

Minutes of a meeting of the Personnel Committee of Wolverton and Greenleys Town Council, held on Tuesday 26th March 2019 at 6.00pm, at Town Hall, Creed Street, MK12 5LY



Councillors present: Cllrs Saunders (Chair), Hussain and Forbes

Also present: Sally McLellan- Town Clerk

Absent: None

PE18/23	Apologies for absence- Cllr Dharas-working
PE18/24	Declaration of Interest on any matter on the agenda There were no declarations of interest.
PE18/25	Public Question Time There were no questions from members of the public.
PE18/26	Minutes of the meeting on 5th December 2018 It was RESOLVED to approve the minutes of the 5 th December 2018 as a true and correct record.
PE18/27	<p>Employee Handbook Review: Agree the revised handbook following the review of the Employee Handbook by the council's HR Consultant Following the review of the Employee Handbook, with the council's HR advisor it was RESOLVED to include the following changes:</p> <p>This Handbook, council rules and policies are non-contractual.</p> <p>Sickness Policy Where the return date is unknown, you must continue to phone the Town Clerk every day during the first five working days of your absence to provide information on the likely duration of the absence. The Council reserves the right to require you to produce a fit note from your GP to cover absences of less than 8 days. If you are required to do so the Council will reimburse the cost of such a certificate upon it being submitted.</p> <p>Holidays employees will be entitled to twenty-three days annual leave in the first calendar year of employment, from 1st April to 31st March each year. If permission is granted a maximum of eight days can be carried forward from one holiday year to the next.</p> <p>Smoking Non compliance with this policy and relevant law will be treated as misconduct and in some cases a gross misconduct offence.</p> <p>Unauthorised absence If you have less than two years' service and fail to report for work for more than 5 consecutive days (unless you are ill and produce medical evidence to prove it or on approved holiday) the Council shall be entitled to assume that you resigned from your employment without notice with effect from your first day of unauthorised absence</p> <p>Telephones If the Council considers that there has been improper use of the mobile telephone, you may be required to meet the cost of any calls that are not business related and such</p>

Adrian Miss 7 May 2019

costs may be deducted from your remuneration. Furthermore, such actions would be treated as misconduct.

Time in lieu

Remove- The lieu time accrued must be taken within the month, as this contradicts the requirement previously stated in the handbook for lieu time to be taken within three months.

Disciplinary

The Council reserves the right not to invoke all or part of the disciplinary procedure for employees with less than twenty-four months service.

Appeal

HR Solutions will appoint another person within their organisation, independent to the investigation to hear the appeal. At the Appeal hearing any disciplinary penalty imposed may be reviewed. As a result of the appeal the disciplinary appeal may be increased, decreased or remain the same.

Grievance

Generally, within a reasonable period of time e.g. five working days of receipt of a written complaint, the Town Clerk will write to the employee with the intention of arranging a meeting with the employee to establish the nature of the complaint, and appoint HR Solutions to investigate if necessary

The section for working during maternity period to be removed as this is not accepted.

Paternity Policy

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave.

The Council recognises that, from time to time, employees may have questions or concerns relating to their paternity rights. It is the Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees should clarify the relevant procedures with their Town Clerk to ensure that they are followed.

To qualify for Paternity Leave, employees must be taking the time off to look after the child and:

- have, or expect to have, responsibility for the child's upbringing
- be the biological or adoptive father of a child born, or placed for adoption or be the mother's husband or partner or the intended parent (if the baby is born through a surrogacy arrangement)
- have worked continuously for 26 weeks' or more by the end of the 15th week before the baby is due; or, for adoption, have a minimum of 26 weeks' continuous service extending into the 'matching week'. (For UK adoptions, this is the week beginning on a Sunday and ending on a Saturday in which the employee is notified of having been matched with the child; for overseas adoptions, it is the date the child enters the UK or when the employee wants the paternity pay to start).

Advised by 7 May 2019

To qualify for Statutory Paternity Pay, in addition to the above the employee must still be employed up to the date of the birth and have average earnings at least equal to the lower earnings limit for NI contributions.

Where a child is adopted jointly, one partner (of either sex) may take adoption leave and the other may take paternity leave (subject to meeting the eligibility criteria).

Employees who have taken paid time off to attend adoption appointments are not entitled to take statutory paternity pay and leave.

Paternity leave cannot be taken after a period of shared parental leave has been taken.

Amount of Leave and Pay

Qualifying employees may take up to two weeks' paternity leave.

This is paid at the current rate of Statutory Paternity Pay (SPP), which is either the flat weekly rate or 90% of the employee's earnings, if this is less. SPP is treated as normal pay and therefore is subject to deductions for tax and National Insurance.

Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to wages or salary, throughout the period of paternity leave.

They are entitled to return to the same job following paternity leave.

Taking Paternity Leave

Paternity Leave may be taken:

- from the date the baby is born (whether this is earlier or later than expected)
- from a chosen number of days or weeks after the date the baby is born (whether this is earlier or later than expected)
- from a chosen date.

The leave must be completed:

- within 56 days of the actual birth of the baby/placement for adoption within the UK, or date of entry into the UK for overseas adoptions
- if the baby is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Paternity Leave may be taken as either one week or two weeks' consecutive leave, but cannot be taken as odd days. It can start on any day of the week.

Adrian P. 7 May 2019

If the baby is born early, leave must be completed within the period from the actual date of birth up to 56 days after the expected week of birth. (This means that parents of premature babies have a longer period after the birth in which to take paternity leave.) Paternity leave may not be taken before the birth, so an employee who has given notice for a date and the baby is not yet born must continue to work and leave will start the day after the baby is born.

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

Birth: the employee must inform us, in writing, of the intention to take paternity leave by the end of the 15th week before the baby is due, unless this is not reasonably practicable (in which case as soon as it is reasonably practicable).

The notification should be made to the Town Clerk and this should specify:

- the week the baby is due
- whether the employee wishes to take one or two weeks' leave
- the date of starting the leave.

UK adoption: the employee must inform us of the intention to take paternity leave within seven days of the date of official notification of having been matched with a child.

Overseas adoptions: the employee must inform us of the intention to take paternity leave within 28 days of the date of official notification of the placement. 28 days' notice should be given of the date of starting the leave and the date the child will enter the UK.

Employees may change their minds about the date on which they want the leave to start providing they inform us in writing at least 28 days in advance (unless this is not reasonably practicable). They should also tell us the date they wish any payments of SPP to start at least 28 days in advance (unless this is not reasonably practicable).

Employees who wish to apply for Paternity Leave should complete the appropriate request form.

Time off for antenatal/pre-placement adoption appointments

The spouse or partner of a pregnant woman, or a primary or sole adopter, is entitled to take time off work to attend antenatal appointments or pre-placement adoption appointments with her. For further details, see our maternity or adoption leave policies.

Keeping in Touch (KIT) Days

Adrian N. 7/May 2019

11.25 You can agree to work, or attend training, team events etc. for up to 10 days during their adoption leave. This will not affect their right to take adoption leave or eligibility for pay. These are known as "keeping in touch" ("KIT") days. You will be paid for the hours they work on that day. However, if you are receiving SAP then the amount paid will be made up to their normal hourly rate for the hours worked. If they are receiving no payments, then they will be paid their normal hourly rate.

You are under no obligation to work during adoption leave (nor are we obliged to offer any work) and therefore any work undertaken, and the amount paid for the work done on any KIT days, is entirely a matter for agreement with the you
If you meet the conditions set out above you are entitled to a total of 18 weeks (unpaid) parental leave in respect of each child

Parental leave can be taken up until the child's eighteenth birthday. In the case of adopted children, leave can be taken up until eighteen years have elapsed following placement .

Time off for dependents to be re classified as: A dependent is a parent, spouse, civil partner, child or someone who lives with the employee as part of the family or who reasonably relies on the employee for care in the event of illness or injury. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, such as a live-in housekeeper.

Eligibility and entitlement

You have the right to take a reasonable amount of unpaid time off work to deal with unexpected situations involving a dependant and not to be dismissed or victimised for so doing. This right applies to all employees, irrespective of their length of service or hours worked.

This time off is intended to deal with **unforeseen** matters and **emergencies**. There is no set limit to the amount of time off which can be taken and this will depend on individual circumstances. In most cases one or two days should be sufficient to deal with an immediate problem and to make any longer-term arrangements.

FLEXIBLE WORKING POLICY

Definition

You can request a more flexible pattern of working hours or working arrangements. This may include flexi-time, staggered hours, time off in lieu, compressed working hours, shift swapping, self-rostering, annualised hours, job sharing, part-time working, term-time working or homeworking.

AN. - n.s 7 May 2019

Principles

The Council will consider any flexible working request, but agreement will be dependent on meeting the Council needs. Each request will be treated individually and on a case by case basis on its merits. Requests will normally be considered in the order they are received. Consideration will be given to the effect on the business and the possible impact of refusing a request. Where one or more employees within a team have already been granted a flexible working request, this will be taken into consideration when receiving further requests.

The Council will ensure that there is no discrimination on the grounds of a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation). Employees with childcare responsibilities and part-time workers will be treated consistently with other workers when considering any flexible working arrangements.

Procedure for making a request

The procedure for making a request is as follows:

- Applications should be made in writing and sent to your manager. This must be dated and specify that the application is a flexible working application.
- You must have at least 26 weeks' continuous employment at the date the request is made.
- The request should specify the working pattern the employee wishes to adopt and, if possible, should explain what effect the requested arrangements will have on the Council, including suggestions as to how the request could be accommodated.
- If the request is in relation to the Equality Act 2010 (for example, as a reasonable adjustment for a disability) this should be stated.
- A request could also be for a short period of change, for instance to cope with a bereavement or to pursue a short course of study.
- You should specify the start date that they would like the proposed change to come into effect, giving reasonable time for us to consider the proposal and implement it.
- You must not have made another application to work flexibly under this right during the previous 12 months. The request must state whether a previous application has been made and if so the date on which it was made.
- The Council will arrange a meeting as soon as possible to discuss the request, with the aim of completing the whole process within three months of receipt of the request, unless a longer period has been jointly agreed.
- This meeting will not be required if the Council agree to the request and will notify you accordingly.
- You may be accompanied at any meeting by a work colleague if you wish.

Ad: a m-4 7 may 2019

- Where possible, meetings will be held in a private room to enable a confidential discussion. However, the discussion could be held by phone or some other way if a face to face meeting is not possible or impractical.
- The Council will notify the employee of our decision as soon as possible after the meeting. This notification will either:
 - accept the request and establish a start date and any other action or
 - confirm a compromise agreed at the meeting or
 - refuse the request and set out clear business reasons for this, together with notification of the appeals process.

The Appeal Procedure

You may appeal the Council's decision provided you do so within 14 days of receiving the Council's decision. The notice of appeal must be in writing, signed and dated as before, and set out the grounds of the appeal.

Within 14 days of receipt of the notice of appeal, the Personnel Committee will arrange for a meeting to be held with you to hear the appeal or allow the appeal and notify you accordingly.

Within 14 days of holding the meeting to hear the appeal, the Council will give you notice of our decision on the appeal. If we allow the appeal the notice will specify the variation in terms and conditions agreed and the date from which it is to take effect. Where the Council dismisses the appeal, the notice will set out the grounds on which the dismissal is based.

If you fail to attend any meeting to discuss the request or the appeal hearing without a good reason, the Council will consider the request withdrawn and confirm this in writing.

The Council are under no statutory obligation to grant a request to work flexibly. However, if we refuse a request, we will provide specific business reasons for this. These could be one or more of the following:

- the burden of additional cost to the business
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental effect on ability to meet customer demand
- a detrimental impact on quality
- a detrimental impact on performance
- insufficient work for the periods the employee proposes to work
- a planned structural change to the business.

You should be aware that if your flexible working request is approved, the variation in contractual terms is normally a permanent one and that there is no automatic right to change back to the previous pattern of work, unless the variation is agreed for a specified period only. You are only permitted to make one flexible working request in each twelve-month period.

Ad. M 75 7 Nov 2019

If the Council are unsure as to whether the requested arrangement is sustainable, or about the possible impact on other employees' requests for flexible working over the longer term, a trial period may be agreed. Trial periods will be regularly reviewed and could result in the termination of a flexible arrangement for business, economic or other reasons. Reasonable notice will be given by either party in the event of a necessary change or termination of arrangements. This could result in you reverting to the original working arrangement.

All arrangements must comply with the Working Time Regulations and any other in-house health and safety considerations. Risk assessments will be carried out where appropriate.

Impact on pay and benefits

You should carefully consider that any change to working hours which involves a reduction in hours will lead to a pro rata reduction in pay and benefits and so may impact the following:

- annual salary
- holiday entitlement
- maternity, adoption, shared parental leave or pay
- paternity leave and pay
- pension contributions (if applicable)
- sick pay.

A change in work pattern, but with the same hours, will not normally alter other terms and conditions. It is therefore recommended that you discuss any reduction in hours in more detail with your manager. Exact agreements will be discussed according to the individual situation and circumstances and any agreed changes confirmed in writing. Each agreed arrangement is specific to the individual and does not set a precedent for any future requests from other employees.

Conflicting Requests

Where more than one person within a team requests flexible working, all requests will be given fair consideration. Care will be taken not to inadvertently discriminate against any employee because of a protected characteristic and we note that flexible working may well be a "reasonable adjustment" for a disabled employee.

Admin M.S. 7/may 2016

Where one or more employees within a team have already been granted a flexible working request, the business context in which a further request is made will be different, and this will be taken into account when considering further requests. If we are unable to agree to a request because other employees are already working flexibly and any further flexible working arrangements will impact adversely upon the business, we may discuss the situation with other employees in case they are willing to change their arrangements, thereby enabling us to grant new requests to work flexibly.

However, the degree of flexibility awarded may not be the same in each case as each request will be judged on its merits and according to individual circumstances.

Alcohol and Drug abuse

If you refuse to undergo a medical examination in such circumstances any decision made will be based on any information provided.

The Council reserves the right to search you or any of your property held on Council premises at any time if there are reasonable grounds to believe that this policy is being or has been infringed or for any other reason. If you refuse to comply with these search procedures, your refusal will normally be treated as an act of misconduct.

Data Protection

The Data Protection Act relates to the handling of all data including employee information as well as client or customer related data.

19.2 All Council employees are responsible for compliance and ensuring that personal information maintained by the Council is not disclosed orally or in writing or accidentally or otherwise to any unauthorised third party. Any deliberate breach of this policy by any employee may lead to disciplinary action being taken against them.

19.3 The regulations set out procedures which are to be followed when dealing with personal data. The procedures set out herein are followed by Council, its employees, contractors, agents, consultants, partners and any other parties working on behalf of Council. 19.4 Please refer to the Council's Data Protection policy, a copy with is enclosed for further details. You are required to become familiar with this policy.

Glasses

Glasses will be provided for this use only up to the value of up to £60.

It was **RESOLVED** to change current employee contracts to agree that 'Upon termination of your employment you will be entitled to pay in lieu of any holiday accrued in your last holiday year but not taken. If you have taken holidays in excess of entitlement the Council shall be entitled to deduct the excess pay from your final salary payment.'

The Chair closed the meeting at 18.41

Signed..... *A.W.a m.g*

Date..... *7 May 2019*

