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Tuesday, 21 March 2023

To: The Members of the **Employment Committee**
(Councillors: Stuart Black (Chairman), Cliff Betton (Vice Chairman), Colin Dougan, Sharon Galliford, Mark Gordon, Josephine Hawkins, Alan McClafferty, 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, Liz Noble, Sashi Mylvaganam and Adrian Page

Dear Councillor,

A meeting of the **Employment Committee** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Thursday, 30 March 2023 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

AGENDA		Pages
Part 1 (Public)		
1	Apologies for Absence	-
2	Minutes	3 - 4
	To confirm and sign the minutes of the meeting held on 16 February 2023 (copy attached).	
3	Declarations of Interest	-

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.

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**Minutes of a Meeting of the
Employment Committee held on 16
February 2023**

+ Cllr Stuart Black (Chairman)
+ Cllr Cliff Betton (Vice Chairman)

- Cllr Colin Dougan	+ Cllr Alan McClafferty
- Cllr Sharon Galliford	+ Cllr Graham Tapper
- Cllr Mark Gordon	+ Cllr Victoria Wheeler
+ Cllr Josephine Hawkins	

+ Present

- Apologies for absence presented

Officers Present: Sally Kipping
Julie Simmonds
Rachel Whillis

24/EC Minutes

The minutes of the meeting held on 26 January 2023 were confirmed and signed by the Chairman. It was noted that the meeting was not being livestreamed.

25/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)
26/EC	1 (Information relating to any individual)
27/EC	1 (Information relating to any individual)

26/EC Annual Report

The Committee was reminded that all officer posts within the Council were allocated a grade within the Salary Scales for Officers, which formed part of the Staff Terms and Conditions of Employment. Each salary grade contained up to 5 incremental points, also referred to as Spinal Column Points (SCP), with the highest SCP considered the rate for that grade. The SCP on which a member of staff started was based on their experience, with incremental progression within the grade dependent upon positive recommendation by the individual's line manager, in accordance with the Appraisal Development Scheme; with regard to the Chief Executive, this process was reserved to the Employment Committee as set out at Part 3 of the Constitution.

Members received a verbal report from the Leader on the appraisal he had undertaken with the Chief Executive. Having noted the Leader's report and

discussed the performance against agreed objectives, the Committee agreed that the Chief Executive's pay should move to SCP 33.304. This equated to a salary of £136,812 per annum.

It was noted that, as this was the final increment on that pay grade, the current Chief Executive would not be eligible for any further incremental increases.

RESOLVED that the Chief Executive's salary be moved to Spinal Column Point 33.304.

27/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 any details relating to the appraisal to remain exempt, but the decision to award an increment be made public.

Chairman

**Surrey Heath Borough Council
Joint Staff Consultative Group
30 March 2023**

Family Friendly Policies

Strategic Director/Head of Service	Sally Kipping
Report Author:	Julie Simmonds – HR Manager
Key Decision:	no
Wards Affected:	n/a

Summary and purpose

This report provides the Employment Committee with details of the Family Friendly Policy which we have adopted within Surrey Heath Borough Council. This policy is to give guidance and processes for staff going on maternity, paternity, adoption or parental leave.

The revised Policy was considered by the Joint Staff Consultative Group at its meeting on 2 March 2023.

Recommendation

The Committee is advised to RESOLVE that the revised Family Friendly Policy and Procedure, as attached at Annex A to this report, be adopted.

1. Background and Supporting Information

1.1 This policy continues to evolve as we continue to review and monitor the legislations and processing for staff who are considering or require leave for maternity, paternity, adoption and shared parental leave.. All changes within the policy have been tracked changed/highlighted for ease for your consideration with the main areas:

- 1.1.1 Contractual maternity and adoption pay increases from statutory requirements we currently offer (1.8 and 3.3.2 in Policy)
- 1.1.2 Allowances which may be paid during leave for example car allowance. (1.6, 1.7 and 1.13)
- 1.1.3 Increase of benefit for Paternity Leave so it is now paid as opposed to unpaid (2)

2. Reasons for Recommendation

- 2.1 To provide clear information on entitlements for staff going on maternity, paternity, adoption and shared parental leave.

3. Proposal and Alternative Options

- 3.1 Adoption of this Family Friendly Policy.

4. Resource Implications

- 4.1 No increase of resources required.

5. Section 151 Officer Comments:

- 5.1 This Family Friendly Policy was taken to CMT for review and comment on 14th February 2023

6. Monitoring Officer Comments:

- 6.1 This Family Friendly Policy was taken to CMT for review and comment on 14th February 2023

7. Other Considerations and Impacts

Environment and Climate Change

- 7.1 Supports the Council's pledge.

Equalities and Human Rights

- 7.2 Equalities Impact Assessment will be completed.

Risk Management

- 7.3 n/a

Community Engagement

- 7.4 Not applicable.

Annexes

Annex A – Family Friend Policies – January 2022 Draft



FAMILY FRIENDLY POLICIES

MATERNITY, PATERNITY, ADOPTION,



January 2023

Surrey Heath Borough Council
Knoll Road, Camberley GU15 3HD
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PARENTAL LEAVE, SHARED PARENTAL LEAVE



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Introduction

Supporting employees to enjoy their family life and taking the appropriate leave during additions to that family is an essential part of the benefits that we offer to employees and is protected in law.

It can however be a difficult and sensitive time and as an employer we appreciate that. The Council recognises that, Ffrom time to time, staffemployees may have questions or concerns relating to their maternity, paternity and adoption rights and they may wish to keep these confidential. It is the Council's policy toWe encourage open discussion with staffemployees to ensure that questions and problems can be resolved as quickly as possible.

As these provisions are complex, it is advisable that the staffemployee contact Human Resources in the first instance for clarification of the relevant procedures to ensure that they are followed correctlyhave the advice, guidance and support that they need.

Scope

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

1.3

- 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

1.4

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

1.6

Policy Statement



1.7 Surrey Heath Borough Council recognises the need to support our employees through the development of effective working practices in order to help people assist staff to maintain a good work-life balance whilst continuing to deliver high quality preventing detriment to the services delivered to the local community.

1.8

Equality Assessment

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

1.10

1.11

Principles and Aims

1.12 SHBC is committed to providing a family friendly working environment and recognises the importance of quality time spent together for a new family.

1.13 Furthermore SHBC aims to ensure that people who give birth, their partners and 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.

1.14

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

1.16

2. Maternity Policy

2.2 This Policy sets out the statutory rights and responsibilities of employeesstaff 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.

~~2.3 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.~~

~~2.42.3~~

~~2.52.4~~ The following definitions are used in this policy:

~~2.62.5~~ Expected week of childbirth (EWC) means the week, starting on a Sunday, during which the doctor or midwife expects a person member of staff/employee to give birth.

~~2.72.6~~ Qualifying week means the 15th week before the expected week of childbirth.

~~2.82.7~~

1.1 Notification Requirements

~~2.92.8~~ 1.1.1 On becoming pregnant, the employee/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.

~~2.102.9~~

2.10 1.1.2 By the end of the qualifying week, or as soon as reasonably practicable afterwards, staff/employees are required to complete and submit to Human Resources a completed Notification of Maternity form confirming:

2.11

- the fact that they are pregnant;



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

2.12

2.13 ~~1.1.3 The employee~~Staff must also provide a MAT BI 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.

2.14

2.15 ~~1.1.4 Staff must also provide a~~The MAT BI form ~~must also be provided~~, 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.

2.16 ~~1.1.5 The employee~~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.

2.17 ~~1.1.6 The Staff~~Employee ~~may also postpone their~~ maternity leave start date ~~may be postponed~~, provided ~~that they advise~~ the Council ~~is advised~~ in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

2.18 ~~1.1.7~~ Human Resources will formally respond in writing to ~~a a member of staff~~employee's notification of ~~their~~ maternity leave plans (enclosing their MatBI) within 28 days, confirming the date on which the ~~employee is y~~ ~~are~~ expected to return to work if they take their full 52-weeks of entitlement to maternity leave.



2.19 1.1.8 If ~~staff~~employees start their maternity leave without providing the required notifications, they will be regarded as being on unauthorised absence unless there are exceptional circumstances (for example the person did not realise that they were pregnant). In the event of unauthorised absence, the matter may be such an event referral be referred ~~made~~ to Surrey Heath Borough Council Disciplinary Policy and Procedure.

2.20

2.21 1.2 Time Off For Antenatal Care

2.22

2.23 1.2.1 Once an ~~an~~ ~~member of staff~~employee 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.

2.24

2.25 1.2.2 In order to be entitled to take time off for antenatal care, expectant ~~staff~~employees 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, ~~the~~ ~~staff~~employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

2.26 1.2.3 ~~If you are a partner of someone who is pregnant, you~~ ~~The child's father or the pregnant woman's partner, is~~ ~~are~~ are entitled to accompany the expectant mother to her antenatal and postnatal appointments (further information detailed in the Paternity Policy) ~~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.~~

- 2.27 [1.2.4](#) Antenatal care may include relaxation classes that the doctor, midwife or health visitor has advised an ~~an~~ ~~member of staff~~ ~~employee~~ to attend, in addition to medical examinations.
- 2.28 [1.2.5](#) ~~Employees~~ ~~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. ~~Employees~~ ~~Staff~~ may be asked to re-arrange an appointment where it is reasonable to do so.
- 2.29 [1.3](#) Health and Safety
- 2.30
- 2.31 [1.3.1](#) The Council has a duty of care for the health and safety of all ~~staff~~ ~~employees~~. There is also a requirement to carry out a risk assessment to assess the workplace risks to ~~employees~~ ~~staff~~ who are pregnant, have recently given birth or are breastfeeding. The Council will provide the ~~employee~~ ~~staff member~~ with information as to any risks identified in the risk assessment. If the risk assessment reveals that ~~the~~ ~~employee~~ ~~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~~ ~~employee~~ working conditions. In some cases, this may mean offering the ~~relevant staff member~~ ~~employee~~ suitable alternative work (if available) on terms and conditions that are not substantially less favourable.
- 2.32
- 2.33 [1.3.2](#) If it is not possible for the Council to alter ~~staff~~ ~~employee~~ 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.

2.34 [1.3.3](#) If ~~staffan~~ ~~employee~~ ~~is~~ ~~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. [1.3.4](#) ~~Staff~~~~Employees~~ 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.

2.35 [1.4](#) Sickness Absence

2.36

2.37 [1.4.1](#) If ~~an~~ ~~member~~ ~~of~~ ~~staff~~~~employee~~ is absent from work during pregnancy owing to sickness, they should inform their line manager and follow the Council's ~~Attendance~~~~sence~~ Policy and Procedure in the normal way.

2.38

2.39 [1.4.2](#) Such ~~staff~~~~employees~~ –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.

2.40 [1.4.3](#) If, however, ~~an~~ ~~member~~ ~~of~~ ~~staff~~~~employee~~ 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.



2.41 [1.4.4](#) If an ~~an member of staff~~ [employee](#) 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.

2.42 [1.5](#) Maternity Leave

2.43

2.44 [1.5.1](#) All pregnant ~~staff~~ [employees](#) 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.

2.45

2.46 [1.5.2](#) 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 an ~~an member of staff~~ [employee](#) gives birth; or
- the day after any day on which an ~~an member of staff~~ [employee](#) is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

2.47

2.48 [1.5.3](#) If an ~~employee gives staff~~ [employee](#) 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.

2.49

2.50 [1.5.4](#) The law obliges all ~~employees~~ [staff who have given birth](#) to take a minimum of two weeks' of maternity leave immediately after the birth of the child.



2.51

2.52 [1.5.5](#) Whilst on Maternity Leave, ~~employees~~ 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.

2.53

2.54 [1.5.6](#) Whilst on Maternity Leave, ~~employees~~ 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.

2.55

2.56 [1.6](#) Ordinary Maternity Leave (OML)

2.57

2.58 [1.6.1](#) During the period of OML, an ~~employee's member of staff's~~ contract of employment ~~remains continues in place in force~~ and they are entitled to receive any benefits in kind (such as private medical insurance, and car allowance) Annual leave entitlement will continue to accrue and pension contributions will continue to be made. Salary and any contractual allowances will cease.

2.59

~~2.60 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).~~

~~2.6~~[2.60](#) [1.6.2](#) [Employees Staff](#) are encouraged to take any outstanding annual leave due to them before the commencement of OML.



~~2.622.61~~ [1.7](#) Additional Maternity Leave (AML)

~~2.632.62~~

~~2.642.63~~ [1.7.1](#) During the period of AML, an employee's ~~member of staff's~~ contract of employment remains in place ~~continues in force~~ and they are entitled to receive any benefits in kind (such as private medical insurance, and car allowance) 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.

~~2.652.64~~

~~2.662.65~~ [1.7.2](#) During AML staff employees will continue to accrue annual leave under their contract of employment.

1.8 Maternity Pay

1.8.1ee Maternity Allowance (MA)

If you have less than 26 weeks continuous service with Surrey Heath Borough Council, at the end of the 15th week before the week in which your child is due, you will not be eligible for any payment from Surrey Heath Borough Council during your maternity leave. However, you may be entitled to claim MA from Jobcentre Plus. You will be given an SMPI form by Payroll, which you will need to complete and give to Jobcentre Plus

~~2.672.66~~ [1.8.2](#) Statutory Maternity Pay (SMP)

~~2.682.67~~



~~2.69~~2.68 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).

An ~~employee member of staff~~ is eligible for SMP if:

~~2.70~~2.69

- 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 BI 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.

~~2.71~~2.70

~~2.72~~2.71 For the first six weeks SMP is paid at the higher rate, which is equivalent to 90% of the member of ~~staff~~employee'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.

~~2.73~~2.72

~~2.74~~ The Council enhances the SMP payment by paying the first 4 days of maternity leave at full pay.

~~2.75~~ 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.~~

~~2.76~~2.73 If ~~an employee~~staff becomes 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~~Employees 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.

~~2.77~~2.74 SMP is treated as earnings and is therefore subject to income tax and national insurance and pension deductions (if applicable).

~~2.78~~2.75 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 ~~an staff~~employee start their maternity leave.

~~2.79~~2.76 SMP is payable whether or not ~~an member of staff~~employee intends to return to work after their maternity leave.

~~2.80~~2.77 Any days worked during OML, prior to the birth, will be paid but will result in the loss of 1 week's SMP.

~~2.81~~ ~~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.~~

~~2.78~~



2.79 1.8.3 Contractual (Surrey Heath Borough Council) Maternity Pay

2.80

Entitlement

Employees with at least one year's local government continuous service at the 11th week before the week, in which your child is due, are also entitled to:

- i. six weeks' pay at 9/10ths of your normal (contractual) full pay.
- ii. An additional 12 weeks contractual maternity pay at half your normal rate of pay, if you return to work after your maternity leave for a period of at least three months.

Note: (i) If you are entitled to SMP, this payment will, in effect, be the first six weeks SMP that Surrey Heath is required to pay to you. If you are not entitled to SMP, but you are eligible to claim Maternity Allowance (MA) from Jobcentre Plus, the amount of that allowance will be deducted from this element of your Surrey Heath maternity pay whether or not you claim your entitlement to MA. If you are not entitled to SMP or MA, your six weeks' pay at 9/10ths of your normal pay will be subject only to the normal salary deductions.

Note: (ii) If the SMP payment together with the additional 12 weeks contractual maternity pay gives a total weekly payment which is more than your normal weekly pay, the 12 weeks contractual maternity pay will spread over a longer period such that the payment is not more than your normal weekly pay. The Payroll and Human Resources Team will discuss this with you if it is relevant.

Payment of contractual maternity pay:

a) Monthly instalments

The additional 12 weeks at half pay contractual maternity pay can be paid in monthly instalments immediately after the first six weeks of maternity pay if you make a specific declaration that you intend to return to work for, at least,



the three month period. This means that, if you are eligible for SMP, you will normally receive your SMP and your contractual maternity pay at the same time. (N.B this is not case where the payment of SMP and contractual maternity pay equals more than your average weekly earnings).

Note: If you elect to receive the half pay before returning to work, this will be paid to you as a loan, which will be repayable in full, if you do not return to work for at least three months*. In that event, you will not be required to repay the SMP paid to you during the 12 week half pay period as this is a statutory right.

b) Lump sum:

The additional 12 weeks at half pay contractual maternity pay can be withheld and paid to you as a lump sum after you have returned to work for three months. This would happen if you are uncertain about whether you are going to return to work or if you specifically request a deferred payment.

If you are not entitled to SMP, but are entitled to MA from Jobcentre Plus, no deduction of this allowance will be made from your contractual half pay for maternity leave.

*The exception to this is if the reason that you do not return to work for at least 3 months is due to redundancy.

2.822.81 1.9 Contact during Maternity Leave

2.832.82

2.842.83 1.9.1 Shortly before maternity leave starts, the Line Manager will discuss the arrangements for employees-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 ~~employees~~staff informed as to Council activities during their maternity leave.

~~2.85~~2.84

~~2.86~~2.85 1.9.2 The Council reserves the right in any event to maintain reasonable contact with ~~employees~~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.

~~2.87~~2.86 1.10 Keeping in Touch (KIT) Days

~~2.88~~2.87

~~2.89~~2.88 1.10.1 Except during the first two weeks after childbirth, ~~staff~~employees ~~may~~ 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~~Employees 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.

~~2.90~~2.89

2.90 1.10.2 The Council has no right to require ~~an~~ ~~staff~~employee to carry out any work and ~~staff~~employees 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~~employee. Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, ~~staff~~employees will lose a week's SMP for any week in which they agree to work for the Council.

2.91



~~2.91~~2.92 Please be aware that attending work social events cannot be included in KIT day hours.

~~2.92~~2.93 1.11 Returning to work

~~2.93~~2.94

~~2.94~~2.95 1.11.1 The ~~employee~~ 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. ~~Employees~~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.

~~2.95~~2.96

~~2.97~~ 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.

~~2.98~~

~~2.96~~2.99 1.11.2 Employees are required to work for a three-month period following their return from maternity leave if they wish to avoid repaying the loan of the contractual maternity pay. If they do not return to work for the three-month period, they will be obliged to return this element of their maternity pay. The three month period may include annual leave and their notice period.

~~2.97~~ 1.11.3 If an ~~employee 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.~~

2.100 1.11.4 If an ~~member of staff~~employee 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. Please however be aware that if an employee resigns during their maternity leave, they will need to return their contractual maternity pay as to qualify for this, the employee must return to work at the end of their maternity leave for a three-month period.

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~~2.982.102~~

~~2.992.103~~ 1.12 Rights On and After Returning to Work

~~2.1002.104~~

~~2.1012.105~~ 1.12.1 On resuming work after OML, ~~staff~~employees 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.

~~2.1022.106~~

~~2.1032.107~~ 1.12.2 On resuming work after AML, again ~~staff~~employees 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~~employees 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.



2.1042.108 1.12.3 An ~~member of staff~~employee 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.

2.1052.109 1.12.4 If an ~~member of staff~~employee 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~~employee is seeking, i.e. number of hours/days they would propose to work and how any resulting operational issues could be addressed.

2.1062.110 1.13 Miscellaneous Provisions

2.1072.111

2.1082.112 Pension Contributions

2.1092.113 ~~Staff~~Employees 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.

2.1102.114

2.1112.115 Private Medical Benefit

2.1122.116 For those ~~members of staff~~employees 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.

~~2.113~~2.117

~~2.114~~ Other Allowances

~~2.118~~ You will stop receiving any allowance(s) after your 4 days OMP ends apart from the car allowance should you be eligible for this

2.119 Other Allowances

~~2.115~~ You will stop receiving any allowance(s) after your 12 weeks OMP ends with the exception of a car allowance should you be eligible for this

~~2.116~~2.120

~~2.117~~2.121 1.14 Other Exceptional Circumstances

~~2.118~~2.122

~~2.119~~2.123 1.14.1 Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation) which would have occurred had an ~~member of staff~~employee 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~~employee was employed and the terms and conditions of the alternative post must not be substantially less favourable to ~~staff~~employees than if they had been able to return to the job in which they were originally employed.

~~2.120~~2.124

~~2.121~~2.125 1.14.2 You are still eligible to receive Statutory Maternity Leave and ~~SMP~~any pay provision if your baby:

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

~~2.122~~2.126

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.

[2.127](#) Paternity Policy

[2.123](#)[2.128](#)

[2.124](#)[2.129](#) This Paternity Policy sets out the rights of Council ~~staff~~[employees](#) 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~~ [staffemployee](#) must have or expect to have, responsibility for the child's upbringing.

[2.125](#)[2.130](#)

[2.126](#)[2.131](#)

[2.127](#)[2.132](#) [2.1](#) Paternity Leave [and Paternity Pay](#)

[2.128](#)[2.133](#)

[2.129](#)[2.134](#) [2.1.1](#) An ~~member of~~ [staffemployee](#) whose wife, civil partner or partner gives birth to a child is entitled to two weeks' ~~paid~~ paternity leave [on full pay](#) 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.

[2.130](#)[2.135](#)

[2.131](#)[2.136](#) [2.1.2](#) Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive 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.



~~2.132-2.1.3~~ 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.

~~2.133~~ 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.

~~2.137~~ You may also accompany your partner to two antenatal appointments (refer to section 6.2 for further details).

~~2.138~~

~~2.139~~ Time off for appointments

~~2.140~~

~~2.134~~ The partner of the person giving birth who is entitled to Paternity Leave and Pay as identified above child's father or the pregnant woman's partner, is entitled to accompany the expectant mother to her antenatal and postnatal appointments. This can be taken as paid leave for up to 4 appointments which can either be antenatal or postnatal appointment. No qualifying period of service is required. Whist we will not ask for any evidence of the 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.

~~2.135~~ ~~2.141~~ 2.3 PP Paternity and Additional Paternity Leave



2.1362.142

2.1372.143 2.3.1 Where an ~~member of staff~~ employee (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:

2.1382.144

- 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 B I

2.1392.145

2.1402.146 2.3.2 If an ~~member of staff~~ employee subsequently wishes to change the timing of the 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. We appreciate that on occasion (for example an unexpectedly early birth) this may not always be possible and will take into account extenuating circumstances when authorising leave.

2.1412.147

2.1422.148 2.4 Contact During Paternity Leave

2.1432.149

2.1442.150 Shortly before paternity leave starts, the Line Manager will discuss the arrangements for staff employees 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 employees informed as to Council activities during their paternity leave.

2.1452.151

2.1462.152 The Council reserves the right in any event to maintain reasonable contact with ~~staff~~ the employee from time to time during their paternity leave.



2.1472.153 [2.5](#) Returning to Work

2.1482.154

2.1492.155 [StaffEmployee](#) s 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. [StaffEmployees](#) 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.

2.1502.156

2.1512.157 [2.6](#) Rights On and After Return to Work

2.1522.158

2.1532.159 [2.6.1](#) On resuming work [after staffemployees](#) 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.

2.1542.160

2.1552.161 [2.6.2](#) ~~An member of staffemployee~~ 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.

2.1562.162 [2.7](#) Miscellaneous Provisions

2.1572.163

2.1582.164 Pension Contributions



~~2.159~~2.165 ~~Staff~~Employees 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.

~~2.160~~2.166

~~2.161~~2.167 Private Medical Benefit

~~2.162~~2.168 For those ~~members of~~ staffemployees already in the private medical scheme this will continue during paternity leave.

~~2.163~~2.169

~~2.164~~ Other Allowances

~~2.165~~ You will stop receiving any allowance(s) during your paternity leave apart from the car allowance should you be eligible for this.

~~2.166~~2.170

~~2.171~~ 2.8 Other Exceptional Circumstances

~~2.167~~2.172

~~2.168~~2.173 You are still eligible to receive Statutory Paternity Leave and SPP Paternity pPay as detailed in 2.1.1 provision if your baby:

~~2.169~~2.174

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

~~2.170~~2.175

~~2.171~~2.176 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 staffemployee~~ and ~~should be exercised~~will be made by the Line Manager in consultation with ~~by the Head of Human Resources~~ the HR Manager and the relevant Head of Service/Director.

~~2.172~~2.177

~~2.173~~2.178 Adoption Policy



This Adoption Policy sets out the rights of Council [staffemployees](#) 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 [staffemployees](#) may also refer to Paternity Policy and Shared Parental Leave Policy.

[2.1742.179](#) [3.1](#) Eligibility

[2.1752.180](#)

An ~~member of~~ [staffemployee](#) 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.

[2.1762.181](#) [3.2](#) Adoption Leave Entitlement

[2.1772.182](#)

~~Staff~~ [3.2.1 Employees](#) are encouraged to take any outstanding holiday due to them before the commencement of adoption leave.

[3.2.2](#) The entitlement for a qualifying ~~member of~~ [staffemployee](#) is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. Hence the [staffemployee](#)'s maximum entitlement is to take up to 52 weeks' adoption leave.

[3.2.3](#) Adoption leave can start on the day the child is 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)



3.2.4 All [staffemployees](#) 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.

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

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

3.3 Statutory Adoption Pay (SAP)

Staff3.3.1 Employees 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.

3.3.2 For the first six weeks SAP is paid at the higher rate, which is equivalent to 90% of the member of [staffemployee](#)'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.

~~The Council enhances the SAP payment by paying the first 4 days of adoption leave at full pay.~~

~~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.~~



[3.3.3](#) If [staffemployees](#) 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. [StaffEmployees](#) 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

[3.3.4](#) SAP is treated as earnings and is therefore subject to income tax and national insurance and pension deductions (if applicable).

[3.3.5](#) SAP is payable whether or not an [member of staffemployee](#) intends to return to work after their adoption leave

[3.4 Contractual \(Surrey Heath Borough Council\) Adoption Pay](#)

[Entitlement](#)

[Employees with at least one year's local government continuous service at the 11th week before the week, in which your child is due, are also entitled to:](#)

- [iii. six weeks' pay at 9/10ths of your normal \(contractual\) full pay.](#)
- [iv. An additional 12 weeks contractual adoption pay at half your normal rate of pay, if you return to work after your adoption leave for a period of at least three months.](#)

[Note: \(i\) If you are entitled to SAP, this payment will, in effect, be the first six weeks SAP that Surrey Heath is required to pay to you. If you are not entitled to SAP or MA, your six weeks' pay at 9/10ths of your normal pay will be subject only to the normal salary deductions.](#)



Note: (ii) If the SAP payment together with the additional 12 weeks contractual maternity pay gives a total weekly payment which is more than your normal weekly pay, the 12 weeks contractual maternity pay will spread over a longer period such that the payment is not more than your normal weekly pay. The Payroll and Human Resources Team will discuss this with you if it is relevant.

Payment of contractual maternity pay:

b) Monthly instalments

The additional 12 weeks at half pay contractual adoption pay can be paid in monthly instalments immediately after the first six weeks of adoption pay if you make a specific declaration that you intend to return to work for, at least, the three month period. This means that, if you are eligible for SAP, you will normally receive your SAP and your contractual adoption pay at the same time. (N.B this is not case where the payment of SAP and contractual adoption pay equals more than your average weekly earnings).

Note: If you elect to receive the half pay before returning to work, this will be paid to you as a loan, which will be repayable in full, if you do not return to work for at least three months*. In that event, you will not be required to repay the SAP paid to you during the 12 week half pay period as this is a statutory right.

b) Lump sum:

The additional 12 weeks at half pay contractual adoption pay can be withheld and paid to you as a lump sum after you have returned to work for three months. This would happen if you are uncertain about whether you are going to return to work or if you specifically request a deferred payment.

*The exception to this is if the reason that you do not return to work for at least 3 months is due to redundancy.



3.5 Notification Requirements

3.5.1 In order to make administration as easy as possible, [staffemployees](#) should discuss the timing of their adoption leave with their immediate line- manager as early as possible.

3.5.2 In order to be entitled to take adoption leave and receive SAP, [staffemployees](#) 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 staffemployee](#) for adoption and the date the [member of staffemployee](#) intends their adoption leave to start.

3.5.3 [StaffEmployees](#) 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. [StaffEmployees](#) 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.

3.5.4 [StaffEmployees](#) must also provide evidence of entitlement to adoption leave and pay by producing a 'matching certificate' from the adoption agency.

3.5.5 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.



3.5.6 Within 28 days of receiving notice of intention to take adoption leave, the Council will write to the ~~member of staff~~employee confirming the latest date on which they must return to work after adoption leave.

3.5.7 If an staff employee starts their adoption leave without providing the required notifications, they will be regarded as being on unauthorised absence unless there are exceptional circumstances and this may be referred to the Surrey Heath Council Disciplinary Policy.

3.6 Rights During Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL)

Staff Employees must also provide Whilst on Adoption Leave, staff employees 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.

Whilst on Adoption Leave, staff employees 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.

3.7 Ordinary Adoption Leave (OAL) & Additional Adoption Leave (AAL)



3.7.1 During the period of OAL & AAL an ~~member of staff~~ employee's contract of employment continues in force and they are entitled to receive any benefits in kind (such as private medical insurance, and car allowance) Annual leave entitlement will continue to accrue and pension contributions will continue to be made. Salary and any contractual allowances will cease.

~~Salary will be replaced by Statutory Adoption Pay (SAP), after the first 4 days, if staff are eligible to receive it.~~

3.7.2 ~~staff~~ Employees are encouraged to take any outstanding annual leave due to them before the commencement of OAL.

3.8 Paternity Leave during Adoption Leave

In the case of an adopted child, staff employees 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.

3.9 Contact During Adoption Leave

3.9.1 Shortly before adoption leave starts, the Council will discuss the arrangements for the staff employee 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.



[3.9.2](#) The Council reserves the right in any event to maintain reasonable contact with [the staffemployee](#) 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.

[3.10](#) Keeping in Touch Days

[3.10.1](#) [StaffEmployees](#) 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. [StaffEmployee](#) 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.

[3.10.2](#) The Council has no right to require [staffemployees](#) to carry out any work and [an staffemployee](#) 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 staffemployee](#). Any keeping-in-touch days worked do not extend the period of adoption leave. Once the keeping-in-touch days have been used up, [staffemployees](#) will lose a week's SAP for any week in which they agree to work for the Council.

[KIT day hours may not be claimed to attend a work social event.](#)

[3.11](#) Returning To Work After Adoption Leave

[3.11.1](#) [StaffEmployees](#) may return to work at any time during OAL or AAL, provided that they give the appropriate notification. If [anstaffemployee](#) 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.

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

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

2.183 3.11.4 If an member of staffemployee 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. S

2.184

2.185 3.11.5 Please note that employees are required to work for a three-month period following their return from adoption leave if they wish to avoid repaying the loan of the contractual adoption pay. If they do not return to work for the three-month period, they will be obliged to return this element of their adoption pay. The three-month period may include annual leave and their notice period.

3.12 Miscellaneous

Pension Contributions

StaffEmployees 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.



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 an [member of staff/employee](#) 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/employee](#) was employed and the terms and conditions of the alternative post must not be substantially less favourable to [the staff/employee](#) than if they had been able to return to the job in which they were originally employed.

Other Allowances

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

—— You will stop receiving any allowance(s) after your 12 weeks OMP ends with the exception of a car allowance should you be eligible for this

3. 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/employees](#) to statutory parental leave to take time off work to look after a child or make arrangements for the child's welfare.

~~2.1783.2~~ [4.1](#) Eligibility

~~2.1793.3~~

~~2.1803.4~~ To qualify for parental leave, an [member of staff/employee](#) must have completed at least one year's continuous service with the Council.

~~2.1813.5~~

~~2.1823.6~~ [Staff/Employees](#) are entitled to up to 18 weeks' unpaid parental leave in total, per child, if they meet one of the following conditions:



2.1833.7

- 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

2.1843.8

2.1853.9 [4.2](#) Rights During Parental Leave

2.1863.10

2.1873.11 During parental leave the ~~member of staff~~employee will remain employed, although pay will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place.

2.1883.12

2.1893.13 During parental leave ~~staff~~employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

2.1903.14

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

2.1913.15

2.1923.16 An ~~member of staff~~employee taking parental leave will be bound by the implied obligation of good faith and any terms and conditions of employment relating to:

2.1933.17

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

2.1943.18

2.1953.19 [4.3](#) Conditions of Leave



2.1963.20

4.3.1 An ~~member of staff~~employee 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~~employee is exercising a right in relation to a disabled child, details of the child's entitlement to Disability Living Allowance).

4.3.2 An ~~member of staff~~employee 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.

4.3.3 Where the ~~member of staff~~employee 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~~employee must give this notice at least 21 days before the expected week of childbirth.

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

4.3.5 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~~employee were to take leave during the period requested. In such a case, the Council will allow the ~~member of staff~~employee 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~~employee to take parental leave. Such notice will be given no more than 7 days after the ~~member of staff~~employee's notice was given to the Council.

4.3.6 An ~~member of staff~~employee may not take parental leave in blocks of less than 1 week (except in relation to a child who is disabled).

4.3.7 An ~~member of staff~~employee 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~~employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

4.4 Return From Leave

4.4.1 At the end of parental leave, the ~~member of staff~~employee 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).

4.4.2 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~~employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

4.5 Miscellaneous



The Council reserves the right to reasonably request evidence to confirm an [member of staff/employee](#) 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.

4. Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) Policy

This Shared Parental Leave Policy sets out the rights of Council [staff/employees](#) to share leave for parents of children expected to be born or placed for adoption.. As these provisions are complex, it is advisable that [staff/employees](#) contact Human Resources in the first instance for clarification of the relevant procedures to ensure that they are followed correctly.

5.1 Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)

5.1.1 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.

5.1.2 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.

5.1.3 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.

5.1.4 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.

5.1.5 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.

5.2 Eligibility

5.2.1 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)

[5.2.2](#) A mother must take a minimum of 2 weeks' maternity leave following the birth.

[5.2.3](#) 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.

[5.2.4](#) If your employee is eligible then they can use SPL to book their leave in separate blocks.

[5.2.5](#) 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.



5.3 Blocks of leave

5.3.1 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.

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

5.3.3 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.

5.4 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.

5.5 Starting Shared Parental leave

5.5.1 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).

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

5.5.3 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.

5.5.4 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).

5.5.5 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



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

5.6 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.

5.7 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

5.8 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.

5.9 Shared Parental Pay (ShPP)

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

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)

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

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).

5. Parental Bereavement Leave and Parental Bereavement Pay Policy



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 [staffemployees](#) and provides employees with information and options for taking leave for those who have suffered the loss of a child

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.

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.

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

6.1 Parental Bereavement Leave

6.1.1 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;

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

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

[6.1.2](#) You have 56 weeks to take Parental Bereavement Leave. This starts from the date of the child's death.

[6.1.3](#) 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

[6.1.4](#) 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 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.

[6.1.5](#) 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



You do not need to give proof of the death or stillbirth and it is recognised the initial point of contact may not be with the member of staff but with a close relative or partner.

6.2 Statutory Parental Bereavement Pay

6.2.1 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;

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.

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

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

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

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

6.2.2 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.

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>

6.3 Cancelling your Parental Bereavement Leave or Parental Bereavement Pay

6.3.1 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.

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

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.

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.

6.4 Taking Parental Bereavement Leave with other categories of Statutory Leave

6.4.1 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.

6.4.2 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.

6.4.3 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.

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

6. Kinship and Foster Care



The Council recognises that there are people who sometimes act as parents formally and informally sometimes without having full or sole parental responsibilities.

Foster parents are people who take a child into their family for a period of time, without becoming the child's legal parents. The child is referred to as their foster child.

Family Rights groups define kinship care as: when a child lives full-time or most of the time with a relative or friend who isn't their parent, usually because their parents aren't able to care for them.

The Council accept employees may need to act as parents even without parental responsibilities and that when an employee is involved in kinship or foster care, this may impact on their working lives. We would encourage employees to discuss their caring responsibilities with their line managers and HR as they may be able to consider flexible working, agile working or special leave as needed.

Equality Impact Assessment Date	
Author	Human Resources



Surrey Heath Borough Council
Employment Committee
30 March 2023

Sickness Absence Policy

Strategic Director/Head of Service	Sally Kipping
Report Author:	Julie Simmonds – HR Manager
Key Decision:	no
Wards Affected:	n/a

Summary and purpose

This report provides the Employment Committee with details of the Sickness Absence Policy which we have adopted within Surrey Heath Borough Council but is this policy is often under review as we continue to make adjustments to the working practices. This policy is to be named Absence Policy and Procedure moving forward.

The revised Policy was considered by the Joint Staff Consultative Group at its meeting on 2 March 2023.

Recommendation

The Committee is advised to RESOLVE that the revised Sickness Absence Policy and Procedure, as attached at Annex A to this report, be adopted.

1. Background and Supporting Information

1.1 This policy continues to evolve as we continue to review and monitor the processing of sickness absences for staff. All changes within the policy have been tracked changed/highlighted for ease for your consideration with the main areas:

1.1.1 Recognition of long term sickness amended from 5 weeks to 4 weeks or more

1.1.2 Sickness trigger points amended from 10 days absence to 8 days and 5 periods of absence to 3 periods of absence

2. Reasons for Recommendation

2.1 To ensure that employees absences are correctly recorded during working hours whilst on Council business and the Managers and staff are fully aware

of absence processes. Managers to be clear on their obligations towards absences for their team and following the adopted processes.

3. Proposal and Alternative Options

- 3.1 It is proposed that the revised Absence Policy is adopted, with or without any further amendments considered appropriate.

4. Resource Implications

- 5.1 No increase of resources required.

5. Section 151 Officer Comments:

- 5.1 This Absence Policy was taken to CMT for review and comment on 14th February 2023

6. Monitoring Officer Comments:

- 6.1 This Absence Policy was taken to CMT for review and comment on 14th February 2023

7. Other Considerations and Impacts

Environment and Climate Change

- 7.1 Supports the Council's pledge.

Equalities and Human Rights

- 7.2 An Equalities Impact Assessment will be completed.

Risk Management

- 7.3 n/a

Community Engagement

- 7.4 Not applicable.

Annexes

Annex A – Sickness Absence Policy

Human Resources

ATTENDANCE SICKNESS ABSENCE POLICY AND PROCEDURE



November-January 2023

Surrey Heath Borough Council
Knoll Road, Camberley GU15 3HD
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1. Introduction

Surrey Heath Borough Council ('Council') believes that employees are its most valuable resource and recognises the important contribution made by regular attendance at work to continue to provide the high level of quality public service to the community.

This policy and procedure provides a framework to ensure that all employees are treated fairly and consistently in relation to sickness absence and, managers at the Council are aware of the most appropriate procedures to provide for the welfare of their staff. Whilst employees should be treated fairly and consistently, every effort should be made to maximise attendance levels and reduce absence.

It is recognised that supporting staff whilst they experience a medical absence is an essential part of the employment experience and that this policy, and those who implement it, carefully need to consider the impact on the individual, their team and on the wider Council to continue to deliver services.

2. Scope

This policy and procedure applies to all employees at the Council and it should be read in conjunction with the following policies (and all other relevant policies will apply):-

- [Leave and Special Leave Policy and Procedure](#)
- [Family Friendly Policy](#)
- [Disciplinary Policy and Procedure](#)



- [Capability Policy and Procedure](#)
- [Grievance Policy and Procedure](#)
- [Health and Safety Procedure](#)
- [Flexible Working Policy and Procedure](#)

3. Policy Statement

Employees ~~have entered into a legal contract of employment to attend work and provide their services in accordance with their job description are paid to attend work~~ and they are expected to do so unless they have a ~~significant and~~ legitimate reason for their absence. Employees should recognise that any absence, however justified, will inevitably have a financial and operational impact on the Council ~~and on their colleagues~~. ~~Absence due to malingering is a conduct issue which would be considered under either the Capability or Disciplinary Procedures. A continued absence from work that removes or reduces this service despite ongoing support and adjustments, may therefore be referred on to the Capability Policy and Procedure. This referral may happen during the course of the absence. Please refer to the Capability Policy for further information.~~

~~There may be occasions, based on the actual circumstances surrounding absences, when the Council's formal Capability or Disciplinary Procedures need to be invoked.~~ Managers should ensure that all employees are aware that their attendance will be monitored and that all employees are aware of and follow this ~~Attendance Sickness Absence~~ Policy and Procedure.

Attendance Standard



The Council considers the following to represent the attendance standard expected. Breaches of the standard (When attendance falls outside standard expected) (or 'trigger point') will result in a formal meeting which will review the reasons for the sickness and the appropriate action that should be taken. Please refer to the procedure section: Formal Meeting, for more information about what happens when a trigger point is reached.

Trigger Points

The Council considers the following levels of absence to be a cause for concern.

These are referred to as trigger points:

- a total of 8 working days sickness absence in a rolling 12 month period
- 3 or more periods of sickness in a rolling 12 month period
- a pattern of absence that is causing concern.

The trigger points for employees that work less than 5 days per week will be pro rata to the number of days worked. Part time staff will still 'trigger' if they have had the pro rata number of days sickness absence in a 12 month period or they have been absent for 5 periods or more. Please see table below.

Trigger points for parttime staff	
Working Days	Trigger Point
1	21.6 days
2	3.2 days
2.5	4 days
3	54.8 days
4	6.4 days

* NB To calculate the number of pro rata days, the following sum has been used:
 $8 \text{ days (full time trigger point)} / 5 \text{ days (FTE)} = 1.6 \text{ days}^*$
 $1.6 \text{ days} \times 2.5 \text{ working days} = 4 \text{ days}$



[Managers have the responsibility to monitor and to take immediate action when an employee reaches any of the above trigger points.](#)

4. Equality Assessment Policy

The Council's Equality Scheme demonstrates its commitment to equality internally and externally and ensures that all sections of the community are given an opportunity to contribute to the wellbeing of the community. An equality impact assessment has been carried out on this Policy and Procedure.

The Council ensures that consultation is representative of the community and that consideration is given on how to consult hard to reach groups and will positively learn from responses.

5. Confidentiality

- 5.1 To ensure fairness and compliance with the Data Protection Act 1998, full employee medical reports will only be seen and stored by Human Resources. Extracts from the medical reports highlighting the return to work recommendations, including any reasonable adjustments, will be provided to the appropriate Line Manager.
- 5.2 Information relating to an employee's health is only disclosed to those who have a direct involvement in dealing with the matter and/or are involved in



the Council's sickness absence monitoring process. The Council recognises that some employees may be reluctant to divulge sensitive or personal information and may wish to speak to a member of Human Resources rather than their manager. Medical information is considered to be sensitive personal data and therefore can only be shared with the consent of the individual.

6. Principle and Aims

The aims of the policy and procedure are:

- 6.1 To ensure all employees are treated fairly, consistently and sensitively whilst they are unable to attend work ~~–during times of illness~~ whilst ensuring that the highest levels of quality and service are maintained to allow the Council to meet the needs and high expectations of its residents
- 6.2 To set a clear performance standard for attendance and ~~–ensure all~~ employees understand their responsibilities and follow sickness reporting arrangements and are encouraged to make use of the support mechanisms available to them
- 6.3 To provide managers with a structured framework to assist them in managing attendance sickness absence with the aim of supporting the employee back to work and keeping absence sickness ~~absence~~ levels down. This includes conducting return to work meetings after every period of absence, monitoring an employee's attendance sickness in accordance with the set attendance standard ~~sickness triggers~~ and referring to Occupational Health (OH) where appropriate



- 6.43 To support attendance ~~contain sickness~~ to an agreed level according to the sickness absence triggers. Absences exceeding 45 weeks duration will be viewed as long term, as specified in the Council's Local Best Value Performance Indicator's (BVPI's).
- 6.54 To explore reasons for attendance that does not meet the standard expected sickness absence in order to help prevent the absence recurring, address any wellbeing problems and ensure that appropriate medical assistance and appropriate support is being provided.
- 6.65 To provide payments to employees who are unable to attend work due to sickness where appropriate.

7. Roles and Responsibilities

7.1 The Council

The Council is responsible for providing a safe and healthy working environment that enables employees to provide the highest levels of quality and public service. to the community. This includes offering support as appropriate and making reasonable adjustments where necessary to support attendance and productivity at work.

7.2 Managers

- 7.2.1 It is the responsibility of all managers to support their employees to maximise their level of fitness for work and to provide a working



environment that is conducive to enabling employees to perform to a high standard.

7.2.2 Managers will implement the Attendance Sickness Absence Policy and Procedure fairly, consistently and supportively ensitively and will take action where attendance levels fall below the required performance standard.

7.2.3 Managers will ~~Without giving medical advice, actively~~ support the employee to ~~attend~~ attend expected levels of attendance. This will require a formal meeting to be held once a trigger point is reached (please refer to the procedure section relating to formal meetings). ~~maximise their level of fitness for work, for example:~~

~~■ Managers will discuss options such as temporarily working from home (i.e. to reduce the spread of infections coughs and colds), part time working, phased return, temporary or permanent reduction in hours/duties/redeployment to help the employee continue to work rather than be absent.~~

~~■ Managers will provide reasonable support with the aim of helping people staff to those with ill health to return to work at full capacity at the earliest opportunity.~~

7.2.4 Managers will also support employees through their return to work reassessing their work regarding reasonable adjustments if applicable.

7.2.5 Managers will conduct return to work meetings after each absence on the employee's first day back at work. A return to work form will be completed in iTrent. If the employee's manager is absent a nominated manager will conduct the meeting instead.



- 7.2.6 Managers will follow the Capability Policy and Procedure where appropriate with the support and advice of the HR Team. Please be aware that the individual may be referred on to the Capability Policy whilst still absent from work.
- 7.2.7 Managers, after consultation with Human Resources, will consider whether an employee may be considered to have a disability under the Equality Act. Where this is the case, for example, adjustments to working practices may be made.
- 7.2.8 Record any period of sickness in iTrent, this can either be completed by the manager or employee. **Managers MUST log an absence end date within iTrent to close off any period of absence once an employee has returned to work.**
- 7.2.9 **Upload any relevant documentation e.g. Statement of Fitness to work certificates into iTrent**

7.3 Employees

- 7.3.1 All employees have a responsibility to comply with this Sickness Absence Policy and Procedure. In particular:
- It is the responsibility of every employee to attend work regularly at the expected time and to take appropriate steps to maintain their own health and attendance at work.
 - Employees must report any absence from work in accordance with the Attendance Policy and Procedure. In exceptional circumstances, a family member may do this on an employee's behalf.
 - Attend Occupational Health appointments as required,



- Keep their manager and the organisation fully informed at all times during their sickness absence about the reason for and the likely duration of any absence or medical appointments they are required to attend. In exceptional circumstances it may be agreed with the line manager that a family member can maintain contact on the employee's behalf.
- Provide their manager with any relevant documentation from their GP
- Co-operate with their manager to support their return to work.
- Regularly communication with their manager in accordance with their agreed communication plan.

7.4 Human Resources

7.4.1 Human Resources will provide guidance and support to both managers and employees with regard to the Sickness Absence Policy and Procedure.

7.4.2 Human Resources will remind managers and employees of the Healthcare Scheme and Employee Assistance Helpline.

7.4.3 Human Resources will ensure that all sickness absence records are treated as confidential and kept in accordance with the Data Protection Act 1998. Information regarding medical conditions is regarded as sensitive data under GDPR and must only be shared on a 'need to know' basis and with the consent of the individual.

8. Advice and Support



Staff are encouraged to make their line manager aware of any difficulties they may have in maintaining attendance or performance at work, due to ill health. There are a number of ways in which the Council can support staff. Examples include (this is not an exhaustive list) :

- Occupational Health advice
- Information on flexible working
- Advice on physical adjustments to the workplace where required
- The opportunity to work from home when appropriate
- Redeployment where possible The Employee Assistance Helpline
- Signposting to Access to Work or Able Futures and other supportive services

9. Special Considerations

9.1 Mental Health

Positive mental health is a state of wellbeing in which the individual realises his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully and is able to make a contribution to his or her own community (World Health Organisation)

The Council is committed to promoting positive mental health in the workplace. If ~~you are~~ an employee is concerned about ~~your~~ their own mental health, ~~they can~~ please speak ~~to you~~ with their line manager or to HR to discuss what support would be useful ~~to you~~ for them. If a manager has any concern about the mental health of one of their employees, or an employee has a concern about a colleague, they should contact HR in order to obtain advice, as recommended by the ACAS guidelines 'Promoting Positive Mental Health at Work'.



Surrey Heath supports mental health through the provision of mental health first aiders who can sign post employees to supportive services. There is an employee assistance programme available for independent support and employees can also use the Able Futures Service provided by the Government. Details of these support resources can be found on the Council intranet.

If mental health is adversely impacted by the work place it is particularly important to bring this to the attendance of the HR Team who can provide additional advice, guidance and support.

9.2 Maternity related sickness absences

Section 18 of the Equality Act 2010 provides that unfavourable treatment of a woman at work during the 'protected period' because of an illness suffered by her as a result of pregnancy, constitutes pregnancy discrimination. The 'protected period' is when the pregnancy begins and ends when she returns to work after maternity leave (where applicable). For further information, please contact Human Resources.

9.3 Disability related absence

Where an employee is absent from work due to illness which is directly associated with their disability, this will need to be accommodated within the terms of the Equality Act 2010. For further information, please contact Human Resources.

Please be aware that a medical condition may fall under the legal definition of 'disability' as described in the Equality Act (2010) whether or not the individual considers themselves to be experiencing a disability. If you are a



manager supporting a person with a long term or serious medical condition, please always seek the advice and guidance of the HR Team.

10. Procedure

10.1 First Day of Absence

10.1.1 If an employee is unable to attend work due to illness or injury they are required to personally notify their manager by telephone before their normal time of arrival. If it is not possible for an employee to make contact personally then someone else may do so on their behalf. If an employee cannot contact their manager they can leave a message with a member of Human Resources or a colleague whereupon the manager will call the employee back.

10.1.2 The employee must notify their manager:-

- That they are not coming into work;
- Provide the reason for their absence;
- The likely duration of their absence, and whether or not they intend to contact their doctor;
- Of any urgent work that needs actioning, meetings that may need to be postponed, etc.

10.1.3 The manager will remind the employee of the necessity to telephone again each day until the length of absence has been identified.



10.1.4 If an employee becomes sick during the working day and leaves work before their normal finishing time they must notify their manager or another suitable manager in their absence.

See Section 13 below. The employee should agree with their manager who will update iTrent as the absence will need to be recorded.

10.1.5 In the event of an accident at work it is important to ensure that the [accident reporting procedure](#) is followed.

10.1.6 It is important that employees comply with the procedure as set out above; failure to do so may result in their absence being regarded as unauthorised and unpaid.

10.1.7 If an employee fails, without prior agreement, to contact their manager as stated in this procedure, their manager may contact the employee.

10.2 More Than Seven Days Absence

10.2.1 If an employee's sickness extends beyond seven days (including weekends) they will require a **'Statement of Fitness to Work'** note from their Doctor or hospital certificate if they are an in-patient. The manager will be responsible for uploading the certificate in iTrent. Please follow the link for detailed instructions <https://intranet.surreyheathonline.gov.uk/hr/itrent>
Failure to do so may result in sickness payments being stopped or suspended.



10.2.2 If an employee submits false information regarding their sickness it may be treated as gross misconduct and may result in their dismissal from the Council.

10.3 If an individual has reached a 'trigger point'

10.3.1 A formal meeting with the individual and their line manager will be held at this point. The meeting will be held to:

- Investigate the detail of the reason(s) for absence and the impact on the service and colleagues plus determine any measures to support the employee and maximise the employee's fitness for work. This can be held as part of the return to work interview or separately as appropriate.

- Consider whether a referral to Occupational Health would be appropriate to obtain advice on an underlying medical condition and to ascertain:
 - whether any reasonable adjustments are required to support the employee to maintain their attendance at work
 - what would be an appropriate performance target/trigger point for the employee (For guidance, this is usually but not always, a medical condition covered by the Equality Act 2010.)

- Consider putting in place an Action Plan (in writing to the employee) which may include the following:



- Remind the employee of Surrey Heath Borough Council's performance standard for absence
- Set an attendance target. This would normally be no more than 2 days sickness absence for the next three months (pro rata for employees who do not work 5 days per week).
- Provide advice and support
- Possible outcome if the target is not met and refer to the capability process if required
- Monitoring arrangements and the timescale for review
- The likely action that may follow if the level or pattern of absence continues to give cause for concern.

■ Discuss whether reasonable adjustments could support attendance, options such as temporarily working from home (i.e. to reduce the spread of infections), part time working, phased return, temporary or permanent reduction in hours/duties/redeployment to help the employee continue to work rather than be absent.

■ Signpost the employee to services that may help (for example the Employee Assistance Programme)

Detailed notes of the meeting will be taken by the line manager and stored by HR securely on the personal file. There is no requirement for the individual to be represented at the meeting, however if appropriate, HR may agree that the individual can be supported by a colleague. In this instance, an HR colleague will also attend to take notes.



Please discuss with HR if the actions outlined in section 10.3 do not seem appropriate

11. Continuing Absence

11.1 When absent from work due to sickness, the employee should agree a communications plan with their line manager which includes frequency and method of contact. They will continue to make themselves available/contactable via their agreed method phone or email (work or personal), for absence monitoring purposes, at all times during the working day, as they would if they were at work. Human Resources will discuss the preferred method of contact with the employee. Managers will keep regular contact with the employee to check on their wellbeing, seek information about the intended return to work, arrange Occupational Health appointments etc. Managers may also contact the employee to ask business critical questions. Managers cannot ask an employee to undertake any work whilst they are absent from work due to sickness. An example of why the manager would contact the employee could be to arrange an Occupational Health appointment. If the employee is not available to respond within a reasonable period of time (24 hours), they must notify their manager of the reasons why. The failure to comply with this may be a conduct issue and



could be considered under the Capability Policy and Procedure or the Disciplinary Policy and Procedure (depending on the circumstances).

- 11.2 Employees must submit a 'Statement of Fitness to Work' note as often as is necessary to authorise their absence from work. All 'Statement of Fitness to Work' notes must be continuous, i.e., when one 'Statement of Fitness to Work' note expires the next 'Statement of Fitness to Work' note must follow on from the very next day.

Failure to comply with the procedure may result in the employee's absence being regarded as unauthorised and therefore unpaid.

- 11.3 The Council may at any time, whether during or after a period of absence through illness, require an employee who has been unable to perform their duties as a consequence of illness to submit to an examination by the Council's independent Occupational Health ~~Advisor~~ Doctor. Any expenses incurred in connection with such an examination will be met by the Council. The Council will require at least 24 hours' notice if an employee is going to cancel their occupational health appointment. ~~However, f~~ailure to attend a rearranged occupational health appointment could be a conduct issue (depending on the circumstances).

- 11.4 Employees are required to continue to follow the sickness absence procedure and inform their manager of their expected return to work date. It is important to give as much notice as possible.

- 11.5 **Employees must not return to work while their absence is still covered by a 'Statement of Fitness to Work' note without prior discussions with HR and line manager.** HR may need to seek further advice and guidance from Occupational Health.



12. Return to work

12.1 When an employee returns to work following any period of absence a return to work meeting will be carried out by the employee's line manager.

12.2 Return to work meetings are a key factor in reducing absence rates and improving communication between managers and employees. The manager will hold a return to work meeting in private with the employee on their first day back at work. The return to work meeting will be recorded electronically within iTrent on a Return to Work Form.

Please note the Return to Work Form must be completed in iTrent even when a 'statement of fitness to work' note has been provided.

12.3 The purpose of the return to work meeting is to: ensure the employee is fit to return to work, examine the reasons, pattern and nature of the absence with a view to determining whether an Occupational Health appointment is required to establish whether there is an underlying medical condition or other issues contributing to the level of absence, identify ways to support the employee to operate at full capacity, set targets for attendance and explain the consequences of those targets not being met.

12.3.1 The meeting will include the following, as appropriate:

- the levels and pattern of attendance.
- the underlying causes of the absence
- whether the employee is well enough to return to work, i.e. have they returned too early
- the likelihood of a recurrence of the illness, if known.



- what absence monitoring, in the form of return to work discussions, have taken place previously.
- suggestions from the employee on managing and improving the situation.
- whether medical advice from their GP/Consultant has been sought
- whether management action or other support is needed e.g. referral to Occupational Health
- Support measures: Employee Assistance Helpline, training or development opportunities, workplace equipment, flexible working arrangements, working from home, temporary or permanent reduction in hours/duties or other reasonable adjustments, stress risk assessment or work station assessment.
- The impact on the service of this employee's level of fitness for work

12.3.2 Where appropriate, a phased return to work may be advised by Occupational Health. The manager, in consultation with Human Resources, will agree with the employee how the phased return can be arranged which is both supportive and ensures the service needs are adhered to.

12.3.3 Occupational Health may identify that the employee is unfit to perform the full duties of their role and instead that they could be temporarily redeployed to alternative duties. Any temporary redeployment will be discussed and agreed with the employee and the manager. However, if temporary redeployment is not feasible, then the employee may be required to remain on sick leave until they are fit to return to their normal duties.

12.3.4 If Occupational Health advises that the employee is permanently incapable of performing their current duties, Human Resources will review other options available for the employee.

12.4 To ensure fairness and compliance with the Data Protection Act 1998, full employee medical reports will only be seen and stored by Human



Resources. Extracts from the medical reports highlighting the return to work recommendations, including any reasonable adjustments, will be provided to the appropriate Line Manager.

13. Long term sickness

13.1 Long term sickness is generally defined as a continuous period of absence lasting at least 4 weeks/ 28 calendar days.

13.2 Where an employee is absent through long term sickness, there is a shared responsibility for the employee and the line manager to keep in regular contact with one another.

13.3 If an employee is off on long term sickness, the manager will review and monitor the situation with the employee on a regular 2-week basis and decide, at each review, what is the appropriate next step.

13.4 Review Meeting

During each review the manager will;

- Agree with the employee the most appropriate way to stay in contact given the anticipated length of sickness and the individual circumstances of the case e.g. by email, by telephone or through home visits. (Home visits should only be undertaken with the employee's prior consent).
- Set the next review date for 2 weeks' time unless the situation requires a meeting at an earlier date i.e., at the expiry of the next fit note, following an operation etc.



- On each occasion the manager and employee should agree the date and form of their next contact. The line manager is advised to keep a record of all contacts made with the employee. Advice on how to maintain contact with the employee can be obtained from HR/Occupational Health; and in cases where an employee is off work with stress related illness, this guidance should always be sought.
- The employee is required to keep their line manager informed of their ongoing medical condition. This will help inform discussions about reasonable adjustments that might enable the employee to return to work as soon as possible. The employee should also inform the manager when they anticipate returning to work.

13.4.1 Following each review meeting the manager should agree one of the following actions with the employee:

- No further action at this point (e.g. in cases such as an operation where a return to work date is clear)
- No action at this point and a further review date set (e.g. where treatment is ongoing and prognosis is unclear)
- Referral to Occupational Health for advice on prognosis
- Set a target date to return to work. This may be as advised by Occupational Health. If this target is not met, it may be appropriate for the HR to conduct a further review meeting. If appropriate, the Capability Procedure will be applied.

13.5 Preparing to Return to Work after Long Term Absence



Returning to work following long term absence will require active support. The detail of this support will depend on individual circumstances and will be clarified with the employee prior to their return.

Possible discussion/action prior to return:

- In certain circumstances, an Occupational Health referral will need to be undertaken in advance of the employee returning to work in order for any adjustment to be in place on the employee's first working day, including whether the employee should return on a phased return. (An Occupational Health referral may not be necessary if a detailed Fit Note has been provided by the GP.)
- Options for support might include a mutually agreed and recorded phased return to work plan, temporary redeployment or permanent redeployment.
- Update the employee on key developments during their absence.
- Review risk assessments and make any changes that are recommended.
- Offer appropriate support, where needed, to facilitate the employee's smooth return to work: the Employee Assistance Helpline, training or development opportunities, workplace equipment, flexible working arrangements, or other reasonable adjustments.

13.6 Inability to Return to Work

13.6.1 Permanently incapable for work

Occupational Health may issue advice that recommends that an employee be retired on the grounds of ill health. This would be where the medical practitioner has established that the employee:



- Is permanently incapable of discharging efficiently the duties of his/her employment because of ill health or infirmity of mind or body and is not immediately capable of undertaking any gainful employment

AND

- IS LIKELY to be capable of undertaking gainful employment within the next three years (or before his/her normal pension age, if earlier). (TIER 3)

OR

- IS UNLIKELY to be capable of undertaking any gainful employment within the next three years but IS LIKELY to be capable of undertaking gainful employment at some time thereafter and before his/her normal retirement age, if earlier). (TIER 2)

OR

- IS UNLIKELY to be capable of undertaking gainful employment before his/her normal pension age. (TIER 1).

13.6.2 Occupational Health would arrange for a certificate confirming the above to be provided by a registered medical practitioner who has not previously been involved in the case. The medical practitioner would also provide an opinion as to which of the of ill-health pension benefits the Council should award. This will be discussed in detail with the employee by the Head of Service and HR and will be linked to the pension regulations applicable at that time.

13.6.3 In these circumstances managers are required to follow the procedures for holding a meeting under stage four of the Capability Procedure (dismissal). The manager must notify the employee that Occupational Health have advised that the employee may be retired on grounds of ill health and invite them to attend a meeting under the Capability Procedure (dismissal). The notification must ensure that the employee is clear about the purpose of the meeting and the issues to be addressed; including the fact that termination of employment for reasons of ill health is to be considered at that meeting. As part of this process, the ~~Executive of the Council~~ Chief Executive will be informed of the termination of employment for reasons of ill health.



13.6.4 Managers are advised to seek guidance from HR when a 'permanently incapable for work' report is received.

13.6.5 Appeals

As with any decision to terminate employment, an employee has the right of appeal against the decision to terminate his/her employment on the grounds of ill health. The employee should write to their Head of Service within 10 working days of the receipt of the letter notifying them that their employment will be terminated on the grounds of ill health. Since appeals are part of the formal procedure, the appeal will be dealt with under the procedure for appeals set out in the Capability policy.

14. Sickness during the Working Day

14.1 If an employee becomes sick or injured during the working day and has to leave work before their normal finishing time they must:

- ensure that a suitable manager is informed before they leave;
- if there is a work related injury that it is logged in the [Accident Book](#);
- ensure that their absence, even if it is only for half a day (half a day is before 13:00), is recorded in iTrent and a return to work form completed when the employee returns to work.

15. ~~Trigger Points~~



15.1 The Council considers the following levels of absence to be a cause for concern. These are referred to as trigger points;

a total of 8 working days sickness absence in a rolling 12 month period

3 or more periods of sickness in a rolling 12 month period

a pattern of absence that is causing concern.

The trigger points for employees that work less than 5 days per week will be pro rata to the number of days worked. Part time staff will still 'trigger' if they have had the pro rata number of days sickness absence in a 12 month period or they have been absent for 5 periods or more. Please see table below.

Trigger points for parttime staff	
Working Days	Trigger Point
1	1.5 days
2	3 days
2.5	4 days
3	5 days
4	6.5 days

Managers have the responsibility to monitor and to take immediate action when an employee reaches any of the above trigger points.

15.2 Options to be considered will involve:

- a) A formal meeting to be convened
- b) Further monitoring of the situation
- c) Referral to the Council's Occupational Health
- d) Consideration of redeployment



- e) ~~Change in the requirements for the provision of 'Statement of Fitness to Work' note~~
- f) ~~Additional home visits where appropriate~~
- g) ~~Implementation of either the Capability Policy and Procedure or the Disciplinary Policy and Procedure. In certain cases the Council will have the right to hold a capability meeting whilst the employee is off sick.~~

~~**NB This list is not exhaustive**~~

16. Sickness Payments

The following will apply:

- Payment of salary will not be made in cases where an injury has occurred as a direct result of active participation in sport undertaken as a professional.
- Payment of salary may not be made where absence through persistent sporting injuries occur.
- Payment of salary will not be made where injury occurs as a result of participation in high risk/extreme sports. A list of these sports can be found [here](#). Employees are advised to consider purchasing independent insurance to cover potential loss of earnings when participating in these high risk/extreme sports.
- Payment of salary will not be made where surgery and subsequent recovery is not required for genuine medical reasons. However, if complications were to arise following the treatment and the normal recovery time is not achievable as a result, sick pay would then apply.
- Payment of salary will not be made where an absence arises from, or is



attributable to, the staff member's own misconduct, unless the Council decides otherwise.

- Payment of salary may be extended in exceptional circumstances, subject to the consideration and approval of the Head of Paid Service.
- Employees who are absent as the result of an accident will not be entitled to pay if damages are recovered from a third party in respect of such an accident. In this event the Council may, having looked at the circumstances of the case, provide the employee with an advance not exceeding the sick pay provided under these Conditions, subject to the employee undertaking to refund to the Council the total amount of such allowances or the proportion thereof represented in the amount of damages recovered.
- Where full reimbursement occurs from a 3rd party, payment of salary will be extended accordingly.
- If an employee fails to observe these Conditions, the Sickness Absence Policy and Procedure or prejudices their recovery, the Disciplinary Policy and Procedure may be invoked and payment of salary may be withheld.
- Where the Council can exercise discretion, this will be undertaken by the line manager or Human Resources and, where necessary, the decision will be provided in writing. If an employee does not agree with the decision made they may pursue this through the Council's Grievance Procedure.

17. Scale of allowances

- 17.1 Subject to the provisions of these conditions, an employee absent from duty owing to ~~illness (which term is deemed to include injury or other disability)~~ a medical condition shall be entitled to receive an allowance in accordance with



the following scale:

Length of Service	Sick Pay
During probationary period (6 months) for employees without Local Government Continuous Service	Statutory Sick Pay if applicable
Up to 1 st year of service	1 months full pay and 1 months half pay
Up to 2 nd year of service	2 months full pay and 2 months half pay
Up to 3 rd year of service	3 months full pay and 3 months half pay
Up to 4 th year of service	4 months full pay and 4 months half pay
Up to 5 th year of service	5 months full pay and 5 months half pay
After 5 years' service	6 months full pay and 6 months half pay

17.2 For the purpose of sick pay entitlement records a week is equivalent to 5 working days.

The entitlement to sick pay is calculated over a 'rolling' ~~twelve~~ month ~~twelve-month~~ period. On day one of each new sickness absence period, the number of days of sickness absence an employee has taken over



the previous 12 months will be calculated and deducted from their current sick pay entitlement. The sick pay entitlement in place at day one of the current period of sickness absence will remain unchanged until they return to work.

The amount of sick pay already received by an employee over the previous 12 months will be offset from an employee's overall entitlement, until staff have completed 12 months without sickness absence, only then will their entitlement reach the maximum available again.

18. General Information

18.1 Medical Appointments

18.1.1 Where possible employees are asked to make routine medical appointments at the beginning or end of the day to minimise the impact on service delivery. However it is recognised that this is not always possible and every effort will be made to allow employees to attend medical appointments in work time when necessary. Staff will be required to take annual leave, flexi, unpaid leave or make up the time when attending medical appointments. This provision will not apply to those donating blood locally (up to an hour travel time included). For antenatal appointments please refer to the [Family Friendly Policy](#)

18.1.2 The exception to this are appointments for day surgery or that will involve a medical procedure that will leave the employee too unwell to return to work, in which case this may be taken as sick leave.

18.1.3 Any employee undergoing fertility treatment has the right to time off for the purpose of undergoing the treatment. Employees should provide written confirmation of these appointments to their line manager. Time off for appointments should be taken as annual leave but if the employee is off sick



due to the treatment then the Sickness Absence Policy and Procedure applies.

18.1.4 Employees should discuss with Human Resources and their manager any cosmetic/elective procedures and surgery prior to commencement to determine the most appropriate form of absence.

18.2 Annual Leave and Sickness

18.2.1 If an employee becomes ill whilst on annual leave it may be appropriate for them to redesignate their annual leave as sick leave. In such circumstances the employee must inform their line manager on their first day of sickness as per policy point 10.1.1, provide a 'Statement of Fitness to Work' note if ~~relevant~~ relevant for the period concerned and comply with the absence reporting procedures. The Council will pay a maximum of £25 upon receiving a receipt for the cost of a statement.

18.2.2 Where employees are on long term sick leave, they may request to take their annual leave during this period. However, employees are not expected to go on holiday when absent due to sickness unless this is supported by their GP and would aid the employees recovery. If an employee's sick pay has reduced to half or no pay and the employee wishes to use annual leave to continue to receive payment, this needs to be authorised by their line manager or HR.

18.3 Other work and Sickness

Whilst an employee is on sick leave they must not undertake any other work (either for themselves, another person or an organisation) or engage in any other activity which their illness would normally prevent as this could delay recovery and result in additional time of work.



18.4 Medical Suspension

18.4.1 In certain circumstances it may be appropriate to medically suspend an employee. This would occur in the following scenarios:

- Where the employee and their GP consider that the employee is fit to be at work or return to work the Council may, on occasions, need further clarification/endorsement from our Occupational Health provider before allowing the employee to be at work

and/or

- if the GP recommends any adjustments which, after careful consideration, the manager can not accommodate, the employee will remain off sick until further clarification can be obtained from Occupational Health.

18.4.2 Medical suspension will be on contractual pay and does not impact on sick pay.

18.4.3 Review of medical suspension should take place once the required medical information is received by Occupational Health. If this information indicates that the employee should be on sick leave or remain on sick leave, sick pay will be applied from that date that Occupational Health indicates is appropriate. This means for example, that sick pay may be applied retrospectively to be to the date the suspension began or the date of the occupational health assessment, as indicated by Occupational Health.

18.4.4 The decision to medically suspend an employee will be taken by the Head of Service (or their representative) in consultation with HR.



Surrey Heath Borough Council
Employment Committee
30 March 2023

Staff Terms and Conditions

Strategic Director/Head of Service	Sally Kipping
Report Author:	Julie Simmonds – HR Manager
Key Decision:	no
Wards Affected:	n/a

Summary and purpose

This report provides the Employment Committee with an updated Staff Terms and Conditions of Employment which has been updated to reflect suggested and already agreed amendments.

The revised document was considered by the Joint Staff Consultative Group at its meeting on 2 March 2023.

Recommendation

The Committee is advised to RESOLVE that the revised Staff Terms and Conditions Policy and Procedure, as attached at Annex A to this report, be agreed.

1. Background and Supporting Information

- 1.1 The Staff Terms and Conditions of Employment should be regularly reviewed to ensure it follows changes of legislations or changes within policies within SHBC. All changes within the contract have been tracked changed for ease for your consideration with the main areas:
 - 1.1.1 Amendment to authorisation process for staff wishing to take on another role alongside their SHBC role (2.5,2.6)
 - 1.1.2 The addition of wording around staff benefits and they are not contractual so can be changed (3.5)
 - 1.1.3 Support of Professional Membership fee is now in Staff T's and C's whereas previously it was within SHBC Expenses Policy

2. Reasons for Recommendation

- 2.1 To ensure Staff Terms and Conditions of Employment are kept as informative and form an accurate contract of employment between the member of staff and SHBC.

3. Proposal and Alternative Options

- 3.1 It is proposed that the revised Staff Terms and Conditions of Employment are adopted, with or without any further amendments considered appropriate.

4. Contribution to the Council's Five Year Strategy

- 4.1 No contribution to the Council's Five Year Strategy.

5. Resource Implications

- 5.1 No increase of resources required.

6. Section 151 Officer Comments:

- 6.1 These Staff Terms and Conditions of Employment were taken to CMT for review and comment on 21st February 2023

7. Monitoring Officer Comments:

- 7.1 These Staff Terms and Conditions of Employment were taken to CMT for review and comment on 21st February 2023.

8. Other Considerations and Impacts

Environment and Climate Change

- 8.1 Supports the Council's pledge.

Equalities and Human Rights

- 8.2 An Equalities Impact Assessment will be completed.

Risk Management

- 8.3 n/a

Community Engagement

- 8.4 Not applicable.

Annexes

Annex A – Standard Statement of Terms and Conditions

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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 Position/Personal Details

1.1	Name	XXXX
1.2	Position title	XXXX
1.3	Position number	XXXX
1.4	Service	XXXX
1.5	Salary grade / spinal column point	XXXX
1.6	Salary per annum	XXXX
1.7	Hours per week	XXXX
1.8	Commencement Date of Employment with this Council	XXXX
1.9	Commencement Date of Local Government Continuous Service	XXXX
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	XXXX



Statement of Terms and Conditions of Employment

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.

(delete if not applicable) Please be aware that the Council operates in a hybrid way which involves some home working for your post. Please refer to the Agile Working Policy for further information. Please ensure that you have efficient Wi-Fi access to enable you to carry out your role to work from home.

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 paid employment outside of that contained in this appointment at a salary grade 56 and below must be approved notified and agreed by your Line Manager and/or Head of Service/Strategic



Statement of Terms and Conditions of Employment

Director the Chief Executive in consultation with HR in consultation with HR Manager or Head HR, Performance and Communications. This includes any freelance or self-employed project or on-going engagement.

2.6 If your role is at a salary grade 6 and above, the expectation is that you will give all your available working time to Surrey Heath Borough Council. If you still wish to take on additional paid employment then you will need permission from your Head of Service/Strategic Director who will consult with the Head of HR, Performance and Communications.

2.7 If you are considering taking on additional paid employment this should not exceed a 48-hour week, with regards to the Working Time Directive. For your work life balance, you should ensure that you take sufficient breaks between periods of work. Any additional employment must not conflict, or any perception it could conflict, with your duties at Surrey Heath Borough Council

3.0 Salary

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

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



Statement of Terms and Conditions of Employment

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. In these circumstances you will be protected by minimum wage regulations.

3.5 Any benefits or discretionary payments 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 and can therefore be changed without the need for consultation or contract variation.

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. Attendance patterns should be agreed with your Line Manager or, where appropriate, your Head of Service or Strategic Director.

Or (Grade 31 ~~31~~ 20 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.

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.



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5.0 Holidays

5.1 The basic annual paid leave entitlement for this role is **XX** hours (**XX** days) prorata for part time employees.

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** hours (**XX** days) prorata for part time employees

5.3 In addition to the basic annual paid leave entitlement and the statutory public holidays, the Council also grants additional days during the closure of the Council's Offices between Christmas and New Year. Staff will be expected to take one day of leave from their annual leave entitlement during this period. ~~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.~~ This is facilitated by a combination of a contractual day's leave and the awarding of a further additional day's leave, these will both be referred to as Company Days.

~~5.4 If you are required~~ Officers required to work over the Christmas period you will receive an additional day/s in your ~~their~~ leave entitlement. This additional day will need to be taken by the end of February of the following year.

5.5 The annual leave year will run from April to March. Actual periods of leave must be authorised in advance by ~~the Strategic Director/Head of Service or his/her representative.~~ your line manager. 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.

5.6 Subject to approval, ~~an officer may carry forward up to 37 hours annual leave entitlement from one leave year to the next, up to a cumulative maximum of 148 hours to facilitate for example, an~~



Statement of Terms and Conditions of Employment

~~extended trip abroad, additional programmed study leave, or sabbatical purposes.~~

employees can opt to bank leave each year, up to a cumulative maximum of 20 days (148 hours) (pro-rata for part time staff) to facilitate, for example, an extended trip abroad, additional programmed study leave, or sabbatical purposes. Refer to Leave and Special Leave Policy and Procedure.

5.7 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. It is a requirement of this Council that all leave due to a person is taken during the notice period unless, there is express agreement from the Strategic Director/Head of Service and S151 Officer to be paid the outstanding leave ~~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.~~

5.8 Full details of Annual Leave, calculations to entitlements, bank holidays, Company Days and Christmas Closure can be found in Surrey Heath Borough Council Leave and Special Leave Policy and Procedures

6.0 Probationary Period

6.1 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-, further details can be found in the Probation Policy and Procedure on the Council's intranet. It ~~is~~ without prejudice to the Council's right to terminate your employment before the expiry of the probationary period. During your probationary period, the Council's Disciplinary Policy and Procedure may not apply. You are required to give one week's notice if you decide to terminate your employment during your probationary period.



Statement of Terms and Conditions of Employment

6.2 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.

6.3 Where an individual has been placed at risk of redundancy and is redeployed into a new suitable alternative role, a trial settling in period of 4 weeks shall apply, to assess their suitability during which time the individual retains their rights to redundancy. The employer also retains the right to implement redundancy if the role proves unsuitable for the employee.- 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.

7.0 Pension

7.1 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.

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

8.0 Continuous Service

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

8.2 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.



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9.0 Travelling & expenses

9.1 All claims for travelling will be treated in line with Car and Road User Policy and guidelines published on Surrey Heath Borough Council Intranet (Warbler).

10.0 Qualification Training Assistance and Professional Memberships

10.1 Any qualification training assistance payments made to you are subject to the Conditions of Grant set out in the Council's Post Entry Training Scheme.

10.2 Surrey Heath will support you in your continuous professional development by financing one subscription to a professional membership each financial year. The membership should be applicable to your current role.

11.0 Criminal Records

11.1 As part of the recruitment process any criminal records check is completed by Disclosure Barring Service (DBS).

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

11.3 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.



Statement of Terms and Conditions of Employment

12.0 Sickness Absence and Sick Pay

12.1 All sickness absence and sick pay will be treated in line with the Council's [Attendance-Sickness Absence](#) Policy and Procedure.

13.0 Disciplinary Procedure

13.1 The Council's Disciplinary Procedure, is set out in the Council's Disciplinary Policy & Procedure document, [which can be found on the Council's intranet \(Warbler\)](#). The Council reserves the right to suspend you at any time, with pay, whilst investigating any disciplinary matter 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.

14.0 Grievance Procedure

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

15.0 Notice

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

15.2 **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:



Statement of Terms and Conditions of Employment

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

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

15.4 During your notice period you should work with your Line Manager to ensure a complete handover of your duties and responsibilities. You must ensure that important council documents are kept in central locations that can be accessed by your line manager.

15.5 Please liaise with your manager regarding taking any outstanding annual leave during your notice period. Please refer to section 5.7 of this document. ~~to ensure your work life balance but also the needs of the business are met before your departure date.~~



Statement of Terms and Conditions of Employment

16.0 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.

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Surrey Heath Borough Council
Employment Committee
30 March 2023

Safeguarding Policy

Head of Service	Sally Kipping
Report Author:	Jayne Boitault – Community Partnerships Officer
Key Decision:	no
Wards Affected:	n/a

Summary and purpose

This report provides the Employment Committee with details of amendments to the Safeguarding Policy that Surrey Heath Borough Council has adopted.

The revised Policy was considered by the Joint Staff Consultative Group at its meeting on 2 March 2023.

Recommendation

The Committee is advised to RESOLVE that the revised Safeguarding Policy and Procedure, as attached at Annex A to this report, be adopted.

1. Background and Supporting Information

- 1.1 The Safeguarding Policy intends to provide guidance that prevents and reduces the risk of harm to adults and children from abuse and/or other types of exploitation while supporting individuals to maintain control over their lives and enabling them to make informed decisions without coercion. The Policy has been reviewed and considered by the Joint Staff Consultative Group.

2. Reasons for Recommendation

- 2.1 To ensure that the Safeguarding Policy is up to date and reflects best practice.

3. Proposal and Alternative Options

- 3.1 It is proposed that the revised Safeguarding Policy is adopted, with or without any further amendments considered appropriate.

4. Contribution to the Council's Five Year Strategy

4.1 No matters arising.

5. Resource Implications

5.1 There are no additional resource implications arising from the adoption of the revised Policy.

Annexes

Annex A – Safeguarding Policy



**Surrey Heath Borough Council
Human Resources**

Safeguarding: Policy & Procedure

Policy Reviewed and Approved	February 2022
Date for review	February 2023

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Introduction

Safeguarding is recognised as a key responsibility of local authorities, and is everybody's business; as neighbours, citizens, and community members we need to be alert to neglect and abuse, and be committed to reporting our concerns. It is a basic right that our lives are free from harm, abuse, and neglect and coercion. With the impact of the Pandemic in 2020/21, through isolation, it has never been so important that our policy meets the demands of those it aims to protect.

The policy provides guidance that prevents and reduces the risk of harm to adults and children from abuse and/or other types of exploitation while supporting individuals to maintain control over their lives and enabling them to make informed decisions without coercion.

We outline how this Council will meet its obligations to safeguard children and adults at risk. It applies to staff, agency workers, volunteers and contractors employed by

the Council. It is also applicable to Councillors undertaking official duties on behalf of the Council.

The policy complements and supports the agreed multi-agency procedures set down by the Surrey Safeguarding Children Partnership and Surrey Safeguarding Adults Board which is governed by a set of key principles and themes, designed to ensure that people who are at risk experience the process in such a way that it is sensitive to individual circumstances, is person-centred and is outcome-focused. It is vital for successful safeguarding that the procedures in this policy are understood and applied consistently at an individual, managerial, and organisational level.

The aims of safeguarding are to:

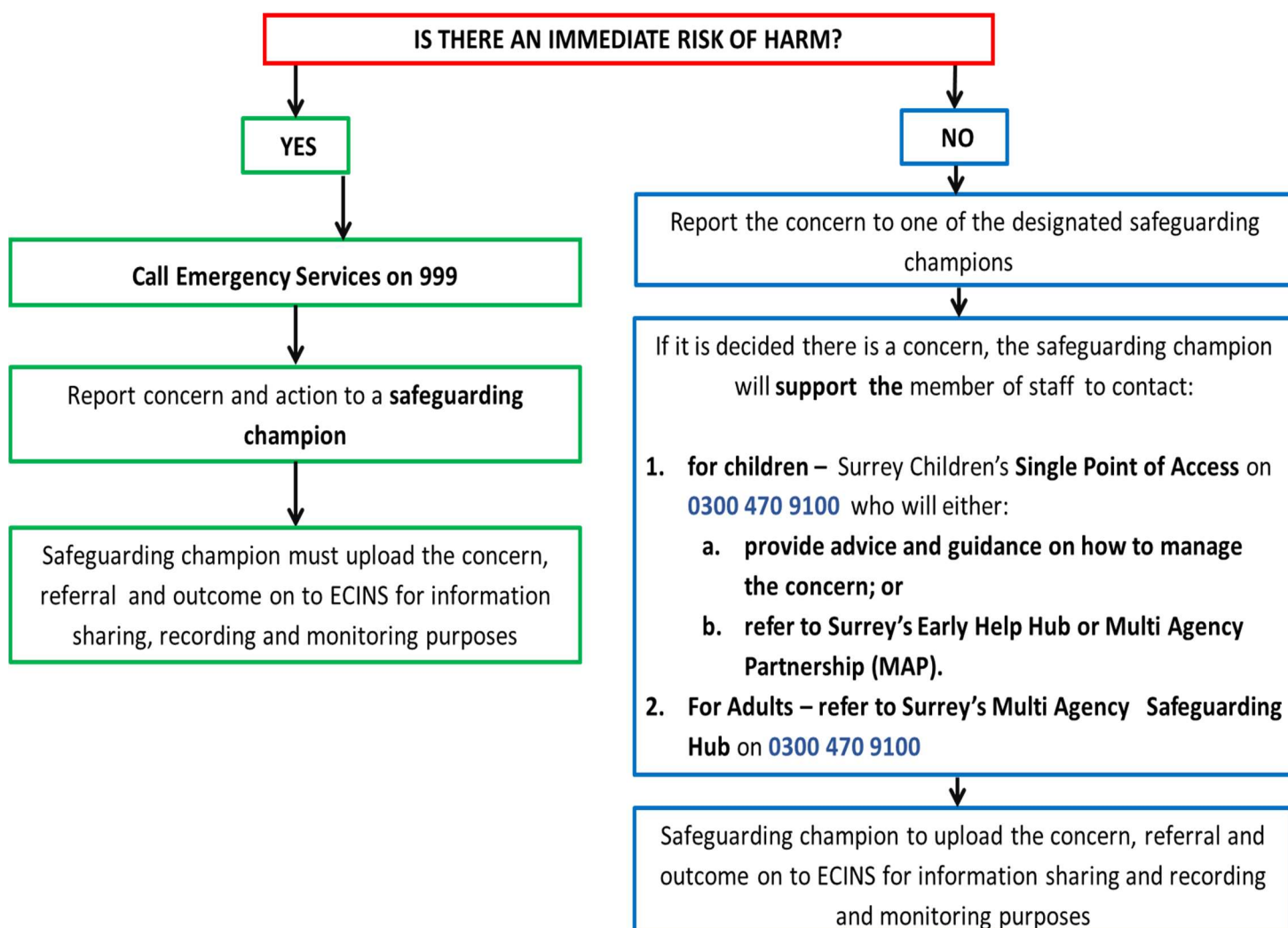
- Prevent harm and reduce the risk of abuse or neglect
- Stop abuse or neglect wherever possible.
- Prevent impairment of development and enable individuals to have the best outcomes.
- Safeguard individuals in such a way that supports them in making choices and having control over how they want to live
- Promote an approach that concentrates on improving life for the individual
- Raising public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect
- Provide accessible information and support to help people understand what constitutes abuse and neglect, and how to respond
- Address what has caused the abuse or neglect.

Safeguarding of children and adults at risk are governed by separate Government legislation and separate Surrey County Council safeguarding boards/partnerships.

Therefore the policy will consider the safeguarding of children and adults at risk independently, before addressing where there is overlap between the two safeguarding areas.

2.0 Do you have a safeguarding concern?

This could be a suspicion, an allegation, an observation or a disclosure of abuse or risk of abuse - if YES please follow the flow chart below.



ECINS = (Empowering Communities Inclusion and Neighbourhood Management System) a Community Safety secure data base for safeguarding incidents to be recorded, see your community safety officer if help needed.

Child Sexual Exploitation, Modern Slavery and Prevent referrals should be made to Surrey Police on **101** unless it is an emergency in which case call **999**

3.0 Safeguarding children

Key principles

Effective safeguarding arrangements in every local area must be underpinned by two key principles:

- Safeguarding is everyone's responsibility: for services to be effective each professional and organisation must play its full part.
- A child-centred approach: for services to be effective they must be based on a clear understanding of the needs and views of children

Safeguarding is everyone's responsibility.

This is the founding principle of safeguarding children. It asserts that everybody has a role to play in protecting children from harm and keeping them safe. If you come into contact with someone or something that you have concerns about, you must take action to safeguard the child as it is unlikely that you will have a complete picture and by raising concerns, however small, and sharing this information, it will allow for more informed decision making and decisive action to be taken.

A Child Centred Approach

Effective safeguarding of children can only be achieved by putting children at the centre of the system, and by every individual and agency playing their full part, working together to meet the needs of vulnerable children. Children have clearly expressed what they want from the safeguarding process:

Vigilance

To have adults notice when things are troubling them.

Understanding and action

To understand what is happening; to be heard and understood; and to have that understanding acted upon.

Stability

To be able to develop an on-going stable relationship of trust with those who support them.

Respect

To be treated with the expectation that they are competent rather than not.

Information and engagement

To be informed about and involved in procedures, decisions, concerns and plans.

Explanation

To be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response.

Support

To be provided with support in their own right as well as a member of their family.

Advocacy

To be provided with advocacy to assist them in putting forward their views.

Good Practice when working with children.

When working with children it is important to follow the good practice as outlined below:

- Adults should not behave in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model.
- Adults ideally, must not work on their own with children. If a situation occurs when this arises, due to sickness or an emergency, always inform colleagues parents/carers to ensure that someone can be present or nearby or open a door.
- Generally, it is inappropriate to offer lifts to a child or young person however there may be occasions where the child or young person requires transport in an emergency situation or where not to do so may place a child at risk. If circumstances permit, the appropriate adult or line manager should be informed before the lift is provided.
- The event must always be recorded and reported to a senior manager and appropriate adult.
- Physical contact is discouraged and should only take place only when it is absolutely necessary and in a safe and open environment i.e. one easily observed by others.
- Always report any accidents/incidents or situations where a child becomes distressed or angry to a senior colleague.

What to do if a child or third party makes an allegation

If a child or third party makes an allegation or discloses information which raises concern about significant harm, the initial response should be to listen carefully to what the child or third party says so as to:

- clarify the concerns,

- offer reassurance about how the child will be kept safe; and
- explain that what they say cannot be kept in confidence and will be discussed with one of the Council's safeguarding leads or safeguarding champions to consider how to manage the concern and if appropriate contact Surrey Children's Single Point of Access for advice and guidance or refer to Surrey Early Help Hub.

If the allegation is raised by a child, the child must not be pressed for information, led or cross examined or given false assurances of absolute confidentiality. Such well-intentioned actions could prejudice police investigations, especially in cases of sexual abuse.

If the child can understand the significance and consequences of making a referral to Surrey Children's Single Point of Access, he or she should be asked his or her view by the referring professional. Although the child's view should be considered, it remains the responsibility of the professional to take whatever action is required to ensure the safety of that child and any other children.

Professionals should generally seek to discuss any concerns with the family and where possible, seek their agreement to discuss with one of the Council's safeguarding leads or safeguarding champions and or/if appropriate contact Surrey

Children's Single Point of Access for advice and guidance or refer to Surrey Early Help Hub, but there will be some circumstances where professionals should not seek consent if it could:

- place a child at increased risk of significant harm.
- place an adult at risk of serious harm.
- prejudice the prevention or detection of a serious crime.
- lead to unjustified delay in making enquiries about allegations of Significant Harm

Professionals should record in writing, whether they have discussed the concern and or referral with the family. They should also record the reasons if they decide not to inform the family of these matters.

The procedure below is designed to help professionals to understand what to do if they have concerns about a child who has additional needs and what to do if a child has been or is likely to be significantly harmed.

When to raise a concern

It is important that employees raise their concern with one of the Council's safeguarding leads or safeguarding champions if it is believed or suspected that:

- A child is suffering or likely to suffer significant harm or
- A child's health or development may be impaired without the provision of services or
- With the agreement of the person with parental responsibility, a child would be likely to benefit from family support services

If you are concerned about the safety of a child or young person you contact the Surrey Children's Single Point of Access (SPA), which has replaced the MASH service.

Who to contact Telephone.

0300 470 9100

01483 517898 (out of hours hosted by the emergency duty team)

E-mail - csmash@surreycc.gov.uk

Website - <https://www.surreycc.gov.uk/.../contact-childrens-services>

Allegations against staff, councillors and/or volunteers

An investigation is required if there is an allegation or concern that any person who works with children, in connection with his or her employment or voluntary activity, has:

- behaved in a way that has harmed a child, or may have harmed a child.
- possibly committed a criminal offence against or related to a child.
- behaved towards a child or children in a way that indicates they are unsuitable to work with children

Although some behaviours may not constitute a criminal offence, consideration will need to be given as to whether they may indicate unsuitability to work with children. These include concerns relating to inappropriate relationships between members of staff and children such as:

- having a sexual relationship with a child under 18 in a position of trust in respect of that child, even if consensual

- 'grooming' i.e. meeting a child under 16 with intent to commit a relevant offence
- other 'grooming' behaviour giving rise to concerns of a broader child protection nature - for example: inappropriate text/email messages or images, gifts, socialising etc.
- possession of indecent photographs/pseudo-photographs of children

Staff and volunteers

Any allegations or concerns about a member of staff or volunteer should be immediately referred to the HR Manager who should act in accordance with the Council's Safeguarding Policy and relevant HR Policies.

Councillors

Any allegations or concerns about a councillor, should be immediately referred to either the Head of HR, Performance and Communications or the Monitoring Officer.

Note - If the alleged behaviour harmed a child, is a possible criminal offence or the behaviour indicates that they are unsuitable to work with children, the **Local Authority Designated Officer (LADO)** at Surrey County Council must be informed within one working day of the allegation and this is to be co-ordinated via the Council's Human Resources Manager.

The Local Authority Designated Officer is responsible for advising on and monitoring such allegations and can be contacted on 0300 123 1650 (option 3) or LADO@surreycc.gov.uk.

If allegations are made directly to the police and if an organisation removes an individual including, staff, councillor or volunteer from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.

4.0 Safeguarding Adults at Risk

Introduction

The Council has a legal duty to work together with other statutory and voluntary agencies to safeguard and promote the welfare of adults at risk and treat them

with dignity and respect. At the same time the Council will protect its staff and elected members from the risk of unfounded allegations. We will seek to ensure that any adult at risk receiving services from the Council can access council services in safety without fear of abuse.

This policy is designed to work in conjunction with Surrey Multi-Agency Adult Protection Procedures which is available on Surrey County Council's website:

https://www.surreycc.gov.uk/__data/assets/pdf_file/0005/192038/SCC-ASCSafeguarding-Policy-and-Procedure-v-1-01-Nov-2020..pdf

The Council will seek to implement its policy on the protection of adults at risk by:

- ensuring that all staff who have regular, direct and unsupervised contact with adults at risk are carefully selected and vetted. Staff and appropriate elected members should complete a Disclosure and Barring check. Staff and appropriate elected members will receive basic training, accredited where necessary. All elected members must understand the adult protection process, and training is available via a distance learning package.
- ensuring that all Council contractors who have regular, direct and unsupervised contact with adult at risks have effective policies and procedures in place.
- ensuring that organisations that apply for grant aid for programmes that include adults at risk (funding or premises) have effective policies and procedures in place.
- giving all the parties involved and the general public information about what they can expect from the council in relation to protecting and safeguarding adults at risk.
- ensuring that there is a clear complaint procedure in place that can be used if there are any concerns.
- sharing information about concerns with appropriate agencies and involving adults at risk and their carers as appropriate.

Who is an adult at risk?

The term adult at risk refers to anyone aged 18 and over who:

- is or may be in need of Community Care Services by reason of mental or other disability, age or illness; and
- is or may be unable to take care of himself or herself, and/or:
- is unable to protect themselves against significant harm or exploitation.

Whether or not a person is vulnerable in these cases will depend upon surrounding circumstances, environment and each case must be judged on its own merits.

Key principles

The Care Act 2014 (*See Appendix 2: legal Framework*) introduced six principles of safeguarding which are listed below.

Empowerment

Presumption of person-led decision making and informed consent

Prevention

Take action before harm occurs.

Proportionality

Take the least intrusive response appropriate to the risk presented

Protection

Provide support and representation for those in the greatest need

Partnership

Local solutions through services working with their communities

Accountability

Ensure there is accountability and transparency in safeguarding practices

In view of the above, the following principles have been adopted by all agencies and professionals working together to protect adults at risk.

- All adults at risk have a right to be protected and their decisions respected even if that decision involves risk.
- The prime concern at all stages will be the interests and safety of the adult at risk.
- The aim will be to give a professional service to support and minimise the distress of any adult at risk.
- Everyone will be treated sensitively at all stages of the investigation.
- The importance of professionals working in partnership with the adult at risk and others involved will be recognised throughout the process.
- All services will be provided in a manner that respects the rights, dignity, privacy and beliefs of all the individuals concerned and does not discriminate

on the basis of race, culture, religion, language, gender, disability, age or sexual orientation.

- Adults who have been abused need the same care and sensitivity, whoever the alleged abuser.
- The responsibility to refer the adult at risk rests with the person who has the concern.
- All agencies receiving confidential information in the context of an adult at risk investigation will make decisions about sharing this information in appropriate circumstances.
- Procedures provide a framework to ensure that agencies work together for the protection of the adult at risk. They are not a substitute for professional judgement and sensitivity.
- Adults at risk have the right to have an independent advocate if they wish, at any stage in the process.

Making Safeguarding Personal

Making Safeguarding Personal (MSP) is a shift in culture and practice in response to what we now know about the effectiveness of safeguarding from the perspective of the person being safeguarded.

The key focus is on developing a real understanding of what adults at risk wish to achieve and agreeing, negotiating and recording their desired outcomes, working out with them (and their representatives or advocates if they lack capacity) how best those outcomes might be realised and then seeing, at the end, the extent to which desired outcomes have been realised.

The Wellbeing Principle

The Care Act 2014 introduces a duty to promote wellbeing when carrying out any care and support functions in respect of a person or responsible adult. This is sometimes referred to as *The Wellbeing Principle* because wellbeing is put at the heart of care and support.

The wellbeing principle applies in all cases where care and support is being carried out, or decisions are made, or safeguarding is exercised. When safeguarding adults it applies equally to adults with care and support needs and their carers.

Promoting wellbeing means actively seeking improvements at every stage in relation to the individual, and where applicable their carer. It is a shift from

providing services to the concept of meeting needs. In promoting wellbeing it should be assumed that individuals are best placed to judge their own wellbeing. Their individual views, beliefs, feelings and wishes are paramount and individuals should be empowered to participate as fully as possible.

What is abuse?

Abuse is a violation of an individual's human and civil rights by any other person or persons or organisation. Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or omission to act or it may occur where a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent.

Any act of abuse, repeated or singular, is a violation of the adult at risk's human and civil rights.

Context

Abuse of adults at risk can occur in any setting or any situation and can be a complex area. Abuse may occur in:

Domestic settings: including the adult at risk's own home, or another person's
Institutional settings: including day care, residential care, nursing homes and hospitals

Public settings: including in the street, any public area or social or work environment

Abuse of adults at risk occurs in all cultures, all religions and at all levels of society.

The abuser may be anyone, including a member of the family, friend, neighbour, partner, carer, stranger, care worker, manager, volunteer, another service user or any other person who comes into contact with the adult at risk.

Good Practice when working with Adults at Risk

To help prevent abuse occurring and false allegations arising, the following basic guidelines will help safeguard both the adult at risk and members of staff.

You must:

- treat all service users with dignity and respect

- provide an example of good conduct you wish others to follow
- Challenge unacceptable behaviour - e.g. bullying, and report all allegations/suspicions of abuse
- Be identifiable and wear a name badge at all times

You must not:

- have unwarranted contact with an adult at risk
- make any comments, which may have a sexual connotation.

There may be exceptional circumstances where it is necessary to restrain the adult at risk to prevent him or her from damaging himself or herself or others. Only the minimum reasonable force necessary may be used. All incidents of physical restraint must be recorded on an incident form and be submitted to a nominated officer and the Health and Safety Officer.

When to be concerned about possible abuse

It is not the role of the Council to decide if an adult at risk is being abused or not, but it is our job to pass on any concerns:

The actual process for raising a concern and/or making a referral relating to children or adults at risk is set out under - *Do you have a safeguarding concern?* (See diagram on page 4)

Responding to a person who discloses a concern of abuse.

- In an emergency ring 999.
- Do ensure the safety of the individual and others if in immediate danger, and contact the relevant emergency service.
- Do not be judgemental or jump to conclusions.
- Do listen carefully.
- Do provide support and information to meet the individual's specific communication needs.
- Do use open questions.
- Do tell them that the individual did a good or right thing in telling you.
- Do tell the individual you are treating the information seriously.

- Do tell them it was not their fault.
- Do ask them what they need to keep themselves safe.
- Do not make promises you cannot keep.
- Do not promise to keep secrets.
- Do seek consent to share the information with your lead for safeguarding; however, lack of consent should not prevent you from reporting your concerns.
- Do explain that you have a duty to tell your lead for safeguarding.
- Do not confront the person alleged to have caused the harm as this could place you at risk, or provide an opportunity to destroy evidence, or intimidate the person alleged to have been harmed or any witnesses.
- Do explain that you will try to take steps to protect them from further abuse or neglect.
- Do support and reassure the person.
- Do preserve any forensic or other evidence.

Action after the concern of abuse has been recognised:

To be taken as soon as possible or within 4 hours

- Discuss your concerns with one of the Council's Safeguarding Champions or HR Manager who will support you to manage the concern, record the details and if appropriate make a referral to the Safeguarding Hub.
- Record your concerns and how they came to light, any information given by the person, information about any witnesses, the individual's wishes, actions taken, who was present at the time, dates and times of incident(s).
- Record details of the person alleged to have caused harm.
- Do record any concerns about the person's capacity to make any decisions and the reasons for the concerns.
- Do record whether the person is aware that the concerns have been reported.
- Do record their perspective.
- Do record any previous concerns about the person.

- Do not breach confidentiality for example by telling friends or other work colleagues.
- Do use Whistleblowing Procedures –if you feel that you will not be believed, taken seriously or believe that your manager or lead for safeguarding may be causing the risks of abuse to the adult or child.

The actual process for raising a concern and/or making a referral relating to children or adults at risk is set out under - *Do you have a safeguarding concern?* (Page 4)

5.0 The Council's roles and responsibilities in safeguarding children and adults at risk

The policy has considered children and adults at risk independently as they are the subject of different legislation. However, there are areas where safeguarding children and adults at risk overlap, and these are set out below:

The Council as an Organisation

The Council is committed at senior officer and member level to safeguarding children and adults at risk. The Council recognises its responsibilities under the Care Act 2014, The Children Act 2004, and Working Together to Safeguard Children 2015. Safeguarding is a Council priority, and this is clearly demonstrated by:

- representation at the Surrey Safeguarding Adults Board and the completion of standard returns for this board
- representation at the Surrey Safeguarding Children Partnership and the completion of Section 11 returns for this board
- appointment of a Lead Surrey Heath Borough Council Member for Safeguarding Children and Adults at Risk
- appointment of Safeguarding Champions across the Council who will advocate good practice that minimises risk to enable the support of our frontline officers to manage concerns and/or make a referral if appropriate.
- sign up to protocols and policies.

The Council as an Employer

In its role as an employer the Council incorporates safeguarding measures in its not only in its recruitment process but provides continuous safeguarding training for all staff, and the safeguarding champions and/or HR are available to support members of staff who may find themselves at risk or seek guidance.

Recruitment Procedures

The Council is committed to safer recruitment. Some new members of staff maybe required to undergo a Disclosure and Barring Service (DBS). Basic disclosures verify identity and show details of all convictions considered to be unspent under the Rehabilitation of Offenders Act 1974 or state that there are no such convictions. New employees who are taking up a position which involves working closely with children or adults at risk (in a voluntary or paid capacity) will be required to acquire an Enhanced DBS Disclosure. Enhanced DBS Disclosures provide additional detail about unspent and spent convictions, cautions, reprimands, final warnings plus any additional information held by the police.

Training

All employees will be required to undertake safeguarding training and become familiar with the Safeguarding Policy as part of their induction. Training will be provided at three levels:

Level 1: This training is delivered via an e-learning format and designed for all members of staff to give them an awareness of what safeguarding is, forms of abuse, and how to report any concerns they may have.

Level 2: This training is aimed at those employees who have a role that involves direct contact with children and adults at risk.

Level 3: The Lead and deputy lead for safeguarding and Safeguarding Champions, will undertake Safeguarding and DA training organised recently commissioned by the Council to ensure their knowledge is up to date and is reflected in the Councils policies and procedures.

The Council as a Licensing Authority

The Council is a licensing authority for services such as taxi drivers, public events, alcohol and entertainment, charity collections, gambling, animal licensing, boot fairs, Sunday and street trading and other licences such as fireworks.

The Council needs to ensure that all relevant checks are carried out prior to issuing licences and if a safeguarding concern is raised at any time during the

process, the Council's safeguarding policy and procedure must be followed, including the notification of other government or national bodies.

Contracts

Safeguarding is referenced in the general conditions of contact for suppliers. If a supplier breaches the contract, the legal team will follow its processes in addition to following the Council's Safeguarding Policy for Children and Adults at Risk.

A guide to make a record.

As soon as possible on the same day, a written record should be made of what has been seen, been said and any other concerns. It is important to make sure anyone else who saw or heard anything relating to the concern also makes a written report.

All safeguarding concerns and referrals must ideally be recorded on **ECINS** a multiagency cloud based case management system, but if you cannot access then please use the internal incident report on the next page, and email this to: safeguarding.champions@surreyheath.gov.uk and the information will be transferred on to **ECINS**.

Please make contact with one of the Council's safeguarding champions, if you are unclear as to the action you need to take:

SECTION 1: Your Details	
Name of person completing form	
Date of form completion	
Time of form completion	
Job title & Department	
Who reported the concern to you <i>(if applicable)</i> ? State if you observed the concern yourself Include: address, phone number & email. Unless this is a whistle blower in which case refer to them by initials only .	
How do you know the person at risk / your involvement with them	
Your Telephone	
Your Mobile	
Your Email	
SECTION 2: Person at Risk's Details	
Name	
Address	
Date of Birth	
Gender	
Does the person have any language or communication difficulties?	
Does the person have any known Mental Capacity issues?	
Their Telephone	
Their Mobile	
Their Email	
If the person at risk is under 18 (a child) do you have parental consent?	
SECTION 3: Details of your concern	
Date of alleged abuse / neglect (if known)	
<i>Type(s) of suspected abuse (please select)</i>	
Physical	Modern Slavery
Domestic Abuse	Discriminatory
Sexual	Organisational
Psychological	Neglect and Acts of omission
Financial and Material	Self-Neglect
Witnesses (inc. other staff)	

Any injuries:	
Details of concern (such as what happened to stem your concern, any immediate concern about the persons' safety, is there anyone else who could be at risk)	
Actions or decisions already taken and outcome (e.g. called emergency services, spoken to alleged victim)	

GUIDANCE NOTES: READ CAREFULLY BEFORE COMPLETING THE FORM
 Complete as much of the form as possible. Include everything you have witnessed/been told. You are not required to decide if the information is relevant.

When this form is submitted it will automatically be emailed to the safeguarding team. If you feel unable to have the report seen by all members of the safeguarding team, if for instance the safeguarding incident relates to them, please send it to an individual safeguarding officer.

For further information or guidance please contact a safeguarding officer. Alternatively contact the Surrey C-SPA for advice.

Surrey Heath Safeguarding Champions

<i>Surrey Heath Borough Council</i>			
Safeguarding Officers			
Name	Role	Team	Contact details
Nick Steevens	SHBC Lead Officer	Strategic Director Environment and Community	Nick.steevens@surreyheath.gov.uk Ext: 7351
Emily Burrill	Safeguarding Champion & Child Sexual Exploitation Lead	Family Support	Emily.burrill@surreyheath.gov.uk Ext: 7684
Jayne Boitoult/ Bob Darkens	Safeguarding Champion & PREVENT Lead	Community Safety	Jayne.boitoult@surreyheath.gov.uk Ext: 7464 Bob.darkens@surreyheath.gov.uk Ext: 7467

Jill Moody	Safeguarding Champion	Community Services	Jill.moody@runnymede.gov.uk Ext: 7659
Clive Jinman	Safeguarding Champion	Housing	Clive.jinman@surreyheath.gov.uk Ext: 7334
Nicky Sherlow	Safeguarding Champion	Environ & Comm	Nicola.sherlow@surreyheath.gov.uk Ext: 7597
Tracy Buck	Safeguarding Champion	Corporate Enforcement	Tracy.buck@surreyheath.gov.uk Ext: 7461
Alex Middleton	Safeguarding Champion	Audit	Alex.middleton@surreyheath.gov.uk Ext: 7303
Sam Hallam	Safeguarding Champion	Building Control	Samantha.hallam@surreyheath.gov.uk Ext: 7243
Jackie Priestman	Safeguarding Champion	Environmental Services	Jackie.priestman@surreyheath.gov.uk Ext: 7112
Iain Williams	Safeguarding Champion	Planning Development	Iain.williams@surreyheath.gov.uk Ext: 7436
Robert Fox	Safeguarding Champion	Revs & Bens	Robert.fox@surreyheath.gov.uk Ext: 7156
Tracy Lyndon	Safeguarding Champion	Contact Centre	Tracy.lyndon@surreyheath.gov.uk Ext: 7641

Information sharing

Information sharing is vital to safeguarding and promoting the welfare of children and adults at risk. A key factor in many cases where children and adults have been harmed has been the failure to record information, to share it, to understand the significance of the information shared and to take appropriate action. Often it is only when information from a number of sources has been shared that it becomes clear that a child or adult at risk might be suffering harm. Professionals who have contact with children, families and adults at risk discuss with one of the Council's safeguarding leads or safeguarding champions to consider how to manage the concern and if appropriate share the concern with the Safeguarding Hub, see page 5.

All information sharing should be in line with the agreed set of principles about sharing personal or confidential information in the [Surrey Multi-Agency Information Sharing Protocol \(MAISP\)](#). The MAISP has been developed in partnership with Surrey County Council, all the borough and districts as well as the health services and Surrey Police.

SURREY SAFEGUARDING PARTNERSHIPS

In Surrey, the statutory Safeguarding Children Partnership and Safeguarding Adults Partnership are responsible for providing local agencies with guidance and holding agencies to account for their actions.

Representation on Safeguarding Partnerships

The Children Act 2004 and Care Act 2014 together with associated statutory guidance sets out which organisations are required to sit on both boards and comprises all relevant statutory and key voluntary agencies.

The 11 Surrey Borough and District Councils have a single representative nominated by the Surrey Chief Executives Group to represent them on each board. Other borough and district council officers may attend the boards or the various sub groups that deal with the operational arrangements and ensure effective practice throughout the County.

Performance and Quality Assurance

Organisations on the boards are responsible for ensuring that they provide any data that is required by the boards for their respective Performance and Quality Assurance Frameworks. Likewise, they are expected to complete any returns and comply with any audit requirements.

Surrey Safeguarding Children Partnership (SSCP)

The overall role of the SSCP is to coordinate local work to safeguard and promote the welfare of children and to ensure the effectiveness of what the member organisations do individually and together by developing interagency policies and procedures for safeguarding and promoting the welfare of children, including:

- the action to be taken where there are concerns about a child's safety or welfare

- training of those working with children and/or families or in services affecting the safety and welfare of children
- investigation of allegations concerning persons working with children

It is very important that local safeguarding arrangements are strongly led and promoted at a local level, specifically by:

- a strong lead from local authority members, and the commitment of chief officers in all agencies, in particular the Director of Children's Services and Lead Member for Children's Services at Surrey County Council; and

- effective local coordination and challenge by the Local Safeguarding Children's Partnership.

Borough and District Councils have a crucial role to play in the safeguarding of children in their areas. The Surrey Safeguarding Partnership Procedures Manual specifically refers to the duty of housing authorities to share information that is relevant to safeguarding. They should promote the welfare of children and the duties of leisure services departments and leisure contractors to ensure that their leisure facilities safeguard children. All casual and temporary members of staff must be aware of safeguarding children issues and know how to report concerns.

Section 11 of the Children Act 2004 places duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.

Each Surrey Borough and District Council completes Section 11 forms to be returned to the Surrey Safeguarding Children Partnership by the Lead Safeguarding Officer.

The Surrey Safeguarding Children Partnership has five core objectives to enable it to deliver its responsibilities as set out in *Working Together 2015*. These are:

- to optimise the effectiveness of arrangements to safeguard and protect children and young people
 - to ensure clear governance arrangements are in place for safeguarding children and young people
 - to oversee Serious Case Reviews (SCRs), Partnership Reviews and Child Death (CDOP) processes and ensure learning and actions are implemented as a result
 - to ensure a safe workforce and that single-agency and multi-agency training is effective and disseminate good practice
 - to raise awareness of the roles and responsibilities of agency and community roles and responsibilities in relation to safeguarding children and young people
- In addition, the Partnership:
- coordinates what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area
 - ensures the effectiveness of what is done by each such person or body for those purposes

The functions that support these objectives are to:

- develop policies and procedures.

- communicate and raise awareness.
- monitor and evaluate the effectiveness of partners individually and collectively.
- participate in the planning of services.
- undertake reviews of all child deaths and serious case reviews and disseminate the learning.
- commissioning and delivery of multi-agency training
- evaluate single agency and multi-agency training.

Additional Priorities

In addition to the delivery of core business the SSCP has identified four targeted priorities on which to focus:

- To monitor and challenge the effectiveness of the *new* Effective Family Resilience Model and to ensure that the voice of children and young people is heard
- To ensure professionals and the current child protection processes effectively protect those children identified as in need of protection and who are looked after
- To ensure children and young people at risk of Child Exploitation (CE) are protected.
- To monitor and challenge the effectiveness and impact of the Domestic Abuse Services in reducing the incidences of Domestic Abuse and protecting children and young people from harm

Surrey Safeguarding Adults Partnership (SSAP)

The Surrey Safeguarding Adults Partnership (SSAP) helps and protects adults in Surrey who have care and support needs and who are experiencing, or are at risk of, abuse or neglect.

Representatives from carers' groups, disability groups and older people's groups are members of the board.

The Partnership ensures the voices of adults at risk, their families and their carers are heard and guarantees there are effective processes in place to prevent and respond to abuse and neglect. The board also raises awareness of the importance of safeguarding through publicity campaigns and has a multi-agency training programme in place to give staff the right skills to safeguard adults.

The SSAP has three core duties:

- to publish a strategic plan that sets out how it will meet its main objective and what the members will do to achieve this.
- to publish an annual report detailing what the SSAP has done during the year to achieve its main objective and implement its strategic plan
- to conduct any safeguarding adults reviews in accordance with the Care Act 2014

The functions that support its objectives and duties are to:

- develop a framework of multi-agency policies , protocols and procedures
- require member agencies to provide assurance on their safeguarding activities
- quality assure the safeguarding of member agencies.
- implement a multi-agency Competency Framework and training programme
- undertaking Safeguarding Adults Reviews and learning lessons from them
- learn lessons from other reviews including Domestic Homicide Reviews
- undertake activities to raise awareness of safeguarding and to support the prevention of abuse and neglect

LEGAL FRAMEWORK

This Safeguarding policy is underpinned by a range of legislation including, but not limited to:

The Children Acts 1989 and 2004

The *Children Act 1989* and *Children Act 2004* along with the statutory guidance, *Working Together to Safeguard Children 2015* provide the current framework for safeguarding children.

This legislation places an overarching responsibility on Surrey County Council, as the lead authority for children, for safeguarding and promoting the welfare of all children in their area, but makes clear that other agencies also have a role to play.

Section 11 of the Children Act 2004 places a statutory duty on various agencies, including districts and borough councils, to make arrangements to ensure that their functions are discharged taking account of the need to safeguard and promote the welfare of children. This includes any services or function they contract out.

This Act led to the establishment of the Surrey Safeguarding Children Partnership and required Surrey County Council to secure the co-operation of partners in setting up arrangements to improve the well-being of children in Surrey.

Working Together to Safeguard Children

This replaced the Area Child Protection Committee and sets out how organisations and individuals should work together to achieve this using the key principles: Safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part.

The approach must be child-centred: in order to be effective, there needs to be a clear understanding of the needs of the child.

Guidance: [Working together to safeguard children](#): A guide to inter-agency working to safeguard and promote the welfare of children

The Care Act 2014

The Care Act 2014 sets out the legal framework for how local authorities and other statutory agencies, including district and borough councils, should protect adults with care and support needs who are at risk of abuse or neglect. It consolidates existing law and puts similar arrangements in place to those safeguarding children.

The Act required Surrey County Council, as the lead authority for vulnerable adults, to establish a Safeguarding Adults Board to bring together the key local partners to focus on safeguarding strategy and practice. The Act also places a duty on Surrey County Council to carry out safeguarding enquiries where it is suspected that

someone is suffering or at risk of abuse or neglect conducting Safeguarding Adults Reviews (SARs) where there is a cause for concern about a particular case, to learn lessons for the future.

All these initiatives are designed to ensure greater multi-agency collaboration as a means of transforming adult social care.

This guidance is updated from time to time; therefore the most up to date guidance will apply in relation to the operation of this policy.

SURREY EFFECTIVE FAMILY RESILIENCE and CHILDREN'S SINGLE POINT of ACCESS (C-SPA)

The Surrey Effective Support Windscreen



In May 2019 Surrey Safeguarding Board launched the new The Early Help approach

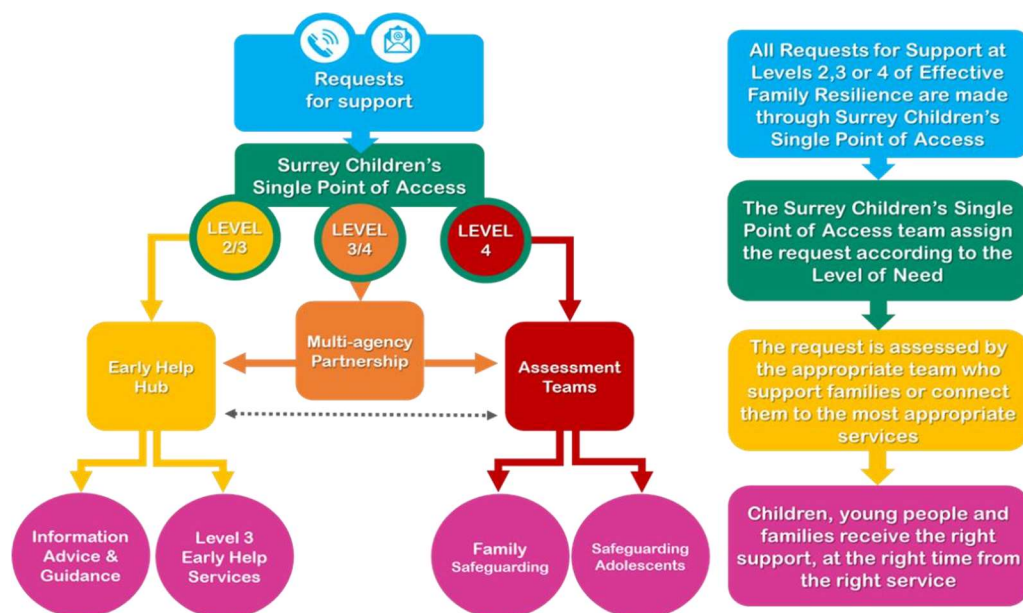
'Effective Family Resilience' and the Social Work practice model **'Family Safeguarding'**.

Within these four levels of need have been identified: **Universal, Early Help, Targeted Help, and Specialist.**

The purpose of this new model is to provide a consistent approach to safeguarding across **all organisations**; including voluntary and charitable organisations who come into contact with and support children and their families. Focusing on the need to work together in an open way with the child and their family to gain their confidence, identify strengths and needs, to find practical and achievable solutions, and to provide the right amount of information, advice

Children's Single Point of Access (C-SPA)

The Children's Single Point of Access is the umbrella term used to describe the front door to Surrey County Council services for children. Parents, carers and practitioners can phone in to access support, information and advice for families and those who work with children in Surrey.



Your contact will be answered by the Children's Request for Support Team. They may be able to answer your query directly, or when a response is required from a specific team they will send the service request to the appropriate team to respond to you.

Requests for support up to Level 3 of Effective Family Resilience will be directed to the

Early Help Hub. Families meeting the threshold for Level 4 of Effective Family Resilience will be sent straight to the Quadrant Assessment Teams (Children's Social Care).

If you are concerned about the safety of a child or young person you contact the Surrey Children's Single Point of Access (SPA), which has replaced the MASH service.

Who to contact Telephone.

0300 470 9100

01483 517898 (out of hours hosted by the emergency duty team)

E-mail - csmash@surreycc.gov.uk

Website - <https://www.surreycc.gov.uk/.../contact-childrens-services>

Appendix

RELEVANT POLICIES AND STRATEGIES

Surrey Heath Borough Council 'PREVENT' Policy

The underpinning aim of the 'PREVENT' Policy is to determine how the Council works with organisations and the community to prevent extremism' and stop people becoming terrorists or supporting terrorism. It aims to identify individuals at risk of radicalisation and being drawn into extremist activity. The Surrey Heath and Wellbeing Board has overall governance of the PREVENT agenda across for Surrey with a Multi-Agency Prevent Partnership Group established to review trends and developments as well as provide a 'quality assurance' overview around PREVENT delivery across Surrey, for further information please contact the Councils Community Safety Officer.

Domestic Abuse

Domestic abuse can be any incident of threatening behaviour, violence or abuse between adults who are, or have been, intimate partners, family members or members of the same household regardless of gender or sexuality. Domestic abuse is not limited to violent abuse; it can be physical, psychological, sexual, emotional or financial. Children's health and wellbeing can be seriously affected by living in households where there is any form of domestic abuse. The county-wide Domestic Abuse Management Board has overall responsibility for the development and implementation of the Surrey Domestic Abuse Strategy. More information including contacts for agencies that can offer support and practical advice can be found on the [Surrey Against Domestic Abuse website](#).

Equality Assessment

Surrey Heath Borough Council recognises the right of every adult and child to a life that is free from harm, abuse, and neglect.

The Council promotes adoption of a standard approach to implementation of safeguarding policy and procedure, with equal consideration to all vulnerable groups.

The new Policy, procedures and related guidelines has been Impact Assessed by the Equality Action Group and adopted by this Council in April 2021.

Child Sexual Exploitation

Child Sexual Exploitation (CSE) is the sexual abuse of a child or young person aged under 18 by an adult who involves them in inappropriate sexual activities either with themselves or another person. The activity often takes place in

exchange for money, alcohol, drugs, food, accommodation or presents. Online grooming is a type of CSE that impacts both boys and girls across Surrey. This area of work is led by specialist police officers working closely with partners such as local Councils, social services, youth services, housing providers and the voluntary sector.

More information can be found on [Surrey Police's website](#).

Missing Persons Protocol

This is in place to ensure that there is a coordinated response from agencies when a vulnerable adult goes missing. This includes Surrey Police, Surrey & Borders Partnership Trust, and Surrey Care Association, Surrey County Council Adult social Care Services and Surrey Care providers and associated agencies. It provides guidelines to all parties as to what actions should be taken when a person receiving care goes missing. More information can be found on the Surrey Safeguarding Adults Board website.

People in a Position of Trust Protocol

The Care Act 2014 requires that Safeguarding Adults Boards should establish and agree a framework and process for any organisation to respond to allegation against anyone who works (in either a paid or unpaid capacity) with adults with care and support needs. The framework and process in the context is referred to as the *Protocol*. The Protocol applies to all partner agencies of Surrey Safeguarding Adults Board (SSAB) and organisations commissioned to provide services by them, so they respond appropriately to allegations against people who, whether an employee, volunteer or student, paid or unpaid, works with or cares for adults with care and support needs. These individuals are known as *People in a Position of Trust (PiPoT)*. SSAB also requires partner agencies and the service providers they commission to identify a designated PiPoT lead or contact to oversee the delivery of responsibilities in their organisation.

Protocol for responding to concerns about a Person in a Position of Trust (PiPoT)

Surrey Heath Borough Council

The PiPoT Leads for Surrey Heath Borough Council are:

Nick Steevens – Strategic Director – Environment and Community x 7351

Family Support Safeguarding Procedure

The Family Support department at the Surrey Heath Borough Council follow the national guidelines for those that work with children. Please follow the corresponding link for these guidelines.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf

Safeguarding against FGM

FGM is not an issue that can be decided on by personal preference – it is an illegal, extremely harmful practice and a form of child abuse and violence against women and girls.

It must always be remembered that fears of being branded 'racist' or 'discriminatory' must never weaken the protection that professionals are obliged to provide to protect vulnerable girls and women.

As FGM is a form of child abuse, professionals have a statutory obligation under national safeguarding protocols (e.g. Working Together to Safeguard Children 2015) to protect girls and women at risk of FGM. Since October 2015 registered professionals in health, social care and teaching also have a statutory duty (known as the Mandatory Reporting duty) to report cases of FGM to the police non-emergency number 101 in cases where a girl under 18 either discloses that she has had FGM or the professional observes physical signs of FGM.

For further guidance the NSPCC FGM Helpline Organisations is available on 0800 028 3550. This helpline can support both professionals or family members concerned that a child is at risk of, or has had, FGM.

Child Sexual Exploitation, Modern Slavery and Prevent referrals should be made to Surrey Police on 101 unless it is an emergency in which case call 999

****NB who should complete a referral to the Home Office is to be confirmed.***

Crimestoppers anonymously	0800 555 111
Childline	0800 1111

General, non-safeguarding queries or existing open cases for adults or young adults

For any general or non-safeguarding concerns in relation to an adult (including young adults) please contact Surrey County Council's Contact Centre:

Telephone: 0300 200 1005

Minicom: 020 8541 9698

Fax: 020 8541 9575

Email: contact.centre@surreycc.gov.uk

SMS: 07527 182861

For any general or non-safeguarding concerns in relation to a child or young adult) please contact Surrey County Council's Contact Centre:

Telephone: 0300 200 1006

Minicom: 020 8541 9698

Fax: 020 8541 9575

Email: contact.centre@surreycc.gov.uk

SMS: 07527 182861

Modern Day Slavery

Additional government guidance including training resources can be located on the

FOR THE CORRECT FORMS TO REFER AN INDIVIDUAL FOR ASSESSMENT AND SUPPORT PLEASE VISIT:

<https://www.gov.uk/government/publications/human-trafficking-victimsreferral-and-assessment-forms>

and **call** Modern Day Slavery Helpline: 0800 0121 7000

following weblink:<https://www.gov.uk/government/publications/modern-slaverytraining-resource-page/modern-slavery-training-resource-page>. This contains videos, e-learning, and leaflets.

National Response Mechanism:

<https://www.gov.uk/government/publications/humantrafficking-victims-referral-and->

Statutory Duties for local authorities:

<https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/5b164dab1ae6cf/bba8d27c22/1528188339535/LWG+Local+Authorities+Modern+Slavery+Protocol+%28adults%29+-+Statutory+Dutie....pdf>

Hate Crime Policy

1.1 This policy sets out our approach to dealing with Hate Crime.

1.2 We recognise that individuals and groups may face overlapping forms of prejudice.

Hate Crime can be defined as any crime that is motivated by hostility on the grounds of someone's actual or perceived characteristics.

This can include equality characteristics such as:

- Age.
- Disability.
- Race.
- Sex, sexual orientation, gender identity.
- Marriage and civil partnership.
- Pregnancy and maternity.
- Religion or belief.

1.3 Hate Crime can take many forms including (but not limited to): physical violence, threats of violence, offensive graffiti or other written material, online abuse, and abusive or insulting words or behaviour.

1.4 So what can we do? Reporting is a crucial part of eradicating hate, it may seem small and insignificant act, but it can have an impact on attitudes towards Hate Crime and strategies to prevent it.

Anyone can report, and you don't have to be certain about whether it is Hate Crime, by reporting you are being an **up-stander** rather than a bystander, playing your part in not accepting hate.

1.5 How to report it?

- Direct Reporting to the Police using the 101 number.
- Phone Stop Hate UK on 0808 138 1625
- Report it on www.stophateuk.org
- Download the reporting App in Surrey, by going to the app store or google play searching for 'stop hate uk' and click 'stop hate uk surrey' and then install.

Surrey Heath Borough Council
Employment Committee
30 March 2023

Work Programme 2023/24

Head of Service Sally Kipping – HR, Performance & Communications
Report Author: Julie Simmonds – HR Manager
Key Decision: No
Wards Affected: n/a

Summary and purpose

To agree the work programme for the 2023/24 municipal year.

Recommendation

The Committee is advised to RESOLVE that the work programme for the 2023/24 municipal year be agreed, as set out at Annex A.

1. Background and Supporting Information

- 1.1 At each meeting the Committee will consider the work programme, be advised of updates and agree amendments as appropriate.
- 1.2 Meetings have been scheduled for the 2023/24 municipal year as follows:
- 13 July 2023
 - 12 October 2023
 - 1 February 2024
 - 28 March 2024

2. Proposal and Alternative Options

- 2.1 It is proposed that the Committee considers the list of topics listed in Annex A of the work programme and makes such amendments as appropriate

Annexes

Annex A –Work Programme for 2023/24

**Employment Committee
Work Programme
2023/24**

Committee meetings for the municipal year are scheduled to be held on the following dates:

- 13 July 2023
- 12 October 2023
- 1 February 2024
- 28 March 2024

The following work for the 2022/23 municipal year has been identified for consideration by the Committee:

Meeting	Topic	Source
13 July 2023	Menopause Policy	HR (New)
	Job Evaluation Policy	HR (new)
	Exceptional Payments	HR (Review)
	Data Breaches Policy	Information Governance (review)
	Data Protection Policy	Information Governance (review)
	Information Security Policy	ICT (review)
12 October 2023	People Strategy	HR (new)
	Casual, Fixed Term Policy	HR (review)
	Capability Policy and Procedure	HR (review)
	Organisational Change	HR (review)
1 February 2024	Speak Up Policy annual report	HR
	Speak up Policy	HR (review)
	Agile Working Policy	HR (review)
	Carers Policy	HR (new)
	Pensions Discretion Policy –	HR (review)
	Pay Settlement 24/25	HR
	Recruitment	HR (review)
28 March 2024	Pay Settlement 24/25	HR
	Data Breaches Policy	ICT/Information Governance (review)

	Information Security Policy	ICT (review)
	Data Protection Policy	ICT/Information Governance (review)
	Social Networking Policy	ICT/Information Governance (review)

To be scheduled:

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