

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbs.co.uk

19 June 2015

To: MEMBERS OF THE GENERAL PURPOSES COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the General Purposes Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 29th June, 2015 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

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MEMBERSHIP

Cllr Ms S V Spence (Chairman)
Cllr P F Bolt (Vice-Chairman)

Cllr M A C Balfour
Cllr Mrs S Bell
Cllr M A Coffin
Cllr Mrs S M Hall
Cllr N J Heslop
Cllr D Markham

Cllr S C Perry
Cllr H S Rogers
Cllr R V Roud
Cllr C P Smith
Cllr M Taylor
Cllr T C Walker

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 2nd February, 2015

Present: Cllr M A C Balfour (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr T Bishop, Cllr P F Bolt, Cllr C Brown, Cllr R W Dalton, Cllr D A S Davis, Cllr N J Heslop, Cllr H S Rogers and Cllr C P Smith

Councillors Mrs J A Anderson, O C Baldock, B J Luker, Mrs S Murray and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors A W Allison, M A Coffin, Mrs C M Gale and Miss A Moloney

PART 1 - PUBLIC

GP 15/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, in the interests of transparency in connection with the item on the Boundary Review of KCC Electoral Divisions, Councillor Balfour reminded the Committee that he was a member of Kent County Council.

GP 15/2 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 1 September 2014 be approved as a correct record and signed by the Chairman.

GP 15/3 MINUTES

RESOLVED: That the Minutes of the extraordinary meeting of the General Purposes Committee held on 13 November 2014 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 15/4 LOCALISM ACT - PAY POLICY

The report of the Director of Central Services advised that the Localism Act 2011 required local authorities to review their pay policy statements for each financial year. The report summarised the requirements of the Act and presented an updated Pay Policy Statement for 2015/16. It was noted that there had been no changes in the Council's remuneration policy and the substantive content of the updated statement was identical to that adopted by the Council in February 2012.

RECOMMENDED: That the Pay Policy Statement 2015/16 set out in Annex 1 to the report be commended for adoption by the Council.

*** Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

GP 15/5 BOUNDARY REVIEW OF KCC ELECTORAL DIVISIONS

The report of the Chief Executive outlined the timetable for the current review of the Kent County Council electoral divisions being undertaken by the Local Government Boundary Commission for England in time for the next scheduled County Council elections in May 2017.

Details were given of a suggested response to the consultation on division arrangements, proposing that any new county divisions be coterminous with local borough and district wards and be based on the new wards taking effect within Tonbridge and Malling at the May 2015 elections.

RESOLVED: That the Council's response to the consultation on KCC electoral divisions, as set out in the table at paragraph 1.2.2 of the report, be approved.

GP 15/6 PAY AWARD 2015

Consideration was given to the report of the Chief Executive which examined a range of factors relevant to the issue of a pay award for employees in 2015/16. These included prevailing economic conditions, comparative pay settlements, movement in the retail price and consumer price indices and the Council's budget position.

In introducing the report the Chief Executive made reference to the provision for a pay award in the Medium Term Financial Strategy and the appropriateness of considering a measured award in recognition of the continuing efforts of staff, particularly given the increases being considered elsewhere in Kent and the National Employers settlement. It was considered that the proposal for a 1% pay award was an appropriate response in the light of the Council's budget position and employees had been fully informed of the financial challenges facing the authority through the Joint Employee Consultative Committee and Unison.

Members commended the efforts of staff during challenging financial circumstances and their commitment to the Council.

RESOLVED: That subject to final ratification of the Council's 2015/16 budget by the full Council, a 1% pay award for the 2015/16 financial year be approved payable from 1 April 2015.

GP 15/7 ACCOUNTING POLICIES FOR 2014/15 FINANCIAL STATEMENTS

The report of the Director of Finance and Transformation presented the Accounting Policies proposed to be used in the preparation of the Financial Statements for 2014/15. It was noted that the only change resulted from Grant Thornton's recommendation following the audit of the 2013/14 Accounts in respect of the interim revaluation of assets. The report set out the proposed new accounting policy in respect of Land and Buildings.

It was noted that the Audit Committee, at its meeting on 26 January 2015, had commended the Accounting Policies for adoption.

RESOLVED: That the Accounting Policies to be used in the preparation of the Financial Statements, as set out at Annex 1 to the report, be approved.

MATTERS FOR CONSIDERATION IN PRIVATE**GP 15/8 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE**DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION****GP 15/9 ESTABLISHMENT CHANGES**

(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The report of the Management Team presented for approval a number of establishment changes arising from the on-going operational management of the Council's services. It was noted that the proposals would result in net establishment savings of £5,487 inclusive of oncosts.

RESOLVED: That the following adjustments be endorsed:

- (1) post DF0511 Benefit Assistant (37 hours) scale 2/4 be deleted with immediate effect;
- (2) a new post of Senior Revenue and Benefits Liaison Officer (37 hours) scale 5/6 be created;

- (3) the hours of post DF0915 Senior Revenue Assistant (37 hours) scale 4/6 be reduced to 27 hours with immediate effect;
- (4) post DF0907 Revenue and Benefits Liaison Officer (37 hours) scale SO/M9 be re-designated as Revenue and Benefits Liaison Manager;
- (5) a new post of Overpayment Recovery Officer (22 hours) scale 5/6 be created with immediate effect;
- (6) post DF0529 Overpayments Recovery Clerk (23.25 hours) scale 1/2 be deleted with immediate effect;
- (7) the reduction in the hours of post DF0503 Benefit Office Supervisor scale 5/6 from 37 to 32 hours be confirmed;
- (8) the reduction in the hours of post DF0602 Fraud Investigation Officer scale 4/6 from 22.5 to 21.5 hours be confirmed;
- (9) the transfer of post DF0105 Administrative Assistant (37 hours) scale 2/3 from the 'central' administrative team within Finance and Transformation to the Revenue and Benefits Section be noted;
- (10) post DF0406 Clerical Assistant (Exchequer Services) (8 hours) scale 1/2 be deleted with immediate effect;
- (11) the hours of post DF0524 Clerical Support Officer scale 1/2 be increased from 30 to 37 hours with immediate effect;
- (12) the hours of post DF0904 Revenue Assistant scale 2/4 be increased from 35 to 37 hours with immediate effect;
- (13) post DF1004 Verification Officer (37 hours) scale 2/3 be re-designated Administrative Assistant with immediate effect;
- (14) the reduction in hours of post DG3002 Senior Administration Assistant scale 3/4 from 37 to 33 hours be confirmed;
- (15) the extension until 31 December 2015 of the 3 additional hours temporarily worked by post DG3004 Administration Assistant (27.5 hours) scale 2/3 be noted;
- (16) the increase in hours of post DG3009 Administration Assistant scale 2/3 from 18.5 to 22 hours be confirmed;
- (17) post DR0302 be re-designated and regraded from Assistant Land Charges Manager (scale 4/5) to Land Charges Team Leader (scale SO), effective from June 2015;

- (18) the hours of re-designated post DR0302 be increased from 15 to 30 hours per week effective from June 2015;
- (19) a new post of Land Charges Officer (Scale 4/5 - 37 hours per week) be created for a fixed period of 2 years, effective from February 2015;
- (20) posts DR0301 (Land Charges Manager) and DR0303 (Senior Land Charges Officer) be deleted upon retirement of the existing post holders;
- (21) a sum of £10k be ring-fenced from the overall savings in respect of the Land Charges proposals for future operational adjustments; and
- (22) the net contribution of £5,487 towards future savings targets be noted.

The meeting ended at 8.00 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

29 June 2015

Report of the Director of Central Services

Part 1- Public

Matters for Recommendation to Council

1 HUMAN RESOURCES STRATEGY UPDATE

The Human Resources Strategy (HR Strategy) provides an overview of the Council's approach to managing its employees. It is updated annually to identify "improvement priorities", such as changes to the Council's personnel policies.

The updated HR Strategy attached as Annex 1 to this report advises the Committee on the progress in achieving the improvement priorities in the Human Resources Strategy (HR Strategy) for April 2014 – March 2015 and identifies actions to be implemented in the period April 2015 – March 2016. The updated Strategy in Annex 1 also contained the statutory equality monitoring required by the Equality Act 2010.

1.1 Overview of updates to the HR Strategy

1.1.1 Section 3 of the updated HR Strategy lists progress against the improvement priorities identified in 2014/15. The Committee will note that all of the identified actions were achieved.

1.1.2 Section 4 of the HR Strategy reports the outcomes of the equality monitoring of staffing issues in 2014/15. There is no evidence of discrimination against any of the protected characteristic groupings listed in the Equality Act 2010.

1.1.3 Section 5 of the HR Strategy advises the Committee of the improvement priorities that have been so far identified for 2015/16. This Section is referred to as The Workforce Development Plan (WDP) because periodically various external agencies, Government Departments etc. request information about the Council's Workforce Development Plan.

1.2 Legal Implications

1.2.1 The reporting of the outcomes of the Council's HR equalities monitoring as a statutory requirement of the Equalities Act 2010.

1.3 Financial and Value for Money Considerations

1.3.1 All of the actions listed in Section 5 of the attached Annex will be resourced from existing budgets.

1.4 Risk Assessment

1.4.1 The Workforce Development Plan in Section 5 of the HR Strategy complies with one of the recommended requirements of the Annual Governance Statement (part of the statement of accounts).

1.5 Equality Impact Assessment

1.5.1 The outcomes of equality monitoring as specified in Section 4 of the HR Strategy do not reveal any adverse differential impacts.

1.6 Recommendations

1.6.1 The Committee is commended to note the outcomes of the equality monitoring as reported in Section 4 of the HR Strategy and to recommend the actions listed in Section 5 to Council.

Background papers:

contact: Delia Gordon

Nil

Adrian Stanfield
Director of Central Services

Annex 1

HUMAN RESOURCES STRATEGY (incorporating the Pay and Workforce Strategy)

1 The Council's Aspirations

The Council aspires to provide customer focused efficient services. We also strive to continuously improve our performance and increase efficiency. In attempting to achieve these aspirations we are guided by the following corporate values:

- That all people having dealings with the Council have a right to equality of treatment, courtesy, promptness and integrity.
- The Council believes in fairness, consensus, involvement and learning in respect of its dealings with the people of the Borough and its communities, and that these values should be mirrored in the Council's relationship with staff.

2 Human Resource Strategy

The Human Resources Strategy is about recognising and developing the crucial contribution of every employee. This is prompted by the expectation/aspiration that all employees will:

- be customer focused
- be corporately aware
- demonstrate a "can do" approach to work
- appreciate the Council as a good employer
- consider themselves as colleagues in a joint endeavour to achieve the corporate vision.

Working with partners, external service providers, and other authorities, the Council will give ongoing consideration to the further development of the Strategy. The Strategy will be updated annually and will identify improvement priorities for the year ahead. The annual update will also report on the achievement of the improvement priorities identified the previous year.

In order to align our Human Resource activities with the Council's values and strategic aims, four key "building blocks" are used to inform and direct human resource activities. These are:

- Leadership and Management
- Effective Recruitment and Retention

- Communication and Team Working
- Workforce Development.

The Sections below provide an overview of the Council's current approaches to developing these "building blocks".

Leadership and Management Development

We want managers and supervisors throughout Tonbridge & Malling Borough Council to meet their responsibilities to their colleagues by providing leadership, direction, purpose and support.

- Managers and supervisors will be expected to proactively seek out opportunities for service transformation and to set standards to ensure that the Council's performance is continuously improved.
- All managers and supervisors will contribute to developing an organisational climate that encourages innovation, by encouraging their staff to engage positively in service transformation and in developing new ways of working.
- Corporate working will be promoted throughout the Council.
- All managers and supervisors will be expected to behave in accordance with the Council's Supervisory and Management Capability Checklists.
- Up to date advice, training and support on Council policies and procedures for dealing with a range of employee relations issues will ensure consistency of management style.
- New managers and supervisors will be equipped for their role by participating in appropriate training and development activities.
- Throughout their careers with the Council managers and supervisors will have opportunities to attend training and development events that reflect their responsibilities.

Effective Recruitment & Retention

We want an employment package that attracts and retains capable people who are committed to delivering excellent services to the community.

- We will balance internal progression with external recruitment to ensure that the Council continuously reinvigorates its talent pool, and that appropriate succession planning ensures an appropriately skilled workforce for the future.

- We will endeavour to attract suitable applicants by clear job descriptions, person specifications and advertisements.
- There will be a fair and consistent recruitment and selection framework that supports diversity within the workforce and that is regularly inspected by our internal audit team. Our workforce broadly reflects the ethnic distribution of the residents of the borough.
- We will offer employees a fair and competitive rate for the job that reflects the principles of equal pay. We will ensure equal status for part-time staff. In 2015/16 of a workforce of 277 permanent employees, 107 are employed on a part time basis.
- Wherever possible, we will offer employees flexible working opportunities that reflect the diversity of the workforce and facilitate a healthy Work Life Balance.
- We will ensure that working environments are safe and healthy. The Council is currently accredited with the ROSPA Gold Award.
- We will foster a supportive management ethos that recognises and values everyone's contribution.
- We will offer employees suitable training and development opportunities.

Communication and Team Working

We want to create a climate of trust, honesty and involvement. We recognise the need for open and honest two-way communication.

- We will maintain a system of annual individual appraisals and regular team briefings across the organisation.
- We will maintain a constructive relationship with accredited employee representatives and the Trade Union (Unison). There is an effective Joint Employee Consultative Committee which provides an opportunity for elected members, managers and employees to debate staffing issues.
- We will honour the Council's commitment to trust, honesty and involvement by working through employee relations issues according to the procedures specified in the Grievance, Disciplinary, Capability, Anti-Bullying and Harassment and Confidential Reporting Codes of Practice/Procedures.
- We will ensure that corporate information is easily accessible and will continue to develop the use of information technology for this purpose. All employees can access relevant corporate policies and e-learning modules on the Council's intranet.

- We will encourage development of a culture of corporate and co-operative working across the Council. The effectiveness of our Human Resources approach/policies are tested approximately every 3 years in a Staff Survey.
- We will encourage employees to influence the shape of future service delivery in an environment that embraces transformation and partnership working.

Workforce Development

We want employees to know how their contribution fits into the bigger picture, and to have the skills, knowledge and information they need to do their job effectively. We want them to feel committed to the Council and to enjoy coming to work.

- We will provide new employees with information about their job and employment package.
- Every new employee will undergo a customised induction process.
- All employee's will have an annual performance appraisal which will review their performance over the past year, set personal objectives for the year ahead, and identify any training and development needs.
- All employees will have access to training and development activities that are linked with their individual objectives as well as those of the service to which they belong.
- We will deal firmly and fairly with poor performance.
- On return from absence due to sickness, all employee's will engage in a return to work interview with their line manager that will attempt to identify any organisational factors which may have contributed towards their illness.

3 Achievement of Improvement Priorities for the period April 2013 to March 2014

Action	Progress
<p><i>Developing leadership capacity</i></p> <p>i) Provide structured development opportunities that enhance management capacity and enable succession planning that takes account of the anticipated departure of many senior staff over the next 5</p>	<p>The Chief Housing Officer has attended a short intensive managerial training course, and the Customer Services Support Officer is currently undertaking a Level 5 Leadership and Management training programme.</p>

years.	
<p><u><i>Developing the skills and capacity of the workforce</i></u></p> <p>i) Support the development of appropriate officers in skill sets required to meet current legislation/service requirements.</p> <p>iii) Provide Paediatric First Aid training for staff employed on the Summer Play Scheme.</p>	<ul style="list-style-type: none"> ➤ There have been 333 instances of employees undertaking off the job seminars, workshops or short courses, and 96 e-learning courses were completed. ➤ This was provided and appropriate First Aid was administered to the small number of “casualties”.
<p><u><i>Organisational development</i></u></p> <ul style="list-style-type: none"> ➤ Continue to re-align the Council’s Establishment with its re-defined priorities. ➤ Continue to develop the knowledge base of elected Members in response to changes in legislation, Government initiatives etc. 	<ul style="list-style-type: none"> ➤ 40 adjustments to job roles, changes in working patterns, re-grades, and deletion of posts have been agreed at the meetings of the General Purposes Committee in June, September and October 2014. ➤ Officers have provided Member briefings on a range of topics including planning, housing, waste management, and licensing, at Committee and Advisory Board meetings. In addition, the Leader attended the annual conference of the Local Government Association in order to provide up to date guidance on national trends etc., and, an off the job training course on the Use of Social Media was offered to all Members.
<p><u><i>Resourcing, recruitment and retention</i></u></p> <p>i) Provide work placements to local schools.</p> <p>ii) Continue to provide apprenticeship</p>	<ul style="list-style-type: none"> ➤ Numerous work placement opportunities have been provided for Year 10 and 11 students.

<p>placements for Customer Services at NVQ Level 2.</p> <p>iii) Seek to maintain the profile of the Council as an employer of disabled people by gaining re-accreditation of the Two Ticks Scheme.</p>	<ul style="list-style-type: none"> ➤ 2 placements were provided in partnership with K College and were successfully “filled”. The success of the programme has been evidenced by the permanent employment within the Council of one of the apprentices as a Clerical Support Officer. The other apprentice successfully obtained employment as an Office Manager in a small local building company. ➤ The Council successfully attained re-accreditation in January 2015.
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4 Equalities Monitoring 2014/15

In accordance with Equality legislation, the Authority is legally obliged to consider how our activities as an employer affect people who share different protected characteristics.

The information included in the tables below shows the outcomes of this monitoring for the period 2014/15. For the sake of comparison, a percentage analysis of the demographic profile of the Borough according to gender, ethnicity and disability is shown in Table 10 and a breakdown of the race, disability, gender and age distributions of the workforce in Tables 11 & 12.

In accordance with commitments made in the Equality Impact Assessment of the Flexible Working Policy the outcomes of the monitoring of the return rates from maternity leave and applications for flexible working are included in Tables 8 & 9.

Table 1 – Analysis of applications for jobs

Total Applicants	685
Male	258
Female	427
Disabled	28
Ethnic Minority	122

Shortlisted	121
Male	53
Female	68
Disabled	10
Ethnic Minority	13

Appointed	25
Male	10
Female	15
Disabled	1
Ethnic Minority	2

Table 2 – Analysis of Promotions

Promotions	16
Male	7
Female	9
Disabled	0
Ethnic Minority	1

Table 3 – Analysis of Disciplinary Hearings

Hearings	7
Male	5
Female	2
Disabled	0
Ethnic Minority	1

Table 4 – Analysis of Capability Hearings

Hearings	1
Male	1
Female	0
Disabled	0
Ethnic Minority	0

Table 5 – Analysis of Grievance Hearings

Cases	2
Male	0
Female	2
Disabled	0

Ethnic Minority	0
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Table 6 –Instances of staff within the Council receiving training for which a direct cost has been incurred.

Total	White	Non White	Male	Female	Disabled
333	327	6	141	192	10

Table 7 – Applications for changes to working patterns and flexible working, and success rates

Nature of the request	Requests	Requests granted
Flexible retirement	4	3
Reduction/increase in working hours or change in working pattern	16	16

Table 8 – Return rates from maternity leave

Category	Number
Number of employees on maternity leave in 14/15	4
Number still on maternity leave in 2015/16	1
Number of employees who left the Council's employment on or shortly after returning from maternity leave	0
Number who returned to employment with the Council.in 14/15	4

Table 9 – Demographic analysis of the Borough

Equality Characteristic	Percentage
Male	48
Female	52
White	96
Ethnic Minority	4
Permanently sick or disabled	3

Table 10 – Gender, disability and race distribution of the workforce

In March 2015 there were 277 permanent employees, of which 107 were part time.

Equality Characteristic	Headcount
Gender	Male – 101 Female - 176
Disability	Employees who consider themselves to be disabled – 5

Ethnicity	White – 229 Black – 3 Asian or Asian Black – 3 Other Asian – 0 Mixed - 0
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Note – any discrepancies in the totals above are due to employees not disclosing personal information.

Table 11 – Age distribution of the workforce

Age range	Number of employees
Up to 19	0
20 - 25	13
26 - 35	33
36 - 45	70
46 - 55	88
56 - 65	66
Over 65	7

5 Workforce Development Plan April 2015 – March 2016

Developing leadership capacity

- Continue with the provision of structured development opportunities that enhance our management capacity and enable succession planning that takes account of the potential departure of many experienced staff over the next five years.

Developing the skills and capacity of the workforce

- Continue to support the ongoing professional development of staff, and to equip them with the knowledge and skills required to deliver services, to respond to changes introduced by the Government, and to the Council's transformational agenda. Specific areas of need will be identified during the 2015/16 performance appraisal process.

Organisational Development

- Consider the impact on the Council's policies of any proposals from the Government to amend existing employment legislation, and re-align the Council's HR policies with the timetable for any proposed amendments.

- Continue to provide briefings for Members on legislative change etc. at Committee meetings and Advisory Boards, and, where appropriate commission dedicated training sessions on cross cutting corporate issues such as safeguarding children and vulnerable adults.

Resourcing, recruitment & retention

- Continue to re-align the Council's Establishment with its re-defined priorities.
- Continue to explore options with other Councils for shared service delivery.
- Continue to ensure that work placements are provided to local schools, and up to 3 apprenticeships are offered in Customer Service skills.
- Seek to maintain the reputation of the Council as an employer of disabled people by gaining re-accreditation of the Two Ticks Scheme (by February 2016).

Pay and Reward

- Track the benefits package offered by our competitors for staff and keep the Council's package under review (ongoing).
- Review the Pay Policy Statement (by March 2016).
- Monitor the rates of the reimbursement of subsistence expenses for those attending training and development activities (as specified in the Training Expenses and Facilities Scheme) to ensure parity with changes in the Consumer Prices Index.

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

29 June 2015

Report of the Chief Executive

Part 1- Public

Delegated

1 RESPONSE TO PUBLIC CONSULTATION ON THE DRAFT RECOMMENDATIONS ON THE NEW ELECTORAL ARRANGEMENTS FOR KENT COUNTY COUNCIL

1.1 Background

1.1.1 Members may recall that the Local Government Boundary Commission for England (LGBCE) are currently reviewing the electoral arrangements for Kent County Council, in a similar way to the review they conducted of TMBC a few years ago.

1.1.2 The LGBCE have now published their draft recommendations (**annex 1**) and opened a public consultation. The deadline for responses to the consultation is 6 July 2015.

1.2 Recommendations of the LGBCE affecting the TMBC area

1.2.1 The review covers the whole of the Kent County Council administrative area. Across the whole area, the number of County Councillors is proposed to reduce from 84 to 81. The draft recommendations are that there will be 65 single-member divisions (the county council equivalent of our 'wards'), and 8 two-member divisions.

1.2.2 Within the TMBC area, the draft recommendations retain the number of county councillors as 7, serving 6 single-member divisions and 1 two-member division. However, there are two proposed changes to current electoral arrangements:

- 1) The draft recommendations suggest that Ditton parish be split into two, with half being served by Malling Central division, and half by Malling North East. The report from the LGBCE states that West Malling, and East Malling & Larkfield parish councils and the current county Member for Malling Central support the division of Ditton. However, where a parish is split between two electoral divisions, there is inevitable confusion as to which county Member should be contacted by a member of the public. The division of Ditton parish, therefore, would not be helpful nor conducive to promote effective and convenient local government, one of the aims of the

review. A consequence of this, if implemented, would be that Ditton parish would be warded.

- 2) Stansted parish is to be moved from one county division to Malling West. This change makes sense, supports electoral equality, and improves effective and convenient local government.

1.3 Proposed response to the LGBCE consultation

- 1.3.1 In light of this, I **recommend** that Members agree the following response to the LGBCE consultation:

Tonbridge & Malling Borough Council Members and Officers have reviewed the draft recommendations of the LGBCE, and issue the following shared response:

1. We note there are relatively few changes within the TMBC area, and generally support this position.
2. We **support** the move of Stansted parish to Malling West electoral division.
3. We **do not support** the proposal to split Ditton parish between two county divisions. This will lead to confusion for electors who will be unsure who their county Member is, and so is not conducive to effective and convenient local government. Our view is that parishes should be moved in their entirety between county divisions where possible, or existing parish ward arrangements be used to split parishes where necessary. We **do not support** the proposal as it requires Ditton parish to become warded, which is not convenient nor effective in terms of serving the local community. The draft recommendations indicate that keeping the whole of Ditton parish within one electoral division would still result in acceptable electoral equality, and we therefore do not agree that a move is necessary or beneficial to the local community.

1.4 Financial and Value for Money Considerations

- 1.4.1 This review is being conducted by the LGBCE with input from Kent County Council. Our response is met from existing budgets.

1.5 Equality Impact Assessment

1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Recommendations

1.6.1 Members are invited to **agree** the response to the LGBCE consultation, on behalf of TMBC Members and Officers as stated in paragraph 1.3.1 above.

Background papers:

contact: Richard Beesley

Nil

Julie Beilby

Chief Executive

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Draft recommendations on the new electoral arrangements for Kent County Council

Electoral review

May 2015

Translations and other formats

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Summary

Who we are

The Local Government Boundary Commission for England (LGBCE) is an independent body set up by Parliament. We are not part of government or any political party. We are accountable to Parliament through a committee of MPs chaired by the Speaker of the House of Commons.

Our main role is to carry out electoral reviews of local authorities throughout England.

Electoral review

An electoral review examines and proposes new electoral arrangements for a local authority. A local authority's electoral arrangements decide:

- How many councillors are needed
- How many wards or electoral divisions should there be, where are their boundaries and what should they be called
- How many councillors should represent each ward or division

Why Kent?

We are conducting an electoral review of Kent County Council as the Council currently has high levels of electoral inequality where some councillors represent many more or many fewer voters than others. This means that the value of each vote in county council elections varies depending on where you live in Kent. Overall, 31% of divisions currently have a variance of greater than 10%; Romney Marsh has a variance of +38%.

Our proposals for Kent

Kent County Council currently has 84 councillors. Based on the evidence we received during previous phases of the review, we consider that a decrease in council size by three members will ensure the Council can discharge its roles and responsibilities effectively.

Electoral arrangements

Our draft recommendations propose that Kent County Council's 81 councillors should represent 65 single-member divisions and eight two-member divisions. None of our proposed 73 divisions would have an electoral variance of greater than 10% from the average for Kent by 2020.

You have until 6 July 2015 to have your say on the recommendations. See page 40 for how to have your say.

1 Introduction

1 This electoral review is being conducted following our decision to review Kent County Council's electoral arrangements to ensure that the number of voters represented by each councillor is approximately the same across the county.

What is an electoral review?

2 Our three main considerations in conducting an electoral review are set out in legislation¹ and are to:

- Improve electoral equality by equalising the number of electors each councillor represents
- Reflect community identity
- Provide for effective and convenient local government

3 Our task is to strike the best balance between them when making our recommendations. Our powers, as well as the guidance we have provided for electoral reviews and further information on the review process, can be found on our website at www.lgbce.org.uk

Consultation

4 We wrote to the Council inviting the submission of proposals on council size. We then held a period of consultation on division patterns for the county. The submissions received during our consultation have informed our draft recommendations.

This review is being conducted as follows:

Stage starts	Description
18 November 2014	Council size decision
9 December 2014	Division pattern consultation
12 May 2015	Draft recommendations consultation
7 July 2015	Analysis of submissions received and formulation of final recommendations
29 September 2015	Publication of final recommendations

How will the recommendations affect you?

5 The recommendations will determine how many councillors will serve on the Council. They will also decide which division you vote in, which other communities are in that division and, in some instances, which parish council wards you vote in. Your division name may also change, as may the names of parish or town council wards in the area. The names or boundaries of parishes will not change as a result of our recommendations.

¹ Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009.

What is the Local Government Boundary Commission for England?

6 The Local Government Boundary Commission for England is an independent body set up by Parliament under the Local Democracy, Economic Development and Construction Act 2009.

Members of the Commission are:

Max Caller CBE (Chair)
Professor Colin Mellors (Deputy Chair)
Dr Peter Knight CBE DL
Alison Lowton
Sir Tony Redmond
Professor Paul Wiles CB

Chief Executive: Jolyon Jackson CBE

2 Analysis and draft recommendations

7 Legislation² states that our recommendations are not intended to be based solely on the existing number of electors³ in an area, but also on estimated changes in the number and distribution of electors likely to take place over a five-year period from the date of our final recommendations. We must also try to recommend strong, clearly identifiable boundaries for the divisions we put forward at the end of the review.

8 In reality, the achievement of absolute electoral fairness is unlikely to be attainable and there must be a degree of flexibility. However, our approach is to keep variances in the number of electors each councillor represents to a minimum.

9 In seeking to achieve electoral fairness, we work out the average number of electors per councillor by dividing the electorate by the number of councillors as shown on the table below.

	2014	2020
Electorate of Kent County	1,092,651	1,157,343
Number of councillors	81	81
Average number of electors per councillor	13,490	14,288

10 Under our draft recommendations, none of our proposed divisions will have an electoral variance of greater than 10% from the average for the county by 2020. We are therefore satisfied that we have achieved good levels of electoral fairness for Kent.

11 Additionally, in circumstances where we propose to divide a parish between district wards or county divisions, we are required to divide it into parish wards so that each parish ward is wholly contained within a single district ward or county division. We cannot make amendments to the external boundaries of parishes as part of an electoral review.

12 These recommendations cannot affect the external boundaries of Kent County Council or result in changes to postcodes. They do not take into account parliamentary constituency boundaries. There is no evidence that the recommendations will have an adverse effect on local taxes, house prices, or car and house insurance premiums and we are not, therefore, able to take into account any representations which are based on these issues.

Submissions received

13 See Appendix B for details of submissions received. All submissions may be inspected at our offices and can also be viewed on our website at www.lgbce.org.uk

² Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009.

³ Electors refers to the number of people registered to vote, not the whole adult population.

Electorate figures

14 As prescribed in the Local Democracy, Economic Development and Construction Act 2009, the Council submitted electorate forecasts for 2020, a period five years on from the scheduled publication of our final recommendations in 2015. These forecasts were broken down to polling district level and projected an increase in the electorate of approximately 5.9% to 2020. The highest proportion of this growth across the county is expected in the borough of Dartford. Dover is also projected to see substantial growth over the next five years.

15 Having considered the information provided by the Council, we are satisfied that the projected figures are the best available at the present time and these figures form the basis of our draft recommendations.

Council size

16 Kent County Council submitted a proposal to retain the council size of 84. We carefully considered the representation received. We considered that the Council's submission proposing a council of 84 members was not supported by adequate evidence to justify a council size out of range when compared with its nearest statistical neighbour authorities. We considered that a council size of 81 members was appropriate based on the evidence received and that the authority can operate efficiently and effectively and ensure effective representation of local residents under this council size. We therefore invited proposals for division arrangements based on a council size of 81.

17 We received two submissions concerning council size in response to the consultation on division patterns. One did not support a reduction in size and the other supported splitting the council into two councils of 42 members each. We received no other comments. We were not persuaded by the evidence received to change our decision and we have therefore based our draft recommendations on a council size of 81 elected members.

18 A council size of 81 provides the following allocation between the district councils in the county:

- Ashford District – seven councillors
- Canterbury City – eight councillors, a reduction of one
- Dartford Borough – six councillors
- Dover District – seven councillors
- Gravesham Borough – five councillors
- Maidstone Borough – nine councillors
- Sevenoaks District – six councillors, a reduction of one
- Shepway District – six councillors
- Swale Borough – seven councillors
- Thanet District – seven councillors, a reduction of one
- Tonbridge & Malling Borough – seven councillors
- Tunbridge Wells Borough – six councillors

Division patterns

19 During consultation on division patterns, we received 59 submissions, including a county-wide proposal from Kent County Council. We also received a scheme from the Labour Group on Kent County Council for Dover, Gravesham, Shepway, Swale and Thanet, the areas where they disagreed with the Council's scheme. We received a scheme from Canterbury & Coastal Liberal Democrats for Canterbury and from the UKIP Group for Swale. We received a scheme for Sevenoaks from a local resident and a scheme for Dartford from a local resident. The scheme in Dartford matched that of the Council scheme. The remainder of the submissions provided localised comments for division arrangements in particular districts.

20 Having carefully considered the proposals received, we were of the view that the proposed patterns of divisions in the Council's proposals resulted in good levels of electoral equality in most areas of the county and generally used clearly identifiable boundaries. We have based our proposals for Ashford, Canterbury, Dartford, Maidstone, Sevenoaks, Shepway, Tonbridge & Malling and Tunbridge Wells on these proposals. However, we have made modifications in some areas to minimise electoral variances and ensure more identifiable boundaries.

21 In Dover, Swale and Thanet we have based our recommendations on the Labour Group proposals with some modifications to ensure our recommendations provide a good reflection of our statutory criteria. We also based some of our proposals for Swale on the submission from UKIP. In Gravesham, we were unable to base our recommendations on any of the submitted schemes as they all would result in either poor electoral equality or would not follow clearly identifiable boundaries. Therefore, in Gravesham we have put forward our own division arrangements.

22 Our draft recommendations are for 65 single-member divisions and eight two-member divisions. We consider that our draft recommendations will provide for good electoral equality while reflecting community identities and interests where we have received such evidence during consultation.

23 A summary of our proposed electoral arrangements is set out in Table A1 (on pages 42–9) and on the large map accompanying this report. We welcome all comments on these draft recommendations. We also welcome comments on the division names we have proposed as part of the draft recommendations.

Detailed divisions

24 The tables on pages 8–36 detail our draft recommendations for each district in Kent. They detail how the proposed division arrangements reflect the three statutory⁴ criteria of:

- Equality of representation
- Reflecting community interests and identities
- Providing for convenient and effective local government

⁴ Local Democracy, Economic Development and Construction Act 2009.

Ashford District

Division name	Number of Cllrs	Variance 2020	Description	Detail
Ashford Central	1	-2%	This division includes the unparished areas of Bybrook, Barrow Hill and Godinton Park.	This division is identical to the existing division as we consider it continues to provide good electoral equality for the area while reflecting community identities.
Ashford East	1	0%	This division includes the unparished areas of Willesborough and South Willesborough, and part of Sevington parish.	These divisions are almost identical to the existing divisions and we note they continue to offer good electoral equality for the area. We have made a small modification to the boundary between the two divisions to use the River Stour as the northern boundary of Ashford East division. This affects seven electors who are moved from Ashford East to Ashford Rural East division.
Ashford Rural East	1	-6%	This division includes the parishes of Aldington, Bonnington, Brook, Chilham, Crundale, Godmersham, Hastingleigh, Mersham, Molash, Smeeth and Wye with Hinxhill and part of Sevington parish. It also includes the unparished area of Kennington.	
Ashford Rural South	1	-3%	This division includes the parishes of Bilsington, Kingsnorth, Orlestone, Ruckinge, Shadoxhurst, Warehorne and Woodchurch.	This division is based on a proposal received during consultation with a small modification to include the entire parish of Stanhope in Ashford South division. We consider this better reflects the community in this area.

Ashford Rural West	1	-5%	This division includes the parishes of Bethersden, Boughton Aluph, Challock, Charing, Eastwell, Egerton, High Halden, Hothfield, Little Chart, Pluckley and Westwell. It also includes part of the parish of Great Chart with Singleton, and a small part of the unparished area of Goat Lees.	This division is based a proposal received during consultation. However, we propose to move Smarden parish to Tenterden division to allow us to ensure electoral equality in that division.
Ashford South	1	5%	This division includes the unparished area of South Ashford and Ashford town centre as well as the parish of Stanhope and part of the parish of Great Chart with Singleton.	This is based on a proposal received during consultation with a small modification to include the entire parish of Stanhope in this division. We are satisfied that it provides a good reflection of our statutory criteria.
Tenterden	1	-5%	This division includes the parishes of Appledore, Biddenden, Kenardington, Newenden, Rolvenden, Smarden, Stone-cum-Ebony, Tenterden and Wittersham.	We propose to move Smarden parish from Ashford Rural West division to ensure good electoral equality in this division. We received a submission from Biddenden Parish Council that supported Biddenden remaining in Tenterden division. We are persuaded that this will reflect community identities and have retained the parish in this division.

Canterbury City

Division name	Number of Cllrs	Variance 2020	Description	Detail
Canterbury City North	1	7%	This division is made up of the unparished areas of Canterbury that make up the City Council wards of Northgate and St Stephen's and parts of Westgate and Blean Forest wards.	The reduction of three councillors across Kent means that the number of councillors for Canterbury is reduced from nine to eight. This means that there will be significant change to electoral divisions in Canterbury. We propose a division that covers areas in the north of the city which we consider share a common identity and interests.
Canterbury City South	1	3%	This division is made up of the unparished areas of Canterbury that make up the City Council ward of Barton and parts of the Westgate and Wincheap wards.	This division is based on a proposal received during consultation, with a minor modification to provide a more identifiable boundary. The county-wide submission excluded a part of Martyrs' Field from the division which, whilst partly coterminous with a City Council ward, appeared not to follow identifiable ground detail. Instead we choose to include a small area of housing on the Canterbury city side of the A2 as detailed below. This provides good electoral equality for both Canterbury City divisions.
Canterbury North	1	8%	This division includes the parishes of Chestfield, Hackington, Harbledown & Rough Common and St Cosmus & St Damian in the Blean. It also includes parts of the parish of Chartham and the	This division is based on a proposal received during consultation. The reduction in the number of councillors in Canterbury means that the rural division will be larger than the existing division. This proposed

			unparished area around the University of Kent at Canterbury, and South Street near Whitstable.	division covers parishes to the north and west of Canterbury city, which we consider have a similar character and shared community identities and interests. This division also unites all of the campus of the University of Kent in one division. We consider that this division provides good electoral equality.
Canterbury South	1	-7%	This division includes the parishes of Adisham, Barham, Bekesbourne-with-Patrixbourne, Bishopsbourne, Bridge, Fordwich, Ickham & Well, Kingston, Littlebourne, Lower Hardres, Petham, Thanington Without, Upper Hardres, Waltham, Wickhambreaux, and Womenswold. It also includes part of the parish of Chartham and a small unparished area of South Canterbury.	<p>This division is based on a proposal received during consultation with a small modification. We propose to include the parish of Fordwich in this division. We also propose that the parish of Westbere and village of Hersden in Sturry parish be included in our proposed Herne Village & Sturry division. We noted that the parish of Westbere and village of Hersden have no transport links to their south with the main railway line out of Canterbury separating them from parishes to the south.</p> <p>This division includes all of the rural parishes to the south and west of Canterbury city that have many shared interests and community ties. The proposed division also provides good electoral equality for the area. This proposal is supported by Bekesbourne-with-Patrixbourne and Littlebourne parish councils.</p>

Herne Bay East	1	2%	This division is made up of the majority of eastern and central Herne Bay and Beltinge.	Herne Bay has too large an electorate for a single-member division. We therefore propose that this division includes the centre of Herne Bay and surrounding area which we consider best reflects the community identities in this part of Canterbury district.
Herne Village & Sturry	1	8%	This division includes the parishes of Chislet, Herne & Broomfield, Hoath, Westbere and Sturry. It also includes the unparished areas of Hillborough, Bishopstone and Reculver.	This division is based on a proposal received during consultation with the modifications mentioned above, and a change of name. We propose a division that includes the parishes in the north and east of Canterbury which we consider are of a similar character and identity. This division provides for good electoral equality. We propose to name this division Herne Village & Sturry. Our proposed division is in line with a submission from Herne & Broomfield Parish Council.
Whitstable East & Herne Bay West	1	1%	This division includes the unparished areas of Tankerton, Swalecliffe and Greenhill.	We propose that part of Whitstable and part of Herne Bay be included in a division due to the fact that Whitstable and Herne Bay each have an electorate that is too large for single-member divisions covering these areas. Given these constraints, we consider our proposed division reflects community identities and interests in this area and uses clearly identifiable boundaries.

Whitstable West	1	6%	This division includes the unparished areas of central Whitstable and Seasalter.	This division is based on a proposal received during consultation. Like Herne Bay, Whitstable contains too many electors for a single-member division. We propose that the centre of Whitstable and Seasalter form a division that, based on the evidence received, continues to reflect community identity. We propose to name this division Whitstable West.
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Dartford Borough

Division name	Number of Cllrs	Variance 2020	Description	Detail
Dartford East	1	-2%	This division includes the unparished areas of Hesketh and the Fleet Estate as well as parts of the parishes of Stone and Darenth.	This division is based on a proposal received during consultation. It includes the area of Castle from Stone parish which is currently included in the Swanscombe & Greenhithe division. This improves the electoral equality in both divisions.
Dartford North East	1	3%	This division includes the unparished areas of Temple Hill and New Town, and the Milestone area of Stone parish.	These divisions are identical to the existing divisions and we believe they continue to offer good electoral equality for the area while reflecting community identities.
Dartford Rural	1	-4%	This division includes the parishes of Bean, Longfield & New Barn, Southfleet and Sutton-at-Hone & Hawley. It also includes part of the parish of Darenth.	
Dartford West	1	-2%	This division includes the unparished areas of Dartford Town Centre and Bowmans.	
Swanscombe & Greenhithe	1	7%	This division includes the parish of Swanscombe & Greenhithe.	

				<p>electorate is projected to grow by 52% by 2020. Two submissions suggested that the division required an extra councillor or that the review should be halted due to the proposed development of Ebbsfleet Garden City.</p> <p>We asked the Council to provide us with projected electorates and we are satisfied that the projected figures of 52% growth are the best available at the present time. These figures therefore have formed the basis of our draft recommendations.</p>
Wilmington	1	-3%	This division includes the parish of Wilmington as well as the unparished areas of Brooklands, Maypole and Joydens Wood.	This division is identical to the existing division and we believe it continues to offer good reflection of our statutory criteria.

Dover District

Division name	Number of Cllrs	Variance 2020	Description	Detail
Deal Town	2	-8%	This division includes the parishes of Deal, Sholden and Walmer.	We propose adding the parish of Sholden to the existing Deal Town division as we consider that this is where community ties lie in this area. We were not persuaded by the proposal to place this area into two single-member divisions as proposed by the county-wide submission. We consider this proposal would result in a division of a cohesive community and that a single two-member division provides the best balance between our statutory criteria. Sholden Parish Council supported its inclusion in the proposed division.
Dover North	1	-3%	This division includes the parishes of Aylesham, Great Mongeham, Guston, Langdon, Nonington, Northbourne, Ringwould with Kingsdown, Ripple, St Margaret's at Cliffe, Sutton and Tilmanstone.	This division is identical to the existing division and we believe it continues to offer good electoral equality for the area.
Dover Town	2	-7%	This division includes the parishes of Dover and River.	This division is based on a proposal received during consultation. We have made a slight modification to both divisions. The proposed division of Dover Town had a variance of -11%. We consider this variance to be too high and we propose to include the parish of River in our Dover Town
Dover West	1	-9%	This division includes the parishes of Alkham, Capel-le-Ferne, Denton with Wootton, Eythorne, Hougham Without,	

			Lydden, Shepherdswell with Coldred, Temple Ewell and Whitfield.	division. We consider this is appropriate given the transport and community links in the area. Furthermore, this improves the electoral equality for both divisions.
Sandwich	1	2%	This division includes the parishes of Ash, Eastry, Goodnestone, Preston, Sandwich, Staple, Stourmouth, Wingham, Woodnesborough and Worth.	This division is identical to the existing division and we consider it continues to offer good electoral equality for the area while reflecting community identities.

Gravesham Borough

Division name	Number of Cllrs	Variance 2020	Description	Detail
Gravesend Central	2	6%	This division includes the central and southern part of Gravesend.	We were not persuaded that the proposals submitted for Gravesham sufficiently met our three statutory criteria of equality of representation, reflecting community interests and identities and providing for convenient and effective local government. We have therefore developed our own proposals for this area. We propose a two-member division for central Gravesend that we consider reflects the communities in the area and minimises electoral variances.
Gravesend North	1	6%	This division includes the north and eastern part of Gravesend, the parish of Higham and part of the parish of Shorne.	We propose a division which includes the north and east parts of Gravesend and the villages to the east of the town. We consider that this is reflective of communities in the area, as these villages have good communication and transport links to Gravesend. To ensure good electoral equality for this division and the division of Gravesham Rural it is necessary to divide the parish of Shorne between these divisions. We therefore propose to include those properties north of the A226 Gravesend Road in this division. This improves the electoral equality in both this and the adjoining Gravesham Rural division.

Gravesham Rural	1	8%	This division includes the parishes of Cobham, Luddesdown, Meopham and Vigo, part of the parish of Shorne and the unparished areas of Istead Rise and a small part of Gravesend.	We propose a division that includes all of the parishes to the south of the A2 and part of the parish of Shorne that lies to the north of the A2. None of the submissions we received for this division provided good electoral equality, nor did they propose sufficiently identifiable boundaries for the area. We consider that our proposed division provides the best balance of our three statutory criteria.
Northfleet	1	7%	This division includes the unparished areas of Northfleet and the western part of Gravesend.	We propose a division that contains all of Northfleet and a small part of west Gravesend which we consider reflects the communities in this area.

Maidstone Borough

Division name	Number of Cllrs	Variance 2020	Description	Detail
Maidstone Central	2	-1%	This division includes the centre of Maidstone including the areas of Allington, Barming Heath, Cherry Orchard and Upper Fant.	These divisions are almost identical to the existing divisions and we believe they continue to offer good electoral equality for the area. We have made one small modification by moving an area of the town centre from Maidstone North East division to Maidstone Central. This proposal is based on the county-wide submission.
Maidstone North East	1	-2%	This division includes the unparished areas of Boxley Road, Penenden Heath, Ringlestone and Vinters Park. It also includes a small part of the parish of Boxley.	
Maidstone Rural East	1	1%	This division includes the parishes of Bicknor, Boughton Malherbe, Broomfield & Kingswood, Detling, East Sutton, Frinsted, Harrietsham, Headcorn, Hollingbourne, Hucking, Lenham, Otterden, Stockbury, Thurnham, Ulcombe, Wichling and Wormshill.	These divisions are identical to the existing divisions and we believe they continue to offer good electoral equality for the area while reflecting community identities.
Maidstone Rural North	1	6%	This division includes the parishes of Bearsted and Bredhurst, the vast majority of the parish of Boxley and a small unparished area of Maidstone.	
Maidstone Rural South	1	-8%	This division includes the parishes of Chart Sutton, Collier Street, Langley, Marden, Staplehurst and Sutton	

			Valence and part of the parish of Boughton Monchelsea.	to this division from Maidstone Rural West in exchange for the parishes of Loose. This ensures that electoral variances are kept to a minimum in both divisions.
Maidstone Rural West	1	-6%	This division includes the parishes of Barming, Coxheath, East Farleigh, Hunton, Linton, Loose, Nettlestead, Teston, West Farleigh and Yalding.	This division is based on a proposal received during consultation. The parish of Loose is transferred to this division from Maidstone Rural South in exchange for the parishes of Collier Street and Marden. This improves the electoral equality in both divisions.
Maidstone South	1	3%	This division includes the unparished areas of North Loose and Shepway North and the parish of Tovil.	These divisions are identical to the existing divisions and we believe they continue to offer good electoral equality for the area.
Maidstone South East	1	-4%	This division includes the unparished areas of Shepway South and Parkwood, the parishes of Downswood, Leeds and Otham and part of the parish of Boughton Monchelsea.	

Sevenoaks District

Division name	Number of Cllrs	Variance 2020	Description	Detail
Darent Valley	1	3%	This division includes the parishes of Crockenhill, Dunton Green, Eynsford, Farningham, Halstead, Horton Kirby & South Darenth, Knockholt, Otford and Shoreham.	<p>The reduction of three councillors across Kent means that the number of councillors for Sevenoaks is reduced from seven to six. This reduction was not supported by Edenbridge Town Council in a submission received. However, in order to ensure good electoral equality, it is necessary to provide this allocation of councillors to Sevenoaks.</p> <p>This division is based on a proposal received during consultation with a slight amendment to include all of Swanley parish in a Swanley division. We consider that these parishes share good communication and transport links as well as reflecting community identity along the Darent Valley. This proposal was supported by Crockenhill Parish Council.</p>
Sevenoaks East	1	-1%	This division includes the parishes of Kemsing, Seal, Sevenoaks Weald and the eastern part of Sevenoaks parish.	We consider that the parishes to the east of Sevenoaks share good communication links with central Sevenoaks and each other. We also consider that the A25, main railway line and A225 provide a clearly identifiable boundary between east and west Sevenoaks.

Sevenoaks North East	1	-1%	This division includes the parishes of Ash-cum-Ridley, Fawkham, Hartley and West Kingsdown.	We consider that this division best represents the community ties in this area, with West Kingsdown having clear transport links with the parishes of Ash-cum-Ridley Fawkham and Hartley on the other side of the M20.
Sevenoaks Rural	1	7%	This division includes the parishes of Chiddingstone, Cowden, Edenbridge, Hever, Leigh, Penshurst and Westerham.	This division is based on a proposal received during consultation and consists of the rural parishes to the south and west that make up the existing Sevenoaks Rural division. We propose adding the parish of Westerham to the existing division to provide for better electoral equality for the area.
Sevenoaks West	1	-3%	This division includes the parishes of Brasted, Chevening, Riverhead and Sundridge with Ide Hill and the western part of the parish of Sevenoaks.	This division is based on a proposal received during consultation. These parishes run north–south to the west of Sevenoaks and we consider that they form a coherent rural community in this part of Sevenoaks. As mentioned above we consider that the A25, main railway line and A225 provide a clearly identifiable boundary between east and west Sevenoaks.
Swanley	1	10%	This division includes the parishes of Hextable and Swanley.	This division is based on a proposal received during consultation with a slight amendment to include all of Swanley parish in a Swanley division. We consider that although this division has a relatively high electoral variance it best reflects community

				identities in this area. This proposal is supported by Hextable Parish Council.
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Shepway District

Division name	Number of Cllrs	Variance 2020	Description	Detail
Cheriton, Sandgate & Hythe East	1	4%	This division includes the unparished area of Cheriton, the parishes of Saltwood and Sandgate and the eastern part of the parish of Hythe.	<p>This division is based on a proposal received during consultation. The high levels of electoral inequality in Romney Marsh require that the existing division is divided between two new divisions. The geography of the area necessitates that the new Romney Marsh division must include part of Hythe. Hythe parish must therefore be divided between two divisions, with part of the parish included in a division with surrounding areas.</p> <p>We visited the area and we consider that the eastern part of Hythe parish should form a division with Sandgate, Saltwood and Cheriton in the unparished area of Folkestone. We consider that these areas share many characteristics, community ties and transport links. Hythe Town Council requested that Hythe division and parish boundaries be coterminous but as stated above we are unable to recommend this given the need to provide a balance between our three statutory criteria.</p>

Elham Valley	1	2%	This division includes the parishes of Acrise, Elham, Elmsted, Hawkinge, Lyminge, Monks Horton, Newington, Paddlesworth, Postling, Sellindge, Stanford, Stelling Minnis, Stowting and Swingfield.	This division is based on a proposal received during consultation. The parishes of Lympne and Saltwood are transferred to the divisions of Hythe West and Cheriton, Sandgate & Hythe East respectively. Upon visiting the area we saw evidence that Lympne and Saltwood had community ties with the town of Hythe and the proposed division improves electoral equality in all three divisions.
Folkestone East	1	-6%	This division includes the unparished areas of East Folkestone around the Canterbury and Dover Roads and East Cliff.	This division is based on a proposal received during consultation. This division and the neighbouring division of Folkestone West reverse the current north–south split of Folkestone in favour of an east–west split. We consider that this division uses easily identifiable boundaries and provides for good electoral equality for the area.
Folkestone West	1	-3%	This division includes the unparished areas of West Folkestone and Morehall.	This division is based on a proposal received during consultation. This division and the neighbouring division of Folkestone East reverse the current north–south split of Folkestone in favour of an east–west split. We consider that this division uses easily identifiable boundaries and provides for good electoral equality for the area.

Hythe West	1	1%	This division includes the western part of Hythe parish and the parishes of Burmarsh, Dymchurch, Lympne, Newchurch and part of the parish of St Mary in the Marsh.	This division is based on a proposal received during consultation. The western part of Hythe parish is paired with Dymchurch and other parishes to the west with which it has good transport links and community ties.
Romney Marsh	1	2%	This division includes the parishes of Brenzett, Brookland, Ivychurch, Lydd, New Romney, Old Romney and Snargate and part of the parish of St Mary in the Marsh.	<p>This division is based on a proposal received during consultation. The current Romney Marsh division has a variance of 38%. This is an unacceptably high variance and to reduce this it is necessary to move the parishes of Burmarsh, Dymchurch, Newchurch and part of St Mary in the Marsh to the Hythe West division. One submission received suggested that the projected electorate figures for Hythe and Romney Marsh were too low.</p> <p>We accept that electoral forecasting is an inexact science but having considered the information provided by the Council, we are satisfied that the projected figures are the best available at the present time.</p>

Swale Borough

Division name	Number of Cllrs	Variance 2020	Description	Detail
Mid Swale	1	1%	This division includes the parishes Bapchild, Bredgar, Luddenham, Lynsted with Kingsdown, Milstead, Norton, Buckland & Stone, Oare, Rodmersham, Teynham and Tonge. It also includes parts of the parishes of Faversham and Tunstall.	<p>This division is based on a proposal received during consultation with a major modification to provide for more identifiable boundaries. It should be noted that the Commission is not normally minded to recommend a 'doughnut' division – that is one that is entirely surrounded by another division. We are not persuaded that it reflects community identities or will ensure effective and convenient local government for those electors in the surrounding division. It is therefore necessary to divide the town of Faversham between divisions.</p> <p>Our proposed Mid Swale division includes the Swale Borough Council wards of Priory and St Ann's and part of Watling ward, along with the rural parishes between Faversham and Sittingbourne either side of the A2. We consider this is reflective of the communities in the area and provides good electoral equality. Faversham Town Council and Teynham Parish Council do not support a proposal that divides Faversham between divisions but as mentioned above we are not persuaded we have received sufficient evidence to accommodate this proposal.</p>

Sheppey	2	6%	This division includes the parishes of Eastchurch, Leysdown, Minster-on-Sea, Queenborough and Warden and the unparished area of Sheerness.	We propose a division that is an amalgamation of the existing two single-member divisions of Sheerness and Sheppey East. Our two-member division has a variance of 6% which improves electoral equality for the Isle of Sheppey.
Sittingbourne North	1	1%	This division includes the unparished area of Sittingbourne to the north of the A2.	This division is based on a proposal received during consultation. Having visited the area, we propose to include the area of Murston in a division with other areas of north Sittingbourne as we considered that to keep those in separate divisions would not represent effective and convenient local government or reflect community ties. We also recognise that, with the opening of Swale Way since the last review of Kent, Murston has good communication and transport links with the rest of North Sittingbourne.
Sittingbourne South	1	-2%	This division includes all of Sittingbourne south of the A2 and a part of the parish of Tunstall.	This division is based on a proposal received during consultation. We have included part of the parish of Tunstall in our Sittingbourne South division to ensure that our division uses the same boundary as the borough ward, which we consider is clearly identifiable.
Swale East	1	-6%	This division includes the parishes of Badlesmere, Boughton under Blean, Dunkirk, Doddington, Eastling,	This division is based on a proposal received during consultation with a major modification to Faversham as mentioned

			Graveney with Goodnestone, Hernhill, Leaveland, Newnham, Ospringe, Selling, Sheldwich and Stalisfield and part of the parish of Faversham.	above. We propose that the borough ward of Abbey and part of Watling ward are included in a division with the parishes to the south and east of Faversham. We consider this is reflective of the communities in the area and provides good electoral equality.
Swale West	1	9%	This division includes the parishes of Bobbing, Borden, Hartlip, Iwade, Lower Halstow, Newington and Upchurch and the unparished areas of Grove Park and The Meads.	This division is based on a proposal received during consultation. We propose that the parishes to the west of Sittingbourne are included in a division with the unparished areas of The Meads and Grove Park on the outskirts of Sittingbourne. We consider this is reflective of the communities in the area and provides for good electoral equality. This proposal was supported by Iwade Parish Council.

Thanet District

Division name	Number of Cllrs	Variance 2020	Description	Detail
Birchington & Rural	2	3%	This division includes the parish of Acol, Birchington, Cliffsend, Manston, Minster, Monkton, Sarre and St Nicholas at Wade. It also includes the unparished areas of Garlinge, Westbrook and Westgate-on-Sea.	<p>We propose a two-member division that amalgamates the two divisions suggested during consultation. The reduction of three councillors across Kent means that the number of councillors for Thanet is reduced from eight to seven. As a result, the divisions in Thanet need to be substantially redrawn.</p> <p>Our proposed division includes the parish of Birchington and surrounding rural parishes with an unparished area to the west of Margate containing Garlinge, Westbrook and Westgate-on-Sea. We also include the parish of Cliffsend in this division. When visiting the area we noted that this area has good communication links throughout the proposed division.</p>
Broadstairs	1	4%	This division includes part of the parish of Broadstairs and St Peter's.	We propose a single-member division to replace the current two-member division of Broadstairs & Sir Moses Montefiore. Our proposed division does not include the East Cliff part of Ramsgate parish which is included in Ramsgate division. We have also included North Foreland in a division with Cliftonville which allows us to provide good electoral equality for the area.

Cliftonville	1	-4%	This division includes the unparished area of Cliftonville and part of the parish of Broadstairs and St Peter's.	Margate and Cliftonville currently make up a two-member division that has poor electoral equality with a variance of -20%. We propose two single-member divisions in this area, one for Margate and one for Cliftonville which we consider best reflects the community ties in the area and provides for much improved electoral equality.
Margate	1	0%	This division includes the unparished areas of Central and South Margate.	
Ramsgate	2	2%	This division includes the parish of Ramsgate.	

Tonbridge & Malling Borough

Division name	Number of Cllrs	Variance 2020	Description	Detail
Malling Central	1	3%	This division includes the parishes of West Malling and East Malling & Larkfield and part of the parish of Ditton.	The current division splits the parish of East Malling & Larkfield as a result of a development that has occurred since the last review of Kent County Council. We propose to include part of the parish of Ditton in this division. The county-wide submission was circulated to parish councils prior to its submission to the Commission and West Malling and East Malling & Larkfield parish councils and the county councillor for Malling Central support the division of Ditton parish. Whilst this area had acceptable electoral equality our proposed change improves it.
Malling North	1	0%	This division includes the parishes of Addington, Birling, Leybourne, Offham, Ryarsh, Snodland and Trottiscliffe.	This division is almost identical to the existing division and we consider that it continues to provide good electoral equality for the area. We have made a small modification by moving the parish of Stansted to our proposed Malling West division. This provides for a more identifiable boundary in the area and also improves electoral equality.
Malling North East	1	-3%	This division includes the parishes of Aylesford, Burham, Wouldham and part of the parish of Ditton.	As mentioned above, we have transferred part of the parish of Ditton from this division

				to Malling Central to provide for better electoral equality in both divisions.
Malling Rural East	1	2%	This division includes East Peckham, Hadlow, Kings Hill, Mereworth, Wateringbury and West Peckham.	This division is identical to the existing division and we believe it continues to offer the best balance between our statutory criteria.
Malling West	1	-6%	This division includes the parishes of Borough Green, Hildenborough, Ightham, Platt, Plaxtol, Shipbourne, Stansted and Wrotham.	This division is almost identical to the existing division and we believe it continues to offer good electoral equality for the area. We made a small modification by moving the parish of Stansted to this proposed division. This provides for a more identifiable boundary in the area, improves electoral equality and ensures the proposed division continues to reflect community identities.
Tonbridge	2	-4%	This division includes the unparished area of Tonbridge.	This division is identical to the existing division and we believe it continues to provide good electoral equality for the area while reflecting local communities.

Tunbridge Wells Borough

Division name	Number of Cllrs	Variance 2020	Description	Detail
Cranbrook	1	-3%	This division includes the parishes of Benenden, Cranbrook & Sissinghurst, Frittenden, Goudhurst, Hawkhurst and Sandhurst.	This division is based on a proposal received during consultation. The current electoral division of Cranbrook has poor electoral equality. To remedy this, we propose to transfer the parish of Goudhurst from the division of Tunbridge Wells Rural. Goudhurst has good transport links to the rest of the division and moving it into Cranbrook division provides good electoral equality for both divisions.
Tunbridge Wells East	1	-8%	This division includes the unparished area of Sherwood and the parish of Pembury.	These divisions are identical to the existing divisions and we believe they continue to offer good electoral equality for the area.
Tunbridge Wells North	1	-6%	This division includes the unparished area of St John's and the parish of Southborough.	
Tunbridge Wells Rural	1	-8%	This division includes the parishes of Brenchley, Capel, Horsmonden, Lamberhurst and Paddock Wood.	This division is based on a proposal received during consultation. We propose to transfer the parish of Goudhurst from this division to Cranbrook. Goudhurst has good transport links to the rest of the division and moving it into Cranbrook provides good electoral equality. Lamberhurst Parish Council supported a proposal where it remains in its existing division.

Tunbridge Wells South	1	2%	This division includes the unparished area of Tunbridge Wells South.	These divisions are identical to the existing divisions and we consider they continue to offer good electoral equality for the area while reflecting community identities. Tunbridge Wells Borough Council supported the current divisions being unchanged.
Tunbridge Wells West	1	-1%	This division includes the unparished area of Mount Ephraim and west Tunbridge Wells. It also includes the parishes of Bidborough, Rusthall and Speldhurst.	

Conclusions

25 Table 1 shows the impact of our draft recommendations on electoral equality, based on 2014 and 2020 electorate figures.

Table 1: Summary of electoral arrangements

	Draft recommendations	
	2014	2020
Number of councillors	81	81
Number of electoral divisions	73	73
Average number of electors per councillor	13,490	14,288
Number of divisions with a variance more than 10% from the average	9	0
Number of divisions with a variance more than 20% from the average	1	0

Draft recommendation
 Kent County Council should comprise 81 councillors serving 65 single-member divisions and eight two-member divisions. The details and names are shown in Table A1 and illustrated on the large maps accompanying this report.

Mapping
Sheet 1, Map 1 illustrates in outline form the proposed divisions for Kent. **You can also view our draft recommendations for Kent on our interactive maps at <http://consultation.lgbce.org.uk>**

Parish electoral arrangements

26 As part of an electoral review, we are required to have regard to the statutory criteria set out in Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act). The Schedule provides that if a parish is to be divided between different divisions it must also be divided into parish wards, so that each parish ward lies wholly within a single division. We cannot recommend changes to the external boundaries of parishes as part of an electoral review.

27 Under the 2009 Act we only have the power to make changes to parish electoral arrangements where these are as a direct consequence of our recommendations for principal authority warding arrangements. However, the district and borough councils in Kent have powers under the Local Government and Public Involvement in Health Act 2007 to conduct community governance reviews to effect changes to parish electoral arrangements.

28 As a result of our proposed ward boundaries and having regard to the statutory criteria set out in schedule 2 to the 2009 Act, we are providing revised parish electoral arrangements for Chartham Parish in Canterbury City.

Draft recommendation

Chartham Parish Council should comprise 11 councillors, as at present, representing two wards: Chartham & Chartham Hatch (returning 7 members) and St Augustine’s (returning four members).
The proposed parish ward boundaries are illustrated and named on Map 1.

29 As a result of our proposed ward boundaries and having regard to the statutory criteria set out in schedule 2 to the 2009 Act, we are providing revised parish electoral arrangements for Shorne Parish in Gravesham Borough.

Draft recommendation

Shorne Parish Council should comprise nine councillors, as at present, representing two wards: Shorne North (returning two members) and Shorne Village (returning seven members).
The proposed parish ward boundaries are illustrated and named on Map 1.

30 As result of our proposed ward boundaries and having regard to the statutory criteria set out in schedule 2 to the 2009 Act, we are providing revised parish electoral arrangements for Folkestone in Shepway District.

Draft recommendation

Folkestone Town Council should comprise 18 councillors, the same as at present, representing seven wards: Broadmead (returning two members), Central (returning four members), Cheriton East (returning one members), Cheriton West (returning three members), East Folkestone (returning four members), Harbour (returning three members) and Harvey West (returning one member).
The proposed parish ward boundaries are illustrated and named on Map 1.

31 As result of our proposed ward boundaries and having regard to the statutory criteria set out in schedule 2 to the 2009 Act, we are providing revised parish electoral arrangements for Faversham in Swale Borough.

Draft recommendation

Faversham Town Council should comprise 14 councillors, as at present, representing five wards: Abbey (returning four members), Davington Priory (returning two members), St Ann’s (returning four members), Watling Ospringe (returning two members) and Watling Preston (returning two members).
The proposed parish ward boundaries are illustrated and named on Map 1.

32 As a result of our proposed ward boundaries and having regard to the statutory criteria set out in schedule 2 to the 2009 Act, we are providing revised parish electoral arrangements for Ditton parish in Tonbridge & Malling Borough.

Draft recommendation

Ditton Parish Council should comprise 13 councillors, as at present, representing two wards: Ditton North (returning four members) and Ditton South (returning nine members).

The proposed parish ward boundaries are illustrated and named on Map 1.

3 Have your say

33 The Commission has an open mind about its draft recommendations. Every representation we receive will be considered, regardless of whom it is from or whether it relates to the whole county or just a part of it.

34 If you agree with our recommendations, please let us know. If you don't think our recommendations are right for Kent, we want to hear alternative proposals for a different pattern of divisions.

35 Our website has a special consultation area where you can explore the maps and draw your own proposed boundaries. You can find it at [**consultation.lgbce.org.uk**](https://consultation.lgbce.org.uk)

Submissions can also be made by emailing [**reviews@lgbce.org.uk**](mailto:reviews@lgbce.org.uk) or by writing to:

Review Officer (Kent)
The Local Government Boundary Commission for England
14th Floor, Millbank Tower
Millbank
London
SW1P 4QP

The Commission aims to propose a pattern of divisions for Kent which delivers:

- Electoral equality: each local councillor represents a similar number of voters
- Community identity: reflects the identity and interests of local communities
- Effective and convenient local government: helping your council discharge its responsibilities effectively

A good pattern of divisions should:

- Provide good electoral equality, with each councillor representing, as closely as possible, the same number of voters
- Reflect community interests and identities and include evidence of community links
- Be based on strong, easily identifiable boundaries
- Help the council deliver effective and convenient local government

Electoral equality:

- Does your proposal mean that councillors would represent roughly the same number of voters as elsewhere in the council area?

Community identity:

- Community groups: is there a parish council, residents' association or other group that represents the area?
- Interests: what issues bind the community together or separate it from other parts of your area?
- Identifiable boundaries: are there natural or constructed features which make strong boundaries for your proposals?

Effective local government:

- Are any of the proposed divisions too large or small to be represented effectively?

- Are the proposed names of the divisions appropriate?
- Are there good links across your proposed divisions? Is there any form of public transport?

36 Please note that the consultation stages of an electoral review are public consultations. In the interests of openness and transparency, we make available for public inspection full copies of all representations the Commission takes into account as part of a review. Accordingly, copies of all representations will be placed on deposit at our offices in Millbank Tower (London) and on our website at www.lgbce.org.uk. A list of respondents will be available from us on request after the end of the consultation period.

37 If you are a member of the public and not writing on behalf of a council or organisation we will remove any personal identifiers, such as postal or email addresses, signatures or phone numbers from your submission before it is made public. We will remove signatures from all letters, no matter who they are from.

38 In the light of representations received, we will review our draft recommendations and consider whether they should be altered. As indicated earlier, it is therefore important that all interested parties let us have their views and evidence, **whether or not** they agree with the draft recommendations. We will then publish our final recommendations.

39 After the publication of our final recommendations, the changes we have proposed must be approved by Parliament. An Order – the legal document which brings into force our recommendations – will be laid in draft in Parliament. The draft Order will provide for new electoral arrangements to be implemented at the next elections for Kent County Council in 2017.

Equalities

40 This report has been screened for impact on equalities; with due regard being given to the general equalities duties as set out in section 149 of the Equality Act 2010. As no potential negative impacts were identified, a full equality impact analysis is not required.

Appendix A

Table A1: Draft recommendations for Kent County Council

Division name	Number of councillors	Electorate (2014)	Number of electors per councillor	Variance from average %	Electorate (2020)	Number of electors per councillor	Variance from average %	
Ashford District								
1	Ashford Central	1	12,341	12,341	-9%	13,993	13,993	-2%
2	Ashford East	1	12,938	12,938	-4%	14,272	14,272	0%
3	Ashford Rural East	1	12,625	12,625	-6%	13,488	13,488	-6%
4	Ashford Rural South	1	13,137	13,137	-3%	13,916	13,916	-3%
5	Ashford Rural West	1	13,820	13,820	2%	13,554	13,554	-5%
6	Ashford South	1	12,332	12,332	-9%	15,060	15,060	5%
7	Tenterden	1	13,354	13,354	-1%	13,630	13,630	-5%
Canterbury City								
8	Canterbury City North	1	14,524	14,524	8%	15,221	15,221	7%
9	Canterbury City South	1	14,032	14,032	4%	14,709	14,709	3%

Table A1: (cont.) Draft recommendations for Kent County Council

	Division name	Number of councillors	Electorate (2014)	Number of electors per councillor	Variance from average %	Electorate (2020)	Number of electors per councillor	Variance from average %
10	Canterbury North	1	14,696	14,696	9%	15,401	15,401	8%
11	Canterbury South	1	12,653	12,653	-6%	13,261	13,261	-7%
12	Herne Bay East	1	13,955	13,955	3%	14,624	14,624	2%
13	Herne Village & Sturry	1	14,743	14,743	9%	15,451	15,451	8%
14	Whitstable East & Herne Bay West	1	13,790	13,790	2%	14,450	14,450	1%
15	Whitstable West	1	14,413	14,413	7%	15,104	15,104	6%
Dartford Borough								
16	Dartford East	1	12,214	12,214	-9%	13,988	13,988	-2%
17	Dartford North East	1	11,679	11,679	-13%	14,660	14,660	3%
18	Dartford Rural	1	12,997	12,997	-4%	13,660	13,660	-4%
19	Dartford West	1	12,783	12,783	-5%	14,038	14,038	-2%
20	Swanscombe & Greenhithe	1	10,037	10,037	-26%	15,271	15,271	7%

Table A1: (cont.) Draft recommendations for Kent County Council

	Division name	Number of councillors	Electorate (2014)	Number of electors per councillor	Variance from average %	Electorate (2020)	Number of electors per councillor	Variance from average %
21	Wilmington	1	13,435	13,435	0%	13,851	13,851	-3%
Dover District								
22	Deal Town	2	24,106	12,053	-11%	26,302	13,151	-8%
23	Dover North	1	11,003	11,003	-18%	13,896	13,896	-3%
24	Dover Town	2	24,468	12,234	-9%	26,655	13,328	-7%
25	Dover West	1	12,193	12,193	-10%	13,060	13,060	-9%
26	Sandwich	1	12,944	12,944	-4%	14,527	14,527	2%
Gravesham Borough								
27	Gravesend Central	2	29,646	14,823	10%	30,281	15,141	6%
28	Gravesend North	1	14,505	14,505	8%	15,177	15,177	6%
29	Gravesham Rural	1	15,413	15,413	14%	15,469	15,469	8%
30	Northfleet	1	14,376	14,376	7%	15,358	15,358	7%

Table A1: (cont.) Draft recommendations for Kent County Council

Division name	Number of councillors	Electorate (2014)	Number of electors per councillor	Variance from average %	Electorate (2020)	Number of electors per councillor	Variance from average %	
Maidstone Borough								
31	Maidstone Central	2	26,401	13,201	-2%	28,376	14,188	-1%
32	Maidstone North East	1	13,299	13,299	-1%	13,970	13,970	-2%
33	Maidstone Rural East	1	13,748	13,748	2%	14,494	14,494	1%
34	Maidstone Rural North	1	14,536	14,536	8%	15,201	15,201	6%
35	Maidstone Rural South	1	12,526	12,526	-7%	13,173	13,173	-8%
36	Maidstone Rural West	1	12,623	12,623	-6%	13,414	13,414	-6%
37	Maidstone South	1	13,699	13,699	2%	14,692	14,692	3%
38	Maidstone South East	1	12,144	12,144	-10%	13,777	13,777	-4%
Sevenoaks District								
39	Darent Valley	1	14,966	14,966	11%	14,740	14,740	3%
40	Sevenoaks East	1	14,322	14,322	6%	14,194	14,194	-1%

Table A1: (cont.) Draft recommendations for Kent County Council

	Division name	Number of councillors	Electorate (2014)	Number of electors per councillor	Variance from average %	Electorate (2020)	Number of electors per councillor	Variance from average %
41	Sevenoaks North East	1	14,628	14,628	8%	14,154	14,154	-1%
42	Sevenoaks Rural	1	15,591	15,591	16%	15,343	15,343	7%
43	Sevenoaks West	1	13,451	13,451	0%	13,804	13,804	-3%
44	Swanley	1	15,790	15,790	17%	15,787	15,787	10%
Shepway District								
45	Cheriton, Sandgate & Hythe East	1	14,252	14,252	6%	14,790	14,790	4%
46	Elham Valley	1	13,999	13,999	4%	14,527	14,527	2%
47	Folkestone East	1	12,962	12,962	-4%	13,453	13,453	-6%
48	Folkestone West	1	13,381	13,381	-1%	13,886	13,886	-3%
49	Hythe West	1	13,878	13,878	3%	14,402	14,402	1%
50	Romney Marsh	1	14,013	14,013	4%	14,545	14,545	2%

Table A1: (cont.) Draft recommendations for Kent County Council

Division name	Number of councillors	Electorate (2014)	Number of electors per councillor	Variance from average %	Electorate (2020)	Number of electors per councillor	Variance from average %	
Swale Borough								
51	Mid Swale	1	13,895	13,895	3%	14,439	14,439	1%
52	Sheppey	2	29,216	14,608	8%	30,359	15,180	6%
53	Sittingbourne North	1	13,936	13,936	3%	14,483	14,483	1%
54	Sittingbourne South	1	13,496	13,496	0%	14,024	14,024	-2%
55	Swale East	1	12,892	12,892	-4%	13,401	13,401	-6%
56	Swale West	1	14,964	14,964	11%	15,551	15,551	9%
Thanet District								
57	Birchington & Rural	2	27,479	13,740	2%	29,363	14,682	3%
58	Broadstairs	1	14,170	14,170	5%	14,810	14,810	4%
59	Cliftonville	1	13,256	13,256	-2%	13,731	13,731	-4%
60	Margate	1	13,731	13,731	2%	14,328	14,328	0%

Table A1: (cont.) Draft recommendations for Kent County Council

	Division name	Number of councillors	Electorate (2014)	Number of electors per councillor	Variance from average %	Electorate (2020)	Number of electors per councillor	Variance from average %
61	Ramsgate	2	27,802	13,901	3%	29,240	14,620	2%
Tonbridge & Malling Borough								
62	Malling Central	1	13,594	13,594	0%	14,691	14,691	3%
63	Malling North	1	13,212	13,212	-2%	14,279	14,279	0%
64	Malling North East	1	12,763	12,763	-5%	13,793	13,793	-3%
65	Malling Rural East	1	13,541	13,541	0%	14,637	14,637	2%
66	Malling West	1	12,428	12,428	-8%	13,431	13,431	-6%
67	Tonbridge	2	25,459	12,730	-6%	27,516	13,758	-4%
Tunbridge Wells Borough								
68	Cranbrook	1	13,898	13,898	3%	13,830	13,830	-3%
69	Tunbridge Wells East	1	13,140	13,140	-3%	13,201	13,201	-8%
70	Tunbridge Wells North	1	13,703	13,703	2%	13,362	13,362	-6%
71	Tunbridge Wells Rural	1	13,059	13,059	-3%	13,147	13,147	-8%

Table A1: (cont.) Draft recommendations for Kent County Council

	Division name	Number of councillors	Electorate (2014)	Number of electors per councillor	Variance from average %	Electorate (2020)	Number of electors per councillor	Variance from average %
72	Tunbridge Wells South	1	13,377	13,377	-1%	14,582	14,582	2%
73	Tunbridge Wells West	1	14,279	14,279	6%	14,096	14,096	-1%
Totals		81	1,092,651	-	-	1,157,343	-	-
Averages		-	-	13,490	-	-	14,288	-

Source: Electorate figures are based on information provided by Kent County Council

Note: The 'variance from average' column shows by how far, in percentage terms, the number of electors per councillor in each electoral ward varies from the average for the district. The minus symbol (-) denotes a lower than average number of electors. Figures have been rounded to the nearest whole number.

Appendix B

Submissions received

All submissions received can also be viewed on our website at

Local authority

- Kent County Council

Political groups

- Kent County Council Labour Group
- Kent County Council Liberal Democrat Group for Maidstone
- Kent County Council UKIP Group for Swale
- Canterbury & Coastal Liberal Democrats

District councils

- Sevenoaks District Council
- Tonbridge & Malling Borough Council
- Tunbridge Wells Borough Council

Councillors

- County Councillor T. Dean
- County Councillor M. Baldock
- County Councillor M. Whybrow
- County Councillor P. Stockell
- Dartford Borough Councillor D. Swinerd

Parish and town councils

- Herne & Broomfield Parish Council (two submissions)
- Ditton Parish Council
- Biddenden Parish Council
- Lamberhurst Parish Council
- Boughton Monchelsea Parish Council
- Edenbridge Town Council
- Iwade Parish Council
- Crockenhill Parish Council
- Faversham Town Council
- Teston Parish Council
- Bekesbourne-with-Patrixbourne Parish Council
- Hythe Town Council
- Ightham Parish Council
- Shoreham Parish Council
- Hextable Parish Council

- Wingham Parish Council
- Hildenborough Parish Council
- New Romney Town Council
- Burmarsh Parish Council
- Sholden Parish Council
- Marden Parish Council
- Littlebourne Parish Council
- Southfleet Parish Council
- Kemsing Parish Council
- Teynham Parish Council
- Rodmersham Parish Council & Milstead Parish Council (Joint Submission)
- Sandwich Town Council
- Swanscombe & Greenhithe Town Council
- Hawkinge Town Council
- Snodland Council
- West Malling Parish Council

Local organisations

- NHS Dartford, Gravesham and Swanley and NHS Swale Clinical Commissioning Groups
- Kennington Community Forum
- Kent Association of Local Councils

Residents

- 11 local residents

Appendix C

Glossary and abbreviations

Council size	The number of councillors elected to serve on a council
Electoral Change Order (or Order)	A legal document which implements changes to the electoral arrangements of a local authority
Division	A specific area of a county, defined for electoral, administrative and representational purposes. Eligible electors can vote in whichever division they are registered for the candidate or candidates they wish to represent them on the county council
Electoral fairness	When one elector's vote is worth the same as another's
Electoral inequality	Where there is a difference between the number of electors represented by a councillor and the average for the local authority
Electorate	People in the authority who are registered to vote in elections. For the purposes of this report, we refer specifically to the electorate for local government elections
Number of electors per councillor	The total number of electors in a local authority divided by the number of councillors
Over-represented	Where there are fewer electors per councillor in a ward or division than the average

Parish	A specific and defined area of land within a single local authority enclosed within a parish boundary. There are over 10,000 parishes in England, which provide the first tier of representation to their local residents
Parish council	A body elected by electors in the parish which serves and represents the area defined by the parish boundaries. See also 'Town council'
Parish (or Town) council electoral arrangements	The total number of councillors on any one parish or town council; the number, names and boundaries of parish wards; and the number of councillors for each ward
Parish ward	A particular area of a parish, defined for electoral, administrative and representational purposes. Eligible electors vote in whichever parish ward they live for candidate or candidates they wish to represent them on the parish council
Town council	A parish council which has been given ceremonial 'town' status. More information on achieving such status can be found at www.nalc.gov.uk
Under-represented	Where there are more electors per councillor in a ward or division than the average
Variance (or electoral variance)	How far the number of electors per councillor in a ward or division varies in percentage terms from the average
Ward	A specific area of a district or borough, defined for electoral, administrative and representational purposes. Eligible electors can vote in whichever ward they are registered for the candidate or candidates they wish to represent them on the district or borough council

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

29 June 2015

Report of the Director of Finance & Transformation

Part 1- Public

Delegated

1 ANNUAL REVIEW OF WHISTLEBLOWING CHARTER

Summary

This report informs Members of the outcome of a review of the Whistleblowing Charter. The review has identified a number of amendments required to bring the Charter into line with best practice and this report recommends that these changes are adopted.

1.1 Introduction

1.1.1 The Whistleblowing Charter provides employees and Members with information about how they may report concerns regarding breaches of laws, regulations, policies or procedures committed by other employees or Members of the Council. It also outlines how the Council will deal with those concerns once they have been reported. The document is reviewed annually and the updates proposed are summarised in this report.

1.2 Whistleblowing Charter

1.2.1 The Charter was last reviewed and approved by the General Purposes Committee in June 2014. The recent review has identified a number of changes required to bring the document into line with best practice and provide potential whistleblowers with more information on how their concerns will be dealt with to demonstrate that they will be treated fairly. These changes are detailed in the following paragraphs. A copy of the document is also attached at **[Annex 1]** with proposed deletions scored through and additions shown in red italics for ease of reference.

1.2.2 It is proposed that the document be referred to as the Whistleblowing Policy rather than a Charter. This brings it into line with other documents.

1.2.3 Section 2 has been added with a definition of whistleblowing to assist those reading the document.

1.2.4 Section 3 has been amended to show the aims and scope of the policy.

- 1.2.5 Section 4 'Who can use the charter?' has been replaced with 'Who does the policy cover?' which has been shortened and made clearer for ease of reading.
- 1.2.6 Section 5 has been added to explain what support the Council will provide to individuals raising their concerns. This section gives a clear explanation of what the whistleblower can expect and aims to give people more confidence to come forward.
- 1.2.7 Section 6, which provides details on how to raise a concern, has been expanded with more information on how to report concerns, what avenues are available and what is expected from the individual.
- 1.2.8 Section 7 outlines how the Council will respond when a concern is raised. This has been expanded to provide employees and Members with information about what they can expect once they have reported their concerns.
- 1.2.9 Section 8 provides further assurance by advising individuals how they can progress the matter if they are not satisfied with the response received from the Council as the employer.

1.3 Action Following Approval of the Policy

- 1.3.1 The changes outlined have been endorsed by the Audit Committee and under the Council's constitutional arrangements also require the endorsement of this Committee. Once approved the revised Policy will be circulated to all staff with computer access using Netconsent and uploaded to the Council website.

1.4 Legal Implications

- 1.4.1 These policies are not mandatory but do comply with best practice and refer to the relevant legislation where appropriate.

1.5 Financial and Value for Money Considerations

- 1.5.1 Providing clear guidelines to staff on how they may report concerns of inappropriate conduct or fraud strengthen the Council's zero tolerance approach to fraud and corruption.

1.6 Risk Assessment

- 1.6.1 While there is no statutory requirement to have an appropriate mechanism for dealing with whistleblowing, it is relevant to helping the Council comply with associated law. Failure to have an adequate whistleblowing mechanism carries reputational risks.

1.7 Equality Impact Assessment

- 1.7.1 The recommendations in this report do not have any adverse impact or discriminate against any different groups in the community.

1.7.2 The specific guidelines that have been added to the policy regarding harassment and victimisation make a positive contribution towards promoting equality.

1.8 Recommendations

1.8.1 Members are asked to consider the draft Policy and subject to any amendments approve the Whistleblowing Policy attached at **[Annex 1]**.

Background papers:

contact: Sam Buckland

Nil

Sharon Shelton
Director of Finance and Transformation

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WHISTLEBLOWING CHARTER POLICY



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Date of last Review

March 2015

TONBRIDGE & MALLING BOROUGH COUNCIL WHISTLEBLOWING POLICY

A confidential reporting policy for all Councillors, employees and contractors

1. Introduction

- 1.1 ~~Tonbridge & Malling Borough Council is committed to developing a culture where it is safe and acceptable for all its employees, including employees of providers and partners, and stakeholders to raise their concerns about what is happening at work.~~ *Tonbridge & Malling Borough Council operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. The Council recognises that employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.*
- 1.2 ~~This covers unlawful conduct, financial malpractice, dangers to the public or environment or avoidable losses. Avoidable losses arise from fraud, error, mismanagement or dishonesty.~~ *The Public Interest Disclosure Act 1998 (the 1998 Act) contains measures which help to promote greater openness between employers and employees in the workplace and supports a structure for whistleblowing. The 1998 Act:*
- a) *is designed to give statutory protection to employees who “blow the whistle” on their employer’s malpractice; and*
 - b) *although not requiring the Council to set up an appropriate mechanism for dealing with whistleblowing, makes clear the important role that such a mechanism can play in helping the Council comply with the law.*
- 1.3 ~~The Whistleblowing Charter gives you the opportunity to have your concerns heard and investigated in confidence and without fear of reprisal. Our charter has been developed in accordance with the Public Interest Disclosure Act 1999. The Act was introduced to ensure that concerns raised by employees are dealt with at an early stage and in an appropriate manner, including protection for the employee.~~ *The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and support employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. This policy is intended to encourage and enable individuals to raise concerns within the Council, without fear of reprisals, rather than overlooking a problem or “blowing the whistle” outside. The policy does, however, recognise that individuals must be able to take matters further if they are dissatisfied with the Council’s response.*

- 1.4 ~~We recognise that employees are often the first to notice that something is seriously wrong within the Council. We want all employees to feel confident about voicing and acting on concerns they may have about service provision, malpractice, conduct of officers, Councillors or anyone acting on behalf of the Council.~~

2 Definition of Whistleblowing

- 2.1 *'Whistleblowing' means the disclosure of malpractice or wrongdoing within an organisation.*

3. Aims of the Charter *Aims and Scope of this Policy*

3.1. The ~~charter~~ *whistleblowing policy* aims to:

- encourage you to feel confident about raising concerns and to question and act on those concerns;
- provide a way for you to raise concerns and receive appropriate feedback on any action taken;
- confirm that all concerns raised will be examined and the Council will assess what action should be taken;
- reassure you that you will be protected from possible reprisals or victimisation if you have made a disclosure in good faith; and
- provide ways for you to take the matter further if you are dissatisfied with the Council's response.

3. What does the Charter cover

3.2. ~~Malpractice, abuse and wrongdoing can cover a whole range of issues but we have listed examples here for your guidance:~~ *The Whistleblowing Policy is intended to cover concerns that fall outside the scope of the Council's Grievance Procedure which enables employees to lodge a grievance relating to their employment. This policy is also intended to cover concerns that fall outside the scope of the Council's corporate complaints procedures and other statutory reporting procedures and support the disclosure of concerns and suspicions which cannot be raised through the channels set out in the Council's Corporate Anti-Fraud & Corruption Policy. These may include:*

- any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel)
- health and safety risks, including risks to the public as well as to other employees (e.g. faulty electrical equipment)
- damage to the environment (e.g. pollution)

- the unauthorised use of public funds (e.g. expenditure for improper use)
- possible fraud and corruption (e.g. housing benefit fraud)
- inappropriate or improper conduct (e.g. abuse of power, bullying / harassment)
- serious failure to comply with appropriate professional standards (e.g. National Code of Local Government Conduct)
- breach of Council or statutory codes of practice or the Council's standing orders (e.g. Tonbridge and Malling Staff Code of Conduct)
- discrimination on the grounds of race, colour, creed, ethnic or national origin, disability, age, sex, sexual orientation, marital status or class
- abuse of children and vulnerable adults (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect)
- other unethical conduct.

~~3.1. Many of the above areas will represent inevitably an avoidable loss, which affects our service delivery.~~

~~3.2. The charter does NOT apply to raising grievances about an employee's personal situation and, thus, does not replace existing procedures for personal differences or conflicts. If you have concerns in this area you should consult with the Council's Grievance Policy or your immediate manager.~~

4. Who can use the Charter? *Who does this Policy Cover?*

~~4.1. The charter applies to all Council employees, contractors and suppliers including agency staff, and those who provide services under contract to the Council such as refuse collection workers. *This policy applies to disclosures made in relation to or by:*~~

- *any employee of the Council, either under contract of employment or apprenticeship*
- *any Councillor of the Council*
- *any contractors, their agent, subcontractors and suppliers working with or on behalf of the Council, such as leisure centres*
- *consultants and agency staff working with or for the Council*
- *any organisation working in partnership with the Council.*

~~4.2. You are encouraged to raise your concerns provided that:~~

- you make the disclosure in good faith

- you believe that the information or any allegation is reasonably true.

~~3.1. The Council will not tolerate false or malicious allegations or the victimisation of any employee who has raised a concern in good faith.~~

~~3.2. Raising a matter maliciously that you know to be untrue or the victimisation of any employee may result in disciplinary action.~~

~~3.3. The Council will also to seek to minimise the effect on employees who have had a false or malicious allegation made against them.~~

5 Supporting the individual raising a concern

5.1 Harassment or Victimisation: *The Council is committed to good practice and high standards. The Council also recognises that the decision to report a concern can be a difficult one to make. It will not tolerate harassment or victimisation of whistleblowers and will take action to protect individuals who raise concerns in good faith.*

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect the individual. However, this does not mean that if the individual is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy.

5.2 Confidentiality: *Individuals are encouraged to put their name to any allegation; concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council, taking into account:*

- *the seriousness of the issues raised;*
- *the credibility of the concern; and*
- *the likelihood of confirming the allegation from attributable sources.*

All concerns will be treated in confidence and the Council will do its best to protect the individual's identity when they do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence. If the situation arises where the Council is not able to resolve the concern without revealing the individual's identity, this will be discussed with the individual in an attempt to identify how the matter can be progressed.

5.3 Untrue Allegations: *Any individual who makes an allegation in good faith, but which is not subsequently confirmed by the investigation, will have no action taken against them. If, however, an individual makes malicious or vexatious allegations or an allegation for personal gain, disciplinary action may be taken against them.*

6. How can I raise my concern? *How to raise a concern*

~~6.1. The earlier you express your concern, the easier it is to take action. As a first step, you should raise any concern you have with your immediate manager or their superior, orally or in writing. *When an individual wishes to raise a concern, they will need to identify the issues carefully. An individual must be*~~

clear about the standards against which they are judging practice. They should consider the following:

- Is it illegal?
- Does it contravene professional codes of practice?
- Is it against government guidelines?
- Is it against the Council's guidelines?
- Is it about one individual's behaviour or is it about general working practices?
- Does it contradict what the employee has been taught?
- Has the employee witnessed the incident?
- Did anyone else witness the incident at the same time?

6.2. ~~If you feel that you have an issue that you cannot raise with your manager then you should contact one of the following:~~ – *Employees should raise concerns in the first instance with their immediate Line Manager or Service Manager, if possible. Similarly, non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their contact within the Council, usually the person to whom they directly report.*

- ~~any assistant director or chief officer;~~
- ~~a Personnel officer;~~
- ~~the Chief Executive or head of service; or~~
- ~~the Chief Internal Auditor~~

6.3. ~~The Chief Internal Auditor is the main point of contact for staff wishing to report an incident using the whistleblowing procedure. They will ensure that the matter is investigated.~~ *In some cases, the nature, seriousness or sensitivity of the concern or the individuals involved in the activities causing concern means that this may not always be appropriate. If a person feels they cannot raise their concern with their immediate management/contact, they are able to go directly to:*

Name	Designation	Direct Contact Number
David Buckley	Chief Internal Auditor	01732 876086
Samantha Buckland	Audit & Counter Fraud Manager	01732 876085

Please Note: These Officers can also be contacted via email

~~6.4. You can call the Chief Internal Auditor on 01732 876086 or by email to david.buckley@tmbc.gov.uk. All calls are treated in the strictest confidence.~~
Individuals may also contact these officers for advice/guidance on how to pursue matters of concern or if, having raised the concern with the immediate manager/contact, they feel there has not been an appropriate response.

6.5. In the event of a concern being of an extreme and potentially serious nature, individuals may raise the matter directly with the Chief Executive.

6.6. Once an employee is certain that the concern should be raised, the following action should be considered:

- Concerns may be raised verbally or in writing. Employees who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed the easier it is to take action. A form is available at Appendix 1 of this policy for those wishing to raise a concern in writing.*
- If the employee wishes, they may ask for a private meeting with the person to whom they wish to make the complaint. An employee may take a Trade Union representative or work colleague with them as a witness or for support. The employee should take to the meeting, if possible, dated and signed written supporting statements from anyone who can also confirm the allegations.*
- When making the complaint verbally, the employee should write down any relevant information and date it. Keep copies of all correspondence and relevant information.*
- The employee should ask the person to whom they are making the complaint what the next steps will be and if anything more is expected of them.*

6.7. Although the individual raising the concern is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

7. ~~How will the Council respond?~~ *How the Council will respond*

~~7.1. The Council's response will depend on the nature of the concern that has been raised. In all instances the Council will:~~ *Once a concern is raised the appropriate Council manager is responsible for making initial enquiries, taking advice from Personnel, Internal Audit and/or the Investigations Team to help decide if an investigation is appropriate and if so, what form it should take. In determining the action to be taken, the Council will take into consideration public interest and whether the concerns or allegations fall*

within the scope of and may be dealt with under other specific procedures such as the Council's Grievance Procedure.

- ~~record and acknowledge your concern and refer the matter for investigation within three days of receiving the report;~~
- ~~respect your confidentiality—your identity will not be disclosed to anyone without your consent;~~
- ~~assess your concerns to determine further action;~~
- ~~let you know what enquiries have been made;~~
- ~~tell you whether further investigations will be made and if not, why; and~~
- ~~inform you of the final outcome of the inquiry.~~

~~7.2. Depending on the nature of the issue raised, the Council may:~~ *Concerns raised may:*

- *be resolved by agreed action without the need for investigation;*
- *be investigated by management;*
- *be investigated by the Council's Investigation team and Personnel;*
- *be referred to the Police;*
- *be referred to the External Auditor.*
- ~~request more information or evidence from you;~~
- ~~investigate through an internal audit;~~
- ~~undertake disciplinary action;~~
- ~~launch an independent enquiry; or~~
- ~~refer the matter to the police.~~

~~7.3~~ *As soon as possible, and in any case within 10 working days of a concern being raised, the person handling the matter will write to the individual raising the concern acknowledging that it has been raised and indicating how, as far as possible, it will be dealt with. The individual will be kept informed of progress and will receive a full and final response, subject to any legal constraints.*

~~7.4~~ *The amount of contact between the persons considering the issues and the individual(s) raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information*

provided. If necessary to pursue investigation activity, the Council will seek further information from the individual. Where any meeting is arranged, the individual may be accompanied by a union or professional association representative or a friend or colleague.

7.5 The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice and support in doing this.

8. Can I take the matter further if I'm not satisfied? *How the matter can be taken further*

~~8.1. In the first instance, we encourage all employees to raise their concern within the Council. If you are unhappy with the process or outcome of an investigation you can contact one of the following organisations or any organisation that you feel will be able to deal with your concerns: *This policy is intended to provide individuals with an avenue to raise concerns within the Council. The Council hopes that those using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied, or feel it is right to take the matter outside the Council, the following are possible contact points:*~~

- ~~• The Council's External Auditor, currently Grant Thornton UK LLP,~~
- ~~• Public Concern at Work (Tel: 020 7404 6609, www.pcaw.co.uk) who are a registered charity whose services are free and confidential,~~
- ~~• The local Citizens Advice Bureau,~~
- ~~• Relevant professional bodies, Trade Unions or regulatory organisations,~~
- ~~• Unison's whistleblower's hotline 0800 597 9750~~
- ~~• The Police,~~
- ~~• A solicitor,~~
- ~~• The Local Government Ombudsman.~~
- ~~• the Audit Commission's Public Interest Disclosure Line: 020 7630 1019;~~
- ~~• the independent charity Public Concern at Work: 020 7404 6609;~~
- ~~• Unison whistleblowing hotline: 0800 597 9750; or~~
- ~~• Grant Thornton (external auditor) 01293 554 071~~

~~8.2. If taking a concern outside the Council, employees should not disclose any confidential information unless they are doing so in accordance with the whistleblowing Charter. *If individuals do feel it is its right to take the matter outside the Council, they will need to ensure that confidential information is not disclosed. Advice and guidance on this issue may be sought from the contacts listed at paragraph 6.3 of this policy or the Council's Monitoring Officer – Adrian Stanfield.*~~

8. Responsible officer

~~8.1. The Chief Internal Auditor is responsible for the supervision and co-ordination of all fraud matters, including the maintenance and operation of this policy. A record of concerns raised and the outcomes is maintained by him.~~

9. Review and Approval of this Policy

~~9.1. The Audit Committee will receive annual reports of all matters raised under the Charter. The Charter will be reviewed annually by the Audit Committee and recommended to the General Purposes Committee for approval. *The Whistleblowing Policy will be reviewed at least annually, with any material amendment reported to the Audit Committee for recommendation to the General Purposes Committee for approval.*~~

WHISTLEBLOWING POLICY - REPORT OF A CONCERN

Give a description of the concern including any serious risk to persons or property.

Give details of the information that you have relating to the concern, e.g. what evidence do you have that gives rise to your concern.

Have you previously raised this concern? If so, with whom and what action was taken?

Please give details about yourself - All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

Name.....

Contact details.....

I understand that this concern is being raised under the Council's Whistleblowing Policy and have read and understood the Policy.

Signed..... Date.....

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

29 June 2015

Report of the Director of Central Services

Delegated

1 SHARED PARENTAL LEAVE (SPL) POLICY

1.1 The Shared Parental Leave Regulations 2014 came into force from 1st December 2014 and are in relation to children whose date of birth was after 4th April 2015.

1.1.1 The attached Policy (Attachment 1) has been developed in order to inform employees of their rights and responsibilities should they choose to apply for SPL (which covers SPL as a result of Maternity and Adoption) and is supported by forms which detail the information that is required to be given to the employer (Attachment 2).

1.1.2 The majority of the policy reflects the terms of the legislation which are largely prescriptive. There are two areas of employer discretion: the first being the right to refuse a request for discontinuous leave (para.8.9); and a decision as to whether to match Shared Parental Pay (ShPP) with that of the Maternity Pay Scheme.

1.1.3 Following consideration of the sex equality issues that could arise from a difference in approach to ShPP and the examples of KCC and Medway councils, it is recommended that Members agree the policy as presented, with the wording at para.10.2 which recognises contractual pay for ShPP purposes, as does the Maternity Scheme.

1.2 Legal Implications

1.2.1 An employee has a legal right to apply for SPL and the policy ensures that the correct procedure and rights are observed.

1.3 Financial and Value for Money Considerations

1.3.1 Whilst an incidence of SPL has the potential for added cost, the Council is obliged to comply with the law and bear any additional cost.

1.4 Risk Assessment

1.4.1 It is not anticipated that there will be a great many employees who will apply for SPL, preferring the Maternity or Adoption schemes (or Paternity and Parental

Leave schemes) which are available. Those that do wish to apply for SPL however, will have the policy to guide them through the process of application.

1.5 Equality Impact Assessment

- 1.5.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people. The results of this analysis are set out immediately below.
- 1.5.2 The only identifiable impact would be in the event that contractual pay is offered for the Maternity scheme (affecting women) and not for the SPL scheme which may affect men, thereby creating the potential for sex inequality.
- 1.5.3 However, the policy as proposed does allow for Members to agree that the contractual pay element should apply to both schemes, thereby avoiding any unequal treatment.

1.6 Policy Considerations

- 1.6.1 Human Resources

1.7 Recommendations

- 1.7.1 Members are requested to agree the policy.

contact: Charlie Steel
Ext.6015

Adrian Stanfield
Central Services Director

Shared Parental Leave Policy and Guidelines

1. Aim of the Policy

1.1 The Shared Parental Leave Regulations 2014 came into force from 1 December 2014 and have effect only in relation to children whose expected week of birth is after 5 April 2015.

1.2 This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

2. Scope

This policy covers all Council employees, including those employed under part-time and fixed term arrangements.

3. What is Shared Parental Leave?

SPL enables eligible parents to choose how to share the care of their child during the first year of birth (or adoption). Its purpose is to give parents more flexibility in considering how to best care for and bond with their child. All eligible employees have a statutory right to take SPL. There may also be an entitlement to ShPP.

4. Eligibility

4.1 SPL can only be used by two people:

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

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

4.2 An employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or, if not entitled to statutory maternity/adoption leave, they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements
- the employee must still be working for the organisation at the start of each period of SPL
- the employee must pass the 'continuity test', requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date

have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks (this is correct as of 2015 but may change annually)

- the employee must correctly notify the organisation of their entitlement and provide evidence as required

4.3 Employees are responsible for ensuring that they and their partner are eligible for SPL / ShPP.

5. The Shared Parental Leave entitlement

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

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

5.3 A mother, subject to certain criteria, will be entitled to statutory maternity pay/adoption pay/Maternity Allowance for up to 39 weeks. If the mother gives notice to reduce their entitlement before they will have received it for 39 weeks, then any remaining weeks could become available as ShPP. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

5.4 SPL can commence as follows:

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

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

5.6 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice.

5.7 If the employee is eligible to receive it, ShPP may be paid for some or all of the SPL period.

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

5.9 SPL entitlement is not affected by the number of children born or expected as a result of the same pregnancy.

6. Notifying the Council of an entitlement and an intention to take Shared Parental Leave

6.1 If you are entitled to and are intending to take SPL, you must give your line manager at least eight weeks notification before you can take any period of SPL.

6.2 You are encouraged to discuss your intention to take SPL with your line manager at the earliest opportunity, to give more time for options to be considered.

6.3 Part of the eligibility criteria requires you to provide the organisation with correct notification. All notifications must be in writing (an e-mail is acceptable) and requires each of the following:

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

6.4 You must provide your line manager with a signed declaration stating:

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

6.5 You must provide your line manager with a signed declaration from your partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number)
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter
- that they satisfy the 'employment and earnings test', and have at the date of the child's birth or placement for adoption the main responsibility for the child along with you
- the name and business address of your partner's employer (where your partner is not employed or is self-employed their contact details if not previously provided must be given instead)
- that they consent to the amount of SPL that you intend to take
- that they consent to the Council processing the information
- in the case that you are the mother/adopter, that they will immediately inform you should they cease to satisfy the eligibility conditions

6.6 You must provide to your manager as evidence of eligibility

- in the case of biological parents and when available, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth)
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which you were notified of having been matched with the child and the date on which the agency expects to place the child for adoption with you

7. Fraudulent claims

Where there is a suspicion that you may have provided false information, the Council will investigate the matter in accordance with the Disciplinary and Grievance policies.

8. Booking Shared Parental Leave

8.1 In addition to notifying your line manager of your entitlement to SPL/ShPP, you must also give notice to take the leave. It is expected that your notice to take leave will be given at the same time as your notice of entitlement to SPL.

8.2 You have the right to submit three notifications specifying the leave periods that you are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where you intend to return to work between periods of leave.

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

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

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

8.6 You have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to you (specified in the notice of entitlement) and you have given the Council at least eight weeks' notice.

8.7 You may submit up to three separate notifications for continuous periods of leave.

8.8 A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time with breaks between the leave where you return to work.

8.9 Where discontinuous leave has been requested, the Council will consider this but it has the right to deny the request and to then discuss with you about alternative dates. If no leave pattern can be agreed, you can either withdraw your request or you can take the leave in a single continuous block. If you choose to take the SPL in a single continuous block, you have until 19 days from the date that your original notification was given to choose when you want the SPL period to begin. The SPL cannot start sooner than eight weeks from the date the original notification was submitted. If you do not choose a start date, then the SPL will begin on the first leave date requested in the original notification.

8.10 All requests for SPL will be responded to within 14 days.

9. Variations to arranged Shared Parental Leave

9.1 You are permitted to vary or cancel an agreed and booked period of SPL, provided that you advise the organisation in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

9.2 The variation notification will need to be signed by the employee and their partner, and set out

- details of the original arrangement
- that the employee wishes to change the arrangement
- details of the new SPL arrangement that the employee and their partner wish to take

9.3 Any variation or cancellation notification made by you, including notice to return to work early, will usually count as a new notification reducing your right to book or vary leave by one. However, a change as a result of a child being born early, or as a result of the Council requesting it be changed, and you being agreeable to the change, will not count as a further notification.

10. Shared Parental Pay (ShPP)

10.1 Statutory ShPP

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

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

10.1.3 In addition to meeting the eligibility requirements for SPL, if you are seeking to claim ShPP, you must further satisfy each of the following criteria:

- the mother must be/have been entitled to statutory maternity pay or maternity allowance and must have reduced their maternity pay period or maternity allowance period
- you must intend to care for the child during the week in which ShPP is payable

- you must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date that are not less than the lower earnings limit in force for national insurance contributions
- you must remain in continuous employment until the first week of ShPP has begun
- you must give proper notification in accordance with the rules set out below (see 10.5)

10.1.4 If you are entitled to receive ShPP, you must at least eight weeks before receiving any ShPP, give your line manager written notice advising him/her of your entitlement to ShPP. To avoid duplication, if possible, this should be included as part of your notice of entitlement to take SPL.

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

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

10.1.6 It must be accompanied by a signed declaration from your partner confirming:

- their agreement to you claiming ShPP and for the Council to process any ShPP payments to you
- in the case whether the partner is the mother, that they have reduced their maternity pay or maternity allowance
- in the case whether the partner is the mother that they will immediately inform their partner should they cease to satisfy the eligibility conditions

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

10.2 Contractual ShPP

10.2.1 To qualify for contractual ShPP you must:

- have at least 1 year's continuous local government service at the beginning of the 11th week prior to the EWC,
- continue to be employed immediately before your SPL starts,
- have already followed the process for notifying your line manager of your pregnancy.

10.2.2 Contractual Shpp is made up of:

- 6 weeks at 90% of Average Weekly Earnings (**this will be paid during weeks 1 to 6 of the leave period**)

- 12 weeks at half pay (if you intend to return to work) in addition to Statutory ShPP – total amount not exceeding full pay (**this will be paid during weeks 7 to 18 of the leave period**)

10.2.3 Contractual ShPP, as with Contractual Maternity Pay, is linked to specified periods of Shared Parental Leave (i.e. weeks 7 to 18 for contractual half pay) if you are off during these periods, and meet the necessary criteria, you will receive the appropriate payments. However, if you return to work early and you have a partner who is a TMBC employee, and who meets the required criteria, they will be entitled to the contractual ShPP if they are off during the specified periods.

10.2.4 If both you and your partner are TMBC employees and you choose to take SPL at the same time, the entitlement to 12 weeks of contractual half pay will be shared equally between the two of you, i.e. you both receive the appropriate payment for 6 weeks.

10.2.5 If you are currently taking advantage of any salary sacrifice scheme, including childcare vouchers, average weekly pay will be calculated on a case-by-case basis to ensure that there is no additional cost to the Council.

11. Terms and conditions during Shared Parental Leave

11.1 Except for your salary, your contract of employment continues in force and you will receive all your contractual benefits.

11.2 Pension contributions will continue to be made during any period when you are receiving ShPP but not during any unpaid period. Your contributions will be based on actual pay, while the Council's contributions will be based on the average pensionable pay over the period of 3 months prior to the reduction occurring.

12. Annual Leave

SPL is granted in addition to your normal annual holiday entitlement. You are reminded that holiday should, wherever possible, be taken in the year that it is earned. Where an SPL period overlaps leave years, you should discuss with your line manager how your annual leave entitlement can be used to ensure that it is not untaken at the end of the holiday year.

13. Contact during Shared Parental Leave

Before a period of SPL begins, your line manager will discuss with you the arrangements for you to keep in touch. The Council reserves the right in any event to maintain reasonable contact with you from time to time during your SPL.

14. Shared Parental Leave in Touch (SPLIT) days

14.1 You can agree to carry out work for the organisation for up to 20 days during SPL without bringing your period of SPL to an end or impacting on your right to claim ShPP for that week. These are known as "Shared Parental Leave in Touch" or SPLIT days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

14.2 The Council has no right to require you to carry out any work, and the Council is under no obligation to offer you any work during your SPL. Any work undertaken is a matter for agreement between the Council and you. You will receive full pay for any hours/day worked under these arrangements. If a SPLIT day occurs during a week when you are receiving ShPP, this will be effectively 'topped up' so that you receive full pay for the hours worked. Any SPLIT days worked do not extend the period of SPL.

14.3 You may, with the agreement of the Council, use SPLIT days to work part of a week during your SPL or as part of return to work arrangements towards the end of a long period of SPL or to trial a possible flexible working pattern.

14.4 SPLIT days are in addition to Keeping in Touch (KIT) days that are already available to those on maternity or adoption leave.

15. Returning to work after Shared Parental Leave

15.1 You will have been formally advised in writing of the end date of any period of SPL and you are expected to return on the next working day after this date, unless you notify your line manager otherwise. If you are unable to attend work due to sickness, the normal arrangements for reporting sickness absence will apply.

15.2 If you wish to return to work earlier than the expected return date, you may provide a written notice to your line manager to vary the SPL and you must give the organisation at least eight weeks notice of your date of your early return and this will count as one of your notifications. If you have already used your three notifications to book and/or vary leave then the Council does not have to accept your notice to return early but may agree to do so.

15.3 On returning to work after SPL, you are entitled to return to the same job if the aggregate of the total statutory maternity leave and SPL that you have taken amounts to 26 weeks or less. The same job is defined as the one that you occupied immediately before commencing maternity leave and the most recent period of SPL.

15.4 If the aggregate of your maternity leave and SPL amounts to 26 weeks or more, you are entitled to return to the same job you held before commencing the last period of leave. If this is not reasonably practicable, you are entitled to another job within the Council that is both suitable and appropriate and on no less favourable terms and conditions.

15.5 If you also take a period of unpaid parental leave of 4 weeks or less, this will have no effect on your right to return and you will still be entitled to return to the same job as you occupied before taking the last period of leave if the aggregate weeks of maternity leave and SPL do not exceed 26 weeks.

15.6 If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity and SPL do not exceed 26 weeks, you will be entitled to return to the same job you held before commencing the last period of leave. If this is not reasonably practicable, you will be entitled to another job within the Council that is both suitable and appropriate and on no less favourable terms and conditions.

16. Special Circumstances and further information

In certain situations, your rights and requirements regarding SPL and ShPP may change. In these circumstances the Council will abide by any statutory obligations and you should refer to the documents listed below and/or clarify any issues or queries with your line manager (or Personnel Services).

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

Personnel Services
June 2015

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Shared Parental Leave forms (resulting from Maternity)

These are the forms needed by a mother and the person she will share Shared Parental Leave (SPL) with – known as the partner - to confirm eligibility and entitlement with TMBC. The forms can also be used to confirm eligibility and entitlement to Shared Parental Pay (ShPP).

What forms need to be completed?			
	Both parents want to take SPL	Just the mother wants to take SPL	Just the partner wants to take SPL
Form 1	YES	YES	YES
Form 2	YES	YES	NO
Form 3	NO	NO	YES
Form 4	YES	NO	YES

- Parents should use the calculator at www.gov.uk/pay-leave-for-parents to find some of the information needed to complete these forms
- Parents and employers should keep a copy of any completed forms
- If the mother is in receipt of Maternity Allowance (MA), she will need to notify Jobcentre Plus to curtail this entitlement
- The earnings requirements mentioned are correct as of March 2015

Key abbreviations used in these forms:

SPL Shared Parental Leave
 ShPP Statutory Shared Parental Pay
 SMP Statutory Maternity Pay
 MA Maternity Allowance

Form 1: Curtailment of Maternity Leave and Pay (for Mother's Employer)

SECTION A: General (must be completed)	
Please accept this as my notice to curtail my maternity leave and/or SMP. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP. I understand that my maternity leave will end on the date given in Section B and that my SMP will end on the date given in Section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B. I understand that if I am eligible for myself or my partner to opt into SPL and ShPP I can only reinstate my SMP if I revoke this notice before the end date given in Section C.	
Mother's surname	
Mother's first name(s)	
Child's expected date of birth	
Actual date of child's birth (if born)	
SECTION B: Curtailing maternity leave (must be completed)	
Date statutory maternity leave started/is intended to start	
Date statutory maternity leave will come to an end	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
SECTION C: Curtailing maternity pay (only complete if claiming ShPP)	
Date SMP started/is intended to start	
Date SMP will come to an end	
Total number of weeks of SMP that will have been paid at the date that SMP ends	
SECTION D: Signature (must be completed)	
Signature of mother	
Date signed	

Form 2: Notification that Mother is intending to take SPL (for Mother's Employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the mother) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Mother's Surname	
Mother's First name(s)	
Partner's surname	
Partner's first name(s)	
Partner's Address	
Partner's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
SECTION B: Maternity entitlement details (all answers that apply must be completed)	
Date mother started (or intends to start) statutory maternity leave	
Date mother's statutory maternity leave ended (or will end)	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
Date mother started (or intends to start) SMP or MA	
Date mother's SMP or MA ended (or will end)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	
SECTION C: Amount of SPL available (must be completed)	
Total number of weeks of SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and revocation)	

Total number of weeks of SPL I (the mother) intend to take	
Total number of weeks of SPL my partner intends to take	
SECTION D: Indication of Mother's leave intentions (must be completed but is not binding)	
I (the mother) currently expect to take SPL as follows:	
Note: It will usually be helpful to answer this in a "From... To..." format	
SECTION E: Amount of ShPP available (only complete if claiming ShPP)	
Total number of weeks of ShPP created (39 weeks less total number of SMP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP I (the mother) intend to take:	
Total number of weeks of ShPP my partner intends to take:	
I (the mother) currently expect to take ShPP as follows:	
Note: It will usually be helpful to answer this in a "From... To..." format	
SECTION F: Mother's declaration (must be completed)	
The following points apply in all circumstances where a mother is entitled to maternity leave:	
<ul style="list-style-type: none"> • I am giving notice that I am entitled to and intend to take SPL • I have, or will have, been continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due • I will remain employed with this employer until any period of SPL that I intend to take • I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with my partner who has made the declaration below) • I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL • I will inform my employer immediately if I am no longer caring for my child • I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice • I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice • I (or my partner) have given a period of SPL notice • The information provided in this declaration is accurate and meets the notification requirements for SPL 	
The following points only apply if Section E has been completed:	

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I intend to care for my child in the weeks I receive ShPP
- I will remain employed with this employer until before the date of my first period of ShPP
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA
- The information provided in this declaration is accurate

Signature of mother	
Date mother signed	

SECTION G: Partner's declaration (must be completed)

- I am the father of the child, or at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother)
- I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth
- I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of childbirth
- I consent to the amount of SPL which the mother intends to take, as set out in Section D above.
- I consent to the mother's employer processing the information I have provided
- I consent to the amount of ShPP which the mother intends to take, as set out in Section E above.
- The information provided in this declaration is accurate

Signature of partner	
Date partner signed	

Form 3: Notice confirming that Partner is taking SPL but mother is not (for Mother's Employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the mother) do not intend to take SPL (or ShPP where relevant) but that my partner will be.	
Mother's surname	
Mother's first name(s)	
SECTION B: Confirmation	
<ul style="list-style-type: none"> • I am either not entitled to SPL (or ShPP where relevant), or I do not intend to take SPL (or claim ShPP where relevant) • I declare that my partner has given a notice to their employer to take SPL and/or ShPP. • I consent to my partner's intended claim for SPL and/or ShPP. 	
SECTION C: Signature (must be completed)	
Signature of mother	
Date signed	

Form 4: Notification that Partner is intending to take SPL (for Partner's Employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the mother's partner) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Partner's Surname	
Partner's First name(s)	
Mother's surname	
Mother's first name(s)	
Mother's Address	
Mother's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
SECTION B: Maternity entitlement details (all answers that apply must be completed)	
Date mother started (or intends to start) maternity leave (if applicable)	
Date mother's maternity leave ended (or will end) (if applicable)	
Total number of weeks of maternity leave taken (or that will be taken) when maternity leave ends	
Date mother started (or intends to start) SMP or MA (if applicable)	
Date mother's SMP or MA ended (or will end) (if applicable)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	

SECTION C: Amount of SPL available (must be completed)

The total number of weeks of SPL created depends on the mothers leave and pay entitlements:

- If the mother was/is entitled to maternity leave and SMP/MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the mother was/is entitled to maternity leave but not to SMP or MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the mother was/is not entitled to maternity leave but was entitled to SMP/MA, the total created will be 52 weeks less any weeks of SMP/MA that was paid
- If the mother previously revoked her curtailment notice any SPL that was taken by the partner must be deducted

Total number of weeks of SPL created (50 max)	
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Total number of weeks of SPL I (the partner) intend to take	
---	--

Total number of weeks of SPL the mother intends to take (if applicable)	
---	--

SECTION D: Indication of Partner's leave intentions (must be completed but is not binding)

I (the partner) currently expect to take SPL as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

SECTION E: Amount of ShPP available (only complete if claiming ShPP)

Total number of weeks of ShPP created (39 weeks less total number of SMP/MA taken and any ShPP paid from a previous notice and revocation)	
--	--

Total number of weeks of ShPP I (the partner) intend to take:	
---	--

Total number of weeks of ShPP mother intends to take:	
---	--

I (the partner) currently expect to take ShPP as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

SECTION F: Partner's declaration (must be completed)

The following points apply in all circumstances:

- I am giving notice that I am entitled to and intend to take SPL
- I am the father of the child, or at the time of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I have been (or will be) continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of our child at the time of the child's birth (along with the child's mother who has made the declaration below)
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of the mother's employer or a declaration that she does not have an employer if my employer asks for this within 14 days of the date of this notice
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes her notice to curtail her maternity leave or SMP/maternity allowance period
- I (or my partner) have given a period of SPL notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I intend to care for my child in the weeks I receive ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I will remain employed with this employer until before the date of my first period of ShPP

- The information provided in this declaration is correct

Signature of partner

Date partner signed

SECTION G: Mother's declaration (must be completed)

The following points apply in all circumstances:

- I had (or will have) the main responsibility for the care of the child at the time of the birth (along with my partner who has made the declaration above)
- I am entitled to maternity leave and/or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and/or my entitlement to SMP or MA.
- I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth
- I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of birth
- I will immediately inform my partner if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement
- I consent to my partner's intended SPL as set out in Section D above
- I consent to my partner's employer processing the information I have provided
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am entitled to SMP or MA, and I have reduced (or will reduce) the SMP or MA period and the remainder will be available as ShPP
- I consent to my partner's intended ShPP as set out in Section E above
- I will immediately inform my partner if I revoke the reduction of my SMP or MA
- I consent to the person who will pay ShPP to my partner or the child's father processing the information I have provided
- The information provided in this declaration is correct

Signature of mother

Date mother signed

SPL forms (Adoption)

These are the forms needed by an adopter who has taken adoption leave and/or pay and the person they will share Shared Parental Leave (SPL) with – known as the partner - to confirm eligibility and entitlement with TMBC. The forms can also be used to confirm eligibility and entitlement to Shared Parental Pay (ShPP).

What forms need to be completed?			
	Both parents want to take SPL	Just the adopter wants to take SPL	Just the partner wants to take SPL
Form 1	YES	YES	YES
Form 2	YES	YES	NO
Form 3	NO	NO	YES
Form 4	YES	NO	YES

- Parents should use the calculator at www.gov.uk/pay-leave-for-parents to find some of the information needed to complete these forms
- Parents and employers should keep a copy of any completed forms
- The earnings requirements mentioned are correct as of March 2015

Key abbreviations used in these forms:

SPL Shared Parental Leave
 ShPP Statutory Shared Parental Pay
 SAP Statutory Adoption Pay

Form 1: Curtailment of Adoption Leave and Pay (for Adopter's Employer)

SECTION A: General (must be completed)	
Please accept this as my notice to curtail my adoption leave and/or SAP. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP. I understand that my adoption leave will end on the date given in Section B and that my SAP will finish on the end date given in Section C, unless my notice is revoked or there is no entitlement.	
Adopter's surname	
Adopter's first name(s)	
Child's expected date of placement	
Actual date of child's placement (if known)	
SECTION B: Curtailing adoption leave (must be completed)	
Date statutory adoption leave started/is intended to start	
Date statutory adoption leave will come to an end	
Total number of weeks of statutory adoption leave that will have been taken at the date that statutory maternity leave ends	
SECTION C: Curtailing adoption pay (only complete if claiming ShPP)	
Date SAP started/is intended to start	
Date SAP pay will come to an end	
Total number of weeks of SAP that will have been paid at the date that SAP ends	
SECTION D: Signature (must be completed)	
Signature of adopter	
Date signed	

Form 2: Notification that Adopter is intending to take SPL (for Adopter's Employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the adopter taking adoption leave/pay) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Adopter's Surname	
Adopter's First name(s)	
Adopter's surname	
Partner's first name(s)	
Partner's Address	
Partner's National Insurance number (State 'none' if no number is held)	
Date Adopter was informed of being matched for adoption	
Child's expected date of placement	
Actual date of child's placement (if child not yet placed I will provide this information as soon as reasonably practicable following placement and before I take any SPL)	
SECTION B: Adoption Entitlement Details (all answers that apply must be completed)	
Date adopter started (or intends to start) statutory adoption leave	
Date adopter's statutory adoption leave ended (or will end)	
Total number of weeks of statutory adoption leave that will have been taken at the date that statutory adoption leave ends	
Date adopter started (or intends to start) SAP	
Date adopter's SAP ended (or will end)	
Total number of weeks SAP has been paid or will have been paid at date of curtailment	
Total number of weeks by which SAP will be reduced (i.e. 39 weeks minus total number of weeks SAP has been paid or will have been paid at date of curtailment)	
SECTION C: Amount of SPL available (must be completed)	

Total number of weeks of SPL created (52 weeks less total number of weeks of adoption leave taken)	
Total number of weeks of SPL I (the adopter) intend to take	
Total number of weeks of SPL partner intends to take	
SECTION D: Indication of Adopter's leave intentions (must be completed but is not binding)	
I (the adopter) currently expect to take SPL as follows:	
Note: It will usually be helpful to answer this in a "From... To..." format	
SECTION E: Amount of ShPP available (only complete if claiming ShPP)	
Total number of weeks of ShPP created (39 weeks less total number of weeks SAP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP I (the adopter) intend to take:	
Total number of weeks of ShPP partner intends to take:	
I (the adopter) currently expect to take ShPP as follows:	
Note: It will usually be helpful to answer this in a "From... To..." format	
SECTION F: Adopter's Declaration (must be completed if adopter is entitled to adoption leave)	
The following points apply in all circumstances:	
<ul style="list-style-type: none"> • I am giving notice that I am entitled to and intend to take SPL • I have been continuously employed for 26 weeks at the end of week in which I (the adopter) was notified of having been matched for adoption • I will remain employed with this employer until any period of SPL that I intend to take • I had (or will have) the main responsibility for the care of the child at the time of the child's placement (along with my partner who has made the declaration below) and I intend to care for the child during each week of SPL • I am entitled to adoption leave in respect of the child, my adoption leave period is reduced and will be available as SPL • I will inform my employer immediately if I am no longer responsible for the care of the child • if my employer asks within 14 days of the date of this notice, I will give my employer evidence, in the form of one or more documents issued by the adoption agency that matched me with the child, of (i) the name and address of the adoption agency; (ii) the date that I was notified of having been matched for adoption with the child; and (iii) the date on which the adoption agency expects to place the child with me. • I (or my partner) have given a period of SPL notice • I will give my employer the name and address of my partner's employer or a 	

declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice

- The information provided in this declaration is accurate

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the week in which I (the adopter) was notified of having been matched for adoption with the child
- I am entitled to SAP in respect of the child placed with me, my adoption pay period is reduced and the period that remains is available as ShPP
- I will be absent from work in each week in which I will be paid ShPP and, if I am entitled to it, I will be on SPL in those weeks
- I intend to care for my child and to be absent from work in the weeks I receive ShPP and if I am an employee I will be on SPL in those weeks
- I will remain employed with this employer until before the date of my first period of ShPP
- I will immediately inform the person who pays ShPP if I revoke curtailment of my SAP
- The information provided in this declaration is accurate

Signature of adopter	
Date adopter signed	

SECTION G: Partner's Declaration (must be completed)

- I am the adopter's spouse, the adopter's civil partner or the adopter's partner living with them and the child in an enduring relationship
- I had (or will have) the main responsibility for the care of the child at the time of the placement (along with the child's adopter)
- I have been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks preceding the week in which the adopter was notified of having been matched for adoption with the child
- I have earned in total at least £390 in 13 weeks of the 66 weeks preceding the week in which the adopter was notified of having been matched for adoption with the child
- I consent to the amount of SPL which the adopter intends to take, as set out in Section D above.
- I consent to the adopter's employer processing the information I have provided
- I consent to the amount of ShPP which the adopter intends to take, as set out in Section E above.
- The information provided in this declaration is accurate

Signature of partner	
Date partner signed	

Form 3: Notice confirming that Partner is taking SPL but Adopter is not (for Adopter's Employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the adopter) do not intend to take SPL (or ShPP where relevant) but that my partner will be.	
Adopter's surname	
Adopter's first name(s)	
SECTION B: Confirmation	
<ul style="list-style-type: none"> • I am either not entitled to SPL (or ShPP where relevant), or I do not intend to take SPL (or claim ShPP where relevant) • I declare that my partner has given a notice to their employer to take SPL and/or ShPP. • I consent to my partner's intended claim for SPL and/or ShPP. 	
SECTION B: Signature (must be completed)	
Signature of adopter	
Date signed	

Form 4: Notification that Partner is intending to take SPL (for Partner's Employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the adopter's partner) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Partner's Surname	
Partner's First name(s)	
Adopter's surname	
Adopter's first name(s)	
Adopter's Address	
Adopter's National Insurance number (State 'none' if no number is held)	
Date Adopter was informed of being matched for adoption	
Child's expected date of placement	
Actual date of child's placement (if child not yet placed I will provide this information as soon as reasonably practicable following placement and before I take any SPL)	
SECTION B: Adoption Entitlement Details (all answers that apply must be completed)	
Date adopter started (or intends to start) statutory adoption leave (if applicable)	
Date adopter's statutory adoption leave ended (or will end) (if applicable)	
Total number of weeks of statutory adoption leave taken (or that will be taken) when statutory adoption leave ends	
Date adopter started (or intends to start) SAP (if applicable)	
Date adopter's SAP ended (or will end) (if applicable)	
Total number of weeks SAP has been paid or will have been paid at date of curtailment	
Total number of weeks by which SAP will be reduced (i.e. 39 weeks minus total number of weeks SAP has been paid or will have been paid at date of curtailment)	

SECTION C: Amount of SPL available (must be completed)

The total number of weeks of SPL created depends on the adopter's leave and pay entitlements:

- If the adopter was/is entitled to adoption leave and SAP, the total created will be 52 weeks less any weeks of adoption leave taken
- If the adopter was/is entitled to adoption leave but not to SAP, the total created will be 52 weeks less any weeks adoption leave taken
- If the adopter was/is not entitled to adoption leave but is entitled to SAP, the total created will be 52 weeks less any weeks of SAP taken

Total number of weeks of SPL created (50 max)	
---	--

Total number of weeks of SPL I (the partner) intend to take	
---	--

Section D: Indication of Partner's leave intentions (must be completed but is not binding)

I (the partner) currently expect to take SPL as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

SECTION E: Amount of ShPP available (only complete if claiming ShPP)

Total number of weeks of ShPP created (39 weeks less total number of SAP taken and any ShPP paid from a previous notice and revocation)	
---	--

Total number of weeks of ShPP I (the partner) intend to take:	
---	--

Total number of weeks of ShPP adopter intends to take:	
--	--

I (the partner) currently expect to take ShPP as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

SECTION F: Partner’s Declaration (must be completed)

The following points apply in all circumstances:

- I am giving notice that I am entitled to and intend to take SPL
- I am the adopter’s spouse, the adopter’s civil partner or the adopter’s partner living with them and the child in an enduring relationship
- I have been continuously employed for 26 weeks at the end of week in which the adopter was notified of having been matched for adoption
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of our child at the time of the child’s placement (along with the child’s adopter who has made the declaration below)
- If my employer asks within 14 days of the date of this notice, I will give my employer evidence, in the form of one or more documents issued by the adoption agency that matched the adopter with the child, of (i) the name and address of the adoption agency; (ii) the date that the adopter and/or I was notified of having been matched for adoption with the child; and (iii) the date on which the adoption agency expects to place the child with the adopter and/or me.
- I will give my employer the name and address of the adopter’s employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice
- I (or my partner) have given a period of SPL notice
- I will inform my employer immediately if I am no longer caring for our child
- The information provided in this declaration is accurate

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the week in which the adopter was notified of having been matched for adoption with the child
- I intend to care for my child and to be absent from work in the weeks I receive ShPP and if I am an employee I will be on SPL in those weeks
- I will remain employed with this employer until before the date of my first period of ShPP
- The information provided in this declaration is accurate

Signature of partner	
Date partner signed	

SECTION G: Adopter’s Declaration (must be completed)

The following points apply in all circumstances:

- I had (or will have) the main responsibility for the care of the child at the time of the placement of the child (along with my partner who has made the declaration above)
- I am entitled to adoption leave and/or SAP in respect of the child and I have curtailed (or will curtail) my entitlement to adoption leave (or I have returned to work) and/or my entitlement to SAP.
- I have been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks preceding the week in which the adopter was notified of having been matched for adoption with the child
- I have earned in total at least £390 in 13 weeks of the 66 weeks preceding the week in which I (the adopter) was notified of having been matched for adoption with the child
- I consent to my partner's intended SPL as set out in Section D above
- I consent to my partner's employer processing the information I have provided
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am entitled to SAP, and I have reduced (or will reduce) the SAP period and the remainder will be available as ShPP
- I consent to my partner's intended ShPP as set out in Section E above
- I consent to the person who will pay ShPP to my partner or the child's father processing the information I have provided
- I will immediately inform my partner if I revoke the curtailment of my SAP
- The information provided in this declaration is accurate

Signature of adopter	
Date adopter signed	

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

29 June 2015

Report of the Director of Central Services

Part 1- Public

Matters for Information

1 OFFICE OF SURVEILLANCE COMMISSIONERS –INSPECTION REPORT- THE REGULATION OF INVESTIGATORY POWERS ACT 2000

1.1 Introduction

1.1.1 In order to ensure that public authorities carry out covert activities in a lawful manner, the Office of Surveillance Commissioners (OSC), conducts regular reviews of our policies and procedures. On 18 November 2014 Mr Kevin Davies from the OSC carried out a review at our offices and a copy of his inspection report is attached at Annex 1.

1.1.2 The Inspector reviewed the progress on the single recommendation made following the last inspection in November 2011 and considered that this had been addressed. He concluded that the Council does not utilise the powers vested under RIPA frequently, preferring to use overt methods. Regardless of this he recognised that the Council do take their responsibilities under the legislation seriously and are well trained and have good policies and procedures in place. Accordingly he made no formal recommendation.

1.2 Financial and Value for Money Considerations

1.2.1 The operation of the surveillance policy has negligible financial impact upon the Council.

1.3 Risk Assessment

1.3.1 Authorisations under RIPA provide lawful authority for the Council to carry out covert surveillance, subject to the approval of a Magistrate. Failure to comply with the requirements of the Act may render the enforcement activity unlawful, and lead to the exclusion of evidence obtained through surveillance.

1.4 Policy Considerations

1.4.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.5

Background papers:

Nil one

contact: Adrian Stanfield
Director of Central Services



Office of Surveillance
Commissioners

OFFICE OF SURVEILLANCE COMMISSIONERS

INSPECTION REPORT

Tonbridge and Malling Borough Council

18th November 2014

**Surveillance Inspector:
Mr Kevin Davis.**

OFFICIAL- SENSITIVE

DISCLAIMER

This report contains the observations and recommendations identified by an individual surveillance inspector, or team of surveillance inspectors, during an inspection of the specified public authority conducted on behalf of the Chief Surveillance Commissioner.

The inspection was limited by time and could only sample a small proportion of covert activity in order to make a subjective assessment of compliance. Failure to raise issues in this report should not automatically be construed as endorsement of the unreported practices.

The advice and guidance provided by the inspector(s) during the inspection could only reflect the inspectors' subjective opinion and does not constitute an endorsed judicial interpretation of the legislation. Fundamental changes to practices or procedures should not be implemented unless and until the recommendations in this report are endorsed by the Chief Surveillance Commissioner.

The report is sent only to the recipient of the Chief Surveillance Commissioner's letter (normally the Chief Officer of the authority inspected). Copies of the report, or extracts of it, may be distributed at the recipient's discretion but the version received under the covering letter should remain intact as the master version.

The Office of Surveillance Commissioners is not a public body listed under the Freedom of Information Act 2000, however, requests for the disclosure of the report, or any part of it, or any distribution of the report beyond the recipients own authority is permissible at the discretion of the Chief Officer of the relevant public authority without the permission of the Chief Surveillance Commissioner. Any references to the report, or extracts from it, must be placed in the correct context.

OFFICIAL – SENSITIVE

OSC/INSP/075

The Rt. Hon. Sir Christopher Rose
Chief Surveillance Commissioner
Office of Surveillance Commissioners
PO Box 29105
London
SW1V 1ZU

27 November 2014

OSC INSPECTION – TONBRIDGE AND MALLING BOROUGH COUNCIL

1. Date of inspection

18 November 2014.

2. Inspector

Mr Kevin Davis.

3. Introduction

3.1 Tonbridge and Malling is an English local government district with borough status in Kent. It is in the mid-west of the county. Tonbridge and Malling Borough covers an area from the North Downs at Burnham and Snodland in the north to the town of Tonbridge in the south. The district came into being in 1974 by the merger of the urban district council of Tonbridge, together with Malling Rural district and the villages of Hadlow and Hildenborough from Tonbridge Rural District.

3.2 At 31 March 2014 the Council employed 294 permanent staff. The estimated gross expenditure for the year 2014/2015 is approximately £84 million. Services provided by the Council include refuse collection and recycling, street cleansing, public and environmental health, housing, parks and open spaces, car parking, community safety and housing benefits; and serves a population of around 120,000.

3.3 The Chief Executive and four directors make up the Council's Management Team.

3.4 The Chief Executive is Ms Julie Beilby. Correspondence should be forwarded to the Chief Executive, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ.

4. Inspection approach

- 4.1 The purpose of the inspection was to examine policies, procedures, operations and administration in respect of directed surveillance and covert human intelligence sources (CHIS) under the Regulation of Investigatory Powers Act 2000 (RIPA).
- 4.2 A meeting was held with Mr Adrian Stansfield, the Director of Central Services and Monitoring Officer. Mr Stansfield who is also the Senior Responsible Officer (SRO) gave an insight into the structure and ethos of the Council. This was followed by a meeting with Mr Cliff Cochrane (Senior Legal Officer) who has day-to-day responsibility for RIPA. I then met Mr James Larkin the Head of the Fraud Investigation Team, which is a joint unit funded by both Tonbridge and Malling Borough Council and the neighbouring Gravesham Borough Council. At the conclusion of the inspection I again met with Mr Cochrane to give informal feedback.

5. Review of progress on recommendations

- 5.1 HH Dr Colin Kolbert, in his inspection report in October 2011 made one recommendation:

1) Only relatively minor issues arose: attention is drawn to paragraphs 12 (proportionality) and 16 (consideration of resilience).

Action

Paragraph 12 in Dr Kolbert's report referred to the need for the authorising officer to show clarity in relation to the issue of proportionality, and paragraph 16 mentioned the need for another person to be trained and available to act as an authorising officer. At the time of the 2011 inspection it was only the Chief Executive who fulfilled this role. The issue of proportionality was addressed by way of training and the Chief Executive still acts as the authorising officer but in his absence one of the four Directors is available to deputise.

Discharged

6. Policies and procedures

- 6.1 The Central Record of Authorisation is maintained by Mr Cochrane and is compliant with the revised Codes of Practice. All applications are submitted to, and quality assured, by Mr Cochrane before going to the Chief Executive or one of his deputies.
- 6.2 Policies and procedures are contained in a comprehensive but easy to understand document which is available to all relevant personnel via the Council Intranet.

- 6.3 Formal reporting in accordance with the revised Code of Practice on Covert Surveillance and Property Interference paragraph 3.30 is made to the Council's Scrutiny Committee.

7. Related training

- 7.1 Though the Council is an infrequent user of RIPA powers it was evident that there is a determination to ensure knowledge and awareness of the legislation is maintained among staff. RIPA refresher training was delivered in October 2013 by a private contractor. On 5 November 2014 another training event took place, the content was delivered by Kent Police and focused entirely on RIPA and the use of social media. I examined the training material and found it to be of a very high standard, relevant and up to date. In discussions with Mr Stansfield it was evident that he was keen to ensure that Council employees utilised social media as an investigative tool but in a controlled manner in accordance with the legislation. Mr Stansfield shared with me the content of an email he had circulated following the Kent Police training session where he explicitly set out the Council's guidelines for the use of social media.

8. Significant issues arising

Breaches

- 8.1 There have been no breaches of the legislation.

Confidential information

- 8.2 The Council did not disclose any activity that requires declaration by the legislation (i.e. activity likely to acquire confidential information or which involved juvenile or vulnerable CHIS) and I found none.

Directed Surveillance

- 8.3 Directed surveillance has been authorised on two occasions since the last inspection, but not since the enactment of the Protection of Freedoms Act 2012. I make the following observations on both of the application/authorisations examined.

- 8.4 The first investigation concerned offences of anti-social behaviour. The application was of a good standard and outlined the intelligence and information gathered from potential witnesses. The nature of the offending made it impossible to persuade victims to give evidence as they lived in a climate of fear. The descriptions of the failed attempts to succeed with alternative investigative strategies were included in the application.

- 8.5 The authorisation was of a good standard and was handwritten. The authorisation contained all of the points outlined in OSC guidance note 117.

- 8.6 There was one review, it was concise and gave the authorising officer the appropriate information upon which he was able to make his deliberations.

8.7 The cancellation was timely and included all of the information required in accordance with OSC guidance note 145. I was pleased to note that the authorising officer identified areas where the Council were able to pursue a prosecution and those which were clearly a matter for Kent Police; there were specific instructions to the applicant contained within the cancellation in this regard.

8.8 The second application/authorisation was of an equally high standard.

CHIS

8.9 There has not been an authorisation for a CHIS since the last inspection. The position of the Council is that they do not believe they have the expertise or experience to authorise CHIS but are aware of their legal responsibilities. In discussions with both Mr Stansfield and Mr Cochrane they stated that should circumstances arise where they would be required to utilise RIPA in this regard they would seek advice from their Community Safety Partnership colleagues from Kent Police.

8.10 The meeting with Mr Larkin the Head of the Fraud Investigation Team was informative. Mr Larkin had a good working knowledge of RIPA. He had a good understanding of the use of social media as an investigative tool and has taken the lead on behalf of the Council in updating the policy and procedures document. He is also in the process of designing a portal within the Council website to enable the reporting of fraud by members of the public. Mr Larkin was familiar with the definition of a CHIS and understood the concept of 'status drift'.

9 Conclusions

9.1 The Council does not utilise the powers vested under RIPA frequently, preferring to use overt methods to drive their enforcement agenda. The Council regardless of this do take their responsibilities under the legislation seriously and are well trained and have good policies and procedures in place. The positive action taken by the Council in enhancing the knowledge of their employees in relation to the use of social media is good practice.

9.2 I should like to thank Mr Cliff Cochrane for making all of the necessary arrangements.

10 Recommendations

10.1 I make no formal recommendations.

Kevin Davis

Surveillance Inspector

Agenda Item 9

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 10

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 12

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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