adoption leave by curtailing their leave or returning to work

#### **Eligibility for Statutory Shared Parental Pay (ShPP):**

- Employees may be able to claim ShPP of up to 39 weeks (less any weeks of Statutory Adoption Pay claimed by the employee or their partner) provided they have at least 26 weeks' continuous service with the Council. The employee must have average weekly earnings in the 8 weeks ending with the relevant week of not less than the lower earnings threshold applicable in that week.
- The employee or their partner must be entitled to Statutory Adoption Pay or Statutory Adoption Leave and have curtailed their adoption pay period.
- The employee must be absent from work during each week in which ShPP is paid to them, apart from in those situations where it is permissible for them to work, eg Shared Parental Leave in Touch (SPLIT) days.
- The employee must intend to care for the child during each week in which ShPP is paid to them

#### **In addition, the employee must also:**

- Provide a notice of entitlement and intention to take SPL and pay, 8 weeks before the first period of leave to be taken by him/her
- Provide evidence in the form of one or more documents from the adoption agency of the name and address of the adoption agency, the date the adopter was notified of being matched and the date the agency expect to place the child with the adopter
- Provide their partner's employer's details if requested
- Have given a period of leave notice

#### **Notice requirements for shared parental leave**

The notices that employees must give us to be able to take shared parental leave are made up of three elements. They are:

- an "adoption leave curtailment notice" giving notice as to when his/her adoption leave will end (unless the adopter has already returned to work from adoption leave). 8 weeks' notice is required to curtail leave. This notice is only required by employees who are taking Statutory Adoption Leave.
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that he/she is requesting.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, if the employee is taking Statutory Adoption Leave, he/she could provide an adoption leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time.

### **Employee's notice curtailing adoption leave**

If the employee is taking Statutory Adoption Leave and/or claiming Statutory Adoption Pay, he/she must either return to work before the end of his/her adoption leave (by giving the required eight weeks' notice of his/her planned return) or provide his/her the Council with an adoption leave curtailment notice before being entitled to take Statutory Shared Parental Leave. The adoption leave curtailment notice must be in writing and state the date on which adoption leave is to end. That date must be at least:

- two weeks after the first day of the adopter's ordinary adoption leave period;
- eight weeks after the date on which the adopter gave the adoption leave curtailment notice to his/her the Council; and
- one week before what would be the end of the additional adoption leave period.

The employee must give the Council at the same time as the curtailment notice a notice of entitlement and intention or a written declaration that their partner has given their employer a notice of entitlement and intention and that they have given the necessary declarations in that notice.

### **Revocation of adoption leave curtailment notice**

An employee who is taking Statutory Adoption Leave can withdraw his/her notice curtailing his/her adoption leave in limited circumstances. The withdrawal of an adoption leave curtailment notice must be in writing and can be given only if the adopter has not returned to work. The adopter can withdraw his/her adoption leave curtailment notice if:

- it is discovered that neither the adopter nor the partner are entitled to shared parental leave or statutory shared parental pay and the adopter withdraws his/her adoption leave curtailment notice within eight weeks of the date on which the notice was given; or
- the partner has died.

Once the employee has revoked the curtailment notice they will be unable to opt back in to the Shared Parental Leave scheme,

### **Employee's notice of entitlement and intention**

The employee must provide the Council with a non-binding notice of entitlement and intention to take Shared Parental Leave. The employee's notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee, must set out the following information:

The notice of entitlement and intention must set out:

- their name and their partner's name
- if the employee is taking Statutory Adoption Leave, their leave start and end dates;
- Where the employee is not taking Statutory Adoption Leave, their partner's adoption leave start and end dates, or if their partner is not entitled to adoption leave, the start and end dates of their Statutory Adoption Pay;
- the total amount of shared parental leave available (which is 52 weeks minus the number of weeks' Statutory Adoption Leave or Statutory Adoption Pay taken or to be taken by the employee or their partner);
- if the employee is claiming statutory Shared Parental Pay, the total ShPP available (which is 39 weeks minus the number of weeks of Statutory Adoption Pay taken or to be taken);
- the date on which the employee and/or their partner was notified of having been matched for adoption with the child (or receives official notification in relation to an adoption from overseas);
- the date on which the child is expected to be placed for adoption with the employee and/or their partner and the date of the placement, or the date on which the child is expected to enter Great Britain in relation to an adoption from overseas (although, if the child has not yet been placed for adoption or entered Great Britain, the date of placement for adoption or



entry into Great Britain must be provided as soon as reasonably practicable after the placement or entry, and before the first period of shared parental leave to be taken by the adopter);

- how much shared parental leave the employee and their partner each intend to take; and
- a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

The employee's notice of entitlement and intention must include a declaration signed by him/her that:

- he/she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- the information he/she gives in the notice of entitlement and intention is accurate; and
- he/she will immediately inform the Council if he/she ceases to care for the child.

In addition, the employee's notice of entitlement and intention must include a declaration signed by his/her partner:

- specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);
- declaring that the partner satisfies, or will satisfy, the conditions set out above
- declaring that the partner is married to, the civil partner of, or the partner of, the employee;
- declaring that the partner consents to the amount of leave that the employee intends to take; and
- declaring that the partner consents to the Council processing the information in the partner's declaration.

Within 14 days of receiving a notice of entitlement and intention from the employee the Council can request from the employee:

- in relation to adoptions within the UK, documentary evidence from the adoption agency of:
  - the name and address of the adoption agency;
  - the date on which the adopter was notified of having been matched for adoption with the child; and
  - the date on which the adoption agency expects the child to be placed for adoption with the adopter; and
- in relation to adoptions from overseas, a copy of the official notification; and
- whether a UK or overseas adoption, the name and address of the other adoptive parent's the Council (or a declaration that the other adoptive parent has no the Council).

The employee has 14 days from the date of the request to send the Council the required information.

### **Variation or cancellation of notice of entitlement and intention**

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that he/she provides the Council with a written notice. The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the adopter and the partner that they agree the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until he/she provides a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

### **Employee's period of leave notice**

To take a period of shared parental leave, the employee must provide the Council with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

### **Variation or cancellation of period of leave notice**

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides his/her the Council with a written notice not less than eight weeks before any period of leave varied by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

### **Limit on number of requests for leave**

The employee can provide a combined total of up to three period of leave notices and variations of period of leave notices per adoption, although the Council may waive this limit in some circumstances.

### **Continuous period of shared parental leave**

If the employee submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave.

### **Discontinuous periods of shared parental leave**

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the employee could request a pattern of leave that allows them to alternate childcare responsibilities with their partner.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the Council, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the total period of leave that was requested to be taken in discontinuous blocks as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify the Council of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the Council has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting

discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

## **12.0 Disruption to Placement**

Where after starting their 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 or SAP if payment is being made. In this situation adoption leave will end 8 weeks after the end of the week in which the disruption occurred. SAP will end 8 weeks after the end of the week in which the disruption occurred or until the end of the 39 week SAP period if that is sooner. There is no extension to AAL if disruption occurs with less than 8 weeks of the Leave remaining.

## **13.0 Rights during all leave mentioned in this policy**

During all leave associated with adoption as mentioned in this policy, all terms and conditions of the employee's contract, except normal pay, will continue. Salary will be replaced by any statutory pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue, and pension contributions will continue to be paid during periods of leave.

During all leave mentioned in this policy, employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

- notice of termination;
- redundancy compensation; and
- disciplinary or grievance procedures.

Employees taking any leave mentioned in this policy will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and
- participation in any other business.

## **14.0 Contact and Keeping in Touch Days (KIT)**

The council reserves the right to maintain reasonable contact with employees during all leave associated with adoption as mentioned in this policy. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

Employees can agree to work for the council (or to attend training) for up to 10 days during their adoption leave without that work bringing their leave to an end and without loss of a week's statutory pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

During Shared Parental Leave, an employee can agree to work for the council (or to attend training) for up to 20 days without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days. If the employee is entitled to receive statutory shared parental pay for any week during which they attend work for SPLIT days, they will still receive this in the usual way. In addition, the council will also pay for each hour that is worked during a SPLIT day at the rate of the employee's hourly payment rate.

The Council has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption or shared parental leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the Council.

Carrying out Election duties does not form part of the employee's substantive role or contract of employment, and so cannot count as a KIT or SPLIT Days.

Managers may find it helpful to discuss with their employee arrangements for staying in touch with each other before the adoption leave starts. This may include agreement on the way in which contact will happen, how often, and who will initiate it. It could also cover the reasons for making contact and the types of issues which may be discussed. Reasonable contact will vary according to the employee, hence it is sensible to discuss this before the leave commences.

## **15.0 Returning to Work**

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

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that he/she gives the appropriate notification. Alternatively, the employee may take his/her full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, he/she must give at least eight weeks' notice in writing to the Council of the date on which he/she intends to return.

Failure to return to work by the end of any leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the leave period or unless the holiday has requested holiday which has been agreed.

If the employee decides during the leave that he/she does not wish to return to work, he/she should give written notice of resignation to the Council as soon as possible and in accordance with the terms of his/her contract of employment. If the notice period would expire after the leave has ended, the Council may require the employee to return to work for the remainder of the notice period.

The employee has the right to resume working in the same job if returning to work from ordinary adoption leave, ordinary paternity leave or shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory adoption leave or statutory paternity leave taken by the employee in relation to the same child, totals 26 weeks or less.

If the employee returns to work after a period of additional adoption leave, he/she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If the employee is returning to work from shared parental leave and the period of leave taken is more than 26 weeks, when added to any other period of shared parental leave, statutory adoption or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional adoption leave, the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the Council to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for him/her.

At the end of parental leave, the employee will be entitled to return to the same job, provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional adoption leave). If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

## **16.0 Redundancy during all leave mentioned in this policy**

In the event that the employee's post is affected by a proposed restructure or other situation through which their post may become at risk of redundancy during their leave, they should be consulted in accordance with the Managing Change Policy.

Employees on leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills. If the employee is offered a suitable alternative vacancy then they are entitled to a four week trial period in which to decide whether the employment is suitable.

**17.0 Abbreviations used in this policy**

Adoption Leave	AdL
Statutory Adoption Pay	SAP
Ordinary Adoption Leave	OPL
Statutory Paternity Pay	SPP
Statutory Sick Pay	SSP
Shared Parental Leave	SPL
Statutory Shared Parental Pay	ShPP
Shared Parental Leave in touch Days	SPLIT
Keeping in Touch Days	KIT

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<b>EMPLOYMENT COMMITTEE</b>	AGENDA ITEM No. 6
<b>22 JULY 2015</b>	<b>PUBLIC REPORT</b>

Contact Officer(s):	Kim Sawyer: Director of Governance	Tel. 452361
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## **SALARY SACRIFICE CAR LEASING SCHEME FOR EMPLOYEES**

R E C O M M E N D A T I O N S	
<b>FROM :</b> Director of Governance	<b>Deadline date :</b> N.A.
<p>That Employment Committee approve:</p> <ol style="list-style-type: none"> <li>1. The introduction of a Salary Sacrifice Car Scheme for employees as set out in this report; and</li> <li>2. The revision of car mileage rates whereby staff who participate in the scheme would be reimbursed for the petrol element only in the nationally agreed car mileage rates.</li> </ol>	

### **1. ORIGIN OF REPORT**

- 1.1 This report follows on from savings approved in the Councils Medium Term Financial Strategy, whereby it was identified that introducing a salary sacrifice scheme would save £100k in a full year.

### **2. PURPOSE AND REASON FOR REPORT**

- 2.1 HMRC rules permit employers to operate certain salary sacrifice schemes. In essence these schemes enable an employee to “sacrifice” an element of their salary in exchange for certain benefits. The sacrifice is made before deductions for tax, national insurance contributions and, in certain cases, Pension contributions.
- 2.2 The employer also sees benefits as no employer’s national insurance and pension contributions are made on the sacrificed salary.
- 2.3 This report proposes that the City Council operates such a scheme to enable employees to sacrifice their salary in return for a lease car.
- 2.4 This report is for the Committee to consider under its Terms of Reference No 2.3.1.4 “To determine local terms and conditions of employment for employees”.

### **3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
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### **4. BACKGROUND**

- 4.1 With minimal pay awards over recent years many employees at the top of their pay grade, the council recognises that employee finances have been squeezed. Therefore, traditional monetary incentives as a means of encouraging productivity have been limited. Surveys and research undertaken has shown that for the vast majority of employees a varied benefits package;

- makes them feel valued as employees,
  - plays a key part in them remaining with the council
  - plays a significant role when considering alternative employers
- 4.2 The Council already operates some Salary Sacrifice schemes, such as Childcare Vouchers and car parking.
- 4.3 Salary Sacrifice Car Schemes have become more popular since the changes to benefit in Kind (BiK) tax on company cars in 2008, which continues to favour low emission cars with lower levels of Benefit in Kind tax. Low emission vehicles benefit the most from these schemes.
- 4.4 From the Council's perspective, a Salary Sacrifice Car Scheme allows it to provide an additional benefit to the employee at no additional cost, with the potential to achieve savings. This is made possible by the employee covering all the costs associated with the vehicle which results in the Council paying reduced national insurance and pension contributions on the amount of salary sacrificed by the employees. This would equate to 22% of the amount of salary sacrificed by the employee. The full cost of the vehicle is recharged to the employee.
- 4.5 However, the advantage for the employee with a Salary Sacrifice Scheme is that the reduction in gross salary (which covers all the costs of the vehicle) results in savings on income tax, pension and national insurance contributions which more than offset the BiK liability. It should be noted that these schemes only work well and only provide significant benefits if employees choose lower valued, lower CO2 emission cars, as that way the BiK they pay is lower.
- 4.6 The benefits of a salary sacrifice scheme include:
- Making employees' money go further.
  - Employer National Insurance and Pension savings created from the salary sacrifice scheme will provide significant on-going savings for the council.
  - Peterborough keeping pace with other employers so that it can attract and retain talent particularly in difficult to recruit to posts.
- 4.7 One of the main benefits of the scheme to both employees and the Council is that by using the scheme, employees would be driving greener cars. High emissions vehicles do not attract the BIK advantages and also, it would run counter to the City Councils Environment policies to facilitate employees to have more polluting models. It is therefore recommended that employees be limited to leasing vehicles with emissions levels below 140g/km. This would mean that employees would still be able to choose from around 2000 different vehicles and models.

## **5. HOW THE SCHEME WOULD WORK**

- 5.1 There are many contract hire companies in the market who provide Salary Sacrifice Car Schemes, including those who have in place a framework agreement that is used by many Councils. This Framework Agreement is available to the wider public/not for profit sector including Local Authorities. Accessing this Framework removes the necessity for a separate OJEU tender procedure hence cutting out management time and cost.. The Council would therefore enter into an arrangement with a scheme provider within this framework.
- 5.2 The contract would be between the Council and the scheme provider and in effect, the Council then allows the employee to use the car. Each contract hire period lasts for 36 months. Therefore the scheme would be open only to directly employed staff in permanent contracts or have a fixed term contract of 36 months or more at the commencement of the contract.



- 5.3 Teachers are excluded from the scheme as a salary sacrifice scheme of this nature would be in breach of the statutory school teachers pay and conditions document.
- 5.4 Any salary sacrifice arrangement that results in an employee receiving below the national minimum wage would be in breach of legislation.
- 5.5 It is also proposed that the provider be asked to use local vehicle suppliers where possible – although this will be dependent upon the contractual arrangements between the scheme provider and the car manufacturers.
- 5.6 It should also be noted that employees who participate would see a reduction in their LGPS benefits, as their pensionable salary would be calculated after the amount of salary sacrifice deducted. This will form part of the scheme publicity and the LGPS is able to provide more detailed information.

## **6. CAR MILEAGE RATES**

- 6.1 An additional benefit for the Council would be a reduction in the cost of fuel reimbursement via mileage claims. Currently the Council pays 45p pence per mile for an employee using their own car in line with the nationally agreed NJC rates. These rates are made up of a variety of elements, of which the petrol element is 10.3 pence per mile. Given that the car leasing scheme covers all costs except petrol it is proposed that employees who have a car provided in the Salary Sacrifice Car Scheme receive the petrol element only in respect of mileage undertaken on council business.

## **7. RISKS**

- 7.1 Running a Salary Sacrifice Scheme is not without risk and issues that need to be managed. However, the scheme can be set up in such a way as to mitigate the impact of most, if not all, of these risks. The main risks/issues are as follows:
  - An employee may be absent either on maternity leave or through long-term sickness. Mitigated by – insurance against these risks provided as part of the rental can be built into the scheme specification. The insurance is funded by adding a small premium to the rentals
  - Early termination of the vehicle as a result of resignation, redundancy, or dismissal Mitigated by – the insurance provisions outlined above.
  - End of contract charges such as excess mileage or damage recharges. Mitigated by – Scheme Providers will monitor the running mileage of vehicles provided on the scheme and, where necessary, offer to re-schedule the agreement. This results in a slight increase in the monthly rental where a vehicle shows a trend to run over-mileage, but an excess mileage charge at contract expiry is avoided. It is the responsibility of the employee to settle any recharges for damage to the vehicle but the Framework Providers will waive any such charges up to £150. Damages in excess of this cost will be recharged to the Council who will need to recover the sums from employees. Increased damage waiver amounts are available in return for additional premiums payable with the vehicle rental, which it is recommended are included in the lease charges to the employees.

## **8. IMPLICATIONS**

- 8.1 Financial - Savings will be dependent upon the type of vehicle taken by the employee, and the amount of mileage undertaken, however, where salary sacrifice car schemes have been implemented elsewhere, a 5% take up has been seen. This could equate to around 65 vehicles being provided through this scheme, assuming an average monthly rental cost of £300 savings to the Council of over £50,000 per annum would not be unrealistic given this level of participation. There would also be some savings resulting from lower mileage rates paid

## **9. CONSULTATION**

- 9.1 Trades Unions have been consulted on the proposals at a meeting of the Joint Consultative Forum on 3<sup>rd</sup> June 2015 and confirmed that they were in agreement with both the scheme and the revised car mileage rates.

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 By introducing a salary sacrifice scheme for lease cars, it gives a recruitment and retention benefit to our employees whilst also providing savings to the Council.
- 10.2 The proposal to limit the employee choice of cars to greener models also supports the Councils Environment Capital and Energy Innovation priorities.

## **11. BACKGROUND DOCUMENTS**

HMRC Guidance "Salary sacrifice and the effects on PAYE" Published June 2014

<b>EMPLOYMENT COMMITTEE</b>	AGENDA ITEM No. 7
<b>22 JULY 2015</b>	<b>PUBLIC REPORT</b> <b>This report contains an exempt Annex, not for publication, by virtue of Paragraph 4 of Schedule 12A of Part 1 of the Local Government Act 1972.</b>

Contact Officer(s):	Paul Smith – HR Advisor	Tel. 456329
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**SENIOR MANAGEMENT RESTRUCTURING – SERVICE DIRECTOR CITY SERVICES & COMMUNICATIONS – DETERMINATION OF SALARY**

**1. ORIGIN OF REPORT**

- 1.1 This report follows the Employment Committee meeting on 12 February 2015 at which an appointment was made to the post of Service Director City Services & Communications
- 1.2 Employment Committee is requested to determine the applicable salary for the post. The exempt annex to this report contains the information required by Employment Committee to determine the salary.

**2. REASONS FOR EXEMPTION**

- 2.1 The attached report is NOT FOR PUBLICATION in accordance with paragraph 4 of Schedule 12A of Part 1 of the Local Government Act 1972 in that it contains information relating to contemplated consultations or negotiations in connection with a labour relations matter arising between the authority and employees or office holders of the authority. The public interest test has been applied to the information contained within the exempt report and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it.

**3. APPENDICES**

- Appendix 1: Senior Management Pay Scale
- Appendix 2: Job Evaluation Data for the Post of Service Director – City Services & Communications
- Appendix 3: Job Description: Service Manager: Service Director: City Services & Communications
- Appendix 4: Guidance on Setting Senior Manager Salaries
- Appendix 5: Exempt Annex

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**APPENDIX 1: SENIOR MANAGEMENT PAY SCALES wef 01/01/15**

<b>PAY BAND</b>	<b>POINT RANGE (HAY)</b>	<b>MEDIAN + 10 %</b>	<b>50<sup>th</sup> PERCENTILE (MEDIAN)</b>	<b>MEDIAN -10 %</b>
<b>Pay Band 1</b>	1801 - 2140	£187,000	£170,000	£153,000
<b>Pay Band 2</b>	1508 - 1800	£155,240	£141,127	£127,014
<b>Pay Band 3</b>	1261 - 1507	£126,880	£115,345	£103,811
<b>Pay Band 4</b>	1056 - 1260	£104,500	£96,910	£87,210
<b>Pay Band 5</b>	880 - 1055	£91,938	£83,580	£75,222
<b>Pay Band 6</b>	735 - 879	£78,782	£71,619	£64,458
<b>Pay Band 7</b>	614 - 734	£66,640	£60,399	£54,360

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## APPENDIX 2: JOB EVALUATION DATA

### Service Director: City Services & Communications

POST TITLE	HAY POINT SCORE	PAY BAND	MEDIAN + 10 %	50 <sup>th</sup> PERCENTILE (MEDIAN)	MEDIAN -10 %
Service Director: City Services & Communications	924	Pay Band 5	£91,938	£83,580	£75,222

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### Job Description

<b>Job Description Department:</b>	Legal & Governance
<b>Division/Section:</b>	Directorate
<b>Job Title:</b>	<b>Service Director City Services &amp; Communications</b>
<b>Post No:</b>	
<b>Grade:</b>	
<b>Reports to:</b>	Director of Governance

### Job Purpose

- To lead, be accountable for and direct City Services.
- To ensure City Businesses prosper through the effective commercial management and development of Peterborough City Centre.
- To encourage visitation to Peterborough, ensuring the City is a place that residents, workers, visitors and commerce can do business in.
- To develop and lead on a visitor and cultural strategy for the City, contributing to the overall economic development of the City Council area as a whole.
- To maximise income streams and develop commercial opportunities for the City.
- To lead the co-ordination of major events in the City necessitating large scale planning & infrastructure management including closure of the City to transport. This includes being race Director of the Great Eastern Run, overseeing Charter Fairs, and agreeing large scale (10,000+) entertainment events.
- To develop and implement a communications strategy to manage the reputation of the council in a planned and sustained way, including advising corporate directors and elected members on optimum strategies to support developments, along with the communications implications of decisions, policies and plans.
- Establish and communicate the key messages and aims of the council in order to promote a positive image.
- To be responsible for the Councils Environmental Services (also provided to Rutland County Council) , Emergency Planning & Business Continuity Functions
- To oversee the day to day communications related demands of the City Council, reacting and responding in a way which represents the council's views, vision and values accurately.

### Statutory Officer Role

This post is not a Statutory Officer.

### Organisation

The Service Director: (Commercial operations & Communications) is a tier 2 post reporting directly to the Director of Governance and the post holder is a full member of the Governance directorate management team. The post holder has budget management responsibility for PCC revenue budgets of circa £8.2million.

The post holder will be responsible for approximately 50 staff and will manage the following services:

- City Centre Management
- Communications
- Parking Services (car park management, City wide parking enforcement, traffic management and road closures)
- Emergency Planning, Resilience and Business Continuity

- Environmental Services (also provided to Rutland County Council)
- Trading Standards
- Strategic Tourism and the Tourism Service (including the Visitor Centre and Travel Choice Centre)
- CCTV (and out of hours calls service)
- Markets
- Street Licensing & Street Trading
- The Leisure Trust through a partnership with Vivacity
- City Centre Events
- Corporate Sponsorship

### Principal Accountabilities/Responsibilities

- To develop successful partnerships with business, public and third sector organisations to ensure that high service standards are maintained and that issues and concerns raised are addressed.
- To work with partners to create a City centre where shopping, working, living, doing business and spending leisure time are pleasant experiences.
- To help gain sponsorship and other financial support for the City centre.
- To work with statutory bodies and other stakeholders, including potential developers and retail landlords, on development and regeneration of the City centre.
- To work with partners on promoting and organising events in the City centre, including preparation of promotional material and newsletters.
- To lead and develop external and internal marketing and communications as well as develop and implement a strategic approach to achieve goals.
- To ensure a planned and sustained approach to the management of the council's reputation in order to foster public and stakeholder confidence in and support for the Council.
- Develop and maintain procedures, standards and policies around media management, publishing, events, VIP visits, corporate identity, internal communications, local resident and other areas of communications to ensure they are implemented consistently and appropriately.
- Ensure that the values of the council are developed and reflected in all communications and advise staff about communicating consistently internally and externally to agreed standards.
- Establish and manage the council's corporate identity.

- Oversee the management of the council's website and intranet ensuring that the design elements are appropriate and in line with corporate identity, and oversee the editorial content to ensure relevant and timely information is available and up to date with local government initiatives and responsive to stakeholder needs.
- To maximise the use of Social Media to promote the council and Peterborough in general.
- Produce internal and external communications strategies and action plans to win and retain the confidence of key stakeholders.
- Working with corporate directors and other senior managers, to support the development of a comprehensive marketing strategy, leading the work required on media and public relations.
- Maximise positive coverage and ensure balance in all media coverage, in order to promote public confidence in the council.
- Advise the corporate directors and elected members on media strategy and handling in order to ensure positive outcomes.
- Ensure that views are appropriately represented at all times by overseeing press releases, interviews, consultation and engagement responses and statements.
- To ensure a planned and sustained approach to communications, ensuring no surprises for corporate directors, Elected Members or staff.
- Promotes key events such as The Great Eastern Run to attract and retain local, national and international visitors to the area.
- Develops a Borough-wide brand, in partnership with all other agencies across all sectors, to ensure that the whole area is recognised as a place where people want to live, work, visit and invest.
- Promotes media relationships in an effective and coordinated manner, across the Council and, where appropriate, with partners.
- To develop the Council and the Borough's reputation, locally regionally, nationally and internationally.
- To lead on the Environmental Services function ensuring that the appropriate legislative requirements are enforced whilst supporting and enabling businesses to thrive. This includes Health & Safety and Trading Standards.
- Provide support to the Council's leadership and elected Members, assisting them to manage the Council's reputation internally and externally.
- Responsible for the effective performance management of the Marketing and Communications Service, ensuring the delivery of high quality, proactive services to the Council.
- In partnership with the Police, Fire Service and other statutory services, to be responsible for City Centre security including the CCTV services.
- To lead, be accountable for and direct City Centre Services.
- To lead the emergency planning function.
- To encourage visitation to Peterborough, ensuring the City is a place that residents, workers, visitors and commerce can do business in.
- To manage the Leisure Trust Partnership provided through Vivacity.
- To increase visitation and income to Peterborough through commercial management of City Centre resources including City Centre markets, Car Parks, the Embankment, Visitor Information Centre, Travel Choice Centre, Cathedral Square and other City Centre spaces & assets.
- To have lead accountability for the City's visitor development and prosperity.
- To ensure that Members have confidence in City Centre development. This will require regular meetings with the Leader of the Council and Cabinet Members to ensure that the priorities of the Council are met.

## Leadership

- To have lead responsibility for influencing the Council and its key partners regarding City Centre and wider tourism issues bringing together innovative approaches to meet needs that are cost effective and deliver real improvements in outcomes.
- To ensure the Council fulfils its duties and functions in fulfilment of statutory obligations & the law in the operation of these services.
- To lead on the Council's visitor and cultural strategies in partnership with Vivacity.
- To provide inspirational leadership to a diverse multidisciplinary workforce, embedding a culture of change, continuous improvement, common professional standards and excellent people engagement.
- To ensure managerial and strategic leadership of services reporting to this post.
- To manage all employees, and service performance in accordance with Council procedures and objectives.
- To manage staff, budgets and operational activities to ensure that quality, performance, service and financial objectives are met in accordance with the City Council's financial regulations, procedures and frameworks.
- To develop and sustain capacity and capability within the workforce.
- To actively promote the Council's Equal Opportunities Policies in all aspects of employment and service delivery.
- To contribute fully to the Governance management team.

## Performance and Risk Management

- To ensure that management plans and strategies are regularly reviewed and updated to support performance improvement. To manage staff and relationships with partner organisations, businesses suppliers and other contractors.
- Be accountable for the achievement of service performance, outcomes, targets and objectives within approved budgets for the service.
- To monitor the performance of all managed services and to lead corrective action where performance falls short of policy objectives.

## Financial Management and Governance

- Financial management of the revenue budgets delegated to the postholder.
- Lead negotiations, and establish service levels with third parties.
- Management of contractor and supplier budgets.
- Overall Budget responsibility for the capital investment budget.
- Manage operating costs of suppliers.
- Report on specific items to Corporate Management Team, Governance Management Team, and relevant Council bodies as appropriate.
- To exercise any functions of the Council that are delegated to the post holder under the Council's Officer Scheme of Delegation.
- To work closely and constructively with executive councillors, relevant portfolio leads, scrutiny chairs and political group leaders/spokespersons in providing information and through the council's decision making processes.
- Appraise the Director of Governance of matters arising which are particularly sensitive in nature or controversial.

## Job Knowledge

- Qualified to degree level or equivalent by experience.
- A relevant management or professional qualification and membership of a professional body are desirable.

- Significant knowledge of City Centre management, tourism, economic development, regeneration, large scale event management, marketing and communications are essential.
- Understanding of the role of the Council, its democratic operation and its responsibilities.
- Good knowledge regarding legislation and best practice & service operations regarding services reporting to this post are desirable.

### Experience

- Experience of successful strategic and operational resource management, including the evaluation of competing priorities.
- Significant experience in managing regeneration projects and major developments
- Experience of developing and managing a transparent framework for compliance with national, regional and local requirements
- Experience of working effectively in a political environment, demonstrating high levels of political awareness, sensitivity, confidentiality and understanding and the ability to translate that into delivering the agendas of the administration and winning the confidence of elected members and external stakeholders.
- Significant experience of the preparation, management and control of budgets for a large, complex organisation, ensuring prioritising and targeting of resources to achieve maximum value for money and income generation and maintaining customer care.
- Experience of driving performance management using appropriate quality and management methods and models to deliver efficient and effective services through collaborative working. Significant experience in leading communications including significant experience in managing media.
- Evidence of personal commitment to diversity in the workplace and in the shaping of service outcomes.

### Skills

- An ability to relate to and win the confidence, trust and respect of Members, colleagues, partners and the wider community.
- Excellent leadership skills, which encourage commitment from others and promote a positive, motivated organisational culture.
- Excellent communication skills and the ability to communicate complex information both orally and in writing in a clear articulate and balanced way to a variety of audiences.
- Excellent negotiation skills and an ability to influence outcomes through reasoning, persuasion and tact.
- Strategic and logical thinker and decision-maker able to provide practical and creative solutions to the management of partnership, corporate and directorate issues.
- High intellectual and analytical abilities; able to assimilate and analyse information quickly, identifying issues, priorities and solutions and using effective models, techniques and resources to resolve issues.
- Strong financial and budgetary awareness with the ability to manage finance and wider resources within a strong performance management culture.
- Demonstrable continuous development and improvement of own leadership and professional practice.

### Political Restriction

This post is politically restricted under the Local Government and Housing Act 1989, as amended by the Local Democracy, Economic Development and Construction Act 2009 and the post holder may not have any active political role either in or outside work.

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## GUIDANCE ON SETTING SENIOR MANAGER SALARIES

This note provides a description of policy on setting salaries within pay bands. The policy you decide upon is flexible, this note should be seen as guidance on good practice for public sector organisations.

### Principles

The new system is intended to provide greater flexibility to reflect the different experience levels and market rates of new recruits and the performance of staff once in post. At the same time, salaries must be managed fairly according to clear criteria. Where the flexibility is used to differentiate salaries, there must be a clear and demonstrable link to evidence about performance or the market.

### Recruitment Salaries

The new pay ranges range from 10% below to 10% above a market anchor point. It is expected that most recruitment salaries will be set in this zone, at or close to the range minimum.

Factors influencing the starting salary within this recruitment and development zone will include:

- The previous salary and therefore expectations of the individual.
- The candidate's experience and therefore the level of contribution they are expected to make in the first few months.
- Salaries of existing employees on the same grade and/or in comparable roles

In a small number of exceptional cases it may be necessary to set a starting salary at or above the fully acceptable level. This is likely to be for one of two reasons:

1. This is a highly experienced and capable recruit who has a track record of achievement in a similar role and/or at a similar level before. They are therefore expected to be high performers from the outset.
2. The skill set needed for the job is unusually expensive in the market. In practice, the pay market shows few major functional variations and depending on where you choose to set pay (upper quartile or median), it should be rarely be necessary to offer more.

In either case, it is essential to identify clear and robust supporting evidence and to keep a record of the reasons for the decision. This will provide an audit trail to assist later pay reviews and to provide a defence against any equal pay challenge. In the case of market price (reason 2 above) there should be regular – at least annual – checks on the market to test whether the market pay lead for the skill has changed or disappeared.

### Progression

It is recommended that pay progression following appointment or promotion will be managed according to the performance of the individual, rather than rewarding time served. This is consistent with recent central government messaging on moving away from time based incremental progression.

Fully satisfactory performers recruited on the range minimum should take no more than three years to reach the fully acceptable salary level for their grade. Staff who are high performers and/or enter the range above the minimum will reach fully acceptable level faster than this.

**Hay Group  
November 2013**

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By virtue of paragraph(s) 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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