

Public Document Pack

Date of meeting Tuesday, 9 July 2013
Time 7.00 pm
Venue Committee Room 1, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Nick Lamper
01782 742227

Staffing Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **MINUTES OF LAST MEETING** (Pages 1 - 6)
Held on 13 March 2013, to be signed as a correct record.
- 3 **Declarations of Interest**
- 4 **MINUTES OF THE EMPLOYEES CONSULTATIVE COMMITTEE** (Pages 7 - 10)
Minutes of the meeting held on 17 June 2013 attached for information.
- 5 **Review of Policy on Flexible Retirement for Members of the Local Government Pension Scheme** (Pages 11 - 16)
- 6 **Sickness Absence Reporting Procedure** (Pages 17 - 24)
- 7 **Parental Leave Policy and Procedure** (Pages 25 - 36)
- 8 **Review of Charging Arrangements for Replacement Equipment Issued to Staff** (Pages 37 - 42)
- 9 **Review of Terms and Conditions of Service 2013/14** (Pages 43 - 48)

Members: Councillors Mrs Hambleton (Chair), Holland, Howells, Olszewski, Miss Reddish, Mrs Shenton, Snell, Stubbs, Sweeney, Turner, White and Mrs Williams

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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STAFFING COMMITTEE

7.00 pm, Wednesday, 13 March 2013

Present:- Councillor Mrs Sandra Hambleton – in the Chair

Councillors Howells, Olszewski, Miss Reddish, Stringer, Studd, Sweeney, Tagg, J Taylor and Mrs Williams

In attendance:- John Sellgren (Chief Executive), Dave Adams (Executive Director – Operational Services), Richard Durrant (Head of Human Resources), Paul Clisby (Head of Central Services) and Nick Lamper (Senior Member Services Officer)

1. APOLOGIES

No apologies for absence were submitted.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

Resolved: That the minutes of the meeting held on 7 November 2012 be approved as a correct record and signed by the chair.

4. MINUTES OF THE EMPLOYEES CONSULTATIVE COMMITTEE

The minutes of the meeting of the Employees Consultative Committee held on 18 February 2013 were submitted for information.

Resolved: That the proceedings of the meeting be noted.

5. NIGHT WORKING RATES

A report was submitted seeking the committee's determination of the level of pay enhancements to be paid to employees who volunteered to work at night on an occasional basis instead of their normal working hours.

Officers had proposed an enhanced rate of time-and-a-third for hours worked between 23.00 and 06.00 when this was not part of the normal working week, but the trade unions had proposed time-and-a-third plus the hours worked to be taken as time off in lieu.

The matter had also been considered at the meeting of the Employees Consultative Committee held on 18 February 2013 (minute 6 refers).

Resolved: That further negotiations be undertaken with the trade unions in relation to the proposals.

6. INFORMATION SECURITY POLICIES

A report was submitted advising the committee of any staffing matters arising from the annual review of the council's information security policies and a new Data Transfer Policy and Procedure.

The report set out a summary of amendments made to existing policies and proposed minor amendments to the draft Data Transfer Policy and Procedure, which had arisen from discussions undertaken with the trade unions in January 2013. The proposals had been endorsed by the Employees Consultative Committee at its meeting on 18 February 2013 (minute 7 refers).

Resolved:

- (1) That the summary of amendments to existing policies set out at Appendix A to the report, be noted.
- (2) That that the draft Data Transfer Policy and Procedure set out at Appendix B to the report be endorsed, subject to the incorporation of the minor amendments detailed within the report.

7. RECRUITMENT, SELECTION AND INDUCTION POLICY

A report was set out seeking the committee's endorsement of a Recruitment, Selection and Induction Policy, to replace the council's existing Recruitment, Selection and Induction Code of Practice.

The policy had been endorsed by the Employees Consultative Committee at its meeting on 18 February 2013.

It was reported that the Criminal Records Bureau and Independent Safeguarding Authority had merged to become the Disclosure and Barring Service on 1 December 2012, and references in the policy would be amended accordingly to reflect the operation of the Vetting and Barring Scheme which would be in operation from 1 April 2013.

Resolved: That the Recruitment, Selection and Induction Policy as submitted be endorsed.

8. PROPOSED WORK SCHEDULE

A report was submitted to enable the committee to consider and prioritise a schedule for work for the coming 12 to 18 months.

Resolved: That the order of priority for consideration of the employment policies set out in Appendix B to the report be confirmed.

9. ARRANGEMENTS FOR DETERMINING EMPLOYMENT RELATED APPEALS

A report was submitted seeking the committee's confirmation of arrangements for the involvement of elected members in employment-related appeals.

The report indicated that it was considered that the involvement of members in the process would provide significant benefits in terms of accountability, democratic authority and separation from the initial decisions being reviewed.

The proposals were debated at length, with some members expressing reservations over the involvement of members in the process while the majority were supportive of the principle.

Resolved:

- (1) That a sub-committee of the staffing committee comprising five members be established to deal with employee appeals in respect of Bullying and Harassment; Capability Policy; Disciplinary Procedure; Grievance Procedure; and Restructuring and Redundancy Policy and Procedure (Unfair Selection for Redundancy), in accordance with the appropriate policies;
- (2) That each of the named policies be amended to provide for appeals to be dealt with by the sub-committee; and
- (3) That all members of the sub-committee be required to complete relevant training before serving in that capacity.

(Councillors Howells, Sweeney and Tagg requested that their votes against the proposal be recorded in the minutes.)

10. REVIEW OF TERMS AND CONDITIONS OF SERVICE

A report was submitted to update the committee on the latest position regarding consultations undertaken with the trade unions in relation to the review of terms and conditions to achieve a saving of £100,000 in the 2013/14 budget.

It was noted that some items which had previously been the subject of discussions no longer appeared in Appendix A to the report (proposed changes to terms and conditions), and it was explained that those items had been removed as agreement had now been reached in respect of them.

The Chief Executive confirmed that a letter had been sent to all staff in respect of the proposals and undertook to ensure that a copy of the letter was appended to the minutes of the meeting for information.

Resolved:

- (1) That the proposals set out in Appendix A to the report be endorsed; and
- (2) That the Chief Executive be authorised to approve revised proposals in consultation with the Leader of the Council, the Portfolio Holder for Finance and Budget Management, the Chair of the Staffing Committee and the Chair of the Employees Consultative Committee.

11. URGENT BUSINESS

There was no urgent business.

COUNCILLOR MRS SANDRA HAMBLETON
Chair

The meeting concluded at 7.45 pm.

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4 March 2013

Dear

Newcastle Borough Council changes to terms and conditions of employment

You will be aware that following the consultation which was launched on 22 November 2012, Members have been meeting regularly with the Trade Union representatives to seek to agree a package which would be put forward for a ballot with a view to entering into a collective agreement. The consultation period ended on 20 February.

Members were clear at the outset of the consultation period that they require a package of savings from terms and conditions which would enable the council to make a saving of £100,000 on its 2013/14 budget. Members have also done this in the context of agreeing not to make any redundancies and to introduce the Living Wage to assist the lowest paid staff. This still remains the position and the Council has approved a budget with savings totalling £1.9m of which £100,000 are to be achieved through a reduction in terms and conditions.

The discussions between the Members and the Trade Unions have reached the point where four of the original proposals have been identified to make the savings. These are as follows:

Removal of telephone allowances	£2,600
Removal of payment of professional fees	£12,600
Conversion of Bank Holiday Tuesdays to annual leave	£18,700
Phasing out of subsidy paid towards lease cars	£67,000

Members consider that this is a fair package of measures and the best that can be achieved.

At a meeting on 28 February the trade unions agreed to ballot their members and recommend approval of the changes proposed in relation to telephone allowances, professional fees and Bank Holiday Tuesdays, with a view to the changes being implemented from 1 April 2013.

Discussions are continuing to establish whether agreement can be reached on implementation of the proposal regarding car leases.

Details of the specific proposals to deliver the savings are attached.

Cont'd

All of the comments made by staff either through the employment@newcastle-staffs.gov.uk email address or in the comment boxes have been reviewed by Members and they have asked me to thank you for this feedback which they have found helpful in enabling them to finalise a package of measures.

I would also like to thank you for your part in engaging with the consultation and I would hope to be able to inform you of the final outcome shortly.

Yours sincerely

A handwritten signature in black ink, appearing to be 'JS', is written over a horizontal line. The signature is stylized and cursive.

John Sellgren
Chief Executive

john.sellgren@newcastle-staffs.gov.uk
01782 742101

EMPLOYEES CONSULTATIVE COMMITTEE

10.00 am, Monday, 17 June, 2013

- Present:-** Councillor Mrs Elizabeth Shenton – in the Chair
- Councillors Stubbs, Sweeney, Taylor.J and Turner
- Employee representatives:-** Paul Pickerill (GMB/Apex) (Employees' Side Chair), Phil Bartels (GMB/Apex), Jackie Cicatello (Unison), Andy Cowden (GMB/Apex), Kim Graham (Unison) and Gary Morgan (GMB/Apex)
- In attendance:-** Councillors Sandra Hambleton (Chair of the Staffing Committee) and Mike Stubbs (Portfolio Holder for Finance and Resources)
- Officers:-** Richard Durrant (Head of Human Resources), Paul Clisby (Head of Central Services), Nick Lamper (Senior Member Services Officer) and Jayne Briscoe (Democratic Services Officer)

1. APOLOGIES

There were no apologies.

2. MINUTES OF LAST MEETING

The minutes of the meeting held on 18 February 2013 were approved as a correct record and signed by the Chair.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. EXCLUSION OF PRESS AND PUBLIC

Resolved: That the press and public be excluded from the meeting during the consideration of items 5 to 10 inclusive as there would be likely to be a disclosure of exempt information as defined in paragraph 4 of Part I of Schedule 12A of the Local Government Act 1972.

5. ATTENDANCE MANAGEMENT

A report was submitted to update the Committee on progress regarding attendance management. The report included a summary of the total average number of days sick per employee during 2012/13.

Richard Durrant, Head of Human Resources, reported that during 2012/13 there had been a significant number of employees who had been absent from work due to long-term health issues. Consequently, the authority had introduced a number of initiatives designed to help prevent long term illness including bone density measurement, cancer awareness and cessation of smoking support. He added that

it may be necessary in the future to consult with trade unions with regard to the issue of electronic cigarettes which were being smoked during the working day.

The report also set out benchmarking information for 2012/13 obtained from a survey of 25 West Midlands authorities. The survey ranked Newcastle Borough Council at 8th within the group for the average number of days absence. It was hoped that preventative measures would impact to reduce this figure during the next financial year.

Paul Pickerill (GMB/Apex) noted that it was difficult to manage long term sickness and felt that the challenge to managers was to be proactive to help reduce short term absence.

It was agreed that it would be helpful to have information relating to long term absence and short term absence displayed as a graph to identify trends.

Resolved:

- (1) That the policy be endorsed; and
- (2) That information relating to the short term and long term absence of employees be included as a graph within the report to the next meeting of the Committee.

6. POLICY ON FLEXIBLE RETIREMENT FOR MEMBERS OF THE LOCAL GOVERNMENT PENSION SCHEME

A report was submitted for the view of the Committee on proposed revisions to the flexible retirement for members of the Local Government Pension scheme.

The Local Government Pension Scheme (LGPS) (Benefits, Membership and Contributions) Regulations 2007 provided authorities with discretionary powers to allow eligible employees (LGPS Scheme members age 55 and over) the option to reduce their working hours/grade whilst also accessing their pension benefits as a way of avoiding the 'cliff edge' of full retirement.

Changes to the proposed policy, which was attached to the report, had been agreed at a previous meeting with trade unions on 10 May 2013.

Paul Pickerill (GMB/APEX) pointed out that, with regard to the words **will not agree** in the clause set out below, the council did not in fact have the power to agree and that it would make more sense to change this to **cannot agree**.

*Be sympathetic to requests involving a phased reduction in working hours, subject to any such arrangements being operationally practicable. However, the Council **will not agree** to requests that would overall, lead to the employee being better off than before flexible retirement and will only consent to the release of the accrued benefits if this is the case.*

Resolved: Subject to the **will not agree** in the above clause being changed to **cannot agree**, the proposals in the report be endorsed.

7. SICKNESS ABSENCE REPORTING PROCEDURE

A report was submitted to obtain the view of the Committee on the proposed revised sickness absence reporting arrangements. The current reporting procedure was

attached to the report together with the revised reporting procedure. A comprehensive review has been completed of the sickness absence reporting procedure and agreed with the trade unions on 10 May 2013 with the exception of the text at end of paragraph (e) ...*does not co-operate with reasonable requests from management/Human Resources*. In this respect officers recommended that it be retained. The trade unions did not agree this was essential to the text but they agreed the revised sickness absence reporting arrangements.

Resolved:

- (1) That the text at the end of paragraph (e) ...*does not co-operate with reasonable requests from management/Human Resources* be retained; and
- (2) That the report be endorsed.

8. PARENTAL LEAVE POLICY AND PROCEDURE

A report was submitted to seek the Committee's view on a proposed Policy and Procedure regarding employees who were parents and who requested unpaid time off work to look after a child together with the process to be followed for such requests. Parental leave had been introduced by the Maternity and Parental Leave Regulations 1999 to give parents of young and/or disabled children the right to take a period of time off work to look after their child.

The trade unions had been consulted on 10 May 2013 and were in agreement that it should be implemented.

Resolved: That the proposed policy be endorsed.

9. REVIEW OF CHARGING ARRANGEMENTS FOR REPLACEMENT EQUIPMENT ISSUED TO STAFF

A report was submitted to obtain the view of the Committee on a proposed policy to ensure a consistent approach to dealing with instances when equipment issued to staff required replacement as a result of their negligence.

The types of equipment issued to staff varied considerably across the authority as did replacement cost. There was an obligation on employees to take reasonable measures to use and maintain equipment appropriately and to take reasonable precautions regarding its security. This had been taken into account in developing the proposed policy, together with what action was considered to be reasonable and appropriate in circumstances where an employee may have been negligent in this respect and in particular where they had been persistently negligent.

The trade unions had been consulted on 10 May 2013 and supported the proposed approach.

Resolved: That the proposed policy be endorsed.

10. URGENT BUSINESS

There were no items of urgent business.

11. PAUL CLISBY, HEAD OF CENTRAL SERVICES

Employees Consultative Committee - 17/06/13

The Chair referred to the imminent departure of Paul Clisby who would be leaving the authority to take up another position. On behalf of the Committee she thanked him for his service and wished him future success.

COUNCILLOR MRS ELIZABETH SHENTON
Chair

The meeting concluded at 10.45 am.

Agenda Item 5

1. REVIEW OF POLICY ON FLEXIBLE RETIREMENT FOR MEMBERS OF THE LOCAL GOVERNMENT PENSION SCHEME

Submitted by: Executive Management Team

Portfolio: Finance and Resources

Purpose of the Report

To advise the Committee of any staffing matters arising from a recent review of the council's Policy on Flexible Retirement.

Recommendations

- (a) That the proposed changes to the Policy as detailed at Appendix A be approved.
- (b) That the recommendation of the Employees Consultative Committee on 17 June 2013, that at paragraph 3 vii, line 2, the words 'will not agree' be replaced with 'can not agree' also be incorporated into the revised policy.

1. Background

1.1 The Local Government Pension Scheme (LGPS) (Benefits, Membership and Contributions Regulations) 2007 provided authorities with discretionary powers to allow eligible employees (LGPS Scheme members age 55 and over) the option to reduce their working hours/grade whilst also accessing their pension benefits as a way of avoiding the 'cliff edge' of full retirement. However, authorities are required to demonstrate that any policy on flexible retirement is workable, affordable and reasonable, having regard to the foreseeable costs and that requests are approved only when it is in the authority's interest to do so.

1.2 The council's policy was approved by Cabinet in December 2008 and since then a total of eight employees have taken advantage of the scheme as follows:

Planning and Development	-	3
Assets	-	1
Central Services	-	1
Revenues and Benefits	-	1
Fleet Services (Garage Workshops)	-	1
Operations	-	1

2. Issues

2.1 The policy provides for new (reduced) hours and/or grade to be agreed with employees and for employees to then continue in employment until the council's Normal Retirement Age, at which point the Age Retirement Procedure will apply.

2.2 However, as a result of changes in employment legislation to prevent 'age discrimination', from October 2011 employers could no longer require employees to retire at the 'Default Retirement Age' (65). As a consequence of this, the council's Age Retirement Procedure was revoked and the reference to it at Section 3 (iv) in the Flexible Retirement Policy needs to be removed.

2.3 The LGPS Regulations (Miscellaneous Regulations) 2012 clarified that position for employees in respect of their options for drawing accrued benefits on flexible retirement. In effect, they are required to draw benefits derived from all LGPS membership prior to 1 April 2008 but have an option to take all, part, or none of the benefits derived from membership on or after 1 April 2008. A note to this effect has been included following Section 3(vii) of the Scheme.

2.4 The Head of HR and the previous Chair of the Employees Consultative Committee (ECC) met with the trade unions on 10 May 2013 to discuss the proposed changes and these were agreed. At the meeting the trade unions also requested that the following text be added at Section 3(vii):

The council will ...

'Be sympathetic to requests involving a phased reduction in working hours, subject to any such arrangements being potentially practicable. However, ...'

2.5 Your Officers felt it was reasonable for this to be incorporated into the Policy and this was recommended to the 17 June 2013 meeting of the ECC.

2.6 At this meeting it was also suggested that the words *'will not agree'* at paragraph 3 vii, line 2, be replaced with *'can not agree'* as under the Regulations, the council has no discretion in respect of any decision and may only agree requests that overall lead to an employee being no better off financially than they were before taking flexible retirement.

3. **Legal and Statutory Implications**

3.1 The review of the Scheme as proposed will ensure the council continues to comply with current employment legislation regarding removal of the 'Default Retirement Age'.

3.2 The proposed revised policy will also ensure that employees considering flexible retirement are fully aware of the position regarding the Local Government Pensions Scheme Regulations (Miscellaneous Regulations) 2012.

4. **Equality Impact Assessment**

4.1 The Policy is designed to ensure that requests for flexible retirement from eligible employees are dealt with fairly and consistently. No significant differential impact has been identified.

5. **Financial and Resource Implications**

5.1 Under the current and proposed revised Policy, requests for flexible retirement are approved only when it is in the council's interests to do so on the basis that there is no detrimental effect on service delivery and that any pension strain costs are affordable and are within existing budget limits.

6. **Major Risks**

6.1 None.

7. **Earlier Cabinet/Committee Resolutions**

Cabinet, 3 December 2008

8. **List of Appendices**

- Appendix A - Current Policy on Flexible Retirement for Members of the Local Government Pensions Scheme with proposed changes highlighted.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

FLEXIBLE RETIREMENT FOR MEMBERS OF THE LOCAL GOVERNMENT PENSION SCHEME

POLICY STATEMENT

1. This policy is made in accordance with the Local Government Pension Scheme (Amendment) (No. 2) Regulations 2006 the Local Government Pension Scheme (Benefits, Membership and Contributions Regulations) 2007 *and the Local Government Pension Scheme Regulations (Miscellaneous Regulations) (2012)* and will normally be reviewed annually. If the council decides to change its policy it will publish a statement of the amended policy within one month of the date of its decision.
2. In formulating and reviewing its policy, the council:
 - i) has regard to the extent to which the exercise of its discretionary powers (in accordance with the policy), unless properly limited, could lead to a loss of confidence in the public service; and
 - ii) is satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.
3. In response to written requests from eligible employees for Flexible Retirement, the Council will:
 - i) Consider all requests for flexible retirement. The key factors that will be taken into account are:
 - There will be no detrimental effect on service delivery
 - There is alternative work at a lower grade or reduced hours
 - The arrangement is fair and equitable to other employees
 - Pension strain costs are affordable and can be justified
 - The employee is fully aware of the implications of drawing the pension early particularly where there is an actuarial pension reduction.
 - ii) Approve requests only when it is in the Council's interests to do so. All costs falling on the Council as an employer must be affordable and within existing budget limits. Where this is not achievable, the proposal should be accompanied by a plan detailing how any costs will be recovered.
 - iii) A request should typically involve a reduction in salary of at least 40%, either through reduced hours or level of responsibility (grade) or a combination of these.
 - iv) The employee's contract of employment will be amended by mutual agreement to reflect the new hours or grade, as agreed, and continuity of service will be preserved for terms and conditions purposes.

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- v) The Council will not agree to waive pension benefit reductions.
- vi) Following the reduction in hours or grade, the Council will not offer alternative employment to top-up the loss of income.
- vii) Be sympathetic to requests involving a phased reduction in working hours, subject to any such arrangements being operationally practicable. However, the Council will not agree to requests that would, overall, lead to the employee being better off than before flexible retirement and will only consent to the release of the accrued benefits if this is the case.

*Note Retirement benefits drawn on flexible retirement must include all of those which may have accrued in respect of active membership under the 1997 Regulations and may, according to the wishes of the employee, include all or part of none of the benefits accrued in respect of membership under the 2008 Scheme.

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4. **Approval Process**

- 4.1 Applications must always be in writing to the Executive Director (Resources and Support Services) stating the reasons for the request and the details of what is being requested.
- 4.2 When considering requests, the Executive Director (Resources and Support Services) will take into account the impact on the organisation or the service, proposals to cover any change, staff resource issues and, if necessary, details of how any costs will be recovered.
- 4.3 The Executive Director (Resources & Support Services) will approve the request only when satisfied that the flexible retirement is in the overall interests of the Council and after consultation with the Portfolio Holder (Resources and Efficiency).
- 4.4 Appeals regarding any decision taken in 4.3 (above) to be determined by the council's Appeals Panel.

5. **Review**

- 5.1 The Policy is to be reviewed annually.

Approved December 2008 – Cabinet

Reviewed April 2009 – No changes

Reviewed April 2010 – No changes

Reviewed December 2011 – No changes

- Reviewed June 2013 – Reference to Miscellaneous Regulations (2012) added at 3(vii)
- Reference to Age Retirement Procedure deleted at 3(iv)
 - Reference to requests for phased reduction in hours to be treated sympathetically added at 3(vii)
 - Note clarifying options for claiming benefits added after 3(vii)

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Agenda Item 6

1. SICKNESS ABSENCE REPORTING PROCEDURE

Submitted by: Executive Management Team

Portfolio: Finance and Resources

Purpose of the Report

To obtain the approval for proposed revised sickness absence reporting arrangements.

Recommendation

That the proposed changes to the Sickness Absence Reporting Procedure be approved as indicated at Appendix B.

1. **Background**

- 1.1 The council's Attendance Management Policy and Procedure is to be reviewed later in the year in accordance with the Staffing Committee's agreed work plan and a revised Policy and Procedure will be submitted to a future meeting following consultation with the trade unions.
- 1.2 A comprehensive review has already been completed of the sickness absence reporting part of the procedure and the Head of HR and the previous Chair of the Employees Consultative Committee (ECC) met with the trade unions on 10 May 2013 to discuss the proposed revisions.
- 1.3 The proposed revised procedure was discussed at the ECC meeting on 17 June 2013.

2. **Issues**

- 2.1 The current reporting procedure is attached at Appendix A and the proposed revised reporting procedure at Appendix B.
- 2.2 The tracked changes/deletions shown at Appendix B paragraphs (b), (d) and (e) were agreed with the trade unions at the meeting on 10 May 2013 apart from the suggestion of the trade unions that the text at the end of paragraph (e) ... *'does not co-operate with reasonable requests from management/Human Resources, or ...'* should be deleted. However, at the Employees Consultative Committee on 17 June 2013, it was resolved that this wording should be retained.

3. **Legal and Statutory Implications**

None.

4. **Equality Impact Assessment**

The procedure applies equally to all employees.

5. **Financial and Resource Implications**

None.

6. **Major Risks**

None.

7. **List of Appendices**

- Appendix A - Current Sickness Absence Reporting Procedure
- Appendix B - Proposed Sickness Absence Reporting Procedure

Sickness Absence Reporting Procedure (CURRENT)

Your entitlements during any absence due to sickness or injury are as set out in the Scheme of Conditions of Service and the appropriate legislation.

The procedure to be followed in the event of sickness absence is as follows:-

- a) Notify the designated person in your Service as soon as possible on the first day of your absence stating the reason for and the possible duration of the absence. You must also state which day your illness commenced (including Saturdays, Sundays, Bank Holidays and other days you do not normally work).

The designated person would normally be your line manager, but this is not always the case. If you are unsure who it is, please contact your line manager to find out. You should contact the designated person by telephone yourself wherever possible. **It is not acceptable to leave a message with call centre staff or to make contact using text messaging.** If the designated person is unavailable when you call, you must either call again later or leave a contact number so they can ring you back later in the day.

You must ensure you contact your line manager to update them of any changes to the current situation.

- b) You must complete a SELF CERTIFICATE for each absence of 4 calendar days or more, unless you have a STATEMENT OF FITNESS FOR WORK (Med 3 04/10), (generally known as a FIT NOTE) from your doctor which covers you from the first day of absence. The Self Certificate form is available from your Directorate's administration staff or from Human Resources – (Payroll (tel 742152)), or on the intranet (Human Resources/Payroll/Forms) and should be completed as soon as possible once you have been absent for 4 calendar days.
- c) You must obtain a STATEMENT OF FITNESS FOR WORK for absences of more than 7 calendar days. The Fit Note must be signed by a doctor and when completed, forwarded to your Service without delay. You must where possible keep in regular contact with your line manager, informing them of the likely duration of your absence and the prognosis of your condition.
- d) You must provide further Fit Notes to cover the total period of your absence. **All Fit Notes must be dated to run consecutively with no gaps to ensure there are no uncertified periods during the period of absence.**
- e) You do not need a note to say you are fit to return to work. You should return to work as soon as you feel well enough. If this is before your Fit Note runs out, you should discuss this with your manager and obtain their agreement to you returning. However, if your doctor has advised you that it would be unsafe or bad for your health to return to work, you should not return to work before the end date on your Fit Note and if your doctor wants to assess your fitness again before you return to work, they will indicate this on the note.
- f) If your entitlement to Statutory Sick Pay runs out, you must still produce Fit Notes to your Service. These will then be forwarded to the Department of Work and Pensions (DWP) by Human Resources. Any notifications you receive from the DWP regarding Sickness/Incapacity Benefit must be produced to Human Resources (Payroll).

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DRAFT FOR CONSULTATION

May/June 2013

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Sickness Absence Reporting Procedure

a) An employee who is sick and cannot attend work should normally contact their manager (or the person designated for the purpose within the service area) by telephone as soon as possible on the first day of absence, or within one hour of their normal start time at the latest.

b) Employees should not normally ask anyone else to make contact on their behalf unless it is not possible for them to do so. If the designated person is not available when the call is initially made, then attempts must be made to call again later or a contact number *should be left with a work colleague to pass to the manager/supervisor* so that the call can be returned later in the day by the manager/supervisor. *If no work colleagues are available, contact details may be left with the Contact Centre for forwarding to the manager/supervisor.* Absence should not be communicated via text message or email.

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c) When reporting absence from work due to sickness, employees will be expected to give as much of the following information as possible:

- The nature of illness and the anticipated length of absence;
- Details of any outstanding or urgent work that needs to be dealt with during the absence;
- Details of how they can be contacted if necessary, especially where the employee is staying at a different address during their absence.

d) Where an employee becomes ill while at work and feels too unwell to continue working, they must speak to their manager who will give permission for them to leave work (either temporarily or for the day) and for them to seek medical advice where appropriate. When an employee has attended work for half of their normal working day or more but has then had to leave due to illness, this will not be recorded as sickness absence. *When an employee has left work having worked for less than half of their normal day, the day will be recorded as sickness absence.*

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e) Employees who fail to follow the sickness absence procedure may be subject to action under the council's Disciplinary Procedure. Unauthorised absence is considered to be misconduct and will be considered in accordance with the Disciplinary Procedure. In exceptional circumstances, the council reserves the right to withhold Occupational Sick Pay if an individual does not comply with the requirements with this Policy and Procedure.

Deleted: <#>Employees should, wherever possible, make full use of flexible working arrangements.¶

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Deleted: does not co-operate with reasonable requests from management/Human Resources, or

Deleted: <sp>

2. **Certification**

Every absence of 4 calendar days or more has to be certified to ensure prompt and correct payment of occupational and statutory sick pay and to ensure that accurate records are maintained. Employees are required to complete a 'Self Certificate' form (available on Evoice or from Human Resources) for each absence of 4 calendar days or more and forward it to their manager as soon as possible. A Self Certificate is not required when a Statement of Fitness for Work is obtained that covers the employee from the first date of absence. Failure to comply with the certification procedure may result in loss of sick pay. Misleading or false statements will be dealt with under the council's Disciplinary Procedure.

3. **Absences longer than Seven Calendar Days**

If the employee continues to be absent for more than 7 consecutive days (regardless of whether or not these are working days) they must consult a doctor and obtain a Statement of Fitness for Work or 'Fit Note', for the eighth day onward, which must be forwarded immediately to HR – Payroll office. Any delay in receiving the statement will require an explanation and may lead to sick pay being withheld. The employee must also contact their manager on the eighth day of absence to inform them of relevant details and likely length of absence.

Notes must be dated to run consecutively with no gaps to ensure there are not uncertified periods during the period of absence.

4. **The Statement of Fitness for Work or 'Fit Note'**

The Statement of Fitness for Work or 'Fit Note', focuses on what an employee may be able to do at work rather than what they cannot do.

A GP will be able to suggest ways and temporary adjustments that may help an employee to get back to work. This might mean discussing:

- a phased return to work
- flexible working
- amended duties
- workplace adaptations

The GP's recommendations are not legally binding and the employer does not have to act on the advice or suggestions. If the changes suggested cannot be made for whatever reason, the statement will be regarded as saying 'not fit for work' for sick pay purposes. An employer is, of course, obliged to pay statutory sick pay and to make reasonable adjustments under the Equality Act 2010.

You do not need a note to say you are fit to return to work. You should return to work as soon as you feel well enough. If this is before your 'Fit Note' runs out, you should discuss this with your manager and obtain their agreement to your return. However, if your doctor has advised that it would be unsafe or bad for your health to return to work, you should not return to work before the end date on your 'Fit Note' and if your GP wants to assess your fitness again before you return to work, they will indicate this on the note.

5. **Hospitalisation**

In the event of hospitalisation, the same notification procedure should be followed unless the sickness/hospitalisation prevents this. The manager should be notified of the hospitalisation as soon as practicably possible, either by the employee or by a person acting on their behalf. Hospital admittance and discharge certificates should also be forwarded to the manager as soon as possible. It is not expected that employees should send further medical certificates during a stay in hospital providing admittance certificates have been forwarded.

Following the period of hospitalisation, any additional sickness absence reporting necessary should follow the procedure outlined in paragraphs 2 and 3.

6. **Statutory Sick Pay Expires**

If your entitlement to Statutory Sick Pay runs out, you must still produce 'Fit Notes' to HR – Payroll office. These will then be forwarded to the Department for Work and Pensions (DWP) by HR – Payroll. Any notifications you receive from the DWP regarding Employment and Support Allowance must be sent to HR – Payroll.

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1. PARENTAL LEAVE POLICY AND PROCEDURE

Submitted by: Executive Management Team

Portfolio: Finance and Resources

Purpose of the Report

To obtain approval for a proposed Policy and Procedure regarding employees who are parents and who request unpaid time off work to look after a child and the process to be followed for such requests.

Recommendation

That the proposed Policy and Procedure attached at Appendix A be approved.

1. Background

- 1.1 Parental leave was introduced by the Maternity and Parental Leave Regulations 1999 to give parents of young and or disabled children the right to take a period of time off work to look after their child. Parents can use it to spend more time with children and strike a better balance between their work and family commitments. The leave is unpaid.
- 1.2 To be eligible for parental leave you must
 - Be an employee
 - Have or expect to have parental responsibility
 - Have worked for your employer for at least one year
- 1.3 In addition, you child must either
 - Be under 5 years old, or
 - Have been adopted by you on or after 15 December 1999, or
 - Be claiming Disability Living Allowance (DLA) and be under 18 years old
- 1.4 Parental leave can be taken at any time prior to your child's 5th birthday. In the case of adoption, you can take parental leave at any time prior to the 5th anniversary of the date when the placement for adoption began, or your child's 18th birthday if earlier. If your child is claiming DLA you can take the leave at any time up to your child's 18th birthday.
- 1.5 There are rules about how much parental leave you can take (up to 18 weeks per child), when it can be taken and there are certain minimum notification requirements that must be complied with.

2. Issues

- 2.1 To date, only one Newcastle Borough Council employee has applied for Parental Leave. However, it is good practice for employers to have a policy and procedure in place so that staff are made aware of their entitlements to and the conditions of taking parental leave and the process to be followed when applying.

2.2 The Head of HR and the previous Chair of the Employees Consultative Committee therefore met with the trade unions on 10 May 2013 to discuss a proposed Policy and Procedure (copy attached at Appendix A). The trade unions were in agreement that it should be implemented and did not suggest any revisions/additions to the content.

2.3 The proposed Policy and Procedure was subsequently discussed and endorsed at the ECC meeting on 17 June 2013.

3. **Legal and Statutory Implications**

Implementation of the proposed Policy and Procedure will ensure the council continues to comply with the Maternity and Parental Leave Regulations 1999 and that best practice is followed when dealing with future requests.

4. **Equality Impact Assessment**

4.1 The Policy and Procedure will ensure a consistent approach to processing requests from staff.

5. **Financial and Resource Implications**

5.1 Parental leave is unpaid and so there are no direct costs.

5.2 As Parental leave is unpaid, few requests are likely. However, on occasions there may be an indirect cost when it is necessary to backfill a post of a person who is taking parental leave. It is anticipated that these costs would be met from within existing approved budgets.

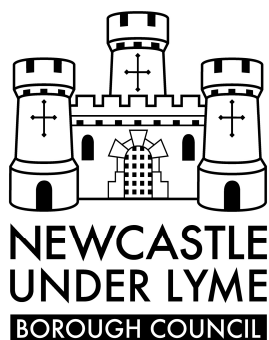
6. **Major Risks**

6.1 None.

7. **List of Appendices**

Appendix A - Proposed Parental Leave Policy and Procedure

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PARENTAL LEAVE POLICY AND PROCEDURE

Originated: November 2009

Classification: NULBC **PROTECT** Management

Updated: March 2013

Human Resources Shared Drive/Policies & Procedures/Parental Leave Policy & Procedure

June 2007

Classification: NULBC **PROTECT** Management
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Parental Leave Policy and Procedure

1. Introduction

The right to parental leave is a statutory right, introduced by the Employment Relations Act 1999 and the Maternity and Parental Leave Regulations 1999. The purpose of this policy is to provide both managers and employees with a general understanding of the main provisions of parental leave, and to provide a clear process for the approval and of parental leave.

2. What is Parental Leave?

- 2.1 Parental leave is planned, unpaid time off work for parents to look after a child or make arrangements for a child's welfare. Parents can use it to spend more time with their children and to balance work and family commitments.
- 2.2 Employees remain employed whilst on parental leave and terms such as contractual notice and redundancy terms will still apply. At the end of parental leave, an employee is guaranteed the right to return to the same job as before if the leave was for a period of four weeks or less. If it was for a longer period the employee is entitled to return to the same job, or, if that is not reasonably practicable, a similar job which has the same status, terms and conditions as the original job.
- 2.3 When parental leave follows maternity leave, the general rule is that a woman is entitled to return to the same job she had before the leave. If at the end of additional maternity leave, this would not have been reasonably practicable and it is still not reasonably practicable at the end of parental leave, she is entitled to return to a similar job which has the same status and terms and conditions as the original job.

3. How does an employee qualify for Parental Leave?

3.1 To qualify for Parental Leave an employee must:

- Have a contract of employment with the Council;
 - parents who take part of their parental leave with one employer and then change employer may not take the balance of the parental leave due to them until they have worked for the Council for at least one year (in which event, the Council may well ask for evidence of the amount of parental leave with one or more previous employers).
- Have at least one year's continuous service with the Council;
- Have, or expect to have parental responsibility for the child, which includes employees that are/have:
 - the parent (named on the birth certificate) of a child under five years old; (or a disabled child under the age of eighteen); or
 - adopted a child under the age of eighteen (the right lasts for five years from the date on which the child is placed for adoption; or until the child's 18th birthday, whichever is the sooner); or
 - acquired formal parental responsibility under the Children Act 1989, for a child under five years old (or a disabled child under the age of eighteen).

This includes for example, same or mixed sex parents, an appointed guardian or grandparents taking on the parenting role.

- acquired formal responsibilities under the Children Act 1989 for fostering a child. Part 9 of the Act is about private arrangements for fostering children. The definition of a privately fostered child is set out in section 66 of the Act. Essentially, a privately fostered child is one who is under the age of 16 (under if the child is disabled) and who is cared for and accommodated for 28 consecutive days or more by someone other than a parent, other person with parental responsibility or a close relative (such as grandparent, brother, sister, uncle or aunt (whether of full blood or half blood or by affinity) or step-parent).
- In the case of multiple births or the adoption of more than one child as part of the same placement, the employee has the right to take parental leave in respect of each child. Therefore, in the event of twins being born, each parent would be entitled to take a total of 36 weeks' parental leave during the period up to the twins fifth birthday.

4. **Duration of Parental Leave**

- 4.1 An employee is entitled to up to 18 weeks' unpaid parental leave for each child (prior to 8 March 2013, entitlement was to 13 weeks' Parental Leave). Parental Leave stops when a child reaches the age of five years old. If an employee has, for example, two children under the age of five, he or she may take 18 weeks' unpaid parental leave in respect of each of those children.
- 4.2 Parents of adopted children may take up to 18 weeks' parental leave up until the fifth anniversary of the date on which the child was placed for adoption, or the child's 18th birthday if that comes sooner.
- 4.3 An employee who is the parent or adoptive parent of a child who has been awarded Disability Living Allowance is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday.
- 4.4 An employee's parental leave entitlement is an overall entitlement. It does not start again with a new employer. It is per child, not per job. For example, if a new employee joins the Council and has already exhausted their full entitlement to parental leave with a previous employer, they would have no entitlement left.
- 4.5 Generally, employees will only be able to take a maximum of 4 weeks parental leave in any one year. Leave is usually taken in blocks of one week (except where the child is disabled, in which case it may be taken one day at a time. These individual days will be added together to make up completed weeks). One week's parental leave is equivalent to the length of time that an employee is normally required to work in a week. For example, if an employee works full-time, Monday to Friday, they are entitled to five days, while for an employee who works part-time, Monday Tuesday and Friday, they will be entitled to three days leave on a pro-rata basis.
- 4.6 In cases where parental leave is taken in blocks of less than one week, a week is deducted from an employees overall entitlement of 18 weeks. However, employees taking parental leave in respect of a child who is disabled or adopted can take the leave in days or periods shorter than a week.

5. **Conditions of Parental Leave**

- 5.1 An employee is required to give their line manager at least 21 days' notice, specifying when they would like their parental leave to begin and end and to complete the "Application for Parental Leave" form (Appendix 'A'). If an employee wishes to take parental leave immediately after the birth of a child/placement of an adopted child, they should give 21 days' notice before the expected week of childbirth/placement and must specify the expected week of childbirth/placement and the amount of parental leave taken.
- 5.2 On applying for parental leave for the first time for a child, the employee will be asked to produce a copy of the child's birth certificate and entitlement to disability living allowance, where applicable. If this does not show proof of parental responsibility, the employee will be required to produce further evidence, for example, adoption papers.
- 5.3 During any period of unpaid parental leave employees will not make any Local Government Pension Scheme Contributions. However, if employees prefer this unpaid period to count as pensionable service, they will need to indicate this on the "Application for Parental Leave" form (Appendix A).

6. **Postponement of Parental Leave**

- 6.1 The Council may postpone a period of parental leave where the Council considers that the employee's absence would be detrimental to service continuity. For example:
- Where more time is required to make arrangements for covering the employee's work.
 - Where there is a particular employee's skills are needed at a particular time and the work cannot be easily covered.
- 6.2 If postponement is necessary, then this should be discussed with the employee and the revised arrangements and reasons for the postponement confirmed in writing within 7 days of the request. Leave should be postponed for no longer than necessary and in any event no more than 6 months from the requested start date.

7. **Multiple Contracts**

- 7.1 Where an employee works in more than one Service Area/Directorate of the Council, this will not affect the total leave entitlement. If the line manager of one of the jobs wishes to postpone leave, this will have the effect of postponing leave for both of the jobs. It is up to the line managers and the employee concerned to agree a convenient time for parental leave to be taken, so long as this is within six months of the original request.

8. **Misuse of the Parental Leave Scheme**

- 8.1 Any misuse of the Scheme will be dealt with under the Council's Disciplinary Procedure. The following are examples of misuse:
- Taking parental leave for the purposes other than for caring for a child. This will generally be in circumstances where someone other than the employee is taking primary responsibility for the child.

- Making a false statement as to entitlement to parental leave, for example, the age of the child, the relationship with the child or the amount of parental leave taken with a previous employer.

9. **Employment References**

- 9.1 The Council, when obtaining employment references, as part of its standard recruitment process, asks previous employers to provide the details of any parental leave their former employee has taken whilst employed with them.
- 9.2 As this information forms part of an employment reference, it is retained on the employee's personnel file.

10. **Review of this Policy and Procedure**

- 10.1 This policy and procedure will be reviewed annually by Human Resources.

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APPLICATION FOR PARENTAL LEAVE

Please complete the employee details and indicate your preferences by ticking the appropriate box to ensure that the correct arrangements are made in relation to payment of your Local Government Pension Scheme contributions during your parental leave.

You should return the completed form to your line manager at least 21 days prior to the date on which your requested period of parental leave is due to commence.

If you require clarification of any matter prior to completing the form, please contact Human Resources.

Name: _____

Directorate: _____ Service: _____

Job Title: _____ Payroll Number: _____

Date of commencement of employment:

- I would like to apply for () week(s)/day(s) unpaid parental leave from _____ to _____
- I have _____ child/ _____ children (please complete the relevant number) who is/are under the age of five years and will be age _____ at the time parental leave is to be taken. I understand that if asked I will provide proof of this. Name of child and date of birth of child for which leave is requested.

Name: _____ Date of Birth: _____

- If you are not named on the birth certificate please confirm which of the categories set out below you fall into:

Category	Please tick if applicable
A father who was married to the mother at the time of birth	
A parent who has acquired parental responsibility under the Children Act 1989	
A grandparent with a significant parenting role	
A guardian appointed under section 5 of the Children Act 1989	
An adoptive parent (or prospective adoptive parent)	
A spouse or partner of any of the above who is living with the child	
A foster parent	

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4. I have taken _____ days/weeks parental leave with previous employers.
(insert)
5. I am/am not employed by any other Directorate/Service of the Council (please delete as applicable).

If you are employed by another Directorate/Service please give details of your post below:-

Job Title: _____

Directorate/Service: _____

Line Manager: _____

6. Local Government Pension Scheme Contributions

- I wish to pay contributions to the Local Government Pension Scheme in respect of my period of unpaid absence.
- I do not wish to pay contributions to the Local Government Pension Scheme for my period of unpaid absence. I understand that the period not covered by contributions will not count as service towards my pension benefits.
- I am not a member of the Local Government Pension Scheme.

7. I certify that the information provided is correct and understand that any misuse of the scheme may be dealt with under the Council's Disciplinary procedure.

Signed: _____

Date: _____

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PARENTAL LEAVE RECORD

Name of employee:

Name of child:

Entitlement:

Start of parental leave year:
(Child's date of birth)

Leave entitlement expires on:
(5 years from date of child's birth, 18 if disabled or 5 years from date of adoption or until child reaches age 18 (which ever is sooner))

Request for leave		No. weeks absent	Balance due	Approved
From	To			

The entitlement is 18 weeks for parents and for parents of a disabled child, unpaid leave minus any weeks taken with a previous Employer.

- 1 record for each child should be completed.

1. **REVIEW OF CHARGING ARRANGEMENTS FOR REPLACEMENT EQUIPMENT ISSUED TO STAFF**

Submitted by: Executive Management Team

Portfolio: Finance and Resources

Purpose of the Report

To obtain approval for a proposed policy to ensure a consistent approach to dealing with instances when equipment issued to staff requires a replacement as a result of their negligence.

Recommendation

That the proposed charging arrangements attached at Appendix B be approved.

1. **Background**

- 1.1 In September last year, an employee was requested to pay for a replacement car park barrier key at the Central Depot. This was queried by the Employees Side JCC Chair on the basis that there was no council policy in place that had been agreed with the trade unions in relation to charging for replacement equipment and that employees were not aware of any arrangements that were in place.
- 1.2 A review was subsequently undertaken to establish the types and cost of equipment issued to staff across all service areas with a view to a fair and practical future approach being established. Details of items issued are attached at Appendix A.

2. **Issues**

- 2.1 The types of equipment issued to staff varies considerably, as does replacement cost. There is an obligation on employees to take reasonable measures to use and maintain equipment appropriately and to take reasonable precautions regarding its security.
- 2.2 This has been taken into account in developing the proposed policy, together with what action is considered to be reasonable and proportionate in circumstances where an employee may have been negligent in this respect and in particular where they may have been persistently negligent.
- 2.3 A copy of the proposed policy is attached at Appendix B.
- 2.4 The Head of HR and the previous Chair of the Employees Consultative Committee (ECC) met with the trade unions on 10 May 2013 to discuss the policy. The trade unions indicated that they supported the proposed approach and did not suggest any revisions/additions to the content.
- 2.5 The proposed policy was subsequently endorsed at the ECC meeting on 17 June 2013.

3. **Legal and Statutory Implications**

- 3.1 None.

4. **Equality Impact Assessment**

4.1 Implementation will ensure a consistent approach is taken in relation to all employees.

5. **Financial and Resource Implications**

5.1 Implementation of the policy will ensure that full/part recovery of the cost of items requiring replacement as a result of repeated employee negligence.

6. **Major Risks**

6.1 None.

7. **List of Appendices**

- Appendix A - Details of items issued
- Appendix B - Proposed Policy on Charging Arrangements for Replacement Equipment Issued to Staff

REVIEW OF CHARGING ARRANGEMENTS FOR REPLACEMENT EQUIPMENT

Category of Equipment	Item Provided	Estimated Replacement Cost (varies dependent on type)	Service Area	Dept	Charging arrangements in place		Number of replacements issued		
					YES/ NO	If YES COST	2011/12	2012/13	
Clothing - Footwear	Boots/Shoes	£9.99 - £49.95	Leisure	OP	NO	N/A	1 pr	1 pr	
			Streetscene		NO	N/A			
			Waste Operations		NO	N/A			
			Waste & Recycling		NO	N/A			
			Civil Enforcement		NO	N/A			
	Safety Boots/Shoes including Steel Toe Capped	£15.95 - £50.72	Admin	OP	NO	N/A	1	1	
			Landscape Development		NO	N/A			
			Parks & Toilets		NO	N/A			
			Waste & Recycling		NO	N/A			
			Housing		NO	N/A			
Wellingtons	£8.50 - £19.40	Environmental Services	RD	NO	N/A				
		Planning	RD	NO	N/A				
Clothing - Outdoor	Caps	£2.20	Streetscene	OP	NO	N/A	1 pr	1 pr	
	Gloves/Protective Gloves	£1.33 - £9.64	Leisure	OP	NO	N/A	1	1	
			Parks & Toilets		NO	N/A	1	1	
			Streetscene		NO	N/A	As Req'd	As Req'd	
			Waste Operations		NO	N/A	1 pw	1 pw	
			Environmental Services		RD	NO	N/A		
	Jackets/Rain/Waterproof	£38.99 - £85.95	Civil Enforcement	RD	NO	N/A			
			Housing		NO	N/A			
			Environmental Services		NO	N/A			
			Planning		NO	N/A			
			Customer Services	RS	NO	N/A			
			Landscape Development	OP	NO	N/A	1	1	
			Parks & Toilets		NO	N/A			
	Waste & Recycling	NO	N/A						
	Clothing - Protective	Hard Hats/Helmets	£6.82	Landscape Development	OP	NO	N/A	1 pp	1 pp
Streetscene				NO		N/A			
Waste Operations				NO		N/A			
Waste & Recycling				NO		N/A			
Housing				RD		NO	N/A		
Environmental Services						NO	N/A		
Planning		NO	N/A						
Ear defenders		£2.50	Planning	RD	NO	N/A			
Ear protection		£4.00 - £10.00	Streetscene	OP	NO	N/A	1 pr	1 pr	
			Waste Operations		NO	N/A			
Eye protection		£6.70	Streetscene	OP	NO	N/A	1 pr	1 pr	
Goggles		£1.85	Leisure	OP	NO	N/A			
Masks		£8.30	Leisure	OP	NO	N/A	1	1	
Masks - Dust		£10.00	Environmental Services	RD	NO	N/A			
Overalls/Boilersuits		£3.60 - £31.95	Environmental Services	RD	NO	N/A			
			Leisure	OP	NO	N/A	1	1	
			Waste & Recycling		NO	N/A			
White Coveralls	£2.95 - £25	Streetscene	OP	NO	N/A	1 pr	1 pr		
Hi Viz Coat	£16.04 - £25.15	Streetscene	OP	NO	N/A	1	1		
		Waste Operations		NO	N/A	1	1		
		Admin		NO	N/A				
		Waste & Recycling		NO	N/A				
		Landscape Development		NO	N/A				

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			Housing	RD	NO	N/A			
			Environmental Services		NO	N/A			
			Planning		NO	N/A			
	Hi Viz Vest/Waistcoat	£2.15		Planning	RD	NO	N/A		
				Parks & Toilets	OP	NO	N/A	1	1
				Streetscene		NO	N/A	3	3
				Waste Operations		NO	N/A		
				Admin		NO	N/A		
	Landscape Development	NO	N/A						
Clothing - Uniform	Fleece Jacket	£10.00 - £11.05	Admin	OP	NO	N/A	1	1	
			Parks & Toilets		NO	N/A			
	Jumpers	£16.95	Civil Enforcement	RD	NO	N/A			
	Polo Shirts/ Tops	£5.75 - £8.00	Waste & Recycling	OP	NO	N/A	1	1	
			Parks & Toilets		NO	N/A			
	Shirts/Blouses	£6.95 - £21.21	Admin	OP	NO	N/A			
			Customer Services	RS	NO	N/A			
			Civil Enforcement	RD	NO	N/A			
	Sweat shirt	£7.34 - £12.50	Environmental Services	RD	NO	N/A	2	2	
			Streetscene	OP	NO	N/A			
			Waste Operations		NO	N/A			
			Parks & Toilets		NO	N/A			
	Tabbard	£8.50	Parks & Toilets		OP	NO	N/A	1	1
	Tee Shirt Tops	£11.05	Leisure	OP	NO	N/A			
			Customer Services	RS	NO	N/A			
	Tee Shirts	£3.32	Environmental Services	RD	NO	N/A	2	2	
			Streetscene	OP	NO	N/A			
			Waste Operations		NO	N/A			
	Tie	£2.95	Civil Enforcement	RD	NO	N/A			
Trousers	£23.95 - £34.95	Civil Enforcement	RD	NO	N/A				
		Customer Services	RS	NO	N/A				
Trousers/Waterproof of Trousers	£8.73 - £18.25	Streetscene	OP	NO	N/A	2	2		
		Waste Operations		NO	N/A	2	2		
		Parks & Toilets		NO	N/A	1	1		
Inspection white coat	£20.18	Environmental Services	RD	NO	N/A				
Inspection white hat	£9.88	Environmental Services	RD	NO	N/A				
Equipment - Other	ID Cards	£2.29	ALL	ALL	NO	N/A			
	Barrier Fob - Civic Offices Car Park	<£3.00	Any staff who park in the Civic Offices Car Park	ALL	YES	£3			
	Barrier Fob - Depot	£2.89	Any staff who park at the Depot	OP/RD	YES	£5			
	Name Badges	£4.75	Customer Services	RS	NO	N/A			
	Depot Gate Key	£5.00	Parks & Toilets	OP	NO	N/A			
	Desk Name plates	£8.95	Customer Services	RS	NO	N/A			
	Brief case / Work bag	£32.00	Housing	RD	NO	N/A			
			Planning		NO	N/A			
Papais Lock Keys	£14.25	Parks & Toilets	OP	NO	N/A				
Parks Master Key	£58.00	Parks & Toilets	OP	NO	N/A				
Equipment - First Aid	Safety Pouch with resuscitation mask	£5.99 - £12.25	Leisure	OP	NO	N/A			
	First Aid Kit	£10.95 - £21.55	Environmental Services	RD	NO	N/A	As req'd	As req'd	
Waste Operations			OP	NO	N/A				
Equipment - IT	Becrypt Sticks	£5.00	ICT	ALL	NO	N/A			
	USB sticks		ICT	ALL	NO	N/A		1	
	Dictation Machine	£29.16	Planning	RD	NO	N/A			
	Cullmann Tripod and extension pole	£120.00	Environmental Services	RD	NO	N/A			
	Telephones – (Homeworkers	£165.00	ICT	ALL	NO	N/A			

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	only)							
	Camcorder	£100 - £200	Planning	RD	NO	N/A		
	Civil Enforcement - handheld computer	£240.00	Civil Enforcement	RD	NO	N/A		
	Digital Camera	£50.00 - £500	Planning	RD	NO	N/A	2	
Civil Enforcement			NO		N/A			
Landscape Development			OP	N/A	N/A			
ICT			RS	NO	N/A			
	Loan equipment- projectors & screens, laptops	£600.00	ICT	ALL	NO	N/A		
	Mobile Phones	£60.00 - £450	ICT	ALL	NO	N/A	7	10
	Laptops/tablet PCs	£400 - £900	ICT	ALL	NO	N/A		
	Photocheck PID	£1,200.00	Environmental Services	ALL	NO	N/A		
Equipment - Materials	Cleaning equipment (kept at the Toilets)	Various	Parks & Toilets	OP	N/A	N/A		
Equipment - Technical (Office Equipment used and returned)	Carbon monoxide detector	£30.00 - £115.00	Environmental Services	RD	NO	N/A		
	Probe thermometer	£56.00	Environmental Services	RD	NO	N/A	1	
	Damp metre	£115.00 - £350.00	Housing	RD	NO	N/A		
	Light meter LUTRON lx-1108 s/nQ122129	£130.00	Environmental Services	RD	NO	N/A		
	Infra red thermometer	£420.00	Environmental Services	RD	NO	N/A		
	Dip Meter	£460.00	Environmental Services	RD	NO	N/A		
	4231 Calibrator x 3	£600.00	Environmental Services	RD	NO	N/A		
	2236 Sound Level Meter Equipment x 2 (Incl Microphone x 4, & extension BZ , preamplifier)	£2,500.00	Environmental Services	RD	NO	N/A		
	GA 2000 Gas Analyser	£2,500.00	Environmental Services	RD	NO	N/A		
	2250 Matron Light x 3 (Incl Case type BZ & Handswitch BZ)	£5,000.00	Environmental Services	RD	NO	N/A		
Shaw City Gas Clam	£7,500.00	Environmental Services	RD	NO	N/A			
Equipment - Tools	Tape measure	£10.00	Landscape Development	OP	N/A	N/A		
			Housing	RD	NO	N/A		
			Planning		NO	N/A		
	Whistle	£5.95 - £19.83	Leisure	OP	NO	N/A		
	Torch	£4.95 - £49.30	Housing	RD	NO	N/A		
			Planning		NO	N/A		
	Ladders (Office equipment)	£80.00	Housing	RD	NO	N/A		
	Tools & other equipment (eg spades, spikes, tool box etc) Issued & returned daily	Various Prices	Streetscene	OP	NO	N/A		
			Parks & Toilets		N/A	N/A		
Waste Operations			N/A		N/A			
Chainsaw - issued to Tree Operatives	£426.00 - £767.00	Streetscene	OP	NO	N/A			
Full aboricultural kit - issued to Tree Operatives	£550.00	Streetscene	OP	NO	N/A			

DRAFT FOR CONSULTATION

Policy on Charging Arrangements for Replacement Equipment Issued to Staff

1. Employees will not normally be required to pay the cost of any item issued to them that requires replacement as a result of their negligence on the first occasion.
2. Where it is considered that an employee has been negligent regarding the loss of an item, they will be advised in writing that in the event of the further loss of any items as a result of their negligence within a 12 month rolling period, they may be required to pay the replacement cost of the item (or a proportion thereof) as is considered to be reasonable in all the circumstances by the relevant Business Manager.
3. Any employee who feels that the amount to be repaid as determined by the Head of Service to be unreasonable, may make a complaint using the Grievance Procedure.
4. However, where it is considered that as a result of an employee's negligence, there would be one or more of the following:
 - a significant cost of replacing the item/potential for cost to be incurred by the council as a result of the loss
 - a risk of data security or asset security being compromised
 - a risk of reputational damage to the council
 - a breach of health and safety policies or procedures

The matter should be referred to the relevant Head of Service who will determine whether disciplinary action is appropriate.
5. When dealt with under the Disciplinary Procedure, repayment of the cost (or part thereof) of the item to be replaced may be incorporated into any disciplinary penalty issued.

1. REVIEW OF TERMS AND CONDITIONS OF SERVICE 2013/14

Submitted by: Chief Executive

Portfolio: Finance and Resources

Purpose of the Report

To update the Committee on the current position regarding the current review of Terms and Conditions of Service.

Recommendations

- (a) That the progress to date be noted.
- (b) That the Chief Executive be given the authority to complete any Collective Agreement in relation to the revised proposals regarding Professional Subscriptions and Car Leases as detailed at Appendix A.

1. Background

1.1 Following recent consultations with the trade unions and employees, entered into with a view to reviewing employees' terms and conditions of service to achieve a saving of £100,000 in 2013/14 budgets, the trade union held ballots on the following proposals:

(i) Public Holiday Arrangements/Leave

The two 'extra statutory' holidays (taken immediately after the Spring and August Bank Holidays) to be treated as normal working days (i.e. no enhancements to basic pay payable to employees who work on these days as part of their normal working week).

Any overtime worked on these days to be paid at rates applicable to a normal working day.

Two days to be added to employees' existing annual leave entitlements (pro rata for part-time employees).

(ii) Telephone Allowances

Telephone allowances no longer to be paid.

(iii) Professional Subscriptions – Payment of Annual Fees

Professional subscriptions listed below to continue to be paid in relation to the following but only for employees who are in post at the date of implementation of the review.

- Law Society Practising Certificate
- CIPFA
- RTPI
- CIWM
- CIEH
- RICS

Membership of a relevant professional body will continue to be an essential requirement for the holders of specific posts but with the exception of the above fees reimbursed to existing employees, annual fees will no longer be paid by the council.

- 1.2 In relation to (i) and (ii), a majority of employees balloted voted in favour of the proposals. A Collective Agreement was subsequently signed regarding these, effective from 10 May 2013, delivering an estimated saving in 2013/14 of £21.3k.

2. **Issues**

- 2.1 The council's intention is that the shortfall of £78.7k can still be found by agreement and discussions have therefore been continuing with the trade unions on revised proposals regarding withdrawal of reimbursement of Professional Fees and reviewing the Car Leasing Scheme.
- 2.2 Agreement was reached on revised proposals for both of these as detailed at Appendix A. The trade unions have indicated that they will conduct ballots, recommending acceptance and in the event that a majority of their members vote in favour, they will be prepared to sign a Collective Agreement agreeing to the proposed changes.

3. **Legal and Statutory Implications**

- 3.1 Contracts of Employment are legally binding agreements. However, they can be lawfully varied by mutual agreement of the parties by way of collective bargaining which is provided for at this council. The council may delegate the discharge of its functions to officers.

4. **Equality Impact Assessment**

- 4.1 No significant differential impact has been identified in relation to the revised proposals.

5. **Financial and Resource Implications**

- 5.1 Agreement of the revised proposals regarding Reimbursement of Professional Fees will produce an estimated annual saving of around £19.8k from 2014/15. The original proposal would have produced an estimated saving in 2013/14 of £6.3k and an annual saving of £12.6k thereafter.
- 5.2 Agreement of the revised proposals regarding the Car Leasing Scheme would produce an estimated saving in 2013/14 of £27k and an estimated saving of £54k in 2014/15.

6. **Major Risks**

- 6.1 The major risks are detriment to reputation and financial loss and impairment to service in relation to potential industrial and contractual disputes and compliance with the budget framework. Such risks are mitigated through consultation and the collective bargaining process and adherence to legal requirements and process.

7. **Earlier Cabinet/Committee Resolutions**

Council, 27 February 2013
Staffing Committee, 13 March 2013

8. **List of Appendices**

Appendix A - Details of revised proposals on Professional Fees and Car Lease Scheme.

PROPOSED CHANGES TO TERMS AND CONDITIONS OF SERVICE
APPLICABLE FROM 1 OCTOBER 2013

1. Professional Fees

- 1.1 No further payments be made for reimbursement of professional fees submitted after 31 March 2014.
- 1.2 Where appropriate, membership of a relevant professional body will continue to be an essential requirement for posts but will not be reimbursed.
- 1.3 RLSS Pool Lifeguard Training Assessors will have their annual RLSS membership fees paid by the council on the basis that these are a training cost and there is a business case to do so.

2. Car Leases

- 2.1 That the council's subsidy payment in relation to existing leases be reduced from 1 October 2013 as follows:

Employee Grade	% Subsidy Reduction
Executive Directors	50
JNC 1 & 2	40
NJC 10-14*	30
NJC 8-9	20
NJC 5-7	10

* (Includes NJC 9 with market supplements)

- 2.2 The subsidy reductions agreed to apply to existing leases from 1 October 2013 with the insurance costs continuing to be met by the council.
- 2.3 Employees with existing leases on 1 October 2013 to be eligible for one further lease on expiry of their current lease, capped at 3 years, at the above reduced subsidy level, with the insurance costs continuing to be met by the council.
- 2.4 Employees with existing leases that have been extended on a month by month basis (or who have been provided with an alternative vehicle where a month by month extension has not been possible) pending agreement being reached, to be eligible to one further lease only from 1 October 2013 but for up to 5 years at the above reduced subsidy level, with the insurance costs continuing to be met by the council in lieu of 2.3.
- 2.5 On expiry of the additional 3 year lease, (or 5 year leases referred to in 2.4) employees with existing car leases to be eligible to apply for further leases but with no subsidy from the council in relation to any associated costs.

- 2.6 Lease car mileage rates to continue to be paid in respect of existing car leases as at 1 October 2013, the additional 3 year capped leases and the 5 year leases referred to in 2.4. Thereafter, casual mileage rates to apply to employees with car leases where no subsidy is paid by the council in relation to any associated costs.
- 2.7 Employees to be able to opt to terminate existing leases current on 1 October 2013 at any time during the life of the lease, with early termination penalty payment costs being met by the council except when termination is as a result of them leaving the authority.
- 2.8 No applications from employees to extend existing leases (eg, from 3 to 5 years) to be approved.
- 2.9 The council's existing Car Loan Scheme to remain unchanged other than it will also be available to all employees with car leases who decide to buy their existing lease vehicle or to purchase an alternative vehicle.
- 2.10 Full protection for employees who pay pension contributions on existing leases.

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