

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@tmbc.co.uk

30 September 2019

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 Tuesday, 8th October, 2019 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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3. Minutes 9 - 12

To confirm as a correct record the Minutes of the meeting of General Purposes Committee held on 19 June 2019

Matters for Recommendation to the Council

4. Disclosure and Barring Service Policy and Procedure 13 - 24

The report presents a new Disclosure and Barring Service Policy (DBS) for consideration.

Decisions to be taken under Delegated Powers

5. Amendments to Human Resources Policies and Procedures 25 - 94

As part of a regular review of policies and to take account of various issues that have arisen in the past few months, a number of amendments to existing HR policies and procedures are proposed.

6. Urgent Items 95 - 96

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

Matters for consideration in Private

7. Exclusion of Press and Public 97 - 98

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.

PART 2 - PRIVATE

Decisions to be taken under Delegated Powers

8. Establishment Changes 99 - 136

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

The report sets out for Members' approval a number of establishment changes recommended by the Management Team.

9. Urgent Items 137 - 138

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

MEMBERSHIP

Cllr Mrs F A Kemp (Chairman)
Cllr L J O'Toole (Vice-Chairman)

Cllr Mrs P A Bates
Cllr Mrs S Bell
Cllr M D Boughton
Cllr M A Coffin
Cllr D J Cooper
Cllr D A S Davis

Cllr M A J Hood
Cllr K King
Cllr B J Luker
Cllr W E Palmer
Cllr N G Stapleton
Cllr Mrs M Tatton

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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

Wednesday, 19th June, 2019

Present: Cllr Mrs F A Kemp (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr Mrs P A Bates, Cllr M D Boughton, Cllr M A Coffin, Cllr D J Cooper, Cllr M A J Hood, Cllr K King, Cllr B J Luker, Cllr W E Palmer, Cllr N G Stapleton and Cllr Mrs M Tatton

Councillors M C Base, N J Heslop, D Lettington, Mrs A S Oakley, M R Rhodes and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell and D A S Davis

PART 1 - PUBLIC

GP 19/10 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

GP 19/11 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 28 January 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 19/12 HUMAN RESOURCES STRATEGY UPDATE

The report of the Director of Central Services advised that the Human Resources Strategy (HR Strategy) provided an overview of the Council's approach to managing its employees and that it was updated annually to identify "improvement priorities". The updated HR Strategy, set out at Annex 1 to the report, reviewed progress in achieving the improvement priorities identified for April 2018 to March 2019 and identified actions to be implemented in 2019/20. It also gave details of the outcome of equality monitoring of staffing issues in 2018/19 as required by the Equality Act 2010.

In considering the age distribution of staff, Members discussed ways of encouraging the employment and retention of more young people. Officers undertook to investigate and report back on the possibility of subsidising public transport to the council offices.

RECOMMENDED: That the outcomes of the equality monitoring set out in Section 4 of the HR Strategy be noted and the actions listed in Section 5 of the strategy (Workforce Development Plan April 2019 – March 2020) be adopted by the Council.

***Referred to Council**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

GP 19/13 DISPENSATION - COUNCILLOR MARK DAVIS

Further to Minutes GP 16/19 and GP 18/22, Members considered a request for a dispensation under section 33 of the Localism Act 2011 to enable Councillor Mark Davis to continue to participate in meetings of the Area Planning Committees, the Planning and Transportation Advisory Board and other meetings where the Local Plan was under consideration in circumstances where he would otherwise be required to declare an Other Significant Interest (by virtue of being a partner in Warners Solicitors and having a client of the firm with an interest in the matter under consideration) and leave the room having taken no part in the discussion or vote.

It was noted that Councillor Davis did not seek a dispensation to vote on any such reports but sought permission to be allowed to address the meeting, remain in the room and hear the discussions. The grounds for the original request for the dispensation were set out in Annex 1 to the report for ease of reference.

The report gave details of the circumstances and procedures in the Council's Constitution for granting dispensations under the Localism Act and provided a review of the previously agreed dispensation. It was noted that the two current Independent Persons had been consulted on the continuation of the dispensation.

RESOLVED: That

- (1) dispensation be granted to allow Councillor M Davis to remain in the meetings of the Area Planning Committees, Planning and Transportation Advisory Board, Cabinet and Full Council where the Local Plan is discussed (in circumstances where he would otherwise be required to declare an Other Significant Interest) to listen to, but not participate in, the debate or vote on the matter in hand. In addition, Councillor Davis would have the right to address the meeting but would not be permitted to take part further in the discussions; and
- (2) the dispensation remain in effect until the next local elections in 2023.

MATTERS FOR CONSIDERATION IN PRIVATE**GP 19/14 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 PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)****GP 19/15 ESTABLISHMENT CHANGES**

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

The report of the Management Team set out for noting and approval a number of establishment changes arising from the ongoing operational management of the Borough Council's services.

RESOLVED: That

(A) the following establishment adjustments, as set out in the report, be noted:

- (1) the grade attaching to Civil Enforcement Officer posts DE0402, DE0403, DE0404, DE0405, DE0406, DE0409, DE0410 and DE0411, 37 hours per week, be increased from scale 1/3 to scale 4 with effect from 21 May 2019;
- (2) the grade attaching to post DE0401, Senior Civil Enforcement Officer, 37 hours per week, be increased from scale 5/6 to scale 6 with effect from 21 May 2019;
- (3) the grade attaching to the role of Civil Enforcement Supervisor posts DE0407 and DE0412, 37 hours per week, be increased from scale 4 to scale 5 with effect from 21 May 2019;
- (4) the extension of the expiry date for the temporary arrangement pertaining to the role of Waste Contract Officer post DG2098 scale 6, 37 hours per week, until 31 January 2020 be noted;
- (5) the extension of the expiry date for the temporary arrangements pertaining to the post DG2003 whereby the post has temporarily

- been re-designated Waste Services Manager and re-graded M8, 37 hours per week, to 31 December 2019 be noted;
- (6) the re-designation and extension of the hours of the temporary post of Waste and Enforcement Support Officer post DG2097 scale 5, from 22.5 hours per week to Waste Services Officer 37 hours per week, and the extension of this contract to 31 December 2019 be noted;
 - (7) the extension of the temporary arrangements for the role of Senior/Waste and Enforcement Support Officer post DG2099, scale 6, 21.5 hours per week, to 31 December 2019 be noted:
 - (8) the extension of the temporary post of Special Projects Officer post DF0597 grade 5/6, 37 hours per week, until 31 March 2020 be noted;
 - (9) the extension of the temporary post of Revenues and Visiting Assistant DF0998 scale 2/3/4, 37 hours per week, until 31 March 2020 be noted; and
 - (10) the financial impact of the changes outlined in the report be noted as growth of £36,675 and a consequent increase by this amount in the savings target.
- (B) the following recommendations be approved:
- (1) post DJ0318 be permanently re-designated Principal Planning Officer M8, from Senior Planning Officer M9, and established at 22.5 hours per week with immediate effect;
 - (2) post DG0199 Ranger, 18.5 hours per week, scale 2, be deleted from the establishment with effect from 3 June 2019; and
 - (3) the hours attaching to post DG0109 Park Ranger scale 4 be increased from 22.5 to 37 per week with effect from 3 June 2019.

The meeting ended at 8.04 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

08 October 2019

Report of the Director of Central Services

Part 1- Public

Recommendation to Council

1 DBS POLICY AND PROCEDURE

The report attached in Annex 1 presents a new Disclosure and Barring Service Policy (DBS) for consideration by this Committee.

1.1 Introduction

- 1.1.1 Internal Audit undertook a review of the Council's Safeguarding procedures and published their findings on 27 June 2019. One of the subsequent recommendations was for the Council to adopt a standalone policy (separate from the Council's Safeguarding Policy) on how the Council ensures its staff have the relevant level of DBS check. Whilst the audit report acknowledged that staff who required a DBS check had an appropriate and up to date check it recommended a policy and procedure was put in place for ensuring that posts are risk assessed to identify those requiring either an enhanced, standard or basic DBS check
- 1.1.2 The policy presented in Annex 1 defines the different types of disclosure and regulated activity which all posts must be considered against. Annex 2 shows the full list of TMBC posts which require a DBS check and the level of check required. Posts in the Civil Enforcement team have recently been added to the list of posts which require a standard DBS check.
- 1.1.3 The policy describes the new procedure in relation to Personnel Services administering the DBS checks as part of the pre-employment check process for all roles and levels of disclosure across the organisation. The policy also sets out the time frame of rechecking current staff members set at every three years, this is based on current national guidelines and will be subject to review.
- 1.1.4 The policy details the procedure for making decisions on information disclosed on a DBS check such as cautions, reprimands and convictions.

1.2 Legal Implications

- 1.2.1 The recommended policy is compliant with the Rehabilitations of Offenders Act 1974.

1.3 Financial and Value for Money Considerations

- 1.3.1 The Licensing Service carry out the administration of the checking process on behalf of the Council and recharge the costs of the checks to the relevant service. The fees for the checks are set nationally by the DBS, from 1 October 2019 the cost of the check fees are reducing to £23 for a basic and standard check and £44 for an enhanced check.

1.4 Risk Assessment

- 1.4.1 The Council is committed to ensuring the wellbeing and safety of all service users. This includes developing, implementing and maintaining effective recruitment policies and procedures to promote the safeguarding of children, young people and vulnerable adults.

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 Policy Considerations

- 1.6.1 Safeguarding Policy and Reporting Procedure.

1.7 Recommendations

- 1.7.1 This Committee is requested to **RECOMMEND** to Council the new DBS Policy, as a standalone policy separate from the Safeguarding Policy, as set out in Annex 1 of this report.

contact: Mathew Brooks

Adrian Stanfield
Director of Central Services and Deputy Chief Executive

DISCLOSURE AND BARRING SERVICE (DBS) POLICY

1. INTRODUCTION

The Council is committed to ensuring the wellbeing and safety of all service users. This includes developing, implementing and maintaining effective recruitment policies and procedures to promote the safeguarding of children, young people and vulnerable adults.

The Personnel Service undertakes pre-employment checks on all applicants who have been offered a job with the Council. Before commencing employment all applicants must have the right to live and work in the UK, medical clearance from Occupational Health as well as two satisfactory references. (see the Council's Recruitment and Selection Policy, Procedure and Guidance for further information).

The purpose of this policy is to describe how the Council will undertake DBS checks as part of recruitment checks and thereafter during the course of each person's employment in order to protect the safety of all its service users.

The Disclosure and Barring Service (DBS) is an Executive Agency of the Home Office. It acts as a central access point for criminal records and lists people barred from working in schools (List 99), and the Department of Health's lists of people considered unsuitable for work with children or adults on the PoCA (Protection of Children's Act) and POVA (Protection of Vulnerable Adults) lists.

The DBS provides the information that TMBC needs to help assess the suitability of applicants for certain positions. This service is known as 'Disclosure'. There are two barred lists administered by the Independent Safeguarding Authority (ISA) (the Children's List and the Adults List). Checks against these lists apply to any regulated activity (as defined in Section 3) that involves the individual working or volunteering with children or adults. The lists are administered by the Disclosure and Barring Service (DBS).

As well as assessing candidates suitability for a specific post the Council must ensure that candidates who may have offended in the past are not discriminated against. (see the Council's Policy on the employment of Ex-Offenders for further information).

The Council is a Registered Body with the Disclosure and Barring Service and information gained during the recruitment or rechecking process will be treated in accordance with the Disclosure and Barring Service Code of Practice. The Licensing Service carry out the administration of the checks on behalf of the Council.

2. SCOPE

This policy applies to:

- Candidates applying for various roles within the Council where the role requires a DBS check
- Candidates who have been made an offer of employment with the Council to a role which requires a DBS check.

- Current TMBC employees who are subject to a recheck (currently every 3 years).

New staff

All offers of appointment to the Council will be subject to appropriate disclosure of criminal records where it is required for the post.

Existing employees

All staff whose posts require a disclosure will be required to renew their application every three years. In cases where a criminal record is disclosed or a DBS check indicates that the person may be unsuitable to continue in employment, the relevant Director in discussion with the Personnel & Development Manager will decide whether the employee should be suspended from work or transferred temporarily to another post whilst this is under investigation. This may affect the employee's continuing employment with the Council.

Transfers, promotions and employees with a second job with another local authority

Internal transfers, promotions, or staff who have a second job with other local authorities where a current suitable DBS check exists in like for like work will not need a new DBS check if the check was undertaken within the last three years. All other internal appointments are subject to the procedures outlined above.

Agency staff

Agency staff who are taken on in a role which requires a DBS check may not begin work without an original disclosure and this will be overseen by the recruiting line manager. The line manager must see an original, satisfactory disclosure for all agency staff engaged in their service and must not rely on an agency's confirmation of having undertaken this check. If a manager is unclear what to look out for on a disclosure then advice from the Personnel Service should be sought.

The disclosure must be the correct level for that post obtained by the agency within the last year. If a criminal record is disclosed, the relevant Director and Personnel & Development Manager should be notified prior to commencement of work. If, whilst the worker remains in post, the disclosure expires (i.e. becomes over 3 years old) the line manager must ensure that the agency renew the disclosure or the agency worker ceases work.

Contractors

The Council will ensure that contractors have robust systems in place for ensuring that all contracted staff who require a DBS check have been checked before they are engaged to carry out work on behalf of the Council. This should be set out in tender and SLA documentation. Managers of contractors should be aware of the responsibility for the contractors to obtain appropriate checks.

Volunteers

Managers should inform the Personnel Service that checks will be required prior to someone undertaking any voluntary work on behalf of the Council with unsupervised access to children and adults. The DBS will issue a disclosure free of charge to volunteers.

3. TYPES OF DISCLOSURES & REGULATED ACTIVITY

There are three types of Disclosure available:

1. Standard Disclosure: This sets out all convictions held on the Police National Computer, including 'spent' convictions, together with cautions, reprimands or final warnings. For work with children, it includes checks on the Department of Health and Department for Education lists of people who should not work with children. A standard disclosure is applied in relation to a specific job or role only. It is required for jobs with regular contact with children or vulnerable adults.

2. Enhanced Disclosure: This contains all information provided by a standard disclosure, but also includes information held on local police records, and which the police consider relevant to the post to be held. Like standard disclosures, they relate to a specific job or role only. An enhanced disclosure is required for jobs that involve regularly caring for, training, supervising, or being in sole charge of children or adults. If the person is to carry out regulated activity (see below) the enhanced disclosure will include any information held on the relevant barred lists.

Eligibility for standard and enhanced checks is prescribed in legislation.

3. Basic Disclosure: These are the lowest level of disclosure and only contain details of unspent (current) convictions. Basic disclosures verify information from applicants for posts that are not exempt under the Rehabilitation of Offender Act (Exemptions) Order. Basic disclosures can currently only be obtained through Disclosure Scotland.

Baseline Personnel Security Standard (BPSS)

In addition to the three types of disclosure the Council has a number of posts (Annex 1) where the post holders have to access sensitive information via Central Government IT systems, it is a requirement for these post holders to undertake a Baseline Personnel Security Standard (BPSS) check which as part of a wider background check includes a Basic Disclosure check. These checks are coordinated by the Personnel Service and are carried out on our behalf by Kent County Council.

Further information about BPSS checks can be found here:

<https://www.gov.uk/government/publications/government-baseline-personnel-security-standard>

Regulated activity

The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012. No distinction is made between paid and voluntary work.

Regulated activity relating to children

The definition of regulated activity relating to children (from 10 September 2012) comprises of:

- i. Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- ii. Work for a limited range of establishments ('specified places'), with opportunity for contact: for example schools, children's homes, childcare premises. Not work by supervised volunteers; Work under i and ii is regulated only if done regularly.

iii. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;

iv. Registered child-minding and foster carers.

Regulated activity relating to adults

The definition of regulated activity relating to adults no longer labels adults as 'vulnerable'. Instead the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities. There is also no longer a requirement for a person to do the activities a certain number of times before they are engaging in regulated activity.

There are six categories of people who will fall within the definition of regulated activity (and so will anyone who provides day to day management or supervision of those people):

i: Providing health care

- Any health care professional providing health care to an adult, or anyone who provides health care under the direction or supervision of a health care professional.

ii. Providing personal care

- Provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability;

- Prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without prompting or supervision; or

- Trains, instructs or offers advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability.

iii. Providing social work

The provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client.

iv. Assistance with cash, bills and/or shopping

The provision of assistance to an adult because of their age, illness or disability, if that includes managing the person's cash, paying their bills or shopping on their behalf.

v. Assistance in the conduct of a person's affairs

Anyone who provides various forms of assistance in the conduct of an adult's own affairs for example by virtue of an enduring power of attorney.

vi. Conveying

A person who transports an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care. This will not include family and friends or taxi drivers

4. Appointment of staff - offers of appointment and contracts of employment

The Personnel Service will maintain a list of posts requiring DBS checks (Annex 1) which have been agreed by Management Team. The Personnel Service will be responsible for ensuring the DBS checks are undertaken for relevant posts as part of the existing pre-employment check process. This includes ensuring the DBS forms are completed correctly and that original proof of identity documents are seen.

The Council will use the Disclosure and Barring Service as part of the pre-employment checks during the recruitment process. The information provided by the DBS will help those involved with recruitment to make informed decisions about the suitability of candidates for certain types of work.

Where the post requires a DBS check, the job advert will include a reference to the post being subject to a satisfactory DBS and if so at what level (standard, enhanced or basic). Posts which require a BPSS check will state the requirement for a Basic DBS check. The requirement for a DBS for all posts will also be stated in the Person Specification for the role.

All offers of appointment to posts which require a DBS check will be made conditional on the receipt of a satisfactory DBS check in addition to references, verification of right to live and work, verification of qualifications and medical clearance. Where a DBS check is required, all applicants, regardless of their status, will be expected to apply for a new DBS check. Portability is not acceptable regardless of status. Subject to those exceptions set out in this procedure, employment cannot commence without the original disclosure being sighted.

The Personnel Service will be responsible for ensuring that the original disclosure is seen. If there are no disclosures then the hiring manager will be informed. If there are disclosures then the process set out in section 5 below will be followed.

The employee's contract will contain a clause stating that the offer of employment is subject to receipt of a satisfactory disclosure (renewable every three years) from the Disclosure and Barring Service. If an unsatisfactory disclosure is received, the offer may be withdrawn. This will be explained to the individual as part of the conditional offer of the job.

When a new post requiring a DBS disclosure is created, the manager should use the online eligibility checker to check whether the new role falls within the scope of requiring a DBS check. The Personnel Service should be notified that the post should be added to the existing list of posts that require DBS disclosure.

A Disclosure undertaken by another organisation will not be accepted. If an applicant refuses to give their signed consent to a disclosure application being undertaken, they will not be appointed to the post.

If an applicant believes the information provided by DBS is not correct, the applicant can contact the DBS to dispute the result.

Rechecking of existing employees

DBS disclosures are only valid at the date the application is submitted.

Based on current national guidance and best practise it is the Council's policy that 3 yearly renewal DBS checks must be undertaken for all relevant employees.

The Personnel Service will notify the individual employee and their line manager of the need to submit a new disclosure application. If the individual has subscribed to the DBS Update Service their existing DBS certificate can be used and a Status Check run, If new information is disclosed a new DBS application will need to be made.

Post which require a BPSS check are not subject to a recheck.

5. Making Decisions using Disclosure Information

If a disclosure reveals convictions, reprimands or cautions, the Personnel Service will check with the recruiting manager whether the individual has previously disclosed details of any convictions or cautions. The recruiting manager should discuss the case with their Director and the Personnel & Development Manager before a final decision on future employment is made.

If the individual has not disclosed the convictions, either on an application form (or to their manager if already employed by the Council) when the offence took place, they should be asked why they had not done so. Non-disclosure of relevant information or the disclosure of false information by candidates/employees will normally lead to a withdrawal of an offer of employment, or the instigation of the Council's disciplinary procedures respectively.

If an individual denies that the convictions relate to them, a further check must take place. This can be done by the individual contacting the DBS and advising that there is a dispute on the evidence submitted. The DBS should then undertake an investigation.

Factors to consider when making a decision:

Once it is established that the convictions/cautions relate to the individual, the recruiting manager and their Director in consultation with the Personnel & Development Manager should explore with the applicant the circumstances surrounding the convictions/cautions and when they took place. An applicant's criminal record should be assessed in relation to the tasks they will be required to perform and the circumstances in which the work is to be carried out.

Factors to consider include:

- An examination of the circumstances leading up to the offence, e.g. the influence of financial or domestic circumstances.
- The seriousness of the offence
- Whether the individual's circumstances have changed since the offence was committed, making re-offending less likely.
- The degree of intent on behalf of the offender
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed
- The nature of the job, i.e. does the nature of the job present any opportunity for the post-holder to re-offend in the course of their work?
- The degree of risk that the offence suggests that the individual represents
- The length of time since the offence took place

- The extent of job supervision i.e. does the job involve one-to-one contact with children or other vulnerable groups and what level of supervision will the post-holder receive.

The fact that someone has a conviction or a caution would not necessarily prevent them from taking up or continuing in employment with the Council, although serious consideration must be given to the information that has been received before a decision is made.

The decision on whether to confirm or withdraw the offer of employment will be documented on the employee's personnel file if they are appointed. If the decision is not to appoint this will be kept on the recruitment file for a period of 6 months.

6. Starting employment without a current DBS disclosure

As a general rule, no applicant should be allowed to start work for the Council in a post requiring a disclosure until all pre-employment checks have been received.

In very exceptional circumstances, the relevant Director may decide, in consultation with the Personnel & Development Manager that an applicant may start work before the clearances and checks have been received. This must only be in situations where there is an urgent need to maintain service delivery and all reasonable steps have been taken to protect the safety of service users. The arrangement will remain the responsibility of the employing directorate/service. The individual will be made aware that if they start work with the Council and subsequently receive a disclosure which makes them unsuitable to continue that it will likely result in dismissal under the Council's disciplinary procedure. (see the Council's Disciplinary Procedure for further information).

In any event, every possible step must be taken to protect service users, this will include not allowing the applicant to work in regulated activity to children or adults, allowing the applicant to start work in an alternative or office based post, or being fully supervised at all times when undertaking regulated activity until a satisfactory check has been undertaken.

7. Personnel Service

If managers are uncertain whether any roles within their service should be made subject to a DBS check or unclear about the process to follow then contact the Personnel Service for further advice.

Contact –

Mathew Brooks, HR Advisor, Mathew.Brooks@tmbc.gov.uk or Personnel.Services@tmbc.gov.uk

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ANNEX 2

List of TMBC posts requiring a DBS Check and level of check

Job Title	DBS Level	Service
Head Ranger	Enhanced	SSLTS
Park Ranger	Enhanced	SSLTS
Assistant Ranger	Enhanced	SSLTS
Seasonal Ranger	Enhanced	SSLTS
Youth and Play Development Officer	Enhanced	SSLTS
Leisure Development Assistant	Enhanced	SSLTS
Sports Development Officer	Enhanced	SSLTS
Senior Civil Enforcement Officer	Standard	SSLTS
Civil Enforcement Officer Supervisor	Standard	SSLTS
Civil Enforcement Officer	Standard	SSLTS
Safer & Stronger Communities Manager	Enhanced	Central
Anti-Social Behaviour Officer	Enhanced	Central

List of TMBC posts requiring a BASELINE PERSONNEL SECURITY STANDARD (BPSS) Check

Job Title	DBS Level	Service
DIRECTOR OF CENTRAL SERVICES AND DEPUTY CHIEF EXECUTIVE	BASIC	CENTRAL
SAFER & STRONGER COMMUNITIES MANAGER	BASIC	CENTRAL
HEAD OF LICENSING, COMMUNITY SAFETY & CUSTOMER SERVICES	BASIC	CENTRAL
PRINCIPAL SOLICITOR	BASIC	CENTRAL
PRINCIPAL SOLICITOR LITIGATION	BASIC	CENTRAL
SENIOR ELECTORAL SERVICES OFFICER	BASIC	CEX
ELECTORAL SERVICES OFFICER	BASIC	CEX
SCRUTINY & PARTNERSHIPS MANAGER	BASIC	CEX
DIRECTOR OF FINANCE & TRANSFORMATION	BASIC	FINANCE & TRANS
PA TO DIRECTOR OF FINANCE & TRANSFORMATION & CHIEF FINANCIAL SERVICES OFFICER	BASIC	FINANCE & TRANS
HEAD OF IT	BASIC	FINANCE & TRANS
WEB DEVELOPER	BASIC	FINANCE & TRANS
DEVELOPER	BASIC	FINANCE & TRANS
TECHNICAL SUPPORT MANAGER	BASIC	FINANCE & TRANS
SENIOR TECHNICAL SUPPORT OFFICER	BASIC	FINANCE & TRANS
PRINCIPAL BENEFITS OFFICER	BASIC	FINANCE & TRANS
ADMINISTRATIVE ASSISTANT (Revs & Bens)	BASIC	FINANCE & TRANS
BENEFIT OFFICE SUPERVISOR	BASIC	FINANCE & TRANS
FRAUD OFFICER	BASIC	FINANCE & TRANS
BENEFITS ASSISTANT	BASIC	FINANCE & TRANS
SENIOR REVENUE & BENEFITS LIAISON OFFICER	BASIC	FINANCE & TRANS
ADMINISTRATIVE ASSISTANT(Revs & Bens)	BASIC	FINANCE & TRANS
EXCHEQUER ASSISTANT (OVERPAYMENTS)	BASIC	FINANCE & TRANS
EXCHEQUER SERVICES & SYSTEMS MANAGER	BASIC	FINANCE & TRANS
BENEFITS ASSURANCE OFFICER	BASIC	FINANCE & TRANS
TRAINEE BENEFITS ASSISTANT	BASIC	FINANCE & TRANS
OVERPAYMENT RECOVERY OFFICER	BASIC	FINANCE & TRANS
HOUSING IMPROVEMENT MANAGER	BASIC	PHEH
PRIVATE SECTOR HOUSING AND WELLBEING MANAGER	BASIC	PHEH

SENIOR EHO (PRIVATE SECTOR HOUSING)	BASIC	PHEH
HOUSING OPTIONS & SUPPORT MANAGER	BASIC	PHEH
HOUSING OPTIONS & SUPPORT OFFICER	BASIC	PHEH
FOOD & SAFETY MANAGER	BASIC	PHEH
ENVIRONMENTAL PROTECTION TEAM MANAGER	BASIC	PHEH
WASTE & ENFORCEMENT SUPPORT OFFICER	BASIC	SSLTS
PARKING SUPPORT MANAGER	BASIC	SSLTS
ADMINISTRATION MANAGER	BASIC	SSLTS
STREET SCENE MANAGER	BASIC	SSLTS
ADMINISTRATION ASSISTANT SSLTS	BASIC	SSLTS

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

08 October 2019

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Delegated

1 AMENDMENTS TO HR POLICIES AND PROCEDURES

- 1.1 As part of a regular review of policies and to take account of various issues that have arisen in the past few months, a number of amendments to existing HR policies and procedures are proposed. The changes proposed have been considered by Management Team and the JECC, and Member approval is now sought.
- 1.1.1 The relevant policies are attached to this report and are listed below, each with a brief explanation for the proposed changes.
- 1.1.2 **The Reorganisation, Redundancy and Redeployment Procedure.** In the draft updated policy in Annex 1, a distinction between Informal and Formal consultation has been added to make it clearer at what point an individual would be consulted with individually as opposed to as part of a group of staff and that there may be occasions when individuals ought to be consulted with at the informal stage. The pertinent clauses are at D / Informal consultation / 2nd para. There are also a couple of updated titles (e.g. Secretary of State for Business Energy and Industrial Strategy).
- 1.1.3 **The Recruitment and Selection Policy, Procedure and Guidance.** The draft updated policy in Annex 2 to this report incorporates two items to bring the policy into line with current practice and changes to the procedures for references and Right to Work checking, in accordance with recent Audit recommendations (see the final paragraph of Section 12.1 - references, and 12.4 - right to work checks).
- 1.1.4 **Sickness Absence Policy and Procedures.** The draft updated policy in Annex 3 includes guidance on responding to requests for annual leave to be paid in the event of long-term absences (see Section H of the report). This allows holiday pay to be paid during a long term absence following recent case law on the topic. Section F of the policy also contains updated information relating to the implications of the Policy pertaining to the General Data Protection Regulations.
- 1.1.5 **Flexible Retirement Policy.** Section 2:1 of the updated policy in Annex 4 includes references to sustainability of service delivery and financial viability.

- 1.1.6 **Flexible Working and Time-Off Policy.** Section 11 of the draft Policy attached in Annex 5 specifies levels of leave and pay in compliance with the Parental Bereavement (Leave and Pay Act 2018).
- 1.1.7 **Guidance regarding the Automatic Termination of Casual Working Arrangements.** The Guidelines attached in Annex 6 are required following the recommendations of a recent Audit report.
- 1.2 **Legal Implications**
- 1.2.1 The amendments to these policies ensure compliance with current legislation.
- 1.3 **Financial and Value for Money Considerations**
- 1.3.1 There is no financial risk associated with the amendment to the policies.
- 1.4 **Risk Assessment**
- 1.4.1 The risk posed by the amendments to the policies are judged to be minimal.
- 1.5 **Equality Impact Assessment**
- 1.5.1 The amendments to the policies do not conflict with the Equality Act 2010.
- 1.6 **Policy Considerations**
- 1.6.1 Human Resources.
- 1.7 **Recommendations**
- 1.7.1 It is recommended that the amendments mentioned at paragraphs 1.1.2 and 1.1.7 are endorsed by Members.

Background papers:

The Reorganisation, Redundancy and Redeployment Procedure

The Recruitment and Selection Policy, Procedure and Guidance

Sickness Absence Policy and Procedures

Flexible Retirement Policy

Flexible Working and Time-Off Policy

Guidance regarding the Automatic Termination of Casual Working Arrangements

contact: Charlie Steel
Personnel Services

Adrian Stanfield
Director of Central Services and Deputy Chief Executive

Annex 1

REORGANISATION, REDUNDANCY AND REDEPLOYMENT PROCEDURE

A Purpose

Tonbridge and Malling Borough Council is a large organisation with a wide range of functions which may be increased, decreased or changed from time to time. Organisational change has become a regular feature of everyday life in local government. It is inevitable therefore that from time to time the Council will need to reorganise its services to meet different demands and circumstances, and that this will affect the Council's employee requirements.

In addition to the Council's commitment to doing everything reasonably practical to maintain the employment of its staff during periods of organisational change, it also has a statutory duty under the terms of the Equality Act 2010, to consider reasonable adjustments which may include redeployment opportunities for employees who become disabled within the terms of this Act.

This procedure specifies Tonbridge and Malling Borough Council's reorganisation, redundancy and redeployment processes.

B Definitions

For the purposes of this procedure, a **reorganisation** is defined as a proposal to materially change an existing, Member agreed, staffing structure within a section or service.

A **redundancy** is defined in law as occurring in one of the following three circumstances:

1. the employer ceases or intends to cease the business in which the employee was employed
2. the employer ceases or intends to cease to carry on the business in the place where the employee was employed
3. the requirement to carry out work of a particular kind has ceased or diminished or is expected to cease or diminish.

The processes described in this procedure pertaining to redundancy apply to all employees of the Council.

Tonbridge and Malling Borough Council is committed to **redeploying** or seeking alternative work for employees who would otherwise be made redundant as well as those who can no longer undertake their substantive role due to a disability (as defined by the Equality Act 2010).

C Scope

It is the Council's policy to deploy its workforce in order to achieve maximum effectiveness through flexibility and to maintain and protect continuity of employment. Employees may therefore at some time be requested to carry

out various appropriate duties within the general scope of their appointment. They may also be requested to work at different locations within the Council's area, in which case expenses will be reimbursed as prescribed by the National Scheme of Conditions of Service and/or as determined by local agreement.

Where there is a need for reductions in the number of people employed, reorganisations in the way that employees are deployed, or a consideration of redeployment opportunities for those who become disabled, the Council will take the steps set out in this procedure.

D Notification and Consultation

The Council is committed to consulting with employees over changes to organisational structures and jobs, and has a statutory duty to consult staff and trade unions over proposals that may result in 20 or more redundancies within any 90 day period.

Informal consultation

Staff and relevant trade unions should be made aware of proposals for organisational change and the reasons for this at the earliest opportunity regardless of whether any redundancies are likely to occur. Early, informal consultation meetings should take place to allow the opportunity for staff to make meaningful contributions to the decision making process.

Such consultation will, if practically possible, be undertaken with all those affected as a group in order that all concerned hear the proposals first-hand and have the benefit of hearing any issues raised by other staff. In cases of exception, there may be circumstances when individual consultation at the informal stage ought to be considered prior to a group meeting involving that individual.

Formal consultation

Where a decision is contemplated which is likely to result in job losses formal consultation will begin, with both the appropriate Trade Unions and the employees who could potentially be affected, as soon as practical before the proposed implementation date, to allow consideration of counter proposals and alternatives to redundancy.

There is no time limit for how long the period of consultation should be, but the minimum is:

- 20 -99 redundancies – the consultation must start at least 30 days before any dismissals take effect;
- 100 or more redundancies – the consultation must start at least 45 days before any dismissals take effect.

In the event of volunteers being sought for redundancy, they should be included as well as potential compulsory redundancies when counting possible redundancies for consultation purposes, notification to the Trade Unions and, in the unlikely case of potentially 20 redundancies or more,

notification to the Secretary of State for Business Energy and Industrial Strategy (by completing form HR1).

Should a formal consultation need to take less time than the statutory minimum, the Council will seek the agreement of the appropriate Trade Unions and staff to a reduced consultation period.

Written details of the proposal and possible redundancies resulting from reorganisations must be provided to the appropriate Trade Unions at the outset of formal consultation and should contain the following information:

- reason for the proposal
- number and description of potentially redundant employees
- total number of employees in the service
- proposed method of redundancy selection
- proposed method of carrying out dismissals including the timescale.

Before final decisions on making any redundancies are taken by the Council, there will be full consultation with the individual affected employees and with appropriate trade unions.

In this consultation, the Council will set out its proposals for dealing with the human resources implications of the proposed changes including the steps it proposes to take to preserve employment.

Local Branch Offices of Trade Unions and/or District Officers will be entitled to address the appropriate Committee, Sub-Committee or Group of Members of the Council in order to present their views on the proposed changes. Any such presentations will be made in private.

Any employee to whom this policy applies has the right to consult his or her Trade Union or a representative who is a workplace colleague during working hours and to have a representative present during discussions, consultations and negotiations covered by this policy (except interviews for jobs).

Thorough and meaningful consultation ensures that staff and their representatives have the opportunity to contribute to decisions that may affect their jobs and services.

Once it has become apparent that there is a risk that some employees may be made redundant, subject to the appropriate formal consultation, the relevant managers will identify a “pool” of individuals who are “at risk” of redundancy. The relevant managers will advise the relevant staff, in writing, that they are “at risk” and will advise them of the criteria that will be used to select individuals for redundancy (see Section F).

E Voluntary Redundancies

When deciding whether or not to seek volunteers for redundancy, careful consideration should be given to the skills and experience that will be required beyond the reorganisation. If a decision is made to seek volunteers, it is

essential that criteria are developed for selecting volunteers based on the ongoing and future needs of the service.

F Redundancy Selection Criteria

Redundancy selection criteria must be drawn up with advice from Personnel Services and in consultation with the appropriate trade unions. The criteria must be clear, objective (based on the future needs of the service), free from any discriminatory factors and fairly applied to all staff. Selection criteria could include:

- Skills
- Experience
- Standard of work performance or aptitude for work
- Attendance (excluding absences related to disability, maternity, paternity, or adoption leave)
- Disciplinary record.

G Measures to Protect Continuity of Employment

Every effort will be made to redeploy employees who are selected for redundancy to another work area with due regard to their skills and capabilities and any training needs which may arise.

The following outlines the steps to be considered (not necessarily in this order).

Where the cost is not prohibitive and existing Contracts so allow, consultancy, contracting and agency services in the service affected or in other services may be reduced, suspended or abolished, where this would create employment opportunities for potentially displaced employees.

Overtime and the use of temporary employees will be reviewed in any area where this would provide employment opportunities for “at risk” employees.

Vacancies arising in the course of natural turnover and wastage will be notified to “at risk” employees prior to posts being advertised;

- they will be given an opportunity to discuss the job in question and to express their view as to whether they wish to be considered;
- they will be given an interview, tests and other selection procedures as appropriate for the post in question;
- the vacancy will be offered to an “at risk” employee, unless there are good and acceptable reasons why this is not a viable option.

Employees who are eventually selected for redundancy will be expected to co-operate in exploring options for suitable alternative employment. A statutory right to a trial period exists for employees who would otherwise be dismissed as redundant are offered alternative employment. The offer must be made:

- before the employee’s existing employment contract ends; and
- the new employment must commence no later than four weeks after

the employee's existing employment ends.

In these circumstances a maximum of a four week statutory trial must be included in the offer. If the trial period does not result in confirmation in the post, the situation will be reviewed in the light of the employee's wishes and the availability of other alternative posts. If no other suitable re-deployment options are identified, the redundancy payment is made as if the employee had left on the expiry of their original notice period.

The four week trial period can be extended for the purposes of retraining, by agreement, in writing, specifying the date on which the trial period ends and setting out the terms and conditions that will apply after the end of the trial period. If this proves to be unsuccessful, the employee will revert to being at risk of redundancy.

Where an employee cannot be immediately redeployed, but it is foreseen that future opportunities will arise, consideration will be given to retaining them on a supernumerary basis, seconding them elsewhere, and/or retraining them. During the period in which redeployment is being pursued, training in terms of the skill requirements of any specific new job, or in terms of enhancing the employee's employment prospects with the Council or any other employer will be offered so far as is practical and reasonable. This includes "outplacement" training and assistance. In the event that the displaced employee is not offered a permanent post within the Council's service, training and expenses will not be recoverable if the employee obtains a post with any other employer.

In the event that a post from which an employee has been redeployed is again required to be filled, it will be offered to the redeployed employee.

H Offers of Redeployment

Offers of redeployment will be made in writing and will include:

- the type of work to be undertaken and the training to be given where appropriate;
- the location of the new job;
- the rates of pay applicable to the appointment and any other terms and conditions which may be different from those applying to the previous employment;
- provision of a four week trial period on both sides where appropriate; any other relevant factors within the scope of this procedure.

Redundancy payments can be withheld where an individual unreasonably refuses offers of suitable alternative employment, or considers that the reasons for terminating the statutory trial period are unreasonable.

I Redeployment Due to Disability

Following advice from Occupational Health or other appropriate medical

practitioner, where the employee is no longer able to undertake their substantive role because of a disability within the meaning of the Equality Act 2010 and reasonable adjustments cannot be made, redeployment to a suitable alternative post must be considered.

Efforts to redeploy on the substantive grade must be made but where this is not possible an offer of redeployment to a lower grade post should be considered. This will be deemed to be a “reasonable adjustment”. Redeployment may also be possible for employees seeking another job due to ill health and arising from the Capability Procedure, who are not disabled under the terms of the Equality Act 2010. However, employees in this category would not be entitled to salary protection as outlined in Section J below.

J Protection of Salary

The purpose of salary protection is to enable employees who are redeployed due to redundancy, or due to disability within the meaning of the Equality Act 2010, to adjust to a lower level of remuneration.

Subject to the terms outlined below, if the wage or salary grade in the discontinued job exceeds that in the new job, the Council will, in normal circumstances, preserve on a personal basis:

(i) for a period of two years, the wage or salary grade and contractual benefits and payments applying immediately prior to replacement;

(ii) for a further period of one year, the level of protection is ‘frozen’ at the expiry of (i). i.e. there is no pay award or incremental progression.

After the period of three years referred to in (i) and (ii) above, all protection will cease and the employee will be remunerated according to the actual grading of the current job.

There may be individual cases of abnormal circumstances, in particular:

(i) those where an employee had the opportunity to pursue or accept a similar or higher paid job to that which he/she originally held;

(ii) those, probably at a high level within the organisation, where protected as outlined in (i) and (ii) above would negate or significantly hinder the operation of the new organisation.

In such exceptional cases the question of protection of existing terms and conditions will be a matter for consultation and negotiation with both the employee and the appropriate Trade Union.

The total cost of salary protection must be reasonable in relation to the cost of other possible options to deal with situations of redundancy. Therefore, that

total cost should not normally exceed the sum of the termination payment that would otherwise have been made, savings from the recruitment process, savings from reduced induction and training needs and any other financial factors that are relevant to the case. Where the cost of the level of protection that would be afforded exceeds this figure, consideration will be given to reducing the level of protection to bring into line with the latter figure. The means of implementing the reduction will be agreed with the employee e.g. a lower level of protection or protection for a reduced period. Where the Director of Central Services and the employee's "new" Chief Officer consider that there are exceptional circumstances warranting a higher level of protection than that provided by the terms of this paragraph, they may vary the level in consultation with the Chairman of the General Purposes Committee and the Cabinet Member for Finance, Innovation & Property.

For the purpose of redeployment, non-contractual payments such as overtime earnings, are deemed not to be part of the specific salary of any employee.

K Dismissal on the Grounds of Redundancy

An employee who has been dismissed by reason of redundancy must:

- i) be notified in writing of the decision to make their post redundant,
- ii) meet with the Service Chief Officer (or his/her nominee) and a representative from Personnel Services to discuss the reasons for the redundancy,
- iii) have the opportunity to appeal against the decision.

The employee may be accompanied by a Trade Union representative or a workplace colleague to the meetings specified in ii and iii above.

L Appeals against Dismissal on the Grounds of Redundancy

Appeals must be made, in writing to the Director of Central Services, within 10 working days of the employee receiving the letter giving notice of the termination of their employment on the grounds of redundancy. The appeal should describe the grounds on which the employee wishes to challenge the dismissal decision.

Appeals will be heard by a Chief Officer (or their nominated deputy) from a service other than that in which the redundancy is taking place, advised by a representative from Personnel Services. The Chief Officer hearing the appeal will write to the employee advising them of the time and date of the appeal hearing. Normally this will be within 10 days of receipt of the employee's written appeal (and always within that individual's notice period). The Chief Officer (or their nominated deputy from the service that made the redundancy decision will also be present at the meeting.

The employee who is appealing the decision will present their appeal and the Chief Officer (or their nominated deputy) who made the dismissal decision will respond to the points raised. The manager hearing the appeal may ask additional questions of either party. The employee has the right to be accompanied by a Trade Union representative or a workplace colleague

The decision may be made at the end of the appeal hearing or no later than 5 working days and should be confirmed in writing.

Appeals may be heard collectively and represented by a Trade Union or a nominated spokesperson for the group.

If, following review, the original dismissal is overturned, the individual will be reinstated.

M Time Off to Look for Work Elsewhere

The Council will honour the statutory right of employees who are under notice of dismissal by reason of redundancy, to take time off during working hours to look for another job elsewhere.

N Terms of Redundancy

The provisions set out in this Section form the Council's Policy on Compensation based upon the provisions of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (the "2006 Compensation Regulations"), The compensation arrangements set out in this Section are at the absolute discretion of the Council and no employee has an entitlement to compensation before an award is made.

Subject to the following, in the particular circumstances:

- i) the Council having regard to the extent to which the exercise of its discretionary powers, in accordance with its policy, unless properly limited, could lead to a serious loss of confidence in the public service.
- ii) the Council being satisfied that its policy (as set out in this Section) is workable, affordable and reasonable having regard to the foreseeable costs.
- iii) there being no redeployment opportunities which the employees could be reasonably required to take up;
- iv) the termination rendering sufficient revenue savings; and

v) the Management Team and consultee members/member bodies agreeing that the proposed staff structure and termination settlement are reasonable in all the circumstances of the case;

the Council may exercise its discretion to make a payment.

Tonbridge & Malling Borough Council's redundancy payments are calculated in accordance with that statutory provisions, except that:

- i) Weekly pay is the employee's actual contractual pay and not a week's pay as defined by redundancy legislation
- ii) Service is calculated to include all continuous service up to a maximum of 20 years including local government and related service (in line with the Redundancy Payments (Continuity of employment in Local Government etc.) (Modification) Order 1999).

This also means that if an employee, who has been given notice of redundancy, receives an offer prior to the date of redundancy (in local government or a related service), to commence within 4 weeks of the date of termination, there will be no entitlement to a redundancy payment.

The Redundancy Ready Reckoner in Appendix 1 is used to calculate the pay due. The terms in this Section apply to any employees who are dismissed by reason of redundancy or in the interest of the efficiency of the service.

O Operating the Procedure

Termination settlements and salary protection agreements are subject to the approval of the Director of Central Services and Chief Officer concerned, in consultation with the Management Team. Where the costs of a termination settlement have not previously been reported to the General Purposes Committee as part of the report proposing the reorganisation leading to the termination, those costs must also be agreed with the Chairman of General Purposes Committee and the Cabinet Member for Finance, Innovation & Property. The Director of Central Services will either personally or through a senior member of his/her staff:

- advise and assist the displaced employee in finding other suitable alternative employment;
- consult and liaise with Chief Officers or appropriate senior members of their staff;
- keep the employee informed of developments and deal with problems;
- maintain close consultation with the employee and his/her union and ensure that the situation is jointly reviewed on a regular basis.

The effectiveness of the Policy will be kept under review and it will be revised From time to time should changing circumstances so dictate.

Appendix 1

Redundancy Payment Ready Reckoner

		Service (Years)																		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Age																				
18*[1]	1																			
19	1	1½																		
20	1	1½	2																	
21	1	1½	2	2½																
22	1	1½	2	2½	3															
23	1½	2	2½	3	3½	4														
24	2	2½	3	3½	4	4½	5													
25	2	3	3½	4	4½	5	5½	6												
26	2	3	4	4½	5	5½	6	6½	7											
27	2	3	4	5	5½	6	6½	7	7½	8										
28	2	3	4	5	6	6½	7	7½	8	8½	9									
29	2	3	4	5	6	7	7½	8	8½	9	9½	10								
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11							
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12						
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13					
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14				
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15			
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16		
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61*[2]	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	

18* [1] - It is possible that an individual could start to build up continuous service before age 16, but this is likely to be rare, and therefore we have started Table 2 from age 18.

61* [2] – The same figures should be used when calculating the redundancy payment for a person aged 61 and above.

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Recruitment and Selection Policy, Procedure and Guidance

**Personnel Services
March 2009
(revised 2013, 2019)**

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POLICY STATEMENT

Tonbridge & Malling Borough Council recognises that the organisation's success depends upon the calibre of its people. We want to enable all our employees to reach their potential insofar as this is possible within the Council's objectives, to the mutual benefit of the individual and the Council. This policy applies equally to all posts within the Council.

Our policy is to clearly identify the role and responsibilities of each job and its contribution to the Council as a whole, being flexible where possible in our working practices in order to attract and retain a high calibre of employee. Our aim is to establish an effective workforce, instilling in our employees a desire for excellence, a willingness to take on individual responsibility and an acceptance of the importance of team co-operation. We take for granted personal integrity, flexibility, a commitment to self-development, self-reliance, and innovation. Skills, experience, potential, and motivation will be the major discriminating factors in selecting individuals into jobs. The Council aims to provide all employees with the opportunity to develop long term careers appropriate to their abilities and ambitions. All posts are open to job sharers unless specifically excluded under the provisions of the post.

The Council is committed to maximising equality of opportunity and intends to select the best available person for every vacancy, regardless of any Protected Characteristic under the Equalities Act, involvement in a trade union, or criminal convictions which are 'spent'. Therefore, all vacancies will be advertised internally and externally simultaneously unless there are overriding business reasons for not doing so (e.g. potential redundancy and redeployment situations). We will use the most cost effective advertising and recruitment methods available.

Our managers will be trained in all aspects of recruitment and selection, and only those who have carried out this training and demonstrated competency will be allowed to participate in the recruitment process. We understand that investment in these skills is important to ensure our turnover of staff is at an acceptable level. We recognise that high turnover has both obvious and hidden costs as follows:

- ◆ Recruiting – expense of advertising, administrative and management time
- ◆ Training – bringing the new employee up to speed, either through formal costly training or hand holding
- ◆ Productivity – the learning curve of the new employee, and the wind down of the departing employee
- ◆ Morale – the enthusiasm of the recruit or existing employees when there is disruption within the team
- ◆ Culture – a mismatch between what is required and the personality of the recruit
- ◆ Management – the time and effort taken getting new starters accepted, observing their 'fit', communicating expectations and judging performance
- ◆ Reputation – dealing with recruitment errors that may harm our reputation

We are committed to ensuring that the necessary resources (time, skills and experience) are dedicated to effectively managing the recruitment process to attract and retain the

right people for the right jobs. Information gained from the selection process will be used for development purposes during employees' induction.

All employees must co-operate with the policy and procedures. They must not discriminate unfairly or persuade anyone else to discriminate unfairly. Intentional discrimination in decision making by an employee involved in selection, appointment or promotion on grounds which are unlawful will be regarded as serious misconduct which may lead to disciplinary action and, depending on the details of the case, could result in dismissal. Canvassing by an employee on behalf of an applicant for appointment shall be regarded as misconduct and may render the employee liable for disciplinary action.

2. THE ROLE OF CHIEF OFFICERS

Chief Officers will be responsible for the choice of interview panel and the testing methods to be employed.

3. THE ROLE OF MANAGERS

All managers are responsible for ensuring that they have employees with the skills, knowledge and ability for them to achieve the goals of the Council. The ultimate responsibility for recruitment and selection rests with the manager and they must be involved at all stages of the recruitment process. This includes:

- ◆ Making the decision to recruit and obtaining authority
- ◆ Identifying the job requirements
- ◆ Drawing up the Person Specification and Job Description
- ◆ Determining the selection methods to be used and having these approved by the Chief Officer
- ◆ Designing job related testing
- ◆ Interviewing and assessing candidates
- ◆ Making the final selection decision
- ◆ Notifying successful and unsuccessful candidates
- ◆ Inducting the successful candidate
- ◆ Notifying Personnel of any Agency staff engagements

4. THE ROLE OF PERSONNEL

Personnel Services offer support and advice both in the administration of the recruitment process and in the assessment of candidates. Personnel should also monitor recruitment exercises and ensure that the Council's equalities policies are being adhered to, and provide support to managers in exercising their responsibilities specifically in the following areas:

- ◆ Administration of Job Evaluation and advising on pay and conditions
- ◆ Advertising externally, internally
- ◆ Tendering for media costs and advising on appropriate advertising media in the event
- ◆ Advising on appropriate recruitment methods and processes
- ◆ Advising managers of redeployment candidates and procedures

- ◆ Placing all posts on websites
- ◆ Preparing and sending out application packs
- ◆ Administration and monitoring of application forms
- ◆ Advising interview panels
- ◆ Obtaining employment references, medical clearance and DBS checks
- ◆ Monitoring equal opportunities
- ◆ Undertaking contract administration
- ◆ Ensuring the checking and recording of all appointees' (including Agency staff) Right to Work

5. **JOB DESCRIPTIONS AND PERSON SPECIFICATIONS**

All jobs must have a Job Description and Person Specification. This describes the role's broad responsibilities and key tasks. The Person Specification includes the skills, qualifications and experience required, as well as the behavioural competences of the role. Managers should consider how this post will help achieve the Council's objectives, and what skills and experience are required to carry out the role competently. Getting the skills and experience right is absolutely crucial to attracting the right candidate, provides a sound basis for selection by ensuring only candidates who meet the minimum standards are short listed, and plays a key role in any advertising campaign. It is important that applicants have enough relevant information for them to make a realistic decision about applying for the post.

Managers should consider the hours required to provide the service. Does it need to be full time or could it be carried out on a part time or job sharing basis?

Job Descriptions and Person Specifications should be written in clear and concise language, avoiding jargon wherever possible.

6. **ADVERTISING VACANCIES**

With the exception of casual appointments, all other posts to be filled require Management Team approval. At the same time, approval must be sought to pay any proposed car allowance.

All permanent appointments must be advertised internally and externally to ensure that all prospective applicants have equal access to the Council's job opportunities. The only exception is where a post is deemed suitable for an employee who requires redeployment under the '3R's policy.

Vacancies will appear on the T&MBC, JobsGoPublic and KCC websites before they are advertised in other media. Only in the event that the website advertising is unsuccessful in attracting a sufficient number of suitably qualified and experienced candidates will other media be employed.

In the event that other media are used, managers and Personnel Services should consider the following for each vacancy:

- ❑ What advertising media should be used? There are a variety of local and national papers, professional magazines, and internet sites. Occasionally, for

difficult to fill posts, senior posts, or for short term cover, consideration may be given to other external means, e.g. recruitment agencies, recruitment consultants or headhunters.

- ❑ When drafting text for an advert, care needs to be given to ensure the text accurately reflects the requirements of the Person Specification and Job Description. If there is a requirement for a DBS check then this needs to be included in the advert.
- ❑ Consider an appropriate closing date. At least 10 days should be left between the advert going live and the closing date, giving plenty of time for applicants to complete an unhurried application and return it. During holiday periods or over Christmas it is better to allow a later closing date or reconsider the timing of the campaign. Interview dates ought to be fixed before the advert goes out, then this can be included in the advert for the applicants' convenience.

7. SELECTION

7.1 Application form and CV's

The Council requires all applicants to complete a standard application form that has been anonymised to reduce discrimination. These forms are all returned to Personnel Services and the relevant information for short-listing purposes is then passed to the manager. The advantages of using a standard application form include:

- ❑ The form directs the applicant to provide specific information
- ❑ The information is given by the applicants in a standard order
- ❑ Short-listers can easily find their way to specific information
- ❑ Application forms contain a declaration that the information is accurate and truthful which the Council can rely on if, during the early stages of employment, it turns out to be false.

CV's may be accepted in exceptional circumstances, where a post has proved particularly difficult to fill, in order to make the process more attractive to the candidate. Candidates appointed through this route, are still required to fill out and sign the standard application form before commencing employment with the Council.

7.2 Application packs

A recruitment pack should be targeted at the vacancy audience and its content should be varied accordingly. Recruitment literature should seek to strike the balance between quality and cost-effectiveness. All recruitment packs are made available on-line or sent out with a covering letter. The pack should contain as a minimum:

- ❑ Application form
- ❑ Job Description
- ❑ Person Specification
- ❑ Tonbridge & Malling Borough Council terms and conditions of employment

The pack will be sent out within 2 working days of receipt of request, at the latest.

7.3 Short listing guidance

Short listing is the period in the recruitment process that can cause un-necessary delays. It is important to remember that high calibre candidates will be expecting a speedy response, and that this Council may not be the only opportunity these applicants are looking at. We need to ensure that their impression of us meets high expectations and will encourage them to attend any assessment and interviews. Statistics show that the longer the recruitment process, the more likely applicants are to drop out, so getting organised in advance is crucial. Wherever possible, applicants should be informed of the timescales and key dates for the process.

Managers should carry out short listing individually and then jointly as soon as possible after the closing date. To assist, there is a standard short listing sheet which can be customised to accommodate specific vacancies. The panel should agree the short listing criteria prior to seeing the application forms and the criteria must reflect the detail of the Person Specification. Each panel member should score how, in their view, the applicant meets each of the criteria.

All applicants with a disability who meet the Essential criteria for a job vacancy will be offered an interview and considered on their merits. Managers will be informed by Personnel if they inadvertently do not short list such a candidate, in order that they can assess whether the candidate meets the minimum criteria. The disclosure of an unspent criminal offence should not necessarily disqualify a candidate from being considered for a position. All cases should be considered on their merits.

Any applicant who meets the essential requirements should progress to the next stage of the recruitment process. Whilst there should not be a determined number to progress to the next stage, consideration should be given to the maximum number of applicants to be selected for the next stage. This may depend on costs, e.g. testing and expenses and time resources of the panel. It may be relevant to have an additional stage i.e. long listing, whereby applicants are screened prior to interview. This often happens in larger campaigns or where there is an exceptionally large number of applicants meeting the essential criteria. Long listing can involve testing, telephone interviews or other selection techniques. If it is agreed that there are too many applicants, then the panel can move on to the 'desirable' requirements as detailed in the Person Specification, in an attempt to refine the short list.

Criteria for selection/rejection should be applied equally to all applicants. An applicant who has been rejected for a job and believes his/her rejection to be on the grounds of any Protected Characteristic, can take their case to an Employment Tribunal. If it is shown that the selection criteria were applied inconsistently, it leaves the Council exposed to allegations of unfair and unlawful discrimination. This would prove costly to the Council in terms of 'damages' and also to the reputation of the Council as a good employer.

8. ASSESSMENT

A variety of assessment tools are available, the majority of which can be managed internally. On occasion, it may be necessary to appoint specialist recruitment consultants for senior or specialist posts.

The minimum requirement for assessment is a panel interview comprising of at least two suitably trained employees, at a grade equal to or higher than that of the vacancy.

The following assessment tools can assist the manager in the overall assessment of a candidate:

- ❑ *Written Exercises* - Usually on the day of the interview and used to test the knowledge on a subject matter relative to the vacancy or prioritisation skills through an 'in tray' exercise.
- ❑ *Presentations* – Candidates may be required to prepare, either in advance of the interview or on the day, a presentation on a particular subject. Presentations will vary enormously, and unless presentations or public speaking are part of the job, they should not be used.
- ❑ *Group Assessment* – for certain posts it is useful to determine a variety of skills, in particular problem solving and influencing skills when working within a team.
- ❑ *IT Assessments* – if specific IT skills are required for the post, these skills should be tested in practice.

For those posts where written communication skills are an essential criterion, it is recommended that the competency of candidates is tested via a "simulated" test eg. timed writing of reports, letters responding to enquiries etc.

The following tools may also be used but can only be administered by professionally qualified external consultants:

- ❑ *Psychometric Ability Testing* - A variety of tests are available and must be applicable to the vacancy. The tests vary in length and complexity and assess a candidate's ability in specific areas relevant to the post.
- ❑ *Personality Assessment* - This assessment requires a candidate to think about their own behaviour in the workplace and provides us with an indication of their working style and behaviour.

9. EFFECTIVE INTERVIEWING

The interview is the most commonly used assessment tool, but not always the most effective. Statistics show that an unstructured interview is often only as useful to predicting success in a role as random selection. The purpose of this guidance is to assist the manager to select the most appropriate person for the job based upon an objective assessment of each candidate's skills, knowledge, experience, and behavioural competency, against the requirements in the Person Specification. All interviews should be structured and use competency based interview techniques. Competency based interviewing allows the manager to determine what skills and behaviours a candidate possesses and how they have used these skills to achieve success. A manager needs to assess the way in which a candidate gets from 'a to b' as well as achieving the end result.

9.1 Preparing for the interview

A preparatory meeting between the interview panel members is a must. Panel members should: agree and prepare the questions and decide who will be asking what; agree who is chairing the panel; who will be recording responses; what other assessment tools are

to be used; and what the timescales are for making a decision. Thought should be given to the style of the interview – reeling off questions machine gun style is an interrogation, and will not weed out any weaknesses, as it does not encourage any in depth answers. The interview should be viewed as a two-way appraisal of a mutual business opportunity and should avoid ‘talking at’ the candidate or patronising him/her. An opportunity for the candidate to speak early in the interview will help the candidate to become more ‘comfortable’ which in turn will help the conduct of the interview and increase the information flow.

Managers may also wish to consider the involvement of an ‘independent’ panel member. Dependent on the nature of the post this might mean bringing in an external ‘expert’ or an internal resource with knowledge of a particular facet of the role.

9.2 Question checklist and guidance

The questions should be designed to extract the evidence/information from the candidates to enable an assessment against the requirements stated in the Person Specification. Ideally, all candidates should be asked the same core questions to ensure they have the same opportunity to respond. It will often be necessary to probe further into a candidate’s response and this is perfectly acceptable.

When considering the questions, the following should be avoided:

- theoretical questions. Evidence is needed of responsibility, accomplishments and methods not what the candidate might do in a given situation. Even candidates who have not worked before can be asked about how they have dealt with problems, issues, work at school/university and what they have achieved or how they have dealt with setbacks/failures
- closed questions to which a candidate can give the answer ‘yes’ or ‘no’
- leading questions
- questions about their personal circumstances, family commitments or marital status or plans for a family
- what childminding arrangements they have
- about their desire to return to their country of birth
- how they would react being the only woman, man, young/middle aged person , black, white or disabled person in a team

Many of these questions are discriminatory. The Equal Opportunities Commission recommends asking more neutral questions about ability to fulfil job requirements. For example ‘the job requires you to work on two evenings a week. Are you able to fulfil this requirement?’ Rather than ‘I see you have two children, who will look after them when you are at work?’ The first question makes explicit the job conditions/requirement, the second question does not. It is worth noting that to ask questions about childcare to both men and women could still be seen as unfair and discriminatory to the women candidates.

Questions should start with ‘Can you give me an example of’, and ‘how’ ‘when’ ‘who’ ‘what’ and ‘why’. When probing the answers, the same technique should be used. There are three main areas that a manager needs to assess as follows.

i Technical knowledge

There may be certain qualifications that demonstrate the technical ability and knowledge of a candidate. Other assessment tools may also be used, such as a written exercise, presentation or test. Additionally, it is necessary to determine what questions are required to ensure the breadth and depth of knowledge is fully covered.

ii Factual knowledge

The application form captures a great deal of factual knowledge, but this needs to be verified and further information gathered and analysed:

- Education* - the choice of subjects, performance and causes and results of failures Should be focussed on.
- Work History* – this should look at the most recent work experience first, check job titles, main tasks, relationships, objectives/results, parts of the job liked/done well and vice versa, and reasons for changing. Indicators will be the significance of the post within the organisation, standing/reputation of the organisation, and competence of the candidate.
- Aspirations* – short/medium term, plans for achieving. Evaluation of how realistic these are compared to academic and work achievement to date should be considered. What future development needs does the candidate want from this post?
- Attendance* – willingness and desire for work. Will past attendance record affect the candidate’s ability to perform the role effectively?
- Disability* – all candidates should be asked: ‘Do you have a disability that might affect your ability to carry out *this role* effectively, and if so, what reasonable adjustments can the Council make to assist you carrying out this role?’ Where a candidate discloses a disability, the Disability Discrimination Act does not prohibit the Council from seeking information about a disability, but it must not be used to discriminate against the candidate. It is important to know what adjustments may be required, not what the actual disability is. The Council is committed to providing opportunities for people with a disability and will commit to making reasonable adjustments wherever possible for candidates who satisfy the requirements of the post. Advice should be sought from Personnel Services if required.

iii Behavioural competences

Each person specification should include behavioural competences at a range of levels. All jobs have competencies in Customer Focus, Team Working, Communication and Influence, Planning Organising and Achieving, and Managing Information. Higher grades also include all or some of the following: Leadership, Judgement, Decision Making and Problem Solving, Managing Projects and Processes, Managing Change and Financial and Commercial Awareness. Below are examples of questions that could be used for each of the competences. Managers should consider each competency in turn, as often there is a correlation between one competency and another, and determine up to three questions per competency.

Customer Focus – Able and willing to address needs of INTERNAL and EXTERNAL customers with consistency and appropriate sensitivity.

Q. *Could you give me an example of where you have noticed poor service in your organisation? What did you do about it? How did you make a difference? Who did this involve?*

Team Working – Able to work as part of a team and shows commitment to team goals and values. Is effective at persuading and negotiating with others to achieve win/win situations.

Q. *What projects or activities have your team undertaken and seen through that were your own idea? What role did you play to achieve success? Have you ever identified a team failure? What steps did you take to make things better?*

Communication and Influence – Is able to communicate clearly and effectively (oral and written) with others, taking into account the needs and expectations of others and realising the impact and appropriateness of own personal style.

Q. *Our Finance section sets great store on getting reports on time – how would you handle this situation? Give me an example of where you have had to influence a senior member of staff into making a difficult decision? Give me an example of where you have used your negotiating skills and tell me what you achieved?*

Planning, Organising and Achieving – Demonstrates a desire to achieve goals and maintain and improve standards through an ability to effectively think ahead, plan, prioritise and schedule activities and monitor and manage outcomes effectively.

Q. *What do you find is the best way to get things done? What is the most significant impact you have had in your organisation in the past year? Could you tell me about your biggest failure and how you dealt with it?*

Managing information – The ability to access, compile, maintain and disseminate relevant and accurate information (both computerised and manual) in a way in which it is helpful to those people who need and will use this information.

Q. *How would you assess your IT skills in Word, Excel (whatever is relevant to the vacancy) etc. Give some examples of the type of work you use these programmes for?*

Leadership – Motivates, inspires and supports others to achieve shared goals. Builds teams through effective communication and by getting the best from others.

Q. *How would you describe your leadership style? How did you develop this style and why? What motivational techniques have you used and how would you rate your success? Give me an example of a difficult staffing issue you have dealt with and how you influenced the outcome?*

Judgement, Decision Making and Problem Solving – Ability to define non-routine problems, analyse data to identify their probable cause, manage the problem, devise effective solutions and make informed decisions based on a comprehensive analysis of all available data

Q. *Give me an example of a complex/difficult technical/personnel decision you have made at work? What facts or issues did you consider prior to your decision? At what level are you able to make decisions and what type of issue might you need further authority for?*

Managing Projects and Processes – Ability to meet business objectives by identifying and setting realistic priorities and objectives and using these to plan, implement and monitor workable plans, processes and projects.

Q. *What has been your most challenging project? What difficulties did you meet, and how did you overcome them? What have you learnt and what would you do differently next time?*

Managing Change – Able to support, initiate and drive change management activities within the organisation.

Q. *What involvement have you had in managing change? Give an example of positive change you contributed to? What did you contribute and how?*

Financial and Commercial awareness – Understanding the financial implications of individual actions on day-to-day activities and on the business. Relates local and national market conditions to the broader business issues and is able to interpret the impact of economic conditions on services.

Q. *What financial implications have you had to consider in your role? What impact did your decisions have on the business? How have you influenced a situation to make savings?*

10. MAKING A DECISION

The final decision must be made on merit and based upon the information gathered from the whole recruitment process, which includes the application form, any tests the candidates will have been required to do, the interview and references. The short list / selection matrix has been designed to assist in this process by providing a record of objective criteria on which to base a selection decision.

The selection decision is made as to the candidate who best meets the criteria that have been specified in the person specification. The job should only be offered to a candidate who meets all the essential requirements. If there is more than one candidate who meets the essential requirements then the desirable requirements must be taken into account.

The selection must be done as objectively as possible and based on the evidence gathered throughout the process. The panel members must record their initial findings and then come to a consensus of opinion and record the panel's decision. A manager

may find that a decision is challenged so it is very important that to ensure that the process is undertaken fairly, objectively and has been recorded in writing.

Managers should bear in mind that they may not be in a position to offer the post to any of the short listed candidates, in which case they may wish to hold second interviews or revisit the short list scoring to see if there are other candidates for whom an interview may be appropriate.

11. OFFER OF APPOINTMENT

Managers should make a *verbal* offer of appointment making it clear that it is subject to medical clearance, references acceptable to T&MBC and DBS check if applicable. Where the successful candidate has previously indicated that a reference cannot be applied for at that stage of the application process, they should be asked if they are happy for that reference to be taken up having been offered the position and advised to wait for clearance of references before handing in their resignation. In the case of a DBS check, advise candidates that there may be a lengthy delay.

Care must be taken when making verbal offers as anything said is contractually binding. Managers may wish to offer by saying "Subject to our receipt of references and medical clearance satisfactory to us, we would like to make you a conditional offer of employment as (job title) on a starting salary of £(salary)".

Managers must then immediately advise Personnel Services of the terms of the offer by way of a New Employee Appointment Form (found on the Personnel Forms intranet page). Personnel Services will then obtain the necessary references, agree with the line manager as to their acceptability, and only then prepare and send the necessary contract documentation.

12. REFERENCES

12.1 Employment references

If the applicant has given permission, references will be sought immediately. In cases of external candidates, two written references will be sought; one being from the current/last employer/education facility.

References will be sought, unless previously permitted, once a verbal provisional offer of appointment has been given. References must only be sought by Personnel Services and never without the candidate's prior knowledge, and shared with the line manager as soon as they are received.

In the event that a reference is deemed to be less than satisfactory, the matter should be discussed with the Chief Officer and Personnel in order to determine whether or not the conditional offer should be withdrawn.

In the rare instance that it is not possible to obtain a written reference, a verbal reference (fully recorded by Personnel Staff) will be accepted but only after permission to do so has been granted by the Service Chief Officer.

12.2 Medical clearance

All successful candidates must complete a medical questionnaire. This is confidential and is returned to the Council's Occupational Health Adviser (OHA) who will assess the candidate's fitness for the particular post and whether any further medical information is required. Some candidates may have a disability, and if necessary the OHA may make recommendations for reasonable adjustments. Information regarding a candidate's health is confidential and will not be revealed to the manager or Personnel Services unless the candidate gives their permission.

Internal candidates who have previously been medically cleared will not be subject to further medical clearance.

12.3 DISCLOSURE & BARRING SERVICE (DBS)

Certain posts will require a DBS check. These posts have been identified in accordance with DBS guidelines and Personnel Services can advise whether a particular post requires the check.

12.4 Right To Work processes

Personnel will be responsible for obtaining proof of identity to satisfy the Right To Work legislation. Candidates will be asked to bring their documents to their interviews and Customer Services will take photocopies of them (dating them individually), completing a summary sheet for each group of interviewees, and returning all documents to Personnel Services. On confirmation of an appointment, the successful candidate's documents will be filed on their personal file and the unsuccessful candidates' documents will be destroyed.

It is crucial that Agency staff starters are notified by Service Managers to Personnel in order that the correct Right to Work process can be observed.

Personnel will be responsible for recording Right to Work checks for all appointments, including staff who have been employed previously and are 'returning'.

For non-British citizens, Personnel will be responsible for carrying out an on-line check using the Home Office Right to Work checking Service saving a PDF copy to the individual's personnel file.

13. START DATE

Once the manager has received confirmation from Personnel Services that the necessary checks have been completed, the start date can be agreed with the candidate. For internal candidates the contractual period of notice applies unless both managers agree to an earlier or later start date.

The manager will notify unsuccessful candidates as soon as the interview panel has made its decision and the successful candidate has accepted the verbal offer of

appointment. The manager will offer the unsuccessful candidates feedback on the interview, if requested.

There will be no discrimination in the terms offered to disabled applicants, but reasonable adjustments can be made to the contract, e.g. standard hours may be reduced or rearranged where the disabled person has difficulty with public transport.

Under no circumstances can an employee start before references, medical clearance and DBS checks have been completed to T&MBC's satisfaction.

14. INTERVIEW EXPENSES

Candidates will not normally be offered reimbursement of interview expenses.

15. USING CONSULTANTS

Where the Council is proposing to offer a consultancy agreement to an individual rather than an employment contract, the individual concerned will normally be self-employed and the nature of the agreement should reflect this. However the distinction between employee and self employed is a fine one and there is no one factor which will be decisive. If a consultant is being appointed, his or her terms of appointment need to set out clearly not just the remuneration and other similar details but also what his/her objectives are, the deliverables, how the project will be monitored, its length, the responsibilities of the consultant and the Council and how the agreement may be terminated.

The Council needs to establish, to its own satisfaction, that the person it intends to appoint has the necessary skills and experience to carry out the proposed assignment and also the resources to do so successfully. If the Council is expected to find some of the resources, e.g. secretarial help, this too should feature in the agreement. Further advice can be sought from Personnel Services or Legal Services.

16. PROCEDURE CHECKLIST

Recruiting manager = M

Personnel Services = PS

Chief Officer = CO

Customer Services = CM

Task or Activity	Who	Date
Resignation received – send to Personnel with Termination form	M	
Review or create Person Specification and Job Description	M	
Request Job Evaluation where necessary	M	
Obtain authorisation from Management Team to fill vacancy	CO	
Meet with Personnel to agree recruitment process	M	
Agree advertising media (where appropriate)	M/PS	
Prepare advert and send to Manager for approval	PS	
Agree closing date, interview and assessment dates and panel	M	
Advertise on internet sites	PS	
Place advert in press (if applicable)	PS	
Send adverts to Employment Service	PS	

Receipt of applications on-line / by post	PS	
Enter applications received onto Recruitment Monitoring spreadsheet	PS	
Send applications to manager	PS	
Arrange meeting of panel to agree criteria and short list	M	
For psychometric testing, agree testing date with PS	M	
Short list, record on short listing scoring sheet, and return to PS	M	
Advise candidates of interview/assessment/test date time and place and take up references where permitted	PS	
Where candidates with disabilities need reasonable adjustments to attend interview, participate in testing, ensure arrangements in place	M/PS	
Book suitable room and any aids for presentations	M	
Advise reception of names of candidates and appointment times	PS	
Make admin arrangement to meet and greet candidates	M	
Copy and date Right to Work documents and return header sheet and copies of documents to Personnel	CS	
Interview candidates	M	
Assess candidates and complete assessment scoring sheet	M	
Obtain evidence of qualifications	M	
Call successful candidate with conditional offer	M	
Advise unsuccessful candidates and give feedback where requested	M	
Negotiate terms with successful candidate including provisional start date	M	
Send appointment form to Personnel	M	
Personnel carry out Home Office Right to Work check for non-British citizens, taking PDF copy for filling.	PS	
Obtain employment reference, medical clearance and DBS check and share with Manager where appropriate.	PS	
Advise manager of completion of reference checks	PS	
If references unsatisfactory, send withdrawal of offer	PS	
Prepare and send contract	PS	
Obtain acceptance of formal offer	PS	
Make arrangements for Induction including organising appointments with identified officers, identity card, and IT facilities	M	
Make appointment with Personnel for induction	M	
Set dates for manager induction	M	

Personnel Services

RECRUITMENT ADMINISTRATION

APPENDIX 1

SEEK AUTHORITY FROM MANAGEMENT TEAM TO FILL VACANCY AND ESTABLISH CAR ALLOWANCE STATUS.

CREATION / AMENDMENT TO JOB DESCRIPTION BY LINE MANAGER.

CREATION / AMENDMENT TO PERSON SPECIFICATION BY LINE MANAGER.

DESIGN OF ADDITIONAL QUESTIONS TO ACCOMPANY APPLICATION FORM BY LINE MANAGER WHO AGREES INTERVIEW DATE WITH PERSONNEL.

CREATION OF DRAFT JOB ADVERTISEMENT BY LINE MANAGER.

JOB DESCRIPTION, PERSON SPECIFICATION, ADDITIONAL QUESTIONS, AND DRAFT ADVERT SCRIPT TO PERSONNEL TOGETHER WITH ANY DOCUMENTATION TO BE INCLUDED IN RECRUITMENT PACKS.

PERSONNEL ARRANGE PUBLICATION OF ADVERT, SEND OUT RECRUITMENT PACKS, ACKNOWLEDGE APPLICATIONS RECEIVED.

LINE MANAGER BOOKS INTERVIEW ROOMS AND CATERING IF REQUIRED AND ARRANGES TESTING.

LINE MANAGER COMPLETES SHORT LIST CONTROL SHEET, COPIES SHORT LISTED APPLICATION FORMS AND PASSES ALL ORIGINALS AND CONTROL SHEET TO PERSONNEL WHO INVITE CANDIDATES REMINDING THEM TO BRING ID AND QUALIFICATIONS DOCUMENTS WITH THEM TO INTERVIEW, AND APPLY FOR REFERENCES.

PERSONNEL COMPILES FILE WITH APPLICATION FORMS, JOB DESCRIPTION, PERSON SPECIFICATION AND SHORT LIST CONTROL SHEET FOR COLLECTION BY LINE MANAGER THE DAY AFTER THE CLOSING DATE.

FOLLOWING INTERVIEWS AND AFTER REFERENCE, MEDICAL, AND DBS CHECKS HAVE BEEN CONFIRMED AS ACCEPTABLE, LINE MANAGER CONTACTS SUCCESSFUL CANDIDATE TO VERBALLY OFFER POST AND COMPLETES STARTER FORM AND SENDS TO PERSONNEL TOGETHER WITH CONFIRMATION THAT UNSUCCESSFUL CANDIDATES HAVE BEEN CONTACTED.

PERSONNEL APPLY FOR OUTSTANDING REFERENCES AND SHARE WITH LINE MANAGER WHEN RECEIVED. PERSONNEL DRAW UP OFFER OF EMPLOYMENT TO SEND OUT WITH SUPPORTING DOCUMENTS WHEN CHECKS ARE COMPLETED.

LINE MANAGER INFORMS RECEPTION AND IT SERVICES OF NEW STARTER, COMPLETES INDUCTION CHECKLIST AND RETURNS IT TO PERSONNEL.

PERSONNEL DRAW UP AND SEND INDUCTION PACK TO LINE MANAGER, MEETING TO DISCUSS INDUCTION IF REQUIRED.

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SICKNESS ABSENCE POLICY AND PROCEDURES

INTRODUCTION

Reliable employee attendance at work is a vital factor in the effective and efficient operation of the Council's customer services.

High levels of sickness absence, on the other hand, are costly - affecting efficiency, productivity, profitability and morale.

It is accepted that occasional sickness absence is an inevitable part of working life, and also that some employees are unfortunate enough to suffer long term illnesses preventing their attendance at work for prolonged periods.

In neither case would the Council wish to take hasty action in respect of the employee, but, if either the absences are not for genuine reasons or are so frequent or prolonged that they prevent the employee from effectively meeting his/her contractual obligations, then action will be taken.

Managers should, therefore, show understanding for those absent for genuine reasons, particularly those who have a condition that falls within the scope of the employment law definition of "disability", and take immediate appropriate action against those who abuse the system at the possible expense of their colleagues and the service.

Employees should take responsibility for their attendance, proactively taking steps to avoid or mitigate sickness absences.

A PURPOSE

This policy is designed to help and encourage all employees to achieve maximum attendance at work. The Council will manage this by ensuring that fair and consistent treatment of individuals is maintained and account is taken of the operational realities of the service in which individuals are employed.

This policy applies to all employees of this Council. Should it be necessary to apply its terms to any Chief Officer the necessary action will be taken by the Chief Executive in consultation with the Personnel Manager.

Sickness absence for the purpose of this policy means short term self-certified sickness or medically certified sickness absence, and long term medically certificated sick leave through ill health or injury.

B PRINCIPLES AND GUIDANCE

- a) Employees are entitled to expect and receive fair treatment.
- b) Employees must be made aware of to whom, and by what time they are expected to notify their line management that they will be absent. Other

than in exceptional circumstances, any practice of leaving a message with the receptionist or a colleague should be stopped.

- c) Managers are responsible for monitoring and where necessary managing sickness absence within their section and are also entitled to deal rigorously with abuse of the system. Managers will have a “return to work” discussion with staff on their return from sickness absence, and will document this on the Return to Work form to:
- establish the cause of absence
 - indicate employer interest in the welfare of the employee
 - allow the manager to discuss with the employee their sickness absence record
 - reinforce management views on good attendance
 - confirm the line manager's role in the control procedure

Employees are often unaware of the frequency of their absences and how much time they have actually taken off. The interview, therefore, provides the manager with the opportunity to make it clear as soon as possible if the employee's sickness absence record is putting their employment at risk.

- d) Each person's circumstances must be considered individually and each case dealt with on its own merits. It must be remembered that sickness absence can sometimes be a symptom of other problems such as domestic difficulties, or it may be an indication that the employee is experiencing difficulties at work. Well conducted interviews can bring such problems to light. They should, therefore, be conducted sympathetically and in private. Personnel Services can provide counselling support for employees should a need emerge.
- e) Employees will be fully consulted if their absence is causing concern.
- f) In the case of long term sickness absence, no decision will be taken with regard to the employee's future employment without the service management having consulted Personnel Services and, through it, the Council's independent Occupational Health Adviser, who shall be a qualified medical practitioner.
- g) No formal action will be taken against an employee with a record of persistent short term sickness absence without the Service management having consulted Personnel Services.
- h) In any formal interview, or meeting (to which they will have been invited to in writing) with an employee about his/her sickness absence, he/ she will be given the right to be accompanied by a Trade Union representative or work colleague and will have a right of appeal against any decision taken.

- i) The appropriateness of action taken under this policy and procedure will be according to the merits of the case and will not necessarily be linked to the employee's position in the sick pay or Local Government Pension schemes.
- j) The employee's length of service, predictions about performance, likelihood of change in attendance, availability of suitable alternative employment, and the effect of future absences on the service operation are issues which should be taken into account when deciding what appropriate action to take.
- k) The line manager should consult Personnel Services immediately if he/she is dissatisfied with the employee's explanation for his/her absence.
- l) Line managers should monitor sickness absence records to establish not only who has been absent, but the length of the absences and any emerging patterns.
- m) The Council acknowledges its responsibility to provide a safe and healthy working environment for its employees. Should any aspect of an employee's working environment be found to be affecting their health, the Council will endeavour to take corrective action.
- n) The Council will be mindful of its responsibilities under the terms of disability legislation and will endeavour to make reasonable adjustments to address any working provisions, criteria or practices that may impact adversely on employees who suffer physical or mental impairment. This may include an adjustment in working hours, re-allocation of office accommodation, and provision of suitably modified equipment.

C SHARED SERVICE AND PARTNERSHIP WORKING

An increasing number of Council workers are seconded to work elsewhere either on a full or part time basis or in a form of shared or partnership arrangement. The procedures set out in this policy will apply to them. In particular, "seconded" must report their sickness absence to both the line manager at their "employing organisation" as well as their line manager at the organisation to which they have been seconded on day 1 of their sickness and must keep both managers advised of the progress etc of their condition as set out in Section D below. The Council will endeavour to work with partner organisations to resolve any ill health/sickness issues affecting "seconded" whether they are those who have been seconded to this Council or who are working here according to a partnership arrangement.

D EMPLOYEE REPORTING REQUIREMENTS

Day 1	Sickness absence must be reported to the line manager or designated officer immediately.
As soon as possible	An employee must contact their line manager and give an indication of the nature and likely duration of their illness. They must also notify their line manager of when they know the return to work date and/or any likely recommendations

	for a phased return or adaptations to their role.
Day 8	A fit note must be supplied for absence of 8 days or more.

1. Self Certificates

Employees are required to complete a self certificate absence form for all periods of sickness absence of less than 8 days. The completed self certificate form should be sent to the Payroll Section.

2. Statement of Fitness for Work (Fit Notes)

A fit note is required if a period of absence lasts for more than 7 days inclusive of weekends, rest days, days not normally worked, holiday leave taken, and public holidays. Subsequent notes must be submitted to cover absence if it extends beyond the period of the initial certificate.

Fit notes include the option for the GP to express a view that an individual could be fit for work with accommodations by the employer and to indicate the effects of an individual's condition and what could help a return to work. The GP indicates either "not fit" or "may be fit".

Personnel Services should be consulted about any suggestions made by the GP. In many cases this will also entail a referral to the Council's Occupational Health Adviser. If the Council is unable to accommodate the suggested adjustments by either the GP or the Occupational Health Adviser, the fit note is treated as if it had indicated "not fit for work".

Fit notes should be sent to Personnel Services.

In compliance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR), line managers should notify the Health & Safety Officer if any staff are absent or incapacitated for more than 7 days due to a work related accident.

E OCCUPATIONAL HEALTH REFERRALS

The Council may, at any time, refer an employee whose attendance pattern is causing concern or who is unable to perform their contractual duties due to ill health issues to the Council's Occupational Health Adviser. In most circumstances this will be a physician who will make an assessment of the individual's health in relation to their work. Following the consultation the Adviser will write to Personnel Services offering advice about the effect the medical condition has upon the individual's ability to work. The employee will be sent a copy of this letter by the Occupational Health Adviser.

F HEALTH INFORMATION AND DATA PROTECTION

Under the Data Protection Act 2018 information relating to an individual's health is "special category personal data" and highly confidential. Details relating to an individual's health must be kept securely on their personal file and should not be shared without their explicit consent or unless an alternative lawful processing condition applies. However, to manage an issue relating to health, a manager will need access to health information that has

been provided by the Council's Occupational Health Adviser or that is stored on the employee's personal file.

G "NON ESSENTIAL" ELECTIVE PROCEDURES

Unless covered by a fit note, sick leave should not be used for "non-essential" procedures such as laser eye treatment or cosmetic surgery. If such absence cannot be accommodated by annual leave or within the provisions of the Flexi Time Scheme, time off for such procedures should be unpaid. In the case of sickness following treatment the normal sick leave provisions will apply.

H ANNUAL LEAVE

Annual leave will not be granted during a period of sickness and employees are encouraged not to use annual leave instead of sick leave. However in a case of long term absence where the employee has accrued annual leave and their sick pay has been exhausted, the employee can request to take accrued annual leave. Such requests should be directed to the Service Chief Officer.

I PERMANENT ILL HEALTH

If, following an assessment by Occupational Health, an employee is considered permanently unfit to carry out the duties of their job, there are four possible outcomes:

- Redeployment to other appropriate work if possible.
- For employees who are members of the Local Government Pension Scheme, a consideration by Occupational Health of the employee's eligibility for ill health retirement according to the terms of the Local Government Pension Scheme.
- Termination of the individual's contract of employment on the grounds of capability.

J PROCEDURE FOR DEALING WITH LONG TERM ABSENCE THROUGH ILL HEALTH

- i) The line manager should keep in contact with the employee so that assistance can be offered and the likelihood and timing of a return to work can be assessed. In appropriate circumstances this could include a home visit by a representative of the service. Personnel Services should be consulted if it is anticipated that any employment related issues are likely to be raised.
- ii) In cases where employees are returning to work after long term absence there is a probability that they may not be able to resume the full range of their duties immediately they return. In many such cases it is also likely that a phased return or a temporary adaptation of duties will have been recommended by the GP on the relevant fit note. For this reason all fit notes are passed to Personnel Services to ensure consistency in

- response to such recommendations. Line managers should advise Personnel Services as soon as they are aware that such recommendations are likely as it may be necessary to refer employees to the Council's Occupational Health Adviser. A short term "phased return" will normally be on full pay unless there are unusual circumstances, e.g. the employee having very short service prior to his/her sickness absence.
- iii) If, after a reasonable period of time in the circumstances of the case, the employee's G.P. cannot indicate a return to work in the foreseeable future, the employee should be consulted and advised that it is proposed to seek an independent medical opinion on his/ her condition from the Council's Occupational Health Adviser.
 - iv) Subject to any sound reason for not doing so (e.g. a pending visit to a specialist consultant) the employee should be referred to the Council's Occupational Health Adviser for an opinion on his/her condition, the prospect of his/her return to work and whether there should be any restriction or adaptation to the type of work he/she undertakes upon return. This will be arranged through Personnel Services, and any associated costs will be borne by the Council.
 - v) Consideration will then need to be given to the medical report. Should the report be satisfactory, in that it predicts a return to full effectiveness within an acceptable period of time acceptable to the Council, this information should be conveyed to the employee.
 - vi) Should the report indicate that a return to full effectiveness will not be possible within an acceptable period of time, if at all, then the line manager, in consultation with Personnel Services, should consider what options are available depending on the circumstances.
 - vii) The Council is not expected to create a special job for the employee concerned, nor be a medical expert, but to take action on the basis of medical evidence. If it is the opinion of the Council's Occupational Health Adviser that the individual's condition falls within the scope of the employment law definition of "disability", the Council will consider all options suggested by him/her for making reasonable adjustments to the role or working conditions. The Council will also consider options for re-deployment.
 - viii) If, having considered the medical evidence and any associated recommendations from the Council's Occupational Health Adviser, it is considered that termination of contract may be appropriate, the employee must be invited, in writing, to attend a meeting so that he/she can be consulted in order that any suggestions made by the employee can be considered before a decision to dismiss is taken. The employee has the right to be accompanied at this meeting by a Trade Union Official or a work colleague. Decisions to dismiss can only be taken by the Service Chief Officer after consultation with Personnel Services.
 - ix) If the termination of a contract of employment is considered to be appropriate, it will be implemented as soon as possible after the final consultation with the employee, with the provisions of the pension

scheme for ill-health retirement being applied as appropriate. Any decision to dismiss will be confirmed in writing and will include the right of appeal.

- x) An appeal against the decision to dismiss on the grounds of ill health /capability may be lodged in writing to the Director of Central Services within 5 working days of notification to the individual concerned. The letter should set out the grounds for appeal. The appeal will be heard by a panel of the Licensing & Appeals Committee.
- xi) The employee will be entitled to receive the period of paid notice according to his/her contractual entitlement.

K PROCEDURE FOR DEALING WITH PERSISTENT SHORT TERM ABSENCES

Persistent short term absenteeism is usually unpredictable and disruptive to the service operation. If an employee's short term absence(s) is causing concern the procedure below should be followed.

- i) During the standard return to work interview the line manager should interview the employee on his/her return to work to ascertain whether the illness is likely to be the cause of further absences.
- ii) If the line manager is dissatisfied with the reasons given for sickness absence, or has other grounds for suspicion, he/she should consult Personnel Services to decide on appropriate action. This could, for example, include further investigations and/or disciplinary or capability action.
- iii) If the line manager is satisfied that the individual has been genuinely unwell but nevertheless considers his/her absence levels to be unacceptable, he/she should obtain the employee's permission to engage the services of the Council's Occupational Health Adviser to get a medical opinion as to the employee's fitness for his/her position.
- iv) Personnel Services will arrange for the employee to be examined by the Council's independent Occupational Health Adviser. On the basis of the medical opinion, a decision will be taken by the Service Chief Officer in consultation with Personnel Services as to whether the employee is capable of carrying out the job he/she is employed to do, whether a transfer to a more suitable post is an available option, or whether termination of employment might be appropriate. If it is the opinion of the Council's Occupational Health Adviser that the individual has a condition that falls within the scope of the employment law definition of "disability", the Council will consider all options suggested by him/her for making reasonable adjustments to the role or working conditions. The Council will also consider options for re-deployment.
- v) The line manager and a representative from Personnel Services should then have a meeting with the employee in which he/she is informed of the opinion of the Occupational Health Adviser and, if necessary,

advised that continuation of previous sickness absence levels will lead to formal action which could eventually affect his/her employment.

- vi) Where an employee refuses to co-operate in providing medical evidence or to undergo an independent medical examination, he/she should be told that any decision made regarding his/her future employment prospects will be based on the information available to the Council.
- vii) Should unacceptable absence levels persist, or it not be possible to make any reasonable adjustment to the role or working conditions, or no alternative employment is available, it will become necessary to terminate the employee's contract (as per the Dismissal or Capability Procedure). Should this occur the employee will be entitled to receive his/her contractual notice and will have a right of appeal.

Personnel Services

December 2007 (updated 2015)

Amended June 2015 (updated August 2016 ,October 2018 and July 2019)

Flexible Retirement Policy

1 Introduction - The retirement routes for members of the Local Government Pension Scheme

- 1:1 There are various retirement routes available to employees who have contributed to the Local Government Pension Scheme (the LGPS). The Normal Retirement Age when employees can retire and receive full pension benefits from the LGPS is their state pension age.
- 1:2 Voluntary retirement is permitted from the LGPS at any point between age 55 and 75. However, unless they are protected by the “Rule of 85 years” those who retire before their Normal Retirement Age will receive a reduced pension to fund the “cost” to the LGPS of their early retirement. Likewise, their pension will increase if they retire later.
- 1:3 The LGPS rules require pension benefits to be drawn by the age of 75.
- 1:4 Flexible retirement, subject to the agreement of the Employer, enables employees to draw their pension benefits and to continue working for the Council, receiving a salary, in accordance with Regulation 30(6) of the Local Government Pension Scheme Regulations 2013. Flexible retirement can enable an employee to phase into retirement by:
- reducing their working hours and/or
 - moving to a job on a lower salary.

Employees who have been a member of the Local Government Pension Scheme for at least 3 months (or have transferred in previous pension benefits), and have attained at least age 55, have the right to make a formal request for flexible retirement. The procedure for making and considering such requests is set out in Section 2 below.

- 1:5 Requests for a reduction in working hours from employees who are not members of the LGPS will be considered in accordance with the Flexible Working, Home Working and Time Off Policy.

2 Principles

- 2:1 The Council will consider all requests for flexible retirement, and will reach a decision by taking into account a range of factors including; the financial implications, impact on and sustainability of the Service, skills and retention, and employment law.

2:2 Each decision will be made free from discrimination on the grounds of any protected characteristic – age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

2:3 Decisions relating to flexible retirement and the release of pension benefits will be in line with the current pension regulations. These regulations may be updated from time to time and the Council will default to the regulations if the policy is not explicit on any current or future regulation.

3 Flexible Retirement Procedure

3:1 Individual circumstances are very different and actual pension benefits will be based on entitlements built up over a period of time, and, in some cases, will include pension “pots” that have been transferred into the LGPS. Therefore, employees considering applying for flexible retirement should contact Personnel Services who will obtain a *full estimate* of their pension benefits. This will include details of any reductions to these benefits if drawn before Normal Pension Age, and will specify any pension fund cost that there would be to the Council if it agreed to the request for flexible retirement.

3:2 Only one request per individual per annum may be made for an estimate of pension benefits. It is also recommended that once the estimate has been obtained those considering applying for flexible retirement should seek independent financial advice concerning the potential long term impact of “early retirement” upon their overall income levels.

3:3 Requests for flexible retirement will normally be agreed to only where the reduction in hours and/or grade achieves an immediate overall reduction in salary of at least 40%, and where there are clear financial or operational advantages which account for all issues that arise from the request, including the organisation and costs associated with organisational planning to ensure the stability and continuity of the Service.

3:4 If an individual decides to make a request for flexible retirement it should be in writing to the Service’s relevant Chief Officer and should address the following points:

- What is your proposed flexible retirement working pattern – i.e. do you propose to transfer to an identified lower graded position within the Council, or to reduce the number of hours that you work? How will this new working pattern, reduction in hours etc., benefit both yourself and the service? What other measures may be necessary to sustain the Service and ‘make good’ any loss in skill and/or experience?
- When would you like this new arrangement to begin? (Such arrangements can only start from the 1st of any month)

- Bearing in mind that there is no longer an age for compulsory retirement, how do you intend to “phase” your retirement – i.e. how long do you envisage working the requested pattern and when do you intend to fully retire?

You should attach the *full* estimate obtained by Personnel Services (referred to in Section 3:1 above) to the request to enable the Chief Officer to assess whether there will be a pension fund cost to the Council.

- 3:5 The relevant Chief Officer, in consultation with the Personnel Manager, will consider requests on business grounds in accordance with the needs of the service and based on the case put forward. This consideration will include an assessment of whether the flexible retirement would have a detrimental effect on the Council, its service recipients or other employees. It will also identify and consider any arrangements that might need to be made to ensure the future viability and efficiency of the Service and whether other resources will be required to achieve this. Such arrangements should be fully costed and presented to Management Team along with any other staffing proposals felt necessary.
- 3:6 In circumstances where there is a cost to the Council, incurred by waiving the pension reduction for those who retire before Normal Pension Age (because the Council may need to make an upfront lump sum payment to the pension fund to “pay for” the retirement), the decision as to whether or not to agree to the flexible retirement will need to be authorised by the Chairman of the General Purposes Committee and the Cabinet Member for Finance, Innovation and Property.
- 3:7 In circumstances where the employee elects to defer payment of all or part of their pension entitlement, there is likely to be an increase in the cost to the Council from the cost specified in the original estimate. As an increase in cost may adversely impact the coherency of the original business case, the Council reserves the right to reconsider flexible retirement applications where there is a difference between the original estimate and the final settlement cost to the Council.
- 3:8 In circumstances as in 3:7, or where the flexible retirement involves a service restructure, or when there is a delay in obtaining estimates or costs from KCC Pensions Section, for whatever reason, the Council reserves the right to amend the effective date of retirement.
- 3:9 Once a decision has finally been reached, the Chief Officer will advise the employee in writing on the outcome of their request for flexible retirement.
- 3:10 There is no trial period for flexible retirement because once it has been agreed; the decision cannot be reversed due to the direct impact upon the pension benefits.

- 3:11 Employees may raise any complaint they may have about the operation of this policy through the Council's Grievance Procedure.
- 3:12 Use of Tonbridge & Malling's Flexible Retirement Policy will be subject to equalities monitoring. Any data gathered for this purpose will not identify individual employees and will be anonymous.

4 Implications of Flexible Retirement to the employee

- 4:1 The annual pension and lump sum retirement grant are paid with effect from the date of flexible retirement. Additional Voluntary Contributions (AVCs) may be drawn if the employee so chooses.
- 4:2 Employees taking flexible retirement may contribute to the LGPS in the new or part time job in the form of an additional pension that will be drawn when they finally retire. This "new" pension will be a separate pension accrual.
- 4:3 If the employee reduces hours in the same job, or if there is no break in service and they start a new job, they will retain the recognition of continuous service for purposes of annual leave and sick pay, and for employment rights such as protection against unfair dismissal. The annual leave allowance will be based on the entitlement of the post in which the flexible retiree is working, and will be reduced pro rata for the number of hours worked.
- 4:4 Employees granted flexible retirement on the basis of reduced hours, and who have an entitlement to a leased car under the Council's scheme, will have their "Limit of Three Year Cost" in the scheme reduced pro rata to their reduction in hours. This reduction will take place on the same date as the reduction in hours takes effect.

Similarly a pro rata reduction in allowance will apply to flexibly retiring employees who have opted into the Leased Car Cash Alternative Scheme, and who are eligible for a telephone allowance. (Agreed by MT 15/1/2008).

- 4:5 In cases where the individual starts a new job, the entitlement to various allowances will be that pertaining to the new job. The changes in entitlement will take place on the same date that the reduction in hours or new job takes effect.
- 4:6 The amended terms and conditions will be specified in a variation to contract document to be signed by the employee and retained on their personnel file.

Personnel Services

April 2014

Amended October 2016, June 2017, July 2019

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Annex 5

FLEXIBLE WORKING & TIME OFF POLICY

1. INTRODUCTION

- 1.1. Within the limitations necessarily imposed by the provision of services to the public, the Council acknowledges the importance of balancing working time requirements with the differing needs and/or priorities that individual staff have outside work in order that it can retain a motivated and demographically diverse workforce.
- 1.2. This document gives a summary of the types of flexible working and time off issues that are available for staff and managers to consider. It should be recognised that, due to the rigid nature of some jobs, it will not be possible for all staff to have as much flexibility as they might wish. It will be for Chief Officers to determine what methods of flexible working are applicable to each section/job. However, it will be for management to demonstrate why a particular method cannot be facilitated.
- 1.3. When considering requests for changes to working patterns, leave (such as annual leave and flexi-time leave), time off in lieu etc, managers will be mindful of their responsibility to ensure levels of staffing/office cover that are necessary to enable the Council to undertake its commitments to the public and to discharge its responsibilities for the health and well being of those providing office/service cover.
- 1.4. The Council will adhere to legislation concerning flexible working and will not discriminate unlawfully when making decisions about whether to allow someone to work flexibly.

2. FLEXITIME

- 2.1 In sections where it is possible to run a flexitime working hours scheme staff will have the opportunity to vary times of arrival at and departure from work and the length of their lunch break subject to there being a period of core hours and that offices are staffed sufficiently to respond to customers during the period from 0830 to 1700 hours.
- 2.2 Staff participating in the scheme will be required to record their working time on the forms which will be provided for each section participating in the scheme.
- 2.3 It has to be understood that within the scheme there will be varying degrees of flexibility depending on the nature of the work. In some sections a very large degree of flexibility outside of the core hours will

be practicable, in others e.g. customer services, caretaking, operational staff at the leisure centres, it will be essential to pre-determine with staff the pattern of hours they will work so that services can be maintained. In these sections staff will need to agree with their managers any departures from normal patterns of work to minimise service disruptions.

2.4 Core and Variable Time

2.4.1 Core working hours are 1000 to 1200 hours and 1400 to 1600 hours, Monday to Friday unless alternative core times are agreed between managers and staff. This may be the case where sections have peak workloads at times outside the standard core hours. Where necessary, core times will also be different for part time staff. Time worked outside of core hours and between 0730 and 1830 hours therefore represents the variable working time.

2.4.2 However, the variable working time may be in a narrower band for staff who depend on certain computer systems for their work if those systems are not available throughout the standard variable time. This issue will need to be resolved at a section level. Time worked between 1830 and 0730, or between the limits of such narrower bands of variable time that are determined for certain sections, is not recordable for the purpose of flexitime but may be claimed as overtime or time off in lieu by staff who qualify for these. A minimum of 30 minutes must be taken for lunch between 12.00 and 14.00.

2.5 Recording and Accruing Working Time

2.5.1 A four week settlement period will apply, whereby at the end of each settlement period a maximum credit or debit of 10 hours can be carried over into the next settlement period. Unless authorised by the Chief Officer due to exceptional circumstances, any hours in excess of 10 hours will not be carried forward. Deficits in excess of 10 hours should be taken from the employee's annual leave entitlement.

2.5.2. If sufficient credit time has been accrued, flexi-leave may be taken in full or half days other than for medical and dental appointments, when the amount of time needed can be taken. A maximum of 1 day's flexi-leave can be taken in any settlement period. All flexi-leave must be agreed with the employee's manager in advance.

2.5.3 Hours not worked because of training, external meetings, sickness or approved leave will be 'credited'. Other hours not worked, e.g. dealing with domestic emergencies, traffic delays or planned medical or dental appointments will not be counted as working hours. Planned dental, hospital or doctors' appointments should be arranged in an employee's own time where possible. In the event that such appointments must take place during work time then flexi-leave, time in lieu, lunch breaks or annual leave must be used to cover the absence. The exceptions to this will be in the case of a pregnant employee who has medically necessary ante natal appointments for

which she has the right to paid time off (where such appointments will be accounted for as working hours), and employees with disability who are required to access regular medical treatment. In the case of the latter, it will be for management and the individual to agree how such time off will be accounted for and whether the flexi-time scheme is the appropriate method of accounting for this time.

The phrase 'Planned dental, hospital or doctors' appointments' assumes that the individual is fit to return to work after the appointment. In the event that they are medically not fit to do so, the individual should self-certify as sick.

2.5.4 Bank/Public Holidays and annual leave should be recorded as 7 hours 24 minutes (7.4 hours) for a day and 3 hours 42 (3.7 hours) minutes for half a day.

2.5.5 For further detailed guidance on the recording requirements of the flexi-time scheme please refer to the Flexible Working & Time Off Accounting Sheet Instructions on the Personnel Reference Manual.

2.6 Review

2.6.1 The Council reserves the right to withdraw or suspend the scheme generally, or in specific sections should circumstances make this necessary, following a minimum of four weeks notice to staff. Staff may withdraw from the scheme by written notice to their manager at the end of any accounting period (ensuring that they have no debit to carry forward).

2.6.2 Failure on the part of an individual member of staff to abide by the terms of the flexitime scheme will result in its withdrawal and abuse of the scheme will be treated as a disciplinary matter.

2.6.3 Any dispute concerning the operation of the scheme, which cannot be settled by the Service, will be dealt with through the grievance procedure.

3. TIME OFF IN LIEU

3.1 Where flexitime is not in operation or the time worked is not within the flexi-time band of core and variable hours, non-M grade staff may request to claim time off in lieu rather than being paid for additional hours or overtime.

3.2 Non-M grade staff requiring a specific period of time off work can request that they be allowed to work such hours back at a later time. Such requests must have the agreement of the line manager and hours 'worked back' must complement service needs.

- 3.3 M grade staff are contracted to work the time that is necessary for the proper and efficient despatch of their duties and responsibilities. They do not have a contractual right to overtime payments or time off in lieu. However, managers of M grade staff should monitor their working time, particularly where this involves significant evening or weekend commitments, and may sanction arrangements for compensatory time off where justified by evening or weekend workload levels.

4. REQUESTS TO WORK PART-TIME, JOB SHARE OR CHANGE DISTRIBUTION OF HOURS

- 4.1 All employees have a right to request a change from full to part-time hours or to vary the distribution of their present hours. Such requests will be fully considered, by the relevant managers (supported by a representative from Personnel Services), following the procedure set out in the Annex to this policy. Whilst it may not always be possible to find an arrangement that satisfies both the individual and the service need, every attempt will be made to find a complimentary solution.
- 4.2 There are a number of factors that may influence the response to such requests, including rights conferred by the Equality Act 2010. In instances where an employee has requested an adjustment on the grounds of a disability, managers will be mindful of the duty to make reasonable adjustments to a working pattern if this removes a barrier to the employee being able to do the job. Managers will also consider requests for adjustments in working patterns to accommodate caring responsibilities, requirements pertaining to religion or belief and issues relating to gender reassignment within the framework provided by the Equality Act 2010. In accordance with the Parental Leave (EU Directive) Regulations 2013, agency workers returning from a period of parental leave have the right to request flexible working.
- 4.3 Job sharing provides a convenient solution to requests to work part-time where full time hours are required. However, the arrangement of a job share for an existing member of staff can be limited by the ability to fill the 'other half'. Again, every attempt will be made to find a solution but, in the event that none can be found, the request may be refused.
- 4.4 An assumption will be made that an advertised post will be open to job sharing unless the Chief Officer has demonstrated that it cannot be.

5. TERM-TIME WORKING

- 5.1 Term-time working allows for absences during school holiday periods, allowing parents to be at home to care for children. In small teams it can be hard to accommodate one person's absence for such periods without burdening others and in a relatively small organisation like Tonbridge & Malling it is likely to be particularly difficult to accommodate this type of flexible working. Therefore, any employees wishing to move to term time working should make proposals to their manager that explain how their request could be met and any detrimental effects reasonably overcome.
- 5.2 Any agreement to allow term-time working will be reviewed annually and withdrawn where it has adversely affected the effective running of a service or the motivation or welfare of other staff.
- 5.3 Those for whom term time working has been agreed will be required to work according to the dates of the academic year of the relevant Education Authority or private school (approximately 38 weeks) for an agreed number of hours per week. The first day of the autumn term will be considered to be the beginning of the new academic year. Should the year's term dates exceed or fall short of the equivalent of 38 weeks, any outstanding balance of hours will be paid or deducted at the year end. To this end term time workers will be required to maintain a timesheet, which should be submitted on the first day of each month to their line manager. In the event that the contract is brought to an end, by either the individual or the Council, before the beginning of a new academic year and the individual has been paid for more or less hours than they have worked on a pro rata basis, the balance will be paid to them or deducted from their final salary payment.
- 5.4 Entitlement to leave will be on a pro rata basis, according to the number of whole calendar months worked. Any overtaken leave at the time of termination will be deducted from the final salary payment.

6. MATERNITY LEAVE

- 6:1 Pregnant employees have the right to paid time off for ante-natal care.
- 6:2 Employees with more than 26 weeks continuous TMBC service, and who meet the necessary qualifying criteria, have a basic right to Statutory Maternity Leave of 39 weeks paid leave and a further 13 weeks unpaid leave.
- 6:3 For employees with more than 1 years continuous local government service, there is an occupational entitlement to enhanced rates of maternity pay (six weeks at 9/10ths pay, twelve weeks at half pay plus Statutory Maternity Pay, and then 21 weeks at the statutory rate).
- 6:4 In order to retain the half pay element mentioned above, an employee must return to work following the end of their maternity leave for a minimum of three months.

6:5 Employees on maternity leave can work for up to 10 Keeping in Touch days during their maternity leave.

7. PATERNITY LEAVE

7:1 For employees with at least 26 weeks continuous service with TMBC, and who satisfy the conditions relating to Statutory Paternity Leave, there is a statutory entitlement to two weeks paternity leave with Statutory Paternity Pay. For employees with more than 1 years continuous service with TMBC, there is an occupational entitlement for one of these weeks to be paid at the normal weekly rate.

7:2 Paternity Leave can be taken by the biological father, the mother's husband, partner or civil partner, or the adopter's spouse, partner or civil partner. They must have or expect to have responsibility for the child's upbringing.

7:3 Statutory Paternity Pay

7:3:1 In order to be assessed for Statutory Paternity Pay, form SC3 (for paternity leave), form SC4 (for paternity leave adoption) or form SC5 (for paternity leave adoption from abroad) should be completed by the employee and forwarded to the payroll office by the 15th week before the baby is due or within 7 days of the adopter being notified of being matched with a child.

7:3:2 The employee can change their mind about the intended start date but should give the employer 28 days notice of the dates.

7:3:3 If it is not possible to give the necessary notice, the issue should be discussed with the Line Manager who should liaise with Personnel and Payroll.

7:3:4 Statutory Paternity Pay can be paid for one or two weeks (but not two separate weeks).

7:3:5 Paternity leave cannot start before the child is born and must finish within 56 days of the actual birth or expected week of childbirth.

7:4 Additional Paternity Leave

7:4:1 In addition to the provisions outlined above, employees will be entitled to take additional paternity leave (APL) of between 2 to 26 weeks in the first year of their child's life, or the first year after the child's placement for adoption. In order to be assessed whether there is an entitlement for payment for any of this leave the employee needs to complete form SC7 (for parents), SC8 (for adoptive parents, or SC9 (for adoptions from abroad).

7:4:2 Employees can start their additional paternity leave any time from 20 weeks after the child is born, provided that the mother or adopter has returned

to work. Any APL which falls within the mother or co-adopters statutory maternity or adoption leave pay will qualify for the remainder of the mother's or co-adopter's statutory maternity or adoption leave pay. This will be paid to the father as additional statutory paternity pay. Contractual benefits, apart from remuneration, will continue during APL and fathers will be able to take Keeping in Touch Days.

8. PARENTAL LEAVE

8:1 If you have at least one year's continuous service with your employer and are responsible for a child aged under 5, or under 18 if your child is entitled to Disability Living Allowance, you are entitled to:

- 18 weeks (unpaid) leave per child to look after your child
- 18 weeks (unpaid) leave per child to look after your disabled child

8:2 To qualify for parental leave, you must be a parent (named on the birth certificate), adoptive parent, or have acquired legal parental responsibility for the child.

8:3 The leave must be taken by the child's fifth birthday, or for a child who is entitled to Disability Living Allowance, by their 18th birthday. For parents who have adopted a child, the leave must be taken during the five years from the date of placement or before the child's 18th birthday, whichever is the sooner.

8:4 Leave can be taken in blocks of a week and up to four weeks in a year, or blocks of a day if the leave is to care for a disabled child (again, up to a maximum of four weeks a year).

8:5 You must give at least 21 days' notice to your employer in order to take parental leave.

8:6 Parental leave can be postponed by TMBC if taking leave at the time requested would cause particular disruption to the organisation, e.g. during a seasonal peak in work or if multiple requests for parental leave are made at the same time.

8:7 If leave is postponed, TMBC must inform the employee within seven days of the request for leave being made, and the leave must be granted within six months. Parental leave cannot be postponed if it has been requested for the time immediately after the birth of a child or the start of an adoption placement.

9. SHARED PARENTAL LEAVE

9.1 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 Shared Parental Pay. The full policy is at Annex 2.

10. ADOPTION LEAVE

10:1 Employees will be allowed up to five days paid leave for the purpose of visiting a child and making the necessary arrangements with the Adoption Agency or Social Services Department. This leave applies to both prospective parents.

10:2 Employees with more than 26 weeks continuous service, and who meet the necessary qualifying criteria, have a basic right to Statutory Adoption Leave which mirrors the Statutory Maternity Leave and Statutory Paternity Leave provision.

10:3 For employees with more than 1 year's continuous service with TMBC, there is an occupational entitlement to enhanced rates of adoption pay.

11. PARENTAL BEREAVEMENT LEAVE

11:1 The Council wishes to show compassion in circumstances where staff, who are parents, experience the death of a child under the age of 18 or a still birth after 24 weeks of pregnancy. The provisions below are designed to set out a minimum standard of leave and pay in these circumstances.

11:2 A bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that the Council deems to be reasonable. For example, this may include grandparents who have had caring responsibilities for a child in the absence of parents, or instances where someone other than the biological parent is the primary carer (this could be the case where the parents of the child have separated).

11:3 All bereaved parents will be eligible for a minimum of two weeks of parental bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay.

11:4 Bereaved parents with more than 26 weeks continuous local government service will be entitled to two weeks' occupational parental bereavement pay which will include any entitlement to statutory parental bereavement pay. Pay is calculated on the basis of what the individual would have received had he/she been at work. This would normally be based on the previous three months at work.

11:5 Where both parents of a deceased child work for the Council, the entitlements in this policy will apply to both members of staff.

11:6 Parents who experience a still birth from the 24th week of pregnancy will be eligible for these provisions. Bereavement leave and pay may be extended to members of staff, by agreement of the Chief Officer, in

circumstances where they were hoping to become parents under surrogacy arrangements.

11:7 Bereavement leave may be taken in a continuous 2 week block, or as 2 separate weeks. The employee should confirm in writing to their line manager the leave they wish to take. Taking parental bereavement leave is an individual choice, it is not compulsory for the employee to take such leave.

11:8 Bereaved parents may request to take parental bereavement leave at any point up to 56 weeks following the death of the child. Should the parent wish to take parental bereavement leave immediately following the death of a child they shall be able to do so upon informing their line manager in writing that they will be absent from work for this purpose. Should the parent wish to take bereavement leave at another time, after the initial period following the death, they should give their line manager reasonable notice in writing of their intention to take the leave at this time.

11:9 Bereaved parents will at no point be required to produce the child's Death Certificate, or any other official documents, in order to access parental bereavement leave or pay.

12. COMPASSIONATE LEAVE

12:1 Compassionate Leave is at the discretion of Chief Officers to whom requests for such time off should be directed. In most instances between 1 and 5 days paid leave will be granted but this will entirely depend on the circumstances and the reasons leading to the request.

13. SPECIAL LEAVE

13:1 Special Leave is normally unpaid and meant to be used whenever it is not appropriate or possible to use annual or compassionate leave. Again, it is at the discretion of Chief Officers.

13:2 Where the request is only for one or two day's leave, Chief Officers may consider allowing the individual to work the hours back at some time in the future rather than to reduce their pay.

14. TIME OFF FOR RELIGIOUS HOLIDAYS

14:1 Leave for religious holidays/festivals not celebrated by a public holiday will not be unreasonably refused and should be taken out of the annual leave entitlement.

15. JURY SERVICE

15:1 If you are called for Jury Service, inform your Chief Officer of the dates you have been asked to attend. The Courts will send you a Loss of Earnings Certificate which you should take to Payroll.

16. TIME OFF FOR PUBLIC DUTIES

16:1 Reasonable paid time off during working hours of up to 18 paid days per year may be authorised by your Chief Officer for the performance of the following public duties:

- Justice of the Peace
- A member of a local authority
- A member of a statutory tribunal
- A member of an NHS Trust board or Health Authority or Primary Care Group
- A governor of an educational establishment
- A member of a board of visitors for prisons, remand centres and young offenders institutions
- A member of a housing association board
- A member of the Territorial Army

16:2 Although this is discretionary, Chief Officers are encouraged to allow time off for such duties wherever reasonably practical, and likewise employees are expected to ensure the time off does not have a detrimental effect on the performance of their job wherever this can be avoided.

16:3 Performance of any such duty should be declared in accordance with the Code of Conduct.

16:4 Paid time off of up to three days per year may also be authorised for the performance of voluntary duties with recognised groups undertaking work of benefit to the residents of the borough.

17. TIME OFF FOR STUDY & TRAINING

17:1 To make a request for time to train an individual must:

- be an employee
- have worked for the Council continuously for at least 26 weeks on the date they make their request.

17:2 As there is no time limit for the length of time that the study or training may take, potentially the entire range of developmental activity currently supported by the Council could fall within the remit of these regulations – IF THE INDIVIDUAL REQUESTING THE TRAINING CHOOSES TO INITIATE THE FORMAL PROCESSES SET OUT IN The Employee Study & Training (Procedural Requirements) Regulations 2010.

17:3 Employees will have the right to request that the Council allow them time to undertake training. They do not have the right to be paid for the time spent training.

17:4 In order for a request for time to train to be a valid request, covered by the legislation, it must be submitted in writing.

17:5 The timescales for considering time to train requests mirror those set out in the requesting flexible working procedure set out in the Annex to this policy.

17:6 The employee's request for time to train can only be refused for one of the "business reasons" set out in the Annex (below) to this policy.

17:7 For detailed guidance on the provision for supporting staff engaged in study and training activity, please refer to the Training Expenses & Facilities Scheme on the Personnel Reference Manual.

Personnel Services

June 2004

Amended May 2006, August 2006, January 2007, March 2007, August 2007, June 2011, August 2012, February 2013, March 2014, July 2015, January 2017, October 2018, July 2019

Annex 1

REQUESTING FLEXIBLE WORKING PROCEDURE

This procedure should be followed whenever an employee makes a request to work part time, job share or change the distribution of their hours, or for time off for study or training.

An employee can make only one request every 12 months. The employee and their line manager, supported by a representative from Personnel Services, should follow the procedure set out below. Time limits can be extended only where this has been agreed in writing.

The employee initiates the procedure by making a formal written request. The request should include details of the requested change in working pattern and the date on which it is proposed the change should take effect. The employee should also explain what effect, if any, he or she thinks making the change would have on the service they provide or role they undertake, and how, in his or her opinion, any such effect might be dealt with. A copy of this formal request should be sent to the relevant line manager and Personnel Services.

The line manager, having consulted a representative from Personnel Services, may agree to the employee's request to vary their working patterns, or for time off for study or training. If so, they must write to the employee within 28 days of receipt of the employee's request. The letter must set out the agreed changes to the employee's working patterns and the date these are to commence.

In the absence of an immediate agreement to the employee's request, the line manager must arrange a meeting within 28 days to consider the employee's request. An employee has the right to be accompanied by a work colleague or trade union official working for the Council at the meeting. The manager will be supported by a representative from Personnel Services.

The manager must consider the employee's request seriously and, in the case of a change to the pattern of working hours, can only refuse the request for one of the following prescribed business reasons:

- the burden of additional costs;
- detrimental effect on the ability to meet customer demand;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficient work during the periods the employee wished to work;
- planned structural changes.

There are the following two additional reasons for refusing a request for time off for study or training;

- the proposed study or training would not improve the employee's effectiveness;
- the proposed study or training would not improve the performance of the Council.

The manager must notify the employee in writing of their decision within 14 days of the meeting.

The employee must be given the opportunity to appeal the decision. The employee must outline in writing the reasons why he or she thinks the decision is wrong within 14 days of the decision. The appeal letter should be submitted to the employee's Chief Officer, or the Chief Executive or his/her nominated deputy (as appropriate).

The Chief Officer, Chief Executive or nominated deputy will then organise an appeal meeting to consider the employee's appeal. An employee has the right to be accompanied by a work colleague or trade union official working for the same employer at the appeal meeting. The manager hearing the meeting will be supported by a representative from Personnel Services.

The manager hearing the appeal meeting must notify the employee of their final decision within 14 days of the appeal meeting. If they agree to vary the employee's working pattern, it should be set out in writing what the agreed change is and when it is to start. If they do not agree to any change, they should provide the employee with their reasons.

Any changes put in place will be permanent unless the employee and employer agree otherwise. For example, the changes could be put in place for a three month trial period.

Annex 2

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
Amended July 2019

Annex 6

GUIDANCE REGARDING THE AUTOMATIC TERMINATION OF CASUAL WORKING ARRANGEMENTS

Casual (as and when required) workers will be employed and be subject to the same reference, medical, Right to Work and DBS checks as all other staff (See Recruitment & Selection policy).

Personnel will monitor, on a monthly basis, those casual workers who do not submit timesheets. Where a casual worker has not submitted a timesheet for 3 months, Personnel Services will write to the individual to inform them that their casual working arrangement will cease in the event that a timesheet is not submitted at the end of the following month.

In the event that a timesheet is not received by the end of the fourth month, Personnel will request the Service Manager to complete a Termination Form for the individual concerned.

PERSONNEL SERVICES

July 2019

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Agenda Item 6

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 7

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 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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