

RAUNDS TOWN COUNCIL

PERSONNEL COMMITTEE

Minutes: 7 April 2020: Start Time 7.30pm

NB: The meeting was held via Zoom video link. Details of the meeting and a link enabling members of the public to join the meeting were published on the Town Council website. The meeting was held in compliance with Regulation 5 (2) of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

PRESENT

Cllr B Tirebuck (Chair), Cllr H Howell, Cllr R Levell, Cllr L Wilkes, Cllr S Hughes, Cllr N Beck and Cllr R Beattie (Cllr Beattie was able to hear but not participate in the meeting due to technical difficulties)

IN ATTENDANCE

Miss Kate Houlihan, Town Clerk, Minutes

652.19 To receive apologies for absence.

NONE RECEIVED

653.19 Notification of requests from members of the public to address the meeting in compliance with adopted protocol.

NONE RECEIVED

654.19 Notification of members questions in compliance with the council's standing orders.

NONE RECEIVED

655.19 Declarations of Interest.

COUNCILLORS ARE REMINDED THAT IF THEY HAVE EITHER A DISCLOSABLE PECUNIARY INTEREST OR OTHER INTEREST IN ANY ITEM THEN THEY SHOULD DECLARE THE INTEREST AND LEAVE THE MEETING FOR THAT ITEM

NONE RECEIVED

656.19 Minutes: confirm the minutes of the Personnel Committee meeting held 25 February 2020.

RESOLVED that the minutes of the meeting of the Personnel Committee held on 25 February 2020 be confirmed as a true record.

- 657.19 **Special Leave Policy**: To review the councils special leave policy.

Members reviewed the Special Leave Policy as shown in Appendix 1 and minor amendments were made and following discussion it was...

RESOLVED to

- a) **recommend to the Full Council that the policy be adopted as shown in Appendix 1**
- b) **the Finance and Policy Committee be asked to consider a working from home policy.**

- 658.19 **Substance Abuse Policy**: To review the councils substance abuse policy

Members reviewed the Substance Abuse Policy as shown in Appendix 2 and minor amendments were made and following discussion it was...

RESOLVED to recommend to the Full Council that the policy be renamed the Substance Misuse Policy and adopted as shown in Appendix 2

- 659.19 **Paternity Policy**: To review the councils Paternity Policy

Members reviewed the Paternity Policy as shown in Appendix 3 and minor amendments were made and following discussion it was...

RESOLVED to recommend to the Full Council that the policy be adopted as shown in Appendix 3

- 660.19 *The press and public will be excluded from the following agenda item due to the confidential nature of the business under the Public Bodies (Admission to Meetings) Act 1960*

- 661.19 **Establishment Report:**

- a. To consider any action required with regard to staffing in light of the current Covid-19 situation.

Members considered the confidential report of the Clerk and following discussion it was...

RESOLVED...

- a) **To continue the appraisal process with appraisals being held via Zoom or in person, whilst maintaining social distancing rules. (depending on the staff members preference)**
- b) **That actions were agreed to support staff currently unable to work due to the current situation.**

b. To consider future staffing requirements

Following discussion, it was...

RESOLVED to pause the current recruitment process for the gardener/handyman role

There being no further business the meeting closed at 20.14

Approved: (Town Mayor)

Meeting date: 14 April 2020(Council)

Confirmed: (Chairman)

Meeting date:(Committee)

APPENDIX 1 - SPECIAL LEAVE POLICY

1.0 Introduction

1.1 The Council has adopted this policy document to enable a corporate approach to requests for special leave from employees of the Council. The policy is intended to clarify situations for which special leave may be granted and give guidance in respect of the amount of leave which will be allowed.

1.2 This policy document will form part of employees' contracts of employment.

1.3 The Council takes a compassionate and supportive approach in situations where employees are faced with difficulties outside work, often of a personal or family nature and has agreed to adopt principles based around the value of employees and their contribution to the Council. The policy reflects the need for a Work/Life balance in order to discharge the Council's duty towards the welfare of its employees.

1.4 Council employees are entitled to request a reasonable amount of time off during their normal working hours to deal with unexpected personal events and this document sets out the Council's policy in respect of arrangements for compassionate and special leave for family and other domestic reasons.

1.5 In all cases where an employee requests special leave, the Council reserves the right to request proof of eligibility.

1.6 All special leave must be agreed with the Clerk to the Council prior to the absence.

2.0 Compassionate Leave

2.1 A common need for special leave is that requested on compassionate grounds, which is usually associated with the most traumatic experiences in life such as bereavement or serious illness of a member of the family, the break-up of a marriage or other close personal relationship.

2.2 The Council will normally grant up to three days compassionate leave with full pay in instances of an employee's close family bereavement. Close family members are determined as husband, wife, partner, parent, parent-in-law, son, daughter, brother, sister. If the deceased is a member of the extended family defined as grandchild, grandparent, aunt, uncle, or is a direct dependant of the employee, the Clerk to the Council has the discretion to allow compassionate leave of up to two days. The Clerk to the Council also has the discretion to extend the period of compassionate leave to five days.

2.3 An employee who wishes to attend a family funeral can be granted up to one days paid leave at the discretion of the Clerk to the Council.

2.4 Employees wishing to attend funerals of non-family members will be required to take annual leave.

2.5 In exceptional circumstances, employees may qualify for compassionate leave of up to three days paid leave and up to 10 days unpaid leave which will require to be authorised by the Clerk to the Council. In particularly exceptional cases the Clerk to the Council may authorise additional paid leave at their discretion.

3.0 Family Domestic Crises

3.1 It is recognised that there are occasions when employees may require additional time off to resolve a domestic situation and any reasonable request will be considered by the Clerk to the Council. Special leave may be granted of up to two days paid leave. A further three days unpaid leave can be granted at the discretion of the Clerk to the Council.

3.2 The Employment Relations Act 1999 introduced a new right to employees to a reasonable (see 3.6 below) amount of unpaid time off during working hours relative to dependants who are defined as a spouse, a child, a parent or someone who cohabits with the person claiming the time off, but is not his or her employee, tenant, lodger or boarder.

3.3 Reasons for granting special leave may include the following:

- To provide assistance when a dependant falls ill, gives birth, is injured or assaulted.
- To make arrangements for the provision of care for a dependant who is ill or injured.
- To attend to the care of a dependant due to the unexpected disruption or termination of arrangements or care for that individual.
- To deal with an incident involving a child of an employee occurring during normal school/college hours.
- The Council will also consider requests for special leave for emergencies not relating directly to a dependent, for example, to deal with household disasters, e.g. burglary, house fire, burst water pipes resulting in extensive flooding.

3.4 It is recognised that in many instances it will be necessary to consider requests at short notice and it will be at the Clerk to the Council's discretion whether special leave is granted; in the case of the Clerk the Mayor and Chairman of the Personnel Committee will consider. **In the absence of either the Mayor or Chairman of the Personnel Committee then the Deputy Mayor will be consulted.**

3.5 Special leave will not be granted to employees for reasons such as domestic appliance maintenance or repair, and employees will be required to give a suitable notice period and take annual leave or make up time if no annual leave is available. Consideration will also be given to allow employees to work from home, for the duration of the difficulty, if this proves to be more practicable and acceptable than granting special leave.

3.6 The Employment Relations Act 1999 stipulates that the employee's request must be reasonable and be for necessary action (e.g. time required to make alternative arrangements for child care). When the request is made the employee must tell the employer the reason for, and the expected period of, absence as soon as reasonably practicable. The Clerk to the Council will require to be satisfied that no alternative arrangements can be made before granting special leave.

3.7 In exceptional circumstances the Clerk to the Council may authorise additional paid or unpaid leave at their discretion and in the case of the Clerk the Mayor and Chairman of the Personnel Committee will consider. **In the absence of either the Mayor or Chairman of the Personnel Committee then the Deputy Mayor will be consulted.**

4.0 Community Activities

4.1 Paid leave of absence will be granted for employees undertaking public duties or serving on public bodies. (See National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service)

4.2 Employees who have prior agreement from the Council to undertake duties as Justice of the Peace may be granted unpaid time off.

4.3 Employees wishing to undertake other duties such as the retained fire service or army reserve are required to obtain prior approval from the Council. Individual cases will be assessed on their merits and unpaid leave will be granted where loss of earnings can be claimed back by the employee.

5.0 Medical Matters

5.1 General doctor's and dentist appointments should, whenever possible, be taken at the beginning or end of the working day and time off will be granted for this purpose but the employee will be expected to use annual leave or make up the time lost.

5.2 It is recognised that hospital appointments and outpatient treatment and care cannot always be requested to coincide with the beginning and end of the working day and time off will be granted for such appointments but the employee will be expected to use annual leave or make up the time lost.

6.0 Court Appearances

6.1 Under the provisions of the Juries Act 1974 all men and women aged between 18 and 70 are liable to be summoned to attend for jury service. The Council has an obligation to release employees to attend for jury service and employees will initially be paid as normal by the Council. The Court will provide a salary and expenses claim form for the employee and the Clerk to the Council will complete the section in relation to earnings. Earnings claimed back from the Court by individuals will be deducted from their salary.

6.2 Requests for special leave from employees who are called to court, or claimants will be individually assessed by the Clerk to the Council and in cases where the employee is compelled to attend court paid time off may be granted at the discretion of the Clerk to the Council and in the case of the Clerk the Mayor and Chairman of the Personnel Committee will consider.

6.3 Regarding requests for special leave from employees who are compelled to attend court as defendants, a maximum of two-days paid time off will be granted at the discretion of the Clerk to the Council.

7.0 Study-Leave

7.1 Employees who study towards a work related qualification approved by the Council will be entitled to paid time off for revision and examination preparation, up to a maximum of one day per week.

7.2 A further allowance of one day paid time off, per examination paper, will be granted in order to sit the examination at a registered examination centre, e.g. School, College, University, in addition to the time spent travelling to and from the centre.

8.0 Parental Leave

8.1 Parental Leave of ~~13 weeks~~ 18 weeks will be granted to employees either having or expecting to have parental responsibility for a child and ~~an additional 5 weeks will be given to those with a responsibility for a child for whom a Disability Living Allowance has been awarded.~~

8.2 Parental Leave will be available to those who have parental responsibility but do not fall into the legal definition which may include foster parents, adoptive parents, grandparents or step parents.

8.3 Leave will be granted for the purpose of caring for a child up to the age of eight or for eight years following placement for adoption or up to the age of 18, whichever is the soonest, or up to the age of 18 for children for whom a Disability Living Allowance has been awarded.

8.4 To qualify for parental leave the employee must have one year's continuous service at the date on which the application is made.

8.5 Employees should give as much notice as possible with a minimum of 7 days' notice in writing being required. Parental Leave may be granted to employees who have not given the required notice in exceptional circumstances.

8.6 Parental Leave may be taken:

- As a single block of up to 13 18 weeks (~~18 weeks for a disabled child~~)
- As a number of shorter periods of a minimum of a half a day
- In patterns which provide a part time or reduced hours working arrangement for a period of time equivalent to taking 13 18 weeks leave.

8.7 There is no entitlement to pay during periods of parental leave.

8.8 Parental leave is not Maternity Leave. There is a separate policy governing Maternity Leave.

9.0 Union Activities

9.1 In accordance with the National Joint Council for Local Government Services National Agreement on Pay and Conditions or Service the Council will provide the recognised trade unions with facilities necessary to carry out their functions, including paid leave of absence for employees to attend meetings concerned with the NJC and Provincial Councils.

9.2 Trade union representatives have the right to paid time off for training relevant to their duties at the workplace. To qualify for paid time off, the Trades Union Congress or union must approve the training.

10.0 Election Duties

10.1 Employees wishing to undertake election duties for another local authority will be expected to take annual leave.

11.0 Miscellaneous Time Off

11.1 Religious Celebrations: employees wishing to take time off for the purposes of religious celebration will be expected to use annual leave for this purpose.

11.2 House Moves: employees who relocate for the benefit of the Council may be entitled to one day's paid leave for the purpose of a house move, this will be at the discretion of the Personnel Committee/Council

11.3 Job Interviews: employees attending interviews for internal vacancies with the Council will receive their normal salary for the duration of the interview and employees wishing to search for alternative employment will be required to do so in their own time.

11.4 Fertility Treatment: requests for time off for the purpose of fertility treatment will be considered on an individual basis. Employees making such a request will be expected to give details of expected absences and duration of treatment.

12.0 Recording Special Leave

12.1 All special leave will be recorded on an individual's leave sheet and be authorised by the Clerk to the Council. Current procedures for the reporting of absences will also apply.

12.2 Where in this policy reference is made to the granting of special leave which is 'unpaid' the Clerk to the Council shall request the deduction of appropriate amounts from the employee's salary, unless there is scope for using annual leave, or the employee making up the time, e.g. extended working hours over an agreed period in which case details of any time made up by the employee shall be recorded.

***Adopted 1st October 2009. Updated February 2010. Reaffirmed January 2013,
Updated October 2016, Updated July 2018, Updated April 2020
To be reviewed bi-annually.***

APPENDIX 2 - SUBSTANCE ABUSE MISUSE POLICY

1. introduction

Raunds Town Council is committed to developing a working environment that promotes and enhances the health and well-being of all employees.

We expect employees to take responsibility for maintaining a reasonably healthy lifestyle as many aspects of a person's lifestyle may negatively impact upon their work performance as well as other aspects of their life. This emphasis on the need for a healthy lifestyle entails an expectation that employees will strive to ensure that our workplaces are free from the effects of what is commonly called substance abuse: *the use of illegal drugs, the misuse of legal drugs or other substances, and the abuse of alcohol* (See Alcohol Policy). Raunds Town Council expects all employees be fit and ready to carry out their work duties at all times

2. Policy Aims and Objectives

Aims

Raunds Town Council's Substance Misuse Policy is intended to promote a greater awareness of the impact of drugs in the workplace and to ensure that the Council continues to safeguard the health and safety of employees and all others on its premises. The Council's approach is to set an expectation based on the individual responsibility of each employee, that drugs will not be used in such a way as to adversely affect safe behaviour or work performance.

This policy aims...

...to inform employees of the Council's views on physical or behavioural disorders resulting from the use of drugs.

...to encourage wherever possible a supportive attitude where problems arise.

...to provide guidelines for consistent handling of problems resulting from substance (drugs) misuse.

Please note the Council is concerned only with those situations where the use of drugs interferes with the employee's or councillors health, safety or ability to carry out their role, adversely affects the job performance of other employees or is considered to be so serious as to be detrimental to the role of the Council. We will not intrude in the private lives of employees or members.

As a Council we are committed to assisting employees and councillors with ongoing drug or alcohol ~~abuse~~ misuse problems and will give the same consideration to employees with dependencies on alcohol and/or drugs as we do to employees having any other illness (*please refer to the section on rehabilitation for further advice*). However, any breaches of the Council's rules in regard to substance misuse may lead to disciplinary action in line with the disciplinary policy.

3. Scope

This policy applies to all employees regardless of position or seniority. In addition, this policy shall also be observed by all Councillors, contractors, visitors, agency workers, consultants and other third parties visiting, working for, or on behalf of the Council.

4. Rules and Standards of Conduct

No employee shall attend work, or be engaged in work elsewhere on behalf of the Council whilst under the influence of illegal drugs

No employee shall misuse legal drugs, or use, possess, sell or distribute illegal drugs whilst on Council property or during the course of their employment for the Council.

Where a line manager becomes aware, or suspects, that an employee is suffering from an illness arising from substance misuse advice must be sought from the Clerk as soon as possible. If the Clerk is the source of suspicion, advice must be sought from the Personnel Committee and Mayor as soon as possible.

5. Rehabilitation

Raunds Town Council is keen to assist employees with an ongoing substance misuse problem before the dependency impacts upon their work performance. We would encourage employees who believe that they have a problem that impacts upon their work to speak to their line manager, who will be able to provide or access appropriate support from the Council.

Where an employee is seeking treatment for their condition, but their performance or attendance is seriously below an acceptable standard their behaviour may be referred to the Personnel Committee as appropriate.

6. Definitions

Legal Drugs

An employee may have legal access to drugs which may impair their performance or create a risk of accidents. These would include alcohol and some drugs prescribed by a doctor. Where prescribed drugs cause impairment the employee may need to be allowed sick leave.

Illegal Drugs

For the purpose of this policy, illegal drugs are those drugs which cannot be obtained by legal means, or drugs which are legally obtainable, but which have been obtained by illegal means. This includes all forms of narcotics, stimulants, tranquillisers and hallucinogens whose sale, purchase, use or possession is prohibited or restricted.

7. Confidentiality

The Council aims to ensure that the confidentiality of all employees experiencing drug problems is maintained appropriately. Information regarding individual cases will not be divulged to third parties unless the safety of the person concerned, or others would be compromised by not doing so.

8. Implementation and Review

This policy will take effect from March 2009.

This policy will be monitored and reviewed regularly and may be amended from time to time.

If employees have concerns about this policy, they can be raised with their Line Manager.

Adopted 1st March 2009.

Re-Affirmed April 2013

Reviewed and amended March 2017

Reviewed and amended October 2018

Reviewed and amended April 2020

APPENDIX 3 – PATERNITY POLICY

1 Introduction

This document provides the framework and formal guidelines within which managers and staff at the organisation will address paternity leave and paternity pay. The policy covers paternity leave in relation to the birth of children and the adoption of children from within the UK. Different rules apply where a child from overseas is being adopted, and the employee should in these circumstances seek advice from the Clerk to the Council. The policy applies to all eligible staff and a copy will be supplied to existing employees and to new staff on commencement.

This document does not form part of a contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure that business needs are met. Staff will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by statute.

2 Paternity Leave: Eligibility

Employees must satisfy the following conditions in order to qualify for Paternity Leave;

- Be the biological father of the child and/or the mother's husband or partner (including same sex partner or civil partner), or one of a couple jointly adopting a child, and who expects to have responsibility for the upbringing of the child; [this may restrict the statutory interpretation]
- Have or expect to have responsibility for the child's upbringing;
- Have worked continuously for Raunds Town Council for 26 weeks by the qualifying week (the 15th week before the expected week of childbirth) or at the week in which the child's adopter was notified of having been matched with the child;
- Be working for the organisation from the qualifying week up to date of birth or adoption. If the contract ends before the birth or adoption, they do not qualify for leave, if their contact ends after the birth, they retain their right to leave and pay, if they qualify; and
- Be taking time off to support mother and/or care for the baby or child.

The employee will have the necessary length of service if the baby is born earlier than the 14th week before the expected week of childbirth ('EWC') and if the birth hadn't occurred early, the employee would have been employed continuously for the 26 weeks.

3 Notification

To qualify for paternity leave an employee should notify the Clerk to the Council in writing or by completing the attached form (appendix 1) no later than the end of the 15th week before the EWC, or as soon as is reasonably practicable. In the case of an adoption, notification should be no later than 7 days after the date on which notification of the match will with the child was given by the adoption agency.

The employee should inform the Clerk to the Council of:

- Expected date of childbirth or placement of the child
- When they want their leave to start
- Whether they wish to take one or two weeks of leave.

4 Length of Paternity Leave

Any employee who meets with the above conditions is entitled to two weeks paid paternity leave.

Eligible employees can choose to take a single block of either one or two weeks' paternity leave. They cannot take the leave as odd days or as two separate weeks.

The employee cannot start their leave until the birth of the baby or the placement of the child. Otherwise, an employee can choose to start their leave;

- On the actual day of the baby's birth or child's placement (whether earlier or later than expected) or
- On a date the employee has notified falling after the first day of the expected week of childbirth/placement. If the child is born / placed later than this date, they must delay their leave until the date of the actual birth or placement.

As long as the employee has given the required notice, their Paternity leave can start on any day of the week. However, their paternity leave must finish:

- Within 56 days of the actual birth date/placement date
- If the child is born/placed earlier than expected, between the birth and 56 days from the first day of the EWC.

Paternity leave remains two weeks regardless of the number of children resulting from a single pregnancy or adoption.

5 Changing the date of paternity leave

If the employee wants to change the start date of their paternity leave, they must inform the Clerk to the Council of the amended start date at least 28 days before the date in question (or as soon as is reasonably practicable, if they are not in a position to give the prescribed 28 days' notice).

6 Still Births

In the unfortunate event that the employee's wife or partner gives birth to a stillborn baby, the employee is entitled to paternity leave, but only if the birth happens after 24 weeks of pregnancy. If the stillbirth occurs before the end of the 24th week of pregnancy, the Clerk to the Council shall allow the employee to take sick or compassionate leave instead.

7 Paternity Pay

Employees must satisfy the following conditions in order to qualify for statutory paternity pay (SPP). They must;

- Be eligible for Statutory Paternity Leave (see 2 above);
- Have average weekly earnings at or above the lower earnings limit for National Insurance contributions that applies at the end of the qualifying week;
- In case of adoption, over the eight-week period ending with the week in which the child's adopter is notified of being matched with the child for adoption the employee must have average weekly earnings which are not less than the lower earnings limit for National Insurance Contributions purposes; and
- Have self-certified their eligibility for Statutory Paternity Pay (SPP) by submitting a completed form SC3 to the Clerk to the Council at least 28 days before they want their SPP to start.

SPP is paid at the same rate as the standard rate of Statutory Maternity Pay or at 90% average weekly earnings if this figure is less than SPP. SPP can be paid for no more than 2 weeks.

There is no liability to pay SPP in respect of a week:

- During any part of which the employee is entitled to statutory sick pay;
- Following the week in which the employee has died;
- During any part of which the employee is detained in legal custody or sentenced to a term of imprisonment (except where the sentence is suspended), or which is a subsequent week within the same paternity pay period.

8 Rights during Paternity Leave

Employees are entitled to the benefit of all of the terms and conditions of employment that would have applied but for their absence, aside from remuneration, and are bound by any obligations arising under those terms and conditions.

9 Returning to work after Paternity Leave

An employee who returns to work after a period of paternity leave that was an isolated period of leave for the last two or more consecutive periods of statutory leave, not including a period of additional maternity or adoption leave or a period of parental leave or more than four weeks, is entitled to return to work to the job in which he or she was employed before the absence. Where the period of paternity leave does not fall into this description, the employee is entitled to return to the job he or she held before the period of leave began or, if this is not reasonably practicable, to another job that is both suitable and appropriate for him or her to do.

10 Related Policies

- Maternity Leave Policy.
- Special Leave Policy
- TOIL Policy.

Adopted January 2011;

Amended March 2017

Amended April 2020

To be reviewed bi-annually.