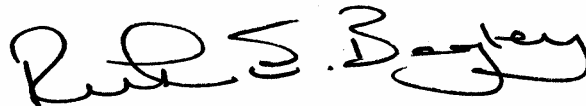


Date of issue: 30th March, 2010

MEETING	EMPLOYMENT & APPEALS COMMITTEE (Councillors Bains (Chair), S K Dhaliwal, Grewal, O'Connor and Zarait)
DATE AND TIME:	MONDAY, 12TH APRIL, 2010 AT 6.30 PM
VENUE:	COMMITTEE ROOM 2, TOWN HALL, BATH ROAD, SLOUGH
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	BRYONY GIBBS 01753 875016

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

NOTE TO MEMBERS

This meeting is an approved duty for the payment of travel expenses.

AGENDA

PART 1

**AGENDA
ITEM**

REPORT TITLE

PAGE

WARD

Apologies for absence.

CONSTITUTIONAL MATTERS

1. Declarations of Interest

(Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct)

2. Minutes of the Meeting held on 28 January, 2010 1 - 4

These Minutes were submitted to the Special meeting of the Employment and Appeals Committee scheduled for 31st March, 2010 and are for information only.

3. Minutes of the Special Employment and Appeals Committee meeting held on 31st March, 2010

Minutes to follow

SERVICE IMPLEMENTATION ISSUES

4. Sabbatical Scheme 5 - 18

5. Date of Next Meeting - 10th June 2010

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Employment & Appeals Committee – Meeting held on Thursday, 28th January, 2010.

Present:- Councillors Bains (Chair), Grewal, O'Connor and Zarait (Vice-Chair)

Apologies for Absence:- Councillor S K Dhaliwal

PART I

15. Declarations of Interest

There were no declarations of interest.

16. Minutes of the Meeting held on 23 September, 2009

The minutes of the meeting held on 23 September, 2009 were approved as a correct record and signed by the Chair.

Matters Arising

With reference to Minute 13, a Member queried whether the information requested by the Committee (a breakdown of employees' positions within the Council by gender) had been included in the current report. The Committee was advised that a breakdown of salary by gender had been provided in the report for agenda item 4, HR statistic review. Further information regarding the types of roles within the different salary bands could be provided during discussion on the item.

17. Job Evaluation, Pay Review and Harmonisation

The Assistant Director, Human Resources, presented a report to the Committee detailing the Council's final position in relation to the job evaluation, pay and harmonisation project. This project formed the Council's response to the Single Status Agreement which aimed to bring equality in terms and conditions to all workers across local government. An extensive staff consultation had been held during October, 2009, supported by staff briefings and HR surgeries to enable individuals to ask specific questions about how the harmonisation proposals would impact them personally. The number of staff suffering pay detriment as a result of this project had been minimised to c 14% of the workforce and the emphasis in finalising implementation had been in protecting those adversely affected.

Despite lengthy and detailed negotiations, a collective agreement regarding the project could not be reached with the Trade Unions and consequently, staff would be dismissed and re-engaged on new contracts based on new terms and conditions. This would be implemented on 1 April, 2010. Staff would be given the opportunity to sign a compromise agreement and receive a payment for accepting the changes to terms and conditions.

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As a result this action, the Council could receive a significant number of employment appeals and be required to process these within a limited period. To ensure that the necessary deadlines could be met it was proposed that the appeals resulting from this process be dealt with by Directors, supported by Human Resources and Legal and that these appeals be conducted in the same manner as those undertaken by the Employment Appeals Sub Committee.

The report had been circulated for consultation with trade unions, Corporate Management Team, the Disability Forum and the BAME Workers Group. Members were advised that comments had been received from the Disability Forum requesting that the current arrangements for appeals remain unchanged.

Members asked a number of detailed questions about the process that had been undertaken and the effect on staff. The Committee noted that the outcome of the scheme had been broadly in line with outcomes that had been achieved nationally. Committee Members were advised that general briefings and briefings for specific groups of staff were being organised and the Council would continue to offer advice and reassurance to all staff.

The Committee discussed the proposal that any appeals against dismissal arising out of this process be heard by Directors. Members noted that appeals against dismissal would normally be heard by the Employment Appeals Sub-Committee which consisted of three Members (from a pool of nine). Members acknowledged that if a significant number of appeals were lodged and they needed to be heard in a short space of time that this could cause difficulties and were anxious that no undue delay was built into the process. However Members were concerned that agreeing to the proposals would result in these appeals being treated differently to other appeals against dismissal. The Committee favoured retaining a consistent approach with member involvement. It was proposed and agreed that a decision on how any appeals against dismissal arising from this process would be deferred until such time as the number of appeals received was known and that a special meeting of the Committee be convened to consider this if necessary.

Resolved –

- (a) That the new standard terms and conditions detailed in the revised contractual terms attached at Appendix 1 to the report and summarised in paragraph 5.6 of the report be noted.
- (b) That a special meeting be held, if necessary, to review the process for employment appeals resulting from the Job Evaluation and Harmonisation process.

18. Human Resources Statistics Review

The Assistant Director Human Resources presented a report updating the Committee on the HR Statistical reporting for quarter 2 (1st July to 30th

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September 2009) and quarter 3 (1st October – 31st December, 2009). The key trends detailed in the report were highlighted for turnover, sickness absence and the workforce profile. The projected final turnover figure of 6.8% for the 2009/2010 financial year continued to demonstrate an expected downward trend in light of the current economic situation. Sickness levels per FTE had been slightly higher than quarter 1 and this had resulted in a projected end of year figure of 10.5 days per FTE. This was 0.5 days higher than the annual target. The most common reason for sickness absence for quarter 3 was infection, with an associated cost of £68,990. Costs for sickness due to stress continued to be high at a cost of £41,514 for quarter 3. Absence recorded as Swine Flu had drastically reduced in quarter 3, in line with the national trend of decreasing flu activity.

With regard to the work force profile, the number of staff from BAME backgrounds continued to show an upward trend and staff declaring a disability had risen slightly over the last two quarters. The gender breakdown of the staff remained stable at 29% males compared to 71% females and this was reflected in the breakdown of salary by gender provided in figure 1. The division between male and female staff evened out within the higher salary bands, which included positions such as heads of service and educational psychologists . The chart represented the actual earnings of staff and not the full-time equivalent and therefore, reflected the higher number of female staff working part-time.

In response to a query, members were advised that the HR statistical analysis did not include school staff as the Council did not hold the detailed information.

Resolved - That the report be noted.

19. Date of Next Meeting - 12 April, 2010

The date of the next meeting was noted.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.25 pm)

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SLOUGH BOROUGH COUNCIL

REPORT TO: Employment and Appeals Committee **DATE:** 12th April 2010

CONTACT OFFICER: Yvonne Childs, Assistant Director of Human Resources

(For all Enquiries) (01753) 875079

WARD(S): All

PORTFOLIO Commissioner for Performance and Accountability –
Councillor S K Dhaliwal

PART I
FOR DECISION

SABBATICAL SCHEME

1. **Purpose of Report**

This report seeks agreement to the introduction of a new scheme in relation to approval of requests for sabbaticals. This scheme will form an appendix to the Council's Flexible Working Policy.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to resolve that the Sabbatical Scheme as attached at Appendix A be.

This report has been circulated for consultation with the Corporate Management Team, 2nd and 3rd tier managers, trade unions, the Disability Forum and the BAME Workers Group. Comments will be reported to the Committee. It is proposed that any minor comments will be incorporated into the final version. If there are any significant changes proposed then the policy will be re-circulated to the Committee. Subject to amendments, the policy is to be implemented with immediate effect.

3. **Community Strategy Priorities**

This report indirectly supports the Council's community strategy priorities.

4. **Other Implications**

(a) **Financial**

It is considered that requests for sabbaticals will generally be cost neutral as the savings accrued from one employee being absent from work are likely to be used to fund alternative cover arrangements. There are no specific financial implications to the proposed action, however having fair and transparent procedures reduce the risk of financial award against the Council at Employment Tribunal.

(b) Risk Management

Risk	Mitigating action	Opportunities
Legal	The absence of a policy creates an unnecessary risk of grievance and employment tribunal claims.	Full consultation with the recognised trade unions has taken place.
Property	Not applicable	Not applicable
Human Rights	The Council requires a fair and equitable approach to the treatment of staff	These proposals cover the requirement to satisfy employment law and Human Rights legislation
Health and Safety	No applicable	Not applicable
Employment Issues	Adoption of a policy minimises challenge to the Council	
Equalities Issues	The proposals are equitable.	Equalities impact assessment.
Community Support	Not applicable	Not applicable
Communications	Staff will be advised of the introduction of the scheme.	
Community Safety	Not applicable	Not applicable
Financial	The proposals are considered cost neutral as outlined above.	
Timetable for delivery	Not applicable	Not applicable
Project Capacity	Not applicable	Not applicable

(c) Human Rights Act and Other Legal Implications

The Council has a duty to comply with all employment legislation and requires fair and equitable procedures for the effective maintenance of high employment standards. These arrangements cover the requirement to satisfy employment law and Human Rights legislation.

(d) Equalities Impact Assessment

This scheme will be applied equally to all staff and it is considered that there will be no disproportionate impact on any specific groups of staff.

(e) Workforce

Our employment procedures cover all staff within the Council except School based staff.

5. **Supporting Information**

- 5.1 The Employment and Appeals Committee on 24 September 2008 approved a Flexible Working Policy which introduced an overarching policy that incorporated a wide range of flexible working initiatives available to staff within the Council at that time. This provided a framework and procedure for employees and managers to understand the various types of flexible working practices that are available.
- 5.2 In developing the Flexible Working Policy it was recognised that as new scheme arrangements were developed relating to different flexible working practices that these would in turn be added to the policy. This would provide employees and managers with information so that they were clear about the processes relating to each scheme. The Sabbatical Scheme is one such arrangement. This scheme is intended to support and promote employee well-being and in doing so to improve recruitment, retention and motivation of staff thus being of benefit to the Council.
- 5.3 The Flexible Working Policy made a brief reference to sabbaticals being available but did not provide clear operational guidance or information as to implications for staff and managers of such a request. Although the Council may, at any one time, only have one or two 'live' requests for a sabbatical these have previously been considered on an ad hoc basis within directorates and it is considered that a more consistent approach is required in relation to sabbatical breaks. This scheme has been developed to outline the eligibility, the process and the impact on terms and conditions associated with the break.
- 5.4 The sabbatical scheme will be made available to staff and managers initially through SBCInsite and internal communications and then through HR policy update briefing sessions.
- 5.5 The effectiveness of the sabbatical scheme will be reviewed as required.

6. **Comments of Other Committees**

None.

7. **Conclusion**

The proposed scheme provides a clear route for staff to make such a request and for this to be considered with due regard to the business needs of the Council. The Committee is requested to agree introduction of this scheme for immediate implementation.

8. **Appendices Attached**

Appendix A – Sabbatical Scheme

9. **Background Papers**

Flexible Working Policy

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APPENDIX A

Title	Sabbatical Scheme (Scheme which is an appendix to the Flexible Working Policy)
Type:	Employment Policy
Distribution	All managers and staff via SBCNet
Approved by:	Employment & Appeals Committee
Issue Date:	
Review Date:	
Replaces Policy:	
Contact for guidance	Yvonne Childs Assistant Director, Human Resources Slough Borough Council 01753 875079 Yvonne.childs@slough.gov.uk

1. PURPOSE OF SABBATICAL

The purpose of the Sabbatical Scheme is to allow employees an opportunity to take unpaid leave from their employment for an approved reason. This may allow an employee to broaden their experience, develop new skills or competencies through, for example, volunteering, research or study, travel or to support the balance between work and family life. The intention is that employees keep up to date with work developments during their sabbatical and return to work at the end of the break.

A sabbatical will be an authorised unpaid leave of absence however, sabbatical leave does not constitute a break in the period of continuous service, and however, when calculating the total length of service the time taken on a sabbatical will not be counted.

Sabbaticals are granted at the Council's discretion and are not an entitlement.

2. WHAT ARE THE BENEFITS

For the organisation - agreeing a break may help to retain knowledge and experience that could otherwise be lost or enable an employee to develop new competencies and/or personal development that will benefit both the organisation and the employee on their return to work.

For employees away from work on a sabbatical - they remain employees under their contract of employment during their absence and will continue to accrue continuous service.

3. HOW LONG CAN I GO ON SABBATICAL LEAVE

A sabbatical can be requested for a period ranging from a minimum of 3 months to a maximum of 1 year, subject to approval by the relevant Head of Service and the Strategic Director.

Once an agreed sabbatical has been taken the employee cannot apply for a further break for at least 5 years after the end of that leave.

4. WHO IS ELIGIBLE

The scheme applies to all employees on a permanent contract with at least 24 months continuous service. Therefore this does not apply to:

Staff employed on temporary and fixed term contracts

Agency staff, consultants, contractors or volunteers

Employees subject to any form of remedial actions arising from capability or performance issues

Employees who have a 'live' disciplinary warning or are currently being managed through issues relating to conduct and discipline

5. APPROVAL PROCESS

A written application should be submitted to the Head of Service and Line Manager 3 months prior to the intended start date, giving dates and reasons for the application.

The application should outline detailed suggestions as to how the workload of the employee might be covered during the sabbatical period.

Applications will be considered with the needs to the organisation in mind and will only be declined for a business reason.

The Line manager in liaison with the Head of Service / Strategic Director will consider the request. The decision on whether to grant a sabbatical will ultimately rest with the Strategic Director and will be confirmed to the employee in writing within 20 working days of receiving the request. Each request will be considered on an individual basis taking into account a range of relevant issues including but not limited to:

- Financial implications
- Workload implications for colleagues
- Impact on quality and level of service provisions
- Statutory obligations

Employees granted sabbatical leave will be required to use any outstanding annual leave entitlement accrued up until the start of the sabbatical period and will not be allowed to retain it or take on their return or receive pay in lieu of annual leave.

Annual leave will not be accrued during the period of the sabbatical leave.

6. WHAT IS A BUSINESS REASON

An application can be refused only where there is a clear business reason. Examples of business grounds for refusing an application are listed below:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Planned structural changes
- Anticipated peaks of work during the period of the break

The explanation should include the key facts about why the business reason applies. These should be accurate and clearly relevant to the business reason.

7. APPLICATION FORM

All employees are required to complete the flexible working form indicating clearly that the request being made is one for sabbatical leave.

Please refer to application procedure for flexible working policy (page 7, appendix a)

8. APPEAL PROCESS

Where a request for flexible working has been declined, the employee has the right to appeal against the decision within 10 working days of the date of receipt of the notification letter. (Appendix a)

The employee's notice of appeal must be given in writing to the Chief Executive. The Chief Executive may nominate an alternate Strategic Director to hear the appeal on her behalf. The employee's appeal notice should:

- be in writing
- set out the grounds of the appeal and outcome sought and
- be dated.

Within 10 working days of the appeal notice being received an appeal meeting will be arranged to discuss the contents of the appeal. The employee has a right to be accompanied by a work colleague or Trade Union representative at this meeting.

The employee will be notified in writing of the decision within 10 working days after the appeal meeting date. (Appendix b)

Extensions to the above time limits are acceptable, provided the Chief Executive and the employee are in agreement with the extension.

There is no further right of appeal.

9. LINE MANAGER'S RESPONSIBILITIES

The line manager will ensure that any employee who is on sabbatical receives regular updates on pertinent information and changes relating to the team, department and organisation. Such contact will be on frequency agreed between the parties and may involve the employee being invited to away days, special team meetings etc

10. EMPLOYEE RESPONSIBILITIES

Employees who participate in the scheme will be obliged to advise their line manager/ Human Resources of any changes in circumstances e.g address etc.

All property belonging to the Council is to be returned prior to commencement of a sabbatical (e.g. laptop, mobile telephone, pager) unless alternative arrangements are agreed in writing with your line manager.

The employee must ensure that they undertake any relevant Continuous Professional Development training to maintain professional membership where this is required to enable them to undertake their job with SBC.

The employee will be required to maintain contact with their line manager at a frequency that has been agreed between both parties and to comply with any reasonable request from their line manager, such as attending specific meetings, wherever possible.

11. RETURN TO WORK

Where possible the line manager should contact the employee four weeks prior to return to work.

The expectation is that the employee will be able to return to the same or similar role and responsibilities held prior to taking their sabbatical. Where a restructure or other organisational change takes place during the employees absence they will be consulted about this in the same way as their colleagues in accordance with the Council's policies and procedures. This may mean that alternative employment may be sought under the redeployment procedure.

12. EFFECT ON TERMS AND CONDITIONS DURING SABBATICAL

All terms and conditions of employment will remain the same apart from:

Pay: Employees will not receive salary during the period agreed for the sabbatical as this period is unpaid. Any cost of living awards granted during their absence will be reflected in the salary on returning to work, however incremental progression will be suspended (where applicable) during the break.

Continuous service: During the period of leave your local government service is treated as continuous except for provisions such as occupational sick pay or leave entitlement which will be suspended until your return to work. The period of work before and after the break will be considered as continuous for these entitlements.

Annual leave: Annual leave is not accrued during an unpaid sabbatical. Any annual leave accrued should be taken prior to the commencement of the sabbatical or will be forfeit.

Sick Pay: There is no entitlement to sick pay, nor will it be accrued whilst on a break.

Car Loans: Where an employee has an outstanding car or other loan, financial arrangements must be made for regular repayments to continue during the break or for the loan to be repaid in full prior to the sabbatical.

National Insurance; No National Insurance payments will be made for staff taking sabbatical leave on nil pay. Individual members of staff will be responsible for making their own arrangements to cover personal National Insurance and superannuation contributions (or non-contributions).

Childcare Vouchers – if you belong to the Childcare Voucher Scheme then a sabbatical will constitute a 'life changing event' and therefore deductions will cease and you will have opted out of the scheme

HSA – if you belong to the HSA scheme then if you wish to continue your membership you must contact HSA direct and make arrangements for your membership deductions to be taken direct from your bank account. Payroll can provide contact details.

Give As You Earn – if you belong to the GAYE scheme then any sabbatical leave will constitute a withdrawal from the scheme and Payroll will advise the scheme administrators to this effect.

Trade Union Membership – where you have elected to have deductions such as trade union dues from your pay, these will cease during your absence from work and it will be your responsibility to advise such third parties and make any alternative arrangements for payment as agreed with them.

Local Government Pension Scheme (LGPS) –

- For the first 30 days of an unpaid sabbatical/career break contributions will be payable by the council and the employee (provision of local government pension scheme). These contribution will be automatically deducted from pay in one instalment from the employee's first salary payment following their return to work and will count for pension calculation purposes.
- In addition to the 30 days employer contribution the employees have the option to pay LGPS contributions on the remainder of the break. If contributions are not paid, the period will not count for pension calculation purposes. Any contributions paid will be based on the contributions that would have been paid had the employee not taken unpaid leave.
- If an employee wishes their career break to count as pensionable under the LGPS they must make contributions to cover the respective period. Payment of any outstanding contributions must be paid within 30 days of the employee returning to work.
- Employer contributions will only be paid if the employee elects to pay their contributions for the break. Where the employee has elected to pay their pension contributions **for the period of the break, they must remain in the Council's employment for a period of time**
- At least 4 weeks prior to the commencement of the sabbatical/career break, the employee must contact payroll to make the necessary

arrangements for the contributions to be unpaid, or if paid, agree whether they should be made monthly during the break or at the end.

- Providing they were a member of the pension scheme prior to this break, if an employee dies whilst on sabbatical/career break, their next of kin/nominated person(s), will be entitled to the death in service payment.

13. CHANGING CIRCUMSTANCES WHILST ON A SABBATICAL

What Should I Do If I Do Not Wish To Return To Work After My Sabbatical?

Employees must give their required contractual notice in writing, addressed to their line manager. Employees will only be paid for their notice period if they return to work.

If an employee does not return to work following the end of their sabbatical and has given no notification to the SBC, SBC reserves the right to terminate the employment without notice.

What Should I Do If I Want To Extend/Cut Short My Sabbatical

If an employee wishes to cut short or extend their sabbatical (except in extraordinary circumstances this will not be more than 3 months and must be for reasons associated with the original reason for the sabbatical) they must do so in writing giving a minimum of 28 days notice.

There is no automatic right to cut short or extend a sabbatical but the Head of Service and Strategic Director, in consultation with the line manager will consider whether such requests can be accommodated. There will be a number of considerations a line manager may need to make in such circumstances for example; cutting short might be refused because the substantive post is currently occupied by someone contracted for the duration of the planned sabbatical. Similarly extension might be refused because there is no possibility of extending an existing contract.

Can I Take On Alternative Employment?

In normal circumstances, employees will not be permitted to perform work for any other employer while they are on sabbatical. If the need for work does arise, then the employee must first discuss this matter with their line manager to see whether suitable work can be found within Slough Borough Council. If it cannot, then the Head of Service and Strategic Director will need to consider whether employment elsewhere may be taken up. No alternative employment will be permitted where the proposed work is deemed to conflict with your role at SBC.

SABBATICAL APPEAL FORM

To: the Chief Executive

I wish to appeal against the decision by

to refuse my application for a Sabbatical. I am appealing on the following grounds:

Employee's Name Date

.....

Note to the Chief Executive

There is a requirement to respond to this appeal within 10 working days of receipt to arrange an appeal meeting

SABBATICAL REPLY FORM

To (Employee's Name):

Following the appeal meeting on:

I have considered your appeal against the decision by

to refuse your sabbatical application.

I accept your appeal against the original decision. The Council is therefore able to accommodate your original sabbatical request as follows:

The arrangements will begin from:

Date:

End Date:

Note to Employee

Please note that the approval of your request for a sabbatical will change your employment relationship with the Council as set out in the Sabbatical Scheme

Note to Line Manager

Please ensure that a variation form is completed with the employee

To (Employee's Name):

Following the appeal meeting on:

I have considered your appeal against the decision by

to refuse your sabbatical application.

I am refusing your appeal on the following grounds:

Name: Date:

.....

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