



CRANLEIGH PARISH COUNCIL

ANTI-HARASSMENT AND BULLYING POLICY

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Introduction

All staff should be able to work in an environment free from harassment and bullying and be treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.

This policy and procedure provide guidance on what to do if you are concerned about bullying or harassment and what to expect if you raise concerns. It applies to all staff (whether permanent, fixed term, or casual), contractors and agency staff.

Policy

The Council does not tolerate bullying or harassment in the workplace. This is the case for work-related events that take place within or outside of normal working hours; on council property or elsewhere; whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not.

The Council does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

The council will take appropriate action if any of our staff or prospective staff are bullied or harassed by staff, councillors, members of the public or suppliers.

What type of treatment amounts to bullying or harassment?

Bullying is offensive, intimidating, threatening, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates or injures the person on the receiving end.

Harassment is unwanted conduct related to relevant 'protected characteristics', which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Harassment amounts to unlawful discrimination if it relates to a 'protected characteristic'.

Examples of bullying and harassment include:

- Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Banter, Lewd or suggestive comments
- Deliberate exclusion from conversations or work activities
- Withholding information, a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others
- Abusing a position of power
- Any inappropriate conduct is considered on how the worker perceives it and whether it was reasonable to have that perception; intent is not a core consideration.
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It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.

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Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

Reporting concerns

Concerns should be reported, where possible, to the Clerk, Chairman of the Council or Chairman or Vice Chairman of the Personnel Committee. The Council will be mindful of making available a diverse leadership team to enable staff to feel comfortable with making reports of harassment.

What you should do if you witness an incident you believe to be harassment or bullying

If you witness such behaviour you should report the incident in confidence to the Clerk or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if an incident you believe to be harassment or bullying is reported to you
If an incident you believe to be harassment or bullying is reported to you, you should report the incident in confidence to the Clerk or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you feel you are being Bullied or Harassed by a member of the public or supplier or hirer (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with the Clerk or a councillor in the first instance. They will then decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being Bullied or Harassed by a councillor

If you are being bullied or harassed by a councillor, please raise this with the Clerk or the Chair of the Council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

What you should do if you are being Bullied or Harassed by another member of staff

If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask the Clerk, a colleague or another councillor to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with the Chair of the Council. The Chair (or another appropriate individual) will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a member of staff;
- That such behaviour is contrary to our policy;
- That for employees, the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible to have the conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential. In certain circumstances we may be able to involve a neutral third party to facilitate a resolution of the problem. The Chair will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of harassment or in cases where a problem has happened before) the council may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint...

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about the harassment or bullying to the Clerk or the Chair of the Council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed. The Clerk or the Chair of the Council will appoint someone to investigate your complaint. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred
- The names of any witnesses and
- Any action taken by you to resolve the matter informally

... against a colleague or contractor

The alleged perpetrator(s) would need to be told your name and the details of your complaint for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.

... against a member of the public or supplier or hirer

We will investigate the complaint as far as possible by contacting the member of public or the supplier's employer or the hirer and asking for a response to the allegations.

... against a councillor

Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

During the investigation

Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that an employee has harassed or bullied another employee, then the employee may be subject to disciplinary action, up to and including dismissal.

The Council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to better understand your complaint. Whilst there is no Statutory right to be accompanied at investigation meetings, the Investigator will consider your request if you want to have a work colleague or union representative with you at that meeting.

Hearing

After the investigation, a panel will meet with you in a Grievance Hearing (following the Grievance Procedure) to consider the complaint and the findings of the investigation. At the meeting you may be accompanied by a fellow worker or a trade union official.

After the meeting the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the Grievance Procedure.

Victimisation

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False allegations

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

Disclosure and confidentiality

We will treat personal data collected during this process in accordance with the data protection policy. Information about how data is used and the basis for processing data is provided in the employee privacy notice.

Use of the disciplinary procedure

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. Any employee found

to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

This is a non-contractual procedure which will be reviewed from time to time.

October 2022

Review: October 2026

Notes

1. Protected characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Harassment is unwanted conduct related to a 'protected characteristic'. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related to someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

2. Legal risks

An employee does not need to be employed to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed because of a health condition can make a discrimination claim at a tribunal.
- An employee in their probationary period may claim discrimination if their employment has been ended for no credible reason.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal.

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

3. Culture and behaviour

Modern day workforces are eclectic, and a positive culture throughout the council enables staff with different backgrounds and beliefs to share ideas and shape how the council achieves what councillors decide for the community.

Different people find different things acceptable. It may not be obvious that some behaviour would be unwelcome or could offend a person. Those in positions of 'power' over an employee may not always understand how words or actions are received. An employee may not always find it easy to communicate how they really feel. 'Banter' that on the face of it is

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reciprocated may nonetheless be unwelcomed and damaging. Others who overhear comments, or learn of them third hand, will form judgements about the culture. Whilst both staff and councillors jointly determine what the working culture is like, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies. Examples of unacceptable behaviour at work include (but are not limited to):

- physical conduct ranging from touching to sexual advances and serious assault;
- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- suggestions that refusing sexual advances will adversely affect aspects relating to employment (such as pay, promotion, training, work opportunities, or any other condition of employment or development);
- comments about a person's appearance;
- jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames, especially related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual for a non-work reason
- treating an employee differently because they have, or are perceived to have, a 'protected characteristic' or are associated with someone who does;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person;
- spreading malicious rumours or insulting someone;
- picking on someone or setting them up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities.

4. During the investigation

Employers have duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it's important to consider their wellbeing and mental health.

Ensure that you regularly communicate with both parties.

5. Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelled a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

6. False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially Gross Misconduct.

7. Complaints against councillors

Following the Ledbury case, the law is clear that any formal complaint regarding a breach of the Code of Conduct must be referred to the Monitoring Officer for investigation. During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees with the employee reasonable measures to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person to whom the complaint has been made etc.

Risk assessment form

Activity: Sexual Harassment			Assessment date: 22 October 2024	Review date: January 2025	
Hazard and risk	People at risk	Optional controls	Our controls	Risk level	Target date & by whom
Lone working	Employees	<ul style="list-style-type: none"> High risk activities not carried out alone. Lone workers have mobile telephones. 	Regular communication between lone workers and a member of staff or Councillor.	L	B
Working with third parties – clients, volunteers, contractors	Employees	<ul style="list-style-type: none"> High risk activities not carried out alone. Lone workers have mobile telephones. 	All appointments with third parties to be booked in online booking calendar shared with all office staff.	L	BB
Working at places outside of the work space	Employees	<ul style="list-style-type: none"> High risk activities not carried out alone. Lone workers have mobile telephones. 	All appointments outside of the work space to be booked in online booking calendar shared with all office staff. Booking to include venue details.	L	BB
Work social events	Employees	<ul style="list-style-type: none"> Employees are under no pressure to attend any work related social event. 	Employees should consider whether attendance is appropriate and not conflict with the Code of Conduct for Staff.	L	BB
Assessor's signature:			Clerk's signature:		
Date:			Date:		



Carers Leave Policy

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Eligibility

All eligible employees, regardless of hours worked or length of service, have the right to take a maximum of one week's unpaid leave during any 12-month period to provide or arrange care for a dependant with a long-term care need.

The entitlement to a maximum of one week's unpaid leave is irrespective of the number of dependants and may be taken as either a continuous block, or individual full or half days within 12 months.

Purpose and Definition

The time off is intended to be absence from work to provide or arrange care for a dependent with a long-term care need, or who reasonably relies on the employee for care.

A "dependant" is a parent, spouse, civil partner, child, or someone who lives in the same household as the employee, but excluding tenants, lodgers or boarders, or someone who is employed by the employee.

Long term care is when the dependant has:

- any physical or mental illness or injury that requires or is likely to require care for more than three months.
- a condition or illness that is considered a disability under with the Equality Act 2010
- care needs connected with their old age.

Entitlement

For employees who work regular hours, a "week of carer's leave" is the period of absence from work that is equal in duration to the period the employee is normally expected or required to work in a week at the time of making the request.

Part time employees who work regular hours throughout the year will be entitled to a proportionate amount of leave based on their hours. For example, someone who works a 3-day week, will be entitled to 3 days unpaid carer's leave.

For employees who work variable hours and/or term time, we will calculate entitlement by using actual hours worked in a 'relevant period'. A 'relevant period' as defined by the Regulations is a period of 12 months which ends on the last day of the Carer's Leave that the employee has requested. To calculate, the company will divide the total of the periods for which the employee is normally required to work during the course of a week in the relevant period by 52. For new starters with less than 52 weeks service, this calculation will be based on the length of time that they have been employed with the company.

Requesting Leave

To help the Council to manage the planned absence from work, if you intend on taking a period of leave, you required to provide notice that is double the length of time that is being requested or at least three days in advance, whichever provides the greater amount of notice.

Postponement of leave

The Council reserve the right to postpone carer's leave if we believe that the absence would unduly disrupt the Council. If we deem it necessary to postpone carer's leave, we will notify you in writing within seven days of receipt of you request for carer's leave, setting out the reason for the postponement.

We will also offer alternative dates on which carer's leave can be taken. The leave will not be postponed later than one month after the start of the original request.

Failure to follow the Council's procedures for taking carer's leave could lead to disciplinary action under our disciplinary procedure for absence without leave.

Terms and Conditions

During the time off, you continue to be bound by and remain entitled to the benefit of your normal terms and conditions of employment, except for terms relating to wages or salary. You will remain employed by us and accrue unbroken continuity of service and continue to accrue holiday entitlement.

October 2024

Policy Review Date: October 2026



Compassionate Leave Policy

We aim to extend sympathy, compassion and understanding should employees suffer a bereavement.

At all times, we will try to assist employees to come to terms with their loss.

Application for bereavement leave should be made to their manager.

We will normally grant up to 5 days unpaid leave in the event of the death of an immediate relative (spouse, parent, step-parent, grandparent, brother, sister, child, mother-in-law and father-in-law). Any time off in addition to this should be discussed with the employee's manager. Reasonable unpaid compassionate leave will be granted taking into account such factors as the relationship with the deceased person and the timing and location of the funeral.

We accept that sometimes the need to take this leave can arise at very short notice, but request that employees should discuss their requirements with their manager before taking any time off and, in any event, at the earliest opportunity. All requests for compassionate leave will be dealt with on a confidential basis.

October 2024

Policy Review Date: October 2026



Emergency/Dependents Leave Policy

Purpose and scope

All employees with dependants can take reasonable unpaid time off to deal with unforeseen emergencies. This is unlikely to amount to more than a day or two a year.

This policy covers all instances where you may need to take unplanned absence to attend to urgent or serious situations affecting your dependants and where no alternative provision is available.

Emergency leave is designed to provide carers with the opportunity to make alternative arrangements for the care of dependants. The Emergency leave policy is not intended to be used to allow carers to look after dependants on an ongoing basis (although time off may be available under other policies).

Taking emergency leave

Dependents include parents, husband, wife, partner, civil partner, children or individuals living as part of the family for whom you are the main carer or an individual who depends on you for care, e.g. an elderly neighbour.

Emergency leave is only intended to cover unplanned absence to attend to urgent or serious situations affecting your immediate family or dependants. It is impossible to provide a complete list of circumstances that are covered under the policy; however, the most common circumstances are as follows: -

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted
- to make arrangements for the provision of care for a dependant who is ill or injured,
- as a result of the death of a dependant,
- because of the unexpected disruption or termination of arrangements for the care of a dependant, or
- to deal with an incident which involves a child of the employee and which occurs unexpectedly when the child is at school.

As soon as is reasonably practicable in the circumstances, contact the Clerk (or Chair of the Council) by telephone to explain the circumstances, and if possible, an indication of the length of time-off you are likely to need in order to make alternative arrangements. If the Clerk (or Chair of the Council) is unavailable you must contact another councillor instead.

If you need to stay and care for a dependant on an ongoing basis you can agree with the Clerk (or Chair of the Council) to take annual leave; or where you have insufficient annual leave to take a period of unpaid leave. Alternatively, you may be able to take Parental Leave where the care is for your child. This is a non-contractual procedure which will be reviewed from time to time.

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Policy Review Date: October 2026



Flexible Working Policy

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What is flexible working

Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

Flexible working can result in benefits to councils, in that such arrangements can help make the most of today's diverse workforce and improve the council's ability to recruit and retain staff. It is good practice to make flexible working open to all staff.

This policy has been written to explain the process which we will use to respond to requests by staff to vary hours, pattern or place of work.

Scope

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly from the first day of your employment, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

Policy

Our policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements.

Making the request

To apply for flexible working, please provide the following information in writing, and submit this to the Clerk. In the case of the Clerk, the request should be submitted to the Chair of the Council:

- The date of the application,
- A statement that this is a statutory request,
- Details of how you would like to work flexibly and when you want to start,
- An explanation of how you think flexible working might affect the council and how this could be dealt with, e.g. if you're not at work on certain days, and,
- A statement saying if and when you've made a previous application.

You can make two statutory requests in any 12-month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability.

Responding to your request

Once we receive your written request, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request, we will inform you. You may be accompanied at the meeting by a work colleague.

Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the council and weighing these against any adverse impact of implementing the changes.

Having considered the changes, you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the decision. The decision will be either:

- To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, we will set out what changes will be made to your terms and conditions of employment, or,
- To propose an alternative, which may require further discussion, or,
- To confirm a compromise agreed at the discussion, or,
- To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however we may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

- The burden of additional costs is unacceptable to the council
- Detrimental effect on the council's ability to deliver for the community
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes to the council

If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, we may consider allowing you to revert back to your previous conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

You must be aware that if your request is approved you only have the statutory right to make two requests in a 12 month period, although you may still ask without the statutory right.

Timeframe for dealing with requests

We will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within two months of first receiving a request, including any appeal. If the request cannot be dealt with within two months, we may ask to extend the consideration process, provided you agree to the extension.

Handling requests in a fair way

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account and we may ask you if there is any room for adjustment or compromise before coming to a decision.

Appealing the decision

If we decline your request and you wish to appeal, you must do so, in writing, within 5 days of receiving the letter informing you of the outcome. We will then write to you to arrange a meeting to discuss your appeal. This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of councillors. You may wish to be accompanied at that meeting by a work colleague.

There may be circumstances when the council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

The effect on your contract of employment

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. This means that you will not automatically be able to revert back to the previous working pattern (unless otherwise agreed). So, for example, if your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours. Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

Any changes to your terms and conditions as a result of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might affect your terms and conditions please speak to the Clerk or Chair of the Council in the first instance.

Data protection

When managing a flexible working request, we will process personal data collected in accordance with the data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

October 2024

Policy Review Date: October 2026



Maternity Leave and Pay Policy

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Purpose and scope

This policy and procedure apply to all current employees, whether full or part-time, temporary or fixed-term.

The purpose of this policy and procedure is to provide clear information about our maternity provisions. This document sets out our policy on maternity leave, pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which we need to follow at various stages, before, during and after maternity leave.

This document provides basic guidance on the health and safety aspects of working whilst pregnant.

Procedure

Telling your manager that you are pregnant

As soon as you know that you are pregnant, you are encouraged to let us know. This is in your own interests, and ensures that we can take any necessary steps to look after your health and safety and that of your baby.

As soon as you tell us that you are pregnant, we will conduct an assessment of any health and safety risks to you or your baby. Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before you expect the baby before telling us that you are pregnant. Either way, you are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT B1 and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change.

Note on the MAT B1 certificate

The MAT B1 is a form signed by a doctor/midwife confirming your expected week of childbirth (EWC). Hospitals and GP surgeries have different policies regarding when the MAT B1 should be signed and by whom. The MAT B1 is not always issued automatically and you may have to ask your doctor/midwife for a copy.

Entitlements

Ante-natal care

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic.

Maternity leave

You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML). You also have the right to return to work after the end of your OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week.

You can choose when to start your maternity leave. This can be any date from the beginning of the 11th week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

Sick leave during your pregnancy or maternity leave

If you are off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), then your maternity leave period will begin straight away.

If you are off sick due to a non-pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), it will be treated as sick leave in the usual way.

Any pregnancy related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.

Early births

If the birth of your baby occurs before the 11th week before the EWC or your planned date of leaving, your maternity leave will commence the day after your baby is born.

Maternity pay

You are eligible to receive 39 weeks statutory maternity pay (SMP) if:

- You have at least 26 weeks' continuous service with the council by the end of the 15th week before the expected week of childbirth (EWC) ("the qualifying week"), and,
- You have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.

If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this 39-week period, SMP is paid at 90% of your average weekly earnings; thereafter you will receive the weekly lower statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the 8 weeks prior to the end of your qualifying week (15th week before the EWC) (see here for details of statutory rates - www.gov.uk/maternity-pay-leave/pay).

If you do not qualify for SMP you may be eligible to receive Maternity Allowance. If you are not entitled to statutory maternity pay, we will issue you an SMP1 form to allow you to claim the Maternity Allowance.

Shared Parental Leave (SPL)

You are entitled to curtail your maternity leave and pay and instead take SPL and pay with your partner/the father of the child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See the Shared Parental Leave Policy.

The effect of maternity leave on contractual benefits

During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (e.g. remuneration and allowances).

On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP Entitlements.

Annual leave

Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary or we may ask for an appropriate refund.

Pension scheme

Occupational pension contributions continue during OML and during any period of paid maternity absence.

Maintaining contact during maternity leave

Some people choose to have little if any contact with work during their maternity leave while others want to maintain a high level of contact. Before you start your maternity leave, we will meet with you to discuss reasonable contact arrangements during your maternity leave. Below is a list of the sorts of information you may want to be kept informed about:

- Notes of important meetings or announcements affecting staff
- Details of internal vacancies which arise
- Details of significant developments to working practices
- Details of any training courses which are offered to the team

There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

Keep in Touch (KIT) Days

You may work for up to 10 days during your maternity leave. KIT days can only be worked by mutual agreement; that is to say both you and the council must agree to the work / training taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off-set against Statutory Maternity Pay and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or in excess of the rate of SMP.

Returning to work

We will assume that you will take your full maternity leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless you notify us, in writing, or request otherwise. In other words, you do not have to notify us if you intend to return to work at the end of your AML.

If you want to return to work before the end of your maternity leave, you will need to notify us in writing giving at least eight weeks' notice of your intended return date. If you do not give at least eight weeks' notice, we may delay your return to work by up to a further eight weeks where there is good reason.

You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

Requesting a change to your pattern of work

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

Your health and safety

Risk assessment

Whilst most women are able to work normally during pregnancy there are some duties which are best avoided or minimised. We may be able to reorganise your work to avoid/minimise such duties or may arrange different work for you for health and safety reasons. Only in exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action.

Once you tell us of your pregnancy, we will hold a meeting with you to discuss health and safety issues. In consultation with you, we will complete a risk assessment, agreeing with you any measures to be taken. We will hold regular meetings with you throughout your pregnancy in order to review the initial assessment. If you have any concerns please raise these directly with the council.

Redundancy

We fully support you to make the most of your family leave related rights and encourage you to do so. We recognise that it is important you are confident that you take your statutory entitlements without the worry you may be treated detrimentally for doing so.

You should be assured that in the event a redundancy situation should arise, you will not be dismissed or selected for redundancy for reasons related to pregnancy, nor because they intended to take or took, maternity or shared parental leave in accordance with this policy. It is however lawful to dismiss or select employees for redundancy on unrelated grounds if these are fair. In this situation, our normal redundancy consultation procedure would be followed.

If the role of an employee who is either pregnant, is on maternity, or shared parental leave is proposed to be made redundant, the employee will be included in the applicable redundancy consultation process. In some cases, it may be appropriate to extend consultation periods for employees on family leave.

Furthermore, if an employee's role becomes redundant during a protected period of pregnancy, or whilst taking maternity leave or shared parental leave, they will be offered a suitable alternative vacancy in preference to other employees if one is available.

Employees who are made redundant at or following the 15th week prior to the expected week of childbirth, and who are eligible for SMP, and those who are on shared parental leave and eligible for ShPP will still receive the full entitlement to statutory pay. In these circumstances, SMP, or ShPP may be paid weekly or as one lump sum. Any other benefits such as holiday entitlement would only be provided or accrued to the end of the notice period.

Data protection

When managing your maternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, those who need to manage maternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

October 2024

Policy Review Date: October 2026



Paternity Leave and Pay Policy

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Purpose and scope

The purpose of this policy and procedure is to provide clear information about our paternity provisions. This document sets out our policy on paternity leave and pay.

Immediately you discover your partner is pregnant, you should make the council aware so that you can be briefed on your entitlements. Ordinary paternity leave is also available to adoptive parents (either the adoptive father or the adoptive mother) where a child is matched or newly placed with them for adoption.

Eligibility

To qualify for ordinary paternity leave and pay, you will need to have at least 26 weeks service by the end of the 15th week before the expected week of childbirth (EWC) or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have, responsibility for the upbringing of the child.

Ante-natal appointments

An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

You should endeavour to give the council as much notice as possible of when you need the time off for the antenatal appointment. We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

Ordinary Paternity Leave (OPL)

An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 52 weeks after the birth or date of placement.

Ordinary Paternity Leave may be taken as either, one week, or two weeks in one consecutive block or two weeks in two one week non consecutive blocks.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

Notification of Ordinary Paternity Leave

You must inform the council in writing, of your eligibility and intention to take paternity leave in or before the 15th week before the EWC.

You must then provide us with at least 28 days notice before the dates upon which they intend to take each period of leave, unless this is not reasonably practicable (in which case as soon as it is reasonably practicable).

The notification should specify:

- the week the baby is due
- the date of starting the leave
- that you are taking leave for the purpose of taking time off to look after your child in line with your entitlement to paternity leave
- How you wish to take the leave

- You can choose to take two one-week non-consecutive blocks of leave may inform us of when you want each block of leave to begin in one notification, or you may choose to provide us with a separate notification at a later date once you have made a decision. However, as above, you must ensure that a minimum of 28 days' notice is provided before the beginning of each period of leave.

In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

Ordinary Statutory Paternity Pay (OSPP)

You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

Paternity leave will be paid at the prevailing rate of SPP or 90% of average weekly earnings if this figure is less than OSPP.

Shared Parental Leave (SPL)

The birth mother or primary adopter is entitled to curtail their maternity/adoption leave and pay and instead take SPL and pay in conjunction with the child's father (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

Pay increases awarded during paternity leave

We will ensure that whilst you are on PL you are not left out of a pay award which you would ordinarily have been entitled to. This means that if we make a pay award which takes effect during your PL, then when you return to work, you will return to the 'new' rate of pay that applies to the job you are returning to.

Returning to work

On resuming work after PL, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

Requesting a change to your pattern of work

You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

Additional paternity leave

Additional paternity leave is available to eligible employees who may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that the mother has returned to work.

Data protection

When managing your paternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, staff who need to manage paternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

October 2024

Policy Review Date: October 2026

National Joint Council for local government services

Employers' Secretary
Naomi Cooke

Trade Union Secretaries

Mike Short, UNISON
Sharon Wilde, GMB

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**To: Chief Executives in England, Wales and N Ireland
(to be shared with Finance Director and HR Director)
Regional Employer Organisations
Members of the National Joint Council**

22 October 2024

Dear Chief Executive,

LOCAL GOVERNMENT SERVICES PAY AGREEMENT 2024

Employers are encouraged to implement this pay award as swiftly as possible.

Agreement has been reached on rates of pay applicable from **1 April 2024** (covering the period 1 April 2024 to 31 March 2025). The new pay rates, each increased by £1,290 per annum, are attached at **Annex 1**.

All locally determined pay points above the maximum of the pay spine but graded below deputy chief officer, should be increased by 2.50 per cent, in accordance with Green Book Part 2 Para 5.4¹.

The new rates for allowances, uprated by 2.50 per cent, are set out at **Annex 2**.

Joint work

It has been agreed that there will be joint discussions on how the NJC can capture gender, ethnicity and disability pay gap information that will be of most benefit to the sector.

Backpay for employees who have left employment since 1 April 2024

If requested by an ex-employee to do so, we recommend that employers should pay any monies due to that employee from 1 April 2024 to the employee's last day of employment.

When salary arrears are paid to ex-employees who were in the LGPS, the employer must inform its local LGPS fund. Employers will need to amend the CARE and final pay figures (if the ex-employee has pre-April 2014 LGPS membership) accordingly.

¹ The Green Book Part 2 Para 5.4 provides that posts paid above the maximum of the pay spine but graded below deputy chief officer are within scope of the NJC. The pay levels for such posts are determined locally, but once fixed are increased in line with agreements reached by the NJC.

Further detail is provided in [section 15 of the HR guide](#) and the [Backdated Pay Award FAQs](#), which are available on the [employer resources section](#) of www.lgpsregs.org.

Yours faithfully,

Naomi Cooke

Mike Short

Sharon Wilde

ANNEX 1

SCP	01-Apr-23		01-Apr-24	
	per annum	per hour	per annum	per hour
1	<i>Deleted wef 01 Apr 23</i>			
2	£22,366	£11.59	£23,656	£12.26
3	£22,737	£11.79	£24,027	£12.45
4	£23,114	£11.98	£24,404	£12.65
5	£23,500	£12.18	£24,790	£12.85
6	£23,893	£12.38	£25,183	£13.05
7	£24,294	£12.59	£25,584	£13.26
8	£24,702	£12.80	£25,992	£13.47
9	£25,119	£13.02	£26,409	£13.69
10	£25,545	£13.24	£26,835	£13.91
11	£25,979	£13.47	£27,269	£14.13
12	£26,421	£13.69	£27,711	£14.36
13	£26,873	£13.93	£28,163	£14.60
14	£27,334	£14.17	£28,624	£14.84
15	£27,803	£14.41	£29,093	£15.08
16	£28,282	£14.66	£29,572	£15.33
17	£28,770	£14.91	£30,060	£15.58
18	£29,269	£15.17	£30,559	£15.84
19	£29,777	£15.43	£31,067	£16.10
20	£30,296	£15.70	£31,586	£16.37
21	£30,825	£15.98	£32,115	£16.65
22	£31,364	£16.26	£32,654	£16.93
23	£32,076	£16.63	£33,366	£17.29
24	£33,024	£17.12	£34,314	£17.79
25	£33,945	£17.59	£35,235	£18.26
26	£34,834	£18.06	£36,124	£18.72
27	£35,745	£18.53	£37,035	£19.20
28	£36,648	£19.00	£37,938	£19.66
29	£37,336	£19.35	£38,626	£20.02
30	£38,223	£19.81	£39,513	£20.48
31	£39,186	£20.31	£40,476	£20.98
32	£40,221	£20.85	£41,511	£21.52
33	£41,418	£21.47	£42,708	£22.14
34	£42,403	£21.98	£43,693	£22.65
35	£43,421	£22.51	£44,711	£23.17
36	£44,428	£23.03	£45,718	£23.70
37	£45,441	£23.55	£46,731	£24.22
38	£46,464	£24.08	£47,754	£24.75
39	£47,420	£24.58	£48,710	£25.25
40	£48,474	£25.13	£49,764	£25.79
41	£49,498	£25.66	£50,788	£26.32
42	£50,512	£26.18	£51,802	£26.85
43	£51,515	£26.70	£52,805	£27.37

NB: hourly rate calculated by dividing annual salary by 52.143 weeks (which is 365 days divided by 7) and then divided by 37 hours (the standard working week)

Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment:

1 April 2024
£41.78

**RATES OF PROTECTED ALLOWANCES AT 1 APRIL 2024
(FORMER APT&C AGREEMENT (PURPLE BOOK))**

Paragraph 28(3) Nursery Staffs in Educational Establishments - Special Educational Needs Allowance

1 April 2024
£1,491

Paragraph 28(14) Laboratory / Workshop Technicians

City and Guilds Science Laboratory Technician's Certificate Allowance:

1 April 2024
£243

City and Guilds Laboratory Technician's Advanced Certificate Allowance:

1 April 2024
£175

Paragraph 32 London Weighting and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2024
£1,013

Outer Fringe Area:

1 April 2024
£706

Paragraph 36 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session

1 April 2024
£33.63

FORMER MANUAL WORKER AGREEMENT (WHITE BOOK)

Section 1 Paragraph 3 London and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2024

£1,013

Outer Fringe Area:

1 April 2024

£706