

Date of issue: Monday, 16th October 2017

MEETING	EMPLOYMENT & APPEALS COMMITTEE (Councillors Sarfraz (Chair), N Holledge (Vice-Chair), Bains, Bedi, Brooker, M Holledge, Qaseem, R Sandhu and Sharif)
DATE AND TIME:	TUESDAY, 24TH OCTOBER, 2017 AT 6.30 PM
VENUE:	VENUS SUITE 2, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	NADIA WILLIAMS 01753 875015

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.



ROGER PARKIN
Interim Chief Executive

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

Apologies for absence.

CONSTITUTIONAL MATTERS

1. Declarations of Interest

All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances



described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.

The Chair will ask Members to confirm that they do not have a declarable interest.

All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.

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| 2. | Minutes of the Meeting held on 20th June and 3rd August 2017 | 1 - 8 | - |
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SERVICE IMPLEMENTATION ISSUES

- | | | | |
|----|--|-----------|-----|
| 3. | Arrangements for the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer | 9 - 24 | All |
| 4. | Temporary Agency Staff - Progress on Implementation and Baseline Monitoring | To follow | All |
| 5. | Employment Policies and Procedures | 25 - 84 | All |
| | <ul style="list-style-type: none"> i) Adoption, Surrogacy and Fostering Policy and Procedure ii) Shared Parental Leave and Pay Policy and Procedure iii) Domestic Violence and Abuse Policy and Procedure | | |
| 6. | Smart Working Policy and Procedure - Ratification of Amendments | To follow | All |
| 7. | Members' Attendance Record | 85 - 86 | - |
| 8. | Date of Next Meeting - 25th January 2018 | - | - |
| 9. | Exclusion of the Press and Public | | |

It is recommended that the Press and Public be excluded from the meeting during consideration of the item in Part 2 of the Agenda, as it involves the likely disclosure of exempt information relating to individuals as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (amended).

PART II

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| 10. | Part II Minutes of the Meeting held on 20th June 2017 | 87 - 88 | |
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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. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

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Employment & Appeals Committee – Meeting held on Tuesday, 20th June, 2017.

Present:- Councillors Sarfraz (Chair), N Holledge (Vice-Chair), Bedi, Brooker, M Holledge, R Sandhu and Sharif

Apologies for Absence:- Councillor Bains

PART 1

1. Declarations of Interest

No declarations were made.

2. Minutes of the Meeting held on 12th April 2017

Resolved – That the minutes of the meeting held on 12th April 2017 be approved as a correct record.

3. Temporary Agency Staff Progress on Implementation and Baseline Monitoring

The Committee received an update on the Temporary Agency Staff contract with Matrix and the progress that was being made to reduce agency staff.

The annual spend was £6.5m which was gradually reducing, taking into account the transfer of staff back to the Council. In response to a query from Members at the last meeting about the position in the Wellbeing Directorate, it was confirmed that there had been a restructure of Adult Social Care and 18 staff had moved from temporary to permanent staff. It was noted that the Matrix contract had been extended by a year to provide time to assess the progress made in reducing agency staff and consider the best options for future arrangements.

Members discussed the management actions in place to continue to address concerns about agency spend and asked a number of specific questions which were responded to. The position regarding agency staff in education was raised and it was agreed that the next report to the Committee in October would include an update on the progress of recruiting more permanent staff in Education & Children's Services following the transfer from Cambridge Education.

At the conclusion of the discussion, the report was noted.

Resolved –

(a) That the report be noted.

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- (b) That the next report include an update on progress on the recruitment of permanent staff in Education & Children's Services following the transfer from Cambridge Education.

4. Smart Working Policy and Procedure

A report was considered that sought approval of the proposed new Smart Working Policy and Procedure which set out an approach to modern working practices such as hours, location and methods. The policy was the next stage of the Council's Accommodation and Hub Strategy and would use technology to maintain strong employee performance whilst also reducing office space.

Smart working could deliver a wide range of benefits to the Council including greater productivity, improved communication, reduced commuting time, fewer incidences of sickness and increased staff retention. Three types of working style had been identified – homeworker, local independent worker and office based worker. The policy and procedure was designed to support managers and staff assess the most suitable smart working arrangements for each individuals role.

Members raised a number of issues including whether performance management arrangements were strong enough to monitor staff working away from the office and the anticipated level of savings expected under the new approach. It was recognised that this would be a new way of working between managers and their staff with clear roles and outcomes agreed at the start of the process, supported by an operational agreement. Trust was a key part of the new approach and each role would be assessed individually. The IT solutions would also need to be agreed to support remote working and whilst there would be some costs arising from this, there were long term savings from digital transformation and a reduction in office space. In response to a question about how the policy would relate to temporary staff, it was noted that the potential flexibility was expected to help retain staff and reduce sickness.

After due consideration, the Committee approved the Smart Working Policy and Procedure as set out in the appendices to the report.

Resolved – That the Smart Working Policy and Procedure which supported the Council's Accommodation and Hub Strategy be approved.

5. Family Leave Policies and Procedures

The Committee considered a report that sought approval of the family leave policies and procedures which had been revised since the previous meeting to take account of the comments of Members on miscarriage and stillbirth. The policies and procedures recommended for approval were for Maternity; Paternity; and Parental Leave.

At its meeting on 12th April 2017, the Committee had generally welcomed the plans but had requested that the provisions relating to an employee who

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suffered from miscarriage or stillbirth be strengthened. The revised wording in the 'exceptional circumstances' sections of the Maternity and Paternity Policies and Procedures was explained. The guidance encouraged managers to take a sympathetic and lenient approach in such sad circumstances.

Members considered the revised wording of the recommended policies and sought clarification on a number of matters and it was confirmed that the documents complied with the legislative requirements. After due consideration, the Maternity, Paternity and Parental Leave Policies and Procedures as set out in Appendices 1, 2 and 3 to the report were approved.

Resolved – That the Maternity, Paternity and Parental Leave Policies and Procedures be approved, including the revised wording in the Maternity Policy and Procedure which offered further guidance to managers in the event of an employee suffering a miscarriage or stillbirth.

6. Fleet Challenge - Pool Electric Car and E-Bike (Pilot Scheme)

The Environmental Management Officer introduced a report that updated Members on the Fleet Challenge Programme and the launch of the Pilot Electric Pool Car and E-bike Scheme in June 2017.

The Fleet Challenge Programme was a Council wide approach including community transport, grey fleet (staff vehicles used on council business); waste vehicles etc. which focused on reducing CO2 emissions and revenue spend on mileage claims whilst also promoting sustainable travel options. Employees generated almost a million business miles in the last year for which full statistics were available, which had high impacts in terms of carbon emissions and financial cost. A number of specific activities were planned to support the programme including increased use of pool electric vehicles, an e-bike scheme and hire car scheme for longer journeys. A Pilot Scheme for staff to use the pool of new electric car and bikes would be launched later in June and the operational procedures and guidance for the scheme were reviewed.

Members expressed support for the principle of the approach, and a number of practical issues were discussed including the controls in place for users who may have an accident history or not be fit to drive. It was responded that users would be required to complete a Driver Declaration Form, as set out fully in Appendix 4 to the report, which provided information on accident history, motoring offences and relevant medical issues. Checks were also made on driving licences before staff could access a pool car. A point was raised about the processes and potential sanctions in place if the Driver's Responsibilities detailed in paragraph 5.3.1 were breached. These included the use of mobile phones, restricting use to work purposes and leaving the vehicle in a clean condition. The Committee agreed the importance of highlighting the responsibilities of staff using the scheme and therefore requested that the potential sanctions and consequences for staff who

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failed to meet the agreed responsibilities under the scheme be made clear in the guidance and procedure documentation.

A number of others issues were discussed including the range of the electric vehicles, booking procedures, tracking systems and evaluation of the pilot. At the conclusion of the discussion, the update was noted.

Resolved – That the update on the Fleet Challenge Programme and the launch of the Pilot Electric Pool Car and E-bike Scheme in June 2017 be noted.

7. Appointment of Appeals Sub-Committee

The Committee considered a report on the establishment of an Appeals Sub-Committee. The terms of reference of the Sub-Committee were explained and the political group nominations to the Sub-Committee were reported. The establishment of a Sub-Committee on the terms of reference proposed was approved and the Members appointed to the Sub-Committee were agreed.

Resolved –

- (a) That the Appeals Sub-Committee be appointed for the 2017/18 Municipal Year.
- (b) That the terms of reference of the Sub-Committee be approved as set out in Appendix A to the report.
- (c) That seats be allocated to the Committee as shown in paragraph 5.1 of the report.
- (d) That the following Members be appointed to serve on the Sub-Committee in accordance with the wishes of the political groups, in respect of the seats allocated to them:

Sub-Committee	Seats	Labour	Conservative
Appeals Sub-Committee	5 (+ 5 deputies)	4 (+4) Brooker, M Holledge, N Holledge, Plenty (Rasib + 3 vacancies)	1 (+1) Smith (Vacancy)

8. Members' Attendance Record

Resolved – That the Members' Attendance Record be noted.

9. Date of Next Meeting - 24th October 2017

The date of the next meeting was confirmed as 24th October 2017.

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10. Exclusion of Press and Public

Resolved – That the Press and Public be excluded from the meeting during consideration of the item in Part 2 of the Agenda, as it involved the likely disclosure of exempt information relating to individuals as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (amended).

The following is a summary of the matters considered during Part II of the agenda:

11. Proposed Senior Management Review

The Committee considered a report on a proposed review of senior management arrangements. The report had been considered by the Cabinet on 19th June and it had been agreed to proceed with the review.

Members commented on a number of aspects of the review including the rationale for the changes, proposed directorate structures, consultation arrangements and the timetable. The report was noted.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.00 pm)

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Employment & Appeals Committee – Meeting held on Thursday, 3rd August, 2017.

Present:- Councillors N Holledge (Vice-Chair, in the Chair), Bains, Bedi, Brooker, M Holledge, R Sandhu and Sharif

Apologies for Absence:- Councillor Sarfraz and Qaseem

PART 1

12. Declarations of Interest

No declarations were made.

13. Appointment of Appointments Sub-Committee

The Committee considered a report seeking agreement to the establishment of an Appointments Sub Committee and the appointment of Members to serve on it.

The Appointments Sub Committee would recommend the appointment of the Chief Executive and Head of Paid Service to Council and appoint chief officers and deputy chief officer. The Sub Committee comprises of five members, appointed in accordance with the political proportionality of the Council. All five members are voting members of the sub committee and must have received appropriate training in recruitment and selection activities.

Members were advised that previously members of the Sub Committee had been (subject to availability) the Leaders of the political groups, or their nominees and, where possible, but not as a requirement members serving on the Employment and Appeals Committee.

The Appointments Sub Committee would be supported by the Assistant Director (Organisation Development and Human Resources) or their nominated officer and an external adviser.

Nominations for the Sub Committee had been received and were Councillors N Holledge, Munawar, Sarfraz, Sharif and Strutton.

The report set out the provisional recruitment process and timelines for the vacant post of Chief Executive and Head of the Paid Service. The Council had resolved that the post of both be advertised both internally and externally in order to attract a wide pool of candidates. An external partner had been appointed to work with the Council on the appointment and guidance sought from the Local Government Association. Members discussed where the advert was to be placed and whether enough time had been given for applicants to apply. Members were advised that specialist advice had been sought and that the proposed recruitment process was both open and transparent.

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Resolved -

- a) That the Appointments Sub-Committee be appointed for the 2017/18 Municipal Year.
- b) That the terms of reference of the Sub Committee be as set out in Paragraph 5.10 of the report.
- c) That seats be allocated on the Sub-Committee as set out in paragraph 5.8 of the report.
- d) That Members be appointed to serve on the Sub-Committee in accordance with the wishes expressed by Political Groups in respect of seats allocated to them as follows: Councillors N Holledge, Munawar, Sarfraz, Sharif and Strutton.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 6.55 pm)

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment and Appeals Committee

DATE: 24th October 2017

CONTACT OFFICER: Linda Walker, Interim Monitoring Officer
(01753) 875017

WARD(S): All

PART I
FOR DECISION

**ARRANGEMENTS FOR THE DISMISSAL OF THE HEAD OF PAID SERVICE,
MONITORING OFFICER AND CHIEF FINANCE OFFICER**

1. **Purpose of Report**

To seek approval of a proposed new Disciplinary Policy and Procedure for the Head of Paid Service, Section 151 Officer and Monitoring Officer.

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

The Committee is requested to resolve that the disciplinary procedure attached at Appendix A is approved.

3. **Implications**

(a) **Financial**

There are no financial implications of the proposed action.

(b) **Risk Management**

The new procedure is compliant with the relevant regulations and the model procedures agreed by the JNC for Chief Executives. This mitigates any risk arising from not following a lawful procedure.

(c) **Human Rights Act and Other Legal Implications**

The recommendation takes into account the Human Rights Act and the relevant legislation which is referred to under Supporting Information below. The model procedure provides that the hearing at full Council to determine whether to dismiss a relevant officer is in effect a right of appeal. This is on the basis that the relevant officer has previously had the opportunity to put their case to the Investigating and Disciplinary Committee and the Independent Panel. The procedure has not, however, been tested in the courts.

In terms of contractual issues, a new monitoring officer and head of paid service (chief executive) are to be appointed shortly and therefore their statement of particulars can refer to the new procedure. The model contract for chief officers

refers to 'local arrangements' for disciplinary procedures so it is debatable whether the existing procedure is contractual in any case.

(d) Equalities Impact Assessment

No impact assessment has been carried out but all relevant officers will be treated in accordance with equalities principles.

(e) Workforce

The relevant officers in post have been consulted on the proposed new procedure.

5. **Supporting Information**

- 5.1 It was agreed at the meeting of Council on 18 May 2017 that the Monitoring Officer should be tasked with producing a revised disciplinary procedure for the relevant officers based on the model produced by the Joint Negotiating Committee for Local Authority Chief Executives. It was agreed that the procedure should be approved by the Employment and Appeals Committee. Council's decision was in accordance with a recommendation of the Employment and Appeals Committee made at its meeting on 12 April 2017.
- 5.2 The procedure attached at Appendix A is based on the model procedure and incorporates specific aspects which were agreed by Council on 18 May on the recommendation of the Employment and Appeals Committee. An extract of the Council minutes are attached at Appendix B.
- 5.3 Council also agreed to set up the new bodies required by the procedure, namely the Investigating and Disciplinary Committee, the Appeals Panel and the Independent Panel.
- 5.4 Although described as a disciplinary procedure, the new procedure covers dismissals for misconduct, capability (performance or ill health other than permanent ill health) and some other substantial reason. It does not cover redundancy, permanent ill health or the expiry of a fixed term contract where there has been no commitment to renew it. This reflects the legal requirements contained in the Local Authorities (Standing Orders) (England) Regulations 2001 as amended in 2015.
- 5.5 The model procedure does not deal with exactly how it should link with capability procedures for performance and ill health. However, it is envisaged that some local procedure would be followed in the first instance before such an issue is referred to the Investigating and Disciplinary Committee. It is suggested that this procedure links with the relevant policies applying for all staff until dismissal becomes a possibility when the issue should be referred to the Investigating and Disciplinary Committee.
- 5.6 In relation to the right to be accompanied to meetings, the model procedure refers to the chief executive being accompanied by a person of their choice at their own cost. This implies that the officer could be represented by a lawyer. Council decided that Slough's procedure should reflect the situation for other staff i.e. they can only be accompanied by a work colleague or trade union representative.

- 5.7 The model procedure allows the IDC to take action short of dismissal. However, it is not defined what such action should be. It is suggested that in the case of misconduct or capability such action should be a first or final written warning. It is also suggested that if any other action is taken in relation to another sort of issue, any action taken must be consistent with the contract of employment. This is because if this was not the case the authority could face action for breach of contract.

6. **Comments of Other Committees**

None.

8. **Appendices Attached**

‘A’ - Proposed dismissal procedure

‘B’ - Extract of minutes from meeting of Council, 18 May 2017

9. **Background Papers**

JNC Model Disciplinary Procedure and Guidance.

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DISCIPLINARY POLICY AND PROCEDURE
FOR THE HEAD OF PAID SERVICE, THE SECTION 151 OFFICER
AND THE MONITORING OFFICER

Introduction

1. A separate procedure is required for the Head of Paid Service, the Section 151 Officer and the Monitoring Officer in order to comply with The Local Authorities (Standing Orders)(England) Regulations 2001 as amended. References to 'officers' in this procedure is to these officers.
2. This procedure is based on the model procedure issued by the JNC for Chief Executives of Local Authorities and has been approved by the Employment and Appeals Committee. Further guidance is available in the NJC handbook on the use of the model procedure which may be referred to as far as is relevant bearing in mind any differences in the model procedure and this procedure.
3. The procedure is not contractual and may be amended from time to time.
4. The procedure will be applied fairly and consistently by the Council regardless of sex, race, creed, ethnic origin, age, marital status, disability and sexual orientation.
5. Individuals with disabilities will be given the opportunity, time and support to request and receive appropriate facilities required for them to participate in the procedure.
6. All involved in this procedure are reminded of the importance of confidentiality and must ensure that all information, whether verbal or written, is kept strictly confidential and not passed on to persons who are not involved in the procedure. Disciplinary action may result from breaches of confidentiality.
7. The principles of natural justice and good management practice will govern the conduct of any proceedings against the officer.
8. In general, informal conciliation is to be preferred to formal procedures if this can bring about a mutually agreed solution to the problems. Such solutions should make it clear what specific changes in behaviour and/or performance are expected and within what timescales.

Scope of procedure

9. The procedure covers:
 - a. disciplinary action and situations where there is the potential to dismiss for misconduct and
 - b. potential dismissals for capability – performance or sickness absence other than permanent ill-health
 - c. potential dismissals for some other substantial reason including a breakdown in trust between the officer and the authority.
10. The procedure does not cover dismissals in respect of redundancy, permanent ill-health and the expiry of fixed-term contracts where there has been no commitment to

renew it. However, approval of the dismissal of these officers will still need to be obtained by full Council.

11. The Council's sickness absence or capability policy and procedure should be followed in appropriate cases in the first instance. Where it becomes apparent that dismissal is a possibility this procedure should be commenced. In the case of ill health this is likely to be at the stage where a Strategic Director Review would be carried out. In the case of capability, this is likely to be where normally the issue would progress to Stage Three.

Timescales

12. The Council recognises that it is in the interests of all parties that proceedings be conducted expeditiously. However, it is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.

Issues requiring investigation

13. Where an allegation is made relating to the conduct or capability of the head of paid service, the section 151 officer or monitoring officer or there is some other substantial issue that requires investigation, the matter will be considered by the Investigating & Disciplinary Committee (IDC).
14. The decision as to whether to refer a complaint against an officer to the IDC will be made as follows:
 - a. In the case of the Head of Paid Service, by the Monitoring Officer following consultation with the Leader; and
 - b. In the case of the Monitoring Officer or the s.151 Officer, by the Head of Paid Service following consultation with the Leader.

Suspension

15. The IDC will consider whether it is appropriate to suspend the officer. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary in other cases if the continuing presence at work of the officer might compromise the investigation or impair the efficient exercise of the council's functions.
16. The officer shall be informed of the reason for the proposed suspension and have the right to present information before such a decision is taken.
17. In the event of urgency, suspension may be carried out by:
 - a. In the case of the Head of Paid Service, the Monitoring Officer following consultation with the Leader; and
 - b. In the case of the Monitoring Officer or the section 151 officer, the Head of Paid Service following consultation with the Leader.

18. The continuance of a suspension should be reviewed by the IDC following consultation with the Independent Investigator after it has been in place for two months.

Right to be accompanied

19. The officer has the right to be accompanied at any formal hearing under this procedure by a trade union representative or work colleague.

Considering the allegations or other issues under investigation

20. The IDC will, as soon as is practicable inform the officer in writing of the allegations or other issues under investigation and provide him / her with any evidence that the Committee is to consider, and of his / her right to present oral evidence.
21. The officer will be invited to put forward written representations and any evidence including written evidence from witnesses he / she wishes the Committee to consider. The Committee will also provide the opportunity for the officer to make oral representations. At this initial consideration of the need to investigate further, it is not anticipated that witnesses will be called. The discretion to call witnesses lies solely with the IDC.
22. The IDC will decide whether:
- a. the issue requires no further formal action under this procedure;
 - b. to issue an informal but recorded warning; or
 - c. the issue should be referred to an Independent Investigator.

Appointment of Independent Investigator

23. Where the IDC decides that the issue should be referred to an Independent Investigator it will appoint an investigator from the list supplied by the National Joint Secretaries.
24. The IDC shall ensure that arrangements are made to provide the necessary facilities, pay remuneration and to provide all necessary information to the Independent Investigator.

The Independent Investigation

25. The Independent Investigator shall investigate the issue and prepare a report stating in his/her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or incapability or supports a need for action under this procedure for some other substantial reason; and recommending any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the officer.

Receipt and consideration of the Independent Investigator's report by the IDC

26. The IDC will consider the report of the Independent Investigator, and also give the officer the opportunity to state his / her case and, to question witnesses, where relevant, before making a decision.
27. Having considered any other associated factors the IDC may:
- Take no further action
 - Recommend informal resolution or other appropriate procedures
 - Refer back to the Independent Investigator for further investigation and report
 - Take disciplinary action against the officer short of dismissal
 - Propose dismissal of the officer to the Council

Action short of dismissal

28. The IDC may agree to impose no sanction, or to take action short of dismissal, in which case the Committee will impose an appropriate penalty / take other appropriate action.
29. The penalties available to the IDC in relation to misconduct or capability are to impose a first or final written warning.
30. Any other action must be consistent with the officer's contract of employment.

Procedure where dismissal is proposed

31. The IDC will inform the Proper Officer that it is proposing to the council that the officer be dismissed and that the executive objections procedure should commence.
32. The Proper Officer will notify all members of the executive of:
- The fact that the IDC is proposing to the council that it dismisses the officer
 - Any other particulars relevant to the dismissal
 - The period by which any objection to the dismissal is to be made by the leader on behalf of the executive, to the Proper Officer
33. At the end of this period the Proper Officer will inform the IDC either:
- That the leader has notified him / her that neither he / she nor any member of the executive has any objection to the dismissal
 - that no objections have been received from the leader in the period or
 - that an objection or objections have been received and provide details of the objections
34. The IDC will consider any objections and satisfy itself as to whether any of the objections are both material and well founded. If they are, then the Committee will act accordingly, i.e. it will consider the impact of the executive objections on its proposal for dismissal and commission further investigation and report by the Independent Investigator if required.
35. Having satisfied itself that there are no material and well-founded objections to the proposal to dismiss, the IDC will inform the officer of the decision and put that

proposal to the Independent Panel along with the Independent Investigator's report and any other necessary material.

The Independent Panel

36. Where the IDC is proposing dismissal, this proposal needs to go before the Independent Panel.
37. The Independent Panel must be appointed at least 20 days before the meeting of the Council at which the recommendation for dismissal is to be considered.
38. Both parties should be present or represented. The IDC should normally be represented by the Chair but may be represented by another member of the Committee if the Chair is unavailable.
39. The Panel should receive any oral representations from the officer, in which case it should invite any response on behalf of the IDC to the points made, and may ask questions of either party. The Independent Panel should review the decision and prepare a report for Council. This report should contain a clear rationale if the Panel disagrees with the recommendation to dismiss.

The Role of the Council

40. The Council will consider the proposal that the officer should be dismissed, and must take into account:
 - a. Any advice, views or recommendations of the Independent Panel;
 - b. The conclusions of the investigations into the proposed dismissal; and
 - c. Any representations from the officer
41. The officer will have the opportunity to appear before the council and put his or her case to the council before a decision is taken.
42. The Council will not undertake a full re-hearing of the case but will review the proposal to dismiss.
43. If the Council rejects the proposal to dismiss it can decide on a lesser sanction or refer back to the IDC to determine the sanction. Any such sanction must be consistent with the contract of employment.

Appeals against dismissal

44. Where the IDC has made a proposal to dismiss the hearing by the Council will also fulfil the appeal function.

Appeals against action short of dismissal

45. If the IDC takes action short of dismissal, the officer may appeal to the Appeals Committee.
46. The appeal hearing will take the form of a review of the case.

47. The Appeals Committee will consider the report of the Independent Investigator and any other relevant information considered by the IDC, for example, new information, executive objections (if relevant), outcome of any further investigation. The officer will have the opportunity to appear at the meeting and state his / her case.
48. The Appeals Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.
49. The decision of the Appeals Committee will be final.

EXTRACT FROM THE MINUTES OF THE COUNCIL MEETING HELD ON 18TH MAY 2017

Item 7 – Review of Constitution

It was moved by Councillor Hussain,
Seconded by Councillor Munawar,

“That

Contract Procedure Rules – Part 4.6

- (a) That the proposed revisions to sections 16.46 – 16.47 and 16.48 – 16.67 of the Contract Procedure Rules as set out in Appendix 1 (A) be approved.

Arrangements for the Dismissal of Head of Paid Services, Monitoring Officer and Chief Finance Officer

- (b) That the following new committees and delegations be approved:
- 1) That the existing Statutory Officers’ Disciplinary Panel be abolished.
 - 2) That an Investigating and Disciplinary Committee be established to deal with disciplinary matters relating to the relevant officers. This Committee to be a politically balanced committee of five Members only one of whom is to be a member of the Executive (not the Leader or Commissioner with responsibility for Human Resources or Finance).
 - 3) That an Appeals Committee be established to deal with disciplinary matters short of dismissal relating to the relevant officers. This committee is to be a politically balanced committee of five Members only one of whom is to be a member of the Executive. (not the Leader or Commissioner with responsibility for Human Resources or Finance).
 - 4) That an Independent Panel comprising three people appointed under section 28 Localism Act 2011 be established to advise Council in the event of a recommendation from the Independent Disciplinary Committee to dismiss a relevant Officer.
 - 5) That Investigating and Disciplinary Committee have delegated responsibility for the suspension of “the relevant officers.” In the event of the need for urgency, this function to be delegated to the Monitoring Officer following consultation with the Leader in the case of the suspension of the Chief Executive and delegated to the Chief Executive following consultation with the Leader in the case of the suspension of the Monitoring Officer or the Chief Finance Officer.

- 6) That In the case of a complaint against a relevant officer, the decision whether to refer the matter to the Investigating and Disciplinary Committee will be delegated to the Monitoring Officer following consultation with the Leader in the case of a complaint against the Chief Executive and delegated to the Chief Executive following consultation with the Leader in the case of a complaint against the Monitoring Officer or the Chief Finance Officer.
- 7) That the relevant officers will be given the same right to be accompanied at any disciplinary hearing as all Slough employees. This does not automatically include the right to be accompanied by a legal representative.
- 8) That the Monitoring Officer be tasked with producing a revised disciplinary procedure for the relevant officers based on the model procedure produced by the Joint Negotiating Committee for Local Authority Chief Executives for approval by the Employment and Appeals Committee.
- 9) That, thereafter the Employment and Appeals Committee will not have responsibility for the discipline of the relevant officers.
- 10) That the revised Officer Employment Procedure Rules set out at Appendix 2 (C) be approved.

Local Code of Conduct for Employees

- (c) That the revised Local Code of Conduct for Employees as set out at Appendix 3(B) be approved.

Article 12 – Officer Roles and Statutory Functions

- (d) That the revised Article 12 as set out at Appendix 4 be approved.
Review of Whistleblowing Policy
- (e) That the proposed revised Whistleblowing code as set out at Appendix 5 be approved and that it be renamed 'Confidential Whistleblowing Code'.

Motions to Council

- (f) That Procedure Rule 14.1 be amended to read

'14.1 Notice

- a. Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least two Members, must be delivered to the Head of Democratic Services not later than noon on the ninth working day before the date of the meeting. At any one Ordinary meeting:
 - Only one motion may be proposed by any Political Group,
 - Or, in the case of no group, an individual member,
 - And one cross-party motion proposed by any member (on a first come first served basis).

The wording of a motion can be submitted by email, and in this case, one member may submit the wording and another e mail in support of the motion must be received by the noon deadline. E mails must be from a source that validates the identity of the sender.'

- (g) That the Monitoring Officer and Head of Democratic Services be authorised to amend the current published Constitution to reflect Council Structures, legislative requirements and other administrative amendments as necessary."

The recommendations were put to the vote and carried unanimously.

Resolved –

Contract Procedure Rules – Part 4.6

- (a) That the proposed revisions to sections 16.46 – 16.47 and 16.48 – 16.67 of the Contract Procedure Rules as set out in Appendix 1 (A) be approved.

Arrangements for the Dismissal of Head of Paid Services, Monitoring Officer and Chief Finance Officer

- (b) That the following new committees and delegations be approved:
 - 1) That the existing Statutory Officers' Disciplinary Panel be abolished.
 - 2) That an Investigating and Disciplinary Committee be established to deal with disciplinary matters relating to the relevant officers. This Committee to be a politically balanced committee of five Members only one of whom is to be a member of the Executive (not the Leader or Commissioner with responsibility for Human Resources or Finance).
 - 3) That an Appeals Committee be established to deal with disciplinary matters short of dismissal relating to the relevant officers. This committee is to be a politically balanced committee of five Members only one of whom is to be a member of the Executive. (not the Leader or Commissioner with responsibility for Human Resources or Finance).
 - 4) That an Independent Panel comprising three people appointed under section 28 Localism Act 2011 be established to advise Council in the event of a recommendation from the Independent Disciplinary Committee to dismiss a relevant Officer.
 - 5) That Investigating and Disciplinary Committee have delegated responsibility for the suspension of "the relevant officers." In the event of the need for urgency, this function to be delegated to the Monitoring Officer following consultation with the Leader in the case of the suspension of the Chief Executive and delegated to the Chief Executive following consultation with the Leader in the case of the suspension of the Monitoring Officer or the Chief Finance Officer.

- 6) That In the case of a complaint against a relevant officer, the decision whether to refer the matter to the Investigating and Disciplinary Committee will be delegated to the Monitoring Officer following consultation with the Leader in the case of a complaint against the Chief Executive and delegated to the Chief Executive following consultation with the Leader in the case of a complaint against the Monitoring Officer or the Chief Finance Officer.
- 7) That the relevant officers will be given the same right to be accompanied at any disciplinary hearing as all Slough employees. This does not automatically include the right to be accompanied by a legal representative.
- 8) That the Monitoring Officer be tasked with producing a revised disciplinary procedure for the relevant officers based on the model procedure produced by the Joint Negotiating Committee for Local Authority Chief Executives for approval by the Employment and Appeals Committee.
- 9) That, thereafter the Employment and Appeals Committee will not have responsibility for the discipline of the relevant officers.
- 10) That the revised Officer Employment Procedure Rules set out at Appendix 2 (C) be approved.

Local Code of Conduct for Employees

- (c) That the revised Local Code of Conduct for Employees as set out at Appendix 3(B) be approved.

Article 12 – Officer Roles and Statutory Functions

- (d) That the revised Article 12 as set out at Appendix 4 be approved.

Review of Whistleblowing Policy

- (e) That the proposed revised Whistleblowing code as set out at Appendix 5 be approved and that it be renamed 'Confidential Whistleblowing Code'.

Motions to Council

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The wording of a motion can be submitted by email, and in this case, one member may submit the wording and another e mail in support of the motion must be received by the noon deadline. E mails must be from a source that validates the identity of the sender.'

- (g) That the Monitoring Officer and Head of Democratic Services be authorised to amend the current published Constitution to reflect Council Structures, legislative requirements and other administrative amendments as necessary.

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SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee

DATE: 24th October 2017

CONTACT OFFICER: Surjit Nagra, OD/HR Lead
01753 875727

WARD(S): All

PART I
FOR APPROVAL

EMPLOYMENT POLICIES AND PROCEDURES

1. Purpose of Report

The purpose of this report is to update the Employment Appeals Committee on the revisions to the following Policies and Procedures:

- Adoption, Surrogacy and Fostering Policy and Procedure
- Shared Parental Leave and Pay Policy and Procedure
- Domestic Violence and Abuse Policy and Procedure

2. Recommendation(s)/Proposed Action

The Committee is requested to approve the revised policies and procedures.

3. Supporting Information

Committee have been informed previously that the OD/HR service have a programme of work relating to undertaking reviews of all employment policies and procedures. This programme of work is to ensure the policies and procedures:

- continue to reflect best practice
- reflect the council's strategic aims
- comply with employment legislation
- are user friendly and
- work together cohesively

One of the key drivers for the revisions to these policies is to reflect any national changes in statutory provisions and of course, any lesson learnt from casework are also incorporated.

In the course of the update, we have taken the opportunity to refresh these policies to ensure they reflect our new employment policy branding.

A summary of the main changes for each policy is outlined below.

4. Adoption, Surrogacy and Fostering Policy and Procedure

The Council is committed to helping working parents to balance the needs of work and home life. The purpose of this policy and procedure is to assist with the management of leave for those seeking to adopt, foster to adopt or the intended parents in a surrogacy arrangement.

The revisions that were required were:

- A reflection of the current legislation
- To provide clearer information to employees in respect of their entitlement
- An opportunity to include information about how the policy applies in cases of fostering, fostering to adopt and surrogacy

The revised policy and procedure is appended as Appendix 1.

5. Shared Parental Leave and Pay Policy and Procedure

Shared parental leave provides eligible parents with the opportunity to choose to share care of their child during the first year following the birth or adoption of the child. Its purpose is to give parents greater flexibility in considering how best to care and bond with their child.

The Shared Parental Leave and Pay Policy and Procedure has been updated to:

- Reflect current legislation
- Provide clearer information to employees

The revised policy and procedure is appended as Appendix 2

6. Domestic Violence and Abuse Policy and Procedure

The purpose of this policy is to raise awareness of domestic violence and abuse and its likely impact on the workforce. By its nature this is an extremely sensitive and confidential matter that managers will have to deal with so important to have this document to support them. It sets out the Council's approach in supporting employees who are affected by or experiencing domestic violence and abuse.

The Domestic Violence and Abuse Policy and Procedure has been updated to include:

- A check list and risk assessment to assist managers when dealing with an employee who is a victim of domestic violence or abuse
- How to deal with cases where victims are employees under 18 years of age (Apprentices)
- How to deal with cases where the perpetrator is in a position of trust

The revised policy and procedure is appended in Appendix 3.

7. Consultation

Consultation has taken place with the Trades Unions and Employee Engagement and Disability Forums who have responded positively to the revisions.

8. Implementation Process

The implementation process will include various methods of communication including;

- Newsround
- Grapevine staff newsletter
- E mail to all line managers
- HRBP's to provide update at Senior Management Team Meetings

9. Background Papers

None

10. Appendices

Appendix 1 - Adoption, Fostering and Surrogacy Policy and Procedure

Appendix 2 - Shared Parental Leave and Pay Policy and Procedure

Appendix 3 - Domestic Violence and Abuse Policy and Procedure

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**FAMILY LEAVE:
 Adoption, Surrogacy and Fostering Policy and Procedure**



Policy Schedule		
Policy owner and lead	ODHR: HR Policy Manager	
Consultation	Trade Unions	Sept 2017
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation		
Version number	Version 4 (Sept 2017)	
Related documents	Paternity Policy Maternity Policy Parental Leave Policy Shared Parental Leave and Pay Flexible Working Policy	
Review interval	Three yearly (December 2019)	

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ADOPTION/SURROGACY/FOSTERING POLICY

1. Introduction

- 1.1 This policy sets out the statutory rights and responsibilities of employees who are planning to adopt a child and gives details of the arrangements for adoption leave and pay. Adoption leave and pay is also available, subject to eligibility criteria, to employees who have a child through a surrogacy arrangement and are eligible for a Parental Order or who foster a child through the “foster to adopt” programme in accordance with section 22C of the Children Act 1989. This policy will apply in these cases.
- 1.2 This policy and procedure applies to all employees of the council. The entitlement to shared parental leave and pay will depend upon the employee’s continuous service.
- 1.3 This policy and procedure does not apply to agency workers or volunteers working in the council.

2. Eligibility

- 2.1 There are 3 main adoption rights in law:
 - The right to Statutory Adoption Pay (SAP)
 - The right to 26 weeks' adoption leave (ordinary statutory adoption leave)
 - The right to a further 26 weeks' leave (additional statutory adoption leave) where the qualifying service period has been met.
- 2.2 Statutory adoption leave may be taken by an employee when a child, up to the age of 18 years, is placed with them for adoption, provided they meet certain qualifying conditions.
- 2.3 If the employee is a local authority foster parent who is also approved as a perspective adopter and a child is placed with the employee in a “foster to adopt” situation, he or she will have the same entitlement to adoption leave or pay. Adoption leave is extended to an individual or to one member of an adopting couple.

- 2.4 Where the “foster to adopt” does not go ahead e.g. because the child or children are returned to their birth parents, the adopters entitlement to adoption leave will end 8 weeks after the child is removed or at the end of their adoption leave, whichever is earlier.
- 2.5 Where a couple are adopting jointly, only one may take statutory adoption leave and receive statutory adoption pay. The other, subject to meeting certain eligibility criteria may be entitled to take one or two weeks paid paternity leave. If an individual is adopting, they will be entitled to take statutory adoption leave and receive statutory adoption pay, subject to meeting the qualifying conditions. If they have a partner they may qualify for one or two weeks paid paternity leave. See Paternity Leave Policy [\(insert link\)](#)

3. Notification of adoption/surrogacy/fostering to adopt

- 3.1 In order to exercise their right to adoption leave, an employee must notify their line Manager in writing within 7 days of the date in which they were matched with the child;
- the date on which they intend to start their adoption leave
 - the expected week of the placement of the child
 - provide a **matching certificate** completed by the adoption agency
 - provide a **Parental Order** in cases of surrogacy as soon as possible and within 6 months of commencement of adoption leave
 - complete **Form A: Adoption/Surrogacy/Fostering to Adopt Notification Form** and forward to their line manager [\(insert link\)](#)

In the case of adopting a child from overseas the employee can choose to begin their adoption leave from the date of the child’s entry into the UK or from a predetermined date up to 28 days after the date of entry.

- 3.2 Should the employee change their mind about the date on which they intend to start their adoption leave, they must advise their line Manager of the revised start date at least 28 days before the date in question, unless it is not reasonably practical in which case the line Manager has the discretion to agree a revised date. If an employee starts adoption leave without providing the required notifications they will be treated as being on unauthorised absence.
- 3.3 The line Manager will formally respond in writing to the employee’s notification of their leave plans within 28 days, confirming the date on which they are

expected to return to work. Please refer to **Managers response letter** available on SBCinsite. [\(insert link\)](#)

- 3.4 If the date of the adoption placement changes, the employee must discuss the situation with their line manager and give appropriate notice for the change in date.
- 3.5 If an employee plans to start adoption leave at any time before the actual date of placement, they must be sure that the placement will be going ahead on the date agreed before they start their leave. If the placement is delayed for whatever reason and adoption leave has already commenced, they cannot stop and start it again at a later date.

4. Adoption Leave

- 4.1 All qualifying employees, irrespective of their length of service or hours are entitled to 26 weeks adoption leave (ordinary) and up to 26 weeks additional adoption leave, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional adoption leave begins on the day after ordinary adoption leave ends.
- 4.2 During this period all contractual terms and conditions are maintained, with the exception of remuneration during weeks 7-26.
- 4.3 Adoption leave commences on;
 - the date the child is placed with the employee. If the employee is at work on this day, then the adoption leave will commence the following day; or
 - a pre-determined date, specified in the completed **Form A: Adoption/Surrogacy/Fostering to Adopt Notification Form** [\(insert link\)](#), that falls within a 14 day period immediately before the date of placement or in the case of adopting a child from overseas from the date of the child's entry into the UK or from a pre-determined date up to 28 days after the date of entry.
- 4.4 Employees must notify their line Manager that they wish to take advantage of the scheme within 7 days of the date in which they were matched with the child.

- 4.5 If there is a change to the date notified in Form A, employees must complete **Form B: Notification of earlier date of birth of child (in case of surrogacy) or placement of the child (in case of adoption).** [\(Insert link\)](#)

5 Annual Leave and Bank Holidays

- 5.1 The employee will be advised before starting ordinary adoption leave whether they have any outstanding leave entitlement. The employee must, whenever possible, take any outstanding leave before commencing adoption leave. Annual leave and Bank Holidays that will accrue during the adoption leave period may be anticipated and with the line Managers agreement, may be taken prior to the start of the adoption leave period.
- 5.2 It is not normally possible to receive pay in lieu of any untaken annual leave or Bank Holidays. There may be on occasion exceptional circumstances which have prevented annual leave being taken. In these circumstances the line Manager may approve payment for a limited number of untaken days.
- 5.3 Where annual leave is taken at the end of the adoption leave period any unused annual leave or Bank Holidays may be carried over to next year.
- 5.4 If the employee decides not to return to work following adoption leave, they will be paid for any holiday entitlement accrued, equally should the employee not return to work and has taken more holiday than they have accrued, they will be required to repay the equivalent of the excess holiday taken.
- 5.5 Term time only (TTO) employees receive pay which includes a payment for annual leave and Bank Holidays in addition to salary. For instance a TTO employee working 38 weeks per year with a holiday entitlement pro rata to 25 days leave and 8 Bank Holidays (also pro rata) per year will actually receive payment equivalent to 43.3 weeks per year. This number of week's pay is paid in 12 equal instalments (i.e. payment is made every month) during the year. Adoption pay will not include full pay for pro-rata holidays and bank holidays accrued during adoption leave. The difference will be calculated by payroll and paid as a lump sum on return from adoption leave.

6 Adoption Pay

There are two types of adoption pay;

- Statutory Adoption Pay

- Council's Occupational Adoption Pay

Statutory Adoption Pay (SAP)

- 6.1 Statutory Adoption Pay (SAP) is payable for up to 39 weeks during adoption leave. An employee is entitled to SAP if they:
- have been continuously employed by SBC for at least 26 weeks at the end of the week in which they are notified of having been matched with a child;
 - earn more than the National Insurance Lower Earnings limit;
 - have been matched with a child to be placed with them by a UK adoption agency;
 - have notified the agency that they agree that the child should be placed with them and the date of the placement;
 - notify their line manager that they wish to take advantage of the scheme within 7 days of the date in which they were matched with the child;
 - provide a matching certificate completed by the adoption agency;
 - in the case of surrogacy, a copy of the 'Parental Order' as soon as possible after the baby's birth and no later than six months after the commencement of adoption leave
- 6.2 SAP is payable for a maximum period of 39 weeks. This period is called the 'adoption pay period' and can begin from 14 days before the child is placed with the adoptive parent but no earlier. For 39 weeks SAP will be an amount set by the government each year.
- 6.3 For the first six weeks, SAP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over a specified period. For the purpose of calculating average weekly earnings, shift allowances and overtime payments, are all included.
- 6.4 The standard rate of SAP is paid for the remaining 33 weeks (or less if the employee returns to work sooner). This is paid at the rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings if this is lower than the Government's set weekly rate.
- 6.5 If an employee becomes eligible for a pay rise between the start of the original calculation period and the end of their adoption leave (whether ordinary or additional leave), the higher or standard rate of SAP will be recalculated to take account of the pay rise, regardless of whether SAP has already been paid.

- 6.6 Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.
- 6.7 Employees who are not entitled to SAP may be entitled to receive an allowance, payable by the Government.

Occupational Adoption Pay (OAP)

- 6.8 Occupational Adoption Pay (OAP) is more generous than SAP. An employee is entitled to OAP if they have;
- at least 12 months continuous service with Local Government by the week in which they are notified by the adoption agency that they have been matched with a child
 - return to work for a minimum of 3 months immediately after adoption leave. (This period will be extended proportionately if they return to work on a reduced hour's basis).
 - give proper notification of the adoption in accordance with the rules set out above
 - provide a Matching Certificate from the adoption agency
 - give at least 8 weeks written notice if they wish to change their agreed return date by completing **Form C: Request to change return date**, available on SBCinsite. [\(insert link\)](#)
- 6.9 OAP is payable for up to 18 weeks after an employee ceases work due to adoption. It may commence any time after 14 days before the date of the placement.
- 6.10 For the first 6 weeks, OAP is paid at the equivalent of 90% of the employees average weekly earnings calculated over a specified period. For the purpose of calculating average weekly earnings, shift allowances and overtime payments are included.
- 6.11 For weeks 7 – 18 at 50% of weekly pay plus any entitlement to SAP or Adoption Allowance up to a maximum of full pay.
- 6.12 For weeks 19 – 39 at standard SAP rate, (SBC service must meet the qualifying periods).
- 6.13 Employees who have claimed OAP but who do not return to work for a minimum period of 3 months will be required to repay the OAP (net of their entitlement to SAP).

7 Other Entitlements

Time off for appointments

- 7.1 Employees who are adopting a child are entitled to take paid time off to attend up to five adoption appointments after being matched with a child. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off for up to five appointments and the other can elect to take unpaid time off to attend up to two adoption appointments. The time off must be taken before the date of the child's placement for adoption with the employee.

Pension

- 7.2 Employees will continue to pay the same percentage pension contributions to the pension scheme during their paid adoption leave. On their return from adoption leave they have the option to make up pension contributions for any period of unpaid leave, however their request to repay these contributions to avoid a break in pensionable service must be within 30 days of returning to work. Payroll will send a **Pension Buy Back Form** [\(insert link\)](#) on the employee's return which must be completed and returned to Payroll within the stipulated 30 days.

8 Contact during Adoption Leave

- 8.1 Shortly before an employee's adoption leave starts, the manager will discuss the arrangements for them to keep in touch during their leave. Whilst contact should be minimal and respect privacy during adoption leave, it may be necessary to contact the employee from time to time during their adoption leave. This may be to discuss changes within the organisation e.g. restructure, the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

9 Keeping in touch days (KIT)

- 9.1 An employee can agree to work or to attend training for up to 10 days during either ordinary adoption leave or additional adoption leave, without that work bringing the period of their adoption leave to an end and without a loss of a week's SAP. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes. Payment is for hours attended only and will be paid at their current salary rate.

- 9.2 Any keeping in touch days worked will not extend the total period of adoption leave.
- 9.3 Keeping in touch days are optional and there is no requirement for an employee on adoption leave to carry out work during their adoption leave. Equally there are no obligations on the council to offer keeping in touch days during the period of adoption leave.
- 9.4 If an employee undertakes work for the council and all keeping in touch days have been exhausted, they will lose a week's SAP for any week in which they agree to work.
- 9.5 The employee's manager must notify Payroll of any keeping in touch days worked (insert link) and the employee will receive payment on the next available monthly pay date.

10 Returning to work

- 10.1 The employee will have been formally advised in writing of the date on which they are expected to return to work – **Managers response letter on SBCinsite** (insert link). The employee is expected to return on this date, unless they notify their line Manager otherwise. If they are unable to attend work at the end of their adoption leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 10.2 While the employee is under no obligation to do so, it would be most helpful if they confirmed as soon as convenient during adoption leave that they will be returning to work as expected.
- 10.3 If the employee wishes to return to work earlier than the expected return date, they must give their line Manager at least eight weeks' notice of their date of early return, by completing **Form C: Request to change return to work date** available on SBCinsite (insert link). If they fail to do so their line Manager may postpone their return to such a date as will give eight weeks' notice, provided that this is not later than the expected return date.
- 10.4 Alternatively, if they wish to return to work later than the notified end of adoption leave period, they must give their line Manager at least 8 weeks notice prior to their original agreed return date by completing **Form C: Request to change**

return to work date available on SBCinsite [\(insert link\)](#). The notice requirement applies during both ordinary and additional adoption leave. The adoption leave period cannot be extended beyond the maximum 52 weeks entitlement.

- 10.5 If the employee decides not to return to work after adoption leave, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after adoption leave has ended, SBC may require the employee to return to work for the remainder of the notice period.

Right to return to same job/role

- 10.6 On resuming work after ordinary adoption leave, the employee is entitled to return to the same job as they occupied before commencing adoption leave, on the same terms and conditions of employment as if they had not been absent.
- 10.7 It is also anticipated that in the vast majority of cases, employees returning from additional adoption leave will also return to the same position as they occupied before starting adoption leave. However in exceptional cases it may not be reasonably practicable for the employee to return to the same position in which case the council will offer a suitable alternative position on similar terms and conditions.

Working Patterns/Part time

- 10.8 An employee who worked full-time prior to adoption leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. However, the council will endeavour to be flexible on working patterns for all employees. All requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the service. If an employee would like this option to be considered, they should write to their line Manager setting out their proposals as soon as possible in advance of their return date, so that there is adequate time for full consideration of the request. Please refer to the **Flexible Working Policy and Procedure** available at [\(insert link\)](#).

11 Resignation

- 11.1 If the employee decides not to return to work after adoption leave, they must give notice of resignation as soon as possible and provide notice in accordance with the terms of their contract of employment. If the notice period would expire after adoption leave has ended, the council may require the employee to return

to work for the remainder of the notice period.

Employees who have claimed OAP but who do not return to work for a minimum period of 3 months will be required to repay the OAP.

12 Summary

12.1 The table below summarises the various forms and steps that should be completed prior to, during and after return from adoption leave.

FORM/ACTION	PURPOSE	WHO ACTIONS	When
Matching Certificate - adoption	Confirming match with a child	Employee to Manager	Within 7 days of being matched with a child
Parental Order		Employee to manager	Within 6 months of commencement of adoption leave
Form A: Adoption/Surrogacy/ Fostering to Adopt Notification Form	To confirm when employee will be commencing adoption leave	Employee to Manager	Within 7 days of being matched with child or birth of child
Manager response letter	To confirm the date of start of adoption leave	Manager to employee	Within 28 days of receiving Form A from employee
Form B	To confirm date of amended adoption leave if baby arrives early/child placed earlier than notified	Employee to Manager	Only required if there is a change to notification date provided in Form A
Form C	Request to change agreed return to work date, giving 8	Employee to manager	8 weeks notice

APPENDIX 1

	weeks notice		
Form D	To confirm the return of employee from adoption leave	Manager to payroll (Arvato)	Prior to return to work
Contact and "keeping-in touch" days	To agree arrangements for keeping in touch and any KIT days	Line Manager/ employee	Prior to commencement of adoption leave and during adoption leave in respect of KIT days
Pension Buy Back Form	For employees who wish to repay pension contributions to avoid a break in pensionable service	Employee to Payroll (Arvato)	Within 30 days of return to work

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FAMILY LEAVE: SHARED PARENTAL LEAVE AND PAY POLICY AND PROCEDURE



Policy Schedule		
Policy owner and lead	ODHR: HR Policy Manager	
Consultation	Trade unions	Date; Sept 2017
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation		
Version number	Version 4 (Sept 2017)	
Related documents	Family Leave Policies: <ul style="list-style-type: none"> • Maternity Policy • Paternity Policy • Adoption, Surrogacy, Fostering Policy • Parental Leave Policy • Flexible Working Policy 	
Review interval	Three yearly (January 2020)	

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SHARED PARENTAL LEAVE AND SHARED PARENTAL PAY POLICY

1. Introduction

- 1.1 This policy outlines the arrangements for shared parental leave (ShPL) and shared parental pay (ShPP) in relation to the birth or adoption of a child.
- 1.2 This policy and procedure applies to all employees of the council. The entitlement to shared parental pay and leave will depend upon the employee's continuous service.
- 1.3 This policy and procedure does not apply to agency workers or volunteers working in the council.
- 1.4 ShPL is a form of leave available to parents following the birth or adoption of a child. It enables eligible parents to choose how to share the care of their child during the first year following birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

2. Shared Parental Leave (ShPL) - Eligibility

- 2.1 ShPL can only be used by two people; the mother/adopter and one of the following:
 - The father of the child (in the case of birth) **or**
 - The spouse, civil partner or partner of the child/mother/adopter.
- 2.2 Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.
- 2.3 An employee seeking to take ShPL must satisfy the following criteria:
 - The mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled then they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements
 - The employee must still be working for the organisation at the start of each period of ShPL

- The employee must have a minimum of 26 weeks service at the end of the 15th week of before the child's expected due date/matching date
- The employee's partner must meet the employment and earnings test i.e. must earn enough on average to be required to pay NI contributions
- Provide the required evidence of their entitlement i.e. an original MATB1 form

2.4 The council may within 14 days of the ShPL entitlement notification being given, request further evidence of eligibility. Where there is a suspicion that fraudulent information may have been provided or where the council has been informed by the HMRC that a fraudulent claim was made, the matter will be investigated under the Council's Conduct and Disciplinary Procedure.

3. Shared Parental Leave - Entitlement

3.1 Eligible employees may be entitled to take up to 50 weeks ShPL during the child's first year in their family. The number of weeks available is calculated using the mothers/adopters entitlement to maternity/adoption leave, which allows them to take up to 52 weeks leave. If they reduce (curtail) their maternity/adoption leave entitlement then they and/or their partner may opt-in to the ShPL system and take any remaining weeks as ShPL.

3.2 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at specified future date.

3.3 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this their partner may be entitled to up to 50 weeks of ShPL. This is done by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

3.4 ShPL can commence as follows:

- The mother can take ShPL after she has taken the legally required 2 weeks of maternity leave immediately following the birth of the child
- The adopter can take ShPL after taking at least 2 weeks of adoption leave
- The father/partner/spouse can take ShPL immediately following the birth/placement of the child but may first choose to exhaust any paternity leave

entitlements (as the father/partner cannot take paternity leave or pay once they have taken ShPL or ShPP).

- 3.5 Where a mother/adoption gives notice to curtail their maternity/adoption entitlement then the mother/adoption's partner can take leave while the mother/adoption is still using their maternity/adoption entitlements. Therefore both parents can be off work at the same time.
- 3.6 ShPL will generally commence on the employee's chosen start date specified in **Form A: Employee Notification of intention to apply for shared parental leave** [\(insert link\)](#) or in any subsequent variations.
- 3.7 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some or all of the ShPL period. See Shared Parental Pay below.
- 3.8 ShPL must end no later than one year after the birth/placement of the child. Any ShPL not taken by the first birthday or first anniversary of placement for adoption is lost.

4. Notification

- 4.1 An employee entitled and intending to take ShPL must give their line Manager notification of their entitlement and intention to take ShPL **at least 8 weeks** before they can take any period of ShPL. The employee must complete **Form A: Notice of intention to apply to take shared parental leave** [\(insert link\)](#) and provide the following;
 - The name and NI number of both the employee and the other parent
 - Details of how much maternity/adoption leave and pay or maternity allowance that has already taken and the total amount of ShPL available
 - An indication of the expected pattern of leave (this is not binding)
 - The date on which the child is expected to be born and the actual date of birth or in the case of adoption, the date on which the employee was notified of having been matched with the child and the date of placement for adoption
- 4.2 The employee has the right to submit a combined total of up to 3 notifications specifying leave periods they are intending to take. A single block of leave is a minimum of 1 week. Each notification may contain either;

- a. A single period of weeks of leave; or
 - b. Two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave
- 4.3 ShPL can only be taken in complete weeks but may begin on any day of the week.
- 4.4 Each request for discontinuous leave will be considered on a case-by case basis. Where the line manager may have concerns over accommodating the notification, a meeting to discuss the notification should be arranged with a view to agreeing an arrangement that meets the needs of the Council and the employee.
- 4.5 The number of times an employee can notify an employer of changes to a period of leave will be limited to 3 – the original notification and 2 further notifications of changes.
- 4.6 If the mother/adopter has given notice to curtail their leave entitlement they may withdraw the notice only if they have not returned to work, the curtailment date has not passed and one of the following circumstances applies:
 - Where it is discovered in the 8 weeks following the notice that neither the mother/adopter nor their partner has entitlement to ShPL
 - In the event of the death of the partner
 - (for mothers only). If the notice was given before the birth/placement for adoption of the child and notice for entitlement to maternity/adoption leave to be curtailed has been provided in the 6 weeks following the birth/placement for adoption
- 4.7 There are a number of possible options for how parents could share their parental leave. One example is;
 - The mother could take the first 8 months with the other parent taking the remaining 4 months
 - The mother could return to work for a period in the middle of the year with the other parent looking after the child for that time
 - The mother and other parent could both stay at home together with the child for up to 6 months

5. Shared Parental Pay (ShPP)

5.1 ShPP is payable for up to a combined period of 39 weeks after a woman ceases to work after pregnancy/placement of a child for adoption and is available for eligible parents to share between them while on shared parental leave.

5.2 There are two types of ShPP.

- Statutory Pay (SShPP)
- Council's Occupational Shared Parental Pay (OShPP)

Statutory Shared Parental Pay

5.3 The number of weeks' statutory shared parental pay available to parents will depend on how much statutory maternity/adoption pay or maternity allowance the mother has been paid when her maternity/adoption leave or pay ends.

5.4 Eligible employees may be entitled to take up to 37 weeks statutory shared parental pay (remaining weeks from 39 weeks entitlement after 2 weeks compulsory maternity/adoption leave) SShPP while taking ShPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity/adoption allowance period. This period may also reduce if the mother/adopter commences maternity/adoption leave prior to the birth/placement of child.

5.6 Any statutory shared parental pay due during the shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

5.7 SShPP may be payable during some or all of the ShPL depending on the length and timing of the leave.

5.8 It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them as they share the entitlement.

Occupational Shared Parental Pay

- 5.9 Occupational shared parental pay is more generous than SShPP. An employee is entitled to OShPP if they have at least 12 months continuous Local Government service and return to work after Shared Parental Leave.
- 5.10 Weeks 1-6 are paid at 90% of weekly pay (any entitlement to ShPP or maternity allowance is included in this pay).
- 5.11 Weeks 7 -18 at 50% of weekly pay plus any entitlement to ShPP or maternity allowance, up to a maximum of full pay.
- 5.12 Weeks 19 - 39 SMP at standard ShPP rate.
- 5.13 If the employee claims OShPP but does not return to work for a minimum of 3 months, they will be required to repay the OShPP (net of any entitlement to SShPP). This period will be extended proportionately if you gain agreement to return to work on a reduced hour's basis.
- 5.14 If both parents entitled to OShPP are employed by SBC it is up to the parents how the entitlement inclusive of maternity, paternity and adoption leave per couple is apportioned between them.

6 Annual leave and bank holidays

- 6.1 The employee will be advised before starting shared parental leave whether they have any outstanding leave entitlement. The employee should, whenever possible, take any outstanding leave before commencing shared parental leave. Annual leave and bank holidays that will accrue during the shared parental leave period may be anticipated and with the manager's agreement, taken prior to the start of the shared parental leave period.
- 6.2 It is not normally possible to receive pay in lieu of any untaken annual leave or bank holidays. If there have been exceptional circumstances that have prevented annual leave being taken the manager may approve payment for any outstanding leave providing as much of the outstanding leave has been taken as possible.
- 6.3 Where annual leave is taken at the end of the shared parental leave period, any unused annual leave or bank holidays may be carried over to next year.
- 6.4 If the employee decides not to return to work following parental leave, they will be paid for any outstanding holiday entitlement accrued. Equally, should they decide not to return to work and has taken more holiday than they have accrued, they will be required to repay

the equivalent of the excess holiday taken.

- 6.5 If an employee takes annual leave immediately before or after their shared parental leave, this will be recorded as annual leave in the usual way. Whilst shared parental pay leave is paid as a percentage of salary, and not full pay, time taken as annual leave will be paid at the full rate of pay.
- 6.6 Term time only (TTO) employees receive pay that includes a payment for annual leave and bank holidays in addition to salary. For instance a TTO employee working 38 weeks per year with a holiday entitlement pro rata to 25 days leave and 8 bank holidays (also pro rata) per year will actually receive payment equivalent to 43.3 weeks per year. This number of week's pay is paid in 12 equal instalments (i.e. payment is made every month) during the year. Shared parental pay will not include full pay for pro-rata holidays and bank holidays accrued during maternity leave. The difference will be calculated by payroll and paid as a lump sum on return from shared parental leave.

7 Pensions

- 7.1 Employees will continue to pay their usual percentage pension contributions during their paid leave. On their return from shared parental leave they have the option to make up pension contributions for any period of unpaid leave. However, their request to repay these contributions to avoid a break in pensionable service must be within 30 days of returning to work. Payroll will provide the employee with a Pension Buy Back Form upon their return, which must be completed and returned to payroll within the stipulated 30 days.

8 Contact during shared parental leave

- 8.1 Shortly before an employee's shared parental leave starts, the manager will discuss arrangements with the employee for keeping in contact during their leave. Whilst contact should be minimal and respect privacy during shared parental leave, it may be necessary to contact the employee from time to time during their leave. This may be to discuss changes within the organisation/service area, the employee's plans for return to work, to discuss any opportunities to support their return to work or simply to update them on important developments at work during their absence.

9 Shared Parental Leave In Touch Days (SPLiT)

- 9.1 An employee can agree to work for up to 20 days during their ShPL without bringing their period of ShPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave in Touch" or "SPLiT" days. Any work carried out on a keeping in touch day shall constitute a day's work for

these purposes. Payment is for hours attended only and will be paid at their current salary rate.

- 9.2 Any keeping in touch days worked will not extend the total period of shared parental leave.
- 9.3 Keeping in touch days are optional and there is no requirement for an employee on shared parental leave to carry out any work during her maternity leave. Equally, there are no obligations on the council to offer keeping in touch days during the period of shared parental leave.
- 9.4 If an employee undertakes work for the council and all keeping in touch days have been exhausted, they will lose a week's ShPP for any week in which they agree to work.
- 9.5 The employee's manager must notify Payroll of any keeping in touch days worked (insert link) and the employee will receive payment on the next available monthly pay date.

10 Returning to work

10.1 Right to return to same position

On returning to work after shared parental leave, the employee is entitled to return to the same position as they occupied before starting the shared parental leave, on the same terms and conditions of employment as if they had not been absent.

- 10.2 It is also anticipated that in the vast majority of case, employees returning from shared parental leave will also return to the same position as they occupied before starting the shared parental leave. However, in exceptional cases it may not be reasonably practicable for the employee to return to the same position in which case the council will offer a suitable alternative position on similar terms and conditions.

Working patterns/part-time

- 10.3 An employee who worked full time prior to shared parental leave has no automatic right to return to work on a part time basis or to other changes to their working patterns. However, the council endeavors to support flexible on working patterns subject to service requirements. If an employee would like to explore flexible working options, they should submit a flexible working request as soon as possible in advance of their return in accordance with the Flexible Working Policy available at <http://insite/people/employment-terms-and-conditions/flexible-working/>

11 Resignation

- 11.1 If the employee decides not to return to work after shared parental leave, they must give notice of resignation as soon as possible and provide notice in accordance with the

terms of her contract of employment. If the notice period would expire after shared parental leave has ended, the council may require the employee to return to work for the remainder of the notice period. Employees who have claimed OShPP but who do not return to work for a minimum period of 3 months will be required to repay the OShPP.

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DOMESTIC VIOLENCE AND ABUSE POLICY AND PROCEDURES



Policy Schedule		
Policy owner and lead	OD/HR: HR Policy Manager	
Consultation	Disability Forum	Sept 2017
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Date of implementation		
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Domestic Violence and Abuse Policy and Procedures

Policy Statement

This policy has been drafted in consultation with the Council's co-ordinator for tackling domestic and sexual abuse. All employees have the right to raise the issue of Domestic Violence/Abuse (DVA) with their manager in the knowledge that they will be treated sympathetically, considerately and effectively. SBC is committed to reducing DVA and this policy sets out the actions that may be taken in responding to employees who are experiencing DVA and where there are concerns the employee may be the perpetrator of DVA.

1. Introduction

Slough Borough Council will work to ensure that any employee who experiences DVA can raise the issue at work, without fear of stigmatisation or victimisation and will receive appropriate support and assistance to protect themselves and any children.

2. Who is covered by this policy?

- 2.1 This policy covers all employees of the council regardless of status or length of service, age or gender. It excludes school-based employees who are under the control of Governing Bodies.

3. Duty of Care and Workplace Safety

- 3.1 Under the Human Rights Act 1998 all public bodies have an obligation to protect the human rights of individuals and to ensure their human rights are not violated. DVA denies the individual the most fundamental of human rights. Implementing a workplace policy assists authorities to meet their human rights duties in relation to incidents of domestic abuse. Failing to tackle this could lead to an infringement of the Human Rights Act.

- 3.2 The Equality Act 2010 includes a public sector duty and those subject to the general equality must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity for protected groups; and foster good relations.
- 3.3 Health and safety laws ensure workers have the right to work in a safe environment where risks to health and wellbeing are considered and dealt with effectively. The main areas of health and safety law relevant to violence at work:

Health and Safety at Work Act 1974

The Management of Health and Safety at Work Regulations 1992

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

The Health and Safety (Consultation with Employees) Regulations 1996

- 3.4 Under the Health and Safety at Work Act (1974) employers have a duty to ensure, as far as possible, the health, safety and welfare of employees at work. The management of Health and Safety at Work Regulations (1992) requires employers to assess the risk of violence to employees and make necessary arrangements for their health and safety. Please refer to Appendix 1 for guidance to assess the risk.

4. Definitions of Domestic Violence and Abuse (DVA)

- 4.1 The Home Office defines Domestic Violence and Abuse (DVA) as: 'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

Psychological

Physical

Sexual

Financial
Emotional

- 4.2 Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- 4.3 Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.” (A list of different abuses can be found in Appendix 1)
- 4.4 DVA occurs in all groups and sections of society and may be experienced differently, due to, and compounded by gender and gender identity, race, sexual orientation, disability, age, religion, culture, class or mental health.
- 4.5 For the purposes of this document the term ‘survivor’ will be used for those affected by DVA and the term ‘perpetrator’ for the person who has instigated DVA.
- 4.6 Throughout this document survivors and perpetrators can be female or male, however women are disproportionately survivors of DVA. Male survivors may need a different type of support from specialist services. (A list of specialist services can be found in Appendix 2)

5. Domestic Violence and Abuse in the workplace

- 5.1 DVA can impact greatly on an individual’s working life affecting their emotional, mental and physical health which interferes with productivity and performance. There are many ways perpetrators can abuse their partner in the workplace including but not limited to constant phone calls, unannounced visits, following to and from work, abusive emails, making false accusations to line managers.

However for some survivors the workplace is a safe haven.

5.2 DVA can also have an impact on a survivor's mental health. In addition some survivors misuse drugs and/or alcohol as a coping strategy if they are living with DVA. These factors are also likely to impact on an individual's ability to function normally at work; lateness, absenteeism, poor performance, poor concentration and exhaustion.

5.3 DVA also affects people close to the survivor and this can include work colleagues. Some effects may include:

- Being followed to or from work
- Being subjected to questioning about the survivor's contact details or location
- Covering for other workers during absence from work
- Trying to deal with the abuse and fear for their own safety
- Being unaware of the abuse or not knowing how to help

5.4 Employees may have different needs and experience and these should be taken into account, for example:

- Older women are less likely to report their experiences of domestic abuse
- Disabled women are more likely to experience domestic abuse and sexual violence than non-disabled women
- Ethnic minority women face additional barriers to accessing support
- Lesbian, gay and bisexual women and men can be vulnerable to abusers who undermine their sexuality and threaten to 'out' them to colleagues, employers and family members
- Transgender women and men may have fewer services available to them.

5.6 Men experiencing domestic abuse and sexual violence may find it more difficult to disclose abuse and may find more barriers to

accessing support

6 Employee Responsibility

- 6.1 Employees have a responsibility to ensure their behaviour at work reflects the aims and values of the Council. Employees are encouraged to inform someone if they are experiencing Domestic Abuse such as a work colleague or Trade Union Representative or a Domestic Abuse Champion (see Appendix 7). If an employee does not wish to speak to their line manager, they should be aware of the difficulties which may arise if the manager is not aware of the relevant facts and circumstances (for instance if there is a potential health and safety issue or if other action is being taken on performance or sickness absence monitoring).
- 6.2 Whilst all support and understanding should be provided to an employee suffering from DVA and reasonable adjustments made to enable them to attend work and perform their role successfully, it does not preclude a manager from taking appropriate action under any formal procedures in the event this is not achieved. In this event advice should be obtained from ODHR.

7 Guidelines for Managers – how to respond

- 7.1 Whilst the majority of violent and abusive incidents take place in the home they can occur in the workplace as well as the impact spilling into the work environment. Employers have an important part to play in referring survivors and perpetrators to specialist organisations, assisting them to access support and putting measures in place to increase their safety. Managers should seek to:
- Recognise the problem – look for signs and ask
 - Respond appropriately
 - Refer on to appropriate help
 - Record the details

- 7.2 The council recognises domestic abuse is not obvious/easy to spot. Survivors of DVA may not confide in anyone in their place of work for a wide variety of reasons. It is more likely the Manager will become aware of the situation through associated issues. The signs that an employee may be experiencing violence and abuse at home can include:

Work Productivity signs

- Persistently late without explanation or with unusual explanation, or needing to leave work early on a very regular basis
- High absenteeism without explanation or with unusual explanation
- Changes in the quality of work performance for unexplained reasons
- Increased time being spent at work for no apparent reason i.e. arriving early and leaving late
- Upset at work due to receipt of upsetting emails, texts, phone calls

Psychological signs

- May cry frequently or be anxious at work
- Uncharacteristic depression, anxiety, distraction, problems with concentrating
- Changes in behaviour; may become quiet and withdrawn and avoid interacting with others
- Fear of partner or references to anger
- Expresses fear at leaving children home alone with their partner

Physical signs

- Repeated injuries such as bruises; the explanation for injuries that seem implausible
- Frequent and/or sudden/unexpected medical problems/sickness absence
- Fatigue
- Change in the way an employee dresses i.e. excessive clothing in summer; unkempt or dishevelled appearance

- Change in the pattern or amount of make-up worn

Other signs

- Receives constant phone calls or texts from their partner or ex/partner
- Partner regularly meets the staff member outside work
- Employee appears anxious about going home
- Employee is anxious about leaving work on time

- 7.3 Managers should be aware of the possibility of DVA when implementing either the Capability Policy or Sickness Absence Policy and Procedure. If the manager suspects DVA could be the cause of poor performance or absence they should create a safe environment in which the employee is free to disclose the abuse if they wish to do so. The focus should be on supporting the employee rather than penalising. See Appendix 3 for further information on creating a safe environment.
- 7.4 If a manager suspects the employee may be suffering violence and abuse at home they should have a conversation with them in a private and safe setting. The manager can ask non-threatening questions to gently encourage the employee to open up, for example 'I have noticed recently that you are not yourself, is anything the matter?' For a more comprehensive list of possible questions please see Appendix 3. Once the manager is aware of domestic abuse they must discuss with the employee to assess the risk (see Appendix 1 for risk assessment) and what measures could be put in place to keep them safe at work (see Appendix 5 for possible safety measures). Any measures put in place should be recorded on the employee's file.
- 7.5 If the employee is in immediate danger the manager should call the police on 999.
- 7.6 The manager's role is to provide practical work related support for the employee and signpost them to specialist services (see Appendix 2 for a list of services) which can provide appropriate risk

assessment, safety planning and support. If the employee does not wish to engage with a support service the manager could suggest they contact the council's **Employee Assistance helpline on 0800 282193** or speak to the one of the Domestic Abuse Champions within the Council (a list of Champions can be found in Appendix 7). The manager is not responsible for stopping the abuse or assisting the employee to leave the relationship; the most dangerous time for a survivor is just before and up to 18 months following a separation.

- 7.7 It is important the manager provides a supportive environment to talk. They must be non-judgemental and validate the experience of the employee with statements such as 'you do not deserve to be treated that way' (see Appendix 3 for further guidance). When a survivor discloses they are experiencing DVA it is vital that they are believed without passing judgement on the perpetrator and the employee's response. Boundaries and privacy should be respected.
- 7.8 If a child or adult with care and support needs is at risk the manager should follow the procedures outlined in the Safeguarding Children or Safeguarding Adults Policy. If the employee is at significant risk the police should be contacted. See Appendix 1 for categories of risk.
- 7.9 Managers of Slough Borough Council's Apprentice Scheme under the age of 18 must refer to the Council's Safeguarding Children policy.

8 Employees who perpetrate DVA:

- 8.1 A manager may be concerned an employee is a perpetrator of DVA if:
 - 1. An employee directly discloses perpetrating DVA
 - 2. An employee raises concerns about a colleague's possible abusive behaviour
 - 3. An employee discloses being a victim of DVA and the perpetrator is also an employee

- 8.2 If an employee suspects a colleague is perpetrating DVA they should inform their manager in confidence. The safety of the survivor and any dependants is the priority. The Whistle Blowing Policy (see Appendix 8) provides protection for an employee who raises a concern in good faith. For allegations against persons in a position of trust, please refer to Policy and Guidance for Managing Allegations against staff who work or care for adults in a paid or voluntary capacity (see Appendix 9)
- 8.3 If an employee is perpetrating DVA the priority for the manager is to increase safety and promote help seeking. The manager should speak to the employee in a positive, respectful manner without excusing the abuse (see Appendix 4). They may also signpost the employee to specialist support (see Appendix 2 for support services). If the manager is concerned a child or adult with care and support needs is at significant risk of harm they should discuss with their safeguarding lead or the Domestic & Sexual Abuse Coordinator and follow the Council's Safeguarding Children or Safeguarding Adults Policy.
- 8.4 Managers of Slough Borough Council's Apprentice Scheme under the age of 18 must refer to the Council's Safeguarding Children policy.

Taking disciplinary action against perpetrator of DVA

- 8.5 DVA is taken very seriously by the council and could lead to disciplinary action in work and/or a criminal conviction. The following are examples of where employees will be subject to investigation under the Council's Disciplinary Policy (though the list of circumstances is not exhaustive);
- If they have committed a criminal offence, or serious evidence of assault/harassment
 - If they are involved in DVA related incidents that occur in the workplace or during work time, including making threatening telephone calls or misuse of computer network

- If an employee's activities outside work have an impact on their ability to perform the role for which they are employed, or are likely to bring the Council into disrepute. This is particularly relevant for those who work with the public, with children or adults with care and support needs – "Persons in a position of trust".
- If a colleague is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones or email then they will be seen as having committed a disciplinary offence
- If an employee accesses and/or discloses confidential information about another employee or service user without authorisation
- If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse, perhaps in relation to a custody battle, then this will be treated as a serious disciplinary offence and action will be taken
- If personal mobile phone numbers, addresses or e mails have been disclosed without the employee's permission

When both the victim and perpetrator are employees of the Council

- 8.6 The main priority is the safety of the survivor and ensuring that any actions do not increase the risk to them. Any decisions should be agreed with the victim before being actioned. Disciplinary action may be considered against the employee who is perpetrating abuse. See section 6 above. Action may also be taken to minimise the potential for the perpetrator to use their position or Slough Borough Council's resources to further abuse or to locate the survivor. Where suspension or termination of employment is being considered the manager should speak to local support services to ensure safety plans are put in place with the survivor.
- 8.7 Mediation or couple counselling is not appropriate in abusive relationships and must not be recommended. The primary reason for not recommending couples counseling is that **abuse is not a "relationship" problem**. Couples counselling may imply that both

partners contribute to the abusive behaviour, when *the choice to be abusive lies solely with the abusive partner*. Focusing on communication or other relationship issues distracts from the abusive behaviour, and may actually reinforce it in some cases. Additionally, a therapist may not be aware that abuse is present and inadvertently encourage the abuse to continue or escalate.

- 8.8 Managers should take advice from ODHR when considering disciplinary action and refer to the Councils Disciplinary Policy Appendix 10 and Dealing with Suspected Perpetrators of DVA Appendix 4 for further information.

9 Confidentiality

- 9.1 Confidentiality should be maintained at all times and information can only be shared with the permission of the employee. Confidentiality can be broken only if the employee, a child or vulnerable adult is at significant risk of harm.

10 Possible Adjustments/Support Mechanisms

- 10.1 If the victim needs to attend appointments for example with support services, GP, police, solicitor or housing, the manager may use their discretionary powers to allow reasonable time off. Unpaid leave should be considered if paid leave options have been exhausted. Other reasonable adjustments should be considered to support employees experiencing domestic violence and abuse, see Appendix 5. For example;
- If the employee is absent, a method of communication should be arranged with line managers so that they are aware that the employee is safe, whilst maintaining the confidentiality of their whereabouts
 - Identifying a work contact for support and an emergency contact should the Council be unable to contact the employee
 - Allowing the employee more flexible working or special leave to facilitate any practical arrangements that are required, such as seeking legal advice, attending counselling, support meetings or to attend court

- Diverting telephone calls
- Diverting e-mails to a separate folder
- Alerting reception and facility staff if the abuser/alleged abuser is known to come to the workplace
- Checking that staff have arrangements for personal safety
- With consent, advising colleagues of the situation on a need to know basis and agreeing what the response should be if the abuser/alleged abuser contacts the office

11 Recording information

- 11.1 It is essential to record concerns or disclosures of DVA. The manager should inform the victim they will be doing this but they do not need their permission to do so. All records should be kept confidential (for further guidance see Appendix 6). Any disclosure of abuse or allegation of abusive behaviour should be recorded in full and kept in a secure folder. In the event of criminal proceedings the records may be used by the police.

12 Training

- 12.1 Training on awareness of domestic abuse and stalking can be provided by the Domestic & Sexual Abuse Coordinator. Domestic Abuse Champions training is available free of charge and can be accessed through www.reducingtherisk.org.uk

Appendices:

Appendix 1	List of different abuses
Appendix 2	Support Services
Appendix 3	Asking about DVA
Appendix 4	Dealing with suspected perpetrators of DVA
Appendix 5	Safety in the workplace
Appendix 6	Recording Information
Appendix 7	Domestic Abuse Champions
Appendix 8	Whistleblowing Policy
Appendix 9	Managing Allegations against staff who work or care for adults in a paid or voluntary capacity
Appendix 10	Disciplinary Policy and Procedure

Appendix 1

List of different abuses

There are 3 categories of risk;

1. Standard – there are no indicators of serious harm
2. Medium – there are identifiable indicators of serious harm. The offender has the potential to cause serious harm but is unlikely to do so unless there is a change in circumstances
3. High – there are identifiable indicators of serious harm. The potential event could happen at any time and the impact would be serious

Risk of Serious Harm (Home Office 2002 and OASys 2006):

‘A risk which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible.’

Physical abuse			
No	Standard	Moderate	High
Never, or not currently	Slapping, pushing; no injuries.	Slapping, pushing; lasting pain or mild, light bruising or shallow cuts.	Noticeable bruising, lacerations, pain, severe contusions, burns, broken bones; threats and attempts to kill partner, children, relatives or pets; Strangulation or holding under water; loss of consciousness; use of (or threats to use) weapons; head injury, internal injury, permanent injury, miscarriage.
Sexual abuse			
No	Standard	Moderate	High
Never, or	Use of	Uses pressure to	Uses threats or force to

not currently	sexual insults.	obtain sex; unwanted touching; nonviolent acts that make victim feel uncomfortable about sex, their gender identity or sexual orientation.	obtain sex, rape, serious sexual assault; deliberately inflicts pain during sex, combines sex and violence including weapons; sexually abuses children and forces partner to watch; enforced prostitution; intentional transmission of STIs/HIV/AIDS.
Harassment or stalking			
No	Standard	Moderate	High
Never or not currently	Occasional phone calls, texts and emails.	Frequent phone calls, texts, emails.	Constant/obsessive phone calls, texts or emails; uninvited visits to home, workplace etc or loitering; destroys or vandalises property; pursues victim after separation, stalking; threats of suicide/homicide to victim and other family members; threats of sexual violence; involvement of others in the stalking behaviour.

Jealous or controlling behaviour/emotional abuse			
No	Standard	Moderate	High
Never or not currently	Made to account for victim's time; some isolation from	Increased control over victim's time; significant isolation from family and friends; intercepting	Controls most or all of victim's daily activities; prevention from taking medication or accessing care needs (especially

	family/friends or support network; put down in public.	mail or phone calls; controls access to money; irrational accusations of infidelity; constant criticism of role as partner/spouse/parent	relevant for survivors with disabilities); extreme dominance, e.g. believes absolutely entitled to partner, partner's services, obedience, loyalty - no matter what; extreme jealousy, e.g. "If I can't have you, no one can" - with belief that the abuser will act on this; locks person up or severely restricts their movements; threatens to take the children; suicide/homicide/familiaci de threats; involvement of wider family members; crimes in the name of 'honour'; threats to expose sexual activity to family members, religious or local community via photos, online (e.g. Facebook) or in public places.
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Appendix 2

Support Services for Victims

Local	Website	Telephone
Slough Children's Services		
SAFE! (for young people)	www.safeproject.org.uk	0800 133 7938
National		
National 24hr Helpline	www.nationaldomesticviolencehelpline.org.uk	0808 200 0247
Men's Advice Line	www.mensadviceline.org.uk	0808 801 0327
Galop (LGBT)	www.galop.org.uk	0300 999 5428
Karma Nirvana (Honour Based Violence)	www.karmanirvana.org.uk	0800 599 9247
Stalking Helpline	www.stalkinghelpline.org	0808 802 0300

Support Services for Perpetrators

National	Website	Telephone
Respect Helpline	www.respectphoneline.org.uk	0808 802 4040

Appendix 3

Asking about Domestic Violence and Abuse

Victims living with DVA say they are glad when someone asks them about their relationship, so be brave: ask the question, open the dialogue.

Top 10 things to remember:

1. Victim's safety: always be guided by the need to keep the victim and their children safe. This includes making sure you have privacy for the conversation, and know where you can refer for immediate help. Always put the victim's and children's safety first. Leaving an abusive relationship is the most dangerous time for a victim; if they are considering leaving encourage them to talk to the local domestic abuse service for support and safety planning.
2. Difficult to talk: the victim might not want to talk right now, or even acknowledge what is happening to them. They might be ashamed or embarrassed. Give them space and time to talk – if you have not got time now arrange a convenient time where you can.
3. Do not push: this conversation is the start of a process – victims take time to feel comfortable and open up. Do not push them to reveal what they are not comfortable with.
4. Culture/religion: this is never an excuse for domestic abuse. Do not let cultural concerns stand in the way of supporting a victim of abuse.
5. Interpreting: never use children or family members as interpreters. Try Language Line, or a professional interpreter, but make sure the victim is happy with the interpreter.
6. Children: make sure you know your child protection/safeguarding procedures, and make them clear to the victim – do not promise to

keep a secret if you will have to disclose under child protection.

7. Rapport: domestic violence and abuse is hard for victims to talk about. Take time to put the victim at ease and build up a rapport – this applies to everyone in your setting; people are more likely to disclose if they feel they can trust you.
8. On-going support: whether the victim discloses or not, be prepared to ask them again in future if they are all right. Make sure they know they can always talk to you.
9. Referring on: give the victim the contact details of the local domestic abuse helpline. Check it is safe to have this. The local helpline will give them access to a range of services for example face to face outreach worker and help with safety planning and options available to them.
10. Immediate risk of serious harm: if the victim says they are worried for their own or their children's immediate safety, refer on to the police. Do not ever try to resolve the abuse yourself.

What can I say to start the conversation?

- What we know is that sometimes, when someone has high rates of absenteeism/reduced performance/unusual behaviour, it is because something in their personal life is affecting them. Do you think this could apply to you?
- I am concerned about how you are; would you like to come and have a chat?
- How are things with your partner?
- How are things at home?
- Does your partner treat you well?

- Has your partner ever hit you?
- Are you ever afraid at home?
- Is someone hurting you?
- Have you ever been forced to do anything you didn't want to do?
- I see you have a bruise on your face/body, has someone hit you?

Essential things you can say:

- It is not your fault and you don't deserve it. No one deserves to be hurt, scared or controlled by their partner or anyone else.
- You are not alone – it has happened to lots of other people and lots of them go on to make new safer lives for themselves and their children. There are people who can help and want to help.
- You, your neighbours, family or friends can always call the police in an emergency. You can call 999 – it is their job to protect us and to prevent crime and that includes domestic violence and abuse.
- If you want to leave your partner now, even just for a break to get some rest and some time to think, I can help you make contact with someone who can support you to safely do that.
- Whatever you decide to do, you can always come back to see me again; I care what happens to you.
- Is there someone else you would prefer to talk to? I don't mind if you don't feel able to talk to me.

What not to do?

Do not

- Do not pressurise the victim into a specific course of action
- Do not promise confidentiality. Do explain the limits of confidentiality and safeguarding duties
- Do not attempt to discuss the issue with the perpetrator
- Do not send anything home or to a mobile phone or e mail which the perpetrator may be intercepting, which could directly or indirectly reveal a disclosure of DVA
- Do not attempt to provide mediation between partners
- Do not recommend couple counselling, mediation or anger management as suitable solutions
- Don't be judgemental of the individual's choices and actions
- Do not stop supporting the individual once you have referred to another agency
- Do not encourage them to leave their partner unless they have specialist support to do so safely

Appendix 4

Dealing with suspected perpetrators of domestic violence and abuse

Managers and colleagues are not expected to attempt to identify perpetrators of domestic violence and abuse. However, if you have concerns about an employee's behaviour, the following guidance may be of use.

Although they do not always imply that an individual is a perpetrator, the following signs may be indicative that an employee is perpetrating DVA:

- Uncharacteristic lateness or absence with no explanation
- Repeated injuries/scratches/bite marks/bruised knuckles/injuries to wrists or forearms
- Constant text messaging or telephoning a partner
- Jealousy or possessiveness
- Negative comments about the employee's partner or women or men in general

If an individual discloses abuse behaviour, these are useful questions to ask:

- What worries you most about your behaviour?
- Your behaviour towards your partner does sound worrying, would you like to talk to a specialist who can help you?
- It sounds like your behaviour can be frightening; does your partner ever say that they are frightened of you?
- How are your children affected?

If you are made aware of concerns that an employee may be perpetrating domestic violence and abuse by another employee, it is important that you do not take any actions that may lead to repercussions for that individual.

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Appendix 5**Safety in the workplace**

The following steps should be considered when assessing the safety of an employee. The list is not exhaustive and the victim should be consulted on what they believe would keep them safe in the workplace:

- Identifying an emergency contact person in case the manager is unable to contact the employee
- Identify a code word or words known to the manager or support colleague which indicates help is needed
- Screen, track and record telephone calls where necessary
- Change email address and telephone number if applicable
- Provide a meeting room away from public areas for the victim to meet with domestic abuse support workers or domestic abuse champion
- Instruct and train staff on how not to reveal information to others such as location and movements of the victim
- Have an emergency plan in place
- The manager can keep the originals or copies of important documents such as birth certificate and driving licence in a secure place for the victim
- Ascertain if the victim has a protection order and if the conditions include 'not to enter, remain or access any premises the protected person occupies or works in' and 'not to contact'.
- Provide evidence of abusive communications to the police and to the abuser's employer if being sent from their workplace (CAUTION – only if the victim and abuser have separated)
- With permission of the victim provide reception and security staff a photo of the abuser
- Look into alternative working hours or work location
- Notify the communications team not to use the employee's name or picture in any news stories in Citizen/Grapevine/press releases
- The employee may request not to have their photo included in the phonebook or other systems

Appendix 6

Recording Information

This offers general guidance to recording a disclosure of domestic violence and abuse.

1. You should record all disclosures of DVA, for your own safety and the victim's, and should tell the victim that you will do this, including explaining who will have access to the record. You do not need the victim's consent.
2. Record the date, time and setting in which the abuse happened.
3. Record non-judgementally, using the words that the victim used (e.g. "John hit me with a hammer" not "client has experienced physical violence.") Use words like "stated" and "said", not "alleged" or "claimed."
4. Record your observations: how the victim appears, physical, emotional and behavioural signs that they are experiencing DVA.
5. Make it clear if you are recording interpretation or conclusions that you have drawn, which are not what the victim has stated (e.g. "I think that Jane is being denied access to food because she has lost a lot of weight recently and cannot give a reason for it.")
6. If the victim minimises or tries to excuse the abuse, make it clear in any record that this is minimising or excusing, and that this is not a reason for abuse to happen.
7. Always keep notes confidential and under no circumstances allow abusers to see these.
8. Never write anything about disclosure on something that the victim will take home. If you work to rules that give clients rights to copies of their own records, make sure disclosure notes are in the "exempt"

part of the notes, which will not be copied.

9. If there are previous notes for the victim, review these to see if there have been previous disclosures or evidence of abuse, and if so, what happened as a result.
10. Discuss all disclosures with supervising manager e.g. line manager or safeguarding lead, according to local protocols for information sharing.
11. Sign and date any record

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Appendix 7

Domestic Abuse Champions

There are a number of domestic abuse champions within the Council. They have received additional training on domestic abuse, risk assessment and management. The Champions will be able to provide support and advice if you have had a disclosure and are unsure what to do next. If the victim is willing, following disclosure, they can be assessed for the risk posed to them. The Champions able to do this are highlighted in red. The Designated MARAC Officers (DMO) will make the referral to the Multi-Agency Risk Assessment Conference (MARAC) for high risk victims. The Champions are: (to be completed)

Name	Post

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MEMBERS' ATTENDANCE RECORD 2017/2018

EMPLOYMENT AND APPEALS COMMITTEE

COUNCILLOR	20/06/17	03/08/17	24/10/17	25/01/18	11/04/18
Sarfraz	P	Ap			
N Holledge	P	P			
Bains	Ap	P			
Bedi	P	P			
Brooker	P	P			
M Holledge	P	P			
Qaseem	Ab	Ap			
R Sandhu	P	P			
Sharif	P	P			

P = Present for whole meeting
Ap = Apologies given

P* = Present for part of meeting
Ab = Absent, no apologies given

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AGENDA ITEM 10

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

Document is Restricted

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