



Personnel Sub-Committee 11 June 2013

Family and Work Life Balance Policy

Purpose of report

This report provides an overview of the review of the family and work life balance policy.

Attachments

Appendix A – Family and Work Life Balance Policy

Appendix B – Equality Impact Assessment

1.0 Background

1.1 In 2012 an audit of the HR policies was undertaken. The following issues were identified:

- There were a lot (over 50)
- Some were out of date and in old formats
- There was a considerable amount of repetition
- It wasn't always that easy for staff to know which policy to refer to
- Some aspects of "policy" were on EUNICE but not actually in a policy format, so were difficult to find and easy to miss
- Some policies had too much process and procedure within them

2.0 The plan

2.1 Having listened to comments from CMT, Members, staff, managers and UNISON, it was agreed by CMT that all of the policies would be reviewed and re-issued between 1 April 2013 and 31 March 2014.

2.2 The following outcomes were identified by HR:

- The number of policies would be reduced
- All of the content would be checked and updated
- All of the policies would be put in the new format
- All aspects of policy would be included in the correct policy format
- Repetition would be reduced to the bare minimum
- Policies would be simplified and shortened as much as possible (without endangering their purpose)
- Procedure and process would be taken out of the policies (as much as possible), and where necessary would become separate guidance documents that can be updated and improved more easily

2.3 In an attempt to make it easier to find the relevant aspect of policy, and in order to reduce repetition, it was agreed by HR and CMT to create 4 new policies:

1. **Family and work life balance**
2. **Staff management (including grievances, whistleblowing, capability and disciplinary)**
3. **Recruitment and training**
4. **Pay and benefits**

3.0 Family and work life balance policy

3.1 The new family and work life balance policy is attached at Appendix A. It is the first hybrid policy to be drafted. It is a collation of 5 previous policies:

- Maternity and paternity leave policy and procedure
- Flexi time scheme
- Home working policy
- Special leave policy
- Flexible working policy.

3.2 Much of the policy content is based on statutory requirements such as:

- Maternity
- Paternity
- Adoption leave
- Parental leave
- Emergency leave

3.3 This policy has been out for consultation with staff (via Xchange) and UNISON, and has been agreed by CMT.

5.0 Financial implications

5.1 The majority of the financial implications of this policy (e.g. maternity pay and adoption pay) are statutory obligations. All of the financial implications can be met within current staffing budgets, as none create entitlements above and beyond current salaries. Some create opportunities for savings by allowing staff to take unpaid parental leave or reducing their hours.

6.0 Legal implications

6.1 The implementation of this policy will ensure that ENC are meeting their legal requirements.

7.0 Risk implications

7.1 The review of this policy should reduce risks of legal challenge.

8.0 Equality implications

8.1 An equality impact assessment was conducted as part of the review (see Appendix B).

9.0 Recommendations

9.1 The Sub-Committee is recommended to approve this policy.

Legal	Power: Local Government Act 1972				
	Other considerations:				
Background Papers: None					
Person Originating Report: Aime Armstrong – HR Manager					
Date: 10 May 2013					
CFO		MO		CX	



East
Northamptonshire
Council

Family and work life balance policy



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Change History

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1.0	July 2013	Final version

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners /Organisation(s)
CMT	
Xchange	
Middle Managers	
UNISON	
HR team	

Additional Comments to note

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1.0 Introduction

- 1.1 The Council recognises the importance of a healthy work life balance. The aim of this policy is to provide a framework to ensure that staff can balance their working lives with their home life whilst still ensuring that high quality service can be delivered to our customers.
- 1.2 The scope of this policy goes beyond the minimum required by employment law, this is to enable effective recruitment and retention of high quality staff.

2.0 Scope

- 2.1 This policy relates to all staff.
- 2.2 Throughout this policy reference is made to Heads of Service approving matters for employees. Where the employee is themselves a Head of Service or Director approval must be given by the employee's line manager. Approval must be sought from the elected leader of the Council for matters relating to the Chief Executive's employment.

3.0 Policy outcomes

- 3.1 The outcomes to be delivered by this policy are:

Family and work life balance policy outcomes		Links to corporate outcomes	
<ul style="list-style-type: none">• Comply with Employment Law• Provide guidance to staff and managers• Enable staff to have a healthy work life balance		<ul style="list-style-type: none">• Good quality of life: sustainable• Good quality of life: healthy• Council services which provide good value for money• High quality service delivery• Effective management• Councillors and staff with the right knowledge, skills and behaviours	

4.0 Flexitime Scheme

4.1 Introduction

4.2 This policy and procedure sets out the approach East Northamptonshire Council will take to ensure a fair and consistent practice of applying flexitime. The overall aim of the scheme is to:

- Allow employees to vary their working hours subject to service requirements.
- Ensure that customer and Council needs are met at all times.

4.3 The system operates on a four weekly calculation period, and allows employees to carry over a specified number of debit or credit hours from one period to the next.

4.4 The Council recognises that whilst there are measures in place to audit hours worked and recorded, the scheme operates on the principle of trust and as such, expects all employees to use the scheme in this spirit.

4.5 The Flexitime scheme applies to all employees of the Council with the following limitations:

- The flexitime system is subject to customer requirements and needs and may not be applicable to all posts. However exceptions should be limited as the scheme should be applied as widely as possible.
- Casual staff are excluded from flexitime arrangements.
- Out of hours attendance under the call-out scheme is outside the scope of flexitime arrangements.

4.6 Scheme Operation

4.7 Line Managers are responsible for ensuring staffing levels are in line with service area requirements throughout the working day, including lunch times.

4.8 Detailed below are the main rules of the scheme.

Normal Office Hours – 8.45am to 5.00pm.
37 hours (full time contracted hours) – Monday to Friday.
Can work between 7.30am and 6.30pm (with line manager agreement).
Core Hours 10am until Midday and 2 pm until 4pm
If you work 6 hours or more you must take a rest break of at least 30 minutes.

4.9 Employees who work on a part time basis should agree their normal office hours with their line manager.

4.10 The flexitime scheme should not be used to make permanent changes to an employees working pattern. Examples of permanent changes include:

- 9 day fortnight
- 07:30am to 3:30pm
- 10:00am to 6:30pm

- 4.11 If an employee wants to make a request for a permanent change to their working pattern they should make a flexible working request (see section 5 of this policy).
- 4.12 **Flexitime Recording Procedure**
- 4.13 Calculation of flexi leave takes place on a four-weekly basis. Employees must keep an up to date record of their working hours during each four-weekly period using the corporate flexitime form, a copy of which is available on Eunice.
- 4.14 The record must be completed by the employee on a daily basis.
- 4.15 The manager will review the flexitime record to ensure that the hours worked are in accordance with the standard flexitime arrangements. In particular their manager will be checking that any credit or debit time is within permitted limits.
- 4.16 Where an employee is on long term sick leave or on maternity leave, it will be the responsibility of the line manager to update their timesheet to ensure that absence data is current and accurate.
- 4.17 **Core Hours**
- 4.18 Core times are the hours that employees are expected to be in attendance at work (unless the employee has an agreed absence).
- 4.19 The purpose of these core hours is to facilitate arranging meetings and group events.
- 4.20 The Council has agreed 'core' hours of 10:00 to 12:00 and 14:00 to 16:00 Monday to Friday.
- 4.21 Managers must ensure that there is sufficient cover, in every team, to answer incoming telephone calls and deal with customer enquiries between 08:45 and 17:00, the normal office hours.
- 4.22 **TOIL (time off in lieu)**
- 4.23 Employees whose duties require them to attend out of hours meetings or work outside of 7.30 am to 6.30 pm will be given time off in lieu. TOIL is calculated automatically on timesheets.
- 4.24 Lieu days must be booked through normal departmental leave procedures and will be subject to operational requirements.
- 4.25 **Medical Appointments**
- 4.26 General medical appointments (e.g. doctor or dentist) should be arranged whenever possible to be taken outside of core hours. Appointments in core time should be approved by the line manager and will normally count as a debit.
- 4.27 In emergency situations managers have the discretion to allow appointment time to be credited.

- 4.28 Ante natal, hospital and cancer screening appointments should be recorded as special medical appointments and time will be credited.
- 4.29 **Credits and Debits**
- 4.30 Employees can carry over between a debit of one whole day i.e. 7 hours and 24 minutes and a credit of 1.5 days i.e. 11 hours and 6 minutes at the end of the four-week period. This policy applies on a pro rata basis for part-time employees.
- 4.31 Any more than the agreed credit (11:06) at the end of the four-week period will be lost, unless prior consent has been given by the Head of Service. This consent should only be given in exceptional circumstances subject to service requirements
- 4.32 Debits, up to the agreed limit, will be carried over to the next flexi period and the credit should be made up during the next flexi period. If an employee remains in debit in excess of the agreed limit, hours will be deducted from TOIL (Time Off in Lieu) or the employees annual leave allowance.
- 4.33 Only in exceptional circumstances, and by prior agreement of the Head of Service, may the debit limit be exceeded. In these circumstances agreement must be reached in order to correct the deficit within a short and specified timeframe. This will be achieved through a combination of additional hours, TOIL or annual leave.
- 4.34 The flexitime scheme is not designed to increase an employees leave entitlement and additional work should only be undertaken subject to service and council requirements.
- 4.35 Under no circumstances can accrued flexitime be converted into a cash payment.
- 4.36 **Flexitime Leave Request Procedure**
- 4.37 Flexitime leave may be requested up to a maximum of 1.5 days (11:06 hours) in a four week period and must have the prior agreement of the line manager. This will apply on a pro rata basis for part time employees.
- 4.38 Approval to take flexitime leave must be obtained from the line manager in advance. Requests for flexitime leave will not be unreasonably refused. However managers will need to ensure sufficient cover to meet customer needs and any peaks in service demand.
- 4.39 In the case of conflicting requests for time off; annual leave, special leave and TOIL requests will be a higher priority than flexitime leave requests.
- 4.40 If the manager is unable to agree to the flexitime leave requested a suitable alternative date can be agreed.
- 4.41 Line managers must consider both the needs of the business and employees workload prior to agreeing a flexitime leave request.

4.42 **Termination of Employment**

4.43 Upon termination of employment, an employee should ensure a zero debit or credit balance during their notice period. If this is not feasible, for whatever reason, any debit hours will be deducted from the final salary payment. Payment will not be made for any credit balance therefore any credit should be taken, with prior agreement of the line manager.

4.44 **Abuse of the Flexitime Scheme**

4.45 Trust is a key principle in the flexitime system and where any employee wilfully abuses the system, disciplinary action will be taken, this may include dismissal.

4.46 Examples of misuse include:

- Falsifying time recording of working hours.
- Extending break periods beyond two hours.
- Recording hours on behalf of other employees (except by managers during sick leave or maternity leave).
- Building up hours not required by workload.
- Failure to follow the rules of the scheme as outlined in this policy.

This list is not exhaustive.

4.47 **Dissatisfaction with a Flexitime Decision**

4.48 Any employee who is dissatisfied with a decision made in relation to this policy and procedure should raise the matter with their line manager in the first instance or follow the Grievance Policy and Procedure.

5.0 Flexible working

5.1 Introduction

5.2 Any member of staff may request to work flexibly.

5.3 If the employee's request is approved, it will be a permanent change to terms and conditions.

5.4 A trial period of no longer than 3 months may be helpful for both parties, before a final decision is made and the change becomes permanent.

5.5 Request

5.6 Only one request may be made in any 12-month period.

5.7 An employee can request a change to:-

- The number of contracted hours they work.
- When they work their contracted hours.
- Where they work.

5.8 An employee should put their request for flexible working in writing to their line manager and Head of Service with a copy to HR.

5.9 Their letter must request a change to terms and conditions of employment. The employee must specify the change applied for and the date on which it is proposed the change should come into effect.

5.10 The employee must explain what effect the proposed change will have on their service area. This means how the proposed change will impact on their section and service delivery and how this might be dealt with.

5.11 Process

5.12 The employee's manager must give full consideration to the flexible working request, balancing the needs of the employee with the needs of the service area and nature of the work. Managers have the right to refuse applications on the following grounds:

- Additional costs will impose a burden.
- There will be a detrimental effect on ability to meet the customer demand or a detrimental impact on quality of performance.
- The work cannot be re-organised among existing staff or the post cannot be recruited to.
- There is insufficient work during the periods that the employee proposes to work.
- There are planned organisational structure changes.

5.13 A meeting to discuss the employee's request must take place between the employee and their manager within 28 days of the application being made. The manager must provide

a written response to the employee within 14 days of the meeting taking place. These timescales are in line with legal requirements.

- 5.14 If the request is approved, it will be a permanent change to the employee's terms and conditions. The Council will confirm in writing to the employee the change in working arrangements (contract variation) and the date from which the change will take place.
- 5.15 If the request is refused the letter will tell the employee why their application has been refused. The employee may make further requests but must wait 12 months from the date on which the last application was made before submitting a further request.
- 5.16 **Appeal**
- 5.17 If the request to work flexibly is refused and the employee is dissatisfied with the Council's decision, the employee may appeal against the decision. The appeal process set out in the staff management policy will be used.
- 5.18 **Right to be accompanied**
- 5.19 The employee has the right to be accompanied during all meetings mentioned above. A single companion, either a trade union representative, trade union official or a fellow worker, may accompany the employee.

6.0 Home Working

6.1 Introduction

6.2 Home working is where the employee uses their home as a base of work instead of coming into the office/their usual workplace.

6.3 This policy presents practical advice to managers when considering introducing an element of home working in their team. It sets out the key considerations to take into account and answers some of the most common questions for managers and employees.

6.4 Scope

6.5 Applies to all employees except those that work from home on a permanent basis where separate arrangements will apply.

6.6 Homeworking options

6.7 There are two ways that home working may operate; occasional home working and regular home working.

6.8 Taking work home occasionally, on an ad hoc basis, to concentrate on a particular project or task may be suitable in the following circumstances:

- Where a specific task needs dedicated and focussed input and/or could be dealt with more efficiently at home because of a lack of interruptions.
- Where it is difficult for staff to get in to work e.g. adverse weather, a short but unavoidable commitment at home, or field work is being undertaken out of the office and near to home.

6.9 Working from home for a percentage of the time on a regular basis may be suitable in the following circumstances:

- Where office space is limited. This may be as a result to a temporary office move or incident that makes the normal office unavailable (i.e. where the business continuity plan has been brought into effect).
- To facilitate a more flexible work pattern, perhaps to achieve a better work life balance.
- The job involves frequent/regular outside visits which are closer to home than the office.

6.10 What makes home working successful?

6.11 Many jobs may be considered for home working. Jobs that involve project work or identifiable output, or those which provide services within the community, may in particular lend themselves to homeworking.

6.12 The following tasks particularly lend themselves to home working:

- Writing policies and reports
- Research and statistical analysis

- Preparing presentations and training
- Self directed learning such as reading or online training

6.13 The practicality of home working for the individual needs to be considered.

6.14 Home working does not suit everyone. Office dynamics and informal information flows may have a significant impact on the employee's performance. Some employees may develop better in a traditional office environment, and those without very much experience in their role are likely to need closer supervision which would not be possible if they were working from home.

6.15 Individuals may also have a distorted view of home working, often "rose tinted", with little recognition or understanding of the potential drawbacks and it is important that both the advantages and the disadvantages are considered.

6.16 A trial period is recommended in order to gauge suitability before any regular arrangements are put in place.

6.17 Helpful personal qualities are likely to include:

- Self-motivated
- Self-disciplined
- Enjoy the challenge of working on their own
- A flexible approach
- Able to organise working time effectively
- Able to work without direct supervision
- Confident to work away from the office environment
- Able to work on their own without day to day social interaction with colleagues
- Able to travel to meetings and site visits
- Able to 'switch off' from work and maintain a proper balance between working and non-working hours.

6.18 There is a greater emphasis on personal responsibility to achieve outputs and work effectively at home. Managers should discuss the pros and cons of home working in depth with employees to identify areas of strength and weakness and to prepare for the latter.

6.19 Ensure employees consider the characteristics above in advance, alongside the following issues:

- Preferred working style
- Ability to travel to meetings
- Suitability of home for home working: space, environment, distractions
- Home and family commitments
- Technical competence to manage technology required and deal with minor problems (training provision not withstanding)

6.20 **Setting up a home working arrangement**

6.21 Home working arrangements can be suggested by either employees or managers.

6.22 Occasional home working can be agreed between the line manager and employee.

6.23 When considering setting up a home working arrangement it is important to consider whether there will be any "knock on effects" of the arrangement on other staff and how these might be managed/accommodated. This is especially important if the potential home worker manages or supervises other staff or if several members of a team may wish to work from home.

6.24 If an employee wishes to request a more regular home working arrangement then they should use the flexible working request procedure (see section 5).

6.25 If a manager wishes to set up a more regular home working arrangement with an employee or team then they should contact Human Resources for advice.

6.26 **The home environment**

6.27 The employee needs to take personal responsibility for the health and safety aspect of home working. An employee needs an environment at home which offers the following:

- Suitable "office" space, ideally a separate room but at least a dedicated space
- Freedom from interruptions and distractions
- Security and confidentiality
- Ability to meet health and safety requirements
- Suitable IT, Internet connections etc if needed.

6.28 It is not appropriate to combine home working with dependant care. As such home working will not be viewed as an alternative to paid dependant care. However in an emergency, or one off situation, managers can agree that an employee can work from home and take appropriate breaks to care for a temporarily ill child or relative.

6.29 Employees need to be aware that the council reserves the right to ask them to attend council premises at short notice if necessary for service delivery.

6.30 **Managing regular home working**

6.31 The level of management required depends on the amount of home working undertaken. Where home working is a regular occurrence it will be necessary to ensure that a clear management process is agreed and defined.

6.32 To ensure that the home worker is managing home working successfully the manager may need to change their style of management from the conventional one based on day-to-day contact management to "management of output".

6.33 It is useful to define and agree the nature of the work to be done at home including the outputs expected.

6.34 Where home working is undertaken regularly the following actions need to be undertaken:

- Creating a monitoring and review system.
- Applying standards and procedures to maintain quality.
- Ensuring the arrangements are discussed with the employee and are clearly agreed and documented.
- Agreement on hours to be worked including how flexitime, toil and overtime will operate.
- Identify any peaks and troughs in work, and how these will be accommodated.
- Agree regularity of reporting.
- Undertake a health and safety risk assessment.

6.35 **Training and support needs**

6.36 Loss of contact with colleagues and isolation, especially if working at home a lot, may be experienced by homeworkers.

6.37 As with all jobs, training and support needs should be identified to meet the job's requirements. It is also important to ensure that regular home workers do not feel cut off from the usual development and promotion opportunities.

6.38 Training that might be useful for the home worker includes:

- Skills training e.g. to operate equipment.
- Self-management – e.g. time management, communications, career management.
- Allocation of a “mentor” or “buddy” i.e. someone who has experience of homeworking and who provides an additional point of informal contact.

6.39 Training that might be useful for someone managing a regular home worker includes:

- Performance management for homeworkers: management by objectives, setting performance standards, performance feedback etc.
- Managing communication networks.
- Career management.

6.40 It is important to establish an agreed communication plan when someone is working at home. It may be that the home worker is not to be contacted unless there is an emergency (to allow them to focus on a piece of work). Or it may be that contact should be as normal (i.e. phone calls and emails), in which case contact phone numbers should be shared, the office phone diverted to home phone or perhaps an office mobile be taken for the day.

6.41 The manager needs to agree the circumstances in which a visit to the homeworker might be necessary or desirable and gain agreement from the homeworker to permit such access.

6.42 **Equipment and Information Technology**

6.43 Employees and managers should refer to the appropriate ICT guidance and policies on remote working in regard to equipment and support. If someone is regularly working from home it may be appropriate to consider whether they should be allocated a council laptop.

6.44 **Insurance**

6.45 Home workers should:

- Immediately advise their manager of any loss or damage to council property. All losses involving theft or malicious damage should also be reported to the police and the police reference taken.
- Advise their manager of any injuries to themselves or to a third party, which occur whilst carrying out their official duties. Do not admit liability under any circumstances.
- Ensure that any vehicle used is insured in respect of business use. Anyone in doubt about the adequacy of their insurance should contact their insurance adviser. In some cases an additional premium may be charged. The law makes the driver responsible for ensuring that proper insurance is in force. The council does not hold any insurance for the benefit of employees driving privately owned cars.
- Check whether or not their own personal buildings or contents insurances are affected by using part of their home for a business purpose. If in any doubt they should contact their insurance adviser. Home workers should also ensure that any lease, mortgage arrangements or tenancy agreements are not affected.

6.46 **Health and safety**

6.47 The council has a general duty to protect the health, safety and welfare of its employees under the Health and Safety at Work Act 1974, and this applies whether employees are working in a conventional office, at home or remotely. This general duty is qualified by the principle of “so far as is reasonably practicable”.

6.48 The degree of risk in a particular job or workplace needs to be balanced against the time, trouble, cost and physical difficulty of taking measures to avoid or reduce the risk. A risk assessment must be undertaken by the employee when homeworking is regular.

6.49 **Security**

6.50 Home working staff will be responsible for taking adequate steps to ensure the security of council equipment in their home.

6.51 Home working staff are responsible for ensuring that only they have access to council information and services (including internet access).

6.52 When working at home, staff will be responsible for making sure they comply with the Data Protection Act and meet data protection and corporate confidentiality requirements. No other person must use the council's equipment and server provided.

6.53 **Travel**

- 6.54 When an employee is working at or from home, journeys made to the Council offices in Thrapston will not normally be reimbursed.
- 6.55 For other journeys, where the starting or finishing point is the employee's home the normal home to work mileage (i.e. to the Council offices in Thrapston) will be deducted from any journey.

7.0 Maternity, Paternity and Adoption

7.1 Introduction

7.2 This policy sets out the rights and responsibilities of:

- Employees who are pregnant or have recently given birth.
- Employees whose spouse or partner is expecting a baby.
- Employees who adopt a child through an approved agency.

7.3 Summary of entitlements

7.4 The language surrounding entitlements to pay and leave when a child is born or adopted has got slightly confusing as the rights have been extended. Each of the terms has a legal meaning and needs to be retained, however the historical association with a particular gender is no longer true. For example if a female partner takes two weeks leave following the birth of her partner's baby it is still called paternity leave.

7.5 ENC has also agreed to equalise the rights for birth parents and adoptive parents. Here however it is necessary to identify the primary and secondary adopter.

7.6 The table below provides a summary of who is entitled to what and under what circumstances, the detail is then provided in the rest of the policy.

	Birth mother	Birth father, spouse or partner (male or female) of birth mother	Adoptive mother or father
Ordinary maternity leave	Yes	No	Yes if the primary adopter
Additional maternity leave	Yes	No	Yes if the primary adopter
Paternity leave	No	Yes	Yes if they are NOT the primary adopter.
Additional paternity/ adoption leave	No	Yes as long as the birth mother has returned to work	Yes if the secondary adopter and the primary adopter has returned to work
Statutory maternity pay	Yes if they have the required service	Yes as long as the birth mother has returned to work	Yes if the primary adopter
Local government maternity pay	Yes if they have the required service	Yes as long as they have the required service and the birth mother has returned to work	Yes if they have the required service and the other adopter is at work

7.7 Maternity Leave

- 7.8 Providing that the employee complies with the notification requirements all pregnant female employees (regardless of the length of service) will be entitled to **up to 52 weeks maternity leave**.
- 7.9 The 52 weeks are split into 26 weeks Ordinary Maternity Leave (OML) and a further 26 weeks Additional Maternity Leave (AML).
- 7.10 In addition to the 52 weeks maternity leave they will also be entitled to request to take unpaid parental leave (see section 8) or ordinary annual leave to postpone their return to work date.
- 7.11 Maternity leave will commence no earlier than 11 weeks before the estimated week of confinement (EWC – the week the due date falls within).
- 7.12 If an employee's maternity leave has not already started it will be triggered by the birth of the child, or pregnancy related absence from the beginning of the 4th week before the EWC. In cases where childbirth occurs early, the employee's maternity leave automatically commences on the Sunday following the child's birth. In both these situations the employee should notify the Council, as soon as reasonably practicable, that she has given birth or that she is absent wholly or partly because of pregnancy.
- 7.13 Due to the way in which Statutory Maternity Pay (SMP) is calculated, maternity leave will normally commence on a Sunday.
- 7.14 On return from maternity leave employees will be entitled to annual leave and bank holidays accrued during their maternity leave. Employees will be entitled to carry forward any leave or bank holidays accrued during maternity leave, but not taken during their annual leave year, into the following annual leave year.
- 7.15 **Maternity Pay**
- 7.16 Employees who have completed **more than one year's continuous local government service at 11th week before the EWC** will be entitled to local government maternity pay (LGMP) at the following rates:

Weeks	Pay
1-6	9/10 of pay
7-18	Half pay plus SMP or SMP
19-39	SMP only

- 7.17 Where an employee has declared in writing that she intends to return to work she will receive half pay plus SMP in weeks 7 - 18. This is paid on the understanding that the employee will return to their employment at ENC for at least three months. If the employee leaves before three months has elapsed, a repayment to the Council will be required and the authority will recover any overpayments made.

- 7.18 If an employee has confirmed that they do not intend to return following the birth of their child she will receive SMP only in weeks 7 – 18.
- 7.19 Employees with **less than one year's continuous local government service at the beginning of the 11th week but at least 26 weeks by the end of the 15th week before the EWC** will receive SMP. This is six weeks at 9/10ths normal pay followed by 33 weeks at SMP.
- 7.20 Employees with **less than 26 weeks continuous local government service by the end of the 15th week before the EWC** may be entitled to Maternity Allowance.
- 7.21 **Adoption Leave**
- 7.22 Adoption leave mirrors maternity leave. If a couple are adopting a child, one will need to be identified as the primary adopter. The primary adopter can be either parent, and of either gender.
- 7.23 An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave provided that they have at least 26 weeks' continuous service at the time they receive notification of matching from the adoption agency.
- 7.24 The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is thus to take up to 52 weeks' adoption leave.
- 7.25 In order to be entitled to take adoption leave and receive adoption pay, the employee is required to give the Council written notification of his/her intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which must be in writing to Human Resources, must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends his/her adoption leave to start.
- 7.26 The employee is permitted to bring forward his/her adoption leave start date, provided that they advise Human Resources in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her adoption leave start date, provided that they advise in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The employee must also provide evidence of entitlement to adoption leave and pay by producing a 'matching certificate' from the adoption agency.
- 7.27 Within 28 days of receiving the employee's notice of intention to take adoption leave, Human Resources will write to the employee confirming the latest date on which the employee must return to work after adoption leave.
- 7.28 The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that they give appropriate notification. Alternatively, the employee may take his/her full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return to work before the full period of adoption leave has elapsed, they must give at least eight weeks' notice in writing to their line manager of the date on which they intends to return.
- 7.29 The additional adoption leave may be shared between the adoptive parents, see below for more details.

Adoption pay

7.30 Adoption pay for the primary adopter mirrors maternity pay. Where statutory adoption pay is payable it will offset any other payments.

7.31 Paternity Leave and Pay

7.32 Paternity leave is set at two working weeks.

7.33 The first week of paternity leave will be at full pay. The second week's paternity leave will be paid at the Statutory Paternity Pay (SPP) rate.

7.34 In order to be eligible for Paternity Leave, employees must have or expect to have responsibility for the child's upbringing and satisfy one of the following:

- be the biological father of the child or
- be the mother's husband or partner or
- be a partner within a same sex couple or
- be the secondary adopter (i.e. not the primary adopter)

7.35 Employees are entitled to choose to take either one week or two consecutive week's paternity leave (not odd days and one week is defined as 7 consecutive days).

7.36 Employees are entitled to choose whether they want to start their leave:

- from the date of the child's birth or
- from a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected).

7.37 Leave can start on any day of the week following the child's birth but must be completed:

- within 56 days of the actual date of birth of the child or adoption or
- if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

7.38 Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

7.39 An application for Paternity Leave must be made to the individual's line manager in writing by the 15th week before the baby is expected. Once the baby has been born the employee must confirm the actual details of the leave in writing.

7.40 An employee can change the date on which he wants the leave to start as long as he gives 28 days notice where practicable.

7.41 Paternity Leave is in addition to any existing contractual rights such as Parental Leave or Special Leave.

7.42 Additional Paternity/Adoption Leave

- 7.43 Eligible employees may take up to 26 weeks additional paternity leave within the first year of their child's life provided that the mother has returned to work.
- 7.44 Additional adoption leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work.
- 7.45 The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date.
- 7.46 Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.
- 7.47 Additional statutory paternity pay will be payable only during the period that the mother/primary adoption would have received statutory maternity pay or adoption pay had he/she not returned to work
- 7.48 Where an employee wishes to request additional paternity/adoption leave and pay, they must give their line manager eight weeks written notice of the date on which they wishes to take the leave. The request must be in writing and specify the start date and end date of the leave and include the mother's details.
- 7.49 **Additional Paternity/Adoption Pay**
- 7.50 Additional paternity/adoption pay will mirror additional maternity pay. Any statutory paternity/adoption pay will be offset any other payments.
- 7.51 In order to be eligible for additional paternity leave and pay, an employee must satisfy each of the following criteria:
- They must be the father of the child or married to, the civil partner of, or the partner of, the child's mother, or married to, the civil partner of, or the partner of, the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child.
 - They must have a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born.
 - They must remain in continuous employment until the week before the first week of additional paternity leave.
 - The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay. The mother or primary adopter must have returned to work.
- 7.52 **Parental Leave**
- 7.53 Parental Leave of up to 18 weeks will be granted for the purpose of caring for a child up to the age of eight years; or for eight years following placement for adoption or up to the age of 18, whichever is the soonest; or up to the age of 18 for children for whom a Disability Living Allowance has been awarded.

- 7.54 Parental Leave will be available to those who have parental responsibility. This may include birth parents, foster parents, adoptive parents, grandparents or step parents.
- 7.55 To qualify for parental leave the employee must have one year's continuous service at the date on which the application is made.
- 7.56 Employees should give as much notice as possible with a minimum of 7 days notice in writing being required. Parental Leave may be granted to employees who have not given the required notice in exceptional circumstances.
- 7.57 Parental Leave may be taken:
- As a single block of up to 18 weeks.
 - As a number of shorter periods of a minimum of a half a day.
 - In patterns which provide a part time or reduced hours working arrangement for a period of time equivalent to taking 13 weeks leave.
- 7.58 There is no entitlement to pay during periods of parental leave.
- 7.59 **Notification of Pregnancy**
- 7.60 On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there are Health and Safety considerations for the Council. A risk assessment will be carried out by the line manager to assess the workplace risks to women who are pregnant. The Health and Safety Officer will be able to give further assistance to the line manager. By the end of the 15th week before the estimated week of childbirth (EWC), or as soon as practicable afterwards, the employee must inform Human Resources in writing of:
- The fact that she is pregnant.
 - Her EWC.
 - The date on which she intends to start her maternity leave. This cannot be earlier than the 11th week before the EWC.
- 7.61 The employee must also provide a MAT B1 form which is a certificate from a doctor or midwife confirming the EWC.
- 7.62 **Time off for Antenatal Care**
- 7.63 An employee who is pregnant is entitled to paid time off during their normal working hours in order to receive antenatal care which includes appointments with GPs, hospital clinics and relaxation/parenthood classes. Whenever it is possible to do so, appointments should be arranged for the start or end of the working day.
- 7.64 Employees should advise their line managers that they will be absent as far in advance of their appointment as possible. If requested they must provide an appointment card or some other confirmation of their attendance.

7.65 Contact during Leave

7.66 Shortly before leave starts, their manager will discuss the arrangements for them to keep in touch during their leave, should they wish to do so. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease the return to work or simply to update them on developments at work during their absence.

7.67 Keeping-in-Touch Days

7.68 Except during the first two weeks after childbirth an employee can agree to work for the Council (or to attend training) for up to 10 days during leave without bringing the period of maternity/paternity/adoption leave. These are known as 'keeping-in-touch' days. Any work carried out on a day shall constitute a day's work for these purposes.

7.69 The Council has no right to require the employee to carry out any work, and the employee has no right to undertake any work. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the Council and the employee. Any keeping-in-touch days worked do not extend the period of leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP (or equivalent) for any week in which they agree to work for the Council.

7.70 Returning to Work

7.71 Human Resources will write to the employee advising them of the date they will be expected to return to work if they take their full leave entitlement. The employee is expected to return on this date, unless they notify the council otherwise. If they are unable to attend work at the end of their leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

7.72 While the employee is under no obligation to do so, it helps if they confirm as soon as convenient during their leave that they will be returning to work as expected.

7.73 If the employee wishes to return to work earlier than the expected return date, they must give at least eight weeks' notice of their date of early return, preferably in writing. If the employee decides not to return to work after leave, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment.

7.74 Rights on or after Return to Work

7.75 On resuming work after ordinary maternity/adoption leave, the employee is entitled to return to the same job as he/she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent.

7.76 On resuming work after additional maternity/paternity/adoption leave, the employee is entitled to return to the same job as they occupied before commencing leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable to allow the employee to return to the same job, the Council may offer the employee suitable alternative work, on terms and conditions that are no less favourable than would have applied if they had not been absent.

7.77 An employee who worked full-time prior to their leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Council. If an employee would like this option to be considered, they should write to her line manager setting out their proposals as soon as possible in advance of their return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in section 5 of this policy.

7.78 **Breastfeeding**

7.79 The Council recognises the importance of breastfeeding and will actively support employees who return to work and wish to continue being able to breastfeed. Employees may use the first aid room to breastfeed or express milk. If an employee wishes to store expressed milk she should contact Human Resources who will arrange for a dedicated refrigerator to be made available.

8.0 Special Leave

8.1 Introduction

8.2 Employees of East Northamptonshire Council are entitled to request a reasonable amount of time off during their normal working hours to deal with unexpected personal events. The following pages set out the Council's approach to arrangements for compassionate and special leave for family and other reasons.

8.3 In all cases where an employee requests special leave, the Council reserves the right to request proof of eligibility.

8.4 All special leave must be agreed with the employee's line manager and Head of Service prior to the absence.

8.5 In exceptional circumstances the Chief Executive may authorise extended paid leave. This decision will be made in consultation with the employees Head of Service and with advice from Human Resources.

8.6 Recording Special Leave

8.7 All special leave must be recorded on an individual's leave card and flexitime recording system.

8.8 All periods of approved compassionate leave must be documented so that a record can be kept on the employees personnel file.

8.9 The HR department will also retain a central record of all approved compassionate leave, to ensure consistency in decision making.

8.10 Where, in this policy, reference is made to the granting of special leave which is 'unpaid', payroll will deduct appropriate amounts from the employee's salary, unless there is scope for: -

- Using annual leave or
- Using accumulated flexitime, lieu time, or
- The employee making the time up (e.g. extended office hours over an agreed period).

8.11 Where time is made up by an employee, details shall similarly be recorded.

8.12 Bereavement & Funerals

8.13 The Council will normally grant up to three days compassionate leave with full pay in instances of a close family bereavement. Close family members are determined as Husband, Wife, Partner, Parent, Parent-in-law, Son, Daughter, Brother or Sister. If the deceased is a member of the extended family (Grandparent etc) and is a dependant of the employee, Heads of Service have the discretion to allow compassionate leave once they are satisfied that the relationship is close and has had a high degree of dependency.

8.14 An employee who wishes to attend a family funeral can be granted up to one days' paid leave.

- 8.15 Employees wishing to attend funerals of non-family members will be required to take either annual leave, accrued time off in lieu or flexi.
- 8.16 **Other Compassionate Leave**
- 8.17 Serious illness of a close family member, the break up of a long term personal relationship or other traumatic event will qualify for compassionate leave of up to three days paid leave.
- 8.18 Further unpaid leave can be granted.
- 8.19 **Family/Domestic Crises**
- 8.20 There are occasions when employees will need additional time off to resolve a domestic situation. Reasonable requests will be considered.
- 8.21 Use of annual leave, flexi leave or toil should be considered.
- 8.22 No more than 2 days paid leave may be granted.
- 8.23 A further three days unpaid leave can be granted.
- 8.24 The Employment Relations Act 1999 stipulates that employees have a right to a reasonable amount of time off during working hours for dependants (see paragraph 3.7 below). A dependant is defined as; a spouse, a child, a parent or someone who cohabits with the person claiming the time off but is not his or her employee, tenant, lodger or boarder. This can also include someone who reasonably depends on the employee for help when they are ill, have an accident or when normal care arrangements break down – e.g. a neighbour or friend with a disability might reasonably depend on the employee if their normal carer is ill.
- 8.25 Reasons for granting special leave include the following:
- To provide assistance when a dependant falls ill, gives birth, is injured or assaulted.
 - To make arrangements for the provision of care for a dependant who is ill or injured.
 - To attend to the care of a dependant due to the unexpected disruption or termination of arrangements or care for that individual.
 - To deal with an incident which involves a child of an employee occurring during normal school/college hours.
 - To deal with household disasters i.e. burglary, house fire, burst water pipes resulting in extensive flooding.
- 8.26 It is recognised that in many instances it will be necessary to consider requests at short notice.
- 8.27 Special leave will not be granted to employees for reasons such as domestic appliance maintenance or repair. Employees will be required to give a suitable notice period and take either annual leave, flexitime or accumulated time off in lieu for this purpose, or make up time if no annual or accrued lieu time is available.

8.28 Consideration will also be given by managers to allow employees to work from home, for the duration of the difficulty, if this proves to be more practicable and acceptable than granting special leave.

8.29 Managers must satisfy themselves that no alternative arrangements can be made before granting special leave.

8.30 **Career Break**

8.31 A career break aims to give employees the opportunity to leave their employment for an agreed period of time whilst maintaining links with the service.

8.32 Each application will be considered on its individual merits, and the final decision will be made by the Head of Service. Any decision not to approve the application will be fully explained to the employee.

8.33 Career Breaks will be for a specified period of time.

8.34 The member of staff will continue to be an employee of the Council and continuous service will not be affected. Special leave to facilitate a career break will always be unpaid and there will be no entitlement to pay for annual leave, public holidays or sickness.

8.35 **Public Duties and Community Activities**

8.36 Special leave will be granted for employees undertaking public duties. This may include serving as members or officials on specified public bodies or Justice of the Peace duties. This will normally be unpaid. Employees must obtain prior agreement.

8.37 Employees wishing to commit to other duties such as the retained Fire Service or Territorial Army are also required to obtain prior agreement.

8.38 Members of the Volunteer Reserve Forces are covered by Reserve Forces (Safeguard of Employment) Act 1985, as amended by the Reserve Forces Act 1996. Further details can be obtained from HR.

8.39 Where an employee has been paid their normal salary during attendance on 'Public duties' and an attendance allowance is claimable, the employee should complete the appropriate claim form provided by the organisation. The Council will require proof of the amount being paid to the employee. The Council will then deduct this amount from the following month's salary.

8.40 Election Duties

8.41 Before each election the Chief Executive will decide what special leave will be approved based on a risk assessment of various factors including:

- the type of election taking place
- the number of postal votes expected
- the number of polling stations required
- the total number of staff required to resource a successful election
- the anticipated availability of staff with the right knowledge, skills and behaviours.

8.42 The decision made by the Chief Executive is final and will be communicated to all staff in advance of the election, and recruitment to roles, taking place.

8.43 Court Appearances

8.44 Under the provisions of the Juries Act 1974 all men and women aged between 18 and 70 are liable to be summoned to attend for jury service. The Council has an obligation to release employees to attend for jury service and employees will initially, be paid as normal by the Council. The Court will provide a salary and expenses claim form for the employee and the HR Manager will complete the section in relation to earnings. Earnings claimed back from the Court by individuals will be deducted from their salary.

8.45 Requests for special leave from employees who are called as witnesses, defendants or plaintiffs will be individually assessed by the Head of Service. In cases where the employee is compelled to attend court paid time off will be granted at the discretion of the Head of Service.

8.46 Study Leave

8.47 Employees who study towards a work related qualification through the Council's sponsorship will be entitled to paid time off for examination preparation and revision, up to a maximum of half a day per examination.

8.48 A further allowance of half a day paid time off, per examination paper, will be granted in order to sit the examination at a registered examination centre, i.e. School, College, University, in addition to the time spent travelling to and from the centre.

8.49 Union Activities

8.50 In accordance with the National Joint Council agreement the Council will provide the recognised trade unions with facilities necessary to carry out their functions, including paid leave of absence to attend meetings concerned with the NJC and Provincial Councils.

8.51 Trade union representatives have the right to paid time off for training relevant to their duties at the workplace. To qualify for paid time off, the Trades Union Congress or union must approve the training.

8.52 **Miscellaneous Time Off**

- 8.53 Religious Celebrations - Employees wishing to take time off for the purpose of religious celebrations will be expected to use the accrued extra statutory days, annual leave or time off in lieu for this purpose.
- 8.54 Job Interviews – Employees attending interviews for internal vacancies within ENC will receive their normal salary for the duration of the interview. Employees wishing to search for alternative employment will be required to do this in their own time unless they are at risk of redundancy.
- 8.55 Fertility Treatment – Requests for time off for the purpose of fertility treatment will be considered on an individual basis. Employees making such a request will be expected to give details of expected absences and duration of treatment.
- 8.56 Adverse weather – In the event of exceptional flooding or snowfall employees who are unable to attend work will be expected to use annual leave, accrued statutory leave, flexitime or time off in lieu to cover their absence. If it is practicable, and with the consent of the line manager, consideration will be given to requests to work from home.
- 8.57 Employees who undertake work for recognised professional bodies will be allowed up to three days paid leave per year.
- 8.58 Employees may identify opportunities to participate in ‘one off’ community projects, voluntary activities or professional development opportunities which result in personal development and skill building benefits to the individual. Requests for special leave, in these circumstances, will be evaluated on an individual case basis and where there is a clear link to the individuals training and development, professional learning and improved service delivery consideration will be given to granting either paid or unpaid special leave.



EIA Initial Screening Form – policy

1. Name of Policy:	Family and work life balance policy
2. Name and Job title / role of person completing Initial Screening:	Aime Armstrong – HR Manager
3. What is the main purpose of the Policy?	<p>The aim of this policy is to provide a framework to ensure that staff can balance their working lives with their home life whilst still ensuring that high quality service can be delivered to our customers.</p> <p>The policy goes beyond the minimum required by employment law, this is to enable effective recruitment and retention of high quality staff.</p>
4. Who is the Policy aimed at?	All staff and potential staff.
5. How is the success of the Policy measured?	<ul style="list-style-type: none">• Recruitment and retention of high quality staff• Lack of formal grievances and lost employment tribunals.• Annual staff satisfaction survey• Number of women returning to work after maternity leave
6. Are equality monitoring systems for the Policy in place?	Yes - equality monitoring is done for recruitment, grievances and leavers.

7. Use the following table to indicate using a ✓:

- a) Where you think that the Policy could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the Policy could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the Policy could have a neutral impact on any of the equality group i.e. no impact

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Gender:				
Women/Girls	✓			The family and work life balance policy is designed to enable staff to enjoy a healthy work life balance irrespective of gender or sexual orientation. The maternity, paternity and adoption policy reflects the changes in legislation that now provides equal opportunities fathers and same sex partners.
Men/Boys	✓			
Transgender people	✓			
Sexual Orientation:				
Lesbians, gay men and bisexuals	✓			
Race/Ethnicity:				
White British people			✓	
White non-British people (including Irish people)			✓	
Asian or Asian British people			✓	
Black or Black British people			✓	
People of mixed heritage			✓	
Chinese people			✓	
Travellers (Gypsy/Roma/Irish heritage)			✓	

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
People from other ethnic groups			✓	
People who do not have English as their first language			✓	
Disability:				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.			✓	
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.			✓	
Mental health condition, e.g depression or schizophrenia			✓	
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder			✓	
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy			✓	
Other health problems or impairments (<i>please specify if appropriate</i>)			✓	
Age:				
Older People (60+)			✓	
Children and Young People (see guidance for definition)			✓	
Religion/Belief:				
Christian			✓	
Buddhist			✓	
Hindu			✓	
Jewish			✓	
Muslim			✓	

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Sikh			✓	
Other religion (including holding no belief)			✓	
Other Potentially Affected Groups				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access			✓	
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands			✓	
Any other potentially affected groups (<i>please specify</i>)	✓			The policy benefits employees with caring responsibilities, allowing for special leave when a dependant falls ill.
8. If you have indicated that there is a negative impact on any group: N/A				
a) Is that impact against legislation?	Yes		No	
b) What is the level of impact?	High		Low	
9. Could you minimise or remove any negative impact that is of low significance?	How? N/A			
10. Could you improve a positive impact of the Policy?	No			

11. If there is no evidence that the Policy promotes equality of opportunity or improved relations, could it be adapted so that it does?	
Head of Service signature	
Date of Initial Screening:	10 May 2013