



**Surrey Heath Borough Council**  
Surrey Heath House  
Knoll Road  
Camberley  
Surrey GU15 3HD  
Telephone: (01276) 707100  
Facsimile: (01276) 707177  
DX: 32722 Camberley  
Web Site: [www.surreyheath.gov.uk](http://www.surreyheath.gov.uk)

**Department:** Democratic Services  
**Division:** Corporate  
**Please ask for:** Rachel Whillis  
**Direct Tel:** 01276 707319  
**E-Mail:** [democratic.services@surreyheath.gov.uk](mailto:democratic.services@surreyheath.gov.uk)

Wednesday, 30 September 2020

To: The Members of the **Employment Committee**  
(Councillors: Colin Dougan (Chairman), Cliff Betton (Vice Chairman), Sharon Galliford, Josephine Hawkins, Rebecca Jennings-Evans, Alan McClafferty, Sashi Mylvaganam, Graham Tapper and Victoria Wheeler)

**In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.**

Substitutes: Councillors Peter Barnett, Rodney Bates, Paul Deach, Adrian Page, Morgan Rise and Kristian Wrenn

Dear Councillor,

A meeting of the **Employment Committee** will be held on **Thursday, 8 October 2020 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Tim Pashen

(Acting) Chief Executive

---

<b>AGENDA</b>		<b>Pages</b>
<b>Part 1 (Public)</b>		
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Minutes</b>	<b>1 - 6</b>
	To confirm and sign the minutes of the meeting held on 9 July 2020 (copy attached).	
<b>3</b>	<b>Declarations of Interest</b>	

Members are invited to declare any interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Officer prior to the meeting.

<b>4</b>	<b>Code of Conduct for Officers</b>	<b>7 - 20</b>
<b>5</b>	<b>Member &amp; Officer Protocol</b>	<b>21 - 32</b>
<b>6</b>	<b>Family Friendly Policy</b>	<b>33 - 68</b>
<b>7</b>	<b>Terms and Conditions</b>	<b>69 - 80</b>
<b>8</b>	<b>Appointments Sub Committee meeting</b>	<b>81 - 82</b>

To agree the minutes of the Appointments Sub Committee meeting held on 5 August 2020 and ask the Chairman of this meeting to sign the minutes.

<b>9</b>	<b>Work Programme</b>	<b>83 - 84</b>
<b>10</b>	<b>Exclusion of Press and Public</b>	

The Committee is advised to RESOLVE that, under Section 100A(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act, as set out below:

<u>Item</u>	<u>Paragraph(s)</u>
11	1&3
12	1&3
13	1&3

**Part 2  
(Exempt)**

<b>11</b>	<b>Update on the recruitment to the post of Chief Executive</b>	
	To receive a verbal update on the recruitment of a Chief Executive.	
<b>12</b>	<b>Proposal to Enter Into an Agreement with Elmbridge Borough Council to Share the Monitoring Officer Function</b>	<b>85 - 98</b>

**13 Review of Exempt Items**

To review those items or parts thereof which can be released as information available to the public.

**Minutes of a Meeting of the  
Employment Committee held on 9 July  
2020**

---

+ Cllr Colin Dougan (Chairman)  
+ Cllr Cliff Betton (Vice Chairman)

+ Cllr Sharon Galliford	+ Cllr Sashi Mylvaganam
+ Cllr Josephine Hawkins	+ Cllr Graham Tapper
+ Cllr Rebecca Jennings-Evans	+ Cllr Victoria Wheeler
+ Cllr Alan McClafferty	

+ Present

Members in Attendance: Cllr Rodney Bates, Cllr Adrian Page, Cllr Graham Alleway, Cllr Edward Hawkins, Cllr Robin Perry and Cllr Valerie White

**1/EC Minutes**

The open and exempt minutes of the meeting held on 26 March 2020 were agreed.

**2/EC Data Security Breach Management Policy and Procedure**

The Committee was informed that, at its meeting on 12 March 2020, the Joint Staff Consultative Group had considered a revised Data Security Breach Management Policy and Procedure and recommended that the Committee adopt the revised Procedure.

The Policy was designed to ensure that all personal data the Council processed, including that of colleagues and customers, was managed appropriately and in compliance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA), collectively referred to as 'Data Protection legislation'.

This policy applied to all users of the Council's information, data, information systems and its physical buildings. It applied not only to staff and Members, but also, where appropriate, contractors, agency staff, service providers, consultants and anyone else engaged to work in the organisation. Its scope encompassed data, information, software, systems, and paper documents.

**RESOLVED that the revised Data Security Breach Management Policy & Procedure, as set out at Annex A to the agenda report, be adopted.**

**3/EC Data Information Security Policy**

The Committee was informed that, at its meeting on 12 March 2020, the Joint Staff Consultative Group had considered an Information Security Policy, which was made up of a number of separate documents or sub-policies, and recommended that the Committee adopt the revised Policy. These documents covered the rules and guidance which needed to be applied by staff, managers, system administrators, ICT specialists and others.

This policy set the framework for protecting and securing the Council's information assets and would help to:

- Ensure that the personal privacy of citizens was respected
- Ensure that organisational confidentiality was protected
- Safeguard the information contained within the Council's computer systems
- Reduce legal risk
- Reduce the risk of error, theft, fraud and misuse of facilities
- Provide guidance for staff to make the best use of the Council's system
- Comply with GDPR legislation

**RESOLVED that revised Information Security Policy, as set out at Annex A to the agenda report, be adopted.**

#### **4/EC Flexi Time Policy**

The Committee considered a new Flexi Time Policy. The Policy had been considered by the Joint Staff Consultative Group at its meeting on 12 March 2020, which had recommended that the Committee adopt the revised Policy.

The current flexi-time policy was part of the Leave & Special Leave policy. However, with the changes proposed to the flexi time arrangements it had been felt that an exclusive Flexi Time policy was required. This policy was designed to ensure employees were able to achieve a balance between the demands of work and their domestic, personal, public duties and circumstances, in order to maintain work performance. The policy and procedure included:

- Who the policy applied to;
- Recording of hours worked;
- Settlement period; and
- Carry-over balances.

Members considered the revised Policy and agreed to add a note to the references to grades in section 7 clarifying that this meant it did not apply to Tier 1 and 2 officers, which was in line with other policies. It was, however, suggested by some Members that the policy should apply to Tier 1 and 2 officers and this should form part of a future review.

**RESOLVED that the revised Flexi Time policy, as set out at Annex A to the report, as amended, be adopted.**

#### **5/EC Exceptional Payments Policy**

The Committee was informed that, at its meeting on 25 June 2020, the Joint Staff Consultative Group had reviewed a revised Exceptional Payments Policy and recommended that the Committee adopt the revised Policy.

The Policy had been updated to clarify that, with the exception of Acting Up Allowances, senior managers would not be eligible for payments made under the

Exceptional Payments Policy. The revised Policy also clarified who could authorise payments in line with the Council's Financial Regulations.

**RESOLVED that the updated Exceptional Payments Policy, as attached at Annex A to the agenda report, be agreed.**

## **6/EC Expenses Policy**

The Committee was informed that, at its meeting on 25 June 2020, the Joint Staff Consultative Group (JSCG) had reviewed a revised Expenses Policy and Procedure and recommended that the Committee adopt the revised Policy.

The Expenses Policy and Procedure had been reviewed to ensure that employees were provided with clear guidance on being reimbursed for valid business expenses incurred on Council business. The Policy was designed to ensure clarity on what could be claimed for expenses and provide guidelines around certain limitations, for example accommodation. It also clarified who could authorise payments in line with the Council's Financial Regulations.

The revised Policy included a requirement for the Audit & Standards Committee to receive an annual report on expenses claimed by senior officers; this change had been suggested after the JSCG meeting. Having heard concerns expressed about this proposal, it was agreed to remove this requirement from the Policy and include the Leader in the process for signing off the Chief Executive's expenses claims.

Members were advised that the JSCG had requested further information on claiming for travel from a home address outside a working day, when the deduction of a normal commute from mileage would not be relevant, and had asked that this be included in the Policy if relevant. Following receipt of advice on this matter, it was proposed to add the following wording to paragraph 5.3.1 of the Policy:

"If you have to attend a site or travel on Council business due to an emergency, for example to attend a 'dangerous structure', out of hours, or on weekends/Bank Holidays you may claim business miles for the entire trip without having to deduct your normal mileage commute. These instances are to be treated as extenuating circumstances. However, if this differs under your contractual Hours of Work, you will only be entitled to claim the original business mileage, less your home to work travel"

It was noted that the mileage rates, including those for electric cars, were the standard rates approved by HMRC.

The Committee discussed reimbursement for accommodation when an officer was required to stay in accommodation overnight. The revised Policy specified the types of hotels officers would be expected to choose, with a maximum value of £200, and a radius from an employee's home address for eligibility to claim for an overnight stay. Having considered alternatives options, it was agreed to adopt the provisions recommended by the JSCG, with additional wording to clarify that the maximum rate would be per night.

**RESOLVED that the updated Expenses Policy, as attached at Annex A to the agenda report, as amended, be agreed.**

**7/EC Annual Settlement Procedure 2020/21**

The Committee was informed that, at its meeting on 25 June 2020, the Joint Staff Consultative Group had reviewed a revised Annual Pay Settlement Procedure and recommended that the Committee adopt the revised Procedure. The document had primarily been updated to include reference to the Employment Committee.

The revised document was considered and it was agreed to amend a minor typographical error.

**RESOLVED that the revised Annual Settlement Procedure policy, as set out at Annex A to the report, as amended, be adopted.**

**8/EC Pay Policy Statement 2020/21**

The Committee considered the Pay Policy Statement 2020/21, an annual statement the Council was required to publish in accordance with the Localism Act 2011.

**RECOMMENDED to Full Council that the Pay Policy Statement 2020/21, as set out at Annex A to the agenda report, be adopted.**

**9/EC Membership of South East Employers**

The Committee was reminded that at previous meetings it had requested information on resuming its membership of South East Employers. The cost of membership would be £4,832 + VAT. Having considered the cost and benefits of membership, it was agreed not to re-join South East Employers.

**RESOLVED to not resume membership of South East Employers.**

**10/EC Work Programme**

The Committee considered its Work Programme for the remainder of the municipal year.

**RESOLVED that the Work Programme for 2020/21, as set out at Annex A to the agenda report, be agreed.**

**11/EC Exclusion of Press and Public**

In accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public were excluded from the meeting for the following items of business on the ground that they involved the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act as set out below:

Minute	Paragraph(s)
1/EC (part)	1
12/EC	3
13/EC	3

## 12/EC Options to replace the post of Chief Executive

The Committee considered a report outlining the options for the replacement of the Chief Executive. The following 3 options presented to the Committee were considered:

- Option 1 - Replacing the Chief Executive through a recruitment and selection process to the open market.
- Option 2 - Recruiting an experienced Chief Executive for a temporary period, with the objective of working with the Council to decide the best solution for future leadership of the Council.
- Option 3 - Considering entering into a partnership with another Council for a shared Chief Executive; the Chief Executive would either come from one of the partner authorities or recruited to manage the new partnership.

The Committee reviewed the options set out in the report. Members were advised that Option 3 referred to a partnership as, even if the only element of a partnership was a shared Chief Executive, there would need to be an agreement stating the terms for this arrangement. It was also reported that the post would need to be advertised.

It was noted that a Recovery and Devolution White Paper was expected to be published by the Government in the autumn of 2020, which was likely to include proposals for the creation of Unitary Authorities. Furthermore, recent indications from the Leader of Surrey County Council had indicated support for progressing the creation of a single unitary authority in Surrey.

It was suggested by some Members that a standalone Chief Executive could be appointed for a fixed term until 31 May 2022, with the option to extend the contract, who could lead the authority through unitary negotiations and preparations. Alternative views were put forward on a shared Chief Executive with a neighbouring authority helping to facilitate the expected transition to becoming a Unitary Authority.

Having discussed the advantages and issues associated with each option proposed, the Committee agreed to recommend to the Full Council that, in order to achieve the best outcome for the Council, the options to recruit a standalone Chief Executive and further explore a shared Chief Executive should be pursued in parallel.

**RECOMMENDED to Full Council that the options to recruit a standalone Chief Executive and to further explore a shared Chief Executive be pursued in parallel.**

### **13/EC Review of Exempt Items**

The Committee reviewed the items which had been considered at the meeting following the exclusion of members of the press and public, as it involved the likely disclosure of exempt information.

**RESOLVED that minute 12/EC and the associated agenda report be made public, but the addendum to the report remain exempt for the present time.**

Chairman



**Code of Conduct for Officers**

**Summary**

To consider and agreed revisions to the Council’s Officer Code of Conduct.

**WARDS AFFECTED**

N/A

**Recommendation**

The Employment Committee is asked to RESOLVE that the revised Code of Conduct for Officers, as set out at Annex A to this report, be adopted.

**1. Resource Implications**

1.1. There are no resource issues arising from this report.

**2. Key Issues**

2.1 This policy has been revised to ensure clear processes and procedures regarding officers’ conduct.

**3. Options**

3.1 The Committee has the option to agree that the revised Code of Conduct to Employment Committee, as set out at Annex A, is adopted or make any other changes it considers appropriate.

**4. Proposals**

4.1 It is proposed that the Committee considers the suggested changes to the Code of Conduct for Officers, as set out at Annex A, and adopts the revised Code of Conduct.

**5. Governance Issues**

5.1 The revisions to the Code of Conduct for Officers were considered by the Joint Staff Consultative Group at its meeting on 24 September 2020 and are recommended for adoption by this Committee.

**6. Equalities Impact**

6.1 An Equalities Impact Assessment has been completed.

**Annexes**

**Annex A – Code of Conduct for Officers**

**Background papers**

N/A

<b>Author/contact details</b>	<b>Jennifer Villamayor</b> <b>Jennifer.Villamayor@surreyheath.gov.uk</b>
<b>Executive Head of Transformation</b>	<b>Louise Livingston</b> <b>Louise.livingston@surreyheath.gov.uk</b>

# Surrey Heath Borough Council Human Resources

## Code of Conduct for Officers



Great Place • Great Community • Great Future

## CODE OF CONDUCT FOR OFFICERS

### 1 Introduction

The public is entitled to expect the highest standards of conduct from all staff who work for Surrey Heath Borough Council. Public confidence in staff's integrity would be shaken were the least suspicion, however ill-founded, to arise that they could in any way be influenced by improper motive. This code outlines existing laws, regulations, standing orders, instructions and conditions of service and provides further guidance to assist and protect staff in their day to day work. The Code is produced in light of the challenges that staff face in the new and more commercially orientated environment.

Unless stated otherwise failure to follow the various guidelines and requirements could, if proven, result in disciplinary action being taken. It is important, therefore, that staff familiarise themselves with the contents of this Code.

### 2 Scope

The Code of Conduct applies to all employees of the Council (officers), agency workers, contractors and their staff whilst working for, or on behalf of, the Authority.

### 3 Policy Statement

This Code sets out the standards expected from officers. This code should be read with the employee's contract of employment, the Council's employment policies and procedures, the Member and Officer Protocol (as set out in Part 5 of the Constitution) and other relevant policies (including financial regulations and statutory requirements).

~~This Code of Conduct will also be adhered to by any agency workers and contractors.~~

### 4 Standards

- 4.1 Local government officers are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow officers with impartiality. Officers will be expected, without fear of recrimination, to bring to the attention of their line manager any actual or perceived impropriety, breach in procedure or deficiency in the provision of service. In exceptional cases they can direct their concerns to the Monitoring Officer or the Chief Executive.
- 4.2 The provisions of the Bribery Act 2010 apply to public sector employees as well as those in the private sector. The Act sets out a number of offences including the offence of bribing another person and offences relating to being bribed. An obvious example of how an employee of a public authority may commit an offence is if they accept payment in return for manipulating the process or outcome of a public procurement in favour of a particular bidder.

4.3 Officers should refer to the Council's Anti-Fraud and Corruption Strategy.

## 5 Disclosure of Information

5.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. You must be aware of which information is and is not open, and act accordingly.

5.2 The Council's practice is to make as much information available to the public as possible to comply with government guidelines on transparency. Generally you may release factual information unless:

(i) it is or is likely to be the subject of an exempt report (seek advice from Democratic Services) or

(ii) it relates to the personal circumstances of a member of staff, or a member of the public or organisation, or

(iii) it is covered by restrictions under the Data Protection Act ~~2018~~1998 or

(iv) there is an exemption under the FOI Act or an exception under the Environmental Information Regulations

5.3 Officers must not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, unless they are required by law to do so.

5.4 Officers must not use any information obtained in the course of their employment for personal gain or benefit, nor shall they pass it on to others who might use it in such a way, unless requested to do so by law or authorised in accordance with local government transparency agenda. Information produced by officers, remains the property of the Council. Any particular information received by an officer from a councillor which is personal to that councillor and does not belong to the authority shall not be divulged by the officer without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

## 6 Security of Information

6.1 The Council's records and property are to be kept secure at all times, and it is the responsibility of officers to ensure that:

a) they can be identified at all times at work by displaying the approved identity badge;

b) all unaccompanied persons within secure areas not wearing identity badges are challenged;

c) security codes for physical access are not revealed;

d) confidential papers are properly secured at all times;

e) computer passwords are not revealed

f) any breaches should be reported to the Information Governance Manager.

6.2 Officers must adhere fully to the Council's House Rules and Information Security Policy.

## **7 Political Neutrality**

- 7.1 Officers serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 7.2 Subject to the authority's conventions, officers may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 7.3 There are a number of officers within the Council who are legally regarded as politically restricted (by reason of the post they hold, the nature of the work involved or their salary) and the Council is required to maintain a list of such posts. Where this applies, the officers must comply with the statutory restrictions on their political activities. Officers, whether or not politically restricted, must follow every expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 7.4 Officers must comply with the Member and Officer Protocol (set out in Part 5 of the Constitution) in their working and personal relationships with councillors.

## **8 Equalities**

- 8.1 All members of the community, customer and other officers have a right to be treated with fairness and equity, irrespective of race, colour, nationality, ethnic or national origin, disability, religion, political persuasion, marital status, sex, sexual orientation or age. All officers should ensure that the Council's equal opportunities policies are complied with in addition to the requirements of the law.
- 8.2 In the performance of their duties, officers are required to comply with the Council's Customer Care Standards and the requirements of the Human Rights Act 1998 and Equality Act 2010.

## **9 Councillors**

- 9.1 Officers are responsible to the authority through their Executive Head or Head of Service as appropriate. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between officers and councillors is essential to good local government. Close personal familiarity between officers and individual councillors, to the extent that that councillor is treated differently when compared with the officer's treatment of other councillors can damage the relationship and prove embarrassing to other officers and councillors and must therefore be avoided.
- 9.2 Officers must comply with the Member and Officer Protocol (set out in Part 5 of the Constitution) in their working and personal relationships with councillors.

## 10 Other members of Staff

- 10.1 Relationships between officers should be based on mutual trust and respect and on a spirit of teamwork. Maintaining effective working relationships is the responsibility of all staff, but particularly that of managers at all levels. In cases of serious breakdowns in working relationships, the Council's Grievance and Disciplinary Procedures may be invoked.

## 11 The Local Community and Service Users

- 11.1 Officers must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority. No officer may act in a regulatory capacity in respect of any matter in which he or she has an interest.

## 12 Contractors

- 12.1 All relationships of a business or private nature with external contractors, or potential contractors, must be made known in writing to Executive Heads or the Heads of Service as appropriate. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour shall be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community shall be discriminated against.
- 12.2 Officers who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare in writing that relationship to the Executive Head or Head of Service as appropriate who will determine what steps, if any, are necessary to protect against actual or perceived conflicts of interest. ~~\*as a side note I feel staff need to be reminded of the above, maybe on an annual basis HR should send this policy out or we could sort something out with Sarah B\*~~

Formatted: St

## 13 Appointment and Other Employment Matters

- 13.1 Officers involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an officer to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, officers must not be involved in any appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 13.2 Similarly, officers must not be involved in decisions relating to discipline, promotion or pay adjustments for any other officer who is a relative, partner or with whom they have a close personal relationship outside work.

- 13.3 Canvassing of members of the Council relating to any employment matter, including appointments, is strictly prohibited and may result in disciplinary action. [Refer to the Speak Up and Member Officer Protocol.](#)

## 14 Declaration of Interests in Contracts and Personal Interests

- 14.1 Officers are obliged by section 117 of the Local Government Act 1972 to disclose financial interests, whether direct or indirect, in contracts which have been, or are proposed to be, entered into by the Council. ~~The Council's Standing Orders go somewhat further and require disclosure of interests in~~ [The Council also requires officers to disclose](#) non-pecuniary (financial) matters (drawing a parallel with Members' Code of Conduct interests). ~~The point is that~~ interests which are not pecuniary may be just as important and employees must not allow the impression to be created that they are using their position to promote a private or personal interest. Private and personal interests include those of family and friends, as well as those arising from membership of, or associations with, clubs, societies and other organisations.
- 14.2 Officers will need to consider carefully which outside interests may give rise to conflict in the performance of their normal duties and which therefore ought to be disclosed to their manager and formally recorded. For example you must not prepare plans for planning or building control purposes in respect of any property in the Borough other than your principal residence.
- 14.3 All officers must record any interests they consider could bring about conflict with the Council's interests.
- 14.4 For the purposes of recording such interests a register is held by the ~~Chief Executive &~~ Monitoring Officer. The register is known as the Register of Personal Interests and is only available for inspection [due to its possible sensitive nature](#) by the Chief Executive, the Executive Head of Finance, ~~and the~~ Executive Head of Transformation [and the Chairman/Deputy Chairman of Audit and Standards Committee](#). [The register should be reviewed on a regular basis for example quarterly.](#)
- 14.5 The following memberships relating to any activity within Surrey Heath must be declared as 14.4 above;
- a) any official position of any school board of governors, National Health Service Trust Board, or Charity.
  - b) any official position of any social or welfare group within the borough boundary i.e. Tenant or Residents' Association, Scouts, Guides, Sports Clubs or business clubs.
  - c) involvement with an organisation receiving grant aid from the Council, and involvement with an organisation or pressure group which may seek to influence Council policies.
  - d) Any lodge, chapter, society, trust or regular gathering or meeting, which:



- (i) is not open to members of the public who are not members of that lodge, chapter, society or trust;
- (ii) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, trust gathering or meeting; and
- (iii) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering, or meeting.

14.6 A lodge, chapter, society, trust, gathering or meeting as defined above, shall not be regarded as a society for the purposes of the above if it forms part of the activity of a generally recognised religion.

14.7 Officers may also be asked to declare any Related Party Transactions for the purpose of the Council's Annual Audit

## 15 Outside Commitments and Other Employment

15.1 Officers' off-duty hours are their own concern, but officers must not subordinate council duty to private interests or place themselves in a position where duty and private interests conflict (see Conditions of Service).

15.2 Officers ~~appointed on Surrey Heath Grades 5 to 9 and 20 to 21 (inclusive)~~ shall devote their contractual working hours whole-time service to the work of the Council and shall not engage in any other business or take up any additional appointment without the written consent of the Chief Executive or Human Resources in their absence. The Chief Executive or Human Resources may decide that the additional employment or business would affect the officer's capacity at work, conflict with the officer's duties as an employee or lead to a conflict of interest therefore consent could be refused.

15.3 Officers must ensure that the hours worked in the additional employment do not jeopardise their ability to work effectively and safely when working for the Council. Legally the Council has a responsibility to ensure the Working Time Directive (WTD) is followed, with this in mind HR have procedures in place to ensure officers working hours are that monitored none of its employees are working more than an average 48 hours a week. If an officer takes another job in addition to his or her Council job, this may take the officer above the legal limit. Officers are required to inform the Chief Executive via Executive Head of Transformation, if the additional regular paid employment could result in their total average weekly working hours in both jobs calculating to 48 hours or more. The Chief Executive may decide that the additional employment or business would affect the officer's capacity at work, conflict with the officer's duties as an employee or lead to a conflict of interest therefore consent could be refused.

## 16 Separation of Roles During Tendering

- 16.1 Officers involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the authority. Senior officers who have both client and contractor responsibility must be aware of the need for accountability and openness.
- 16.2 Officers in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 16.3 All officers are aware that in the course of their employment with the Council they may have access to, and be entrusted with, information in respect of the business and finances of the Council and its dealings, transactions and affairs, of which such information may be confidential.
- 16.4 Officers shall not (except in the proper course of their duties) during, or after the period of their employment, divulge to any person whatever or otherwise make use of (and shall use their best endeavours to prevent the publication or disclosure of) any confidential information concerning the business or finances of the Council or any of its dealings transactions or affairs of any such confidential information concerning any of its suppliers agents or clients.
- 16.5 All notes and memoranda of any confidential information created concerning the business of the Council or any of its suppliers, agents or clients which shall be acquired, received or made by an officer during the course of his/her employment, shall be the property of the Council and shall be surrendered by the officer to his/her Executive Head or Head of Service at the termination of his/her employment or at the request of the Head of Paid Service (Chief Executive), at any time during the course of his/her employment.
- 16.6 Officers must ensure that no special favour is shown to current or recent former officers or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

**17 Use of Council time, equipment and materials**

- 17.1 Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. They shall strive to ensure value for money to the local community and to avoid legal challenge to the authority. The Council's property and resources are to be used solely for approved purposes.

**18. Gifts**

- 18.1 Subject to the provisions of paragraph 18.2 below, no officer may accept gifts which are offered in connection with his/her position with Surrey Heath Borough Council. The acceptance of any such gifts will be treated as a serious disciplinary offence. The following paragraph contains examples but is not intended to be an exhaustive list.

- 18.2 No officer shall accept a gift from:-

- a) any person likely to be seeking a permission, consent or other approval from the Council;
  - b) any person wishing to buy property from the Council or supply goods and/or services to the Council;
  - c) any person against whom the official may be considering any form of prosecution or enforcement.
- 18.3 Officers are permitted to accept promotional trade gifts, only when the value does not exceed £50.00. All gifts must be declared in the Gifts and Hospitality Register.
- 18.4 All gifts offered to officers, other than gifts referred to in paragraph 18.3 above, must be politely but firmly refused and returned to the donor, apart from in exceptional circumstances as agreed by the Monitoring Officer. [In some cases gifts maybe forwarded onto the Mayor's Charity.](#) It should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and where it is apparent no cause could reasonably arise for adverse criticism about accepting it. Further advice may be sought from the Monitoring Officer.
- 18.5 No Council officer or an employee of a contractor to the Council shall seek to obtain financial or other reward for services provided on behalf of the Council.

## **19 Hospitality**

- 19.1 Officers shall only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions shall be accepted only when these are part of the life of the community or where the authority shall be seen to be represented.
- 19.2 Officers should treat with caution all offers of hospitality whenever any suggestion can arise of improper influence. Particular care is required where hospitality is offered by a person or body having or seeking business with, or a decision from, the Council, especially where the offer is to an individual officer. Officers must be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality. It should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and where it is apparent no cause could reasonably arise for adverse criticism about accepting it.
- 19.3 If hospitality is received, and estimated to be valued at £50.00 or more, the officer receiving the hospitality shall enter the details in the gifts and hospitality register maintained by the [Monitoring Officer](#) ~~Chief Executive~~ as soon as is practicable. Where the hospitality is of a social nature (annual, Christmas or celebratory lunches and dinners, for example), the officer receiving the hospitality must obtain the permission of his/her Executive Head or Head of Service prior to attending the function. -
- 19.4 The requirements relating to registration do not apply to hospitality offered by other local authorities or public bodies. [\(check/discuss with MO\)](#)

## **20 Visits to Exhibitions, Demonstrations, Conferences Etc**

- 20.1 Officers must obtain the authority of their Executive Head or Head of Service to attend exhibitions, demonstrations and conferences in connection with their official duties. Executive Head or Heads of Service shall only approve those visits which are necessary or desirable in the interests of the Council.

## **21 Public Speaking**

- 21.1 Where officers are invited to address public meetings, undertake radio or television interviews etc. it is expected that they must clearly understand the basis upon which the invitation was extended. In the majority of cases, an officer will be acting as the representative of the Council, and as such must communicate the policies and procedures of the Council in a factual and unbiased way. Officers should only accept invitations to attend public meetings in an official capacity where attendance by a Council officer is considered appropriate by an Executive Head or Head of Service. However, attendance should be restricted to meetings which are clearly not part of any party political activity, and manifestly open to all.
- 21.2 Officers must avoid expressing personal views in such situations, and if during the course of the debate or discussion the personal views of the officer are sought, then he or she must consider most carefully whether this would place them in a position of public conflict with his or her employer. It is, of course, recognised that officers are entitled to personal views, and that these may be very strongly felt. Where personal views are given, they must be stated as being such.
- 21.3 The officer shall not, without the prior written consent of his/her Executive Head or Head of Service either directly or indirectly publish any opinion, fact or material or deliver any lecture or address or participate in the making of any film, radio broadcast or television transmission or communicate with any representative of the media or any third party relating to the business or affairs of the Council or to any of its employees, clients, suppliers or agents or to the development or exploitation of Intellectual Property. For the purpose of this clause, 'media' shall include television (terrestrial, satellite and cable), radio, newspaper and other journalistic publications including those using the Internet.
- 21.4 In the capacity of a private citizen, officers have the same rights as any other member of the public to discuss or comment openly on community and social issues. However, care should be taken to ensure that comments made in a private capacity are clearly understood not to represent the official view of the Council. Officers should not appear to comment on council related issues on any social media. (Further guidance can be found in the Social Media Policy).
- 21.5 Fees for giving lectures or writing articles may only be retained by officers where these activities are not integral to their employment or position with the Council and they are conducted in the officer's own time.

## **22 Health and Safety**

- 22.1 Officers have a duty to take reasonable care for the health and safety of colleagues and others who may be affected by anything done at work. No job should be undertaken that might in any way be a danger either to the officer concerned, work colleagues or to any member of the public. Officers must adhere fully to the Council's Health and Safety Policy and Procedures whilst at work.
- 22.2 If, as a result of alcohol or drugs, an employee is in an unfit state to perform his or her duties he or she may be liable to disciplinary action. [\(please refer to Drugs and Alcohol at Work Policy & Procedure\)](#)

### **23 Sponsorship - Giving and Receiving**

- 23.1 Where an outside organisation wishes to sponsor or is being approached to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 23.2 Where the Council wishes to sponsor an event or service, neither an officer nor any partner, spouse, or relative must benefit from such sponsorship in a direct way without there being full written disclosure to the Chief Executive of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, officers shall ensure that impartial advice is given and there is no conflict of interest involved.

### **24 Intellectual Property and Patents**

- 24.1 An officer during his/her employment may make, discover or create Intellectual Property in the normal course of his/her duties (which are defined in his/her job descriptions) and in this respect the officer has a special obligation to further the interest of the Council.
- 24.2 Subject to the Provisions of the Patents Act 1977, the Registered Designs Act 1949 and the Copyright Designs and Patents Act 1988, if at any time during his or her employment the officer makes or discovers or participates in the making or discovery of any Intellectual Property relating to or capable of being used in the business for the time [being](#) carried on by the Council, full details of the Intellectual Property shall immediately be communicated by the officer to their Executive Head or Head of Service and shall be the absolute property of the Council. At the request and expense of the Council the officer shall give and supply all such information data drawings and assistance as may be requisite to enable the Council to exploit the Intellectual Property to the best advantage and shall execute all documents and do all things which may be necessary or desirable for obtaining patent or other protection for the Intellectual Property in such parts of the world as may be specified by the Council and for vesting the sale in the Council or as it may direct.
- 24.3 The officer irrevocably appoints the Council to be his/her agent in his/her name and on his/her behalf to sign execute or do any such instrument or thing and generally to use his/her name for the purpose of giving to the Council the full benefit of the provisions of this clause and in favour of any third party a certificate in writing signed by the Monitoring Officer that any

instrument or act falls within the authority conferred by this clause shall be conclusive evidence that such is the case.

- 24.4 If the Intellectual Property is not the property of the Council, the Council shall, subject to the provisions of the Patents Act 1977, have the right to acquire for itself the officer's rights in the Intellectual Property within 3 months after disclosure pursuant to this clause on fair and reasonable terms to be agreed or settled by an independent single arbitrator.
- 24.5 The officer waives all of his/her moral rights (as defined in the Copyright, Designs and Patents Act 1988) in respect of any acts of the Council or any acts of third parties done with the Council's authority in relation to any Intellectual Property which is the property of the Council by virtue of this clause.
- 24.6 Rights and obligations under this clause shall continue in force after termination of the officer's employment in respect of Intellectual Property made during the contract period and shall be binding upon his/her representatives.
- 24.7 As referred to in paragraph 24.3 above, the officer shall not communicate to the media any matter relating to the development of Intellectual Property except with the consent of an Executive Head or Head of Service.

## **25 Officers Facing Criminal Charges**

- 25.1 The Council expects officers facing a criminal charge in a court of law to give notice of such, without delay, to the Chief Executive [or Human Resources](#). Sometimes the nature of the charges will be relevant to the officer's job; in other cases the issue will be less clear cut. Officers are aware that their own personal actions can reflect on the Council as a whole. They are therefore required to notify the Chief Executive [or Human Resources](#) of any criminal charge which may be pending, whether they personally feel the matter is relevant or not, and the outcome of any such charge.
- 25.2 Discussion with the officer will take place as to the extent to which such a charge reflects upon the ability of the officer to perform effectively, or the extent to which the Council's own interests are prejudiced. An opportunity will be given to have a Trade Union Representative or staff representative or friend present during any discussions.
- 25.3 All information obtained shall be treated confidentially within the Council.

## **26 Breaches of the Code**

- 26.1 Breaches of the Code of Conduct shall be reported to the Chief Executive by the relevant Executive Head or Head of Service or other officer discovering such breach and may be treated as a disciplinary offence. Breaches by the Chief Executive shall be reported to the Monitoring Officer.
- 26.2 Breaches of this Code, or any other conditions or rules that apply to the officer's profession, position and workplace, may render the officer to disciplinary action under the Council's Disciplinary Procedure.

## Member & Officer Protocol

### Summary

To consider and recommend changes to the Council's Member & Officer Protocol

### Wards affected

n/a

### RECOMMENDATION

The Employment Committee is advised to RECOMMEND to the Full Council that the revised Member Officer Protocol, as set out at Annex A to this report, be adopted.

#### 1. Resource Implications

- 1.1. There are no resource issues arising from this report.

#### 2. Key Issues

- 2.1 This policy has been revised to ensure good working relationships between elected members and officers.
- 2.2 The revised Protocol includes a new section to reflect the changes to the Speak Up Policy agreed by the Employment Committee in January 2020, which provides for specific councillors to be reporting options for raising a concern under the Policy. The section added to the Member & Officer Protocol reflects that any concerns of wrongdoing raised by officers with the relevant Members in accordance with the Speak Up Policy will not be treated as a breach of the Protocol.

#### 3. Options

- 3.1 The Committee has the option to recommend the proposed changes to the Member & Officer Protocol, as set out at Annex A, with or without any further amendments.

#### 4. Proposals

- 4.1 It is proposed that the Committee considers the revisions to the Member & Officer Protocol and recommends to Full Council that the revised Protocol be adopted.

#### 5. Governance Issues

- 5.1 The revisions to the Member & Officer Protocol were considered by the Joint Staff Consultative Group at its meeting on 24 September 2020.

6. The Member & Officer Protocol is part of the Council's Constitution and any amendments to it must be agreed by the Full Council. The proposed revisions have been considered by the Governance Working Group.

## 7. Equalities Impact

7.1 An Equalities Impact Assessment has been completed.

<b>Annexes</b>	<b>Annex A – Member &amp; Officer Protocol</b>
<b>Background papers</b>	<b>N/A</b>
<b>Author/contact details</b>	<b>Jennifer Villamayor Jennifer.Villamayor@surreyheath.gov.uk</b>
<b>Executive Head of Transformation</b>	<b>Louise Livingston Louise.livingston@surreyheath.gov.uk</b>



# **PART 5 - CODES AND PROTOCOLS**

## **SECTION B**

### **MEMBER AND OFFICER PROTOCOL**

#### **1. INTRODUCTION AND PRINCIPLES**

- 1.1 The purpose of this protocol is to provide a guide to good working relationships between officers and councillors (elected Members) and to provide some principles governing appropriate conduct. The object of this Protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct by elected Members and officers. Throughout this document "officer" shall be defined as being any employee of the Council, whether employed full-time, part-time or on a temporary contract.
- 1.2 The protocol seeks to reflect the principles underlying the separate Codes of Conduct for Members and Officers of the Council, which must be read in conjunction with this document.
- 1.3 In everything they do, the elected Members and officers of the Borough Council are obliged to act within the law and in compliance with relevant standards and codes of conduct.
- 1.4 All elected members of the Council are ultimately accountable to the people of the Borough of Surrey Heath. The officers serve the whole Council as a single statutory corporate body and will provide adequate support to all elected members in their local or representational role. Members and officers need to be clear about their respective roles in the authority. This can only be achieved if there is mutual understanding and good communications.
- 1.5 Mutual respect and courtesy between officers and Members is essential to good local government. The interests of the Council are best served where there is mutual confidence and trust between all elected Members and officers. The working relationship between an officer and a Member must not be so close as to bring into question the officer's ability to deal impartially and fairly with other Members.
- 1.6 Members must recognise that officers are required to be politically neutral and serve all Members equally and that officers owe a duty to the whole Council. Members must ensure that officers are not put in a position that prejudices their overall duty or put an officer in a position where there would be a conflict between that officer and his or her line manager. Members must not give direct instructions to junior officers but must communicate with senior officers. Members must not put pressure on, or seek to intimidate, officers.
- 1.7 Neither Members nor officers must try to take unfair advantage of their position.

## **2. STATUTORY CODE OF CONDUCT FOR MEMBERS**

- 2.1 The Council's Code of Conduct for Members is at Section A of Part 5 of this Constitution. This Code of Conduct sets out the standards of conduct and integrity which are expected of an elected Member. Various provisions of the Code are relevant to member/officer relations and are referred to in this Protocol.
- 2.2 Code of Conduct broadly requires Members:
- a) to treat others with respect;
  - b) not to do anything which could be considered to be a breach of any equality legislation;
  - c) not to bully any person;
  - d) not to intimidate or attempt to intimidate any person in relation to an allegation that a Member has failed to comply with the authority's Code of Conduct; and
  - e) not to do anything likely to compromise the impartiality of officers.
- 2.3 It is important that in any dealings between Members and officers both must observe reasonable standards of courtesy, and that neither party must seek to take unfair advantage of their position.
- 2.4 The Code of Conduct also requires Members, when reaching decisions, to have regard to any relevant advice provided by the Section 151 Officer (when acting in pursuance of his duties under Section 114 of the Local Government Finance Act 1988) and the Monitoring Officer (when acting in pursuance of his duties under Section 5(2) of the Local Government and Housing Act 1989).
- 2.5 The Council confirms that, in undertaking their functions, the Section 151 Officer, acting as Chief Finance Officer, and the Monitoring Officer will ensure the impartiality of any advice or instruction given, and that Members will do nothing to compromise the statutory responsibilities of these officers.
- 2.6 The Code of Conduct also requires Members not to seek to influence improperly a decision and not to exercise functions in relation to any business of the Council where the Member has a Disclosable Pecuniary Interest.
- 2.7 The Code of Conduct states that Members must not disclose information given to them in confidence, or information which they believe to be confidential, without the consent of a person authorised to give it, or unless required by law to do so. If the Monitoring Officer considers that a Member has disclosed confidential information obtained in the course of his/her duties, the matter may be investigated.

## **3. CODE OF CONDUCT FOR OFFICERS**

- 3.1 The Code of Conduct for Officers forms part of officers' Terms and Conditions of Employment. It sets out the standards of conduct and integrity which are expected of a local government officer and the standard of service to the

public. It reiterates that mutual respect between officers and councillors is essential to good government.

- 3.2 Certain provisions within the Code relate to Member and officer relationships and appropriate conduct. The Code requires officers to serve the authority as a whole, serving all councillors whilst maintaining political neutrality at all times, and to ensure that the individual rights of all councillors are respected. Where it is part of their duties officers must provide appropriate advice to councillors and fellow officers with impartiality. They must not release any confidential information or use information obtained in the course of their employment for personal gain or pass it on to others who might use it in such a way.
- 3.3 Officers are responsible to the authority through their Executive Head of Service or Head of Service and must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

#### **4. THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS**

##### General

- 4.1 Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual Members and officers can damage this relationship and prove embarrassing to other councillors and officers. Such a personal familiarity is discouraged as there is a danger of favouritism being shown to a particular Member or officer or a risk that confidential information will be shared. Members must at all times avoid any occasion for suspicion and any appearance of improper conduct. It is, however, recognised that there may be occasions when familiarity is unavoidable, particularly where family relationships or common interests (eg a club) arise.
- 4.2 The Council recognises that in a large organisation it is inevitable that there may be close social or personal relationships between members and officers. These relationships may have commenced before, or after, a councillor is elected to the Council or before, or after, a person becomes employed by the Council.

##### Disclosure of close personal relationships

- 4.3 The councillor must disclose any relationship with an officer which might be seen as influencing their work to his Group Leader and the Monitoring Officer, and the employee such a relationship to his/her Executive Head of Service or Head of Service. This includes any family, business or close personal relationships. It is not possible to define exactly the range of relationship that would be considered as close or personal. Examples, however, would include a family or sexual relationship and regular social mixing such as holidays or evening meals together.

4.4 Any disclosures must be made in writing to the Monitoring Officer. This is to protect both the individual and the Council.

4.5 To ensure that neither the Member nor the employee is placed in a position where their relationship will be seen to conflict with this Protocol or with the Council's Code of Conduct, Members must not hold a portfolio or the position of chairman of a regulatory committee which covers a department for which an officer does significant work if they are related to, or the partner of, that officer. A role in policy making, strategic or operational management or resource allocation would be considered as significant work.

#### Working relationships between Members and officers

4.65 It is clearly important that there must be a close working relationship between Members and senior officers. However, such relationships must never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal with other Members and other party groups.

4.76 The relevant portfolio holder or the Chairman of a Committee are usually consulted as part of the process of drawing up the agenda for a forthcoming meeting. Sometimes an officer will be under a duty to submit a report to a meeting on a particular matter. A senior officer will always be fully responsible for the contents of any report submitted by his/her service area. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising in this area must be referred to the relevant Lead Officer for resolution in conjunction with the Leader of the Council or Chairman of the Committee, as appropriate. The advice of the Monitoring Officer should be sought where necessary.

4.78 Members have the right to criticise/question/challenge reports and ~~question~~ the actions taken by officers but they must always

- a) avoid physical or personal attacks on or abuse of officers
- b) ensure that any criticism is constructive and well founded
- c) respect professional advice
- d) allow the officer an opportunity to explain what might appear to be a performance failure or inconsistency
- e) recognise that an officer has the final say on the ~~wording~~ content of the report.

4.89 Members recognise that officers have the duty and right to provide appropriate professional advice, and the right to have that advice recorded, so that all elected Members are fully aware of the implications of their decisions. Officers recognise that it is the right of the elected Members to take the final decisions in the light of their advice.

4.109 Where the Council, the Leader/Executive or a committee or sub committee authorises a named officer or officers to take action after consultation with a

Member or Members, it must be recognised that it is the officer, not the Member, who takes the action and the officer who is accountable for the implementation of the decision. If an officer has concerns about a decision they have been instructed to action, they should approach the Chief Executive or Monitoring Officer for guidance.

- 4.119 Officers are accountable to their Executive Head of Service or Head of Service. While officers must always seek to assist Portfolio Holders and Chairmen (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Executive Head of Service or Head of Service. Members must not deliberately put staff in a position that could give rise to conflict between them and their Manager and/or Executive Head of Service or Head of Service.

#### Council's role as employer

- 4.124 In their dealings with officers, Members must recognise and have regard to the Council's role as employer. Members must be aware that officers could rely on inappropriate behaviour of a Member in an employment case against the Council.
- 4.132 A Member must not act as the "friend" of an individual in a staffing matter and must avoid being involved in and lobbying over staffing matters.
- 4.143 It is equally the responsibility of all staff to respect the structural, procedural and managerial arrangements in force at any time and specifically refrain from taking individual matters of terms and conditions or a matter relating to other aspects of employment directly to an elected Member.
- 4.145 Should such an approach occur the Member must refer the matter to the Chief Executive or Monitoring Officer without comment other than to advise the member of staff of such action. ~~The Chief Executive shall inform the officer's Executive Head of Service or Head of Service or the Monitoring Officer as appropriate.~~ The Chief Executive or Monitoring Officer will refer the matter to the Human Resources department where appropriate.

#### The Speak Up Policy

- 4.16 Any concerns of wrong-doing raised by officers with the Chairman or Vice Chairman of the Employment Committee, which are deemed to be qualifying disclosures as set out in the Speak Up Policy, will not be treated as a breach of this Protocol.

## **5. CONCERNS ABOUT CONDUCT AND CAPABILITY**

- 5.1 Members must not raise issues about the conduct or capability of an officer or officers in public as officers cannot respond in public. Members must avoid undermining respect for officers at meetings, or in any public forum. This is a long standing tradition in public service. Officers similarly must not criticise or undermine respect for Members at a Council meeting or at any other meeting

they attend in their capacity as an employee. This would be damaging both to effective work relationships and to the public image of the Council.

- 5.2 If a Member feels that an officer has not treated him/her with proper respect or courtesy, or has a concern about the conduct or capability of an officer, he/she must raise the matter with ~~the relevant Executive Head of Service or Head of Service~~ Human Resources. ~~The Executive Head of Service or Head of Service will look into the facts and report back to the Member. If the Member continues to feel concerned, he/she must then report the facts to the Chief Executive who will look into the matter afresh. Any concern about an Executive Head of Service or a Head of Service must be raised privately with the Chief Executive, Monitoring Officer or the Member's Group Leader. Any concern about the Chief Executive must be raised privately with the Monitoring Officer, or the Member's Group Leader.~~
- 5.3 ~~If a Member has reason to believe that an officer may have committed a breach of the Council's disciplinary rules and procedures, he or she shall draw the issue to the attention of the Head of Paid Service who will ensure that the appropriate action is taken.~~
- 5.4 If an officer feels that he or she has not been treated with respect and courtesy or is concerned about any action or statement relating to him or her or a colleague by a Member, or the conduct of a Member, the officer must raise the matter with ~~his/her Executive Head of Service or Head of Service or the Chief Executive~~ Monitoring Officer, as appropriate. Informal advice can be sought from their line manager or Executive Head of Service or Head of Service. ~~Executive Heads of Service or Heads of Service should normally refer matters reported to them to the Chief Executive. Where the matter is raised with the Chief Executive that officer shall take appropriate action either by approaching the individual Member and/or Group Leader. If the Chief Executive considers that the Member has been in breach of the Protocol, he/she will discuss the matter with the Monitoring Officer who will consider appropriate action.~~
- 5.5 If a Member or an officer believes a Member has breached the Members' Code of Conduct he or she must advise the Monitoring Officer immediately of the circumstances and supply all and any documentation. No opinion or judgement upon that conduct must be offered to the Member or to any other officer or Member without the prior consent of the Monitoring Officer in order to prevent any investigation that may need to be carried out being fettered or damaged.
- 5.6 Where an officer or a Member is concerned about potential unlawful conduct of an officer or Member, the Council's whistleblowing Speak Up procedure is available to raise issues of bad practice, possible fraud or corruption and other matters which seem to be against the interests of the public, the Council or its staff. The Member or officer can also speak to the Monitoring Officer or the Section 151 Officer, or in their absence their deputies. However, the procedure outlined in this Protocol must be the first reference where possible.

## **6. OFFICER ADVICE AND SUPPORT**

### Generally

- 6.1 Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual member of the Council. Officers must treat all political groups and individual Members in a fair and even-handed manner. Whilst in practice support is likely to be in most demand from whichever party group is for the time being in control of the Council, support is available to all party groups.
- 6.2 The advice provided by officers must be factual, honest, objective and politically neutral yet sensitive to the political aspirations and constraints of elected Members but it must not reflect, or be influenced by, those aspirations and constraints. The advice given by officers will have the ultimate aim of serving the interests of the Borough Council as a whole. Members shall take the advice of officers into account.
- 6.3 Officers will often wish to seek political guidance in framing policy proposals but, when officers write formal reports for Member decision, they have a duty to give the advice dictated by their professional expertise. Members must not, therefore, direct the content of formal reports being prepared by any officers.
- 6.4 Officers can only be asked to provide advice to Members on matters which clearly relate to the Council's business and activities and issues which arise from being an elected Member. Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a member of the Council. Members must not request officers to carry out research for them covertly. Members' access to information will be a 'need to know' basis (as outlined in the Access to Information Procedure Rules at Section E of Part 4 of the Constitution).
- 6.5 Members may approach any officer to obtain such reasonable information, explanation and advice about that officer's service area's functions to assist in discharging their role as members of the Council or any particular role, e.g. representative on an outside body to which they have been appointed by the Council. This can range from a request for general information or research about some aspect of a service area's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Executive Service Head, Service Head or another senior officer of the service concerned. In cases of doubt, the appropriate Executive Head of Service or Head of Service or the Monitoring Officer should be asked for assistance.
- 6.6 Officers responding to Members' queries must do so in accordance with the Council's Customer Care Standards.

### Support to party groups

- 6.7 It is common practice for political groups to give preliminary consideration to Council business before the matter is considered by the relevant Council decision making body. Officers may properly be called upon to provide support to party groups, and the support can take many forms, ranging from a briefing meeting with a Chairman or spokesman before a formal meeting, to a presentation to a full party group meeting.
- 6.8 Requests for officers to attend any party group meeting must be made through the Chief Executive or Monitoring Officer. Members cannot insist that officers go to meetings of political groups.
- 6.9 Officer support must not extend beyond providing information and advice on Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or part of meetings when matters of party business are to be discussed. To facilitate this, where an officer accepts an invitation to attend a party group meeting, the party secretary must arrange the meeting so that any briefing or presentation given by the officer is immediately followed by a question/clarification session. The officer will then leave the meeting whilst the political discussion takes place. It may be appropriate to ask the officer to remain outside the meeting for not longer than 15 minutes, in case any further clarifications are necessary.
- 6.10 Officers must interpret any request for advice, and advice given, as confidential and not accessible to any other political group. They must not relay the content of any discussions at which they are present to another political group. However, factual information upon which the advice is based will, if requested, be available to all political groups.
- 6.11 An officer's advice to a political group or member, or help in formulating a policy, must not be assumed to be support by the officer for the policy.
- 6.12 Officers' advice to a party group cannot be a substitute for providing all necessary information and advice to the Leader/Executive, Committee or Working Group when the matter in question is considered.
- 6.13 Group Leaders must ensure that only councillors are present whilst party groups are being briefed by officers. If the officer is aware that non-councillors are present at the group meeting, he/she must leave without addressing the meeting.
- 6.14 Political group meetings are not empowered to make decisions on behalf of the Council. Conclusions reached at party meetings therefore must not be interpreted or acted upon as decisions on behalf of the Council.
- 6.15 In addition to any briefing before a meeting, minority group representatives will also be afforded the opportunity of a briefing through their appropriate spokesman.



- 6.16 Any particular cases of difficulty or uncertainty in this area must be raised with the Chief Executive or Monitoring Officer, who will discuss them with the relevant group leader(s).

## **7. OTHER LOCAL CONVENTIONS GOVERNING MEMBER/OFFICER RELATIONS**

### Correspondence

- 7.1 An officer should not normally copy correspondence between an individual Member and an officer on a matter relating to a single constituent to any other Member. Where, exceptionally, it is necessary to copy the correspondence to another Member, this must be made clear to the original Member. In other words, a system of “silent or blind copies” must not be used. If the officer is unsure he/she must seek clarification from his/her Executive Head of Service or Head of Service.
- 7.2 In some cases issues are raised by, or with, individual members relating to a matter of general interest in a Borough Council Ward or individual Parish. Copies of correspondence will therefore normally be sent to all councillors for the ward (and adjacent area if appropriate) and only in exceptional circumstances will a request not to copy to other councillors be granted, for example, the author may have specifically requested that the letter not be copied. Political advantage or sensitivity is not considered to be such a circumstance.
- 7.3 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a Member, but this must be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council must never be sent out in the name of a Member.

### Involvement of Ward councillors

- 7.4 Whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members must be informed or involved, as appropriate, not later than at the outset of the exercise. Similarly whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected must, as a matter of course, be invited to attend the meeting. Where officers are invited to make presentations at public meetings organised by external organisations, Ward Members must be informed.

### Public relations and press releases

- 7.5 The Council's Marketing and Communications Section serves the Council as a whole and must operate within the limits of the Code of Recommended Practice on Local Authority Publicity issued under the Local Government Act

1986. Broadly, the 1986 Act prohibits the Council from publishing material that appears designed to affect public support for a political party.

- 7.6 Officers draft press releases on behalf of the Council. They will often contain quotations (within the limit of the Act and Code of Recommended Practice) from the Leader of the Council, a Portfolio Holder, the Chairman or Vice-Chairman of a Committee or the Mayor or Deputy Mayor of the Council about ceremonial events. Such press releases are issued on behalf of the Borough Council and it would not, therefore, be appropriate when including quotations from Members to indicate the Members' party political affiliation.

## **8. BREACH OF THE PROTOCOL**

- 8.1 Complaints about any breach of this protocol by a Member may be referred to the Monitoring Officer. Certain breaches may also amount to breaches of the Code of Conduct for Members (set out at Section A of Part 5 of the Constitution) and will be dealt with by the Monitoring Officer.
- 8.2 Complaints about any breach of this protocol by an officer may be referred to the Chief Executive or the Monitoring Officer.

## **9. APPLICATION, INTERPRETATION AND AMENDMENTS**

- 9.1 If there are any issues of concern which are not dealt with by this protocol, then the relevant Member or officer may discuss the matter with the Chief Executive or Monitoring Officer with a view to advice being provided.
- 9.2 Should any Member or officer wish to suggest an amendment to this protocol, he or she is asked to contact the Monitoring Officer.

## Family Friendly Policy

### Summary

To consider and agree revisions to the Council's Family Friendly Policy

### Wards Affected

N/A

### Recommendation

The Employment Committee is asked to RESOLVE that the revised Family Friendly Policy, as set out at Annex A to this report, be adopted.

#### 1. Resource Implications

1.1. There are no resource issues arising from this report.

#### 2. Key Issues

2.1 This policy has been revised to ensure there is clarity around the process for all Family Friendly policies which include maternity, adoption, paternity, parental, shared and bereavement leave.

#### 3. Options

3.1 The Committee has the option to agree that the revised Family Friendly Policy, as set out at Annex A, is adopted or make any other changes it considers appropriate.

#### 4. Proposals

4.1 It is proposed that the Committee considers the suggested changes to the Family Friendly Policy, as set out at Annex A, and adopts the revised Policy.

#### 5. Governance Issues

5.1 The revisions to the Family Friendly Policy were considered by the Joint Staff Consultative Group at its meeting on 24 September 2020 and are recommended for adoption by this Committee.

#### 6. Equalities Impact

6.1 An Equalities Impact Assessment has been completed.

### Annexes

### Annex A – Family Friendly Policy

### Background papers

N/A

<b>Author/contact details</b>	<b>Jennifer Villamayor</b> <b>Jennifer.Villamayor@surreyheath.gov.uk</b>
<b>Executive Head of Transformation</b>	<b>Louise Livingston</b> <b>Louise.livingston@surreyheath.gov.uk</b>

# **Surrey Heath Borough Council**

## **Human Resources**

### **Family Friendly Policies**

**Maternity**

**Paternity**

**Adoption**

**Parental leave**

**Shared Parental leave**



**Great Place • Great Community • Great Future**

# Family Friendly Policies

## Contents

1.	INTRODUCTION	4
2.	SCOPE	4
3.	POLICY STATEMENT	4
4.	EQUALITY IMPACT ASSESSMENT	4
5.	PRINCIPLES AND AIMS	5

## Maternity Policy

6.1	NOTIFICATION REQUIREMENTS	5
6.2	TIME OFF FOR ANTENATAL CARE	6
6.3	HEALTH AND SAFETY	<u>76</u>
6.4	SICKNESS ABSENCE	7
6.5	MATERNITY LEAVE	<u>87</u>
6.6	ORDINARY MATERNITY LEAVE (OML)	8
6.7	ADDITIONAL MATERNITY LEAVE (AML)	<u>98</u>
6.8	PROVISION FOR ADDITIONAL PATERNITY LEAVE	9
6.9	STATUTORY MATERNITY PAY (SMP)	<u>109</u>
6.10	CONTACT DURING MATERNITY LEAVE	10
6.11	KEEPING-IN-TOUCH DAYS	10
6.12	RETURNING TO WORK	<u>124</u>
6.13	RIGHTS ON AND AFTER RETURN TO WORK	<u>124</u>
6.14	MISCELLANEOUS PROVISIONS	<u>132</u>
6.15	OTHER EXCEPTIONAL CIRCUMSTANCES	<u>132</u>
	<i>MATERNITY PROCESS FLOWCHART</i>	<i>SEE APPENDIX I</i>

## Paternity Policy

7.1	PATERNITY LEAVE	13
7.2	FOR PATERNITY AND ADDITIONAL PATERNITY LEAVE	<u>154</u>
7.3	CONTACT DURING PATERNITY LEAVE	<u>165</u>
7.4	KEEPING IN TOUCH DAYS	<u>165</u>
7.5	RETURNING TO WORK	<u>176</u> <sup>5</sup>
7.6	RIGHTS ON AND AFTER RETURN TO WORK	<u>176</u>
7.7	MISCELLANEOUS PROVISIONS	<u>187</u> <sup>6</sup>
7.8	OTHER EXCEPTIONAL CIRCUMSTANCES	<u>187</u>
	<i>PATERNITY PROCESS FLOWCHART</i>	<i>SEE APPENDIX 2</i>

## Adoption Policy

8.1.	ELIGIBILITY	198
8.2	ADOPTION LEAVE ENTITLEMENT	198
8.3	STATUTORY ADOPTION PAY (SAP)	198
8.4	NOTIFICATION REQUIREMENTS	20198
8.5	RIGHTS DURING ORDINARY ADOPTION LEAVE (OAL) AND ADDITIONAL ADOPTION LEAVE (AAL)	21019
8.6	ORDINARY ADOPTION LEAVE (OAL):	21019
8.7	ADDITIONAL ADOPTION LEAVE (AAL):	220
8.8	CONTACT DURING ADOPTION LEAVE	22120
8.9	KEEPING-IN-TOUCH DAYS	22120
8.10	RETURNING TO WORK AFTER ADOPTION LEAVE	231
8.11	MISCELLANEOUS	2321
	<i>ADOPTION PROCESS FLOWCHART</i>	<i>SEE APPENDIX 3</i>

## Parental Leave Policy

9.1	ELIGIBILITY	2432
9.2	RIGHTS DURING PARENTAL LEAVE	2432
9.3	CONDITIONS OF LEAVE	253
9.4	RETURN FROM LEAVE	26
9.5	MISCELLANEOUS	2654

## Shared Parental Leave Policy

10.1	ELIGIBILITY	2756
10.2	BLOCKS OF LEAVE	286
10.3	SPLITTING BLOCKS	2876
10.4	STARTING SHARED PARENTAL LEAVE	2876
10.5	NOTICE PERIOD	287
10.6	CANCELLING	287
10.7	SHARED PARENTAL LEAVE IN TOUCH DAYS (SPLIT) DAYS	2987
10.8	SHARED PARENTAL PAY (ShPP)	298
10.9	HOW MUCH PAY YOU'LL GET	298
	<i>SHARED PARENTAL LEAVE PROCESS FLOWCHART</i>	<i>SEE APPENDIX 4</i>

## Parental Bereavement Leave and Parental Bereavement Pay Policy

<u>11.1</u>	<u>PARENTAL BEREAVEMENT LEAVE</u>	<u>31</u>
<u>11.2</u>	<u>STATUTORY PARENTAL BEREAVEMENT PAY</u>	<u>32</u>

Formatted  
Formatted  
Formatted

Formatted

## Family Friendly Policies

### 1 Introduction

The Council recognises that, from time to time, staff may have questions or concerns relating to their maternity, paternity and adoption rights. It is the Council's policy to encourage open discussion with staff to ensure that questions and problems can be resolved as quickly as possible.

**As these provisions are complex, it is advisable that staff contact Human Resources in the first instance for clarification of the relevant procedures to ensure that they are followed correctly.**

### 2 Scope

The Family Friendly Policies is a suite of policies which include:

- Maternity Policies and Procedures
- Adoption Policies and Procedures
- Paternity Policies and Procedures
- Parental Leave Policies and Procedures
- [Shared Parental Leave Policies and Procedures](#)
- [Parental Bereavement Leave and Parental Bereavement Pay Policy](#)

Formatted  
Formatted  
Formatted

These policy and procedures will be applied where an eligible member of staff wishes to make an application.

### 3 Policy Statement

Surrey Heath Borough Council recognises the need to develop effective working practices in order to assist staff to maintain a good work-life balance whilst preventing detriment to the services delivered to the local community.

### 4 Equality Assessment

This Family Friendly Policies and Procedures and related guidelines has been Impact Assessed by the Equality Action Group



## 5 Principles and Aims

SHBC is committed to providing a family friendly working environment and recognises the importance of quality time spent together for a new family. Furthermore SHBC aims to ensure that female employees, adoptive parents and fathers/partners do not suffer any detrimental treatment as a result of being pregnant or adopting a child. With this in mind the family friendly policy has been created.

SHBC also ensures that our family friendly policies are in line with government legislation.

---

## 6 Maternity Policy

This Policy sets out the statutory rights and responsibilities of staff who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay. The Council recognises, that from time to time, staff may have questions or concerns relating to their maternity rights. It is the Councils policy to encourage open discussion with staff to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if any employee becomes pregnant clarification of the relevant procedures with Human Resources staff is advised, to ensure that they are followed correctly.

The following definitions are used in this policy:

Expected week of childbirth (EWC) means the week, starting on a Sunday, during which the doctor or midwife expects a member of staff to give birth.

Qualifying week means the 15<sup>th</sup> week before the expected week of childbirth.

### 6.1 Notification Requirements

6.1.1 On becoming pregnant, staff should notify their line manager and Human Resources as soon as possible. The line manager should notify the Surrey Heath Borough Council Health and Safety Officer, who will conduct a risk assessment. This is important as there are health and safety considerations for the Council.

6.1.2 By the end of the qualifying week, or as soon as reasonably practicable afterwards, staff are required to complete and submit to Human Resources a completed Maternity Rights form (<http://intranet/HR/PG/maternity.htm>) confirming:

- the fact that they are pregnant;
- their expected week of childbirth; and
- the date on which they intend to start their maternity leave.

- 6.1.3 Staff must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must contain the doctor's name and address or the midwife's name and registration number. This is often issued approximately 20 weeks before the estimated due date.
- 6.1.4 Staff can bring forward their maternity leave start date, provided they advise the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.
- 6.1.5 Staff may also postpone their maternity leave start date, provided that they advise 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.
- 6.1.6 Human Resources will formally respond in writing to a member of staff's notification of their maternity leave plans (enclosing their MatB1) within 28 days, confirming the date on which they are expected to return to work if they take their full 52-weeks of entitlement to maternity leave.
- 6.1.7 If staff start their maternity leave without providing the required notifications, they will be regarded as being on unauthorised absence. In such an event referral be made to Surrey Heath Borough Council Disciplinary Policy and Procedure.

## **6.2. Time Off For Antenatal Care**

- 6.2.1 Once a member of staff has advised the Council that they are pregnant, they will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by their doctor, registered midwife or registered health visitor.
- 6.2.2 In order to be entitled to take time off for antenatal care, expectant staff are required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that they are pregnant. Except in the case of the first appointment, staff should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.
- 6.2.3 The child's father or the pregnant woman's partner, are entitled to accompany the expectant mother to her antenatal appointment. This will be taken as unpaid leave for up to two appointments, up to a maximum of 6.5 hours each. No qualifying period of service is required. Whilst we will not ask for any evidence of the antenatal appointment such as an appointment card or letter as this is the property of the expectant mother we will ask for a written request stating the date and time of the appointment, the relationship to the expectant mother and the nature of the appointment.

- 6.2.4 Antenatal care may include relaxation classes that the doctor, midwife or health visitor has advised a member of staff to attend, in addition to medical examinations.
- 6.2.5 Staff should endeavour to give their line managers 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. Staff may be asked to re-arrange an appointment where it is reasonable to do so.

### **6.3. Health and Safety**

- 6.3.1 The Council has a duty of care for the health and safety of all staff. There is also a requirement to carry out a risk assessment to assess the workplace risks to staff who are pregnant, have recently given birth or are breastfeeding. The Council will provide the staff member with information as to any risks identified in the risk assessment. If the risk assessment reveals that staff would be exposed to health hazards in carrying out their normal job duties, the Council will take such steps as are reasonably necessary to avoid those risks, such as altering staff working conditions. In some cases, this may mean offering the relevant staff member suitable alternative work (if available) on terms and conditions that are not substantially less favourable.
- 6.3.2 If it is not possible for the Council to alter staff working conditions to remove the risks to their health and there is no suitable alternative work available to offer them on a temporary basis, the Council may suspend them from work on maternity grounds until such time as there are no longer any risks to their health. This may be for the remainder of their pregnancy and until the commencement of their maternity leave.
- 6.3.3 If staff are suspended in these circumstances, their employment will continue during the period of the suspension and it does not in any way affect their statutory or contractual employment and maternity rights. Staff will be entitled to their normal salary and contractual benefits during the period of their suspension, unless they have unreasonably refused an offer of suitable alternative employment.

### **6.4. Sickness Absence**

- 6.4.1 If a member of staff is absent from work during pregnancy owing to sickness, they should inform their line manager and follow the Council's Absence Policy and Procedure in the normal way.
- 6.4.2 Such staff will receive normal statutory or contractual sick pay in the same manner as they would during any other sickness absence provided that they have not yet begun ordinary maternity leave.
- 6.4.3 If, however, a member of staff is absent from work due to a pregnancy-related illness after the beginning of the fourth week before their expected week of childbirth, their maternity leave will start automatically.

6.4.4 If a member of staff is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, they must notify the Council in writing of this as soon as reasonably practicable.

## **6.5. Maternity Leave**

6.5.1 All pregnant staff are entitled to take up to 26 weeks Ordinary Maternity Leave (OML) and up to 26 weeks Additional Maternity Leave (AML), making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. AML begins on the day after ordinary maternity leave ends.

6.5.2 OML can start at any time after the beginning of the 11th week before the expected week of childbirth (unless the child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the chosen start date;
- the day after a member of staff gives birth; or
- the day after any day on which a member of staff is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

6.5.3 If staff give birth before their maternity leave was due to start, they must notify the Council in writing of the date of the birth as soon as reasonably practicable.

6.5.4 The law obliges all staff to take a minimum of two weeks' of maternity leave immediately after the birth of the child.

6.5.5 Whilst on Maternity Leave, staff are entitled to:

- benefit from the Council's implied obligation of trust and confidence;
- receive their contractual notice period if their employment is terminated;
- receive a redundancy payment in the event of redundancy if a suitable alternative, vacant, role has not been found;
- continued application of the terms and conditions in their contract of employment relating to disciplinary and grievance procedures.

6.5.6 Whilst on Maternity Leave, staff are obliged to:

- give the Council the notice provided for in their contract if they wish to terminate their employment;
- be bound by the terms in their contract relating to disclosure of confidential information, the acceptance of gifts or other benefits and the restrictions on participation in any other business.

## **6.6. Ordinary Maternity Leave (OML)**

6.6.1 During the period of OML, a member of staff's contract of employment continues in force and they are entitled to receive ~~all their contractual benefits, except for salary. In particular, any~~ benefits in kind (such as private medical insurance, and ~~private use of a Council car or~~ car allowance) ~~will continue;~~

~~Annual leave entitlement will continue to accrue and pension contributions will continue to be made. Salary and any contractual allowances will cease.~~

6.6.2 Salary will be replaced by Statutory Maternity Pay (SMP), after the first 4 days, if staff are eligible to receive it (see Section 6.9).

~~56.6.3~~ Staff are encouraged to take any outstanding annual leave due to them before the commencement of OML.

## **6.7. Additional Maternity Leave (AML)**

6.7.1 During the period of AML, a member of staff's contract of employment continues in force and they are entitled to receive ~~all their contractual benefits, except for salary. In particular,~~ any benefits in kind (such as private medical insurance, and ~~private use of a Council car or~~ car allowance) ~~will continue;~~ ~~Annual leave entitlement will continue to accrue and pension contributions will continue to be made until any statutory maternity payments have expired or whilst any statutory maternity payments are due (see Section 6.9). Salary and any contractual allowances will cease.~~

6.7.2 During AML staff will continue to accrue annual leave under their contract of employment.

## ~~6.8 Provision for Additional Paternity Leave~~

~~\*If the member of staff on Maternity Leave returns to work before using her full entitlement to statutory maternity leave, her spouse, civil partner or partner may be entitled to apply for additional paternity leave (APL). He/she must also have 26 weeks' continuous service by the week that falls 15 weeks before the week in which the child is expected.~~

~~\*This only applies for babies born before 4th April 2015. Where their baby is due on or after 5 April 2015, eligible mothers will be able to volunteer to end their maternity leave and/or pay early to create leave and pay which they can share with the child's father or their partner as shared parental leave and pay. Please refer to section on Shared Parental Leave in this policy.~~

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

~~6.8.9.1~~ SMP may be payable for up to 39 weeks during maternity leave (part of this may be paid to the father, spouse, civil partner or partner under additional paternity leave conditions. See Paternity Policy for full details). A member of staff is eligible for SMP if:

- they have been continuously employed by the Council for at least 26 weeks at the end of the qualifying week and they are still employed during that week;

- their average weekly earnings in the eight weeks up to and including the qualifying week are not less than the lower earnings limit for national insurance contributions;
- they are still pregnant 11 weeks before the start of the expected week of childbirth, or have already given birth;
- they provide a MAT B1 form stating their expected week of childbirth; and
- they give the Council proper notification of their pregnancy in accordance with the rules set out above.

6.89.2 For the first six weeks SMP is paid at the higher rate, which is equivalent to 90% of the member of staff's average weekly earnings calculated over the period of eight weeks up to and including the qualifying week. For the purpose of calculating average weekly earnings, shift allowances, overtime payments, bonuses and commission are all included.

6.89.3 The Council enhances the SMP payment by paying the first 4 days of maternity leave at full pay.

6.89.4 For the remaining 33 weeks, (or less if staff return to work sooner) the standard rate of SMP is paid. This is paid at a rate set by the Government for the relevant tax year, or 90% of their average weekly earnings calculated over the period of eight weeks up to and including the qualifying week if this is lower than the Government's set weekly rate.

6.98.5 If staff become eligible for a pay rise between the start of the original calculation period and the end of their maternity leave (whether OML or AML), the higher or standard rate of SMP will be recalculated to take account of their pay rise, regardless of whether SMP has already been paid. This means that their SMP will be recalculated and increased retrospectively, or that they may qualify for SMP if they did not previously. Staff will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay increase.

6.98.6 SMP is treated as earnings and is therefore subject to income tax and national insurance and pension deductions (if applicable).

6.89.7 Payment of SMP cannot start prior to the 11th week before the expected week of childbirth. SMP can start from any day of the week in accordance with the date staff start their maternity leave.

6.89.8 SMP is payable whether or not a member of staff intends to return to work after their maternity leave.

6.89.9 Any days worked during OML, prior to the birth, will be paid but will result in the loss of 1 week's SMP.

6.89.10 Staff who are not eligible for SMP may be entitled to receive maternity allowance payable by the Government and should contact Human Resources for further information.

## **6.910. Contact During Maternity Leave**

6.910.1 Shortly before maternity leave starts, the Line Manager will discuss the arrangements for staff to keep in touch during their leave, should they wish to do so. This will include sending details of vacancies and Council information to keep staff informed as to Council activities during their maternity leave.

6.910.2 The Council reserves the right in any event to maintain reasonable contact with staff from time to time during their maternity leave. This may be to discuss 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 simply to update them on developments at work during their absence.

### **6.104. Keeping-In-Touch (KIT) Days**

6.104.1 Except during the first two weeks after childbirth, staff 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 their maternity leave to an end and without loss of a week's SMP. These are known as KIT days. Staff will be paid for the hours (maximum 7.5) that they attend work on their KIT days in addition to any SMP payment due for that day (if applicable). A timesheet must be completed and signed by their Manager for each KIT day taken.

6.104.2 The Council has no right to require staff to carry out any work and staff have no right to undertake any work, during their maternity leave. Any work undertaken on KIT days is entirely a matter for agreement between the Council and the member of staff. Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, staff will lose a week's SMP for any week in which they agree to work for the Council.

### **6.112. Returning To Work**

6.112.1 Staff will have been formally advised in writing by the Council of the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave. Staff are expected to return on this date, unless they notify the Council otherwise. If they are unable to attend work at the end of their maternity leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

6.112.2 Whilst a member of staff is under no obligation to do so, it would assist the Council if they could confirm as soon as convenient during their maternity leave that they will be returning to work as expected.

6.121.3 If a member of staff wishes to return to work earlier than the expected return date, they must give the Council at least 8 weeks' written notification of their date of early return. If they fail to do so, the Council may postpone their return to such a date as will give the Council 8 weeks' notice, provided that this is not later than the expected return date. A minimum of 2 weeks maternity leave must be taken after giving birth.

6.112.4 If a member of staff decides not to return to work after maternity leave, they must give their notice of resignation as soon as possible and in

accordance with the terms of their contract of employment. If the notice period would expire after maternity leave has ended, the Council may require them to return to work for the remainder of the notice period.

### **6.123. Rights On And After Return To Work**

- 6.123.1 On resuming work after OML, staff are entitled to return to the same job as they occupied before commencing maternity leave on the same terms and conditions of employment, as if they had not been absent.
- 6.123.2 On resuming work after AML, again staff are entitled to return to the same job they occupied before commencing maternity leave on the same terms and conditions of employment as if they had not been absent. However, if it is not reasonably practicable for the Council to allow staff to return to the same job, the Council may offer them suitable alternative work, on terms and conditions that are no less favourable than would have applied if they had not been absent.
- 6.123.3 A member of staff who worked full-time prior to maternity leave has no automatic right to return to work on a part-time basis or to make other changes to their 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.
- 6.123.4 If a member of staff would like changes to their working pattern to be considered, they should apply under the Council's Flexible Working Policy and Procedures, and write to their line manager, with a copy to Human Resources Manager, setting out their proposals as soon as possible in advance of their return date, in order to provide adequate time for full consideration of their request. Full details can be found via the Council's Flexible Working Policy and procedures or from HR. The written request should state the pattern of work the member of staff is seeking, i.e. number of hours/days they would propose to work and how any resulting operational issues could be addressed.

### **6.13.4 Miscellaneous Provisions**

#### **6.14.1 Provided Cars:**

~~Those officers in receipt of a Council Provided Car will retain this use whilst they are on OML and AML. Whilst a member of staff retains the use of a provided car, staff contributions will need to be maintained.~~

#### **6.13.14.12 Pension Contributions:**

Staff are entitled to make up their pension contributions for any unpaid period of OML and AML if applicable, upon their return to work. Please contact Human Resources for more information if required.

#### **6.13.23 Private Medical Benefit:**

For those members of staff already in the private medical scheme this will continue during maternity leave. However, for those who first become eligible



or wish to join the scheme whilst on maternity leave, this benefit will be deferred until their return to work.

#### **6.13.34 Other Allowances:**

You will stop receiving any allowance(s) after your 4 days OMP ends apart from the car allowance should you be eligible for this.

### **6.14. Other Exceptional Circumstances**

6.145.1 Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation) which would have occurred had a member of staff not been absent, necessitate a change in the job in which they were employed prior to their absence. The alternative work should be suitable and appropriate in the circumstances. The capacity and place in which the member of staff was employed and the terms and conditions of the alternative post must not be substantially less favourable to staff than if they had been able to return to the job in which they were originally employed.

6.145.2 Early births or you lose your baby.

You are still eligible to receive Statutory Maternity Leave and SMP if your baby:

- is born early
- is stillborn after the start of your 24th week of pregnancy
- dies after being born

This Policy does not apply where a baby dies or is stillborn before the start of your 24th week of pregnancy. In these situations the Council will give sympathetic consideration to the circumstances and where necessary grant special leave or sick leave, as appropriate, on the basis of the individual circumstances. The decision should be based on the needs of the member of staff and should be exercised by the Head of Human Resources.

## **7. Paternity Policy**

This Paternity Policy sets out the rights of Council staff to Paternity Leave. The right to Paternity Leave is available to the biological father of a child or to a person who is married to, the civil partner or the cohabiting partner of, the child's mother. It is also available to the spouse, civil partner or partner of a child's adopter, or where a couple jointly adopt a child, to the individual who does not take adoption leave. To qualify, the member of staff must have or expect to have, responsibility for the child's upbringing.

### **7.1. Paternity Leave**

7.1.1 A member of staff whose wife, civil partner or partner gives birth to a child is entitled to two weeks' paid paternity leave provided that he or she has 26

weeks' continuous service by the week that falls 15 weeks before the week in which the child is expected.

- 7.1.2 Paternity leave 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~~parents may take paternity leave where the other adoptive parent has elected to take adoption leave. Further detail is available in respect of adoption leave in this Policy.
- 7.1.3 Paternity leave is granted in addition to normal annual holiday entitlement. Paternity leave must be taken in a single block of one or 2 weeks within 8 weeks of the birth or adoption of the child. Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption.
- 7.1.4 Pay during paternity leave will be at either the standard paternity rate per week, or at a rate equivalent to 90% of the employee's average weekly earnings, whichever is the least. However, staff whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity pay.
- 7.1.5 You may also accompany your partner to two antenatal appointments (refer to section 6.2 for further details).
- ~~7.1.6 Additional Paternity Leave (available until 4th April 2015, thereafter you may be eligible to Shared Parental Leave which is detailed in this Policy)~~
- ~~7.1.7 A member of staff whose wife, civil partner or partner gives birth to a child is entitled to additional paternity leave is granted, up to 26 weeks within the first year of the child's life if the mother returns to work before using her full entitlement to statutory maternity leave. The member of staff must also have 26 weeks' continuous service by the week that falls 15 weeks before the week in which the child is expected, to be eligible. In most circumstances additional paternity leave will be available during the second 26 weeks (six months) of the child's life. The first 26 weeks (six months) of the child's life will normally be preserved for the mother to take maternity leave. However, the earliest that additional paternity leave may commence will be 20 weeks after the child is born.~~
- ~~7.1.8 Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. If one recipient opts for statutory adoption leave/pay, the other may take paternity leave. The recipient of paternity leave is also entitled to additional paternity leave. The entitlement is identical as if the biological mother was receiving maternity leave/pay rather than adoption leave/pay.~~
- ~~7.1.9 If the mother returns to work after 26 weeks' maternity leave but before she has taken her full entitlement to 39 weeks' statutory maternity pay or maternity allowance, the additional paternity leave will be paid at the same rate as the standard rate of statutory maternity pay or 90% of the average earnings of the father/spouse/civil partner/partner, if this is less than the standard rate.~~

~~Therefore individuals will be able to take a maximum of 13 weeks' paid and 13 weeks' unpaid leave.~~

~~7.1.10 For the employee taking additional paternity leave he/she will be entitled to up to 10 keeping in touch days during the course of that leave without bringing it to an end. He/she will also, following a single period of additional paternity leave of 26 weeks or less, have the right to return to the same job that they were employed in before their absence.~~

## **7.2. For Paternity and Additional Paternity Leave**

7.2.1 Where a member of staff (being spouse, father or partner) wishes to request paternity leave in respect of a birth child, they must give 15 weeks' written notice to their Line Manager, with a copy to Human Resources Manager. The written notice must include:

- the date on which their partner's baby is due;
- the length of paternity leave they wish to take;
- the date on which they wish the leave to commence; and
- a copy of the Mat B1.

~~7.2.2 Where a member of staff (being spouse, father or partner) wishes to request additional paternity leave (only available until 4th April 2015) this request must be submitted at least 8 weeks before the intended date. A written declaration from the mother must be given to the Council, setting out:~~

- ~~• confirmation that he is the father (or is the spouse — married or civil partner) and that apart from her (the mother) he will have or expects to have the main responsibility for bringing up the child;~~
- ~~• that to her knowledge he is the only person exercising the entitlement to additional paternity leave in respect of the child concerned.~~

~~7.2.3 In the case of an adopted child, staff must give written notice of their intention to take paternity or additional paternity leave no later than 7 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 they intend to start paternity or additional paternity leave, the length of the intended paternity or additional paternity leave period and the date on which they were notified of having been matched with the child.~~

~~7.2.4 The additional paternity leave may be taken for a minimum of 2 weeks to a maximum of 26 weeks. The leave may only be taken in multiples of complete weeks and must be taken within a specified period (the period beginning 20 weeks and ending 12 months after the birth or placement for adoption).~~

7.2.25 If a member of staff subsequently wishes to change the timing of the paternity leave or additional paternity leave, they must give 28 days' written notice of the new dates, within 8 weeks of the birth or adoption. They must also, if so requested, complete and sign a self-certificate declaring that they are entitled

to paternity leave and/or additional paternity leave and statutory paternity pay  
~~and/or additional paternity pay.~~

### **7.3. Contact During Paternity Leave**

7.3.1 Shortly before paternity leave starts, the Line Manager will discuss the arrangements for staff to keep in touch during their leave, should they wish to do so. This will include sending details of vacancies and Council information to keep staff informed as to Council activities during their ~~pm~~paternity leave.

7.3.2 The Council reserves the right in any event to maintain reasonable contact with staff from time to time during their paternity leave. ~~This may be to discuss 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 simply to update them on developments at work during their absence.~~

### **7.4 — Keeping In Touch (KIT) Days**

~~7.4.1 Staff can agree to work for the Council or to attend training for up to 10 days during paternity leave without that work bringing the period of their paternity leave to an end and without loss of a week's SMP. These are known as KIT days. Staff will be paid for the hours (maximum 7.5) that they attend work on their KIT days in addition to any SPP payment due for that day (if applicable). A timesheet must be completed and signed by their Manager for each KIT day taken.~~

~~7.4.2 The Council has no right to require staff to carry out any work and staff have no right to undertake any work, during their paternity leave. Any work undertaken on KIT days is entirely a matter for agreement between the Council and the member of staff. Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, staff will lose a week's SPP for any week in which they agree to work for the Council.~~

### **7.4.5 Returning To Work**

~~7.4.5.1~~ 7.4.5.1 Staff will have been formally advised in writing by the Council of the date on which they are expected to return to work if they take their full entitlement to paternity leave. Staff are expected to return on this date, unless they notify the Council otherwise. If they are unable to attend work at the end of their paternity leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

~~7.5.2 Whilst a member of staff is under no obligation to do so, it would assist the Council if they could confirm as soon as convenient during their paternity leave that they will be returning to work as expected.~~

~~7.5.3 If a member of staff wishes to return to work earlier than the expected return date, they must give the Council at least 8 weeks' written notification of their date of early return. If they fail to do so, the Council may postpone their return~~

~~to such a date as will give the Council 8 weeks' notice, provided that this is not later than the expected return date.~~

~~7.5.4 If a member of staff decides not to return to work after paternity leave, they must give their notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after maternity leave has ended, the Council may require them to return to work for the remainder of the notice period.~~

## **7.5.6 Rights On And After Return To Work**

~~7.5.6.1~~ On resuming work after staff are entitled to return to the same job as they occupied before commencing paternity leave on the same terms and conditions of employment, as if they had not been absent.

~~7.6.2 A member of staff taking paternity leave 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.~~

~~7.6.5.23~~ A member of staff who worked full-time prior to paternity leave has no automatic right to return to work on a part-time basis or to make other changes to their 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, [please refer to the Flexible Working Policy](#).

~~7.6.4 If a member of staff would like changes to their working pattern to be considered, they should apply under the Council's Flexible Working Policy and Procedures, and write to their line manager, with a copy to Human Resources Manager, setting out their proposals as soon as possible in advance of their return date, in order to provide adequate time for full consideration of their request. Full details can be found via the Council's Flexible Working Policy and procedures or from HR. The written request should state the pattern of work the member of staff is seeking, i.e. number of hours/days they would propose to work and how any resulting operational issues could be addressed.~~

## **7.7.6. Miscellaneous Provisions**

~~7.7.1 Provided Cars:~~

~~Those officers in receipt of a Council Provided Car will retain this use whilst they are on paternity leave. Whilst a member of staff retains the use of a provided car, staff contributions will need to be maintained.~~

~~7.6.7.12~~ Pension Contributions:

Staff are entitled to make up their pension contributions for any unpaid period, upon their return to work. Please contact Human Resources for more information if required.

#### **7.6.27-3 Private Medical Benefit:**

For those members of staff already in the private medical scheme this will continue during paternity leave. ~~However, for those who first become eligible or wish to join the scheme whilst on paternity leave, this benefit will be deferred until their return to work.~~

#### **7.6.37-4 Other Allowances:**

You will stop receiving any allowance(s) during your paternity leave apart from the car allowance should you be eligible for this

Formatted

### **7.7.8 Other Exceptional Circumstances**

~~7.8.1 Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation) which would have occurred had a member of staff not been absent, necessitate a change in the job in which they were employed prior to their absence. The alternative work should be suitable and appropriate in the circumstances. The capacity and place in which the member of staff was employed and the terms and conditions of the alternative post must not be substantially less favourable to staff than if they had been able to return to the job in which they were originally employed.~~

#### **7.7.18-2 Early births or you lose your baby.**

You are still eligible to receive Statutory Paternity Leave and SPP if your baby:

- is born early
- is stillborn after the start of your 24th week of pregnancy
- dies after being born

This Policy does not apply where a baby dies or is stillborn before the start of your 24th week of pregnancy. In these situations the Council will give sympathetic consideration to the circumstances and where necessary grant special leave or sick leave, as appropriate, on the basis of the individual circumstances. The decision should be based on the needs of the member of staff and should be exercised by the Head of Human Resources.

## 8. Adoption Policy

This Adoption Policy sets out the rights of Council staff to statutory adoption leave and pay, for adoption within the UK and where a child is expected to be placed for adoption. In conjunction with this Adoption Policy staff may also refer to Paternity Policy and Shared Parental Leave Policy.

### 8.1. Eligibility

A member of staff who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave provided that they have at least 26 weeks' continuous service calculated as at the week in which notification of matching is given by the adoption agency.

### 8.2. Adoption Leave Entitlement

8.2.1 Staff are encouraged to take any outstanding holiday due to them before the commencement of adoption leave.

8.2.2 The entitlement for a qualifying member of staff is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. Hence the staff's maximum entitlement is to take up to 52 weeks' adoption leave.

8.2.3 Adoption leave can start on the day the child is ~~placed for adoption~~placed for adoption, or up to 14 days earlier. It can also start the day the child's born or the day after (if you've used a surrogate to have a child)

8.2.4 All staff who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave providing 8 weeks written notice is given.

8.2.5 Once you have been matched with a child you are able to take paid time off work to attend 5 adoption appointments

8.2.6 Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption.

### 8.3. Statutory Adoption Pay (SAP)

Staff who qualify for adoption leave will also qualify for SAP provided that their average weekly earnings are not less than the lower earnings limit for national insurance contributions. ~~SAP is payable for up to 39 weeks at a rate set by the Government for the relevant tax year, or at 90% of the member of staff's average weekly earnings, if this figure is lower than the Government's set weekly rate. (If the full 52 weeks Adoption Leave is taken, the remaining 13 weeks are unpaid.)~~

- 8.3.1 —For the first six weeks SAP is paid at the higher rate, which is equivalent to 90% of the member of staff’s average weekly earnings calculated over the period of eight weeks up to and including the qualifying week. For the purpose of calculating average weekly earnings, shift allowances, overtime payments, bonuses and commission are all included.
- 8.3.2 The Council enhances the SAP payment by paying the first 4 days of adoption leave at full pay.
- 8.3.3 For the remaining 33 weeks, (or less if staff return to work sooner) the standard rate of SAP is paid. This is paid at a rate set by the Government for the relevant tax year, or 90% of their average weekly earnings calculated over the period of eight weeks up to and including the qualifying week if this is lower than the Government's set weekly rate.
- 8.3.4 If staff become eligible for a pay rise between the start of the original calculation period and the end of their adoption leave (whether OAL or AAL), the higher or standard rate of SAP will be recalculated to take account of their pay rise, regardless of whether SAP has already been paid. This means that their SAP will be recalculated and increased retrospectively, or that they may qualify for SAP if they did not previously. Staff will be paid a lump sum to make up any difference between SAP already paid and the amount payable as a result of the pay increase
- 8.3.5 SAP is treated as earnings and is therefore subject to income tax and national insurance and pension deductions (if applicable).
- 8.3.6 SAP is payable whether or not a member of staff intends to return to work after their adoption leave
- ~~8.3.1—SAP is treated as earnings and is therefore subject to income tax and national insurance deductions.~~

Formatted

#### **8.4. Notification requirements**

- 8.4.1 In order to make administration as easy as possible, staff should discuss the timing of their adoption leave with their immediate line- manager as early as possible.
- 8.4.2 In order to be entitled to take adoption leave and receive SAP, staff are required to give the Council written notification of their intention to take adoption leave no later than 7 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 member of staff for adoption and the date the member of staff intends their adoption leave to start.
- 8.4.3 Staff are permitted to bring forward their adoption leave start date, provided that they advise the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. Staff may also postpone their adoption leave start date, provided that they advise 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.



- 8.4.4 Staff must also provide evidence of entitlement to adoption leave and pay by producing a 'matching certificate' from the adoption agency.
- 8.4.5 Any failure to give proper notice of an intention to start adoption leave will be regarded as a disciplinary offence, leading potentially to disciplinary sanctions for misconduct if appropriate.
- 8.4.6 Within 28 days of receiving notice of intention to take adoption leave, the Council will write to the member of staff confirming the latest date on which they must return to work after adoption leave.
- 8.4.7 If staff start their adoption leave without providing the required notifications, they will be regarded as being on unauthorised absence.

## **8.5. Rights During Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL)**

- 8.5.1 Whilst on Adoption Leave, staff are entitled to:
  - benefit from the Council's implied obligation of trust and confidence;
  - receive their contractual notice period if their employment is terminated;
  - receive a redundancy payment in the event of redundancy if a suitable alternative, vacant, role has not been found;
  - continued application of the terms and conditions in their contract of employment relating to disciplinary and grievance procedures.
- 8.5.2 Whilst on Adoption Leave, staff are obliged to:
  - give the Council the notice provided for in their contract if they wish to terminate their employment;
  - be bound by the terms in their contract relating to disclosure of confidential information, the acceptance of gifts or other benefits and the restrictions on participation in any other business.

## **8.6 Ordinary Adoption Leave (OAL) & Additional Adoption Leave (AAL)**

- 8.6.1 During the period of OAL & AAL a member of staff's contract of employment continues in force and they are entitled to receive ~~all their contractual benefits, except for salary. In particular,~~ any benefits in kind (such as private medical insurance, and ~~private use of a Council Provided Car or~~ car allowance) ~~will continue;~~ Annual leave entitlement will continue to accrue and pension contributions will continue to be made. Salary and any contractual allowances will cease.
- 8.6.2 Salary will be replaced by Statutory Adoption Pay (SAP), after the first 4 days, if staff are eligible to receive it.
- 8.6.3 Staff are encouraged to take any outstanding annual leave due to them before the commencement of OAL.

## **8.7 ~~Additional Adoption Leave (AAL)~~**

~~8.7.1 During the period of AAL a member of staff's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as private medical insurance, and private use of a Council Provided Car) will continue; annual leave entitlement will continue to accrue and pension contributions will continue to be made.~~

~~8.7.2 During AAL staff will continue to accrue annual leave under their contract of employment.~~

### **8.78 Paternity Leave during Adoption Leave**

8.78.1 In the case of an adopted child, staff must give written notice of their intention to take paternity leave no later than 7 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 they intend to start paternity or additional paternity leave, the length of the intended paternity or additional paternity leave period and the date on which they were notified of having been matched with the child.

Formatte

### **8.8 Contact During Adoption Leave**

8.8.1 Shortly before adoption leave starts, the Council will discuss the arrangements for staff to keep in touch during their leave, should they wish to do so. This will include sending them details of vacancies and Council information to keep them informed as to Council activities during their adoption leave.

8.8.2 The Council reserves the right in any event to maintain reasonable contact with staff from time to time during their adoption leave. This may be to discuss 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 simply to update them on developments at work during their absence.

### **8.9 Keeping-In-Touch Days**

8.9.1 Staff can agree to work for the Council or to attend training for up to 10 days during either OAL or AAL without that work bringing the period of their adoption leave to an end and without loss of a week's SAP. These are known as 'keeping-in-touch' days. Staff will be paid for the hours (maximum 7.5) that they attend work on their KIT days in addition to any SAP payment due for that day (if applicable). A timesheet must be completed and signed by their Manager for each KIT day taken.

8.9.2 The Council has no right to require staff to carry out any work and staff have no right to undertake any work, during their adoption leave. Any work undertaken on keeping-in-touch days is entirely a matter for agreement between the Council and the member of staff. Any keeping-in-touch days

worked do not extend the period of adoption leave. Once the keeping-in-touch days have been used up, staff will lose a week's SAP for any week in which they agree to work for the Council.

## **8.10. Returning To Work After Adoption Leave**

8.10.1 Staff may return to work at any time during OAL or AAL, provided that they give the appropriate notification. If staff wish to return before the full period of adoption leave has elapsed, they must give at least 8 weeks' notice in writing to the Council of the date on which they intend to return.

8.10.2 Alternatively, staff may take their full period of adoption leave entitlement and return to work at the end of this period.

8.10.3 Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the member of staff is sick and produces a current medical certificate, following the Council's Absence Policy and Procedures, before the end of the adoption leave period.

8.10.4 If a member of staff decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to the Council as soon as possible and in accordance with the terms of their contract of employment.

## **8.11 Miscellaneous**

### **8.11.1 Provided Cars:**

~~Those officers in receipt of a Council Provided Car will retain this use whilst they are on OAL and AAL. Whilst a member of staff retains the use of a provided car, contributions will need to be maintained.~~

### **8.11.12 Pension Contributions:**

Staff are entitled to make up their pension contributions for their period of OAL and AAL, upon their return to work. Please contact Human Resources for more information if required.

### **8.11.23 Other Exceptional Circumstances:**

Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation) which would have occurred had a member of staff not been absent, necessitate a change in the job in which they were employed prior to their absence. The alternative work should be suitable and appropriate in the circumstances. The capacity and place in which the member of staff was employed and the terms and conditions of the alternative post must not be substantially less favourable to staff than if they had been able to return to the job in which they were originally employed.

### **8.11.3 Other Allowances:**

You will stop receiving any allowance(s) after your 4 days OAML P ends apart from the car allowance should you be eligible for this.

## 9. Parental Leave Policy

Surrey Heath Council has adopted the default scheme for the taking of parental leave. This policy sets out the rights of Council staff to statutory parental leave to take time off work to look after a child or make arrangements for the child's welfare.

### 9.1. Eligibility

To qualify for parental leave, a member of staff must have completed at least one year's continuous service with the Council.

~~Up until a child's fifth birthday, S~~ staff are entitled to up to 18 weeks' unpaid parental leave in total, per child, if they meet one of the following conditions:

- ~~• They are named on the child's birth or adoption certificate or they have or expect to have parental responsibility~~
- ~~• They are not a foster parent (unless they've secured parental responsibility through the courts)~~
- ~~• The child is under 18~~
- ~~• \*They are the parent of a child who is under 5 years of age.~~
- ~~• \*They have adopted a child under the age of 18 (the right to parental leave lasts for a period of 5 years from the date of adoption or until the child's 18th birthday, whichever is the sooner).~~
- ~~• \*They have acquired formal parental responsibility for a child who is under 5 years of age.~~

~~However, a member of staff who is the parent or adoptive parent of a child who has been awarded Disability Living Allowance is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday.~~

### 9.2. Rights During Parental Leave

During parental leave the member of staff will remain employed, although pay will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place.

During parental leave staff 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.

A member of staff taking parental leave 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.

### **9.3. Conditions of Leave**

- 9.3.1 A member of staff may not exercise any entitlement to parental leave unless they have complied with any request made by the Council to produce evidence as to their 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; where the member of staff is exercising a right in relation to a disabled child, details of the child's entitlement to Disability Living Allowance).
- 9.3.2 A member of staff must give proper notice of the period of leave that they propose to take. This notice must be given to the Council at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end.
- 9.3.3 **\*\***Where the member of staff is the father of the child in respect of whom the leave is to be taken and he requests parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The member of staff must give this notice at least 21 days before the expected week of childbirth.
- 9.3.4 **\*\***Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the member of staff'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.
- 9.3.5 The Council may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the Council considers that its business would be unduly disrupted if the member of staff were to take leave during the period requested. In such a case, the Council will allow the member of staff to take an equivalent period of parental leave beginning no later than 6 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 member of staff to take parental leave.

Such notice will be given no more than 7 days after the member of staff's notice was given to the Council.

- 9.3.6 A member of staff may not take parental leave in blocks of less than 1 week (except in relation to a child who is disabled).
- 9.3.7 A member of staff may not take more than 4 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 member of staff 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.

#### **9.4 Return from leave**

- 9.4.1 At the end of parental leave, the member of staff will be entitled to return to the same job provided that the leave was for a period of 4 weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave).
- 9.4.2 If the period of parental leave was longer than 4 weeks (or followed on immediately from a period of additional maternity or adoption leave), then the member of staff 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.

#### **9.5 Miscellaneous**

The Council reserves the right to reasonably request evidence to confirm a member of staff is the parent or the person who is legally responsible for the child. Evidence might take the form of information contained in the child's birth certificate, papers confirming a child's adoption or the date of placement in adoption cases, or in the case of a disabled child, the award of disability living allowance for the child.

~~\*Increasing to 18 years after 4th April 2015~~

~~\*\*Shared Parental Leave will replace 32.2 and 32.3 for babies that are expected to be born after 4th April 2015.~~

### **10. Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) Policy**

- 10.0.1 This Shared Parental Leave Policy sets out the rights of Council staff to share leave for parents of children expected to be born or placed for ~~adoption~~adoption, n on or after 5th April 2015. **As these provisions are complex, it is advisable that staff contact Human Resources in the first instance for clarification of the relevant procedures to ensure that they are followed correctly.**

- 10.0.2 ~~Where their baby is due on or after 5 April 2015,~~ Eligible mothers will be able to volunteer to end their maternity leave and/or pay early to create leave and pay which they can share with the child's father or their partner as shared parental leave and pay.
- 10.0.3 The intention is to allow families more choice over how they look after their children in the first year. Existing rules on maternity and ordinary paternity leave and pay remain the same. Additional paternity leave and pay will be abolished. The arrangements for recovering statutory payments via HMRC for statutory maternity pay and ordinary statutory paternity pay will apply in the same way in respect of statutory shared parental pay.
- 10.0.4 Shared parental leave means that eligible fathers and partners will be able to request more leave from work in the first year following their child's birth. Because it is shareable, there will also be cases where eligible mothers will return to work early because the child's father or their partner is taking leave in their place. Shared parental leave can be taken in discontinuous blocks. This means that eligible parents will also be able to request to mix work with leave in the first year of their child's life and return to work between periods of leave if they wish.
- 10.0.5 Under the shared parental leave system, mothers will have the option of sharing up to 50 of their 52 weeks' maternity leave and 37 of their 39 weeks' statutory pay with their partner. In order to do so they must end their statutory maternity leave. Similar provisions apply in respect of adoption leave.
- 10.0.6 SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption).

### **Example**

A mother could end her maternity leave after 12 weeks, leaving 40 weeks (of the total 52 week entitlement) available for SPL. If both the mother and her partner are eligible, they can share the 40 weeks. They can take the leave at the same time or separately.

## **10.1 Eligibility**

- 10.1.1 If an employee is eligible and they or their partner end maternity or adoption leave and pay (or Maternity Allowance) early, then they can:
- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
  - take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)
- 10.1.2 A mother must take a minimum of 2 weeks' maternity leave following the birth.
- 10.1.3 Sometimes only one parent in a couple will be eligible to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). This means that they can't share the leave.
- 10.1.4 If your employee is eligible then they can use SPL to book their leave in separate blocks.

10.1.5 To qualify for SPL, the child's mother (or adoptive parent) must be eligible for either:

- maternity leave or pay
- Maternity Allowance
- adoption leave or pay

You must also:

- have worked continuously for at least 26 weeks by the end of the 15th week before the due date (or date they are matched with their adopted child)
- still be employed by Surrey Heath Borough Council whilst taking SPL
- give the correct notice including a declaration that their partner meets the employment and income requirements which allow an employee to get SPL.

## **10.2 Blocks of leave**

10.2.1 A Surrey Heath Borough Council employee taking SPL can split their leave into up to 3 separate blocks instead of taking it all in one go, even if they aren't sharing the leave with their partner.

10.2.2 If both parents are taking SPL then they can take their leave at the same time as each other or at different times.

10.2.3 At least 8 weeks' written notice must be given to your Line Manager and a copy to Human Resources before a block of leave begins.

## **10.3 Splitting Blocks of leave**

Surrey Heath Borough Council Policy allows you to split a block of leave into shorter periods of a minimum of a week, for example they could work every other week during a 12-week block, using a total of 6 weeks of their SPL. However, this is to be reviewed for each individual request and the final decision will be made in agreement with Head of Human Resources.

## **10.4 Starting Shared Parental leave**

10.4.1 For Shared Parental Leave (SPL) to start, the mother or adopter must do one of the following:

- end their maternity or adoption leave by returning to work
- give Surrey Heath Borough Council 'binding notice' (a decision that can't normally be changed) of the date when they'll end their maternity or adoption leave
- end maternity pay or Maternity Allowance (if they're not entitled to maternity leave, eg they're an agency worker or self-employed)

### **Example**

A mother and her partner are both eligible for SPL.

The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives you notice.



Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as they've given at least 8 weeks' notice).

10.4.2 A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth.

10.4.3 The mother must give us at least 8 weeks written notice to end her maternity pay, or Jobcentre Plus to end her Maternity Allowance. Adopters must give you notice to end adoption pay.

10.4.4 SPL can start for the partner while the mother or adopter is still on maternity or adoption leave if she's given binding notice to end her leave (or pay if she's not entitled to leave).

10.4.5 Surrey Heath Borough Council must receive written notice of the employees' entitlement to SPL and ShPP (Shared Parental Pay), including:

- their partner's name
- maternity leave start and end dates
- the total amount of SPL and ShPP available and how much they and their partner intend to take
- that they're sharing childcare responsibility with their partner

It must also include a signed declaration from the partner stating:

- their name, address and National Insurance number
- that they satisfy the qualifying requirements for your employee to take SPL and ShPP
- that they agree to your employee taking SPL and ShPP

10.4.6 Within 14 days of receiving this notice, we can ask an employee to provide within the following 14 days:

- a copy of the child's birth certificate
- the name and address of their partner's employer

## 10.5 Notice period

An employee must give at least 8 weeks' written notice of any leave they wish to take. If the child is born more than 8 weeks early, this notice period can be shorter.

## 10.6 Cancelling the decision to end maternity or adoption leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- the planned end date hasn't passed
- they haven't already returned to work

However, in addition to the above two conditions one of the following must also apply:

- it's discovered during the 8-week notice period that neither partner is eligible for either SPL or ShPP
- the employee's partner has died

- it's less than 6 weeks after the birth (and the mother gave notice before the birth)

### 10.7 Shared Parental leave in touch (SPLIT) days

A Surrey Heath employee can work up to 20 days during SPL without bringing it to an end. These are called 'shared parental leave in touch' (or SPLIT) days. These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave.

Keeping in touch days are optional - both Surrey Heath Borough Council and the employee must agree to them.

### 10.8 Shared Parental Pay (ShPP)

10.8.1 An employee may also qualify for ShPP if one of the following applies:

- you qualify for Statutory Maternity Pay
- you qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity Pay or Maternity Allowance or Statutory Adoption Pay

10.8.2 If you're eligible and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

10.8.3 The mother must take a minimum of 2 weeks' maternity leave following the birth.

### 10.9 How much pay you'll get

ShPP is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

## 11. Parental Bereavement Leave and Parental Bereavement Pay Policy

11.0.1 We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face. This policy sets out the rights of Council staff and provides employees with information and options for taking leave for those who have suffered the loss of a child

11.0.2 This policy applies to employees who have suffered the loss of a child under the age of 18, on or after 6 April 2020. The policy also applies to parents who suffer a stillbirth after 24 weeks of pregnancy.

11.0.3 It is the responsibility of employee to communicate to their line manager or the HR team no later than when they are due to start work, or, if that is not feasible, as soon as is reasonably practicable.

11.0.4 It is the responsibility of the line manager to communicate with the HR team if an employee suffers the loss of a child.

## 11.1 Parental Bereavement Leave

To qualify for Parental Bereavement Leave, you must meet the criteria as both a parent (including if you had day-to-day responsibility) and an employee;

11.1.1 You must be classed as an employee – it does not matter how long you have worked for the council

11.1.2 You may be eligible for parental bereavement leave if you are one of the following:

- The parent of a child who has passed away,
- The partner of the child's parent, where you live with the child who has passed away and their parent,
- You have had “day-to-day responsibility” of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child (but you have not been paid to look after the child)
- You or your partner had a baby with the help of a surrogate parent
- You are the adoptive parent

11.1.3 You have 56 weeks to take Parental Bereavement Leave. This starts from the date of the child's death.

You can take 2 weeks leave in one block or as 2 separate blocks of one week.

The 56 weeks are split into 2 periods:

- from the date of the child's death or stillbirth to 8 weeks after
- 9 to 56 weeks after the date of the child's death or stillbirth

11.1.4 You must give notice before you take Parental Bereavement Leave by informing your line manager and the HR. How much notice depends on when you're taking the leave;

### 0 to 8 weeks after the child's death or stillbirth

You must inform your line manager and HR [in](#) before you would normally start work on the first day of the week or weeks you want to take off work.

### 9 to 56 weeks after the child's death or stillbirth

You must inform your line manager and HR one week before the start of the week or weeks you want to take off work.

You must inform your line manager and HR with the following information

- The date of the child's death or stillbirth
- when you want your parental bereavement leave to begin
- how much leave you are taking - either 1 or 2 weeks

11.1.5 You do not need to give proof of the death or stillbirth

## 11.2 Statutory Parental Bereavement Pay

To qualify for Statutory Parental Bereavement Pay, you must meet the criteria as both a parent (including if you had day-to-day responsibility) and an employee;

11.2.1 You must have been continuously employed by the council for at least 26 weeks up to the end of the week (ending with a Saturday) immediately before the week of the death or stillbirth.

11.2.2 You must continue to be employed up to the day the child dies or is stillborn

11.2.3 You must earn on average £120 a week before tax over an 8-week period

11.2.4 You must give the council correct notice for Statutory Parental Bereavement Pay (please see 11.1.4)

11.2.5 You may be eligible for Statutory Parental Bereavement Leave if you are one of the following:

- The parent of a child who has passed away
- The partner of the child's parent, where you live with the child who has passed away and their parent
- You have had "day-to-day responsibility" of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child (but you have not been paid to look after the child)
- You or your partner had a baby with the help of a surrogate parent
- You are the adoptive parent

11.2.6 You must ask for Statutory Parental Bereavement Pay within 28 days, starting from the first day of the week you're claiming the payment for

11.2.7 Each time you claim you must provide HR with the following information in writing:

- The dates of the period you want to claim Statutory Parental Bereavement Pay
- The date of the child's death or stillbirth

Please complete the online declaration form to confirm you are eligible because of your relationship to the child or baby and return to HR <https://www.tax.service.gov.uk/submissions/new-form/claim-statutory-parental-bereavement-pay/one-per-user>

11.2.8 If you are eligible you will receive the

## 11.3 Cancelling your Parental Bereavement Leave or Parental Bereavement Pay

11.3.1 You can cancel your Parental Bereavement Leave or Statutory Parental Bereavement Pay if you have given the council more than the required notice for either taking leave or claiming pay.

11.3.2 To cancel your Parental Bereavement Leave or Statutory Parental Bereavement Pay, you will need to notify HR.

11.3.4 Cancelling Parental Bereavement Leave

If your leave is due to start within 8 weeks of the death or stillbirth, you must notify HR of the cancellation no later than the time you would normally start work on the first day of planned leave.

If your leave is due to start within 9 weeks or later after the death or stillbirth, you must notify HR of the cancellation no later than one week before the start of the planned leave.

11.3.5 Cancelling Parental Bereavement Pay

If your pay was due to start within 8 weeks of the child's death or stillbirth, you must notify HR on the first day of the week you want to cancel.

If your pay was due to start 9 weeks or later after the child's death or stillbirth, you must notify HR you want to cancel one week before your pay was due to start.

11.4 Taking Parental Bereavement Leave with other categories of Statutory Leave

11.4.1. If you're taking another type of statutory leave (for example, maternity leave or paternity leave) when the child dies or stillbirth happens, your Parental Bereavement Leave must start after the other leave has ended but does not have to be taken immediately after. This includes if the statutory leave is for another child.

11.4.2 If your Parental Bereavement Leave is interrupted by the start of another type of statutory leave, you can take your remaining entitlement to Parental Bereavement Leave after that other leave has ended.

11.4.3. You can take Parental Bereavement Leave between blocks of shared parental leave that you had booked before the child died or stillbirth. This includes if the shared parental leave is for another child.

11.4.4 Any remaining Parental Bereavement Leave must still be taken within 56 weeks of the date of the child's death or stillbirth.

**Equality Impact Assessment Date  
Author**

**November 2014  
Human Resources**



**Terms & Conditions 2020/21**

**Summary**

To note the Council’s Terms and Conditions (T&Cs) including the Councils casual contract.

**Wards Affected**

N/A

**Recommendation**

The Employment Committee is asked to RESOLVE that revised Terms and Conditions, as set out at Annex A to this report, be adopted.

**1. Resource Implications**

1.1. There are no resource issues arising from this report.

**2. Key Issues**

2.1 The Terms and Conditions have been revised due to recent employment law changes/updates.

**3. Options**

3.1 The Committee has the option to agree that the revised Terms and Conditions be adopted, with or without any further amendments it considers appropriate.

**4. Proposals**

4.1 It is proposed that the Committee considers and adopts the revised Terms of Reference, as set out at Annex A.

**5. Governance Issues**

5.1 The revisions to Terms and Conditions were considered by the Joint Staff Consultative Group at its meeting on 24 September 2020 and are recommended for adoption by this Committee.

**6. Equalities Impact**

6.1 An Equalities Impact Assessment has been completed.

**Annexes**

**Annex A – T&Cs**  
**Annex B – Casual Contract**

**Background papers**

N/A

<b>Author/contact details</b>	<b>Jennifer Villamayor</b> <b>Jennifer.Villamayor@surreyheath.gov.uk</b>
<b>Executive Head of Transformation</b>	<b>Louise Livingston</b> <b>Louise.livingston@surreyheath.gov.uk</b>





## Statement of Terms and Conditions of Employment

This statement sets out the proposed terms and conditions of employment between Surrey Heath Borough Council ('the Council') and **XXXX** ('You'). Where relevant, these terms and conditions will replace in their entirety all existing terms and conditions, agreements and arrangements whether in writing or otherwise.

The Council may amend or vary your terms of employment from time to time and shall notify you of such amendments or variation. If the change is substantial the Council will advise you in writing.

### 1.0 Post/Personal Details

1.1	Name	<b>XXXX</b>
1.2	Post title	<b>XXXX</b>
1.3	Post number	<b>XXXX</b>
1.4	Service	<b>XXXX</b>
1.5	Salary grade / spinal column point	<b>XXXX</b>
1.6	Salary per annum	<b>XXXX</b>
1.7	Hours per week	<b>XXXX</b>
1.8	Commencement Date of Employment with this Council	<b>XXXX</b>
1.9	Commencement Date of Local Government Continuous Service	<b>XXXX</b>
1.10	Nature of Employment	Permanent
1.11	Initial Location with reference to 2.3	Surrey Heath House, Camberley
1.12	You will be responsible to	<b>XXXX</b>
1.13	<u>Additional Allowances</u>	<p><u>See appendix 1</u></p> <p><u>Select the appropriate allowance option</u></p> <p><u>First Aid</u></p> <p><u>Recruitment and Retention</u></p> <p><u>Weekend Shift Enhancement</u></p> <p><u>Car Allowance</u></p>



## Statement of Terms and Conditions of Employment

		<p><del>Additional Duties</del> <del>Deputy Monitoring Officer</del> <del>Deputy S151 Officer</del> <del>Incident Liason Officer</del> <del>Monitoring Officer</del> <del>Private Medical Benefit</del></p>
--	--	---

### 2.0 Terms and Conditions of Service

2.1 Your terms and conditions of employment are as set out in this document, in the subsidiary documents referred to herein, and to the Council's staffing decisions and regulations as applicable to all staff employed on Surrey Heath (SH) Grades.

2.2 From time to time variations in your terms and conditions of employment will result from the reviews mentioned in this document and also from local collective agreements between the Council and the Staff. These variations will be separately notified to you or otherwise incorporated in documents which are available to you for reference. In either instance, the effect will be that the changes are incorporated into your contract of employment.

2.3 Your appointment is to the service of the Council and you will be based at the above location or at such other place of employment within the Council, following consultation with you. This may include working within different areas and locations, where there is a service requirement and it is considered staff hold the relevant skills and experience. Any relevant training and support will be provided in these circumstances if required.

2.4 Your off duty hours are your own personal concern, but you should be aware that the public is entitled to demand of a local government officer conduct of the highest standard and, therefore, you must never put yourself in a position where your duty and your private interests conflict.

2.5 Any employment outside of that contained in this appointment must be approved by the Chief Executive/[Executive Head - Transformation](#) in consultation with HR. This includes any freelance or self-employed project or on-going engagement.

### 3.0 Salary

3.1 The Surrey Heath SH Grades are inclusive and take into account all regional/local factors.



## Statement of Terms and Conditions of Employment

3.2\_ Incremental progression for standard performance within the grade is by positive recommendation in accordance with the Appraisal Development Scheme.

3.3\_ The Council will undertake an annual review of its SH Grades, in accordance with the Pay Policy which will take effect from 1 April each year.

3.4\_ For the purposes of the Employment Rights Act 1996 you authorise the Council to deduct from your salary, any sums due to the Council including, without limitation, any over payment of salary and any advances or loans made to you by the Council. In the event of such sums being due to the Council on the termination of your employment, and if your final salary payment is insufficient to allow for the whole of any such deduction, you will be required to repay the outstanding amount due to the Council within one month of the date of termination of your employment.

3.5\_ Any benefits supplied to you or your family from time to time that are not expressly referred to in this statement are provided ex gratia and shall not form part of your contract of employment.

### 4.0 Hours of Work

4.1\_ Your normal working week is detailed under point 1.7 however, your actual attendance pattern will be dependent upon the exigencies and requirements of the service. The following working attendance patterns should be have been agreed with your Line Manager or, where appropriate, your Executive Head. Hours of work maybe varied in consultation with your line manager and HR. e.g Mon-Fri or

<u>Day of week</u>	<u>Hours to be worked</u>
<u>Monday</u>	
<u>Tuesday</u>	
<u>Wednesday</u>	
<u>Thursday</u>	
<u>Friday</u>	

**Or (Grade 20 and above)**

4.1\_ Your normal working week will be based on 37 hours. Overtime is not payable even if additional hours are worked, except by prior written agreement of the Chief Executive. The actual attendance pattern of senior professional local government staff is necessarily flexible and dependent upon the exigencies and requirements of the service. Attendance patterns should be agreed with the Chief Executive.



## Statement of Terms and Conditions of Employment

4.2 In the event of a major incident (or other civil emergency), it is the Council's expectation that staff will respond if requested to do so either in or out of working hours.

### 5.0 Holidays

5.1 The basic annual paid leave entitlement for this role is **XX** days.

5.2 With effect from the leave year following five years' continuous local authority or other recognised service, the basic annual paid leave entitlement for this role is **XX** days.

5.3 In addition to the basic annual paid leave entitlement and the statutory public holidays, the Council also grants an additional days holiday which is customarily attached to the Christmas holiday. The Council, may at its discretion ask you to take up to 2 days annual leave during the Christmas holiday.

5.4 The annual leave year will run from April to March. Actual periods of leave must be authorised in advance by the Executive Head/Head of Service or his/her representative. Leave will be granted on a 'first come first served' basis taking into account the exigencies of the service and the need to maintain continued cover.

5.5 Subject to approval, an officer may carry forward up to 5 days annual leave entitlement from one leave year to the next, up to a cumulative maximum of 20 days to facilitate, for example, an extended trip abroad, additional programmed study leave, or sabbatical purposes.

5.6 Where an officer leaves the employment of the Council they will be required to repay any leave taken beyond their proportional entitlement and this will be deducted at source from their final salary payment. Where an officer intends to leave the employment of this Council and will be unable to take or transfer their proportional leave entitlement, due to work commitments, then they may receive payment for the untaken leave up to their proportional entitlement.

5.7 Any other paid leave entitlement which is additional to annual leave, such as maternity leave, paternity leave, adoption leave, Shared Parental, time off for dependants, bereavement leave, compassionate, sabbaticalsabbatical and training and study leave can be found on the Council's intranet.

### 6.0 Additional Benefits

Formatted: F



## Statement of Terms and Conditions of Employment

6.1 The Council recognises that its main asset is its staff and in recognition of this further details of staff benefits the full benefits package can be found on the Council's website. Intranet. The Council recognises the importance of continuous personal and professional development for staff. Training opportunities are available to staff with approval from your line manager and HR.

### 76.0 Probationary Period

67.1 All new external appointments are subject to a probationary period. If applicable, your employment by the council is subject to a probationary period of six months, during which time you will be required to demonstrate to the Council's satisfaction your suitability for the position in which you are employed. This period may be extended at the Council's discretion and is without prejudice to the Council's right to terminate your employment before the expiry of the probationary period.

Any mandatory induction and associated training identified as part of the probation period, should be completed before the end of the probationary period. During your probationary period, the Council's Disciplinary Policy may not apply.

~~During your probationary period, the Council's Disciplinary Policy and Procedure may not apply.~~

76.2 Local Government Continuous Service is recognised for the purposes of the notice period we are required to give you, redundancy, pension, annual leave, maternity and sickness absence.

76.3 Where an individual has been placed at risk of redundancy and is redeployed into a new role, a trial settling in period of 4 weeks shall apply, to assess their suitability. In the event of the role proving to be unsuitable, the individual would again be placed at risk of redundancy and alternative suitable roles would be considered.

### **8.0 Pension**

8.1 All Surrey Heath employees who under the age of 75 and have a contract of employment for at least 3 months will automatically become a member of the Local Government Pension Scheme (LGPS) on their first day of employment, unless they opt out of the scheme upon joining the Council. You will be required to pay the relevant contributions to Surrey County Council LGPS. Further information on LGPS can be found in the Pension Policy Statement and Surrey County Council Pension website. If your contract of employment is for less than 3 months, or you are a casual worker, you may elect to join the LGPS should you wish to do so.



## Statement of Terms and Conditions of Employment

8.2 The LGPS is a tax approved, defined benefit occupational pension scheme set up under the Superannuation Act 1972.

### 99.0 Continuous Service

99.1 Your period of continuous service dates from the date of commencement of employment with this Authority.

99.2 Exceptions to this are where periods of previous service with other Local Authorities and related employers are allowed to count as continuous employment for certain purposes.

### 10.0 Travelling & expenses

10.1 All claims for travelling will be treated in line with Car User Policy and guidelines published on Surrey Heath Borough Council Intranet.

### 110.0 Criminal Records

110.1 As part of the recruitment process a criminal records check is completed either by Disclosure Scotland or Disclosure Scotland Barring Service (DBS), depending on your post and the level of check required.

110.2 If your post requires a DBS check then periodically this will be reviewed. A review will normally necessitate another criminal records check.

110.3 It is the responsibility of staff to immediately advise Human Resources of any criminal records received which are relevant to the role to which they are employed. If there is any uncertainty to relevance then please approach Human Resources to discuss. Failure to do so could result in the Council evoking their Disciplinary Policy and Procedure. [Please refer to the Officer Code of Conduct for further information.](#)

### 142.0 Sickness Absence and Sick Pay

142.1 All sickness absence and sick pay will be treated in line with the Council's Sickness Absence Policy and Procedure. [Further details of this policy and other types of absence can be found on the Councils intranet.](#) ~~Further details of this policy and other types of absence can be found on the Council's intranet.~~

### 132.0 Disciplinary Procedure

132.1 The Council's Disciplinary Procedure, is set out in the Council's Disciplinary Policy & Procedure document. The Council reserves the right to suspend you at any time, with pay, whilst investigating any disciplinary matter



## Statement of Terms and Conditions of Employment

or for a health and safety reason. For the avoidance of doubt, the Council's Disciplinary Policy and Procedure may not apply during probationary periods. [Further details of this policy can be found on the Council's intranet.](#) ~~Further details of this policy can be found on the Council's intranet.~~

### 143.0 Grievance Procedure

143.1 The Council's Grievance Procedure, is set out in the Council's Grievance Policy and Procedure document [which is located on the Council's intranet.](#) ~~which is located on the Council's intranet.~~ The purpose of the Grievance Procedure is to enable you to resolve any problems you may have about any aspect of your employment.

### 145.0 Notice

154.1 **You are required to** give **XX weeks'** notice in writing of termination of your employment.

154.2 **The Council** will also give a minimum of **XX weeks'** notice in termination of employment. However, depending on length of service the Council must also meet the statutory minimum periods of notice which are:

Period of Continuous Employment	Minimum Notice
Four weeks or more but less than 2 years	1 week
Two years or more but less than 12 years	1 week for each year of continuous employment
Twelve years or more	Not less than 12 weeks of notice

154.3 If you have resigned with notice, or you have been given notice to terminate your contract by the Council, the Council reserves the right, at its sole discretion, to require you not to attend your place of work for all or part of the notice period. In these circumstances, your contract will continue in force until the end of the notice period and you will continue to receive full pay and benefits in the normal way. You will also remain bound by all the obligations and restrictions set out in your contract of employment, save the duty to attend work. You must, within reason, remain available to be



## Statement of Terms and Conditions of Employment

contacted by the Council. Under these circumstances, you are not permitted to take up employment elsewhere during the notice period.

### 16.0 Changes to Contractual or Personal Circumstances

This section of the contract relates to the additional allowances as per section 1.13, that are listed in 1.13

16.1 You are required to notify the HR Team immediately of any change to status e.g penalty points on your driving and/or insurance cover. Failure to do so may result in disciplinary action. Payment of the a car allowance will cease if your driving licence becomes invalid due to a driving ban. Refer to the Councils Car & Road Users policy for further information.

16.2 Please refer to the Councils Family Friendly policy for further guidance regarding allowances while on maternity leave. 16.2 If you go on maternity leave you will stop receiving xxxx allowances after their paid maternity period ends.

16.3 Please refer to the Councils Sickness Absence policy for further guidance regarding allowances while on sick leave (see section 16). if you go on long term sickness absence the xxxxa;lowance will be reduced to half when you enmter the half sick pay period and will then cease when you go onto 'nil pay'.

16.4 Payment of the acar al;lowance will cease if your driving licence becomers invalid duer to a driving ban.

16.45 If you resign from the Council or you are dismissed the XXXX allowance will cease with effect from the date of your last day of service.termination.

16.6 No compensation will be paid to you in relation to xxxx allowanes in the event of redundancy, ill health retirement, normal retirement or death in service

### 17. Politically Restricted Posts

You post xxxxxxxx is politically restricted under the Local Government and Housing Act 1989, which introduced restrictions on some jobs above a certain level due to political sensitivity. As your role is politically restricted this means you will not be able to;

Formatted: Fo

Formatted: Li

Formatted: Fo

Formatted: Fo

Formatted: Fo

Formatted: Fo

Formatted: Fo

Formatted: Fo

Formatted: Hi

Formatted: Fo

Formatted: Fo

Formatted: Fo

Formatted: Hi

Formatted: Hi





## Statement of Terms and Conditions of Employment

- be candidate or prospective candidate for election as an MP, MEP or Councillor
- 'hold office' in a political party
- 'canvass' at elections for a political party
- speak or write in a manner, which appears to be designed to affect public support for a political party

Formatted: Hi

Formatted: Li  
0.63 cm + Inde

Formatted: Hi

Formatted: Li  
Bulleted + Leve  
cm

Formatted: Hi

Formatted: Hi

Formatted: Fo

### 167.0 Subsidiary Documents

16.1 By signing and returning this Statement, you agree to be bound by all Surrey Heath Borough Council policies relating to your employment by the Council.

**I acknowledge receipt of this Statement and accept this appointment in accordance with the above Statement of Terms and Conditions of Employment.**

This statement will be stored electronically within your personnel file for the period of your employment and thereafter, *no longer than is necessary for the purposes for which it is processed in line with Data Protection Legislation.*



## Statement of Terms and Conditions of Employment

### Appendix 1

<u>Type of Allowance</u>
<u>First Aid allowance</u>
<u>Recruitment &amp; Retention allowance</u>
<u>Additional Duties allowance</u>
<u>Acting Up allowance</u>
<u>Car allowance</u>
<u>Monitoring Officer</u>
<u>Deputy Monitoring Officer</u>
<u>Section 151 Officer</u>
<u>Deputy 151 Officer</u>
<u>Incident Liaison Officer</u>

Formatted: Fo

Formatted: Fo

DRAFT

**Minutes of a Meeting of the  
Appointments Sub Committee held on  
5 August 2020**

---

- |                         |                         |
|-------------------------|-------------------------|
| + Cllr Cliff Betton     | + Cllr Alan McClafferty |
| + Cllr Colin Dougan     | + Cllr Graham Tapper    |
| + Cllr Sharon Galliford |                         |

+ Present

**1/A Appointment of Chairman**

It was proposed, seconded and

**RESOLVED that Councillor Alan McClafferty be appointed as Chairman for the meeting.**

**2/A Exclusion of Press and Public**

In accordance with Section 100A(4) of the Local Government Act 1972, the public, including the press representatives, was excluded from the meeting for the consideration of the following items of business on the ground that they involved the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act, as set out below:

Minute	Paragraph
3/A	1
4/A	1

**3/A Appointment of (Interim) Executive Head: Finance**

The Sub Committee interviewed candidates for the post of (Interim) Executive Head of Finance.

**RESOLVED that the post of Interim Executive Head of Finance be offered to Martin Hone subject to the requirements of Part 4 of the Constitution in respect to the offer of employment as a chief officer of the Council being satisfied.**

**RECOMMENDED that Martin Hone be designated as the Council's Section 151 Officer/Chief Finance Officer, to be effective upon commencement of his employment with the Council.**

**4/A Review of Exempt Items**

The Sub Committee reviewed the item which had been considered at the meeting following the exclusion of members of the press and public, as it involved the likely disclosure of exempt information.

**RESOLVED that the decision be made public following**

- (i) confirmation that the requirements of Part 4 of the Constitution in respect to the offer of employment as a chief officer of the Council are satisfied; and**
- (i) the acceptance of the appointment.**

Chairman

**Work Programme**

Portfolio:	Non-executive function
Ward(s) Affected:	n/a

**Purpose**

**To agree the work programme for the 2020/21 municipal year.**

**Background**

1. At each meeting the Committee will consider the work programme, be advised of updates and agree amendments as appropriate.
2. Meetings for the 2020/21 municipal year have been scheduled as follows:
  - 28 January 2021
  - 25 March 2021

**Proposal**

3. It is proposed that the Committee considers the list of topics listed in Annex A of the work programme and makes an amendments it considers appropriate.

**Recommendation**

4. The Committee is advised to RESOLVE that the work programme for the 2020/21 municipal year, as set out at Annex A, be approved and amended as appropriate.

**Background Papers:** None

**Author:** Rachel Whillis                      01276 707319  
e-mail: Rachel.whillis@surreyheath.gov.uk

**Head of Service:** Richard Payne – Executive Head of Corporate

**Employment Committee  
2020/21 Work Programme**

<b>Meeting</b>	<b>Topic</b>	<b>Source</b>
<b>28 January 2021</b>	<b>Grievance Policy and Procedure for Statutory Officers and non-Statutory CMT members</b>	<b>HR (review)</b>
	<b>Disciplinary Policy and Procedure for Statutory Officers and non-Statutory CMT members</b>	<b>HR (review)</b>
	<b>Pensions Discretion Policy</b>	<b>HR</b>
	<b>Pay Settlement 21/22 (Verbal update)</b>	<b>HR</b>
	<b>Agency &amp; Contractor Policy</b>	<b>HR</b>
	<b>Casual, fixed-term &amp; temporary workers</b>	<b>HR</b>
<b>25 March 2021</b>	<b>Pay Settlement 21/22 (Verbal update)</b>	<b>HR</b>
	<b>Data Breaches Policy</b>	<b>ICT/HR</b>
	<b>Information Security Policy (Review)</b>	<b>ICT</b>
	<b>Data Protection Policy</b>	<b>ICT</b>
	<b>Social Networking Policy (Review)</b>	<b>HR/ICT</b>

To be allocated:

Annual report on the use of the Speak Up Policy

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank