



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Appointments and Conditions of Service Committee

Date: **Wednesday 7 September 2016**

Time: **10.00 am**

Place: **Reception Room**

For any further information please contact:

Alec Dubberley

Service Manager, Elections and Members' Services

0115 9013906

Appointments and Conditions of Service Committee

Membership

Chair Councillor John Clarke

Vice-Chair Councillor Michael Payne

Councillor Michael Adams
Councillor Chris Barnfather
Councillor Bob Collis
Councillor Marje Paling
Councillor Colin Powell

AGENDA

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- 2 To approve, as a correct record, the minutes of the meeting held on 28 April 2016.** 5 - 6
- 3 Declaration of Interests.**
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MINUTES APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

Thursday 28 April 2016

Councillor John Clarke (Chair)

Councillor Michael Payne
Councillor Michael Adams
Councillor Chris Barnfather

Councillor Bob Collis
Councillor Marje Paling
Councillor Colin Powell

Officers in Attendance: D Archer and J Robinson

54 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

None.

55 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 4 APRIL 2016.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

56 DECLARATION OF INTERESTS.

None.

57 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

58 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

59 INTERVIEWS FOR THE POST OF DEPUTY CHIEF EXECUTIVE AND DIRECTOR OF FINANCE.

Consideration was given to a report of the Chief Executive which provided supporting information on the process for interviewing candidates for the role of Deputy Chief Executive and Director of Finance

Following the interview process it was

RESOLVED:

To make an offer of appointment to Michael Hill for the position of Deputy Chief Executive and Director of Finance subject to the Council's Monitoring Officer undertaking the necessary notification arrangements.

The meeting finished at 4.20 pm

Signed by Chair:
Date:



Report to Appointments and Conditions of Service Committee

Subject: Establishment of an Apprenticeship Training Grade

Date: 7 September 2016

Report of: Service Manager Organisational Development.

1. Purpose of the report

For the Appointments and Conditions of Service Committee (ACSC) to approve the Establishment of an Apprenticeship Training Grade as recommended to the Joint Consultative and Safety Committee (JCSC).

2. Background

At its meeting on 30 August 2016 the JCSC is being recommended to support the establishment of an apprenticeship training grade for the council as detailed in the report attached at Appendix 1. Comments made at this meeting will be reported to this meeting of the ACSC.

3. Proposal

The ACSC is being recommended to consider the comments of the JCSC and consider whether to adopt a local training grade for apprentices.

4. Financial Implications

Financial implications are addressed at Appendix 1 to this report.

6. Recommendations

It is recommended to

- 1) Consider the comments of the Joint Consultative and Safety Committee;
and
- 2) Consider whether to adopt the proposal to create a local training grade for apprentices.

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Report to Joint Consultative and Safety Committee

Subject: Local Training Pay Grade for Apprentices

Date: 30 August 2016

Author: Service Manager – Organisational Development

1. Purpose

To propose a local training grade appropriate for apprentices directly employed by the council and to invite comments and recommendations from the Joint Consultative and Safety Committee (JCSC) for consideration by the Appointments and Conditions of Service Committee (ACSC) prior to policy implementation.

2. Introduction and background

Over a number of years the council has worked with local Apprentice Training Agencies (ATA) which have acted as the employer for each apprentice. The council hosts the placements.

This model has been effective in that it simplifies the management and administrative arrangements associated with the placement of apprentices. Pay rates have been mainly based on the national apprenticeship pay framework although the model has allowed the flexibility to pay at higher rates of pay where higher level apprenticeships have been supported such as in our Accountancy Team.

From April next year the government plans to introduce the Apprenticeship Levy. This will affect all large employers, including this council, and will mean that a levy of 0.5% of pay bill is payable against which can be claimed back some training costs. The target anticipated is that apprentices will make up 2.3% of our workforce. Further guidance on the detail of implementation of the Apprenticeship Levy is due in October and further report to this committee is anticipated.

An associated outcome of the introduction of this levy is that most ATAs are likely to cease operation. Although there may still be at least one ATA operating locally ("Futures" – run through Nottingham City and County Councils) it may be more appropriate for the council to employ its own apprentices direct in order to meet targets set and to be able to reclaim training costs. Another potential benefit of direct employment currently being explored is that the council may be able to claim funding for training back in-house if the apprenticeship qualification is delivered through its own Accredited Centre. Again, further guidance is awaited to determine if this might be possible.

3. Proposal

In order to make the employment of apprentices affordable it is proposed that a local apprenticeship training grade is established. It is proposed that the training grade mirrors the national apprentice pay rates as a minimum and usual rate of pay, but with local discretion to pay above those rates in appropriate circumstances, for example if the nature of the apprenticeship (and associated qualification) is at a higher level to make the arrangement attractive to suitable candidates. Discretion to pay at an appropriate higher rate of pay will rest with the service manager after consultation with the Service Manager- Organisational Development.

Based on current national rates, the rates of pay for apprentices would be as follows:

- Under age 19 or aged over 19 and in the first year of an apprenticeship:
£3.30 per hour (£6,367 per annum)
- Aged 19+ and have completed the first year of an apprenticeship: Minimum Wage

Currently National Minimum Wage is:

- Aged 18-20: £5.30 per hour (£10,226 per annum)
- Aged 21-24: £6.70 per hour (£12,927 per annum)
- Aged 25+: £7.20 per hour (National Living Wage) (£13,891 per annum)

National Minimum Wage rates change every October. National Living Wage rates change every April.

4. Financial Implications

Although the cost of the Apprenticeship Levy will carry a financial burden, this has been accounted for in the council's medium term financial plan and is not the subject of this paper.

The cost of establishing a local pay grade for apprentices should have little direct effect as the hourly rate of pay is already met by services from existing budgets. Although the hourly costs may be slightly higher due to the application of relevant on-costs e.g. potential pension costs, it is likely that these will be largely offset by the administration fees charged by ATAs that would no longer be payable.

5. Appendices

There are no appendices to this report.

6. Background Papers

There are no background papers to this report.

7. Recommendations

It is recommended that the JCSC:

- 7.1 Considers the proposal detailed in section 3 of this report which, in summary, is that a local apprenticeship training grade is established that mirrors the national apprentice pay rates as a minimum and usual rate of pay, but with local discretion to pay above those rates in appropriate circumstances.
- 7.2 Makes comment and recommendation to the Appointments and Conditions of Service Committee which will subsequently consider whether to adopt the proposal to create a local training grade for apprentices.

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Report to Appointments and Conditions of Service Committee

Subject: Shared Parental leave

Date: 7 September 2016

Report of: Service Manager Organisational Development.

1. Purpose of the report

For the Appointments and Conditions of Service Committee (ACSC) to consider the Shared Parental leave as recommended to the Joint Consultative and Safety Committee (JCSC).

2. Background

At its meeting on 30 August 2016 the JCSC is being recommended to approve a new policy for Shared Parental Leave as detailed in appendices 1 and 2. Comments made at this meeting will be reported to this meeting of the ACSC.

3. Proposal

The ACSC is being recommended to consider the comments of the JCSC and consider whether to adopt the policy as set out.

4. Financial Implications

Financial implications are addressed at Appendix 1 to this report.

6. Recommendations

It is recommended to

- 1) Consider the comments of the Joint Consultative and Safety Committee;
and
- 2) Consider whether to introduce, with immediate effect, a local Shared Parental Leave Policy

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Report to Joint Consultative and Safety Committee

Subject: Shared Parental leave

Date: 30 August 2016

**Author: Senior Leadership Team
Service Manager; Organisational Development**

1. Purpose

To introduce for consultation, local policy changes relating to parental leave that reflect the change to national legislation.

2. Introduction and background

Shared Parental Leave legislation applies to the parents of all children born after 1 April 2015. It replaces previous arrangements for additional paternity leave. Currently local policy does not formally reflect this change to legislation. Although the legislation on its own is sufficient to govern our internal practice, the inclusion of a local policy will provide relevant context where necessary.

3. Proposal

The arrangements for parents to share leave are now regulated in law. The proposed local policy shown at Appendix A is designed to reflect this legislation in ways appropriate to this council.

It is recognised that there is some complexity in the process as it is described in law, particularly relating to the notification process. Locally in practice it is anticipated that whenever possible, and still working within the confines of the legislation, a "common sense" approach will be applied for the benefit of the employee and the manager.

4. Financial Issues

It is not anticipated that there will be many occasions where this policy is used. It remains relatively rare that fathers take extended periods of absence to look after newly-born children. Other than cases where few hours are normally worked each week, payments made to parents during the period allowed under this legislation and local policy will usually result in lower pay than salary. Notionally it may arise that in addition to making payment to a partner taking Shared Parental Leave that additional salary needs to be paid to an employee providing cover, the number of

occasions and the length over which the arrangement might need to apply mean that potential costs will be hard to define but small in scale.

5. Human Resource Implications

The policy reflects the requirements of legislation. The operational impacts to the Council are likely to be negligible. In a few cases the ability to take leave more flexible in order to support a young child may be valued highly by the employee in order to meet their own social, economic, domestic or cultural needs.

6. Appendices

Appendix A shows the proposed policy.

7. Background Papers

There are no background papers

8. Recommendations

Committee is recommended to:

8.1 Confirm support to the Appointments and Conditions of Service Committee of the proposal made introduce, with immediate effect, a local Shared Parental Leave Policy.

8.2 Offer further comment to the Appointments and Conditions of Service Committee to assist in the consideration of this proposal.

Shared Parental Leave

1. Definition

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP) and provides context of how these rights are applied within the Council.

2. Eligibility

SPL can only be used by two people:

- The mother/adopter **and**
- One of the following:
 - the father of the child (in the case of birth) or
 - the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the organisation at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
- the employee must correctly notify the organisation of their entitlement and provide evidence as required.

3. The Shared Parental Leave entitlement

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

4. Notifying the council of an entitlement to Shared Parental Leave

An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.

Part of the eligibility criteria requires the employee to provide the council with correct notification. Notification must be in writing and requires each of the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take
- a non-binding indication of when the employee expects to take the leave.

The employee must provide the council with a signed declaration stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- that the information they have given is accurate;
- if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the organisation.

The employee must provide the council with a signed declaration from their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the 'employment and earnings test' (as set out in section 2), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the organisation processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

5. Requesting further evidence of eligibility

The council may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

6. Fraudulent claims

Should there be suspicion that fraudulent information may have been provided or where the HMRC provides notification that a fraudulent claim was made, the matter will be considered under the Disciplinary Procedure.

7. Discussions regarding Shared Parental Leave

Advice to managers and employees about the application of this policy can be obtained through the council's Personnel Team.

An employee considering taking SPL should discuss this with their line manager as early as possible. A Personnel Officer can attend this meeting to provide information about the operation of the policy.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague, trade union representative, a personal friend or family member.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the council, and what the outcome may be if no agreement is reached.

8. Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave.

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either:

- (a) a single period of weeks of leave; or
- (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

The employee can submit three notifications to book (or vary) leave which is the statutory minimum. More notifications than this may be allowed at the discretion of the line manager subject to there being no detriment to the council's business need

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

The notification should be made by the employee to their line manager.

The original request together, in the case of "discontinuous leave" (see below) requests, with confirmation by the line manager to confirm acceptance, variation or refusal should be sent to the Personnel Team who retain the notification on the employee's personal file and, if payments are to be made under the policy, will also notify Payroll.

The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

Continuous leave notifications

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

Discontinuous leave notifications

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, this should be discussed with a view to agreeing, where possible, an arrangement that meets both the needs of the employee and the organisation.

The line manager will consider a discontinuous leave notification but has the right to refuse it.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

Should the employee believe that the policy has been incorrectly or unfairly applied then the council's Grievance Procedure should be used to appeal the decision.

9. Responding to a Shared Parental Leave notification

Once the Personnel Team receives the leave booking notice (together with any comments of the line manager in cases of discontinuous leave requests) confirmation of the arrangement will be sent to the employee no later than the 14th day after the leave request was made.

Although there is no right to refuse, all notices for continuous leave will be confirmed in writing.

10. Variations to arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the council in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book or vary leave by one. However, a change as a

result of a child being born early, or as a result of the council requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

11. Statutory Shared Parental Pay (ShPP)

Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

The notice of entitlement to, and claim for, ShPP should be sent to the Personnel Team who retain the notification on the employee's personal file and, if payments are to be made under the policy, will also notify Payroll.

12. Terms and conditions during Shared Parental Leave

During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the council's contributions will be based on the salary that the employee would have received had they not been taking SPL.

13. Annual Leave

SPL is granted in addition to an employee's normal annual holiday entitlement. Employees should wherever possible take holiday in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement best meets the business needs of the service which may mean identifying how leave can be used to ensure that it is not untaken at the end of the employee's holiday year.

14. Contact during Shared Parental Leave

Before an employee's SPL begins, their line manager will discuss the arrangements for them to keep in touch during their leave. The council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible relevant work issues that might potentially affect them, 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.

15. Shared Parental Leave in Touch days

An employee can agree to work for the council (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The organisation has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the organisation and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the line manager, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

16. Returning to work after Shared Parental Leave

The council will have formally advised the employee in writing of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the organisation otherwise. If they are unable to attend work 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 under the Disciplinary Procedure.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the organisation at least eight weeks notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

Special Circumstances and further information

In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the council will abide by any statutory obligations and an employee should refer to the documents listed below and/or clarify any issues or queries with the Personnel Team.

Law relating to this document:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010



Report to Appointments and Conditions of Service Committee

Subject: Volunteering Leave Policy

Date: 7 September 2016

Report of: Service Manager Community Relations.

1. Purpose of the report

For the Appointments and Conditions of Service Committee (ACSC) to consider the revised Volunteering Leave Policy as recommended to the Joint Consultative and Safety Committee (JCSC).

2. Background

At its meeting on 30 August 2016 the JCSC is being recommended to approve a new policy for Volunteering Leave as detailed in Appendix A. Comments made at this meeting will be reported to this meeting of the ACSC.

3. Proposal

The ACSC is being recommended to consider the comments of the JCSC and consider whether to adopt the policy as set out.

4. Financial Implications

Financial implications are addressed at Appendix A to this report.

6. Recommendations

It is recommended to

- 1) Consider the comments of the Joint Consultative and Safety Committee;
and
- 2) Consider whether to approve the revised Volunteering Leave Policy as detailed in Appendix A to the report

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Report to Joint Consultative and Safety Committee

Subject: The Council's Volunteering Leave Policy

Date: 30 August 2016

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1. Purpose

To present a revised Volunteering Leave Policy, and to invite comments and recommendations from the Joint Consultative and Safety Committee (JCSC) for consideration by the Appointments and Conditions of Service Committee (ACSC) prior to policy implementation.

2. Introduction and background

The Refresh Board received an initial report on 16 December 2015 on the current Volunteering Leave Policy. This highlighted the lower than desired take-up of the current policy (**Appendix 1**), due to uncertainty over what it entailed, and highlighted a number of points:

- The current policy is outdated and requires alteration to align with current situations, such as the closing of the Gedling CVS.
- The current scheme is prohibitive to the majority of volunteering roles available, which mostly occur in smaller continuous roles.
- Very few people knew of the scheme, and few were confident they could find a relevant one-day volunteering opportunity without help.
- Clarification that volunteering can only qualify if it occurs within Gedling Borough.
- The new policy should be monitored to evaluate uptake and success.

The Refresh board then recommended a wider change in policy than had been suggested, to reflect a policy that would reward employees for undertaking a certain numbers of hours volunteering within the year, rather than providing time off from work for them to find volunteering opportunities.

This reflected the relative difficulty in finding significant numbers of available ‘*one-off*’ volunteering opportunities, when most roles tend towards regular but shorter commitments.

After consultation with Service Managers the proposed draft policy has been amended to retain the opportunity to make use of the existing ‘*one-off*’ option alongside the newly-proposed ‘*sustained*’ option.

3. Proposal

Taking account of the Refresh Board’s recommendations, it is proposed that;

- The core basis of the policy be revised to *reward* employees who undertake a minimum predetermined number of hours per year volunteering by allocating an additional one day’s annual leave
- The scheme highlights the commitment to only offering the scheme to those who volunteer within Gedling, in order to promote stronger links with the community while developing staff wellbeing
- The general surrounding policy be rewritten to reflect these changes, with the full revised policy shown at **Appendix 2**
- The scheme be promoted through Community Relations to identify potential opportunities available, as well as highlighting and promoting successes within the scheme

4. Financial Implications

Should the scheme achieve its desired effect of increasing volunteering numbers, and because it will reward people who already volunteered locally who previously were not eligible, each service area may face increased costs needing to cover extra leave allowance. In some areas this may be only an “opportunity cost” (time not spent on other things), however in areas that require absence to be back-filled (for example Waste Services and parts of Leisure Services) then there will be additional direct cost.

However, it is anticipated that any additional costs will be accommodated within the current approved budget, but the take-up of the scheme will be monitored and any arising budget implications will be considered during the budget process.

5. Appendices

Appendix 1: Current Volunteering Leave Policy

Appendix 2: Proposed new Volunteering Leave Policy

6. Background Papers

Report to Refresh Board, 16 December 2015

7. Recommendations

It is recommended that the JCSC:

- Considers the revised draft policy statement shown at **Appendix 2**.
- Makes recommendations to the Appointments and Conditions of Service Committee which will subsequently consider whether to adopt the policy statement.

Volunteer Policy

This Policy sets out the parameters for the Volunteer scheme. Very briefly, this scheme affords all employees the opportunity to take extra leave in which to undertake approved voluntary work.

1. Eligibility

All employees who work under a contract of employment (whether full or part time) for Gedling Borough Council are eligible.

Self-employed contractors and/or those working under a contract for services are excluded from the scheme.

2. Additional leave entitlement for volunteer work (Volunteer Leave)

All eligible employees who work full time (37 hours per week) may take up to a maximum of 1 day's leave (up to 7.5 hours) in addition to their standard leave entitlement.

All eligible part time employees may take one day's additional leave in proportion to their part time contract (so, for example, an employee working 18.5 hours would be entitled to an additional maximum of 3.75 hours; an employee working 22.5 hours would be entitled to an additional maximum of 4.5 hours).

Volunteer Leave MUST be taken within the usual leave year (1 April though to 31 March the following year) and cannot be carried over to the following leave year if unused.

Volunteer Leave must be taken during the employee's standard working hours which means that the majority of employees will be unable to use this scheme to carry out volunteer work at the weekends or during the evenings; however those whose normal hours include shift work and/or work during weekends and/or evenings will be able to take Volunteer Leave during any period during which they would normally work.

Any volunteer time worked over and above the employee's entitlement under this scheme will be undertaken in the employee's own time and shall not be eligible for overtime or flexi time.

3. Approved Volunteer Work

Volunteer Leave must be approved by the employee's line manager to ensure that there is appropriate cover; the line manager will also approve the volunteer work.

Approved volunteer work will fall within one of the following categories:

- That signposted through the STEPs group; this will usually be a group activity which STEPs will advertise seeking a number of volunteers for a specific task (this may be, for example, clearing a community area, or the creation of a garden); those volunteers will then contact the group responsible for the work (charity/school etc) to make the arrangements.
- Work arranged by the individual employee.

All volunteer work signposted through STEPs will be approved volunteer work and Managers will be expected to approve the additional leave PROVIDED there is sufficient cover.

Approval of voluntary work arranged by the individual will be at the discretion of the line manager with guidance from STEPs if required.

All volunteer work must be within the Gedling Borough Council boundaries and for the benefit of the community as a whole or for a group within the community.

Volunteer work which will generally be approved is:

- For a charity;
- For a school within the Gedling Borough Council area;
- That arranged through a Volunteer service (for example, CVS);
- For a community group within Gedling Borough Council area.

Volunteer work which will not generally be approved (even if for a charity) is:

- Any party political activity or which promotes any particular political party;
- For any organisation whose aims and objectives conflict with the interests of Gedling Borough Council, or where there is a conflict with the employee's job role;
- Any activity which may bring Gedling Borough Council into disrepute;
- Promotion of religion (either generally or any particular religion);
- For a profit making organisation.

The above are indications of the types of volunteer work which may be approved or not approved; these are not exclusive. Any manager who is unsure whether the proposed volunteer work falls within or outside the scheme should refer to Steps. In the event of any disagreement the decision of Steps is final.

Volunteers and Managers should note that Gedling Borough Council's insurance will NOT cover any volunteer work carried out during an employee's leave, including Volunteer Leave.

4. Administration of the scheme

The aim is to keep administration to a minimum; all involved are expected to take a common sense approach.

All employees undertaking volunteer work must pay their own travelling and other expenses which they may incur; no travel, subsistence or any other expenses claim may be made from Gedling Borough Council.

All applicants for Volunteer Leave will have to complete a form (attached) which must be signed by their line manager; this is to both approve the date and time of the Volunteer Leave and to approve the type of volunteer work proposed (if in doubt Managers should refer to STEPs – steps@gedling.gov.uk).

Once the Volunteer Leave has been completed the form (with the feedback completed) should be sent to Steps to use to review the scheme (see below). The scheme will be reviewed after 12 months by STEPs and may be continued in its current format, continued with changes to this policy, or discontinued altogether; if deemed necessary by STEPs the Policy may be changed at any time (subject to the prior approval of SMT).

Volunteer Leave shall be recorded on the electronic system by a 'V'.

5. Evaluation/outcomes

All employees who undertake Voluntary work under this scheme are encouraged to take notes/photographs and may be asked if they wish to participate in promoting the scheme and/or Gedling Borough Council (but any participation will be voluntary promotion of the scheme is not a condition of the leave being allowed).

All employees who take Volunteer Leave are invited to complete the feedback portion of the attached form; comments from their manager are also invited. This will assist STEPs in evaluating the scheme and making any improvements.

All employees who participate in the scheme are asked to seek feedback from the organisation for whom they worked (form attached). Again, this is to help evaluation of the scheme and make any improvements which would benefit both the volunteers and the organisations who use them.



VOLUNTEERING LEAVE POLICY

1. General Introduction

1.1. Background

Volunteering within the community is a rewarding action, supported by Gedling Borough Council. The Volunteering Leave Policy shall allow Gedling employees the opportunity to take up to one day of leave, to promote volunteering.

1.2. Purpose

The purpose of the Volunteering Leave Policy is to increase the number of employees volunteering within Gedling Borough, by both rewarding current volunteers and encouraging new opportunities.

This follows the council priority to: "Promote and encourage employee and community volunteering and residents' involvement in local activities." By encouraging volunteering within the Borough it will help employees forge stronger links to the local communities they serve by building stronger relationships.

Another key aspect behind promoting volunteering is to help further staff development and wellbeing – as volunteering has been identified by the NHS as helping to provide a better quality of life, improved self-esteem and other benefits to the individuals who undertake volunteering.

2. General Policy

2.1. Eligibility

The policy shall be applicable to all employees (whether full or part time) of Gedling Borough Council who work under a contract of service (employment).

2.2. Implementation

Employees can qualify for additional leave through two different routes. It is up to the employee to choose either the option defined at 2.2.1 or 2.2.2.

Only a single working day's leave may be taken in each leave year (April to March), therefore employees are only permitted to submit application through one option. For part-time employees calculating leave as hours, the amount of hours allowed per year will equate to their average working hours per week divided by five. This will be viewed as an "average working day" for the purpose of this policy.

Volunteering work shall only be eligible for consideration through the policy if it has taken place within Gedling Borough.

2.2.1. 'Sustained' Volunteering

If an employee has completed a minimum of 40 hours' volunteering within Gedling Borough, over the course of a single leave year, then they shall be entitled to receive an additional extra (average if part-time) working day's annual leave.

This work must be completed within their own time, and should an opportunity occur within normal working hours it is expected to be worked in an employee's flexi time or be agreed with their line manager to ensure that it does not replace time spent working.

The volunteering hours must be evidenced to their manager by a formal letter from an official role within the charity, organisation or community group that they have volunteered for, confirming they have performed this work.

2.2.2. 'One-Off' Volunteering

An employee may wish to take part in an appropriate (defined in 2.3) volunteering opportunity that occurs during the week. If this occurs on their normal working day they may be allowed time away from work as follows;

A full time employee can take up to a single working day's (up to 7.5 hours) leave on which to volunteer upon.

A part time employee may take volunteering leave as an average working day as described in 2.2.

This leave must be taken during the employee's standard working hours. Employees shall be unable to use this scheme to carry out volunteer work at the weekends or during evenings unless those times form part of their normal work pattern.

2.3. Appropriate Work

Volunteering Leave must be approved by the employee's line manager to ensure that there is appropriate cover; the line manager will also approve the nature of the volunteer work.

The items listed below are indications of what may or may not be approved; however the list is not exhaustive. In the event of uncertainty over a proposed volunteering role, refer to the Service Manager. In the case of any disagreement the Council's Grievance Procedure will be applied.

2.3.1. Approved Work

Volunteer work (within the Borough) that shall generally be approved will fall within the following categories:

- For a charity;
- For a school;
- For a community group or club;
- Opportunities arranged through a volunteer service, or those promoted by the council itself, such as community clean ups.

2.3.2. Non-Approved Work

Volunteer work which will not generally be approved:

- Any political activity, or action which promotes any particular political party;
- For any organisation whose aims and objectives conflict with the interests of Gedling Borough Council, or where there is conflict with the employee's job role;
- Promotion of religion (this would not necessarily rule out charitable work such as foodbanks);
- For a profit making organisation;
- Any activity which may bring Gedling Borough Council into disrepute.

3. Administration

Administration will be aimed to be kept to a minimum, with all involved expected to take a common sense approach.

Employees wishing to take volunteering leave, either via the 'Sustained' or 'One-Off' options, must provide to their line manager evidence in the form of a formal letter from an official role within the charity, organisation or community group that they have volunteered for, confirming they have performed this work.

Volunteering Leave must be taken within the usual annual leave year (1 April through to 31 March the following year) and cannot be carried over to the following leave year if unused.

Any volunteer time worked over and above the employee's entitlement under this scheme will be undertaken in the employee's own time and shall not be eligible for overtime or flexi time.

4. Evaluation

Volunteering Leave shall be recorded on the electronic flexi system by a 'V'.

For those not using the electronic system, their managers shall note the amount of volunteering leave taken, and then pass this information on to the Community Relations Service Area annually in order to monitor the take up of the policy.

Employees will be invited to provide feedback to their manager and the scheme about their experiences, which will help evaluate the scheme.