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The Chair and Members of
Employment and General Committee

13 April 2015

Dear Councillor,

Please attend a meeting of the EMPLOYMENT AND GENERAL COMMITTEE to be held on MONDAY, 20 APRIL 2015 at 4.00 pm in Committee Room 2, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to Items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 6)

To approve as a correct record the Minutes of the Employment and General Committee meeting held on 26 January, 2015.

4. Minutes of Council Health and Safety Committee (Pages 7 - 16)

To receive the Minutes of the Council Health and Safety Committee meetings held on 13 November, 2014 and 12 February, 2015.

5. Minutes of Council Joint Consultative Committee (Pages 17 - 22)

To receive the Minutes of the Council Health and Safety Committee meetings held on 15 October, 2014 and 15 December, 2014.

6. Shared Parental Leave Guidelines (Pages 23 - 44)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

EMPLOYMENT AND GENERAL COMMITTEE MEETING**Monday, 26th January, 2015**

Present:-

Councillor Elliott (Chair)

Councillors	Fanshawe	King
	Gibson	Simmons
	Higginbottom	

*Matters dealt with under the Delegation Scheme

**31 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations were received.

32 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Blank.

33 MINUTES**RESOLVED –**

That the Minutes of the meetings of the Committee held on 8 and 17 December, 2014 be approved as a correct record and signed by the Chair.

34 APPROVAL OF BUSINESS RATES TAX BASE 2015/16

The Chief Finance Officer submitted a report seeking approval for the National Non-Domestic Rates (NNDR) estimates and NNDR1 Return for 2015/16.

The Local Government Finance Act introduced the part-retention of income from Business Rates from 2013. The income generated was to be shared between the Government (50%), the County Council (9%), the Fire Authority (1%) and the Borough Council (40%).

The Council would then have to pay a tariff from its share of the income into a national pool. If Council's share of the income was above a specified threshold (£3,061,874 in 2015/16) the excess amount is then subject to a Levy at the rate of 50%. For 2015/16 the Council joined a Derbyshire Pool which would have the benefit of retaining the Levy within the County rather than paying it to Central Government.

The Council was required to complete and approve the NNDR1 Return, showing how the estimated income had been calculated and how it was to be shared.

The report gave details of how the tax base was calculated and also how the estimated net yield would be shared, together with the legal implications.

Delegated authority was sought for the Chief Finance Officer to make final changes if required prior to submission of the NNDR1 return to ensure the most accurate figures are submitted.

***RESOLVED –**

- 1) That the estimated National Non Domestic Rates estimates as recorded on the NNDR1 Return (Appendix A to the report) be approved.
- 2) That the Chief Finance Officer be given delegated authority to make any subsequent changes to the NNDR1 return that are identified before the final submission date of the 30 January 2015.

35

AGILE WORKING GUIDELINES

The Great Place, Great Service Project Officer submitted a report recommending for approval the new Agile Working Guidance for council employees, to support agile working across the Council to enable managers and employees to maximise the potential of agile working.

The Agile Working Guidance notes were intended for employees who conduct some or all of their work at an alternative worksite away from the employer's typically used office.

The purpose of the agile working guidance notes was to provide procedural guidelines for employees who will commence agile working once the introduction of the flexible working solution is in place.

The policy has been developed following best practice and relevant Health & Safety legislation.

The draft policy was presented to and approved by the Flexible Working Group, Policy Working Group and the Council's Joint Consultative Committee, which all involved trade union representatives.

*** RESOLVED –**

That the Agile Working Guidelines, as attached to the report, be approved.

36 HOMEWORKING POLICY

The Great Place, Great Service (GPGS) Project Officer submitted a report recommending for approval the revised Home Working Policy.

The policy was updated to reflect new ways of working, and provide procedural guidelines for employees to follow, as part of the GPGS transformation project.

The policy has been developed following best practice and relevant health and safety legislation.

The policy included the removal of a home-working allowance, however ICT equipment would be supplied. It was reported that no employee would be forced to work from home, but would have that option if identified as a flexible worker.

The draft policy was presented to and approved by the Flexible Working Group, Policy Working Group and the Council's Joint Consultative Committee, which all involved trade union representatives.

*** RESOLVED –**

That the revised Home Working Policy, as attached to the report, be approved.

37 **INDEMNITY POLICY**

Legal Services submitted a report recommending for approval a new Indemnity Policy.

The policy was required to set out the legal position where officers or Members are accused of offences, for example assault, whilst in exercise of their duties for the Council. It also confirms the position relating to statutory immunity from civil liability for officers and Members.

The draft policy presented to and approved the Policy Working Group and the Council's Joint Consultative Committee, both of which involved trade union representatives.

*** RESOLVED –**

That the Indemnity Policy, as attached to the report, be approved.

COUNCIL HEALTH AND SAFETY COMMITTEE

Wednesday 13 November, 2014

Present –

<p>M. Blythe (Sports & Leisure Manager) K Brown (Business Transformation Manager) I. Clay (Health and Safety Officer, Housing Services) A. Craig (Housing Services) A. Daley (UNISON) T. Devereux (UNISON) A. Fowler (UNISON) Councillor B. Gibson M.Henley (Landscape & Streetscene Services Manager)</p>	<p>Councillor A. Hill Councillor J. Innes M. Jasinski (Corporate Health and Safety) Councillor G. King P. Longley (UNISON) R. Morgan (Arvato) Councillor A. Slack M. Slack (UNISON) R. Wilkes (Unite)</p>
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Min. No.	<u>Item</u> Decision/Action	By Whom
011	<p><u>Apologies for Absence</u></p> <p>Councillor H Elliott, H Bowen and M Bollands.</p>	
012	<p><u>Occupational Health and Safety Improvement Programme</u></p> <p>Progress Reports were considered as follows:</p> <p><u>Corporate Health and Safety Improvement Programme</u></p> <p>Performance considered against the 11 targets in the Improvement Programme at the end of the second quarter of the 2014/15 year (to September 2014) as detailed in the report, with particular emphasis to be given to:</p> <ul style="list-style-type: none"> • The most common causes of accidents, i.e. 'Moving & Handling' and 'Slip, Trip, 	All

	<p>Fall’;</p> <ul style="list-style-type: none"> • Completing the employee Health and Safety opinion survey to be reported in January 2015. • Rearranging presentation of data on Target 10 (Reducing level of work-related ill-health) to show data for year to date and include a measure of costs of ill health. <p><u>Housing Services (Business Planning & Strategy)</u></p> <p>Housing Services (Business Planning & Strategy) Manager submitted report on health and safety activity, highlighting:</p> <ul style="list-style-type: none"> • A cross Council asbestos compliance review to be undertaken by Savills, including proposal to appoint a Compliance Manager. An informal meeting to be arranged for Safety Representatives with Savills on proposed approach. • Appointment of a Construction Design and Management Co-ordinator. • Need to ensure Safety Representatives contacted when accidents occur and involved in investigation where possible. <p><u>Housing Services (Customer Division)</u></p> <p>Housing Services (Customer Division) Manager submitted report on health and safety activity.</p> <p><u>Environmental Services</u></p> <p>Environmental Services Manager submitted report on health and safety activity, highlighting:</p> <ul style="list-style-type: none"> • Stress management plan to be reviewed to take account of new working 	<p>All</p> <p>GK, HR</p> <p>AC, Dem Servs</p> <p>MH</p>
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	<p>environment.</p> <p><u>Leisure Services</u></p> <p>Sport and Leisure Services Manager submitted report on health and safety activity, highlighting:</p> <ul style="list-style-type: none"> • Aiming to ensure Safety representatives contacted when accidents occur and involved in investigation where possible. • Review of Normal Operating Procedures and Emergency Action Plan to include staff working group. 	MB
013	<p><u>Contractor Management Group Update</u></p> <p>Business Transformation Manager submitted report on the re-established Contractor Management Group, including draft terms of reference and clarified objectives and outcomes.</p> <p>Action plan being updated and redrafted.</p>	KB
014	<p><u>Stress Management Group Update</u></p> <p>Business Transformation Manager submitted report on the Stress Management Group, including the stress management workshop held in October 2014 to identify reasons for policy not having been fully implemented.</p> <p>Action plan being revised and progress to be reported to CMT.</p>	KB
015	<p><u>Minutes of the meeting held on 13 August, 2014</u></p> <p>The minutes of the Council Health and Safety Committee held on 13 August, 2014 were agreed as a true record.</p>	

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COUNCIL HEALTH AND SAFETY COMMITTEE

Thursday 12 February, 2015

Present –

P Bartle (Construction, Design & Management Co-ordinator)
 S Boyle (GMB)
 K Brown (Business Transformation Manager)
 I Clay (Health and Safety Officer, Housing Services)
 J Drury (Executive Director)
 T Devereux (UNISON)
 A Fowler (UNISON)
 C Hayes (UNISON)
 Councillor B Gibson

Councillor A Hill
 Councillor J Innes
 M Jasinski (Corporate Health and Safety)
 D Johnson (Corporate Health and Safety)
 Councillor G King
 R Sinclair (Environmental Health Manager)
 Councillor A Slack
 L Thomas (Economic Development Manager)
 R Wilkes (Unite)

Min. No.	<u>Item</u> Decision/Action	By Whom
016	<p><u>Apologies for Absence</u></p> <p>Councillor H Elliott, M Blythe, M Bolland, D Clarke, A Daley, N Johnson, A Kaushik and P Longley.</p>	
017	<p><u>Council Health and Safety Committee Constitution – Proposed Changes</u></p> <p>Agreed proposed changes to Constitution, subject to rewording to refer to three Joint Chairs.</p>	GK, Dem. Servs.
018	<p><u>Occupational Health and Safety Improvement Programme</u></p> <p>Progress Reports were considered as follows:</p> <p><u>Corporate Health and Safety Improvement Programme</u></p>	

	<p>Performance considered against the 11 targets in the Improvement Programme at the end of the third quarter of the 2014/15 year (to December 2014) as detailed in the report, with particular emphasis to be given to:</p> <ul style="list-style-type: none"> • The most common causes of accidents, i.e. 'Moving & Handling' and 'Slip, Trip, Fall'; • Rearranging presentation of data to show data over the rolling 12 month period on all targets. • Further investigation of data on days lost due to occupationally related ill health (stress and musculoskeletal) to ensure no under-reporting and to enable setting of stretching but achievable future targets. <p><u>Operational Services Division (OSD)</u></p> <p>OSD Manager submitted report on health and safety activity, highlighting:</p> <ul style="list-style-type: none"> • 25% reduction in number of accidents over last three years. • Robust system for managing contractors. • Involvement of safety representatives in investigation of accidents. • Positive feedback from use of Council's physiotherapy service. • Focus for 2015/16 on manual handling and pilot project on working at heights. <p><u>Environmental Health Services</u></p> <p>Environmental Health Manager submitted report on health and safety activity, highlighting:</p> <ul style="list-style-type: none"> • Trialled lone working devices – being rolled out corporately. • Driver awareness training provided. 	<p>All</p> <p>MJ, KB</p> <p>KB, HR</p> <p>OSD Mgr.</p>
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	<ul style="list-style-type: none"> • Ensure safety representatives contacted when accidents occur and involved in investigation where possible. <p><u>Development & Growth Service</u></p> <p>Development & Growth Manager submitted report on health and safety activity, highlighting:</p> <ul style="list-style-type: none"> • Ensure safety representatives contacted when accidents occur and involved in investigation where possible. <p><u>Service Manager Reports Schedule 2015-16</u></p> <ul style="list-style-type: none"> • Agreed schedule for Service Managers to report to Health & Safety Committee meetings in 2015-16. 	RS NJ
019	<p><u>Employee Health and Safety Opinion Survey Report</u></p> <p>Report considered on results of 2014/15 employee health and safety opinion survey.</p> <ul style="list-style-type: none"> • Improved response compared to initial 2011/12 survey. • Generally improved scores in major service areas (OSD, Housing, Env Health). • Many service areas not reached target score on 'barriers to safety' area. • Safety representatives looking at service areas with lower response rates. 	Safety Reps
020	<p><u>Draft Occupational Health & Safety Improvement Programme 2015 - 2018</u></p> <p>Comments invited on proposed targets for Occupational Health & Safety Improvement Programme for 2015 – 2018.</p>	

	<ul style="list-style-type: none"> • Focus on contractor management, stress management and development of corporate health and safety management auditing programme. • Reference to commitment from managers, members and safety representatives to continuously improving health and safety climate. • Consider links with Investors in People through Workforce Strategy Working Group. • Setting stretching but realistically achievable targets for accident performance. • Occupational Health & Safety Improvement Group to finalise targets prior to next Health & Safety Committee meeting. 	<p>KB</p> <p>GK</p> <p>OHSIG</p>
021	<p><u>Progress Report on Implementation of Stress Management Policy</u></p> <ul style="list-style-type: none"> • Stress risk assessments updated for all service areas (except GPGS) • Common themes reported to Corporate Management Team. • Action plan to be developed – need for consistent approach, simplified documentation. • Generic stress risk assessment document available on P drive. 	<p>KB</p> <p>MJ, Safety reps</p>
022	<p><u>Minutes of Meeting held on 13 November, 2014</u></p> <p>The minutes of the Council Health and Safety Committee held on 13 November, 2014 agreed as a true record.</p>	

023	<p><u>Derbyshire Asbestos Support Team Awareness Project</u></p> <p>Details circulated of launch of Asbestos Awareness Project on 25 February, 2015.</p>	
024	<p><u>Chair's Comments</u></p> <p>Chair thanked all members of the Committee for their working together and the improvements achieved in health and safety practices and management.</p>	

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COUNCIL JOINT CONSULTATIVE COMMITTEE

Wednesday, 15th October, 2014

Present:-

Representing the Council

Councillors Elliott
Gibson
Hill
Innes
King
Slack

Representing Employees

T Devereux	UNISON
A Fowler	UNISON
P Longley	UNISON
R Wilkes	UNISON

T Eyre	GPGS (for Minute No. 8)
A Kaushik	Human Resources
B Offiler	Democratic Services
C Woodfine	Human Resources

1 APPOINTMENT OF CHAIR FOR 2014/15

RESOLVED –

That Councillor King be appointed Chair for the 2014/15 Council year.

2 APPOINTMENT OF VICE-CHAIR FOR 2014/15

RESOLVED –

That Andy Fowler be appointed Vice-Chair for the 2014/15 Council year.

3 APOLOGIES FOR ABSENCE

Apologies for absence were received from Andy Daley and Phil Mallender.

4 MINUTES OF MEETING HELD ON 16 JANUARY, 2013

RESOLVED –

That the minutes of the meeting held on 16 January, 2013 be approved as a true record.

5 ZERO HOURS POLICY

Ashish Kaushik presented a report on the introduction of the new Zero Hours Policy and Guidance.

The policy had been developed through a process of consultation with Service Managers and Trade Union representatives. The report included comments, and responses, made during the consultation and an Equalities Impact Assessment.

The policy referred to the Council's commitment to ensure that variable hours staff were not exploited as a result of their zero hours status.

It was suggested that further monitoring take place of the allocation of available shifts to staff on zero hours contracts to ensure fairness and transparency.

RESOLVED –

That the proposed Zero Hours Policy and Guidance be approved for referral to the Employment and General Committee with the recommendation that it be implemented immediately following its approval by that Committee.

6 SMOKING POLICY

Ashish Kaushik presented a report on the introduction of the revised Smoking Policy.

The Council had introduced a Smoking Policy in 1988, and this had been most recently revised in July 2007. The current review of the policy aimed to provide clarity on the subject of electronic cigarettes and more detailed guidance to managers and staff on issues relating to smoking at work, such as smoking not being allowed in Council vehicles.

The revised policy had been the subject of consultation with Service Managers and Trade Union representatives. The report included an Equalities Impact Assessment.

RESOLVED –

That the revised Smoking Policy be approved for referral to the Employment and General Committee with the recommendation that it be implemented immediately following its approval by that Committee.

7 FLEXIBLE WORKING POLICY

Ashish Kaushik presented a report on the introduction of the revised Flexible Working Policy.

The Council's existing Flexible Working Policy had been reviewed to comply with recent changes in legislation which allowed every employee, not just those who were parents or carers, the statutory right to request flexible working after 26 weeks employment.

RESOLVED –

That the revised Flexible Working Policy be approved for referral to the Employment and General Committee with the recommendation that it be implemented immediately following its approval by that Committee.

**8 HOME WORKING POLICY AND AGILE WORKING GUIDANCE
PROGRESS REPORT**

Tara Eyre provided a verbal progress report on the changes to the Home Working Policy and development of a Guidance Note on Agile Working to address situations where employees were working across different locations or off-site.

The guidance had been developed through the Flexible Working User Group and would be subject to further consultation with Trade Union representatives the following week.

RESOLVED –

That changes to the Home Working Policy and progress on the development of a Guidance Note on Agile Working be noted and that a special meeting of the Council Joint Consultative Committee be arranged to consider this once it had been finalised.

9 PROPOSED CHANGES TO CJCC CONSTITUTION

Councillor King presented a revised Constitution for the Council Joint Consultative Committee which had been prepared in consultation with Andy Fowler on behalf of the Trade Union representatives.

The revised constitution provided more flexibility in respect of the attendance of Trade Union representatives.

RESOLVED –

That the revised Constitution for the Council Joint Consultative Committee be approved.

COUNCIL JOINT CONSULTATIVE COMMITTEE

Monday, 15th December, 2014

Present:-

Representing the Council

Councillors	Gibson Innes King Slack
J Dackiewicz	Human Resources
T Eyre	GP:GS
B Offiler	Democratic Services
A Walker	Legal Services

Representing Employees

A Daley	UNISON
A Fowler	UNISON
C Hayes	UNISON

10 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Elliott, Tony Devereux, Phil Mallender and Maria Slack.

11 **HOMEWORKING POLICY**

Tara Eyre presented a proposed revised Homeworking Policy, which had been updated in consultation with Trade Union representatives and considered through the Policies Working Group. The revised policy included a Working at Home Application Form and Health and Safety and Display Screen Equipment Workstation Assessment Forms. An Equalities Impact Assessment had also been completed.

RESOLVED –

That the revised Homeworking Policy be approved for referral to the Employment and General Committee with the recommendation that it be implemented immediately following its approval by that Committee.

12 **AGILE WORKING GUIDELINES**

Tara Eyre presented proposed Guidance on Agile Working to enable employees to work from a variety of locations to best serve the customer and the service. The Guidance had been developed in consultation with

Trade Union representatives. It was hoped to arrange training to raise awareness of agile working and the processes involved.

An Equalities Impact Assessment had been completed.

RESOLVED –

That the Agile Working Guidance be approved for referral to the Employment and General Committee with the recommendation that it be implemented immediately following its approval by that Committee.

13 INDEMNITY POLICY

Amanda Walker presented a proposed Indemnity Policy to clarify the position in respect of the Council indemnifying Members and officers against any claim, liability, loss or damage whilst carrying out their responsibilities on behalf of the Council.

An Equalities Impact Assessment had been completed.

RESOLVED –

That the Indemnity Policy be approved for referral to the Employment and General Committee with the recommendation that it be implemented immediately following its approval by that Committee.

FOR PUBLICATION

SHARED PARENTAL LEAVE GUIDELINES

MEETING: EMPLOYMENT AND GENERAL COMMITTEE

DATE: 20 APRIL 2015

REPORT BY: KAY VAUGHAN HR OFFICER

1.0 PURPOSE OF REPORT

1.1 To provide information regarding the introduction of legislation in relation to Shared Parental Leave applications and to recommend for approval the new Shared Parental Leave Guidelines.

2.0 BACKGROUND

2.1 Shared Parental Leave (SPL) replaces Additional Paternity Leave (APL) where the expected week of birth (or adoption matching date) is on or after 5 April 2015.

2.2 The guidelines became effective in respect of antenatal appointments for pregnancies from July 2014.

2.3 Employed mothers will continue to be entitled to 52 weeks statutory maternity/adoption allowance leave and 39 weeks statutory maternity pay or maternity allowance. An entitlement to two weeks statutory paternity leave remains in place for fathers and a mother's or adopter's partner and will be the default scheme.

2.4 However, if they chose to, eligible mothers can end their maternity leave early (subject to taking a minimum of 2 weeks after the birth) and with her partner or child's father opt for shared parental leave instead of maternity leave. If they both meet the qualifying requirements, they will need to decide how they want to divide their Shared Parental Leave and Pay entitlement.

2.5 All notices for continuous periods of leave from eligible employees need to be accepted and all requests for dis-continuous leave need to be considered. Adopters will have the same rights as other parents to Shared Parental Leave and Pay.

3.0 PROPOSED PROCEDURE

- 3.1 The new guidelines document can be found at appendix A.
- 3.2 The guidelines have been created to reflect the new legislation.

4.0 COUNCIL JOINT CONSULTATIVE COMMITTEE

- 4.1 The proposed guidelines are being submitted to the Council Joint Consultative Committee on 15 April 2015. Any comments or suggested amendments to the guidelines from that Committee will be reported to Employment and General Committee in a supplemental report.

5.0 RECOMMENDATION

- 5.1 That the new Shared Parental Leave Guidelines be approved.

For further information on this report, contact Kay Vaughan.



CHESTERFIELD
BOROUGH COUNCIL

SHARED PARENTAL LEAVE

guidelines

prepared by: Human Resources

date : March 2015

for review : 2018

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Document Revision History

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1.0 Introduction

- 1.1 Shared Parental Leave (SPL) replaces Additional Paternity Leave (APL) where the expected week of childbirth (EWC) is on or after 5 April 2015 or for children who are placed for adoption and have a matching date on or after that date.

The SPL guidelines are effective from 1 December 2014 and apply to pregnancies from early July 2014.

Employed mothers will continue to be entitled to 52 weeks statutory maternity/adoption leave and 39 weeks of statutory maternity pay or maternity allowance.

Two weeks statutory paternity leave remains in place for fathers and a mother's or adopter's partner and will be the default scheme.

However, if they chose to, eligible mothers can end their maternity leave early and with her partner or child's father opt for shared parental leave instead of maternity leave. If they both meet the qualifying requirements, they will need to decide how they want to divide their Shared Parental Leave and Pay entitlement.

All notices for continuous period of leave from eligible employees will be accepted and all requests for dis-continuous leave will be considered. Adopters will have the same rights as other parents to Shared Parental Leave and pay.

2.0 Shared Parental Leave

- 2.1 SPL must be taken between the baby's birth and first birthday. (Where adoption applies SPL will need to be taken within one year from the date of adoption).
- 2.2 The mother must take a minimum of two (2) weeks compulsory maternity leave ie the first two weeks following the birth. The remaining 50 weeks may then be shared **if** both are eligible.

The mother and partner may choose how much leave they will each take during the remaining 50 weeks. The SPL may be taken at the same or different times as long as the total leave does not exceed what is jointly available. SPL can be taken in up to 3 separate blocks per eligible parent/partner or more if agreed between employer and employee.

The mother can return to work without sacrificing the rest of the leave available (unlike maternity leave).

Example:

The mother takes 12 weeks maternity leave, curtails her maternity leave and her partner takes 10 weeks SPL. The mother then takes the remaining 30 weeks SPL.

- 2.3 If only one parent is eligible for SPL they can't share the leave, however the eligible employee may still use SPL to book leave in separate blocks rather than have a continuous period off, provided that the other parent meets certain criteria (same as for maternity allowance).
- 2.4 The entitlement to shared parental leave is subject to the following conditions:
- The parents must have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC or matching date and
 - earned an average of at least £30 a week (based on 2015 figures but maybe subject to annual review) based on any of those 13 weeks (prescribed average weekly earnings)

Example:

The Mother takes 8 weeks maternity leave ending on 31 October.

Remaining leave is taken as SPL.

Partner is eligible for SPL.

Both take whole of November as their first block of SPL.

Partner returns to work on 1 December.

Mother returns to work on 12 December to cover Christmas,

Gives employer notice that will go on leave again on 1 to 31 March. (second block of SPL).

Mother takes third block of SPL from 1 to 31 May.

2.5 **Shared Parental Leave: Qualifying criteria Mother**

- 26 weeks continuous service at the end of the 15th week before the EWC or matching date and remains in employment for that employer until the week before any period of shared parental leave is taken
- Has at the date of the child's birth or adoption matching date the main (shared) responsibility for caring for the child.
- Is entitled to Statutory Maternity leave and has ended that leave
- Partner meets employment and earnings rules and has at the date of the child's birth or adoption matching date the main (shared) responsibility for caring for the child.

2.6 Shared Parental Leave: Qualifying criteria Father/Partner

- 26 weeks continuous service at the end of the 15th week before the EWC or matching date and remains in employment until the week before any period of shared parental leave taken.
- Has at the date of the child's birth or adoption matching date the main (shared) responsibility for caring for the child.
- Mother is entitled to statutory maternity leave, maternity pay or maternity allowance and has curtailed it.
- Mother meets employment and earnings rules.

2.7 Notification Requirements

The mother must curtail her maternity leave (and/or pay) by serving a curtailment notice.

The mother and father/partner must each:

- give written notice of the entitlement and intention to take SPL
- provide appropriate evidence
- give a period of leave notice

The mother's partner may start SPL while the mother is on maternity leave, as long as the mother has given notice to end the maternity leave.

Example: Mother goes on maternity leave 10 weeks before baby is born. She decides to take 16 weeks maternity leave and serves curtailment notice on her employer.

Her partner can start SPL as soon as the baby is born as the mother has given notice to end her maternity leave (NB the partner must give at least 8 weeks' notice to their employer)

2.8 Submitting Notifications/requests for leave and the Process

Requests for SPL should be made to the employee's line manager giving 8 weeks' notice.

Notifications for a continuous block of SPL means an unbroken period of leave and eligible employees have a right to take SPL in this way and Chesterfield Borough Council cannot refuse it. However a discontinuous block of leave in a single notice can only be taken with an employers' agreement and there is a **14** calendar day period during which time discussion about the request can take place.

If a request is not agreed then the total amount of leave in the request must be taken as one continuous block unless the employee withdraws the notice and submits a new request.

It may be helpful to have early informal discussions to look at options available and the impact on all parties before formal notices to book leave are given and this is something that should be encouraged.

2.9 What to include in the Notification

- The names of the mother and partner
 - How many weeks' maternity/adoption leave (or maternity adoption pay or maternity allowance if the mother was not eligible for maternity/adoption leave) has been or will be taken.
 - The expected date/week of birth actual birth date or date of placement
 - The start and end date of any statutory maternity or adoption leave
 - The total amount of SPL available
 - How much leave both parents are entitled to take
 - How much SPL each parent intends to take and when
 - The signatures of both parents that are wanting to take SPL
- and a declaration from Mother that :
- They will be sharing responsibility for the care of the child
 - The mother has given notice to end her maternity entitlement
 - They meet the continuity of employment test
 - The information they have given is accurate
 - Should they cease to be eligible they will immediately inform their employer.
- The partner of the employee must also provide their partners employer with a signed declaration stating:
 - Their name, address and National Insurance number
 - They are the father, or mother of the child or partner of the child's mother
 - Their employers name and address (must be supplied within 14 days of the request)
 - They meet the criteria for the employment and earnings test.

- Their employers name and address (this must be supplied within 14 days of request if not supplied at the notification stage).
- (if the mother) they are entitled to statutory maternity leave, statutory maternity pay or maternity allowance and that they have given notice to end that leave and pay/allowance
- That at the time of the birth or placement they share responsibility for the care of the child with the employee seeking to take SPL.
- They consent to the amount of leave and pay that the employee is seeking to take
- They consent to the employer receiving this declaration to process the information contained in it
- (In the case of the mother) that the mother will immediately inform their partner should the mother cease to satisfy the eligibility conditions.

See also SPL checklist at appendix 1

2.10 **Limit on number of notices**

An employee may give up to 3 notices in total (which can be waived by mutual agreement).

2.11 **Further Evidence**

14 days from receipt of the notice the employer can request

- Childs Birth certificate (or adoption certificate)
- Name and address of the other parent's employer if not already supplied. The employee then needs to supply this within 14 days of request.

2.12 **Restrictions on SPL**

SPL **must** be taken in multiples of complete weeks but can start on **any** day of the week. Example if SPL starts on a Wednesday it would finish on a Tuesday.

The minimum period of SPL which may be taken at one time is one week.

2.13 **Terms and Conditions during SPL**

During SPL an employee is entitled to the benefit of all their terms and conditions of employment EXCEPT remuneration.

2.14 Fraudulent claims

Chesterfield Borough Council can where there is a suspicion that fraudulent information may have been provided or where Chesterfield Borough Council has been informed by HMRC that a fraudulent claim has been made, investigate further in accordance with the usual Chesterfield Borough Council investigation and disciplinary procedures and without acting against any protected characteristics in line with the Equalities Act (EA) 2010

3.0 SPL Pay Issues

- Up to 37 weeks statutory maternity pay (SMP) will be 'shareable' or more accurately transferable between parents (The first 2 weeks after the birth of the 39 weeks available as SMP have to be taken by the mother and can't be shared).
- To be eligible the applicant must have :
An average weekly salary of at least the lower earnings limit of £112 per week (from 5.4.15 and subject to annual reviews) for 8 weeks before EWC
- Ordinary Statutory Paternity Pay (OSPP) and Ordinary Statutory Paternity Leave (OSPL) will continue to apply.
- APL and Additional Paternity pay will be abolished.

3.1 SPL Pay Rates

- SPL pay is paid at the rate of £139.58 a week (from 5.4.15 and subject to annual reviews) or 90% of average weekly earnings whichever is the lower.

Example:

Mother starts maternity leave 10 weeks before due date.

Gives notice that will take SPL from 4 weeks after the birth (total of 14 weeks' maternity leave).

Mother earns £300 per week

Mother is paid £270 a week for the first 6 weeks (statutory maternity pay (SMP) is 90% of actual earnings for 6 weeks with no maximum).

She is then paid £138.18 shared parental leave pay (rate applicable up to 4.4.15) afterwards.

4.0 SPL in Touch (SPLIT) days

An employee may do up to a maximum of 20 days' work during a period of SPL without this effecting their right to claim ShPP for that week and reasonable contact may continue during SPL between the employee and Chesterfield Borough Council to provide updates on work developments etc during their absence. This could be used from the SPLIT allowance as appropriate. Any time worked will receive full pay for the time worked. If a SPLIT day occurs during a week when the

employee is receiving ShPP this will effectively be topped up so that the employee receives pay due for that day.

4.1 **Ante-natal appointments**

An employee will be eligible to have time off (up to maximum of 6.5 hours for each appointment) to accompany a pregnant woman (to a maximum of 2) antenatal appointments if they are:

- Husband or civil partner of the pregnant woman
- They live with the woman in a relationship, but are not related
- They are the father of the expected child
- They are the intended parent of the child expected by a surrogate
- They are a potential applicant for a parental order in respect of a child in a surrogacy arrangement.

Any time in excess of the 6.5 hours should be covered by the employees own time by using annual leave, flexi time, Time in lieu etc. and booked via their line manager. It is appreciated that an employee may be unable to book this in advance if a pre booked appointment takes longer than the 6.5 hours allowed. In these circumstances the employee would need to discuss with their manager at the earliest opportunity after the day how this extra time will be covered. Should all leave entitlement have been exhausted time from the following years allocation can be agreed to be used.

An employer should make reasonable attempts to allow an employee to attend if given reasonable notice of the appointment date and times.

4.2 **Child Born Early**

If the employee booked a period of leave to start within 8 weeks of the birth, a notice to vary the start date should be given as soon as reasonably practicable after the birth. If the employee has not provided notices or booked leave and the child is born 8 or more weeks early notice should be given as soon as reasonably practicable to take leave within 8 weeks of the birth. Unlike most other variation notices, this would **not** count as one of the employee's three notifications.

Any leave after the first 8 weeks of the due date is still bound by the eight week rule notice required to vary leave.

If the child is born more than 8 weeks before the due date and the notice to entitlement to SPL and /or a notice to book SPL have not been given, then there is no requirement to give 8 weeks' notice before the period of leave starts. The notices should be given as soon as reasonably practicable after the actual birth.

4.3 Death of the child before or during birth or within the first year

Should the child die before the parents have submitted a notice of entitlement to take SPL then they cannot opt into SPL because a qualifying condition is caring for a child. The mother will remain entitled to maternity leave and the mother's partner could still qualify for statutory paternity leave.

If the parents have opted into SPL and they have booked leave they will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

An employee who is absent on SPL may cancel agreed SPL and return to work by giving their employer 8 weeks notice of their return to work.

4.4 Partner no longer caring for the child

If the circumstances of an employee who has booked SPL change so that they will no longer be responsible for caring for the child (unless it is because the child has died), their entitlement to both SPL and ShPP will immediately cease and they must tell their employer.

If the employee has any SPL arranged within 8 weeks of their entitlement ceasing, their employer can still require them to take it as SPL if it is not reasonably practicable for the employer to have their employee in work for example if cover has been arranged. Any weeks of SPL arranged after 8 weeks of their entitlement ceasing must be cancelled.

If the remaining parent will be continuing to care for the child then they will still be eligible to take their SPL entitlement. If the other parent who is no longer caring for the child had any SPL leave entitlement outstanding the remaining will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement.

4.5 Death of a Parent during child's first year

If one parent dies and the other parent is taking or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for SPL.

Should it be necessary for the other parent to take a further period of SPL or to vary pre agreed leave then notice may be given as soon as is reasonably practicable if 8 weeks' notice cannot be given. If they

have already given 3 notices to take leave they must be allowed to submit 1 further notice to book /amend SPL.

4.6 **Multiple births / adoptions**

An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. The entitlements are like maternity leave the same as if the employee was expecting one child. This also applies to multiple adoptions that occur in a single placement.

4.7 **Right to Return to Work after SPL**

If the total amount of SPL (plus any other statutory leave) taken by the employee is 26 weeks or less the employee is entitled to return to the same job.

The employee is entitled to return to the same job, or if it is not reasonably practicable a job which is suitable and appropriate, if the period of SPL taken when added to any other relevant period of statutory leave is more than 26 weeks,

OR

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, another job which is suitable and appropriate and on terms and conditions no less favourable.

The employee will be expected to return to work once the agreed period of SPL ends, should they not be able do this due to sickness or injury then the employee would need to follow the normal sickness absence procedures. Failure to attend as expected without notification will be classed as unauthorised absence.

If however the employee wishes to return to work earlier than agreed on their original SPL request they must give Chesterfield Borough Council at least 8 weeks' notice of their request to have an early return. This counts as one of the notifications in the SPL request. If the employee has already submitted 3 notifications to book or vary leave then the council does not have to accept the notice to return early but may do so if it is considered to be reasonably practicable to do so.

4.8 **Redundancy during SPL**

- Where there is a suitable alternative vacancy, the employee is entitled to be offered alternative employment with the employer the employers successor or an associated employer.
- The work must be suitable and appropriate *and* not on substantially less favourable terms

4.9 **Protection from Detriment and Dismissal**

It would be considered automatic unfair dismissal if either :

The reason or principal reason for the dismissal is connected with SPL

OR

the reason or principal reason for the dismissal is that the employee is redundant and the requirements regarding suitable alternative vacancies have not been complied with.

Right not to be subjected to any detriment because:

The employee took, sought to take or made use of the benefits of SPL

The employer believed that the employee was likely to take SPL

OR

The employee took, considered taking or refused to take keeping in touch (SPLIT) days

5.0 **Rights during Shared Parental Leave**

Chesterfield Borough Council (CBC) are not obliged to maintain normal pay or contractual benefits during the period of leave but the following terms must continue :

- rights to notice of termination, should CBC seek to terminate your contract whilst you are absent on parental leave
- compensation in the event redundancy
- the application of the disciplinary and grievance procedures
- the implied duty of trust and confidence.

You also have duties during parental leave. You will continue to be bound by;

- the duty to give notice according to the terms and conditions of your contract, if you decide to resign
- the implied duty of good faith
- any terms in your contract relating to the disclosure of confidential information, the acceptance of gifts or other benefits, or participation in any other business.

6.0 **Failure to return to work after Shared Parental Leave**

If you fail to return on the agreed date you will be dealt with as an unexplained absence. If you have exceeded your period of leave without authority or good reason, it will be dealt with through the disciplinary procedure.

7.0 **Surrogacy**

Employees having a child through a surrogate mother and who have applied or intend to apply with another person for a parental order in respect of the child may be entitled to ordinary and additional adoption leave and time off for antenatal appointments subject to some eligibility and notification requirements.

For further guidance on the SPL regulations see the BIS guidance at www.gov.uk/shared-parental-leave and ACAS at www.acas.org.uk

Appendix 1

Checklist for arranging Shared Parental Leave

Employers and employees may use this checklist to ensure everything is in place, and keep it as a record of actions taken.

Action	
<p>Does the employee know what the policy is on SPL?</p> <p>Has maternity/adoption leave/pay ended or has a date been confirmed when it will end?</p> <p>Has the employee correctly completed a notice of entitlement to take SPL?</p> <p>How much SPL does the employee have available for them to take?</p> <p>Has a meeting been arranged to discuss possible leave?</p> <p>Has a notice to book leave been made?</p> <p>Has a meeting to discuss the notice to book SPL been arranged?</p> <p>Has contact during SPL been discussed?</p> <p>Contact details whilst on SPL for issue of payslips and other necessary contact by Council</p> <p>Has a response to the notice to book SPL been given within 14 calendar days?</p> <p>What leave period has been arranged?</p> <p>How many notices to book leave are remaining?</p> <p>How much SPL does the employee still have available for them to take?</p> <p>SPLIT days entitlement and process</p> <p>Has Annual leave been discussed regarding time outstanding prior to SPL being taken?</p>	

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Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HR & Payroll

Section: HR

Lead Officer: Kay Vaughan

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Shared Parental Leave

Is the policy, project, service, function or strategy:

Existing

Changed

New

Q1 - What is the aim of your policy or new service?

To set out the Council's guidance in relation to Shared Parental Leave entitlement in accordance with new legislation. The aim of developing and publishing this guidance is to provide clarity in the process that needs to be followed by the employee and the Council, what an employee is entitled to claim in respect of leave and pay should they wish to apply for Shared Parental Leave and if they meet the eligibility criteria.

Q2 - Who is the policy or service going to benefit?

The policy is not going to benefit any specific group, however, it will ensure equality for fathers, mothers or adopters partners where eligible, to opt to take shared parental leave instead of the mother having their full entitlement to maternity leave.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.			X
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			X
Gender – men, women and transgender.	X		
Marital status including civil partnership.			X
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.	X		
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			X
Ethnic Groups			X
Religions and Beliefs including those with no religion and/or beliefs.			X
Other groups e.g. those experiencing deprivation and/or health inequalities.			X

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes

No

Q5 - Reasons for this decision:

Whilst this guidance policy sets out the principles which underpin the Council's policy for the whole of the workforce, the key purpose is to publicise how the Council intends to implement the legislation that has been introduced nationally and is a mandatory requirement. There is a potential positive impact across gender and pregnant /maternity and paternity groups where the circumstances apply.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.