



Committee: PERSONNEL COMMITTEE
Date: TUESDAY, 10TH APRIL 2012
Venue: LANCASTER TOWN HALL
Time: 4.30 P.M.

A G E N D A

1. **Apologies for absence**
2. **Declarations of Interest**
3. **Minutes of the meeting held on 28th February, 2012**
(previously circulated)
4. **Items of urgent business authorised by the Chairman.**
5. **Human Resources Policy Development and Review (Pages 1 - 22)**

Report of the Human Resources Manager.

6. **Exclusion of the Press and Public**

The Committee is recommended to pass the following recommendation in relation to the following item: -

“That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of that Act.”

Members are reminded that, whilst the following item has been marked as exempt, it is for the Committee itself to decide whether or not to consider the item in private or in public. In making the decision, Members should consider the relevant paragraphs of Schedule 12A of the Local Government Act 1972, and should balance the interests of individuals or the Committee itself in having access to information. In considering their discretion Members should also be mindful of the advice of Council Officers.

7. **Request for Early Retirement / Voluntary Redundancy (Environmental Services)**
(Pages 23 - 26)

Report of Head of Environmental Services.

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Paul Gardner (Chairman), Alycia James (Vice-Chairman), Shirley Burns, Jonathan Dixon, Melanie Forrest, Sylvia Rogerson and David Smith

(ii) Substitute Membership

Councillors Keith Budden (Substitute), Kathleen Graham (Substitute), Janet Hall (Substitute), Billy Hill (Substitute), David Kerr (Substitute), Ceri Mumford (Substitute) and Roger Sherlock (Substitute)

(iii) Queries regarding this Agenda

Please contact Stephen Metcalfe, Democratic Services, telephone 01524 582073 or e-mail sjmetcalfe@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER LA1 1PJ

Published on Thursday, 29th March, 2012.

PERSONNEL COMMITTEE**HR POLICY DEVELOPMENT AND REVIEW****10th April 2012****Report of the Human Resource Manager****PURPOSE OF REPORT**

To enable the Committee to consider and approve a number of Human Resources Policies and Procedures.

This report is public

RECOMMENDATIONS

1. That the Committee approve the amended Family Leave Scheme.
2. That the Committee approve the amended Flexible Retirement Policy.
3. That the Committee approve the Social Media Policy.

1.0 Introduction

- 1.1 From time to time the Council will review Human Resource policies and procedures that are in place. The current Family Leave Scheme and Flexible Retirement Policy have been in place for some time and have been reviewed as part of a policy and procedure review framework developed by the Human Resource Team, with minor amendments proposed.
- 1.2 A new Social Media policy has also been developed which is presented to the Committee for approval
- 1.3 All the above documents have been the subject of consultation with the recognised trade unions, and no adverse comments have been received.

2.0 Family Leave Scheme

- 2.1 It was recently identified that the appeals procedure within the Family Leave Scheme means that appeals are referred to the Personnel Committee for consideration. As the appeals process relates to requests for flexible working, it is considered that an early resolution of such matters is in the best interest of all parties.

It is therefore proposed to replace Para 4.5 with an appeal process to the Chief Executive. The full amended scheme document is detailed at Appendix A. However, for ease of reference, the amended paragraph is as follows:

Right of Appeal against a refusal to grant a request for flexible working arrangements

*Employees wishing to appeal against a Service Head's decision to reject their request for flexible working arrangements should do so by writing to the HR Manager, stating their grounds for appeal, within **14 days** of receiving written notification of the rejection of their request.*

*The Chief Executive will normally hear an appeal within **14 days** of receipt of the appeal. If it is not possible to convene an appeal hearing within 14 days, an extension of time may be agreed between the Council and employee. In these circumstances, the HR Manager (or nominee) will write to the employee, specifying why the extension is required and a date by which the appeal will be heard.*

At the appeal hearing the Chief Executive will be advised by the HR Manager (or his/her nominee).

*The employee will be informed of the outcome of the appeal within **5 working days** of the appeal hearing. The Chief Executive may:*

- *Uphold the appeal:*

The notification will specify the contract variation agreed by the Chief Executive and the date from which the new arrangements will take effect.

- *Dismiss the appeal:*

The notification will state the grounds for the decision and contain a sufficient explanation as to why those grounds apply.

- 2.2 At an inquorate meeting of the Joint Consultative Committee the on 14 March 2012, the Chairman of the Local Unison Branch expressed his informal agreement with the proposal. This view was supported by the two other Unison representatives present.

- 2.3 The Committee is asked to approve the amended document.

3.0 Flexible Retirement Policy

- 3.1 It was recently identified there are elements of the policy that need to be updated so that requests for flexible retirement can be considered and resolved within a reasonable timeframe. It is therefore proposed to change the policy to effect better administration of requests for Flexible Retirement. The amended policy document is detailed at Appendix B.

For ease of reference, the paragraphs that it is proposed to change are as follows:

3.5 Old Paragraph

An employee's earnings, including pension payments under the scheme, will not generally be permitted to exceed the employee's earnings immediately before flexible retirement. To allow otherwise might affect public confidence in local government.

3.5 New Paragraph

An employee's earnings, including pension payments under the scheme, will not generally be permitted to exceed the employee's earnings immediately before flexible retirement. To allow otherwise might affect public confidence in local government. HR will confirm that the employee's earnings are within this rule.

Section Four Old Paragraphs 4.4, 4.5 & 4.6

- 4.4 *The Service Head will then make a recommendation to the Chief Executive as to whether or not the request for flexible retirement should be granted. Such recommendation shall include details of any costs/savings involved, and the impact on service delivery and how this will be dealt with. Any need for Cabinet's consideration of the proposed funding arrangements would be addressed at this time.*
- 4.5 *The Chief Executive will subsequently determine the request. If it is granted, Human Resources will make the necessary arrangements to amend the employee's contract of employment, and will request the Lancashire County Council to release pension benefits.*
- 4.6 *If the request is not granted, or the arrangements approved are different from those originally requested, the employee has the right to appeal to the Personnel Committee. A meeting of the Personnel Committee will be convened as soon as practicable, and the employee will be invited to attend, and may be accompanied by a trade union representative or work colleague.*

Section Four New Paragraph (Para 4.6 deleted)

- 4.4 *The Service Head will then make the decision to approve or decline the request. If the Service Head declines the request they will write to the employee and set out the reasons why the request has been declined. If the request is granted the Service Head will complete a change of conditions form and Human Resources will make the necessary arrangements to amend the employee's contract of employment, and arrange for the release of pension benefits.*
- 4.5 *If the request is not granted, or the arrangements approved are different from those originally requested, the employee has the right to appeal to the Chief Executive. The Chief Executive will consider the request and the*

recommendations made by the Service Head and will provide a response in writing to the employee. There is no further right of appeal after this stage.

- 3.2 At an inquorate meeting of the Joint Consultative Committee the on 14 March 2012, the Chairman of the Local Unison Branch expressed his informal agreement with the proposal. This view was supported by the two other Unison representatives present.
- 3.3 The Committee is asked to approve the amended document

4.0 Social Media Policy

- 4.1 The Social Media Policy is designed to help the council manage the use of social media by its employees. Employees will also be required to acquaint themselves with the Social Media Protocols which were developed some time ago to help staff and elected members realise the potential benefits, and pitfalls, of using social media. The protocols and policy document are designed to help shape current social media use and the future development of it.
- 4.2 The Social Media Policy, if approved, will form part of the suite of HR policies which will be used for the better management of workforce matters. The Policy Document is detailed at Appendix C.
- 4.3 The document has been the subject of consultation. Most recently the draft document was presented to the JCC at its meeting on 14 March 2012. This meeting was inquorate.
- 4.4 As part of the informal discussion which took place at the JCC the following key issues where raised:
 - 4.4.1 Management must ensure that all employees receive an appropriate briefings and an explanation of the policy, so that they are fully aware of the requirements of the policy and their personal obligations. This process must include, where appropriate, the provision of additional guidance in Plain English..
 - 4.4.2 Staff new to the organisation must be made fully aware of the policy as part of their induction.
- 4.5 Should the new Social Media Policy be approved by the Committee, the Human Resources Manager will ensure that there is a structured plan for its introduction across the whole workforce, supported with appropriate Plain English guidance and briefing notes.
- 4.6 The Committee is asked to approve the introduction of the Social Media Policy

5.0 Options

- 5.1 The options available to the Committee in respect of each Policy are to approve the appended document as drafted, to approve the document with amendments, or not to approve the document. The officer recommendation is that the Committee approve each document as drafted.

6.0 Conclusion

- 6.1 The Policies are recommended to the Committee for approval.

RELATIONSHIP TO POLICY FRAMEWORK

The Council is committed to good standards of employment practice, and it is felt that the proposed amendments to existing documents and the addition of the new Social Media Policy will augment our existing Human Resource management arrangements.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None. The policies will apply to all employees.

FINANCIAL IMPLICATIONS

There are no direct implications as a result of this report.

SECTION 151 OFFICER'S COMMENTS

The S 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

There are no legal implications directly arising from this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

Contact Officer: Stuart Hampson
Telephone: 01524 582076
E-mail: shampson@lancaster.gov.uk
Ref:



Family Leave Scheme

POLICY STATEMENT

Lancaster City Council recognises that balancing work and family life can create conflicting pressures. Family commitments and domestic responsibility can often hinder employees' ability to fulfil work responsibilities. Where conflicts cannot be resolved this could result in the Council losing valuable employees. To prevent such loss and maintain a skilled and effective workforce, the Council in acknowledging those conflicts, will consider helping through the provision of its Family Leave policies.

To ensure that it is easier to balance work and family life, the Council, taking due account of the Government's White Paper on Fairness at Work and the EC Directive on Parental Leave, will commit to a series of measures to support employees. The provisions include policies on Adoption Leave, Maternity Leave, Paternity Leave, Parental Leave, Family Support Leave and Bereavement Leave.

Further information on any of these policies is available from HR.

1. ADOPTION LEAVE & PAY SCHEME

For further information please refer to the policy under the HR section of the Council's intranet.

2. PATERNITY LEAVE

2.1 Introduction

The Council recognises that increasingly employees want to be involved in supporting their partner around the time of their child's birth or, in the case of adoption, the child's placement. Paternity leave gives employees the opportunity to both spend time with their partner and get to know their new child.

2.2 Conditions of the Scheme

To qualify for paternity leave, employees must expect to have responsibility for the child's upbringing and be the biological father of the child or the mother's husband or partner* (including same sex partnerships). The leave must be used to provide care and support to the mother / primary adopter and / or the child and not for any other purpose.

* The term 'partner' means a person (whether of a different sex or the same sex) who lives with the mother and child in an enduring family relationship but is not a relative of

the mother (i.e. not the mother's parent, grandparent, sister, brother, aunt or uncle etc).

2.3 Employees Obligations Under the Scheme

An employee should notify their Service Head **in writing**, using the Application for Paternity Leave form, of the following by the end of the 15th week before the expected week of childbirth (EWC), and at the latest at least 28 days before the absence begins:-

- (a) The expected week of childbirth (EWC).
- (b) Of the date of the beginning of their absence.
- (c) Whether they wish to take one or two weeks' leave.

If an employee wishes to amend the start date for their paternity leave, 28 days' notice is required, or as soon as is reasonably practicable.

2.4 Paternity Leave Entitlement

- (a) Eligible employees can choose to take either one week or two consecutive weeks' paternity leave (not odd days).
- (b) To be eligible for a second week of leave, employees must have worked continuously for the Council for 26 weeks ending with the 15th week before the baby is due.
- (c) Employees can choose to start their leave from the date of the child's birth or from a chosen date after the child is due to be born.
- (d) Leave can start on any day of the week on or following the child's birth but must be completed within 56 days of the actual date of birth of the child.

2.5 Paternity Pay Entitlement

- (a) All employees, regardless of length of service, are entitled to 5 days leave with pay.
- (b) Those who meet the criteria of 2.4(b) and have average weekly earnings over the lower earnings limit for National Insurance purposes are also entitled to receive Statutory Paternity Pay (SPP) for a second week.

2.6 Right to Return to Work

On return to work the employee has the right to return to the same job on the same terms and conditions that existed prior to paternity leave.

3. PARENTAL LEAVE

3.1 Introduction

The Parental Leave Directive was implemented by the Government in December 1999. The aim of the Directive is to reconcile the parental and professional responsibilities of

working parents, and to promote equality of opportunity and equal treatment between men and women.

3.2 Conditions of the Scheme

It will be the policy of the Council to grant employees, after one years continuous service with Lancaster City Council and **without pay**:

- ❑ **up to 13 weeks parental leave** for men and women when they have a baby or adopt a child (this is in addition to the provisions of the Maternity Leave, Paternity Leave and Adoption Leave policies)
- ❑ **up to 18 weeks parental leave** for men and women whose child is disabled. "Disabled" in this context means a child who is entitled to a disability living allowance.
- ❑ automatic protection from dismissal for exercising this right.

3.3 Timing of leave

The timing of parental leave is a matter for an employee and their Service Head, although it should be agreed well in advance of its commencement to allow for the appropriate cover to be arranged. There will be some flexibility about the timing of parental leave. It may be taken:

- ❑ in a single block or as an annual allowance
- ❑ full or part time
- ❑ at any time up to the child's eighth birthday, or for the eight years following adoption; or up to the age of 18 for children to whom disability living allowance has been awarded.
- ❑ under individual arrangements between employer and employee

Human Resources will provide further advice and guidance if required.

*NB: Parental Leave over and above entitlement to Maternity Leave, Paternity Leave or Adoption Leave will be granted **without pay**.*

3.4 Contract of Employment

The contract of employment will continue during the whole period of parental leave, unless either party expressly terminates it, by dismissal or resignation.

3.5 Rights to Return

Employees taking advantage of the Parental Leave Scheme will be guaranteed their job back, or suitable equivalent, on their return to work. If an employee elects to take parental leave in one block of three months, they will be required to give one calendar months' notice of their intention to return.

4. **FLEXIBLE WORKING ARRANGEMENTS**

Note: The following information about *Flexible Working Arrangements* is distinct from the *Flexible Working Hours Scheme*, which is described in a separate section of the Council's *Attendance Management Policy*.

4.1 **Introduction**

The Council wishes to facilitate and support its employees in achieving a balance between their work and family life. As part of this, the Council recognises its duty to seriously consider requests for flexible working arrangements from employees with young children or adult dependents in accordance with the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2006.

4.2 **Conditions of the Scheme**

To qualify, employees must meet all of the following criteria:

- They must have been continuously employed by the Council for at least six months on the date when they make their application to be considered for flexible working arrangements;
- They must have responsibility, or expect to have responsibility, for:
 - the upbringing of a child aged under 17 years;
 - a disabled child aged under 18 years.

To be eligible they must be the mother, father, adopter, guardian or foster parent of the child, or married to such a person, or the partner of such a person and they must be making the application to enable them to care for the child.

They must make the application no later than 14 days before the child's 17th birthday or 18th birthday in the case of a disabled child.

OR

- They must have responsibility, or expect to have responsibility, for:
 - an adult (i.e. people aged 18 or over) and they must be making the application to enable them to care for the adult.
 - to be eligible they must be the partner, relative or someone living at the same address as the adult requiring care.

The sort of care-giving activities that employees who request flexible working are likely to be involved in are various and include help with personal hygiene, mobility, nursing tasks, household tasks, escorting to appointments etc.

- They must not have made another application to work flexibly under this procedure during the previous 12 months.

Once in operation, the flexible working arrangements may continue indefinitely, including beyond the child's 17th birthday, or disabled child's 18th birthday. Any amendment to the arrangements should be made by mutual agreement between the employee and their Service Head.

4.3 Employee's Obligations under the Scheme

Employees may request a new working pattern at any time from the birth of their child up to 14 days before their child's 17th or, if disabled, 18th birthday.

They must submit their request for a flexible working arrangement in writing to their Service Head. It must be dated and signed and include the following information:

- Their relationship with the child(ren) under 17 years old, or 18 years old if disabled, for whom they have responsibility; or their relationship with the adult for whom they will provide care.
- Whether (and, if so, when) they have made any previous application(s) for flexible working;
- A description of the working pattern they require and their views on how it might impact on the Service and how the flexible working arrangements could be made to work;
- The date on which they propose the new working arrangements should become effective.

It should be noted that requests for flexible working arrangements do not necessarily have to involve a reduction in working hours. It may be, for example, that an employee wishes to change the times they start or finish work or they may request term-time working or an arrangement that permits working from home.

Although the legislation does not require it, employees who opt to work flexibly under an arrangement which involves reduced hours will be offered one opportunity to revert to their original full-time hours before the arrangements have been in place for one year. This option will be discussed at a review of their flexible working arrangements which will be convened by their line manager shortly before the first anniversary of the flexible working arrangements.

It must be recognised that, where an employee's flexible working arrangement involves working reduced hours, this may involve another party who may have accrued employment rights. Therefore it may not be possible for an employee to revert to full-time working before the opportunity arises at the one-year review or after their flexible working arrangements have been made permanent.

In the event that an employee chooses not to return to full-time working at the one-year stage, the flexible working arrangement will be confirmed as permanent by the Service Head.

4.4 Employer's Obligations under the Scheme

Service Heads must seriously consider the business case for accepting or rejecting an employee's request for flexible working.

Service Heads must convene a meeting to consider the employee's request within **28 days** of receiving it. This requirement does not apply if the Service Head agrees to the request and notifies the employee accordingly in writing within 28 days of receiving it.

If the Service Head who would normally consider the request is on holiday or sick leave on the day when the application is made, the 28 day period should commence

on the day that the Service Head returns to work or 28 days after the application is made, whichever is sooner.

Employees may attend the meeting with a trade union representative or workplace colleague if they wish. An officer from Human Resources will advise the Service Head.

□ *If the Service Head accepts the request:*

They should write to the employee within **14 days** of date of the meeting, setting out any action on which the agreement is dependent and establish a start date. They must also specify the date on which the flexible working arrangements will be reviewed. The review should take place before the first anniversary of the flexible working arrangements and is intended to provide an opportunity for the employee to consider the option of reverting to their original full-time hours, as outlined under 'Employee's Obligations' above.

□ *If the Service Head rejects the request:*

They should provide an explanation of the business reasons in full for rejecting the request, in writing, within **14 days** of the date of the meeting and inform the employee of the appeals procedure.¹

Reasons for refusing a request must be based on one or more of a number of legally specified grounds contained in Section 80G(1)(b) of the Employment Rights Act 1996. These are:

- Unjustifiable additional costs;
- Detrimental effect on ability to meet customer demand;
- Inability to reorganise work amongst existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality or performance;
- Insufficiency of work during periods the employee proposes to work;
- Planned structural changes.

4.5 Right of Appeal against a refusal to grant a request for flexible working arrangements

Employees wishing to appeal against a Service Head's decision to reject their request for flexible working arrangements should do so by writing to the HR Manager, stating their grounds for appeal, within **14 days** of receiving written notification of the rejection of their request.

The Chief Executive will normally hear an appeal within **14 days** of receipt of the appeal. If it is not possible to convene an appeal hearing within 14 days, an extension of time may be agreed between the Council and employee. In these circumstances, the HR Manager (or nominee) will write to the employee, specifying why the extension is required and a date by which the appeal will be heard.

At the appeal hearing the Chief Executive will be advised by the HR Manager (or his/her nominee).

The employee will be informed of the outcome of the appeal within **5 working days** of the appeal hearing. The Chief Executive may:

¹ An employee can make a complaint to an Employment Tribunal if the employer (1) fails to deal with an application under the prescribed procedure, (2) refuses a request for a reason other than the legally specified grounds described in this procedure, or (3) rejects the employee's request on incorrect facts.

□ *Uphold the appeal:*

The notification will specify the contract variation agreed by the Chief Executive and the date from which the new arrangements will take effect.

□ *Dismiss the appeal:*

The notification will state the grounds for the decision and contain a sufficient explanation as to why those grounds apply.

5. FAMILY SUPPORT LEAVE

5.1 Introduction

Family Support Leave provides time off for urgent family reasons, and is different from annual leave. A decision on whether or not to grant a request for Family Support Leave must not, therefore, be related to the needs of the service.

The Council has stated that it wishes to assist employees in striking a balance between work and family life. It is intended that employees will be protected from dismissal or other action if they exercise their right to time off for urgent family reasons. It would be inappropriate to deny access to Family Support Leave unless there is a suspicion that an employee is abusing the scheme. In such cases consideration will be given to disciplinary action (as with any other case of abuse or dishonesty).

5.2 Scope of the Scheme

- The scheme applies to all employees (including temporary employees but excluding casual workers).
- Family Support Leave is available to employees without a qualifying service period.
- Family Support Leave will normally be granted for periods of up to two days **with pay** at the discretion of the Service Head and subject to the conditions outlined below.

5.3 Conditions of the Scheme

- Employees are expected to act responsibly when it comes to booking and using their annual leave entitlement. For example, it is not expected that employees would leave themselves with no annual leave for long periods of the leave year. However, it is accepted that, due to unforeseen circumstances, this may, on occasion, occur.
- The granting of up to two days with pay under the Council's Family Support Leave Scheme is conditional on an employee having 5 days or less remaining, unallocated annual leave entitlement left in the 4th quarter of the leave year, that is January to March.
- Those employees who are subject to the Flexible Working Hours Scheme would be expected to go **no more** than 4 hours in debit, to be made up over a period of time at the discretion of their line manager, when taking advantage of Family Support Leave.

5.4 **Leave Borrowing**

- As an alternative to the above, where an employee requires more than two days leave for the reasons outlined in this section, Service Heads will have the discretion to allow employees to borrow annual leave from the entitlement for the forthcoming leave year.
- An employee wishing to request annual leave for reasons of family support may borrow up to ten working days, in advance of accruing their entitlement to it.
- An employee who has been granted leave in advance of their entitlement will be required to sign an undertaking to repay any salary received in respect of the period should they leave the Council's employment before accruing the holiday granted in advance..

5.5 **Family Support - Definitions under the Scheme**

Employees may be granted Family Support Leave when the absence is on account of one of the following: -

- to care for sick or convalescing **dependants***
- accompanying children for emergency/unplanned medical treatment
- childcare emergencies, where normal arrangements have broken down (e.g. sickness or unexpected unavailability of the regular childminder)
- urgent domestic/personal circumstances (this does not include school holidays)
- attendance at court hearings in child custody cases.

* For the purpose of the scheme, dependants are defined as: -

- spouse, partner, child, brother, sister, mother, father;
- a close relative or close friend living separately but who relies on the employee for domestic or financial support;
- a person living in the employee's household who is directly dependent on the employee for domestic or financial support.

Service Heads will administer the policy and may refer to Human Resources for guidance if necessary. Where an employee makes a request that is not exactly as described above but is generally within the spirit of the policy, Service Heads will have discretion to grant the leave.

Service Heads may request evidence of the need for such leave e.g. medical certificate, appointment card.

The amount of time off to be granted will be at the discretion of the Service Head but will be up to a maximum of two weeks during a 'rolling year'. Requests for longer periods of leave may be considered and will be referred to the Director and/or HR Manager for guidance.

6. **BEREAVEMENT LEAVE**

6.1 **Introduction**

The Council will grant special leave on receipt of a request resulting from bereavement.

6.2 Conditions of the Scheme

Employees may be granted up to 3 days' leave **with pay** as a result of the death of a member of their **immediate family**[†].

Service Heads may approve greater amounts of bereavement leave than outlined, having considered the circumstances of the case. Each case will be considered on merit Legal & HR Services should be approached for guidance if necessary.

[†] Immediate family is defined as spouses, partner, child, mother, father, brother, sister.



Flexible Retirement Policy

1. Introduction

- 1.1 Flexible retirement was introduced into the Local Government Pension Scheme in 2006. It enables an employee who has attained the age of 55 to draw pension benefits whilst continuing in employment, provided that the employee's hours are reduced and/or the employee is employed at a lower grade. Flexible retirement can only occur with the Council's consent as employer.
- 1.2 Flexible retirement offers a number of potential advantages both to the employee and to the Council.
- 1.3 From the employee's point of view, flexible retirement offers a gradual easing into retirement, and the opportunity to achieve an acceptable work/life balance. Many employees currently go from working full time hours to complete retirement representing a significant culture change. Working flexibly up to retirement can allow a more gradual transition.
- 1.4 From the Council's point of view, flexible retirement may facilitate the retention of expertise and knowledge of experienced employees, and may offer the opportunity of better succession planning and the transfer of skills and knowledge, as well as improving staff morale.
- 1.5 This Policy sets out how the Council will approach requests for flexible retirement. In formulating its policy, the Council has considered the potential benefits of permitting flexible retirement, its cost, and the extent to which exercising this discretion might affect public confidence in local government.
- 1.6 The Policy applies to all employees who are members of the Local Government Pension Scheme, and who have reached the age of 55.

2. Background – The Regulations

- 2.1 The Local Government Pension Scheme Regulations, as amended, provide that employees who are members of the Scheme and who have attained the age of 55 may with the Council's consent reduce their hours and/or grade. With the Council's consent, such employees may draw their local government pension whilst continuing to work. In addition, they may remain in the Local Government Pension Scheme until the day before their 75th birthday, building up further benefits in the Scheme.
- 2.2 Under the flexible retirement provisions, if the payment of pension benefits takes effect before the employee's 65th birthday, the benefits payable are to be reduced in

accordance with guidance issued by the Government Actuary, although the Council, as employer, may choose to waive, in whole or in part, any such reduction.

- 2.3 The pension benefit which an employee may receive will be dependent on the employee's personal circumstances. The actuarial reduction will depend on the application to the employee of the "85 year rule". An estimate of the pension benefits which would be payable to the employee, and any cost to the Council of the pension being put into payment early, should be obtained from the Lancashire County Council at an early stage.

3. Policy

- 3.1 Requests for flexible retirement will normally only be considered where the request is for a reduction of at least 20% in hours in the current post, or a reduction of at least 20% of salary through taking up a lower graded post or other post with fewer hours.
- 3.2 Whilst it is likely that requests for flexible employment will most frequently be made by employees wishing to reduce their hours in their current position, requests may be made in respect of any lower graded position within the employee's Service or the Council as a whole. An employee who wishes to take up any lower grade post or another post with fewer hours must apply for advertised vacancies in the normal way.
- 3.3 Flexible retirement may be considered where ill health is not an option but where, for medical reasons, a reduction in hours and/or the level of the work would be mutually beneficial to the employee and to the Council.
- 3.4 Once flexible retirement has been approved, the Council will not normally allow the employee to work additional hours (temporarily or permanently) or be appointed to a higher grade post or a post with higher contractual hours within the Council. Any exception to this must be agreed by the Chief Executive. This provision would not apply where the grade of the employee's post is increased as a result of Job Evaluation after the flexible retirement has been granted.
- 3.5 An employee's earnings, including pension payments under the scheme, will not generally be permitted to exceed the employee's earnings immediately before flexible retirement. To allow otherwise might affect public confidence in local government. HR will confirm that the employee's earnings are within this rule.
- 3.6 Each request for flexible retirement will be considered on its merits, and will only be approved if it is in the Council's economic and/or operational interests to do so. In particular, the relevant factors to consider will be the effect of the request on service delivery and performance, any need to reorganise the way in which the relevant Services are provided, the need and ability to recruit any other person to enable the services to be maintained, the effect of any reduction in grade upon the duties which are required to be carried out and how they would otherwise be undertaken, and any cost to the Council if the request were to be approved.
- 3.7 Although the Council has discretion to waive in whole or in part any reduction in pension benefits for an individual arising as a result of the flexible retirement, it will not generally do so unless there are exceptional circumstances. Each case will be considered on its merits.
- 3.8 It should be noted however that, even without such waiver, flexible retirement may in some cases incur a financial strain on the pension fund which the Council would be required to meet. Such costs will be considered as part of the overall business case.

Requests will only be approved when it is in the Council's interests to do so. All costs falling on the Council as an employer must be affordable and be funded within existing budget limits over the next three years, or able to be met from savings arising from the proposed flexible retirement. Depending on the nature of the proposed funding, it is possible that Cabinet approval may be required.

4. Requests for Flexible Retirement

4.1 Prior to making any formal request for flexible retirement, an employee may discuss the matter informally with their line manager, and may ask the Human Resources Manager to obtain an estimate of their retirement benefits.

4.2 Any formal request for flexible retirement should be made in writing by the employee to the relevant Service Head, if possible between three and six months prior to the date the employee wishes the flexible retirement to commence. The request should contain details of the proposed change, the date on which they would like the arrangements to commence, and the effect they anticipate the change may have on their role, their colleagues, service delivery and the Council, and how this could be accommodated.

4.3 The Service Head will consider the request in the light of the provisions of this Policy, and may meet with the employee to discuss the request further. The employee may be accompanied at such a meeting by a trade union representative or colleague, and the Service Head may invite the employee's line manager and/or a Human Resources Officer to attend. The Service Head must consult Financial Services and Human Resources.

4.4 The Service Head will then make the decision to approve or decline the request. If the Service Head declines the request they will write to the employee and set out the reasons why the request has been declined. If the request is granted the Service Head will complete a change of conditions form and Human Resources will make the necessary arrangements to amend the employee's contract of employment, and arrange for the release of pension benefits.

4.5 If the request is not granted, or the arrangements approved are different from those originally requested the employee has the right to appeal to the Chief Executive. The Chief Executive will consider the request and the recommendations made by the Service Head and will provide a response in writing to the employee. There is no further right of appeal after this stage.



SOCIAL MEDIA POLICY

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1.0 Introduction

- 1.1 The Council recognises that the internet provides unique opportunities to participate in interactive discussions and share information on particular topics using a wide variety of social media, such as Facebook, Twitter, blogs and wikis. However, staff use of social media can pose risks to the Council's confidential and proprietary information, and reputation, and can jeopardise the Council's compliance with legal obligations.
- 1.2 To minimise these risks, to avoid loss of productivity and to ensure that the Council's IT resources and communications systems are used only for appropriate business purposes, we expect staff to adhere to this policy.
- 1.3 This policy does not form part of staff contracts of employment and it may be amended at any time.

2.0 Who is covered by the Policy?

- 2.1 This policy covers all individuals working at all levels and grades in the Council, including senior managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, casual and agency staff (collectively referred to as staff in this policy).
- 2.2 Third parties who have access to the Council's electronic communication systems and equipment are also required to comply with this policy.

3.0. Scope and Purpose of the Policy

- 3.1 This policy deals with the use of all forms of social media, including Facebook, LinkedIn, Twitter, You Tube, Wikipedia, all other social networking sites, and all other internet postings, including blogs.
- 3.2 It applies to the use of social media for both Council business and personal purposes, whether or not during office hours or otherwise. The policy applies regardless of whether or not the social media is accessed using the Council's IT facilities and equipment or equipment belonging to members of staff.
- 3.3 Breach of this policy may result in disciplinary action up to and including dismissal. Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether the Council's equipment or facilities are used for the purpose of committing the breach. Any member of staff suspected of committing a breach of this policy will be required to co-operate with the Council's investigation.
- 3.4 Staff may be required to remove internet postings which are deemed to constitute a breach of this policy. Failure to comply with such a request may in itself result in disciplinary action.

4.0 Compliance with Related Policies and Agreements

- 4.1 Social media should never be used in a way that breaches any of the Council's other policies. If an internet post would breach any of the Council's policies in another forum, it will also breach them in an online forum. For example, staff are prohibited from using social media to:
 - (a) breach the Council's Information Management and Security Policy;
 - (b) breach the Council's Disciplinary Rules;
 - (c) harass or bully other staff in any way;
 - (d) unlawfully discriminate against other staff or third parties;
 - (e) breach the Council's Data protection policy (for example, never disclose personal information about a colleague online);
 - (f) breach any other laws or ethical standards (for example, never use social media in a false or misleading way, such as by claiming to be someone other than yourself or by making misleading statements).
- 4.2 Staff should never provide references for other individuals on social or professional networking sites, as such references, positive and negative, can be attributed to the Council and create legal liability for both the author of the reference and the organisation.
- 4.3 Staff who breach any of the above policies will be subject to disciplinary action, up to and including dismissal.

5.0. Personal use of Social Media

5.1 Personal use of social media is never permitted during working time.

5.2 We recognise that Staff occasionally may desire to use social media for personal activities at the office or by means of the Council's computers, networks and other IT resources and communications systems. We authorise such occasional use so long as it does not take place during working time. While using social media at work, circulating chain letters or other spam is never permitted. Circulating or posting commercial, personal, religious or political solicitations, or promotion of outside organisations unrelated to the Council's business are also prohibited.

5.3 The above arrangements apply equally to the use of privately owned Personal Electronic Devices (Mobile phones, Laptops, Tablets, Smart phones etc) as they do to Council owned equipment.

Note: The times when occasional use is authorised are; during lunchtime; before or after the working day or when "logged out" of the flexitime system.

6.0 Responsible Use of Social Media

6.1 The following sections of the policy provide staff with common-sense guidelines and recommendations for using social media responsibly and safely.

6.1.1 Protecting the Council's reputation:

(a) Staff must not post disparaging or defamatory statements about:

(i) the Council's organisation;

(ii) the Council's elected Members and employees;

(iii) the Council's service users;

(iv) suppliers and vendors; and

(v) other affiliates and stakeholders, but staff should also avoid social media communications that might be misconstrued in a way that could damage the Council's reputation, even indirectly.

(b) Staff should make it clear in social media postings that they are speaking on their own behalf. Write in the first person and use a personal e-mail address when communicating via social media.

(c) Staff are personally responsible for what they communicate in social media. Remember that what you publish might be available to be read by the masses (including the Council itself, future employers and social acquaintances) for a long time. Keep this in mind before you post content.

(d) If you disclose your affiliation as an employee of the Council, you must also state that your views do not represent those of the Council. For example, you could state, "the views in this posting do not represent the views of Lancaster City Council". You

should also ensure that your profile and any content you post are consistent with the professional image you present to service users and colleagues.

- (e) Avoid posting comments about sensitive Council business. Even if you make it clear that your views on such topics do not represent those of the Council, your comments could still damage the Council's reputation.
- (f) If you are uncertain or concerned about the appropriateness of any statement or posting, refrain from making the communication until you discuss it with your manager.
- (g) If you see content in social media that disparages or reflects poorly on the Council or the Council's stakeholders, you should contact your manager. All staff are responsible for protecting the Council's business reputation.

6.1.2 Respecting intellectual property and confidential information:

- (a) Staff should not do anything to jeopardise the Council's confidential information and intellectual property through the use of social media.
- (b) In addition, staff should avoid misappropriating or infringing the intellectual property of other companies and individuals, which can create liability for the Council, as well as the individual author.
- (c) Do not use the Council's logos, or post any of the Council's confidential or proprietary information without prior written permission.

6.1.3 The contact details of business contacts made during the course of your employment are regarded as the Council's confidential information, and as such you will be required to delete all such details from your personal social networking accounts, such as Facebook accounts or LinkedIn accounts, on termination of employment.

6.1.4 Respecting colleagues, elected Members, clients, partners and suppliers:

- (a) Do not post anything that your colleagues or the Council's elected Members, service users, business partners, suppliers, vendors or other stakeholders might find offensive, including discriminatory comments, insults or obscenity.
- (b) Do not post anything related to your colleagues or elected Members, or our service users, business partners, suppliers, vendors or other stakeholders without their written permission.

7.0 Monitoring

7.1 As with any Internet and e-mail use (including personal e-mail), the use of social media sites may be monitored or recorded by the Council at any time without notice or consent for the following purposes only:

- **To establish the existence of facts relevant to Council business**
e.g. keeping records of transactions and other communications in cases where it is necessary or desirable to know the specific facts of the conversation.
- **To ascertain compliance with regulatory or self-regulatory practices or procedures relevant to Council business**

e.g. monitoring as a means to check that the Council is complying with regulatory or self-regulatory rules or guidelines.

- **To ascertain or demonstrate standards which are or ought to be received by persons using the telecoms system**
e.g. monitoring for purposes of quality control or staff training.
- **To prevent or detect crime**
e.g. monitoring or recording to detect fraud or corruption.
- **To investigate or detect the unauthorised use of the telecoms systems**
e.g. monitoring to ensure that users do not breach Council rules regarding use of the telecoms systems.
- **To ensure the effective operation of the system**
e.g. monitoring for viruses or other threats to the system; automated processes such as caching or load distribution.

7.2 The Council may also monitor (but not record) communications without notice or consent:

- **To check whether communications are relevant to Council business**
e.g. checking e-mail accounts to access Council business communications in staff absence.

7.3 The Council, however, will not use personal information collected through monitoring for purposes other than for which the monitoring was undertaken unless the information is such that no reasonable Council or employer could ignore it i.e. it reveals criminal activity or gross misconduct.

7.4 Unless such monitoring would be ineffective and the circumstances justify the additional intrusion, the Council will limit monitoring to traffic data rather than the contents of communications and undertake spot checks or audit rather than continuous monitoring.

7.5 If the traffic record alone is not sufficient to achieve the business purpose use, the Council will ensure that any further monitoring is, as far as possible, limited and targeted.

7.6 Wherever possible the Council will restrict the monitoring of e-mails sent to specific users to messages the employee has received and chosen to retain rather than deleted.

8.0 Other related documents

The Council through its Information Management Group, has developed a range of policies. This policy should be read in conjunction with any existing policies and protocols which may be amended from time to time. These documents can be accessed via the council intranet "ELSIE".

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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