



Committee: PERSONNEL COMMITTEE

Date: TUESDAY, 21ST JUNE 2016

Venue: LANCASTER TOWN HALL

Time: 6.10 P.M.

A G E N D A

1. Apologies for absence

2. Declarations of Interest

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

3. Appointment of Vice Chairman

To appoint a Vice-Chairman for the duration of the 2016/17 municipal year.

4. Items of urgent business authorised by the Chairman

5. HR Policy and Development Review Report (Pages 1 - 30)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Lucy Atkinson (Chairman), Caroline Jackson, Ronnie Kershaw,
Jane Parkinson, Margaret Pattison, Sylvia Rogerson and David Smith

(ii) Substitute Membership

Councillors Carla Brayshaw, Andrew Gardiner, Abi Mills, David Whitaker and
Phillippa Williamson

(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 Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

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

Published on Monday, 13th June, 2016.

PERSONNEL COMMITTEE

HR POLICY DEVELOPMENT AND REVIEW**21 June 2016****Report of the HR Service 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 subject to any further recommendation being brought to the Committee from the Joint Consultative Committee, which meets on 21 June 2016 prior to this meeting, the Committee approve:

1. Driving and Driving Licence Policy and Procedure (New Document)
2. Paternity/Partner Leave Policy and Procedure (Revised Document)
3. Annual and Statutory Leave Policy (Revised Document)

1.0 Introduction

- 1.1 From time to time the Council will develop procedures to support the management of workforce related matters.
- 1.2 The recognised trade unions have been consulted on the appended draft policies, which will be discussed at the Joint Consultative Committee (JCC) meeting on 21 June 2016, prior to the meeting of this Committee. Should there be any amendments proposed by the JCC, these will be presented to this Committee for its consideration. In the event of any substantial changes to a Policy being proposed at the JCC meeting and /or further consultation being required, it may be necessary to defer consideration to a future meeting of the Personnel Committee.

2.0 Driving and Driving Licence Policy and Procedure

- 2.1 This policy has been developed to ensure that the Council maintains sufficiently robust processes to ensure that staff engaged in driving retain a licence that is valid in the UK.
- 2.2 The proposed Driving and Driving Licence Policy and Procedure outlines the arrangements that will apply to check driving licences for both new and existing staff, whether driving is fundamental to the role or is only an occasional element of the role.

3.0 Paternity/Partner Leave Policy and Procedure

- 3.1 The Paternity/Partner Leave Policy has been revised following the introduction of Shared Parental Leave.
- 3.2 An amended Paternity/Partner Leave Policy was agreed by JCC and Personnel Committee in February 2013 in response to legislation permitting employees to apply for a period of Additional Paternity Leave.
- 3.3 Additional Paternity Leave was superseded by Shared Parental Leave, but there was a period of overlap during which employees could still apply for Additional Paternity Leave. The period of overlap has now passed and it is proposed that the Council revert to the arrangements for Paternity/Partner leave that were in place until February 2013.

4.0 Annual and Statutory Leave Policy

- 4.1 The current version of the Annual and Statutory Leave Policy has been in place since 2012 and has been reviewed to ensure it remains current. Whilst there have been no significant changes in policy, the document has been amended so that information is set out in a clearer format. A small number of changes have been introduced to reflect current practice.

Summary of main changes

- 4.2 Sections 3.5 & 3.6 – clarifies the arrangements pertaining to bank holidays for part time employees.
- 4.3 Section 4 and Section 5 – have been introduced to more clearly set out the responsibilities of both managers and employees with regard to leave.
- 4.4 Sections 5.5 & 13.2 – confirm that managers may investigate further where an employee's absence coincides with a period when annual leave was declined.
- 4.5 Section 7.1 – Confirms the existing practice that part time employees may only carry forward a pro-rata amount of annual leave.

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. However, if substantial changes in respect of any Policy are proposed at the Personnel Committee meeting, it may be appropriate for consideration of that Policy to be deferred to a future meeting to enable Officers to consider the proposed amendment in more detail and to consult further with the trade unions.

6.0 Conclusions

- 6.1 Members are asked to consider and accept the Officer recommendations set out at (1) above in respect of the draft policies appended to this report.

RELATIONSHIP TO POLICY FRAMEWORK

The Council is committed to good standards of employment practice, and it is considered that the amended and new policies will augment our existing Human Resource Management arrangements.

CONCLUSION OF IMPACT ASSESSMENT

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

Please see associated Equality Impact Assessment in respect of each of the above policies.

FINANCIAL IMPLICATIONS

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

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

All the appended policies are compliant with employment legislation and there are no further 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

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E-mail: ajackson@lancaster.gov.uk



Driving and Driving Licence Policy and Procedure

1. Scope

- 1.1 These arrangements apply to all employees engaged in work-related driving activities whilst in the course of their employment at Lancaster City Council, whether they are owner drivers or users of vehicles owned by the Council, leased or hired for use on Council business.
- 1.2 This document should be read in conjunction with the Driver's Handbook and the Car Usage Guidance, both of which are available on Elsie or via line managers, where staff do not have access to the intranet.
- 1.3 There are flow charts available on the HR intranet pages to visually demonstrate the LGV medical assessment process and the process for checking licences of successful job applicants and existing employees.

2. Driving at Lancaster City Council

- 2.1 Driving at Lancaster City Council falls into one of two main categories;
 - Group A: employees whose job has a fundamental driving element, e.g., LGV drivers of refuse trucks, repairs and maintenance staff, pest control officers, dog wardens, etc.
 - Group B: all other employees who use either their own vehicle, a hire car or a pool car to attend meetings, site visits etc., both within or outside the district during the course of their work; excluding normal home-to-work journeys.

3. Responsibilities of Employees Engaged in Work-related Driving

- 3.1 All employees who are engaged in work-related driving must:
 - be holders of a full current driving licence, valid in the UK, for the category of vehicle which they are driving (including automatic or manual);
 - notify their line manager immediately if their licence has expired, been suspended, revoked or cancelled, or has had any limitation placed upon it;
 - notify the DVLA immediately of any changes to their name or address;
 - allow their licence to be checked on a regular basis, as outlined below.
- 3.2 The above responsibilities rest solely with the employee. Whilst the Council will put reasonable checks in place, the Council does not accept responsibility where an employee has failed to disclose relevant and / or accurate information to management or the DVLA.
- 3.3 Photo-card licences are only valid for 10 years, employees should therefore ensure that they renew their licence in good time.

4. Health and Medication

4.1 Employees who are engaged in any work-related driving must notify the DVLA and management immediately if:

- they develop any notifiable* medical condition or disability;
- a condition or disability has got worse since their licence was issued.

*Notifiable conditions are anything that could affect an individual's ability to drive safely. They can include:

- epilepsy
- strokes
- other neurological and mental health conditions
- physical disabilities
- visual impairments

4.2 Further information on reporting medical conditions or disabilities to the DVLA is available at <https://www.gov.uk/driving-medical-conditions>.

4.3 The responsibility for informing the DVLA and management of any changes in medical conditions rests solely with the employee. Whilst the Council will put reasonable checks in place, the Council does not accept responsibility where an employee has failed to adhere to the above DVLA requirements on medical conditions.

4.4 Where an employee engaged in work-related driving is taking medication, they must always consult the instructions enclosed with the medication or seek medical advice to confirm whether consumption will affect their ability to drive. It is the employee's responsibility to comply with medication instructions or medical advice and to inform their manager if they have any concerns about driving whilst taking medication.

5. Replacement of the Paper Counterpart

5.1 On 8 June 2015 the paper counterpart to the photo-card driving licence ceased to be valid and paper counterparts are no longer issued by the DVLA. The paper counterpart contained information that could not be displayed on the photo-card, which included some vehicle categories that the holder was entitled to drive and any endorsements/penalty points.

5.2 Paper driving licences issued before the photo-card was introduced in 1998 remain valid.

5.3 The DVLA has introduced a new system for employees to share their driving licence information with their employers. In light of these changes the Council has adopted a revised approach to checking that all staff are eligible to drive, in addition to checking that all owner driver vehicles are properly insured and maintained.

6. Checking Driving Licences – Pre-placement Process for Successful Job Applicants

6.1 The Recruitment and Selection procedures require that, where an offer of employment is made to an applicant, it is conditional upon the successful completion of any pre-placement checks.

6.2 Driving licence checks will form part of the pre-placement process whenever the Person Specification includes driving as an essential or desirable criteria. Where there is no

requirement for driving as part of the duties of the post, the checking of a driving licence will not form part of the pre-placement process.

- 6.3 When a conditional offer of employment is made, the successful applicant will be asked to generate a 'check code' through the Share Driving Licence service via GOV.UK - <https://www.gov.uk/view-driving-licence>, which will allow information about their eligibility to drive to be shared with Lancaster City Council.
- 6.4 Interview candidates will be asked to bring the 'check code' with them to interview to demonstrate their eligibility to drive in the UK. Information about the successful applicant's ability to drive will subsequently be retained on their employee record.
- 6.5 As with all aspects of the pre-placement process, the successful applicant's status will remain "offered subject to successful completion of the pre-placement process" until full information has been obtained confirming that they are able to drive as part of their duties. Managers must not confirm an offer of employment to the successful applicant until they have been notified that all pre-placement checks have been duly completed.
- 6.6 If a successful applicant is unable to complete any element of the pre-placement process within a reasonable timescale, the offer of employment will be withdrawn.

7. Checking Driving Licences – Existing Employees

- 7.1 The Council will, on an ongoing basis, check that staff remain eligible to drive. HR will maintain a central record of all staff who drive (both Group A and B) and will alert managers when a check is due. In order to comply with legislation it will be necessary for this information to be made available to the Council's designated 'Transport Manager' when requested by the Traffic Commissioner.
- 7.2 HR will issue notifications to staff and/or managers approximately one month before the check is due, dependent on whether the employee has an email account. This should allow adequate opportunity for the licence check to be carried out prior to or on the due date of the check. This is particularly important for staff in Group A, in order to comply with the requirements for maintaining the Council's Fleet Operators Licence.
- 7.3 Employees must, when asked, allow their line manager to check their driving licence via the Share Driving Licence service via GOV.UK.
- 7.4 Employees who drive LGVs and other vehicles on the Fleet Operator's Licence will have their licences checked by management on a 6 monthly basis. All other employees who drive as part of their job will normally have their licences checked on an annual basis. However a manager may ask an employee to undertake a licence check at any other time, if the manager considers that there is reasonable justification to do so.
- 7.5 Whilst the Council will put reasonable checks in place, it remains wholly the responsibility of the employee to notify their line manager immediately if their licence has expired, been suspended, revoked or cancelled, or has had any limitation put upon it. Where an employee fails to notify their line manager it may be necessary to consider action under the Council's Disciplinary Policy and Procedure.

8. Generating a 'Check Code'

- 8.1 Employees can generate a 'check code' themselves online for free by accessing the Share Driving Licence service on GOV.UK - <https://www.gov.uk/view-driving-licence>, which can then be passed onto line managers who will conduct the check by accessing the Check Driving Licence facility on GOV.UK. Once generated, a 'check code' will remain valid for 21 days.
- 8.2 Any employees who are unable to access the online service can call 0300 083 0013 and the DVLA will provide them with a code to pass to their line manager. Alternatively employees can call the DVLA on 0300 790 6801 and leave permission for their driving record to be checked verbally by a nominated person or organisation.
- 8.3 By providing the line manager with a 'check code', the employee is authorising the line manager to access the Check Driving Licence facility on GOV.UK, to check the vehicle categories that the employee is authorised to drive and any endorsements or penalty points on their driving licence.
- 8.4 When the check has been successfully completed the line manager must inform HR by emailing hradmin@lancaster.gov.uk as soon as possible, so that the employee's record can be updated accordingly.

9. Action Following Completion of a Check

- 9.1 If the check indicates that the licence is due to expire before the date of the next check, this information should be passed to HR, so that the next licence check can be amended to coincide with the date that the current licence expires. This is particularly important for drivers of vehicles in Group A.
- 9.2 If, on checking the licence, it appears that an employee has failed to notify their line manager of any endorsements or penalty points, consideration will be given to action in line with the Council's Disciplinary Policy and Procedure.
- 9.3 Where the check indicates that an employee either in Group A or Group B is no longer eligible to drive (or not eligible to drive the category of vehicle for which they are employed), it will be necessary to immediately suspend the employee from driving duties and for consideration to be given to either the Council's Disciplinary Policy and Procedure.

10. Suspension from Driving

- 10.1 If an employee in Group A is suspended from driving on medical grounds, this will be discussed with the employee. Where the employee is unable to attend work, the absence will be managed in line with the Council's Sickness Absence Management Policy and Procedure.
- 10.2 Subject to medical advice, it may be possible to temporarily redeploy the employee, if suitable and meaningful alternative duties can be found until the suspension is lifted. Where temporary duties are only available at a different grade, the employee will be paid at the mid-point of the applicable grade during the period that the temporary alternative duties are undertaken. Where the employee has been unable to return to their substantive post within a three month period following the suspension from driving, consideration will be given to the option for permanent redeployment, subject to vacancies available at the time. Where there are no suitable vacancies available, it may be necessary to consider termination of employment.

- 10.3 Where an employee in Group B is suspended from driving on medical grounds, it may be possible to temporarily amend their duties to remove the need for driving in the substantive post. Where this is not possible consideration will be given to the steps in 10.2 above.
- 10.4 If an employee is suspended from driving duties for non-medical reasons, where the loss of a licence has a significant impact upon their ability to perform their duties, consideration will be given to temporary redeployment as outlined above, whilst any necessary investigations take place. Managers may need to consider whether it is necessary for any action under the Council's Disciplinary Policy and Procedure. If there are no suitable alternative duties available, the employee may be temporarily suspended from work in line with the Council's Disciplinary Policy and Procedure.
- 10.5 If the employee subsequently demonstrates that they are able to undertake driving duties for the Council, they will not normally receive any back pay for the period when they were unable to undertake their substantive duties, unless it is demonstrated that the employee was not at fault.
- 10.6 If a line manager has concerns that an employee is unfit to drive it may be necessary to prevent the employee from undertaking their normal driving duties until there has been appropriate investigation or consideration of the concerns, in line with other relevant Council policies.

11. Compliance

- 11.1 Employees are expected to fully comply with these arrangements and should be encouraged to do so by local management. If employees have any concerns or questions these should be directed to their line manager at an early point. If an employee fails to comply with any part of the Policy, consideration will be given to action in line with the Council's Disciplinary Policy and Procedure.
- 11.2 It is expected that employees will provide the appropriate 'check code' or telephone authorisation to their line manager, within a reasonable timescale, i.e., no longer than 14 days from when the request was made (unless reasonably prevented from doing so by holidays or sickness).
- 11.3 Where an employee in Group A or Group B does not provide a 'check code' or telephone authorisation within 14 days, consideration will be given to action in line with the Council's Disciplinary Policy and Procedure.
- 11.4 Outstanding mileage expenses claims should not be authorised until the employee has provided evidence of their ongoing eligibility to drive.
- 11.5 In compliance with DVLA requirements, HR will schedule 5 yearly medical assessments for LGV licence holders aged 45 and over, as part of the Council's Health Surveillance programme. It is imperative that employees attend these appointments to ensure their LGV licence can be renewed in time for the expiry date of their current licence. Failure to attend the medical assessment and thus delaying the renewal of the LGV licence could result in the employee being suspended from driving duties.

12. Endorsements / Penalty Points

- 12.1 It is essential for the Council's retention of its Fleet Operators Licence that reasonable measures are in place to ensure employees retain a driving licence that is valid in the UK.

- 12.2 If an employee in Group A is issued with endorsements or penalty points, they should inform their line manager at the earliest opportunity. The line manager should ask the employee to provide a 'check code', so that the level of endorsement or penalty points can be verified.
- 12.3 Where an employee in Group A has acquired between 6-9 penalty points, the Council will require more frequent licence checks to be carried out for that employee; normally every three months.
- 12.4 If, on checking the licence, it appears that an employee has failed to notify their line manager of any endorsements or penalty points, consideration will be given to action in line with the Council's Disciplinary Policy and Procedure.
- 12.5 If an employee loses their licence, consideration may be given to action in line with the Council's Disciplinary Policy and Procedure or redeployment where suitable vacancies are available.

13. Changes in Circumstances

- 13.1 Employees must advise their line manager immediately if they become ineligible to drive, whether this is due to driving offences or for medical reasons.
- 13.2 When this occurs advice should be sought from HR on the appropriate resolution, which will vary dependent upon the issue involved and the duties of the employee.
- 13.3 Where an employee fails to notify their line manager of a material change to their circumstances, which has a bearing on their eligibility to drive, action may be taken in line with the Council's Disciplinary Policy and Procedure.

14. Owner Drivers and Insurance

- 14.1 Drivers who use their own vehicle for work-related driving must ensure that they have valid insurance for use on Council business. Drivers will require business cover if they drive to multiple sites or offices, as well as their usual place of work. This cover differs from a standard insurance policy, which only provides cover for social use and commuting.
- 14.2 Drivers must make their insurance certificate available for inspection by line managers, when required, which will normally be at no more than 12 monthly intervals. The Council will not accept liability for claims which are not covered by the driver's own insurance.
- 14.3 Drivers using their own vehicles for Council business must also ensure that the vehicle is in a roadworthy condition.
- 14.4 It is expected that employees will provide their insurance certificate to their line manager, within a reasonable timescale, i.e., no longer than 14 days from when the request was made (unless reasonably prevented from doing so by holidays or sickness).
- 14.5 Mileage expenses claims should not be authorised until the employee has produced their insurance documents.

15. Pool and Hire Cars

- 15.1 For guidance on the requirements for driving pool or hire cars for Council business, please consult the Business Travel and Car Usage Guidelines on Elsie.

Document Control:

Version No.	Effective Date	Reason	Review Due
1.0	21.06.2016	New policy to be approved by JCC & Personnel Committee	21.06.2018

Equality impact assessment form

An equality impact assessment should take place when considering doing something in a new way.

Please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to [‘report clearance’](#) (please refer to report writing guidance).

Please keep your answers brief and to the point. Consideration needs to be reasonable and proportionate.

Please also remember that this will be a public document – do not use jargon or abbreviations.

Section 1: Details

Service	Governance
Title and brief description (if required)	Driving and Driving Licence Policy and Procedure
New or existing	New policy.
Author/officer lead	Angela Jackson
Date	25.05.16

Does this affect staff, customers or other members of the public?

Yes Please complete the rest of the equality form.

No Please return the equality form as above.

Section 2: Summary

What is the purpose, aims and objectives?

It is proposed to introduce a Driving and Driving Licence Policy and Procedure has been introduced to ensure that Lancaster City Council maintains sufficiently robust arrangements so that staff who are engaged in driving maintain valid licence to drive in the UK.

Who is intended to benefit and how?

The document exists to ensure that employees and managers understand the arrangements and obligations that apply to them in respect of the retention of a valid licence to drive in the UK and, with respect to certain categories of drivers, the Council is able to maintain its Fleet Operators Licence.

Section 3: Assessing impact

Is there any potential or evidence that this will or could:		
• Affect people from any protected group differently to others?	Yes	
• Discriminate unlawfully against any protected group?		No
• Affect the relations between protected groups and others?		No
• Encourage protected groups to participate in activities if participation is disproportionately low (won't always be applicable)?		No
• Prevent the council from achieving the aims of its' Equality and Diversity Policy?		No

If yes, please provide more detail of potential impact and evidence including:	
<ul style="list-style-type: none"> - A brief description of what information you have and from where e.g. getting to know our communities data, service use monitoring, views of those affected i.e. discussions or consultation results? - What does this tell you i.e. negative or positive affect? 	
Age including older and younger people and children	
Disability	In certain circumstances an employee may develop a disability that falls within the definition of notifiable conditions where the DVLA may temporarily or permanently withdraw the employee's driving licence. In such circumstances, the Council will take reasonable steps to identify alternative work as a reasonable adjustment, though this will not always be possible.
Faith, religion or belief	
Gender including marriage, pregnancy and maternity	
Gender reassignment	
Race	
Sexual orientation	

Including Civil Partnership	
Rural communities	
People on low incomes	

Section 4: Next steps

Do you need any more information/evidence e.g. statistics, consultation? If so, how do you plan to address this?

No. Decisions on removal of driving licences due to a disability rest with the DVLA.

How have you taken/will you take the potential impact and evidence into account?

As outlined above when, in certain circumstances, an employee develops a disability that falls within the definition of notifiable conditions the DVLA may temporarily or permanently withdraw the employee's driving licence. In such circumstances, the Council will take reasonable steps to identify alternative work as a reasonable adjustment, though this will not always be possible.

How do you plan to monitor the impact and effectiveness of this change or decision?

Employment policies are reviewed on an ongoing basis.

Thank you for completing this equality impact assessment form, please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to ['report clearance'](#) (please refer to report writing guidance).



Paternity/Partner Leave Policy and Procedure

1. Scope

This policy outlines the statutory rights and responsibilities of employees who wish to take paternity/partner leave, and the responsibilities of Lancaster City Council towards those employees. The Council recognises, via its provision of enhanced Paternity Leave arrangements, that 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.

2. Definitions

The following definitions are used in this policy:

Paternity/Partner Leave (PL) – is of either 1 or 2 weeks' duration, dependent upon length of service. All Lancaster City Council employees, regardless of service are entitled to 1 week of paternity/partner leave at normal pay.

Statutory Paternity/Partner Pay (SPP) – is the statutory entitlement to pay during paternity/partner leave and is dependent upon length of service and other qualifying conditions.

Expected week of childbirth (EWC) – means the week, starting on a Sunday, during which the baby is expected to be born.

A weeks' pay – is the amount payable by the Council to the employee in a week; where working hours do not vary. Where there are no normal working hours, a weeks' pay is the average pay in the 8 weeks prior to the qualifying week.

3. Paternity/Partner Leave and Pay

- 3.1 All Lancaster City Council employees whose wife, civil partner or partner gives birth to a child, or who is the biological father of a child, are entitled to 1 week of paternity/partner leave at normal pay regardless of length of service. This is an enhancement above the statutory provision.
- 3.2 Employees with more than 26 weeks' service at the qualifying date may also qualify for a second week of PL, which is payable at the Statutory Paternity Pay rate (subject to certain qualifying conditions outlined in section 4).
- 3.3 PL is also available to adoptive parents where a child is matched or newly placed with them for adoption. Where one adoptive parent has elected to take Adoption Leave, the other adoptive parent may take paternity/partner leave.
- 3.3 To qualify for PL, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.
- 3.4 PL is granted in addition to an employee's normal annual holiday entitlement.

- 3.5 PL must be taken in a single block of 1 or 2 weeks, either from the date the child is born, or placed for adoption, but within 8 weeks of the birth or adoption of the child. If you work part time the 1 or 2 weeks of PL applies to your normal working week. Employees may elect only to take 1 week of PL, if they wish.

4. Statutory Paternity/Partner Pay

- 4.1 Employees who have at least 26 weeks' continuous service by the end of the 15th week before the EWC in respect of a birth child, or by the week in which the child's adopter is notified as having been matched with the child for adoption in respect of an adopted child are entitled to:
- 1 week of Council paternity pay at their normal rate of pay, followed by;
 - 1 week of pay at the standard rate for SPP or 90% of the employee's average weekly earnings (if this figure is less than SPP).
- 4.2 Employees with less than 26 weeks' continuous service are entitled to 1 week of PL at normal pay.
- 4.3 Employees whose average weekly earnings are below the lower earnings limit for National Insurance contributions will not be eligible for SPP.
- 4.4 SPP is treated as earnings and is therefore subject to PAYE and National Insurance deductions.

5. Notification of Paternity/Partner Leave

- 5.1 To request PL in respect of a birth child, the employee must notify their Service Manager in writing by completing the [Application for Paternity/Partner Leave Form](#), which can be found on ELSIE, by the end of the 15th week (the qualifying week) before the EWC.
- 5.2 To request PL in the case of an adopted child, the employee must notify their Service Manager in writing by completing the [Application for Paternity/Partner Leave Form](#), which can be found on ELSIE, no later than 7 days after the date on which notification of the match with the child was given by the adoption agency.
- 5.3 If an employee subsequently wishes to change the timing of the PL, they must give 28 days' written notice of the new dates (or as much notice as is practically possible).
- 5.4 Upon receipt of the Application for Paternity/Partner Leave, the Service Manager should countersign the form and pass to HR who will issue a letter confirming the PL arrangements to the employee and copied to the Service Manager. HR will notify Payroll.
- 5.5 The employee will normally receive a letter confirming their PL details within 28 days of receipt of the initial notification.

6. Annual Leave during Paternity/Partner Leave

- 6.1 Annual leave continues to accrue as normal throughout the period of PL.
- 6.2 If the annual leave year is due to end during the period of PL, the employee should aim to take their outstanding entitlement before starting their PL. However, up to 5 days' annual leave (pro-rata) will automatically be carried over into the next leave year.
- 6.3 Bank Holidays that fall during any period of PL, either paid or unpaid, will be re-credited to the employee, on a pro-rata basis in line with their existing working commitment and subject to any

Bank Holidays already taken during the relevant leave year. Days in lieu of Bank Holidays will be taken with pay (along with any annual leave) following the end of the PL.

7. **Pension Contributions**

During periods of paid PL the employee will continue to make pensions contributions based on the amount the employee is actually paid, whilst the Council will make contributions based on Assumed Pensionable Pay.

8. **Rights On and After Return to Work**

On resuming work following the period of PL an employee is entitled to return to the same job as they occupied before commencing the leave and on the same terms and conditions of employment as if they had not been absent.

9. **Flexible Working Requests**

Full consideration will be given to requests from employees who, upon their return from PL, wish to change their working commitment. Further information on this can be found in the Council's Flexible Working (Right to Request) Policy and Procedure.

10. **Childcare Vouchers**

- 10.1 Employees returning from PL may wish to consider joining the Council's Childcare Voucher Scheme run by Fideliti, which provides a tax efficient way of assisting with childcare costs. Further details about the Scheme can be found on the Council's intranet or by contacting HR.
- 10.2 In 2017 the Government is intending to introduce a new scheme called Tax-free Childcare, which will be administered by National Savings and Investments (NS&I). It is likely that after that point employees wishing to access tax efficient childcare support will only be eligible to join the Tax-free Childcare scheme.

11. **Shared Parental Leave**

If an employee wishes to take an extended period of leave, they may be eligible for Shared Parental Leave. Further information on this can be found in the Council's Shared Parental Leave Policy and Procedure.

12. **Review**

This policy will be reviewed two years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version No.	Effective Date	Reason	Review Due
1.0	05.02.2013	New policy document	05.02.2013
2.0	21.06.2016	Revised Policy to be agreed by JCC & Personnel Committee	

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Please keep your answers brief and to the point. Consideration needs to be reasonable and proportionate.

Please also remember that this will be a public document – do not use jargon or abbreviations.

Section 1: Details

Service	Governance
Title and brief description (if required)	Partner/Paternity Leave Policy and Procedure
New or existing	Existing policy
Author/officer lead	Angela Jackson
Date	25.05.16

Does this affect staff, customers or other members of the public?

Yes Please complete the rest of the equality form.
No Please return the equality form as above.

Section 2: Summary

What is the purpose, aims and objectives?

It is proposed to reintroduce the Partner/Paternity Leave Policy and Procedure that was in place prior to the legislative changes that resulted in the introduction of Additional Paternity Leave and subsequently Shared Parental Leave.

Who is intended to benefit and how?

The document exists to ensure that Lancaster City Council employees and managers understand the arrangements and obligations that apply to them in respect of those staff who take paternity/parental leave.

Section 3: Assessing impact

Is there any potential or evidence that this will or could:		
• Affect people from any protected group differently to others?		No
• Discriminate unlawfully against any protected group?		No
• Affect the relations between protected groups and others?		No
• Encourage protected groups to participate in activities if participation is disproportionately low (won't always be applicable)?		No
• Prevent the council from achieving the aims of its' Equality and Diversity Policy?		No

If yes, please provide more detail of potential impact and evidence including: <ul style="list-style-type: none"> - A brief description of what information you have and from where e.g. getting to know our communities data, service use monitoring, views of those affected i.e. discussions or consultation results? - What does this tell you i.e. negative or positive affect? 	
Age including older and younger people and children	
Disability	
Faith, religion or belief	
Gender including marriage, pregnancy and maternity	
Gender reassignment	
Race	
Sexual orientation Including Civil Partnership	

Rural communities	
People on low incomes	

Section 4: Next steps

Do you need any more information/evidence e.g. statistics, consultation? If so, how do you plan to address this?

No.

How have you taken/will you take the potential impact and evidence into account?

N/A

How do you plan to monitor the impact and effectiveness of this change or decision?

Employment policies are reviewed on an ongoing basis.

Thank you for completing this equality impact assessment form, please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to [‘report clearance’](#) (please refer to report writing guidance).



Annual and Statutory Leave Scheme

1. Scope

- 1.1. All employees are entitled to paid annual leave each year. The purpose of annual leave is to provide an extended period of time away from work to allow employees a break and to allow employees to effectively manage their personal commitments.
- 1.2 The annual leave policy is not applicable to casual or agency workers.

2. The Annual Leave Year

The annual leave year commences on 1st April and ends on 31st March the following year.

3. Annual Leave Entitlement

- 3.1 The basic annual leave entitlement is 26 days, which is inclusive of two extra statutory days' holiday.
- 3.2 On completion of five years continuous local government service, including service with another local authority, the annual leave entitlement increases to 31 days. The additional 5 days' leave is credited to an employee at the start of the leave year in which the 5th anniversary of appointment will fall and is pro-rated for incomplete leave years.
- 3.3 Employees whose terms and conditions are governed by the JNC for Chief Officers of Local Authorities or the JNC for Chief Executives of Local Authorities qualify for 34 days leave each year, in line with their respective terms and conditions.
- 3.4 The annual leave entitlement for part time employees is calculated on a pro rata basis subject to the number of hours worked each week.
- 3.5 Annual leave and bank holidays are added together to create a total entitlement for part time employees. Therefore, part time employees must ensure that they have booked annual leave when a bank holidays falls on their normal working days. It is advised that this is done at the beginning of the leave year so that employees have a clearer understanding of their remaining leave entitlement.
- 3.6 The employee's work pattern will impact upon how much of the bank holiday entitlement is used and whether the employee will need to use some of their annual leave entitlement to cover their absence on a bank holiday.
- 3.7 The HR and Payroll system will automatically calculate annual leave entitlement and record an outstanding balance, which will reduce as leave is authorised.
- 3.8 Examples of leave calculations can be found in Appendix A of this document.

4. Employees' Responsibilities

- 4.1 Employees should have the opportunity to take their annual leave on a regular basis and it is expected that employees will make full use of their annual leave entitlement. Employees are responsible for ensuring that they distribute their leave throughout the leave year and do not leave themselves with little or no leave in the last quarter of the leave year (January-March). Equally employees should ensure that they do not have an excessive amount of leave left in the last quarter of the leave year.
- 4.2 Annual leave and 'flexi-time' (if applicable) should be used for routine medical appointments and unavoidable commitments during working hours. Options to work back the time may be available where employees do not have access to 'flexi-time'.
- 4.3 Normally, no more than three consecutive weeks of annual leave may be taken at any one time. This is to ensure that employees reasonably spread their annual leave to ensure that they receive adequate rest periods from work throughout the year. Employees wishing to exceed this limit must make a request to the Service Chief Officer at least two months in advance of the intended start date of the leave.
- 4.4 If an employee wishes to arrange a short period of leave lasting between 1 and 4 days, wherever possible at least three days' notice should be given to the line manager. For leave of one week, normally, the notice required is at least one week.
- 4.5 Employees should not commit to a holiday until their leave is fully authorised.

5. Managers' Responsibilities

- 5.1 When authorising leave, managers must take into account needs of the Service and also ensure that the employee does not leave themselves with insufficient leave towards the end of the leave year. Where an employee has insufficient leave at the end of the leave year there may be an increased likelihood of sickness absence.
- 5.2 Prior to authorising an annual leave request, a line manager should review the number of days' annual leave the employee will have remaining for the leave year. If the line manager considers that authorising the leave may result in the employee having insufficient leave for the remainder of the leave year, the line manager may decline the request. Line managers should encourage their employees to distribute their leave evenly throughout the leave year.
- 5.3 Normally, the line manager must always approve / decline a request for annual leave in advance. If exceptional circumstances arise, making prior authorisation impossible, requests for annual leave may be granted retrospectively, at the line manager's discretion. Some flexibility will be available to cope with genuine emergencies, or where an employee has been unable to request the leave in advance.
- 5.4 Once approval for annual leave has been granted, it will not normally be withdrawn by the manager. However, in exceptional circumstances this may be necessary. Where this has to be done for reasons of service delivery, every effort will be made to minimise the employee's inconvenience.
- 5.5 If an employee is subsequently absent during a period where annual leave has been declined, the absence should be investigated and if appropriate action should be considered under the Council's Disciplinary Policy and Procedure.

6. Recording Annual Leave

- 6.1 The Council's employee self-serve system records all leave types. The majority of employees have access to the self-serve system and all staff with an email address are required to manage their annual leave via this system.
- 6.2 Managers have access to their employees' leave details through the self-serve system and can see when any leave for their team has been requested and authorised.
- 6.3 Staff without access to the self-service system, will continue to request annual leave in the normal way from their line manager. However their line manager must ensure that they maintain an annual leave record for each employee on the system. This will ensure accuracy in the reporting of leave types and patterns.
- 6.4 Employees who work 37 hours a week, but do not work the same hours each day will have their leave entitlement calculated in hours. This means that when taking leave the entitlement will be reduced by the number of hours that the employee works each day.

7. Carry-over of leave

- 7.1 Subject to the needs of the Service, employees may carry over a **maximum of 5 days'** leave from one leave year to the next. Leave over and above 5 days, which is outstanding at the end of the leave year, will be lost. Part time employees are entitled to carry over the pro rata equivalent for the number of days per week that they work. I.e. an employee who works 2.5 days per week, can carry over 2.5 days to the new annual leave year. No payment in lieu will be made.
- 7.2 Where up to 5 days, these must be taken before 30th June or will automatically be deducted from the leave balance on 30th June. Payment in lieu of lost days will not be made.
- 7.3 In exceptional circumstances, greater amounts of leave may be carried over, by prior agreement with the employee's Chief Officer. An exceptional circumstance would include where a period of sickness absence has prevented the employee from taking annual leave.

8. New Employees

- 8.1 The annual leave entitlement of employees joining the authority, and who are new to local government, is proportionate to their remaining service during the leave year.
- 8.2 Every effort will be made to meet the needs of new employees in respect of commitments to holidays already made. New employees should notify their line manager, at the earliest opportunity, of their holiday commitments.
- 8.3 In the case of new starters where the leave entitlement is insufficient to meet their leave commitments, managers should consider authorising unpaid leave in accordance with the Unpaid Leave Policy.
- 8.4 New starters who are transferring from another local authority will have their continuous service recognised and their leave entitlement will reflect this. HR will verify the continuous service dates with the authority that the transferee is leaving.

9. Leavers

- 9.1** An employee leaving the Council should take all their remaining leave allowance due up to their termination date within their notice period. Where operational reasons prevent the employee from taking their leave in their notice period, subject to agreement with the relevant Senior Service Officer, outstanding leave may be paid.
- 9.2** When an employee leaves the Council and has taken more than their leave allowance due at their termination date, they are required to pay it back. Payroll will automatically make the necessary deduction from their final salary payment.

10. Sickness During Annual Leave

- 10.1** Statutory annual leave entitlement continues to accrue during a period of sickness absence regardless of how long the employee is absent.
- 10.2** If an employee falls sick during a period of annual leave a claim for the absence to be treated as sick leave and not annual leave must be supported by a medical certificate signed by their GP, regardless of the length of sickness absence.

11. Annual Leave During Sickness

- 11.1** It is recognised that employees may have booked holidays prior to their sickness or may benefit by taking a holiday away from home during their absence. In such circumstances the employee must inform the manager of their intended holiday and the manager will record that absence as a holiday and deduct as appropriate from the balance of annual leave entitlement. The holiday will not be treated as sickness and the employee will not accrue any absence indicator points during that time. Whilst there will be a break in the sickness absence record this will not be counted as two separate periods of absence.
- 12.2** Further information on this point is available in the Sickness Absence Management Policy and Procedure and the accompanying Sickness Absence Management Guidance Notes.

13. Unauthorised Leave

- 13.1** Whilst employees have an entitlement to annual leave, the timing of it must be agreed with the line manager. Every effort will be made to accommodate requests, but on occasion be necessary to decline requests for operational reasons.
- 13.2** If requests for annual leave are declined and employees do not attend work on those days, the absence will be classed as unauthorised absence and may result in disciplinary action taken against the employee. Unauthorised absences are unpaid.

14. Conflicting Requests

- 14.1** Decisions on conflicting leave requests rests with the line manager, who may take into account some or all of the following factors:
- ☐ operational needs of the service;
 - ☐ who made the request first?
 - ☐ who was granted the corresponding period of leave in previous years?
 - ☐ the reason for the timing of the request?

15. Public Holidays

15.1 Public and statutory holidays are awarded with pay as follows: -

- ☐ January 1st (New Year's Day)
- ☐ Good Friday
- ☐ Easter Monday
- ☐ May Day (the first Monday in May)
- ☐ Spring Bank holiday (the last Monday in May)
- ☐ August Bank holiday (the last Monday in August)
- ☐ December 25th (Christmas Day)
- ☐ December 26th (Boxing Day)

15.2 Good Friday and Easter Monday can fall in different financial years. Part time bank holiday entitlements are adjusted in accordance with the number of bank holidays that fall in the relevant period.

16. Review

This policy will be reviewed two years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version No.	Effective date	Reason	Review due
1.0	01.04.1999	New policy – Annual and Statutory Leave	
2.0	01.07.2007	Revised Policy approved by Personnel Committee	
3.0	01.06.2010	Revised Policy approved by Personnel Committee	
4.0	01.12.2012	Revised Policy approved by Personnel Committee	
5.0	21.06.2016	Revised Policy to be agreed by JCC & Personnel Committee	21.06.2018

Annual and Statutory Leave – Entitlement Calculations

1. Full time – Full year entitlement

Less than 5 years' service – 26 days per year

More than 5 years' service – 31 days per year

2. Part time – full year leave entitlement

The calculation to be used for **part time employees** is calculated as follows: -

(Contracted hours per week ÷ 5) x (f/t annual leave entitlement + bank holidays that fall in the relevant year) = total leave entitlement in hours

For example:

Jo works 18.5 hours per week, her entitlement if she was full time would be 26 days plus 8 bank holidays (34 day in total). Her part time entitlement is calculated as follows:

$(18.5 \div 5) \times (26 + 8) = 125.8$ Hours

3. Full time employees – part year

The calculation to be used for **full time employees** who start mid-way through the leave year is calculated as follows: -

(Leave entitlement (in days) ÷ 365) x number of actual days from start date to 31 March = annual leave entitlement for the part year worked)

For example:

Claire is full time and her leave entitlement for a full year is 26 days annual leave, she started on 6 July. Her leave entitlement from 6 July to 31 March is calculated as follows:-

$(26 \div 365) \times 270 = 19.2$ days rounded down to 19 days

3.1. Part time employees - part year

For part time employees starting or leaving part way through a leave year, the entitlement is calculated as follows:-

(Leave entitlement, inclusive of bank holidays (in days) x 7.4) x (number of months from start date to end of year ÷ 12) x (No. of days worked per week ÷ 5)

For example:

Jamie is entitled to 34 days' annual leave, (26 day plus 8 bank holidays), started working on 1 October and works 2.5 days per week. His part time leave entitlement is calculated as follows:-

$(34 \times 7.4) \times (6 \div 12) \times (2.5 \div 5) = 62.9$ hours

4. Leavers – Full time

The annual leave entitlement of employees leaving the Council is proportionate to their completed service during the year, rounded to the nearest ½ day.

The calculation to be used for **full time employees** who leave is calculated as follows: -

$(\text{Leave entitlement (in days)} \div 365) \times \text{number of actual days from 1}^{\text{st}} \text{ April to leaving date} = \text{leave entitlement for the part year worked}$

For example:

Sarah is full time and her leave entitlement for a full year is 26 days annual leave, she is leaving on 29 July. Her leave entitlement from 1st April to 29 July is calculated as follows:-

$$26 \div 365 \times 121 = 8.5 \text{ days}$$

4.1. Leavers – Part time

The calculation to be used for **part time employees** who leave is calculated as follows:-

$(\text{Leave entitlement, including bank holidays (in days)} \times 7.4) \times (\text{number of months from 1}^{\text{st}} \text{ April to leaving date} \div 12) \times (\text{No. of days worked per week} \div 5)$

For example:

Jason is entitled to 26 days annual leave, plus 8 bank holidays (34 in total), who is leaving on 30 September and works 2.5 days per week, his part time leave entitlement is calculated as follows:

$$(26+8) \times 7.4 \times (6 \div 12) \times (2.5 \div 5) = 62.9 \text{ hours}$$

5. Part time –full year leave entitlements

Part time annual leave entitlements will change each year depending on the number of bank holidays that fall within that leave year.

The tables below give three examples of part time employee's leave entitlement when there are 8, 6 or 10 bank holidays in the leave year.

Hours worked per week	Less than 5 years' Service (26 days entitlement) + 8 BH that fall in the relevant leave year	More than 5 years' service (31 days entitlement) + 8 BH in total (39) that fall in relevant leave year
18.5 (2.5days)	125.8	144.3
22.2 (3 days)	150.96	173.16
29.6 (4 days)	201.28	230.88
37 (5 days)	251.6	288.6

Hours worked per week	Less than 5 years' Service (26 days entitlement) + 10 BH in total (36) that fall in the relevant leave year	More than 5 years' service (31 days entitlement) + 10 BH in total (41) that fall in relevant leave year
18.5 (2.5days)	133.2	151.7
22.2 (3 days)	159.84	182.04
29.6 (4 days)	213.12	242.72
37 (5 days)	266.4	303.4

Hours worked per week	Less than 5 years' Service (26 days entitlement) + 6 BH in total (32) that fall in the relevant leave year	More than 5 years' service (31 days entitlement) + 6 BH in total (37) that fall in relevant leave year
18.5 (2.5days)	118.4	136.9
22.2 (3 days)	142.08	164.28
29.6 (4 days)	189.44	219.04
37 (5 days)	236.8	273.8

6. Contract Changes During the Annual Leave Year

If an employee's contractual hours change part way through the annual leave year, their annual leave entitlement will be automatically amended by the HR system.

6.1. Part time to part time

If an employee is part time and the change in hours means that they are still classed as part time, their leave entitlement will be amended automatically and their leave entitlement will either reduce or increase depending on the change.

6.2. Part time to full time

If an employee increases their hours to full time their leave will change from an hourly entitlement to a daily entitlement. This means that their leave in hours will end on the date that they increase their hours and the employee will receive a new entitlement calculated in days. The employees leave entitlement will be appropriately adjusted.

6.3. Full time to part time

If an employee reduces their hours, their leave entitlement will change from a daily entitlement to an hourly entitlement. This means that their leave in days will end on the date that they increase their hours and will receive a new entitlement that will start on the date of their new contracted working hours. The employees leave entitlement will be appropriately adjusted.

6.4. Future Leave

Any future leave that has been booked in the HR and Payroll system and under the employee's previous contract hours will need to be withdrawn by the employee and resubmitted again so that the system can re-calculate the leave entitlement and take into account the new hours and working pattern.

Equality impact assessment form

An equality impact assessment should take place when considering doing something in a new way.

Please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to [‘report clearance’](#) (please refer to report writing guidance).

Please keep your answers brief and to the point. Consideration needs to be reasonable and proportionate.

Please also remember that this will be a public document – do not use jargon or abbreviations.

Section 1: Details

Service	Governance
Title and brief description (if required)	Annual and Statutory Leave Policy
New or existing	Existing policy
Author/officer lead	Angela Jackson
Date	25.05.16

Does this affect staff, customers or other members of the public?

Yes Please complete the rest of the equality form.

No Please return the equality form as above.

Section 2: Summary

What is the purpose, aims and objectives?

The Annual & Statutory Leave Policy details the arrangements for Lancaster City Council employees that apply in respect of the accrual and taking of periods of annual and statutory leave.

Who is intended to benefit and how?

The document exists to ensure that employees and managers understand the arrangements that apply to them in respect of the provision of annual and statutory leave.

Section 3: Assessing impact

Is there any potential or evidence that this will or could:		
• Affect people from any protected group differently to others?		No
• Discriminate unlawfully against any protected group?		No
• Affect the relations between protected groups and others?		No
• Encourage protected groups to participate in activities if participation is disproportionately low (won't always be applicable)?		No
• Prevent the council from achieving the aims of its' Equality and Diversity Policy?		No

If yes, please provide more detail of potential impact and evidence including: <ul style="list-style-type: none"> - A brief description of what information you have and from where e.g. getting to know our communities data, service use monitoring, views of those affected i.e. discussions or consultation results? - What does this tell you i.e. negative or positive affect? 	
Age including older and younger people and children	
Disability	
Faith, religion or belief	
Gender including marriage, pregnancy and maternity	
Gender reassignment	
Race	
Sexual orientation Including Civil Partnership	

Rural communities	
People on low incomes	

Section 4: Next steps

Do you need any more information/evidence e.g. statistics, consultation? If so, how do you plan to address this?

No. The Annual and Statutory Leave Policy has been in place for a number of years and is based on the JNC terms and conditions (Green Book). Any changes are minor in nature to ensure that the policy remains reflective of current practice.

How have you taken/will you take the potential impact and evidence into account?

N/A

How do you plan to monitor the impact and effectiveness of this change or decision?

Employment policies are reviewed on an ongoing basis.

Thank you for completing this equality impact assessment form, please submit your completed form as an appendix to your committee reports for monitoring and publishing purposes to [‘report clearance’](#) (please refer to report writing guidance).