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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

19 October 2016

Dear Councillor

You are summoned to attend the meeting of the;

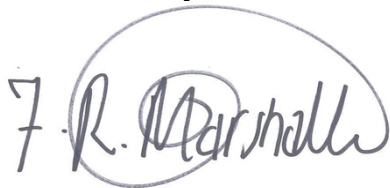
MALDON DISTRICT COUNCIL

on **THURSDAY 27 OCTOBER 2016 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'F. R. Marshall', is enclosed within a large, hand-drawn oval.

Chief Executive

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AGENDA COUNCIL

THURSDAY 27 OCTOBER 2016

1. Chairman's notices (see page 5)

2. Apologies for absence

3. **Minutes - 8 September 2016** (Pages 7 - 24)

To confirm the Minutes of the meeting of the Council held on 8 September 2016 (copy enclosed).

4. **Minutes - 22 September 2016** (Pages 25 - 32)

To confirm the Minutes of the extraordinary meeting of the Council held on 22 September 2016 (copy enclosed).

5. **Declarations of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6 - 8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

6. **Public Questions**

To receive questions from members of the public, of which prior notification in writing has been received (no later than noon on the Tuesday prior to the day of the meeting).

7. Chairman's Announcements

8. Members' Questions in accordance with Procedure Rule 6 (3) of which notice has been given

9. **Recommendations of Committees for Decision by the Council** (Pages 33 - 136)

- (i) To consider the report of the Director of Resources (copy enclosed).

Please note: Where appropriate this report contains links to the relevant Committee agenda, reports and Minutes.

(ii) Minutes of meetings of Committees

To note that since the last meeting of the Council, up until Wednesday 19 October (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

Minutes reported to the last meeting and now published:

Central Area Planning Committee	24 August 2016
Community Services Committee	30 August

Minutes published:

Community Services Committee **	30 August
Overview and Scrutiny Committee	31 August
Audit Committee	1 September
Planning and Licensing Committee (special meeting) *	1 September
North Western Area Planning Committee	5 September
South Eastern Area Planning Committee	12 September
Planning and Licensing Committee **	15 September
Central Area Planning Committee	21 September
South Eastern Area Planning Committee (special meeting)	22 September
Finance and Corporate Services Committee **	27 September
North Western Area Planning Committee	3 October

Minutes NOT finalised for publication:

Overview and Scrutiny Committee	5 October
South Eastern Area Planning Committee	10 October
Community Services Committee **	11 October
Overview and Scrutiny Committee (acting as the Crime and Disorder Committee)	12 October
Appointments Committee	14 October

* Please note that these Minutes contain recommendations previously dealt with by the Council at its last meeting.

** Please see item (i) above as these Minutes contain recommendations to the Council.

10. **Committee Membership Substitution - Deadline for Notices** (Pages 137 - 138)

To consider the report of the Director of Resources (copy enclosed).

11. **Appointment of Member Representation on Coastal Community Teams** (Pages 139 - 142)

To consider the report of the Director of Customers and Community (copy enclosed).

12. **Forward Planning Arrangements** (Pages 143 - 144)

To consider the report of the Chief Executive (copy enclosed).

13. **Members' Questions to the Leader of the Council in accordance with Procedure Rule 1 (3) (m)**

14. Business by reason of special circumstances considered by the Chairman to be urgent.

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

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

16. **Senior Management Structure** (Pages 145 - 152)

To consider the report of the Chief Executive (copy enclosed).

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

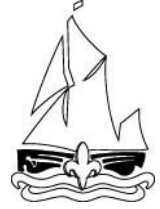
Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

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**MINUTES of
COUNCIL (ORDINARY)
8 SEPTEMBER 2016**

PRESENT

Chairman	Councillor P G L Elliott
Vice-Chairman	Councillor H M Bass
Councillors	Mrs B F Acevedo, J P F Archer, E L Bamford, Miss A M Beale, B S Beale MBE, Mrs P A Channer, CC, R P F Dewick, I E Dobson, Mrs H E Elliott, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, M W Helm, J V Keyes, Miss M R Lewis, R Pratt, S J Savage, Rev. A E J Shrimpton, D M Sismey, A K M St. Joseph and Mrs M E Thompson

477. COUNCILLOR CHARLES A R MACKENZIE

The Chairman opened the meeting with announcement of the recent peaceful death of Councillor Mackenzie following a period of illness. All present at the meeting then stood in silent tribute to the memory of Councillor MacKenzie.

The Chairman advised he would send Members' sincere condolences to Councillor MacKenzie's wife and that details of his funeral would be circulated.

478. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the agenda.

479. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillor R G Boyce MBE CC, A T Cain, M F L Durham, M R Pearlman, N R Pudney and Miss S White.

480. MINUTES - 14 JULY 2016

RESOLVED that the Minutes of the meeting of the Council held on 14 July 2016 be received and adopted.

481. MINUTES - 11 AUGUST 2016

RESOLVED that the Minutes of the extraordinary meeting of the Council held on 11 August 2016 be received and adopted.

At this point, the Chairman advised Members that a revised agenda and addendums to Agenda Item 6 – Public Questions and Agenda Item 9 Recommendations of Committees for Decision by the Council had been circulated.

482. DECLARATIONS OF INTEREST

Councillor Mrs P A Channer declared a non-pecuniary interest as an Essex County Councillor should any matter discussed relate to it.

483. PUBLIC QUESTIONS

In accordance with Procedure Rule 1(3)(e) and the Council's Public Question Time and Participation at Council and Committee Meetings Scheme, the Leader of the Council referred to a question from Mr Scott Lyle and four questions from Ms Judy Lea for the Maldon Society of which prior notification had been given. A copy of the questions and prepared responses from the Leader of the Council were circulated to all Members and those in attendance at the meeting.

From Mr Scott Lyle:

Question:

“What are Maldon District council going to do about the growing friction caused between 13+ complainants about the peafowl and the democratic majority of the village who wish to retain the peafowl?”

Response:

For the benefit of those that do not know about the issue referred to, which is within Mayland, for background fourteen residents in the Mayland area have complained that they are suffering a continuing nuisance caused by a number of peafowl being allowed to roam free onto their privately owned land. The Council, as the local authority, has an obligation to investigate when it is in receipt of such complaints. Evidence obtained to date would suggest that these peafowl are having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality.

The one identified owner so far, who owns only some of the peafowl, has been served with a Warning Notice under the provisions of the Anti-social Crime and Policing Act 2014, requiring them to retain the birds within their own land. Since serving the Warning Notice it has come to the Council's attention that some of the peafowl may belong to other people, which has led to the siting of the Public Notices in the location.

In answer to the question raised, in respect of poor relationships between the residents within the village of Mayland, whilst the Council is very concerned to hear of this any friction between residents is a civil issue to which the Council are unable to become involved. Any concerns may be better raised with the Parish Council, as a civil local authority, or with the owners of the peafowl themselves directly.

Whilst the Council can empathise with all parties concerned it has a statutory function to fulfil.

From Ms Judy Lea:

Questions:

“Maldon District Council decision on application 16/00862 from Essex County Council on nuclear waste imports to Bradwell from Sizewell and Dungeness

Even though Bradwell and some other power stations are now reaching the end of their life there is still no national long term safe repository for the radioactive waste they leave behind, despite many promises over recent decades.

There was a prudent stipulation on the original Bradwell planning approval to ensure that the waste stored there would only be that which had been produced there. The recent application to receive radioactive waste from other stations breaches that principle, which is still one important to members of the public and some at least of the elected members here.

Can this Council therefore please explain

- 1 why the response to the County Council was that it had ‘no objection’ to this application, as officially quoted in the Week 34 list of decisions taken by the council on planning issues? Did no one recognise the principles and implications involved apart from the technicalities? This despite the issue being hotly debated in the official Local Community Liaison Council attended by MDC members as recently as June?
- 2 why that application was circulated to interested members of the public such as myself on the Week 30 applications list as ‘for information only’ with no invitation to comment? - a form of gagging if you will as it is the Maldon District residents who will have to live with it.
- 3 why despite all its efforts to promote tourism and local businesses the Council cannot see the conflict of interest in condoning the turning of the Dengie peninsula into what will be a perceived as a nuclear dump? - or for that matter also currently actively abetting proposals for a whole new larger station which will most likely not deliver on the false promise of supposedly local employment without enormous damage to the local area and beyond, and also be expensive outdated technology when it is up and running?

and finally

- 4 in the light of this, what reassurances can the Council give that if in the Autumn Theresa May does not ban the proposed new Chinese station at Bradwell outright, the principles of whether it should be built here at all will be fully debated with the District’s residents and elected members before decisions are taken, and as part of that debate ensure full information on the impacts of its construction and use are made widely and effectively public?”

Response:

Question 1 - The Leader of the Council has sought clarification on this matter in order to respond. Having not been entirely satisfied with the response she is now seeking further information and will respond directly to Ms Lea with a copy circulated to Members.

Questions 2 and 3 - Maldon District Council is not the decision maker on such applications as this is Essex County Council. In these instances Maldon District Council is a consultee the same as a neighbour or any other interested party. Any interested party is able to respond directly to Essex County Council with their comments and opinions.

Question 4 - A planning application will be determined by the Infrastructure Planning Unit, currently forming part of the Planning Inspectorate. A member of the public can register as an 'Interested Party' on any application dealt with by the Infrastructure Planning Unit. The application will be 'examined' by the Infrastructure Planning Unit. The main method of examining an application is by written representations, but issue specific hearings may be held if the Examining Authority considers it necessary having taken into account representations made by interested parties at the preliminary meeting. If any interested party asks for an open floor hearing then one must be held by the Examining Authority. All hearings are held in public and anyone can attend.

484. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he had attended a number of events which are detailed below and thanked the Vice-Chairman for attending events on his behalf.

21/07/2016	100th Birthday Celebrations for Mrs Dolly Wheeler
25/07/2016	Plume Academy Cricket Tournament
29/07/2016	Chairman of Uttlesford Garden Party
06/08/2016	Maldon Carnival Day
13/08/2016	15th Anniversary Celebrations of the Maldon CVS
19/08/2016	Tour of Farleigh's hospice
25/08/2016	Official Opening of the Burnham Tourist Information Centre
26/08/2016	Clacton Air Show
26/08/2016	Burnham Week Cocktail Party
28/08/2016	Havering Show
01/09/2016	Epping Forest Civic Service
02/09/2016	Trustees of the Friends of the Moot Hall - Annual D'Arcy Day Talk

The Chairman advised that Staff Awards would be presented in December 2016 and Officers would shortly be in contact with Members regarding nominations.

The Chairman informed the Council that in February 2017 there would be a small presentation to winners of Business Awards. It was noted that Economic Development would shortly be seeking nominations from Wards.

The Chairman outlined how he proposed to hold a reception for volunteers in the District. At the reception an award would be presented to the volunteer of the year and

also a lifetime award. He asked Members to advise him of any nominations they may have of volunteers from their Wards.

485. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6 (3) OF WHICH NOTICE HAS BEEN GIVEN

There were none.

486. RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL

The Council considered the report of the Director of Resources presenting recommendations of Committees to the Council. An addendum to this report was circulated at the meeting and detailed recommendations arising from the special Planning and Licensing Committee meeting on 1 September 2016.

Councillor D M Sismey declared a pecuniary interest as the Addendum referred to the Local Development Plan and left the meeting at this point.

It was requested that where reports provided hyperlinks to other documents / web pages that these also be shown in full to allow easy navigation.

RESOLVED

- (i) that the Council agree the transfer of the power to approve temporary road closures and the making of orders under section 21 of the Town Police Clauses Act 1847 from this Committee to the Community Services Committee and to be exercisable by the Director of Customers and Community, be agreed;
- (ii) that Member Task and Finish Working Groups be set up to progress the work on the three elements of the Rural Allocations Development Plan Document, namely, Gypsy and Travellers, Rural Housing and Rural Employment;
- (iii) that a Member Task and Finish Working Group be set up to progress the work on the Heybridge and Maldon Central Area Masterplan;
- (iv) that the proposed terms of reference (**APPENDIX 1** to these Minutes) for these and subsequent Task and Finish Working Groups to support the progression of work on policy matters with respect to the Local Development Plan, any Development Plan Document, any policy related matter including supplementary planning guidance and action plans and related local issues as identified by the Planning and Licensing Committee requiring an input on a geographical (ward) basis be agreed;
- (v) that the Council agrees that the Working Groups as set out in (ii) and (iii) above will report to the Planning and Licensing Committee.

Councillor Sismey returned to the Chamber at this point.

487. RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL - MINUTES OF MEETINGS OF COMMITTEES

Members' attention was drawn to the revised agenda that had been circulated. The Council noted the list of Committees that had met since the last meeting of the Council, up until Wednesday 31 August.

A question was raised regarding the Community Services Committee on 30 August 2016 where it was agreed that the Finance and Corporate Services Committee be recommended that the Council should seek to identify potential monies to fund an investigation in a business case for a new hospital in Maldon. The Chairman of the Committee confirmed the recommendation and he was awaiting confirmation that this matter would be considered at the next Finance and Corporate Services Committee meeting.

488. CORPORATE PROJECTS

The Council considered the report of the Director of Customers and Community seeking approval of the process for adoption and ongoing maintenance of a list of key corporate projects. It was noted that the list of projects would be worked up ready for submission to maximise external funding opportunities.

The report provided detailed information regarding the proposed process and examples of a fact sheet and project summary that would be required for every project were attached as Appendices 1 and 2 to the report.

Members were asked to consider setting up a Member Task and Finish Working Group to enable increased flexibility in the Council's ability to submit bids as funding opportunities arose. The draft constitution and Terms of Reference for the Working Group were attached as Appendix 3 to the report.

The Council received a presentation from the Director of Customers and Community regarding corporate projects and this included information regarding:

- the large scale projects the Council was involved in which were designed to meet infrastructure needs, strengthen communities, create a vibrant and prosperous local economy and deliver a revenue stream to the Council.
- sources of funding for past projects and examples of such projects.
- the need to be able to react quickly to funding opportunities;
- creation of a basket of projects ready to be taken forward to bid which can be 'topped up' as opportunities arise.

It was noted that the TEN Performance Management System was being developed to enable Members to review all projects.

In response to a question regarding projects put forward by other Partners e.g. the Bradwell Legacy Partnership, the Director of Customers and Community advised that it would be feasible for such projects to be put back to the Working Group and then brought forward with a recommendation to the Council.

Councillor Miss M R Lewis proposed that the following amendments be made to the Working Group Constitution / Terms of Reference:

- That the quorum for meetings of the Corporate Projects Task and Finish Working Group shall be at least four Members.
- That if any Member finds themselves unable to attend on a regular basis the Working Group reserves the right to replace that Member.

In response to a number of questions, the following information was provided:

- Officers were aware of potential conflicts between projects, this Working Group and the recording of these on the TEN system was a way to knit them altogether. There was no intention for the Working Group to re-examine what had already been approved by a Committee.
- If a project had, for example, come out of the Maldon and Heybridge Masterplan that would move forward and become part of the basket of projects.

The proposal in the name of Councillor Miss Lewis was duly seconded.

Councillor Miss Lewis further proposed that the Membership of the Working Group be formed from two Members of each programme Committee as follows and the Leader and Deputy Leader of the Council:

- Councillor I E Dobson (Finance and Corporate Services Committee)
- Councillor A S Fluker (Finance and Corporate Services Committee)
- Councillor R Pratt (Community Services Committee)
- Councillor Mrs B D Harker (Community Services Committee)
- Councillor A K M St. Joseph (Planning and Licensing Committee)
- Councillor S J Savage (Planning and Licensing Committee)

In response to questions regarding the Membership of the Working Group and political balance, the Chairman advised that there was no need for political balance on a Working Group.

Councillor Miss M R Lewis proposed that recommendation (i) as set out in the report be amended in accordance with her earlier proposition regarding its Membership. This was duly seconded and agreed.

RESOLVED

- (i) that the Council appoints a Corporate Project Task and Finish Working Group (Membership as detailed below) to oversee a list (or basket) of corporate projects with authority to recommend to Council projects for inclusion on an ongoing basis;

From the Finance and Corporate Services Committee:

- Councillor I E Dobson
- Councillor A S Fluker

From the Community Services Committee:

- Councillor R Pratt
- Councillor Mrs B D Harker

From the Planning and Licensing Committee:

- Councillor A K M St. Joseph
- Councillor S J Savage

Councillor Miss Lewis proposed that recommendation (ii) be approved subject to the amendments to the Draft Constitution and Terms of Reference she had proposed during the earlier debate. This was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor B S Beale requested a recorded vote. This was duly seconded.

For the Recommendation:

Councillors E L Bamford, H M Bass, Miss A M Beale, Mrs P A Channer, R P F Dewick, I E Dobson, Mrs H E Elliott, A S Fluker, Mrs B D Harker, B E Harker, J V Keyes, Miss M R Lewis, R Pratt, Rev. A E J Shrimpton, S J Savage, D M Sismey, A K M St. Joseph and Mrs M E Thompson.

Against the Recommendation:

Councillor Mrs B F Acevedo, J P F Archer, B S Beale, M S Heard and M W Helm.

Abstentions:

Councillor P G L Elliott.

RESOLVED

- (ii) that the Draft Constitution and Terms of Reference for the Corporate Projects Task and Finish Working Group as set out within **APPENDIX 2** to these Minutes be approved, as amended.

The Chairman then put the other recommendations set out in the report which were duly proposed, seconded and agreed.

RESOLVED

- (iii) the Corporate Project Task and Finish Working Group meets and reports to Council as and when required to update the Council on status and project progress, and make recommendations for projects to be included within the list;
- (iv) that the Council considers recommendations from the Corporate Project Task and Finish Working Group to include projects on the list;

- (v) that Officers report any bid submissions to the next available relevant programme committee;
- (vi) that the Council approves expansion of the remit of the Efficiency Fund earmarked reserve to pay for any pre application work associated with the corporate projects;
- (vii) that subject to (vi) above, delegated Authority is given to the Director of Resources, in consultation with the Chairman of the Finance and Corporate Services Committee, to approve funding requests from the Corporate Project Task and Finish Working Group to fund pre application work as and when required.

489. CAR PARKING UPDATE

The Council considered the report of the Car Parking Task and Finish Working Group updating Members following the introduction of weekend and evening parking charges. The report also sought authority to extend the agreed parking review period and introduce a temporary resident permit for the Wantz Road area.

Councillor Mrs P A Channer declared that in respect of recommendation (iii) Wantz Road fell within her division and she had done a lot of work and been involved with this area.

Appendix 1 to the report provided performance data for the first three months of operation following changes made to parking charges in April 2016.

Members' were reminded that a review of the new arrangements was to be undertaken within six months, with full stakeholder involvement, reporting back to the Community Services Committee. The Car Parking Task and Finish Working Group (the Working Group) had met on a number of occasions during the implementation and at its last meeting Stakeholders had discussed the difficulty of gathering evidence to show the impact, if any, of the new charges. A letter from the Director of the Maldon and District Community Voluntary Service was attached as Appendix 2 to the report and requested that Members defer any decision on increasing parking charges as part of the 2017 / 18 budget process until the review reaches a conclusion. This was supported by the Working Group.

It was noted that new charges for residents' parking permits were introduced, at cost, for residents of the housing near to the car parks affected by evening or weekend charges. The Council had recently been approached by residents from the Wantz Road area requesting a similar arrangement. The Director of Customers and Community informed Members that a resident's parking scheme was due to be introduced by the South Essex Parking Partnership in 2017.

In response to questions, the Director of Customers and Community advised that car parking machines were emptied on a regular basis and reference to the Town Centre Car Park income figures did not include those at the Promenade Park.

RESOLVED

- (i) that the Council notes the service performance of Maldon Town Centre Car Parks since the introduction of weekend and evening charging period,
- (ii) that the Council agrees to the extension of the 6 month review of the impact of the introduction of new charges on the community until January 2017,
- (iii) that a new temporary resident's parking permit be made available to eligible residents living in Wantz Road, America Street and Wantz Chase on Saturdays and Sundays only until the South Essex Parking Partnership implement a resident's parking scheme in the area.

490. COMMITTEE STRUCTURE REVIEW - TERMS OF REFERENCE

The Council considered the report of the Director of Resources seeking agreement of the Terms of Reference (Appendix 2 to the report) for a review of the Committee Structure. Appendix 1 to the report was a copy of a presentation given by BDO LLP (the Council's Internal Auditors) to Members at the last meeting of the Council.

Members were advised that the review would seek to ensure that the Council's committee structure was fit for purpose and deliver the outcomes that would add value to the Council and residents of the District.

The Leader of the Council, when presenting the report, requested that particular reference was made to the Overview and Scrutiny Committee as part of this review.

In response to a question regarding the interviewing of Members, the Internal Auditor advised that he would be meeting with Officers and seeking to engage with Members as much as possible. It was noted that BDO had been involved in a number of Governance reviews and this particular review was jointly being carried out between them and the Centre of Public Scrutiny.

RESOLVED that the Terms of Reference for the Committee Structure Review, be approved.

491. CORPORATE GOVERNANCE WORKING GROUP - TERMS OF REFERENCE

The Council considered the report of the Director of Resources seeking permission for the Corporate Governance Working Group to lead the review regarding paperless working and report back to the Council in order to ensure that there was a firm commitment to move to paperless working after the six month transitional period.

Appendix 1 to the report set out the proposed Terms of Reference for the Corporate Governance Working Group (the Working Group). The report provided an update on a number of other items for consideration by the Working Group and these included:

- **Paperless working** – The Council was asked to consider agreeing a number of ways to engage with Members in order to maximise the take up of the Modern.Gov (Committee Management) system.

- **South Eastern Area Planning Committee** – Working with the South Eastern Area Planning Committee to review current arrangements associated with the current location of meetings of this Committee and report back to the Council.
- **Live Streaming of Committees** – Members were requested to consider a feasibility analysis and business case in respect of live streaming, led by the Working Group with a business case being submitted to the Finance and Corporate Services Committee.

RESOLVED

- (i) that the Terms of Reference for the Corporate Governance Working Group be approved;
- (ii) that in order to maximise the use of the Modern.Gov system, hard copies of the agenda packs for all Committees will only be sent to Chairmen and Vice Chairmen of Committees from this point onwards, and that it will only be available to other Members upon request (by contacting Committee Services). The Corporate Governance Working Group will receive a regular update on the number of paper copies issued to Members in order to encourage a greater take up of the Modern.Gov system.
- (iii) that all Members proactively take up the use of the Modern.Gov system and seek one to one training from IT / Committee Services where required;
- (iv) that the Corporate Governance Working Group should report back to the Council after the six month transitional period on the move towards paperless working;
- (v) that the Corporate Governance Working Group will be working with Members of South Eastern Area Planning Committee to review the location of the Committee meetings and that a report will be submitted to a future Council meeting for consideration; and
- (vi) that the Corporate Governance Working Group will explore the feasibility of introducing live streaming of Committee meetings and report back to Council.

492. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3) (M)

Councillor R P F Dewick asked the Leader of the Council if she was aware of today's Maldon and Burnham Standard regarding an agenda item due to be considered by the South Eastern Area Planning Committee at its meeting on Monday. In response the Leader advised that she was not as she had been in meetings all day. Councillor Bass then provided information regarding this article and asked the Leader if she would agree that Officers should be very careful in how they worded such things (referring to a report due to be considered by the South Eastern Area Planning Committee on the venue for its future meetings)? The Leader provided some background information regarding the identification of this subject by the Corporate Governance Working Group.

Councillor Mrs P A Channer asked the Leader if she would agree that the Corporate Governance Working Group was a Working Group of the Council and therefore should be reporting back to this Council? She referred to the Terms of Reference of the Working Group commenting that she could not recall the venue of the South Eastern Area Planning Committee being detailed on this and the Working Group should abide by its Terms of Reference and those matters agreed for it to consider by the Council. The Leader pointed out that a report considered by the Council at this meeting had sought amendment of the Terms of Reference to allow the Working Group to work with the South Eastern Area Planning Committee. At this time, the Chief Executive provided the Council with some further background information regarding this matter.

Councillor A S Fluker raised a point of order advising that this item of business related to questions to the Leader and was not an item for further discussion.

Councillor Rev. A E J Shimplon asked the Leader if the speed of technology change was such that the Transformation Board should be summoned. The Leader advised of discussion she had had regarding this matter and concern had been raised regarding the speed of changes and the impact these would have particularly on older residents. She noted the importance of ensuring that when looking at channel shift consideration be given to providing accessible services for such residents. The Leader agreed that it would be useful at this time for the Transformation Board to meet and take stock, check the Council was getting results and providing accessible services to all residents.

Councillor Fluker made specific reference to an application from the Nuclear Decommissioning Agency (NDA) to be determined by Essex County Council (ECC) seeking agreement to bring nuclear waste to Bradwell Power Station by rail. He asked the Leader if she would be prepared to meet with him (electronically) and support him writing to ECC as if they were going to rely on traffic management plans to control large lorry movements in the same way as for the Middlewick wind farm etc. these should make it clear that the routes should not go through Southminster but round the old route. In response, the Leader referred to the public question from the Maldon Society, advising that the Council had submitted a consultation response to the next stage, she was not happy where the consultation response had come from and was hoping to have more information. The Leader confirmed she was happy to share this information with Members and discuss accordingly.

Councillor M W Helm asked in relation to the safety of Members at meetings, if the safety was better here (referring to the Council offices) rather than anywhere else? The Leader of the Council advised that there were a number of factors that had to be taken into account and she was not qualified at this time to say which was safer.

Councillor Mrs B F Acevedo made reference to the report regarding the South Eastern Area Planning Committee venue and how a fire officers report would state the maximum number of people allowed in a room. She asked the Leader if she could find out what the fire officers report would be. In response, the Leader of the Council advised she would ask for a copy of the Fire Safety Officers report to be made available to all Members of the South Eastern Area Planning Committee.

Councillor B S Beale asked the Leader if she agreed that the Council should be more careful about what is put in a report and added further comment in respect of this. In response the Leader advised that the Council had to consider who the stakeholders were

and before sending out a report the Chairman and Vice-Chairman should be approached to draw a report to their attention.

493. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following urgent item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

494. INSURANCE CONTRACT AWARD

The Council considered the report of the Director of Resources informing Members of the outcome of the Insurance Tender exercise for a new contract to be put in place from 1 October 2016.

Members were reminded that the Finance and Corporate Services Committee had received an update on the tender in June 2016 and agreed that the tender award report be issued direct to the Council for consideration.

The report set out how the Council's insurance tender had been broken into nine lots to ensure best value for money. A tender exercise had been carried out by Arthur J Gallagher Insurance Brokers Limited, discussed with Officers and the contract award as recommended was set out in Appendix 1 to the report.

RESOLVED

- (vi) that the contents of the report be noted;
- (vii) that the insurance contracts be awarded with effect from 1 October 2016 to the insurers as set out in Appendix 1 of the report.

There being no further items of business the Chairman closed the meeting at 9.09 pm.

P G L ELLIOTT
CHAIRMAN

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TERMS OF REFERENCE:

The Task and Finish Working Group(s) will:

1.
 - (a) support the progression of work on policy matters with respect to the Local Development Plan, any Development Plan Document, any policy related matter including any supplementary planning guidance and action plans and related local issues as identified by the Planning and Licensing Committee that requires an input on a geographical (ward) basis.
 - (b) be supported by Officers to bring forward finding and recommendations to the Planning and Licensing Committee in a timely manner having regard to any urgency to meet any necessary timelines in a written report form or in a verbal update.
 - (c) comprise a membership of the Chairman and Vice-Chairman of the Planning and Licensing Committee, Leader and/or Deputy Leader, and, the relevant Ward Member(s) pertinent to individual sites under discussion on a geographical (ward) or topic / issue (e.g. representative on outside body) basis.
2. A written record of all meetings will be taken. A summary of the deliberations and any recommendations on any issue will be included in any subsequent report on that issue to the Planning and Licensing Committee and will be available to all members on the Corporate 'I' drive.
3. For the avoidance of doubt, the obligation on Members to declare any interests in terms of Council's Code of Conduct shall apply to meetings of the Task and Finish groups.
4. That a draft timeline of work be produced for each Task and Finish Working Group.

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Corporate Projects Task and Finish Working Group

Draft Constitution and Terms of Reference

Constitution

1. The Corporate Projects Task and Finish Working Group ("CPT&FWG") shall consist of two members from each of the following Committees, Planning & Licencing, Community Services and Finance & Corporate Services. The membership need not reflect the political balance of the Council.
2. The membership of the CPT&FWG shall be appointed by the Council.
3. The Council shall keep under review the constitution and membership of the CPT&FW Group.
4. Meetings of the CPT&FWG will be called as and when the need arises, and will be supported by the Corporate Leadership Team and other Officers as required.
5. Notes will be taken at meetings of the CPT&FWG and will be made available electronically to all Members of the Council. A summary of the deliberations following the exploration, consideration and review of matters requested, will be included in regular update reports to the Council.
6. At the first meeting of the CPT&FWG, Members of the Group shall elect a Chairman and Vice-Chairman.
7. For the avoidance of any doubt, the obligation on Members to declare interests in terms of the Council's Code of Conduct shall apply to meetings of the CPT&FWG.
8. The CPT&FWG is a working group of the Council and will report to the Council as and when required.
9. That the quorum of meetings of the CPT&FWG shall be at least four Members.
10. If any Member finds themselves unable to attend on a regular basis the Working Group reserves the right to replace that Member.

Terms of Reference

- 1 To assist the Council in reviewing projects identified to help deliver the Council's corporate goals making recommendations to the Council for projects to be included on a project list.
- 2 To consider projects which would benefit from development work in preparation for a future bid opportunity arising.

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**MINUTES of
COUNCIL (EXTRAORDINARY - PLANNING)
22 SEPTEMBER 2016**

PRESENT

Chairman Cllr P G L Elliott

Vice-Chairman Cllr H M Bass

Councillors Mrs B F Acevedo, J P F Archer, E L Bamford,
Miss A M Beale, B S Beale MBE, R G Boyce MBE, CC,
Mrs P A Channer, CC, A S Fluker, M S Heard,
Miss M R Lewis, R Pratt, S J Savage, Rev. A E J Shrimpton,
A K M St. Joseph, Mrs M E Thompson and Miss S White

555. CHAIRMAN'S NOTICES (SEE OVERLEAF)

The Chairman drew attention to the list of notices published on the back of the agenda.

556. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P F Dewick, I E Dobson, M F L Durham, Mrs H E Elliott, M W Helm, M R Pearlman and N R Pudney.

557. DISCLOSURE OF INTERESTS

Councillor Miss S White declared that in relation to Agenda Item 7 – OUT/MAL/15/00179 – Nipsells Farms Lodge, Nipsells Chase, Mayland the land was owned by family members and she would be leaving the meeting for that item. She declared that this was not an interest either pecuniary or non-pecuniary, but that she would declare it anyway.

Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was a Member of Essex County Council who was consulted on matters regarding highways, access, parking etc. and was referred to under a number of items.

Councillor A S Fluker declared in the interests of openness and transparency that in relation to Agenda Item 5 - FUL/MAL/16/00302 – Land South of New Moor Farm and East of North End, Southminster he knew the applicant and some of the objectors.

558. FUL/MAL/16/00208 - LAND OFF PARK DRIVE, MALDON

The Council considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/16/00208
Location	Land Off Park Drive Maldon Essex
Proposal	Variation of conditions 3,4 & 5 of approved application FUL/MAL/14/00581 (Erection of 131 dwellings with access from Park Drive, associated internal access roads, cycle ways/footpaths, garaging, parking, open space and landscaping).
Applicant	Crest Nicholson Eastern
Agent	Mr Jack Lilliott - Strutt And Parker
Target Decision Date	FUL/MAL/16/00208
Case Officer	Anne Cook, TEL: 01621 875822
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Major Application Strategic site within the strategic submitted Local Development Plan

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 Prior to first occupation of the 52nd dwelling the applicant shall carry out following highway works, as shown in principle on the Richard Jackson drawing No.44269/C/SK03 REV C, with all details being first agreed with the Highway Authority, to include the following:
 - The provision of the right turn lane associated with the constructed bellmouth access;
 - The provision of a 2m footway across the site frontage;
 - The provision of a pedestrian refuge island on Park Drive with associated dropped kerbs and tactile paving;
 - The provision of tactile paving across the Park Drive arm of the roundabout;
 - The provision of dropped kerb pedestrian crossing points with appropriate tactile paving, across all four arms of the roundabout.
- 2 Prior to first occupation of the 52nd dwelling a shared use pedestrian/cycle facility shall be provided to include the following details to be first agreed with the Highway Authority:
 - The provision of a 3m wide shared use cycleway (approximately 60m) from the north east corner of the site (near to the public footpath) to the entrance to Madison Heights / Football grounds; and to widen the existing footway between the entrance to Madison Heights / Football grounds to the bellmouth junction of the recycling centre to 3.0m to enable it to be a shared use cycleway (approximately 230m).
 - Provision of suitable dropped kerbs, tactile paving and signing across the Madison Heights and Blackwater Leisure centre accesses.
- 3 Prior to first occupation of the 52nd dwelling the following bus stops within the vicinity of the site shall be upgraded in accordance with details to be first agreed with the Highway Authority to include:
 - The provision of a bus shelter with integral real-time passenger information on the western side of Park Drive opposite the leisure centre;

- The provision of a bus shelter and hardstanding, with raised kerbing and flag type bus stop on the western side of Mundon Road adjacent to the site.
- 4 The footway link as shown on the submitted drawing No: SK-01-S278 Rev T1 shall be retained in perpetuity.
 - 5 Approval is granted subject to all conditions forming part of application FUL/MAL/14/00581 and FUL/MAL/15/00582, unless otherwise varied by this permission.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

559. OUT/MAL/16/00302 - LAND SOUTH OF NEW MOOR FARM AND EAST OF NORTH END, SOUTHMINSTER

The Council considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed in the Members' Update and the Addendum circulated at the meeting.

Application Number	OUT/MAL/16/00302
Location	Land South Of New Moor Farm And East Of North End Southminster Essex
Proposal	Residential Development of up to 120 dwellings with associated infrastructure, open spaces and landscaping and community land with access reserved.
Applicant	Mr Ivor Beamon - Gladman Developments LTD
Agent	
Target Decision Date	30 September 2016
Case Officer	Clive Simpson, TEL: 01621 875851
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

Following the Officer's presentation of the report, Mr Les Barclay, an Objector, of 5 New Moor Close, Southminster, Essex and Mr Ivor Beamon, of Gladman Developments Ltd, both addressed the Council.

In response to a question, the Officer confirmed that the majority of responses received from statutory consultees were drawn up following the recent Appeal Decision in relation to Theedhams Farm.

Members debated this application and raised various concerns in relation to the following:

- The lack of provision of schools infrastructure
- The oversubscribing of GP surgeries
- The lack of creation of jobs
- The increased volume in traffic which was too much for the existing road infrastructure to cope with.

Members were of the opinion that the reasoning for the Planning Inspector upholding the previous refusal of an application on this site had not been overcome by this application. Furthermore, the amount of contribution towards the proposed doctor's surgery was so minimal as to have an insignificant impact on the health service requirements in the locality.

Councillor A S Fluker, a Ward Member, requested that a letter be sent to the Secretary of State for Health stating that the problems with the lack of local health care cannot be mitigated through payments such as this and it was agreed that both he and the Chairman would meet with the Director of Planning and Regulatory Services in order to draft an appropriate letter to be sent to the Secretary of State for Health.

A comment was made regarding the fact that the Officers' recommendation did not make reference to comments made by Historic England. Members felt that Historic England's objection should be included in any reason for refusal should Members be minded to refuse this application, as there would be a negative impact on heritage assets.

Councillor B S Beale, MBE, a Ward Member, proposed refusal of this application in accordance with the Officers' recommendation. This was duly seconded and upon a vote the motion was carried.

Members agreed that the reason for refusal was varied to include specific reference to the adverse impact the development would have on the nearby Scheduled Ancient Monument at Pandole Wood.

RESOLVED that this application be **REFUSED** for the following reason:

- 1 The site is in a sensitive rural location outside of the defined settlement boundary for Southminster where restraint policies apply. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan. The proposed development as a result of its unsympathetic scale and form would not protect or enhance the natural or built environment. It would have an unacceptably

intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside, as well as causing harm to the significance of the nearby designated heritage asset. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon District Replacement Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs 7, 14, 126, 134 and 216.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

560. FUL/MAL/16/00649 - LAND AT CORNER OF STATION ROAD, MALDON

The Council considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed in the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00649
Location	Land At Corner Of Station Road Maldon Essex
Proposal	Vary condition 15 (delivery hours) of approved planning application FUL/MAL/15/00567 (Planning application for the demolition of existing buildings and the construction of a foodstore (Class A1) together with access, car-parking (100 spaces), landscaping and associated engineering works on land at Station Road/ Fullbridge, Maldon) Vary delivery hours.
Applicant	Lidl UK GmbH
Agent	Miss Stephanie Eastwood - Bilfinger GVA
Target Decision Date	Time extended until 4 October 2016
Case Officer	Anne Cook, TEL: 01621 875822
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Major Application Parish Trigger

Following the Officer's presentation of the report, Ms Sonia Margerum, an Objector, of 17 Chandlers Quay, Maldon, Essex CM9 4LF addressed the Council.

Members discussed this application and various concerns were raised regarding the impact that any increase in delivery times for vehicles would have on the neighbouring properties. A comment was made that this site was different to both the Tesco site and the proposed Aldi site as it was fundamentally closer to residential properties.

Members raised concerns regarding noise particularly from reversing alarms and headlights on delivery vehicles shining directly in to residential properties during the hours of darkness when accessing the site, as it was necessary for vehicles to reverse in to the site. In response, the Principal Planner advised that the management plan as submitted stated that both vehicle headlights and radios would be switched off when parked in the delivery bay and that reversing alarms would be switched off from 9pm.

Councillor A S Fluker proposed that in the interests of the neighbouring residential properties, health and safety and noise this application be refused contrary to the Officers' recommendation. This was duly seconded.

The Chairman asked for a vote on the Officers' recommendation to approve this application and upon a vote, the motion failed. There followed a vote on the proposal to refuse this application.

RESOLVED that this application be **REFUSED** for the following reason:

- 1 The proposed extension to the delivery hours would, by reason of the site's proximity to residential properties, have a materially adverse effect on the amenities of the residents of those properties, as a result of unreasonable noise, disturbance and general pedestrian and vehicular activity at and within the vicinity of the site late in the evening, contrary to Policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the submitted Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs 109 and 123.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

561. OUT/MAL/15/00179 - NIPSELLS FARM LODGE, NIPSELLS CHASE, MAYLAND

Following an earlier declaration Councillor Miss S White left the meeting at this point. Councillor J P F Archer also left the meeting at this point. Councillors White and Archer did not return to the meeting.

The Council considered the report of the Director of Planning and Regulatory Services and determined the draft Heads of Terms in order to complete the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (S106 Agreement) in respect of this planning application, having taken into account all representations and consultation replies received.

The Principal Planner advised that the purpose of the report was to give Members the opportunity to go agree the draft Heads of Terms to be incorporated into the S106 agreement to be tabled to the Inspector in the event the appeal were allowed. In response to a question she advised Members that the mechanism that previously allowed an appeal for stalled sites on viability grounds no longer exists. The S106 Agreement would be legally binding and as such would give the authority more control over matters such as affordable housing in the event that any appeal was allowed.

Members raised concerns that entering into the Heads of Terms would have the effect of prejudicing against this authority in the event of an appeal and asked Officers for assurance that this would in fact strengthen the authority's position.

The Director of Planning and Regulatory Services confirmed to Members that this would not prejudice the Council's position. Inspectors would only consider the S106 on the basis that the appeal was allowed for wider planning reasons and would agree that the S106 was legally binding.

Members also raised concerns about the low level of funding towards healthcare. In response, the Principal Planner advised that NHS England would normally apportion any monies and that the amount would not necessarily have been in response to a request by this authority.

In response to a question regarding clarification of arrangements for the proposed Locally Equipped Area for Play (LEAP), the Principal Planner advised that the requirement was on the developer to supply the equipment and that a management company would be set up. The management company would fund the ongoing management of the LEAP with periodic reviews taking place with Maldon District Council. She also advised that details regarding the proposed means of funding the ongoing maintenance would need to be submitted to this authority by the developer.

RESOLVED that the Heads of Terms be agreed subject to a specific inclusion that play equipment within the Locally Equipped Area for Play is subject to ongoing maintenance also.

There being no further items of business the Chairman closed the meeting at 8.24 pm.

CLLR P G L ELLIOTT
CHAIRMAN

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REPORT of CHIEF EXECUTIVE

**to
COUNCIL
27 OCTOBER 2016**

RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL

1. PURPOSE OF THE REPORT

- 1.1 To present for the decision of the Council the recommendations of the Committees.

2. RECOMMENDATION

That Members consider the recommendations contained in sections 3, 4, 5 and 6 of this report.

3. COMMUNITY SERVICES COMMITTEE – 30 AUGUST 2016

- 3.1 [Web link to agenda, reports and Minutes for the above meeting.](https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=132&MIId=1094&Ver=4)
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=132&MIId=1094&Ver=4>

3.2 MINUTE 426 - TERMS OF REFERENCE AND SCHEME OF DELEGATION UPDATE

3.3.1 Minute Extract

The Committee considered the report of the Director of Customers and Community seeking agreement for updating revisions to the Committee's Terms of Reference and Scheme of Delegation.

The proposed changes were broadly to ensure that the Scheme of Delegation reflected the current service organisation in the light of the recent senior management restructure.

3.3.2 Committee Recommendation

- (i) that the Council agrees to transfer the delegation of items 15 to 20 of part (c) of the Scheme of Delegation to the Director of Planning and Regulatory Services together with a replication of item 12, and also the deletion of item 2 of part (b) as no longer required;
- (ii) that item 5 of part (a) of the Committee's Terms of Reference – The Community Legal Service Partnership – is deleted as no longer required.

4. PLANNING AND LICENSING COMMITTEE – 15 SEPTEMBER 2016

4.1 [Web link to agenda and reports for the above meeting.](https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=133&MIId=1065&Ver=4)

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=133&MIId=1065&Ver=4>.

4.2 Minutes of the above Committee meeting are awaiting finalisation and publication. An addendum will follow with the relevant link and full Minute Extracts when completed.

4.3 **MINUTE 525 - MAGNOX SOCIO-ECONOMIC SCHEME - NEW BID FOR GRANT FUNDING TO MITIGATE THE IMPACT OF BRADWELL POWER STATION MOVING INTO CARE AND MAINTENANCE**

4.3.1 Minute Extract:

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' support for the submission of a bid to the Magnox Socio-Economic scheme for a range of projects which would have a significant impact on the economic well-being of the Dengie and Maldon District.

4.3.2 Committee recommendation:

That the projects outlined in the report are supported, in principle, with specific support being given to the following projects and excluding the Feasibility Study for the use of the Bradwell Reactor Cladding.

- Enterprise Centre and Growth Hub;
- Saltmarsh Hub;
- Circular Off-Road Cycle Path;
- Ferry Provision between Bradwell, Mersea Island, Wallasea , Burnham-on-Crouch and Tollesbury;
- Tourism Ambassadors;
- Maldon District Wine Region.

4.4 **MINUTE 526 - MALDON COMMUNITY SERVICES AND COMMUNITY HOSPITAL PROJECT**

4.4.1 Minute Extract:

The Committee received the report of the Chief Executive on progress of the Maldon Community Services and Community Hospital Project.

4.4.2 Committee recommendation:

That the Council is requested to consider the preparation of a business case for the provision by the Council of a new community hospital to serve the local community of the Maldon District.

4.5 MINUTE 531 – REVIEW OF DELEGATION ARRANGEMENTS

4.5.1 Minute Extract:

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' agreement to recommend to the Council changes to the existing delegation arrangements.

4.5.2 Committee recommendation:

- (i) that a revision be made to the 'Parish Trigger' procedure, item (b)(i)4 of the Area Planning Committee Terms of Reference as follows:

“Where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received which objects to an application which the Director of Planning and Regulatory Services is minded to approve. This must be supported by a reason that is based on a relevant material planning consideration in the opinion of the Director of Planning and Regulatory Services. Where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received which supports an application which the Director of Planning and Regulatory Services is minded to refuse or objects to an application which the Director of Planning and Regulatory Services is minded to approve. This provision shall not apply to those cases where there is a representation of ‘no comment’ or to minor classes of development affecting residential / domestic properties or within such curtilages involving porches, conservatories, boundary walls / fences, vehicle crossovers, garages, sheds, outbuildings, satellite dishes and replacement windows / doors. The Parish Trigger will not be invoked if comments made by a Parish / Town Council are received after 28 days from the date of the Parish / Town Council being notified of the planning application or if the submitted comments are not made on the agreed standard template form.”

- (ii) that a revision be made to item (b)(i)6 of the Area Planning Committee Terms of Reference as follows:

“Where proposals have been advertised as departures under paragraph 3 of the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 and where the Officers' recommendation is that permission should be granted. Except where the principle of the development has already been approved through an extant planning permission.”

- (iii) that paragraph (b)(i)2 of the Area Planning Committee Terms of Reference be amended as follows:

“For all other development where the floor space to be built, or a change of use of a building is proposed for 1,000 sq. metres or more, ~~or where the site area is 1 hectare or more.~~”

- (iv) that following points be added to the Planning and Licensing Committee (c) Scheme of Delegation (To the Director of Planning and Regulatory Services:

- 30 Applications where the site area exceeds 1 hectare in size, and this is the only reason the application is defined as a ‘major development’, which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and subject to his first consulting with the Chairman of the Council or relevant Planning Committee (or the Vice Chairman in the Chairman’s absence) and the ward members.’
- 31 Applications for major or large scale development which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and is made under Section 73 of the Town and Country Planning Act (1990) (as amended) only, subject to his first consulting with the Chairman of the Council or relevant Planning Committee (or the Vice Chairman in the Chairman’s absence) and the ward members.’

- (v) that item (b)(i)9 of the Area Planning Committee Terms of Reference be amended as follows:

“Where an application has been resubmitted following refusal by an Area Committee contrary to Officers recommendation.”

5. FINANCE AND CORPORATE SERVICES COMMITTEE – 27 SEPTEMBER 2016

- 5.1 [Web link to agenda, reports and Minutes for the above meeting.](https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=131&MId=1026&Ver=4)
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=131&MId=1026&Ver=4>

5.2 MINUTE 563 – HUMAN RESOURCES POLICIES AND PROCEDURES

5.2.1 Minute Extract:

The Committee considered the report of the Director of Resources seeking Members’ approval of the Council’s human resources policies and procedures that had been amended.

Appendix 1 to the report provided a list of all policies and procedures that had been amended and the reasons for some of these changes were summarised. It was noted that the changes were to either improve policy and procedure or in line with the legal obligations.

The report set out the following new policies which had been developed:

- **Shared Parental Leave Policy and Procedure** (Appendix 2 to the report) - Members were informed that this policy had been developed in line with that of other local authorities. It was noted that agreement had been reached in consultation with the recognised union UNISON.

- **Smoking Policy and Procedure** (Appendix 3 to the report) – This policy sought to formalise smoking arrangement for staff and to allow for managers to be able to manage this situation fully with smoking employees.
- **Attendance Management Policy and Procedure** (Appendix 4 to the report) – It was noted that this policy included the introduction of the Bradford Factor for identifying triggers and a new approach to managing long term absence.

5.2.2 Committee recommendations:

- that all updates to the policies and procedures (attached as **APPENDIX 1** to this report) are approved; and
- that the Attendance Management (attached as **APPENDIX 2** to this report), Shared Parental Leave (attached as **APPENDIX 3**) and Smoking Policy and Procedures (attached as **APPENDIX 4**) are approved.

5.3 **MINUTE 572 – RELEASE OF RESTRICTIVE COVENANT – REMEMBRANCE AVENUE, BURNHAM-ON-CROUCH**

- 5.3.1 The Council is advised that the Committee dealt with this matter in private session (exempt paragraph 3 - Section 100A (4) of the Local Government Act 1972), although the recommendation below is not directly connected with the substantive content of the report and could in isolation be considered in open session.

5.3.2 Minute Extract:

The Committee considered the report of the Director of Resources seeking Members' approval of the release of a restrictive covenant relating to land at Remembrance Avenue, Burnham-on-Crouch. The report also sought a change to the Scheme of Delegation to allow such future requests to be dealt with under delegated powers.

Members were advised that the Council had obtained a valuation report from the District Valuer regarding this piece of land and this was attached as Appendix 1 to the report.

The report provided background information regarding the land at Remembrance Avenue and the request to release the restrictive covenant.

5.3.3 Committee recommendation:

That Members approve for the Scheme of Delegation – Director of Resources be amended to include:

“the Director of Resources, in consultation with a valuer, a Legal Advisor and the Chairman of Finance and Corporate Services Committee, be authorised to release any restrictive covenants which are stated to be in favour of the Maldon District Council (or its predecessors) at a market value or at such other value as deemed appropriate by the Director or Resources.”

6. COMMUNITY SERVICES COMMITTEE – 11 OCTOBER 2016

6.1 [Web link to agenda and reports for the above meeting.](https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=132&MIId=1008&Ver=4)

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=132&MIId=1008&Ver=4>

6.2 Minutes of the above Committee meeting have been finalised but not published. An addendum will follow with the relevant link.

6.3 SOUTH ESSEX PARKING PARTNERSHIP EXTENSION

6.3.1 Minute Extract:

The Committee considered the report of the Director of Customers and Community on the option to extend the current Operational Period of the above Partnership by four years as provided for in the original Joint Committee Agreement.

The report and its appendices set out the background to the setting up of the Partnership and this Council's participation, and the success of the Partnership in financial terms. Appendix 3 set out a financial forecast for the four year extension.

The report concluded that the financial forecast and plan prepared demonstrated that the Partnership could enter into a four-year extension to the Operational Period and remain financially self-sufficient throughout while continuing to offer the same level of service provision with future improvements and innovations.

Concern was expressed within the Committee as to how success was measure other than in financial terms. The adequacy of enforcement was raised, with particular reference to Maldon High Street where obstructive and dangerous parking took place on footways alongside parking restrictions. This resulted in damage to footways. It was suggested that enforcement was required early in the evening. It was noted that the enforcement provided by the SEPP was supplemented by the Council's own Community Protection Officers.

Another view was expressed that the question of enforcement was not just a matter for the towns and urban areas. The rural areas had their own issues which required attention.

6.3.2 Committee recommendation:

- (i) that the Council commits to a four year extension to the Operational Period of the South Essex Parking Partnership Manger by 11 November 2016;
- (ii) that the Council agrees to the South Essex Parking Partnership (SEPP) to continue the delegated function for a further four years as set out in the Joint Committee Agreement and confirm this decision to the South Essex Parking Partnership Manager by 11 November 2016.

Background Papers: Previous related reports and Minutes to the above meetings.

Enquiries to: Fiona Marshall, Chief Executive, (Tel: 01621 875710).

Changes in Policies

Title of Policy	Version	Brief Summary of Policy	Date of Changes Made	List of Changes Made	Date approved by Unison	Comments / Concerns raised by Unison	Date notified to Council
Improving Performance Policy & Procedure Toolkit	1	The purpose of this policy and procedure is to provide information and guidance on the performance improvement process for employees of Maldon District Council.	11/07/14	To include employee assistance programme (EAP) within policy and HR Toolkit letter templates	N/A	N/A	Jan-15
Grievance Policy & Procedure Toolkit	1	The purpose of this policy and procedure is to provide information and guidance on how to raise grievance for employees of Maldon District Council. This policy also deals with grievances arising from harassment and bullying.	11/07/14	To include employee assistance programme (EAP) within policy and HR Toolkit letter templates	N/A	N/A	Jan-15
Managing Attendance Policy & Procedure Toolkit	3	The purpose of this policy and procedure is to provide information and guidance on managing employee's attendance of Maldon District Council. The policy and procedure provides a guide on sickness, medical appointments and exceptions including short and long term absences, occupational health and ill health retirement.	11/07/14	To include employee assistance programme (EAP) within policy and HR Toolkit letter templates	N/A	N/A	Jan-15
Flexible Working Policy & Procedure Toolkit	4	The policy covers the statutory provisions in relation to eligibility to apply for flexible working and the procedure that should be followed. In addition to statutory provisions, the Council will accommodate where possible, requests from any employee who requests to make a temporary or permanent change to their hours or pattern of work.	11/07/14	To include employee assistance programme (EAP) within policy and HR Toolkit letter templates	N/A	N/A	Jan-15
Disciplinary Policy & Procedure Toolkit	1	Provide information and guidance on conduct and the disciplinary process for employees.	11/07/14	To include employee assistance programme (EAP) within policy and HR Toolkit letter templates	N/A	N/A	Jan-15
Medical / health incapacity Policy & Procedure	1	Guidance on medical and health issues as they relate to the employee's ability to undertake their duties.	11/07/14	To include employee assistance programme (EAP) within policy and HR Toolkit letter templates		N/A	
Whistleblowing Policy & Procedure	2	Information and guidance on how to disclose malpractice.	01/06/14	Annual review was due June 2014. Only amendment that was made was to the position held by the Monitoring Officer, now Peter Wyatt. It was recognised that all positions will need to be amended when the restructure is implemented.	N/A	N/A	Jan-15
Flexible Working Policy & Procedure	5	The policy covers the statutory provisions in relation to eligibility to apply for flexible working and the procedure that should be followed.	30/06/14	Changes made to reflect the legislation changes which came into effect on 30 June 2014. These changes allow for all employees to apply for flexible working and therefore the elements referring to careers and those with dependents was removed to make it open to all.	14/07/14	<i>The extended working hours of the Council are 7.30 am to 6.30 pm Monday to Thursday and 7.30am to 6.00pm on Friday during which time employees can work additional hours in accordance with operational need'</i> This does not appear to incorporate members of staff work whose work includes weekends, bank holidays and evenings. These are not additional hours as required but normal working hours for these staff. This appears to be a theme not only with this policy but MDC policies in general. We would wish that these people are applied the same considerations as other staff and this is reflected in policy.	Jan-15
Safer Recruitment Policy & Procedure	1	The purpose of this policy and procedure is to provide information and guidance on safe recruitment practise for managers of Maldon District Council. The policy and procedure and supporting documents provides a guide for employees on all aspects of recruitment and selection	02/01/14	Deleted all references to Brussels and Romania on 02 January 2014 given that nationals from these countries are now within the EU and eligible to work within the UK.	Changes to the EU rules.	N/A	Jan-15
Managing Attendance Policy & Procedure	3	The purpose of this policy and procedure is to provide information and guidance on managing employee's attendance of Maldon District Council. The policy and procedure provides a guide on sickness, medical appointments and exceptions including short and long term absences, occupational health and ill health retirement.	15/11/13	Added disability leave at 2.3 agreed by Human Resources Management Board November 2013.	Dec-13	Agreed.	Jan-15
Cycle to Work	1	Staff purchase of cycles and how repayments are calculated.	24/07/14	Additional supplier added, Pauls Cycles. Confirmed agreed supplier by Emma Foy, Head of Financial Services.	N/A	N/A	Jan-15
Parental Leave Policy & Procedure	2	The purpose of this policy and procedure is to provide information and guidance on parental leave for employees of Maldon District Council.	20/05/14	Right for employees who take unpaid parental leave to elect to buy back any lost pension during a period of unpaid absence.	N/A Changes due to changes in the pension scheme. Compulsory.	N/A	Jan-15
Redeployment Policy & Procedure	3	Maldon District Council aims to recruit the most talented individuals. This policy is intended to support this aim by providing assistance to new employees who have to relocated to take up a position.	26/11/14	3. Benefits: Maximum financial assistance updated to the current HM Revenue and Customs 'qualifying' costs exemption, up to £7,500 plus removal and travel expenses. A Claims Form was also added at Appendix 2. Previously there was not one.	N/A Changes due to HM Revenue and Customs uplift.	N/A	Jan-15

Probation Policy & Procedure	2	Made 8 week probation 12 weeks and 24 week probation throughout	02/11/15	Made 8 week probation 12 weeks and 24 weeks throughout document.	12-Nov-15	N/A	Jan-15
Code of Conduct	2	Conduct expected of all employees during their employment.	10/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Parental Leave Policy & Procedure	2	The purpose of this policy and procedure is to provide informatino and guidance on parental leave for employees of Maldon District Council.	10/11/15	Updated policy in line with legislation, right for all eligible employees to have up to 18 weeks Ordinary Parental Leave up until the 18th birthday in respect of each child.	N/A Changes due to legislation from 01 April 2015. Approved by Unison 11/12/15	No comments other than we must ensure that requests for leave are treated consistently across the council.	Jan-15
Disciplinary Policy & Procedure	2	Provide informatino and guidance on conduct and the disciplinary process for employees.	10/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Early Retirement Policy & Procedure	2	Information and guidance on early retirement for employees who contribute to the LGPS.	13/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Flexible Retirement Policy & Procedure	2	Information and guidance on flexible retirement for employees who contribute to the LGPS.	13/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Flexible Working Policy & Procedure	6	Details as above.	13/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Grievance Policy & Procedure	2	How to raise graivance and how to deal with grievances arising from harassment and bullying.	13/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Improving Performance Policy & Procedure	2	Guidance on the performance and improvement process for employees.	13/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Managing Attendance Policy & Procedure	2	Information and guidance on managing employee's attendance. Provides a guide on sickness, medical appointments and exceptions including short and long term absences, occupational health and ill health retirement.	13/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Medical / health incapacity Policy & Procedure	3	Guidance on medical and health issues as they relate to the employee's ability to undertake their duties.	13/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Organisational Change Policy & Procedure	2	Managing organisational change and the redundancy process, providing a guide on all aspects of managing organisational change which may lead to redundancy.	13/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Paternity Policy & Procedure	3	Paternity leave and pay entitlement for employees.	24/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager. In addition, added reference to Shared Parental Leave Policy and Procedure.	N/A Changes due to restructure	N/A	Jan-15
Safe Recruitment Policy & Procedure	2	Provide information and guidance on safe recruitment practices for managers on all aspects of recruitment and selection.	24/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Whistleblowing Policy & Procedure	3	Information and guidance on how to disclose malpractice.	24/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Honorarium Policy & Procedure	3	Internal process for awarding Honorarium payments.	24/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Maternity Policy & Procedure	2	Maternity leave and pay entitlement for employees.	24/11/15	Updated policy with new structure i.e. Strategic Director amended to Director and Head of Service, Group Manager.	N/A Changes due to restructure	N/A	Jan-15
Smoking Policy & Procedure	1	Guidance for all employees and agency workers on the Council's policy on smoking.	01/08/16	New policy	11/12/15	To incorporate TIC and Parks Depot.	Sep-16
Shared Parental Leave Policy & Procedure	1	New policy in line with legislation effective from 01 April 2015.	01/08/16	New policy	11/12/15	No comments other than we must ensure that requests for leave are treated consistently across the council.	Sep-16
Attendance Management Policy & Procedure	1	This Procedure provides a framework for managers and staff to follow to ensure a fair and consistent approach to the management of ill health and sickness absence.	01/08/16	Introduction of the Bradford Factor for identifying triggers – please note that we have used the same thresholds as used by many organisations; New approach to managing long term absence.			Sep-16

DRAFT

Managing Attendance Policy & Procedure

‘Working towards a performance focused culture’

Maldon District Council
Managing attendance policy and procedure

Document Control Sheet

Document title	Managing Attendance Policy and Procedure
Summary of purpose	The purpose of this policy and procedure is to provide information and guidance on managing employee's attendance of Maldon District Council. The policy and procedure provides a guide on sickness, medical appointments and exceptions including short and long term absences, Occupational Health and ill health retirement.
Prepared by	HR
Status	Final
Version number	3
Approved by	
Approval date	September 2016
Date of implementation	June 2012. Updated 13 November 2015 in line with restructure. Updated August 2016.
Review frequency	
Next review date	As required by legislative changes
Circulation	All Staff
Published on the Council's website	

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

If you would like this information in large print, Braille or another language, please contact HR.



**MALDON DISTRICT
COUNCIL**

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Policy Statement

The Council's approach to managing ill health and sickness absence is underpinned by:

- i. The need to treat employees fairly, consistently and with compassion. The Council recognises that a number of factors can adversely affect performance and attendance at work and that employees may sometimes be incapable of conducting their work because of illness or injury. The Council has a responsibility to ensure that it supports all its staff during periods of ill-health and injury and so this Procedure is designed to recognise the pressures that such circumstances have, not only on the affected individual, but also on their colleagues.
- ii. The need to meet operational requirements and maintain quality of service delivery. Unexpected and high levels of absence will have serious consequences on the operational efficiency of services, increase costs, affect colleagues who need to cover for absence, and may ultimately jeopardise jobs. It is therefore in everyone's interests to achieve high attendance levels at work.

The Council aims to encourage all its employees to maximise their performance and attendance at work, but recognises that a certain level of ill-health and sickness absence is inevitable. This Procedure is designed, as far as is reasonably possible, to support employees who are genuinely sick and unable to perform their duties in full and/or come to work. However, operational efficiency and service delivery remain paramount and an individual who is unable to perform their duties or who has repeated and/or continued absence due to ill health may have their employment terminated.

This policy accounts for the fact that long term and short term absence require a differential approach to managing.

This policy provides a framework for managers to enable sickness absence to be dealt with fairly and equitably to achieve and maintain maximum levels of attendance.

Principles

- 1.1 The Council's key policy principles relating to managing attendance and sickness absence are to:
- Promote the health, safety and wellbeing of all employees
 - Allow for the exercise of managerial judgement
 - Ensure all employees are treated fairly and equitably and in accordance with relevant legislation

Scope of this Policy

- 1.2 This procedure applies to all Council employees, except officers employed under the Joint National Council (JNC) for Chief Executives and the JNC for Chief Officers Conditions of Service.
- 1.3 This Procedure provides a framework for managers and staff to follow to ensure a fair and consistent approach to the management of ill health and sickness absence. However, there will be times when it will be appropriate for managers to depart from strict adherence to the requirements of the Procedure, having regard to the circumstances of a particular case. Any departure should only take place in consultation with HR, with particular attention being paid to making sure that the spirit of the framework and equality of treatment, are maintained. Any such decisions must be based on reasonable grounds and fully documented

Procedure Overview: Short Term Sickness Absence

Stage	Action	Timescales
Informal	<p>Issue of absence raised with the employee as part of the normal supervisory process.</p> <p>The line manager will deal with any issues at this stage and keep notes of their discussion on file. Please consult HR if support & advice is required.</p>	<p>This meeting must take place within one week of returning from the latest sickness episode, when a Bradford score of 51 is reached.</p>
Formal	<p>Employee invited to Stage One formal review meeting</p> <p>Regular monitoring of attendance</p>	<p>First meeting will be arranged when a Bradford score of 126 is reached.</p>
	<p>Employee invited to Stage Two formal review meeting</p> <p>Regular monitoring of attendance</p>	<p>Formal Stage Two will be triggered if level of attendance has not improved and a Bradford score of 400 is reached.</p>
	<p>Employee invited to Formal Stage Three Meeting (Contractual review meeting)</p>	<p>Formal Stage Three meeting (Contractual review meeting) will be triggered if level of attendance has not improved and a Bradford score of 650 is reached.</p>
Appeal	<p>Employee has right of appeal against the outcome of the Stage Three meeting</p>	<p>Appeal meeting will be arranged giving at least 10 working days' notice. Outcome confirmed in writing within 10¹ working days of meeting. (No further appeal stage)</p>

¹ Where it is not possible to confirm the outcome of the appeal within 10 working days the employee will be advised of the delay and notified as soon as possible.

Procedure Overview: Long Term Sickness Absence Procedure

Stage	Action	Timescales
Formal	Employee invited to a formal review meeting following an Occupational Health referral. Regular monitoring of attendance	The Council defines this as continuous absence of 4 weeks or more, or where a GP certificate has been received that would take an absence to or over this period.
	Medical / Health Incapacity Policy & Procedure invoked	If, after full exploration and consultation, the employee appears unlikely to return to work within a reasonable time frame, consideration will be given to terminating the employment on the grounds of incapability due to ill health. Full consideration will be given to those employees falling under the Equalities Act 2010.
▼		
Appeal	Employee has right of appeal against outcome of the Medical / Health Incapacity meeting	Appeal meeting will be arranged giving at least 10 working days' notice. Outcome confirmed in writing within 10 ² working days of meeting. (No further appeal stage)

² Where it is not possible to confirm the outcome of the appeal within 10 working days the employee will be advised of the delay and notified as soon as possible.

Links to other Policies/Procedures

Grievance Policy and Procedure

- 1.4 If an employee raises a grievance whilst subject to the formal stages of the Managing Attendance policy and procedure, the advice of HR should be sought. The following options are available:
- consideration of the grievance at a formal managing attendance meeting
 - running the procedures concurrently
 - suspending the Managing Attendance procedure for a short period until the grievance can be considered

Improving Performance Policy

- 1.5 If the line manager identifies a performance issue for the employee who is subject to the Managing Attendance policy and procedure, these procedures will usually run simultaneously.

Disciplinary Policy and Procedure

- 1.6 The following are examples* of issues which will be dealt with under the disciplinary policy and procedure:
- Failure to attend work when medically fit to do so and not on authorised leave
 - Failure to follow the sickness absence reporting procedure without good reason
 - Failure to provide fit notes when required
 - Undertaking paid or unpaid employment while absent on sick leave
 - Deliberate falsification of self-certification or Fit notes
 - Incapability at work whilst being under the influence of alcohol or non-prescribed drugs
 - Failure to attend Occupational Health appointments or informal/formal meetings without good reason

**Please note this is not an exhaustive list.*

- 1.7 If there is a disciplinary issue unrelated to the absence of the employee, both processes will be run simultaneously unless it is considered appropriate to suspend one of the procedures following consultation with HR.

Guidance on sickness absence during a disciplinary investigation should be discussed with HR.

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Managing attendance policy and procedure**

Probation Policy and Procedure

- 1.8 Whilst this policy does not apply to employees who are in their probationary period (as the issue of attendance will be addressed within the probation monitoring period) probationers must comply with the notification requirements detailed within it and managers must continue to apply the policy's principles of good attendance management to them. Please refer to the Council's Probation Policy and Procedure for further guidance.

Confidentiality & Data Protection

- 1.9 Absence should be managed with sensitivity and employee confidentiality must be maintained at all times. Information relating to an employee's health is classed as 'sensitive' in Data Protection terms and will only be accessible by line managers and HR for the purposes of managing attendance and related matters.

Absences Relating to Stress and Mental Health Related Issues

- 1.10 Where an absence is reported as being due to stress and/or mental health related issues, the manager should refer immediately to the Council's Managing Work Related Stress policy and make contact with HR in order to discuss the possibility of an immediate referral to the Council's Occupational Health service.

Medical / Health Incapacity Policy and Procedure

- 1.11 This may need to be referred to in long term sickness absence cases or in instances where redeployment relating to an employee's medical condition may need to be considered.

Section 2 – Procedure

Roles and Responsibilities

- 1.12 The Council expects managers and employees to work together during periods of sickness and rehabilitation to ensure the return to work of the employee as soon as possible.
- 1.13 Line managers are expected to:
- Encourage regular attendance at work
 - Monitor all sickness absence
 - Ensure their staff comply with the notification of absence procedure
 - Ensure that HR are notified of the employee's absence on the first day of absence
 - Recognise sickness and promote early intervention
 - Act on data received from HR regarding the sickness absence of employees
 - Maintain appropriate contact with employees during any sickness absence
 - Refer to HR for additional advice and support as needed, completing appropriate referral paperwork for Occupational Health with advice from HR, as required
 - Provide support during sickness absence and rehabilitation, contacting the employee at regular intervals and undertaking home visits as appropriate
 - Identify and deal with abuse of the managing attendance policy
 - Undertake all informal and formal reviews with employees at the appropriate time addressing any concerns about an employee's attendance and issue the relevant letters and associated paperwork to the employee
 - Undertake all return to work interviews as soon as practicably possible and complete all appropriate paperwork and return to HR
 - Keep accurate records of all contact with the employee and work with HR to compile case work files
 - Ensure all employees are treated fairly and equitably ensuring that issues of gender, sexual orientation, age, disability, ethnicity and religion or belief do not affect any decisions made
 - Review and consider reasonable adjustments to enable an employee to undertake the full range of his/her duties or to enable regular attendance at work

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1.14 Employees are expected to:

- Attend work unless they are not well enough to do so
- Comply with the reporting sickness absence procedure
- Safeguard their health and take appropriate action to facilitate their return to work
- Maintain appropriate contact with their line manager whilst on sickness absence
- Participate in return to work meetings and appointments with Occupational Health if required
- Attend informal and formal sickness review meetings
- Inform their line manager if they have a disability should this disability affect their ability to fulfil their role or maintain regular attendance
- Advise their line manager if they are taking any medication which may impair their ability to undertake their duties

1.15 HR will:

- Provide support to managers in the use of this policy
- Maintain accurate sickness absence data and provide details of sickness absence and management information to assist managers in undertaking their role
- Work with managers in the compilation of any case work files
- Attend second and third stage short term absence formal review meetings with the manager and employee
- Attend all formal long term absence review meetings with the manager and employee
- Attend all appeal hearings to provide advice to the appeal hearing officer
- Ensure that all letters are sent to employees following the third stage formal review meetings and the appeal meeting in accordance with the timescales set out

The Procedure

Sickness Reporting Procedure and Certification

Day(s)	Employee Action	When
Sick during working day	Employee must notify manager and record it as 'sick' on their timesheet.	On the day, in person, before leaving work
Employee at home and unable to attend work	Employee must notify line manager by phone*. A relative/friend may call on employee's behalf if they are too ill in the first instance. It is however the responsibility of the employee to ensure that the relative/friend can provide the necessary sickness absence reporting information for the employee and to let the manager know when the employee will be contacting them. The employee must call the manager when it is reasonably possible.	As soon as possible. If the employee knows they will be unable to attend the next working day, notification should be made before the employee is due to start work OR within the hour on the first day of absence of their start time. If the individual is not able to do so then a relative/friend can make the initial contact.
Sickness absence of more than three calendar days	Employee must notify manager by phone*. The same reporting requirements as above will apply.	Fourth day of absence and as soon as possible and if possible within one hour from when the employee is due to start work.
All periods of sickness absence of less than eight calendar days	If employee has returned to work a self-certification form must be completed.	As soon as possible and prior to the return to work interview with the manager.
Sickness absence of eight calendar days or longer	Employee must notify manager by phone* and submit a Fit Note. When employee returns to work a self-certification form must be completed to cover for the first seven days of sickness absence.	By start of eighth day (which includes weekends) a Fit Note posted/handed to manager immediately.
Continuing absence	Employee must notify manager by phone* and submit a Fit Note as required ensuring there are no gaps between certificates or communication.	On the day which will be no later than the expiry date of the previous doctor's certificate, which must be posted immediately.

*If the line manager is not available to take the employee's call a message should be left and when available the line manager will make contact with the employee, preferably on the first day of absence. Should an

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employee fail to comply with these reporting arrangements the absence may be determined to be unauthorised and pay may be stopped.

Medical/Doctors Appointments and Sickness Recording

- 1.16 **Doctor's appointments** are not treated as sickness absence unless treatment is administered. Wherever possible these appointments should be taken within the employee's own time or time made up as the council operates a flexi time scheme. However, for those employees whose roles cannot fall under the flexi time scheme, they will not be required to make up time lost or suffer any loss from their pay.
- 1.17 **Medical appointments** which are beyond the employees control will be given during working time. An employee is not required to make this time up. Medical appointments such as this, should be evidenced by an appointment card and shown to the line manager. E.g. Hospital appointment.
- 1.18 **Disability leave** will be provided to disabled employees with reasonable paid time off work for reasons related to their impairment. It is recognised that some disabled employees may need time off for a reason relating to their disability to undergo treatment, assessment or rehabilitation. A reasonable adjustment therefore is the use of appointments such as this, and are usually planned in advance. These should be evidenced by an appointment card and shown to the line manager. To be eligible for disability leave an employee must have declared their disability to the Council. Examples would be: Hearing Aid tests, Training with guide or hearing dog or assessment for diabetes, HIV.
- 1.19 **Antenatal appointments** are treated as paid leave and the employee does not need to make this time up. However the appointment should be evidenced by an appointment card. For further guidance on antenatal appointments, please refer to the Council's Maternity / Adoption Leave Pay Policy and Procedure.

Annual Leave and Bank Holiday

- 1.20 **Holiday Cancellation** If illness results in the cancellation of a holiday, the employee may substitute sick leave for annual leave on the production of a medical sickness certificate (from the first day of sickness), provided the normal procedure has been followed for reporting sickness absence on the first day of illness.
- 1.21 **Holiday during Long Term Sick Leave** Employees continue to accrue statutory annual leave whilst sick and where unable to take it in the current holiday year due to sickness absence, are entitled to carry the statutory annual leave entitlement (20 days pro rata, minus any leave taken in that leave year) forward into the next leave year.

It is recommended that an appropriate proportion of the individual's accrued leave is used to facilitate a phased return to work.

It is not normal practice for an employee to take holiday whilst on long term sick leave. Requests to do so should be in agreement with the manager and in consultation with Occupational Health. This includes pre-booked holidays. If a holiday is taken without the agreement of the line manager and Occupational Health have advised that it will impede recovery, the absence will be treated as unauthorised and therefore unpaid.

It is recognised however that there are situations where recreational activity, including holiday, may advance the return to work of an employee sooner.

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If sick on a bank holiday employees will not be entitled to an additional day off.

Short Term and Long Term Triggers

Bradford Score System – Trigger Scores

- 1.22 Most employees will have genuine and acceptable reasons to be absent from work. However, where ill health affects performance and/or there are persistently high levels of absence the circumstances must be reviewed and formal action taken where appropriate. To assist managers in identifying the need for formal action the Council has a Bradford score system in place. Many organisations use the same Bradford score threshold levels shown below.
- 1.23 The Bradford Factor helps to ensure sickness absence is measured consistently by the Council. This is calculated over a 12 month rolling period by using the following formula:

$$S \times S \times D$$

S= total number of spells of absence taken by an individual in the last 52 weeks

D= total number of days of absence taken by an individual in the last 52 weeks

For example:

One 10 day absence: $1 \times 1 \times 10 = 10$

Two five day absences: $2 \times 2 \times 10 = 40$

Five two day absences: $5 \times 5 \times 10 = 250$

10 one day absences: $10 \times 10 \times 10 = 1000$

- 1.24 **Short-term Sickness Absence Triggers** (please also refer to Page 6 & Appendix 1)

<p>Bradford Score: Informal stage: 51 or more</p>	or	<p>A pattern of absence which causes concern e.g. frequent Mondays</p>
<p>Formal stage 1: 126 Formal stage 2: 400 Formal stage 3: 650</p>		

Long-term Sickness Absence Triggers

<p>Four weeks continuous absence (28 calendar days or 20 working days) or where a GP certificate has been received where an employee has been certified as off sick for four weeks or longer</p>	or	<p>Where an employee is likely to be absent for such a period due to illness, operation or post-operative recovery</p>	or	<p>An underlying medical condition which causes persistent short-term absence</p>
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Managers will receive a report from HR when the employee has breached a trigger point or has reached any of the Bradford trigger scores. However, if managers are aware that an employee's

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level of sickness absence breaches the Council's trigger points they should not wait for formal notification before taking formal action.

It is important to note that formal action can still occur where sickness absences are covered by medical certificates, and that such action may ultimately result in dismissal.

Exceptions

- 1.25 Any **pregnancy related sickness absence** is not taken into account as a sickness absence trigger.
- 1.26 Absence caused by an **accident at work** should be discussed with HR to determine the appropriate application of this policy.
- 1.27 **Disability related sickness absence.** The Managing Attendance policy will still apply to employees whose absence is related to their disability. However guidance from HR should be sought and Occupational Health advice may be helpful to determine if a reasonable adjustment should be made to the sickness absence triggers for an employee with a disability.

Return to Work Discussions

- 1.28 Managers will undertake a return to work discussion with all employees after every period of sickness absence, within 2 days of an employee's return to work. This should be carried out in private and the information treated confidentially. Managers must ensure that they have obtained details of the employee's sickness record over the past 12 months from HR prior to this discussion. If the employee's sickness absence is giving cause for concern, the manager should raise this as part of the discussion. The discussion will be recorded on the return to work form and will be completed by both parties. HR will place a copy on the employee's personal file.
- 1.29 Following this discussion the manager may decide to arrange an informal sickness absence meeting to carry out a more thorough review of the employee's sickness absence record and to discuss improvements needed or may move straight to the formal procedure if appropriate.

Short-term Absence

Informal Stage

- 1.30 When the employee has reached a Bradford Score of 50 or the manager has concerns about the employee's sickness absence levels, this must be discussed at an informal meeting with the employee – and ideally at the employee's return to work meeting. The purpose of this discussion is to enable the manager and the employee to agree ways of improving attendance and supporting health improvement. Whilst this is an informal meeting, notes of the meeting will be held and retained in a confidential and secure location by the manager.
- 1.31 This discussion is not part of the formal managing attendance procedure, and therefore there is no right for the employee to be accompanied.
- 1.32 The manager may move to the formal managing attendance procedure at any stage during this informal procedure.
- 1.33 HR can provide additional guidance.

Maldon District Council

Managing attendance policy and procedure

Formal Stage – Stage One Meeting

- 1.34 The employee will be asked by the manager to attend a formal managing attendance meeting to discuss the continuing concerns about their sickness absence. The employee should be given five working days' notice of the meeting and the opportunity to bring a Union representative or work colleague with them. Should advice and support be required, the manager should consult with HR prior to the meeting.
- 1.35 The aims of this meeting are to:
- Signal that the employee's time off is a cause for concern
 - Advise the employee about the implications of their absence
 - Allow the employee to inform the manager of any on-going medical issue
 - Give the employee an opportunity to explain any other reasons for sickness e.g. home commitments, stress or an alcohol or drug related problem for example
 - Offer support to the employee if there are underlying reasons for the persistent absence
 - Agree steps for improvement in the form of an Improvement plan which should be signed by both parties
- 1.36 The outcome of this meeting and the improvement plan should be confirmed in writing by the manager to the employee as soon as possible after the meeting and within five working days if possible. The manager must forward a copy of all correspondence to HR.

Formal Stage – Stage Two Meeting

- 1.37 Should there not be the appropriate improvement in the employee's attendance following the Stage One meeting, a Stage Two formal meeting should be arranged. The employee should be given five working days' notice of the meeting and be advised of their right to be accompanied at the meeting by a trade Union representative or work colleague. HR will also attend this meeting.
- 1.38 The aims of this meeting are to:
- Continue to discuss the sickness absence and the reasons for it
 - Identify any reason for the lack of improvement
 - Consider a referral to Occupational Health
 - Advise the employee of the service implications of their absence
 - To consider the appropriateness of redeployment as an option*
 - Warn the employee that their employment may be at risk if there is not an improvement in their attendance
 - Confirm a further improvement plan to be signed off by both parties

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** Redeployment will not attract any salary protection*

- 1.39 The outcome of this meeting and the improvement plan should be confirmed in writing to the employee by the line manager as soon as possible after the meeting and within five working days if possible. A copy of the correspondence will be forwarded to HR.
- 1.40 Where a sustained improvement in attendance has been evidenced by the employee, a contractual review (Stage Three meeting) will not be needed.

Formal Stage – Stage Three Meeting (Contractual Review)

- 1.41 If there has not been the required improvement in the level of attendance, then a Stage Three meeting should be arranged and attended by the line manager. This meeting will be chaired by the Group Manager / functional Manager, and will be to consider whether the employee's contract should be terminated because of the inability of the employee to meet their contractual obligation to attend work. The employee should be given 10 working days' notice of the meeting and be advised of their right to be accompanied at the meeting by a trade Union representative or work colleague. HR will also attend this meeting.
- 1.42 The aims of this meeting are to:
- Review the sickness absence record of the employee
 - Consider the level of improvement achieved as appropriate
 - Consider the support offered to the employee to improve
 - Consider any reasonable adjustments put in place if appropriate
 - Review Occupational Health guidance as appropriate
 - Consider redeployment options*
 - Consider the impact of the employee's absence on the service

** Redeployment will not attract any salary protection*

- 1.43 The Group Manager or functional Manager chairing the meeting will make a decision regarding the outcome of the meeting. These outcomes may include one of the following:
- a. Dismissal on the basis that the employee is not able to meet their obligation to work due to sickness absence
 - b. Give a further time period for improvement and a deferral of the decision to terminate the contract.
 - c. No further action
 - d. A letter confirming the decision should be sent to the employee, by HR, within five working days of the meeting

Appeals

- 1.44 The employee can appeal against the decision to terminate their employment by writing to a Director within 10 days of receiving the decision in writing.

Long-term Absence

- 1.45 The Council defines this as continuous absence of 4 weeks or more (28 calendar days or 20 working days), or where a GP certificate has been received that would take an absence to or over this period.

1.46 Maintaining contact with absent employees

Managers should take positive steps to keep in touch with an absent employee (at least once a week following the first week of absence) so the employee knows the Council is interested in their health and well-being and that support is available. This will also allow the manager to keep up to date with the employee's progress and prognosis, and their perspective on the likelihood of a return to work. HR may also be involved in contacting the employee.

The manager should indicate a desire to keep in contact to the employee and ask the employee how they would prefer contact to take place.

If despite reasonable efforts, the employee fails to respond and/or declines contact, managers should seek the advice of HR. A refusal to cooperate in the management of their absence may lead to a decision regarding their continued absence being made without the employee having the benefit of any input.

1.47 Formal Action: After Four Weeks' Continuous Absence

When an employee has been absent for four weeks or more, or as soon as a GP certificate is received that would take an absence to or over this period, the manager should liaise with HR to arrange for the employee to be referred to Occupational Health so that a report on their diagnosis and prognosis can be obtained.

Upon receipt of the report it will be evident to the manager whether or not a return to work appears likely within two months. If it is, the manager should liaise with the employee as appropriate to consider a phased return to work programme (PRTWP) to facilitate their return. This may relate to the employee's normal role or, in order to achieve an earlier return date, to a suitable alternative role. This may be on a temporary or permanent basis and may involve adjustments to duties and/or hours/working patterns.

A PRTWP should be approved by Occupational Health, and would normally be for a period of no longer than 4 weeks. Any PRTW programme must be fully documented and reviewed. It is recommended that an appropriate proportion of the individual's accrued leave is used to facilitate a phased return to work. In circumstances where an extension to the initial 4 week PRTW programme is agreed, payment for the actual hours worked will be made. PRTW programmes will be defined on a case by case basis in consultation with HR and Occupational Health.

In the event that the employee fails to return to work as expected, the line manager should contact HR to review the situation and consider obtaining updated medical advice as appropriate.

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Where a return to work does not appear imminent, the manager should write to the employee, using the letter template 5a in the HR Toolkit, inviting them to a formal Long Term Absence Review Meeting to discuss their continued absence. The purpose of the meeting will be to review the employee's situation and progress and explore options that may be available to support the employee and enable their return to work such as:

- Referring the employee to the Council's Employee Assistance Programme (and for counselling if appropriate).
- Considering whether temporary or permanent adjustments to the employee's working environment/practices and/or patterns will enable a return to work. A time period should be agreed for achieving such adjustments.
- Considering whether temporary or permanent redeployment is available that would facilitate a return to work, subject to medical advice. A time period should be agreed for achieving redeployment.
- Referring the employee back to Occupational Health for a declaration of retirement on the grounds of ill health (where the employee is a member of the pension scheme and a registered medical practitioner issues a certificate of incapacity in accordance with the requirements of the Scheme).

Matters discussed and actions agreed should be confirmed in writing by the line manager using the letter template 5b.

The following adjustments may need to be made to be considered:

- the location of the formal meeting
- whether the employee is fit enough to attend a meeting and if this may need to be held in their absence with a representative attending
- whether a case conference would be appropriate to discuss the case in more detail

1.48 III Health Capability Review

If, after full exploration and consultation in accordance with the above, the employee appears unlikely to return to work within a reasonable time frame, consideration will be given to terminating the employment on the grounds of incapability due to ill health. Please refer to the Council's Medical / Health Incapacity Policy and Procedure.

The employee's manager will, in conjunction with HR, prepare a case report for the relevant functional Manager / Group Manager or Director, covering the following matters:

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- The nature of the employee's job, the effect of their absence on service delivery and the need to have the work done.
- The nature, length and impact of the employee's illness or incapacity, including up to date medical advice
- Whether reasonable adjustments have been considered/implemented
- Whether suitable alternative employment has been considered (on either a temporary or permanent basis)
- Whether the Council can be expected, in light of the above and the requirements of the service area, to wait any longer for the employee to recover and return to work.

Upon receipt of the case report the functional Manager / Group Manager / Director will review it and, if considered appropriate, convene an Ill Health Capability Review meeting with the employee and their line manager to formally review the employee's sickness, continuing absence and capability for their current role. The meeting will be conducted by the presenting officer (i.e. the functional Manager / Group Manager or Director), or another officer duly delegated to act on their behalf, and will be heard by a functional Manager / Group Manager or Director who has had no prior significant involvement in the case.

As termination of employment on the grounds of incapability due to ill health may be an outcome of such a review the employee should be invited to attend a formal meeting for this purpose. In this regard, the employee must have five working days' notice of the meeting and should be notified in writing. A representative of HR will attend the review and the employee will also have the right to be accompanied by a work colleague or trade Union representative.

Possible outcomes of the review are (but not limited to):

- An agreement to seek ill health retirement for the employee
- Dismissal on the grounds of incapability due to ill health
- A further review period: where it appears that the employee will return to work to work within a reasonable time frame, following further treatment/recovery time.

The outcome of the meeting must be confirmed in writing to the employee. If the decision is taken to dismiss then the employee will have the right to appeal in accordance with section 8 below.

1.49 Appeals Process

Where an employee has been dismissed or issued with a formal warning they will have the right to appeal. Any such appeal must be lodged within 7 working days of the letter confirming the outcome of any formal meeting under this Procedure.

1.50 Appeal against formal warnings and dismissal

- For formal warnings issued under the procedure for persistent short term absence, the appeal will generally be considered by the relevant Director or, with their authority, an officer duly

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delegated to act on their behalf if deemed appropriate.

- In the case of dismissals, appeals will be heard by the relevant Director or, with their authority, an officer duly delegated to act on their behalf.
- In all cases, a member of HR will be present and employee's will be given 5 working days' notice of the appeal hearing in writing and will have the right to be accompanied by a colleague or Trade Union official.
- The employee will be notified of the outcome of the hearing in writing. All decisions reached at the appeal hearing will be final.

III Health Retirement (Local Government Pension Scheme Members)

Where the manager or HR consider that the employee on long-term sickness absence may be eligible for ill health early retirement, Occupational Health can be asked to consider the case against the scheme's criteria.

Occupational Health Service

- 1.51 One of the key functions of an Occupational Health service is to interview and/or examine employees who are, or have been, absent from work due to sickness or injury and provide advice to the employer on their fitness to work.

The Council may refer an employee for specialist medical advice at any point during its management of their health. It is the manager's responsibility to contact HR to discuss the appropriate course of action. However, if it is decided that referral is not appropriate at any particular stage, a file note should be made outlining the reasons for the decision taken and the monitoring arrangements that have been agreed.

A referral may take the form of, but is not limited to:

- Referring the employee to the Council's Occupational Health provider
- Obtaining reports from an employee's GP and/or any specialist involved in their care
- Referring an employee to an independent specialist

The Council retains the services of an Occupational Health provider. Employees may be requested by the Council to consent to attend an Occupational Health appointment and to agree to allow the Occupational Health advisor to provide a report to the Council. The terms of all employees' contracts are that they must give such consent when reasonably asked to do so by the Employer.

Where an employee refuses to consent to the Council obtaining medical information about their diagnosis and prognosis, the Council shall be entitled to make decisions about the individual's continued employment solely on the basis of such information that is available.

Fit Notes

- 1.52 Upon receipt of a statement that an employee 'may be fit for work' (for more details please see Manager's Toolkit) managers should immediately discuss the doctor's comments with the individual to assess whether or not the recommendations can be accommodated to enable

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the employee to return to work. This may take place over the telephone or face to face as appropriate.

In considering the recommendations regard should be had to:

- the requirements of the employee's normal role/duties
- the nature and effects of the health condition
- health and safety requirements – an individual risk assessment may be required
- service/operational requirements
- disability discrimination legislation (Equality Act 2010) as appropriate

Managers should liaise with/seek the advice of the following as appropriate:

- HR
- Occupational Health

Each case will be considered on an individual basis and a return to work may not be feasible in every case. Details of the discussions and outcomes should be confirmed in writing to the employee.

The original fit note should be sent to HR as soon as practicable and will be kept on the employee's file.

If it is not possible to make adaptations that will allow the employee to return to work the Statement should be used as though it had advised the employee was 'unfit for work'. The employee does not need to return to their doctor and will be paid in accordance with statutory and occupational sick pay provisions.

In the event that an employee does not agree with any adaptations offered by a manager to facilitate a return to work, the issues should be discussed further with a view to reaching an understanding and agreement.

If further discussions do not result in agreement and the employee refuses to return to work, arrangements should be made for a formal review of the case by the relevant Director (or other senior officer appointed by them) as soon as reasonably practicable. A report should be prepared detailing the circumstances of the case and a formal meeting convened to consider the report. The employee should be given reasonable notice of the meeting and has the right to be accompanied by either a colleague or trade Union representative who may speak on their behalf. A representative of HR should also attend the meeting.

The outcome of the review will be confirmed in writing by the conducting officer, setting out the matters considered and the conclusion reached. If the arrangements are considered reasonable and the employee still refuses to attend work this may be treated as misconduct/breach of contract and dealt with via the Council's Disciplinary Procedure as appropriate.

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Any decisions/arrangements made in relation to 'fit notes' should be monitored and regularly reviewed, with review periods being agreed and confirmed in writing.

If an employee working under arrangements made pursuant to a 'fit note' is unable to return to their normal duties within a reasonable period, a decision must be made with regard to their continued employment moving forward. This will be done in accordance with the provisions below relating to the management of an underlying condition/long term absence. Every effort will be made to agree reasonable long term adjustments and/or temporary/permanent redeployment. However, if this is not achievable the individual's employment may be terminated on the grounds of incapability due to ill health.

An employee must not work if they have been signed off as 'unfit for work'. Where a 'fit note' has been issued and recommendations have been made by the GP as to what work the employee can undertake, every effort will be made to ensure that reasonable adjustments are implemented in order to facilitate this.

If an employee has been refused annual leave/flexi time and then is sick, they must produce a medical certificate to cover that period.

Staff Counselling

- 1.53 The Council funds a 24 hour, seven day a week confidential counselling service which is run by Workplace Options. This service provides counselling both over the phone and face-to-face where appropriate. Employees can contact the helpline number on 0800 243 458 in the strictest confidence.

More Information

- 1.54 For more information please contact HR.

Document Control Sheet

Document title	Managing Attendance Policy and Procedure - Manager and Human Resources' Toolkit (Letter Templates)
Summary of purpose	The purpose of this Manager and Human Resources Toolkit is to provide letter templates for use when dealing with all stages of the managing attendance policy, intended to be a basis for guidance.
Prepared by	Human Resources
Status	Final
Version number	2
Approved by	
Approval date	June 2012. Updated August 2016
Date of implementation	June 2012. Updated August 2016
Review frequency	
Next review date	As required by legislative changes
Circulation	All Staff
Published on the Council's website	

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

If you would like this information in large print, Braille or another language, please contact Human Resources.



MALDON DISTRICT
COUNCIL

Maldon District Council**Managing attendance policy and procedure – Manager and Human Resources Toolkit****Letter Templates**

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Short Term Absence Stage One**Letter 1a: INVITATION to Stage One formal managing attendance meeting.**

Date

Private & Confidential

Email: **manager's name**@maldon.gov.uk

Dear

Stage One formal managing attendance review meeting

Your absence from work has met a trigger point which is in the Council's Managing Attendance Policy and Procedure, a copy of which is attached for your information. You have reached a Bradford Score of **XXX**. You will see that in accordance with this policy, a Stage One formal managing attendance review meeting will now be held. The purpose of this meeting is as follows:

- To review your attendance record and confirm its accuracy
- Discuss the reasons for your absence and any support that may help to reduce your absence levels
- Discuss the effect of your absence on your colleagues and the service provided
- Confirm the improvements needed in your attendance record

This meeting will be held on **date** at **time** and **venue** with **name of manager**. You may be accompanied to this meeting by a trade union representative or work colleague and it is for you to organise this should you wish to do so. I should be grateful if you would confirm the name of any representative to me as soon as possible.

I should be grateful if you would confirm that you are able to attend the meeting.

To support employees, the Council offers a free and confidential Employee Assistance Programme (EAP) to all staff. This service is delivered by Workplace Options, an independent provider of employee support services. To access the website, go to www.workplaceoptions.com Click on 'Member Login' then enter; User name: **Maldon** / Password: **employee**

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Letter Templates

Yours sincerely

Line Manager

Enc. Managing attendance policy

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Short Term Absence Stage One**Letter 1b: OUTCOME of Stage One formal managing attendance meeting.**

Date

Private & Confidential

Enquiries to Human Resources
Email: human.resources@maldon.gov.uk

Dear

Outcome of Stage One formal managing attendance review meeting

I refer to your meeting on the **insert date** with **those present** the purpose of which was to discuss your attendance record in accordance with the Council's Managing Attendance policy. The discussion at the meeting is summarised on the attached summary sheet at Appendix 1.

* The outcome of this meeting is that, having taken into account the information provided by you at this meeting, I can advise you that there will be no further action in relation to your absence from work.

* Your sickness absence will however continue to be monitored in accordance with the Council's policy.

Or (delete as appropriate those marked with *)

*I confirm that I will put in place the following support and arrangements to assist you in maintaining your attendance at work. **Insert detail. Name of manager** will monitor these arrangements to determine if they have the effect of improving your attendance record and will arrange to meet and review this again with you in **insert timescale**.

* At the meeting you were advised you that your attendance record was not satisfactory. An improvement in your attendance record is needed as outlined in the attached improvement and action plan/ summary of the meeting. You should be aware that should your attendance levels remain unsatisfactory, it may be necessary to move to the next stage of the procedure which is a Stage Two formal review under the Managing Attendance policy.

I wish to advise you that under the Council's policy, a Stage Three review meeting will consider an employee's ability to undertake their contract of employment in relation to their attendance record. This may mean that your contract could be terminated.

To support employees, the Council offers a free and confidential Employee Assistance Programme (EAP) to all staff. This service is delivered by Workplace Options, an independent provider of

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employee support services. To access the website, go to www.workplaceoptions.com Click on 'Member Login' then enter; User name: **Maldon** / Password: **employee**

Should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely

Line Manager

Enc. Appendix 1 / **CC HR, Trade union representative/work colleague**

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APPENDIX 1**Strictly Private and Confidential****Summary of Stage XX formal managing attendance review meeting and improvement plan**

Name of employee

Name of manager

Also in attendance

Date of meeting

Attendance Record	<i>(Insert dates and number of days absence confirmed at meeting)</i>
Reasons for absence	<i>(Insert reasons for each absence)</i>
Support offered	<i>(Detail any support offered to improve attendance record)</i>
The following effects on colleagues and customers were advised	<i>(Insert detail of discussion)</i>
Improvements needed and timescale	<i>(Insert detail of discussion)</i>
Other issues discussed	

Signed

Name of manager

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Short Term Absence Stage Two**Letter 2a: INVITATION to Stage Two formal managing attendance meeting**

date

Private & Confidential

Enquiries to Human Resources
Email: human.resources@maldon.gov.uk

Dear

Stage Two formal managing attendance review meeting

I refer to your meeting on the **date** with **those present** at which your absence from work was discussed. The outcome of this first formal managing attendance review meeting was advised to you in a letter dated **insert date**.

There has been insufficient improvement in your levels of attendance at work and a Stage Two formal managing attendance review meeting will now be held. You have now reached a Bradford Score of **XXX**. The purpose of this meeting is as follows:

- To review your attendance record and confirm its accuracy
- Discuss the reasons for your absence and any support that may help to reduce your absence levels
- Discuss the effect of your absence on your colleagues and the service provided
- Confirm the improvements needed in your attendance record

This meeting will be held on **date** at time and venue with me and **name of HR rep**. You may be accompanied to this meeting by a trade union representative or work colleague and it is for you to organise this should you wish to do so. I would be grateful if you could confirm the name of any representative to me as soon as possible.

I would be grateful if you would confirm that you are able to attend the meeting.

To support employees, the Council offers a free and confidential Employee Assistance Programme (EAP) to all staff. This service is delivered by Workplace Options, an independent provider of employee support services. To access the website, go to www.workplaceoptions.com Click on 'Member Login' then enter; User name: **Maldon** / Password: **employee**

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Managing attendance policy and procedure – Manager and Human Resources Toolkit

Letter Templates

Yours sincerely

Line Manager

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Short Term Absence Stage Two**Letter 2b: OUTCOME of Stage Two formal managing attendance meeting**

date

Private & Confidential

Enquiries to Human Resources
Email: human.resources@maldon.gov.uk

Dear

Outcome of Stage Two formal managing attendance review meeting

I refer to your meeting on the **date** with **those present** the purpose of which was to discuss your attendance record in accordance with the Council's Managing Attendance policy. The discussion at the meeting is summarised on the attached summary sheet at Appendix 1.

* The outcome of this meeting is that, having taken into account the information provided by you at this meeting, I can advise you that there will be no further action in relation to your absence from work.

* Your attendance at work will however continue to be monitored in accordance with the Council's policy.

Or (delete as appropriate those marked with *)

* I confirm that I have put in place the following support and arrangements to assist you in maintaining your attendance at work. **Insert detail**. I will monitor these arrangements to determine if they have the effect of improving your attendance record. In accordance with the discussion at the meeting I will arrange to meet and review this again in **insert timescale**.

* At our meeting you were advised that your attendance record was not satisfactory. An improvement in your attendance record is needed as outlined in the attached improvement and action plan/summary of the meeting. You should be aware that should your attendance levels remain unsatisfactory, it may be necessary to move to the next stage of the procedure which is a Stage Three formal review of your attendance record.

I wish to advise you that under the Council's policy, a Stage Three review meeting will consider an employee's ability to undertake their contract of employment in relation to their attendance record. This may mean that your contract could be terminated.

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Should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely

Line manager

Enc. Appendix 1

CC HR, Trade union representative/work colleague

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APPENDIX 1**Strictly Private and Confidential****Summary of Stage Two formal managing attendance review meeting and improvement plan**

Name of employee

Name of manager

Also in attendance

Date of meeting

Date of previous meeting

Attendance Record	<i>(Insert dates and number of further days absence confirmed at meeting)</i>
Reasons for absence	<i>(Insert reasons for each absence)</i>
Support offered	<i>(Detail any support offered to improve attendance record)</i>
The following effects on colleagues and customers were advised	<i>(Insert detail of discussion)</i>
Improvements needed and timescale	<i>(Insert detail of discussion)</i>
Other issues discussed	

Signed

Name of manager

Maldon District Council**Managing attendance policy and procedure – Manager and Human Resources Toolkit****Letter Templates**

Short Term Absence Stage Three**Letter 3a: INVITATION to Stage Three formal managing attendance meeting**

date

Private & Confidential

Enquiries to Human Resources
Email: human.resources@maldon.gov.uk

Dear

Stage Three formal managing attendance review meeting (contractual review meeting)

I refer to your meeting on the **date** with **those present** at which your absence from work was discussed. This was a Stage Two meeting under the Council's Managing Attendance policy. The outcome of this Stage Two formal managing attendance review meeting was advised to you in a letter.

There has been insufficient improvement in your levels of attendance at work and a Stage Three formal managing attendance review meeting will now be held. You have now reached a Bradford Score of **XXX**. I enclose a further copy of the Council's Managing Attendance Policy for your information. This meeting will be chaired by **insert name**. The purpose of this meeting is as follows:

- To review your attendance record and confirm its accuracy
- Discuss the reasons for your absence and any additional support that may help to reduce your absence levels
- Discuss the effect of your absence on your colleagues and the service provided
- Consider options for redeployment should this be appropriate

It is important for you to understand that this meeting will also consider if your contract with the Council should be terminated on the grounds that you are unable to fulfil your contract of employment because of your attendance record.

This meeting will be held on **date at time and venue**. You may be accompanied to this meeting by a trade union representative or work colleague and it is for you to organise this should you wish to do so. Please advise me of the name of your representative as soon as possible.

I enclose a report which includes all the documentation which will be considered at the meeting. Should you have any documentation or information which you would like to be considered at the meeting, please send this to Human Resources by **date** which is three working days before the meeting.

I wish to also advise you that I will attend this meeting to present the report and a representative of Human Resources will also be in attendance as advisor to the chair of the meeting.

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I should be grateful if you would confirm that you are able to attend the meeting.

Yours sincerely

Line Manager

Enc. Managing Attendance Policy, **documents to be discussed at the meeting.**

Maldon District Council**Managing attendance policy and procedure – Manager and Human Resources Toolkit****Letter Templates**

Short Term Absence Stage Three**Letter 3b: OUTCOME to Stage Three formal managing attendance meeting**

date

Private & Confidential

Enquiries to Human Resources
Email: human.resources@maldon.gov.uk

Dear

Outcome of third stage formal managing attendance review meeting

I refer to our meeting on the **date** the purpose of which was to discuss your attendance record in accordance with the Council's Managing Attendance policy and the implications of your absence in relation to your continuing employment with the Council.

* The outcome of this meeting is that, having taken into account the information provided by you at this meeting, I can advise you that there will be no further action in relation to your absence from work.

* Your attendance will however continue to be monitored in accordance with the Council's policy.

Or (delete as appropriate those marked with *)

* I confirm that the following support and arrangements are to be put in place to assist you in maintaining your attendance at work. **Insert detail**. These arrangements will be monitored by your manager to determine if they have the effect of improving your attendance record. Your manager will arrange to meet with you and review this again in **insert timescale**.

* I have asked your manager to make the appropriate arrangements for a referral/further referral to the Occupational Health service and Human Resources will contact you when an appointment has been received.

* Your attendance levels will continue to be monitored but the Council will accept this level of absence for the moment due to **insert reason**.

* I have requested that Human Resources investigate if there is any other suitable alternative employment which may be available to you as you are unable to continue to work in the role you currently are employed in because of your levels of attendance. Human Resources will be in contact with you about this redeployment process. However please be aware that if there is no suitable alternative employment, that your contract of employment with the Council will be terminated.

Maldon District Council**Managing attendance policy and procedure – Manager and Human Resources Toolkit****Letter Templates**

* I confirm that there are no other suitable alternative employment opportunities within the Council.

* I have requested that Human Resources explore the possibility of ill health retirement as you are a member of the Local Government Pension Scheme. This may mean that you will need to have a further appointment with the occupational health service to consider this as an option against the scheme's criteria. I will write to you again once this referral process is completed to determine what action is appropriate depending on their decision.

* I have decided that, regrettably I have no option but to terminate your employment with the Council, as your level of attendance means that you are unable to fulfil your contract of employment.

* You are entitled to (insert number of weeks) notice and your last day of service with the Council will be **date**.

* I should like to thank you for your service to the Council.

You have the right of appeal against this decision. If you wish to exercise this right you should write to Human Resources within 10 working days of receiving this letter giving full details of your grounds of appeal.

To support employees, the Council offers a free and confidential Employee Assistance Programme (EAP) to all staff. This service is delivered by Workplace Options, an independent provider of employee support services. To access the website, go to www.workplaceoptions.com Click on 'Member Login' then enter; User name: **Maldon** / Password: **employee**

Yours sincerely

Line Manager

CC Human Resources, Trade union representative/work colleague

Maldon District Council

Managing attendance policy and procedure – Manager and Human Resources Toolkit

Letter Templates

Long Term Absence Initial Contact

Letter 4a: Four week absence – Initial contact

date

Private & Confidential

Enquiries to Human Resources
Email: human.resources@maldon.gov.uk

Dear

I refer to your current period of absence and thank you for submitting a fit note relating to this which expires on the date.

It would be helpful to meet with you to enable us to determine how best to support you and facilitate a return to work. I will give you a ring in the next few days to arrange to meet with you. This can be at your home address if you prefer.

I wish you well from all your colleagues at work and will speak to you in the next few days.

To support employees, the Council offers a free and confidential Employee Assistance Programme (EAP) to all staff. This service is delivered by Workplace Options, an independent provider of employee support services. To access the website, go to www.workplaceoptions.com Click on 'Member Login' then enter; User name: **Maldon** / Password: **employee**

Yours sincerely

Line manager

CC Human Resources

Maldon District Council

Managing attendance policy and procedure – Manager and Human Resources Toolkit

Letter Templates

Long Term Absence Initial Contact

Letter 4b: Four week absence (when stress related) – Initial contact

date

Private & Confidential

Enquiries to Human Resources
Email: human.resources@maldon.gov.uk

Dear

I refer to your current period of absence and thank you for submitting a fit note relating to this which expires on the date.

Your fit note indicates stress related issues. The Council offers free and confidential Employee Assistance Programme (EAP) to all staff (which includes counselling services). This service is delivered by Workplace Options, an independent provider of employee support services. To access the website, go to www.workplaceoptions.com Click on 'Member Login' then enter; User name: **Maldon** / Password: **employee**

It would be helpful to meet with you to enable us to determine how best to support you and facilitate a return to work. I will give you a ring in the next few days to arrange to meet with you. This can be at your home address if you prefer.

I wish you well from all your colleagues at work and will speak to you in the next few days.

Yours sincerely

Line manager

CC Human Resources

Maldon District Council**Managing attendance policy and procedure – Manager and Human Resources Toolkit****Letter Templates**

Long Term Absence Meeting**Letter 5a: INVITATION to formal managing attendance meeting**

date

Private & Confidential

Enquiries to Human Resources
Email: human.resources@maldon.gov.uk

Dear **Name**

Long-term Sickness Absence Review Meeting [insert date and time]

Following your absence from work since [insert first day of absence] and your recent referral to occupational health, I am sorry to hear that you remain unwell and unlikely to return to work in the near future.

In the circumstances, and in accordance with the Council's Procedure for Managing Ill Health and Sickness Absence (a copy of which is enclosed for your information) I write to ask you to attend a review meeting with me on [insert time, date]. Please contact me to confirm whether this appointment is convenient, and so that we can agree a mutually convenient location; I am happy to come and see you at home if you would prefer. [insert BP name] will also be present at the meeting as a representative of Human Resources and you have the right to be accompanied at the meeting by a work colleague or trade union representative.

You may be accompanied to this meeting by a trade union representative or work colleague and it is for you to organise this should you wish to do so but if I can help facilitate this please do let me know. I should be grateful if you would confirm the name of any representative to me as soon as possible

The purpose of the meeting will be to review your situation and progress in the light of the report from occupational health and explore options that may be available to support you and enable your return to work.

I look forward to hearing from you.

Yours sincerely

Name
Job Title

Enc. Managing Attendance Policy and Procedure

Maldon District Council**Managing attendance policy and procedure – Manager and Human Resources Toolkit****Letter Templates**

Long Term Absence**Letter 5b: OUTCOME to Long term sickness absence review**

date

Private & Confidential

Enquiries to Human Resources
Email: human.resources@maldon.gov.uk

Dear **Name**

Long Term Sickness Absence Review Meeting

I write with reference to the above meeting which took place on **[insert date]** at **[insert time]** with **[name of manager and HR representative]**.

As set out in **[managers name]** letter of **[date of LTA invite letter]**, the purpose of the meeting was to review your current circumstances regarding your absence. During the meeting we discussed **[main points of discussion]**.

I attach a copy of the notes taken during the meeting which reflect the discussion that took place but are not verbatim. Please can you sign and return a copy of this letter to confirm that you have received this letter and that the notes are reflective of the meeting.

We look forward to hearing from you shortly and in the meantime hope that you feel better.

To support employees, the Council offers a free and confidential Employee Assistance Programme (EAP) to all staff. This service is delivered by Workplace Options, an independent provider of employee support services. To access the website, go to www.workplaceoptions.com Click on 'Member Login' then enter; User name: **Maldon** / Password: **employee**

Should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely

Line Manager
CC HR, Trade union representative/work colleague

Maldon District Council**Managing attendance policy and procedure – Manager and Human Resources Toolkit****Letter Templates**

I, **[name of employee]**, hereby confirm that I have received the letter dated **[date of meeting]**, of which this is a true copy, and that it accurately reflects the main points of discussion arising during the Sickness Absence Management Review meeting that took place on **[date of meeting]**.

Signed:

Date:

BRADFORD FACTOR CALCULATION

days lost	Occasions									
	1	2	3	4	5	6	7	8	9	10
1	1									
2	2	8								
3	3	12	27							
4	4	16	36	64						
5	5	20	45	80	125					
6	6	24	54	96	150	216				
7	7	28	63	112	175	252	343			
8	8	32	72	128	200	288	392	512		
9	9	36	81	144	225	324	441	576	729	
10	10	40	90	160	250	360	490	640	810	1000
11	11	44	99	176	275	396	539	704	891	1100
12	12	48	108	192	300	432	588	768	972	1200
13	13	52	117	208	325	468	637	832	1053	1300
14	14	56	126	224	350	504	686	896	1134	1400
15	15	60	135	240	375	540	735	960	1215	1500
16	16	64	144	256	400	576	784	1024	1296	1600
17	17	68	153	272	425	612	833	1088	1377	1700
18	18	72	162	288	450	648	882	1152	1458	1800
19	19	76	171	304	475	684	931	1216	1539	1900

Bradford Factor Score reaches 51 - informal review

Bradford Factor Score reaches 125 points - Stage one formal review meeting

Bradford Factor Score reaches 399 points - Stage two formal review meeting

Bradford Factor Score reaches 650 - Stage three formal review meeting [contractual review]

Bradford Factor Scores over 650 points - no improvement- dismissal procedure

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MALDON DISTRICT
COUNCIL

Shared parental leave policy and procedure

April 2015

**Maldon District
Shared Parental Leave Policy and Procedure**

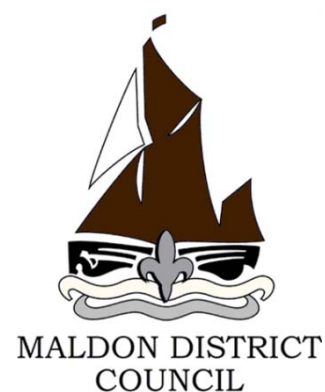
Document Control Sheet

Document title	Shared Parental leave policy and procedure
Summary of purpose	The purpose of this policy and procedure is to provide information and guidance on shared parental leave for employees of Maldon District .
Prepared by	HR
Status	
Version number	1
Approved by	
Approval date	– xxx
Date of implementation	xxx to reflect legislation change
Review frequency	
Next review date	As required by legislative changes
Circulation	All Staff
Published on the 's website	

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

If you would like this information in large print, Braille or another language, please contact HR.



**Maldon District
Shared Parental Leave Policy and Procedure**

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Section one – Policy and Procedure Overview

1 What is Shared Parental Leave?

- 1.1 Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.
- 1.2 All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.
- 1.3 This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).
- 1.4 It is Maldon District's (MDC) policy to encourage open discussion with employees to ensure that questions can be resolved as quickly as possible. Employees should clarify the relevant procedures with Human Resources to ensure that they are followed.

Who is eligible for Shared Parental Leave?

Mothers, fathers and partners of mothers of babies due on or after 05 April 2015 are entitled to statutory shared parental leave if they meet certain eligibility requirements. The right is also available to adoptive parents of children who are placed for adoption on or after 05 April 2015.

SPL 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's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

In addition an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave 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 Council at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;

Maldon District Shared Parental Leave Policy and Procedure

- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;

Continuity of employment test	Employment and earnings test
The individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date and is still working for the employer at the start of each leave period.	In the 66 weeks leading up to the baby's expected due date/ matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks

- the employee must correctly notify the Council of their entitlement and provide evidence as required.

What you'll get

If you're eligible i.e. continuity of employment test and their partner must meet the employment and earnings test and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

The mother must take a minimum of 2 weeks' maternity leave following the birth.

How much pay you'll get

ShPP is paid at the rate of £139.58 a week (from 05 April 2015) or 90% of your average weekly earnings, whichever is lower. This lasts up to 39 weeks minus any weeks of maternity pay or maternity allowance the mother has received.

This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

Example

A woman decides to start her maternity leave 11 weeks before the due date and gives notice that she'll take SPL from 2 weeks after the birth (taking a total of 13 weeks maternity leave). She normally earns £200 a week.

She's paid £180 (90% of her average weekly earnings) as SMP for the first 6 weeks, then £139.58 a week (from 5 April 2015) for the next 7 weeks. Once she goes onto SPL, she's still paid £139.58 a week (from 5 April 2015)

2 The Shared Parental Leave entitlement

- 2.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.
- 2.2 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 a specified future date.
- 2.3 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 SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.
- 2.4 SPL can commence as follows:
- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
 - The adopter can take SPL after taking at least two weeks of adoption leave
 - The father/partner/spouse can take SPL 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 any SPL or ShPP).
- 2.5 Where a mother/adopter gives notice to end their maternity/adoption entitlement then the mother/adopter's partner can start SPL while the mother/adopter is still using their maternity/adoption entitlements, as long as the mother/adopter has given the Council notice to end it.

Shared Parental Leave Example

A mother and her partner are both eligible for SPL.

The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives notice to her employer.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born up to a maximum of 36 weeks (i.e. 52 in total, as long as they've given at least 8 weeks' notice).

Maldon District Shared Parental Leave Policy and Procedure

- 2.6 SPL will generally commence on the employee's chosen start date specified in their SPL booking notice, or in any subsequent variation notice (see *Booking Shared Parental Leave* and *Variations to arranged Shared Parental Leave* below).
- 2.7 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see *Shared Parental Pay* below).
- 2.8 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

3 Scope of this Policy

- 3.1 This procedure applies to all eligible Council employees.

4 Links to Other Policies / Procedures

Paternity Leave and Pay Policy and Procedure

- 4.1 Employees should refer to the Paternity Leave and Pay Policy and Procedure for details of the rights of employees under this policy.

Parental Leave Policy and Procedure

- 4.2 Eligible employees may postpone their return to work after the end of the maternity leave period by taking unpaid parental leave which has previously been notified to their line manager. Please refer to the Parental Leave Policy for further information.

Managing Attendance Policy and Procedure

- 4.3 If an employee is absent due to sickness at the end of their Shared Parental Leave entitlement, the usual sickness reporting procedures and certification procedures should be followed.

Flexible Working Policy

- 4.4 Guidance on the right to request flexible working is contained within the Flexible Working Policy.

Section two - Procedure

1 Notifying the Council of an entitlement to Shared Parental Leave

- 1.1 An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.
- 1.2 Part of the eligibility criteria requires the employee to provide the Council with correct notification. Notification must be in writing and requires each of the following:
 - the name of the employee;
 - the name of the other parent;
 - the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
 - the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
 - the amount of SPL the employee and their partner each intend to take an indication of when the employee expects to take the leave.
- 1.3 The employee must provide the Council with a signed declaration stating:
 - that they meet, or will meet, the eligibility conditions and are entitled to take SPL; i.e. Sharing responsibility for the care of the child; they meet the continuity of employment test;
 - The mother/adopter has given eight weeks' notice of ending their Maternity/Adoption leave that the information they have given is accurate;
 - if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
 - that should they cease to be eligible they will immediately inform the Council.
- 1.4 The employee must provide the Council with a signed declaration from their partner confirming:
 - their name, address and national insurance number (or a declaration that they do not have a national insurance number);
 - that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
 - that they satisfy the 'employment and earnings test' (see Who is eligible for Shared Parental Leave? Section one) and had at the date of the child's birth or

Maldon District Shared Parental Leave Policy and Procedure

placement for adoption the main responsibility for the child, along with the employee;

- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the Council processing the information contained in the declaration form; and
- (if the mother) they are entitled to SML/Statutory Maternity Pay or Maternity Allowance and that they have given notice to end that leave and pay/allowance;
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

2 Requesting further evidence of eligibility

2.1 The Council may, within 14 days of the Shared Paternity Leave (SPL) entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth)
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

2.2 In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request. **(Appendix 1)**

3 Fraudulent claims

3.1 The Council can, 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, investigate the matter further in accordance with the usual company investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

4 Discussions regarding Shared Parental Leave

- 4.1 An employee considering/taking SPL should contact the HR department to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the company to support the individual.
- 4.2 Upon receiving a notification of entitlement to take SPL, HR will arrange an informal meeting with the employee and the Line Manager (the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative) to talk about their intentions and how they currently expect to use their SPL entitlement.
- 4.3 Upon receiving a SPL booking form HR will arrange a meeting to discuss the information with regards to a single period of continuous leave, or a request for discontinuous leave.
- 4.4 Where a meeting is arranged it should take place confidentially. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.
- 4.5 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Council, and what the outcome may be if no agreement is reached.

5 Booking Shared Parental Leave

- 5.1 In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the SPL. In many cases, notice to take SPL will be given at the same time as the notice of entitlement to SPL.
- 5.2 The employee has the right to submit up to a maximum of three notifications specifying leave periods they are intending to take. 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.
- 5.3 SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week again.
- 5.4 The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

6 Early Birth

- 6.1 If the child is born before their expected due date and the employee had booked to take SPL within the first eight weeks of the due date, they may take the same period of time off after the actual birth without having to provide eight weeks' notice, by submitting a notice to vary their leave as soon as is reasonably practicable. Unlike most other variation notices, this would not count as one of the employee's three notifications.
- 6.2 Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave.
- 6.3 If the child is born more than eight weeks before their expected due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, then there is no requirement to give eight weeks' notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.

7 Continuous leave notifications

- 7.1 A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- 7.2 An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.
- 7.3 An employee may submit up to three separate notifications for continuous periods of leave.

8 Discontinuous leave notifications

- 8.1 A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).
- 8.2 Where there is concern over accommodating the notification, HR and the Line Manager will arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Council.
- 8.3 The Council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

Maldon District Shared Parental Leave Policy and Procedure

The Default Provisions (discontinuous leave only)

Understanding the default provisions is essential because they could make the difference between an employee withdrawing their notification (and possibly applying again) or taking a continuous block of SPL instead.

Within 14 calendar days of the original notification...

If an agreement is reached regarding when the employee will take their leave, no default provisions will apply. If no agreement is reached or the employer refuses the discontinuous leave notification or the employer makes no response to a discontinuous leave notification, the default provisions will apply.

Within 15 calendar days of the original notification...

If no agreement is reached, the employee may withdraw their discontinuous leave notification. If the employee does withdraw the request it will not count as one of their three notices to book leave. If the employee does not withdraw their request, the discontinuous leave notification automatically defaults to a period of continuous leave.

Within 19 calendar days of the original notification...

The employee can choose when the continuous leave will commence but it cannot start sooner than eight weeks from the date the original notification was given. If the employee does not choose, the start date automatically defaults to the date the requested discontinuous leave would have first started.

9 Outcomes

9.1 Depending on the circumstances involved, there are three outcomes once a request for SPL has been received, considered and discussed. Continuous SPL cannot be refused;

- Confirm a continuous leave period or accept a discontinuous leave request; or
- Agree a modification to a leave request (an employee is under no obligation to modify a continuous leave notice and should never be put under any pressure to do so); or
- Refuse a discontinuous leave notification.

9.2 Where a refusal is chosen, the employee can withdraw their notification on or before the 15th day after the notification was originally made and it will not count as one of their three notifications. If not, they must take the total amount of leave notified in one continuous block. The employee can choose when this leave period will begin within 19 days of the date the notification was given to the employer but it cannot start

Maldon District Shared Parental Leave Policy and Procedure

sooner than the initial notified start date. If they don't, the leave will begin on the starting date stated in the original notification.

10 Responding to a Shared Parental Leave notification

- 10.1 Once the HR department receives the leave booking notice, **(Appendix 2)** it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.
- 10.2 All notices for continuous leave will be confirmed in writing.
- 10.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and against any adverse impact to the business.
- 10.4 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
- 10.5 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the Council may propose a modified version of the request.
- 10.6 If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block.
- 10.7 If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

11 Variation/ Cancellation to arranged Shared Parental Leave

- 11.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Council in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 11.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the Council requesting it be changed, and the employee being agreeable to the change, will not count as a further notification.
- 11.3 Any variation will be confirmed in writing by the Council.

12 Statutory Shared Parental Pay (ShPP)

- 12.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
- 12.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 12.3 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
 - the employee must intend to care for the child during the week in which ShPP is payable;
 - the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
 - the employee must remain in continuous employment until the first week of ShPP has begun;
 - the employee must give proper notification in accordance with the rules set out below.
- 12.4 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager and HR written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL (**Appendix 1**).
- 12.5 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- the start and end dates of any maternity/adoption pay or maternity allowance
 - the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP
 - a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the Council should they cease to be eligible

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- 12.6 The notice of entitlement to take SPL must be accompanied by a signed declaration from the employee's partner confirming **(Appendix 1)** and
- their agreement to the employee claiming ShPP and the Council to process any ShPP payments to the employee
 - (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance
 - (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions
- 12.7 Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

13 Terms and conditions during Shared Parental Leave

- 13.1 During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind such as use of a laptop, mobile phone and gym membership will continue and contractual annual leave entitlement will continue to accrue.
- 13.2 Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the Council's contributions will be based on the salary that the employee would have received had they not been taking SPL.

14 Annual Leave

- 14.1 SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken by the end of the leave year in which the employee returns to work.

15 Contact during Shared Parental Leave

- 15.1 Before an employee's SPL begins, the Council will discuss the arrangements for them to keep in touch during their leave. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, 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.

16 Pre-shared Parental Leave Interview

- 16.1 The purpose of the pre-shared parental leave interview is to discuss the practicalities of the employee's shared parental leave. The employee should already have been informed by this stage of his/her shared parental leave and pay entitlement.
- 16.2 Pre-shared parental leave interviews will be arranged as a matter of course only for employees leaving work to go on shared parental leave. A pre-shared parental leave interview will not normally be arranged for employees already on maternity or adoption leave who are switching to shared parental leave.
- 16.3 The purpose of the interview will be to discuss the final arrangements for the employee's shared parental leave and it will also be an opportunity for him/her to raise any other issues that he/she would like to discuss.
- 16.4 The interview will be an opportunity to discuss with the employee how his/her work will be covered during the shared parental leave, including who will take over the employee's tasks, how the handover will be managed and any other practicalities that arise.
- 16.5 We will discuss the employee's right to shared-parental-leave-in-touch (SPLIT) days and whether or not he/she might be interested in exercising this right. We will also tell the employee how we plan to keep in touch with him/her while he/she is on shared parental leave, what information he/she might expect to receive from us and by what means.
- 16.6 One other important issue that will be discussed is how the employee's holiday entitlement will be managed while he/she is on shared parental leave. It is the Council's usual policy to use any outstanding annual leave for that holiday year, however, the holiday arrangements for employees on shared parental leave may vary depending on the circumstances and will be discussed during the meeting.

17 Shared-Parental-Leave-in-Touch days (SPLIT)

- 17.1 An employee can agree to work or attend training for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as Shared-Parental- Leave-In-Touch days or SPLIT days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes. An employee taking a SPLIT day will receive full pay for any day worked. Any SPLIT days worked do not extend the period of SPL. These 20 days are in addition to the 10 keeping-in-touch days available during maternity leave or adoption leave.
- 17.2 The Council has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the Council and the employee. Similarly employees have no right to undertake any working during their SPL.

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- 17.3 An employee, with the agreement of the Council, may use SPLIT days to work part of a week during SPL. The Council and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

18 Returning to work after Shared Parental Leave

- 18.1 The employee will have been formally advised in writing by the Council of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify otherwise. If they are unable to attend work due to sickness or injury, normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 18.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the Council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 18.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
- 18.4 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
- 18.5 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.
- 18.6 If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.
- 18.7 Where it is not practicable for reason of redundancy for the Council to permit the employee to return to work in their job, the employee shall be entitled to be offered a suitable vacancy where one exists provided the work to be done in the post is suitable and appropriate to the circumstances and that the capacity and place in

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which the employee is to be employed and their terms and conditions of employment are not substantially less favourable to them than if they had been able to return in the job in which they were originally employed.

19 Special Circumstances and further information

Death of the child before or during birth, or within the first year

- 19.1 Should the child die before the parents have submitted a notice of entitlement to take SPL then they cannot opt into SPL because a qualifying condition is caring for a child. The mother may still remain entitled to maternity leave and the mother's partner could still qualify for statutory paternity leave.
- 19.2 If the parents have opted into SPL and they have booked leave, they will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.
- 19.3 An employee who is absent on SPL may cancel agreed SPL and return to work by giving their employer eight weeks' notice of their return to work.

Partner no longer caring for the child

- 19.4 If the circumstances of an employee who has booked SPL change so that they will no longer be responsible for caring for the child (unless it is because the child has died), their entitlement to both SPL and ShPP will immediately cease and they must tell their employer.
- 19.5 If the employee has any SPL arranged within eight weeks of their entitlement ceasing, their employer can still require them to take it as SPL if it is not reasonably practicable for the employer to have their employee in work, for example because cover has been arranged. Any weeks of SPL arranged after eight weeks of their entitlement ceasing must be cancelled.
- 19.6 If the remaining parent will be continuing to care for the child then they will still be eligible to take their SPL entitlement. If the other parent, who is no longer caring for the child had any SPL leave entitlement outstanding, the remaining parent will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement.

Death of a parent during the child's first year

- 19.7 If either parent dies and the other parent is taking, or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for SPL. Should it be necessary for the other parent to take a further period of SPL or to vary pre-agreed leave then notice may be given as soon as is reasonably practicable if eight weeks' notice cannot be given. If they have already given three notices to take leave they must be allowed to submit one further notice to book/amend SPL.

Multiple births/adoptions

- 19.8 An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. The entitlements are, like maternity/paternity leave, the same as if the employee was expecting one child. This also applies to multiple adoptions that occur in a single placement.

**Maldon District
Shared Parental Leave Policy and Procedure**

Summary

In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the Council will abide by any statutory obligations and an employee should refer to related legislation below:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailement of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010
- Employment Relations Act 1999
- Maternity and Parental Leave etc. Regulations 1999
- Maternity and Parental Leave (Amendment) Regulations 2001
- The Maternity and Parental Leave etc. (Amendment) Regulations 2014

**Maldon District
Shared Parental Leave Policy and Procedure**

APPENDIX 1

Shared parental leave: notice of entitlement and intention (mother)

Name of employee:	
Job title:	
I wish to provide an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner.	
Section A: Information to be provided by employee	
My partner's name is:	
My maternity leave [started/is expected to start] on:	
My maternity leave [ended/is expected to end] on:	
My [child's expected week of birth is/child was born on]:	
The total amount of shared parental leave my partner and I have available is:	
I intend to take the following number of weeks' shared parental leave:	
My partner intends to take the following number of weeks' shared parental leave:	
I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):	
The total amount of shared parental pay (if applicable) my partner and I have available is:	
I intend to take the following number of weeks' shared parental pay (if applicable):	

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My partner intends to take the following number of weeks' shared parental pay (if applicable):	
I intend to take shared parental pay on the following dates (if applicable):	
Section B: Declaration to be completed by employee	
<p>I [satisfy/will satisfy] the following eligibility requirements to take shared parental leave, by signing here I confirm;</p> <ul style="list-style-type: none"> • I [have/will have] 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the Council • At the date of the child's birth, I [have/will have] the main responsibility, apart from my partner, for the care of the child • I am entitled to statutory maternity leave in respect of the child • I have [complied with the Council's maternity leave curtailment requirements/returned to work before the end of my statutory maternity leave period], and will comply with the Council's shared parental leave notice and evidence requirements • The information that I have provided is accurate • I will immediately inform the Council if I cease to care for the child <p>Signature: _____</p>	
Section C: Declaration to be completed by employee's partner	
My name is:	
My address is:	
My national insurance number is/ do not have a national insurance number:	
<p>I [satisfy/will satisfy] the following eligibility requirements to enable the mother to take shared parental leave:</p> <ul style="list-style-type: none"> • I have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth • I have average weekly earnings of at least £30 for any 13 of those 66 weeks • At the date of the child's birth, I [have/will have] the main responsibility, apart from the mother, for the care of the child • I am the father of the child, or am married to, the civil partner of, or the partner of, the mother 	

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- I consent to the amount of shared parental leave that the mother intends to take
- I consent to the processing of information provided in this form

Signature: _____

Notes

The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice.

Shared parental leave must be taken in blocks of at least one week.

This notice is to allow the Council to check that you are entitled to shared parental leave and to provide the organisation with an initial indication of the shared parental leave pattern that you wish to take.

The notice is not binding and you must give the Council a period of leave notice at least eight weeks before the first period of shared parental leave in that notice that you wish to take.

Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the Council a variation notice.

**Maldon District
Shared Parental Leave Policy and Procedure**

APPENDIX 2

Shared parental leave: period of leave notice

Name of employee:

Job title:

I wish to take the following period(s) of shared parental leave. Please complete either section A or section B.

Section A: Please fill out if your child has already been born or if you know the exact dates on which you would like to take shared parental leave.

I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):

Section B: Please fill out if your child has not been born yet and you wish your shared parental leave to start either on the day on which your child is born, or a specified number of days after the day on which your child is born.

I wish my shared parental leave to start [on the day on which my child is born/the following number of days after the date on which my child is born]:

I wish my shared parental leave to end the following number of days after the date on which my child is born:

Signed:

Dated:

Notes

You can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case you need the organisation's agreement). The Council will agree up to a maximum of three requests for leave per child.

The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken

**Maldon District
Shared Parental Leave Policy and Procedure**

in blocks of at least one week.

This notice is to confirm to the Council the shared parental leave that you intend to take. You must have already submitted a notice of entitlement and intention before using this form.

The Council recognises that employees' plans can change. However, it is recommended that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend requests for shared parental leave are limited to a maximum of three requests for leave per child.

You and your partner must take any shared parental leave within 52 weeks of the birth of your child.

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APPENDIX 3

Shared parental leave: variation of notice of entitlement and intention

Name of employee:	
Job title:	
<p>I previously provided the Council with an initial indication, in my notice of entitlement and intention dated [date], of my proposed shared parental leave dates. I now wish to amend my proposed shared parental leave dates. My partner and I agree to this change.</p>	
Section A: Information to be provided by employee	
I now intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you now intend to take):	
I have already notified the Council in any period of leave notice or a variation of period of leave notice (if applicable) that I will be taking the following periods of shared parental leave:	
My partner has already notified his/her employer in any period of leave notice or a variation of period of leave notice (if applicable) that he/she will be taking the following periods of shared parental leave:	
I have already notified the Council of the following periods of statutory shared parental pay (if applicable):	
My partner has already notified his/her employer of the following periods of statutory shared parental pay (if applicable):	
Signed (mother):	
Dated (mother):	
Signed (partner):	

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Dated (partner):	
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Notes

The variation of notice of entitlement and intention is not binding. You must still provide a period of leave notice in relation to the period of leave that you are seeking o change. There is no limit on the number of variations of notice of entitlement and intention that you can make, although you can give a maximum of three period of leave notices.

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Shared Parental Leave Policy and Procedure**

Letter confirming continuous Shared Parental Leave dates approved

Date

Private & Confidential

**MALDON DISTRICT
COUNCIL**

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



Enquiries to: Human Resources
Email: human.resources@maldon.gov.uk

Dear xxxx

Thank you for your notice requesting a continuous period of shared parental leave. I can confirm that you are entitled to take the period of shared parental leave requested. Your period of leave will commence on [date] and finish on [date].

During your period of shared parental leave, all the terms of your contract of employment, except your salary, will continue.

Option 1 - employee entitled only to statutory shared parental pay

Instead of your normal salary during your shared parental leave, you will be paid statutory shared parental pay at the rate set by the Government for the relevant tax year. Your statutory shared parental pay period will commence on [date] and end on [date].

Option 2 - employee not entitled to statutory shared parental pay

You will not be entitled to statutory shared parental pay during your shared parental leave because [your normal weekly earnings are below the current lower earnings limit for national insurance contributions/you and your partner [have/will have] received the full 39-week statutory pay entitlement during other periods of statutory [maternity/adoption/shared parental] leave].

If you subsequently wish to cancel the leave or request a variation to the start and/or end date of your period of shared parental leave, you may do so by giving notice at least eight weeks before the original or new date, whichever is earlier. The Council provides a form for you to request a variation to your periods of shared parental leave.

You are eligible to work for the organisation for up to 20 days of work during your period of shared parental leave (known as "shared-parental-leave-in-touch" (SPLIT) days) without bringing your shared parental leave to an end and without the loss of a week's shared parental pay (where it is due in that week). For these purposes, work can also include work that you are required to do under your contract of employment and may include training or any activity done for the purpose of keeping in touch with the workplace such as attendance at conferences, appraisals or team meetings.

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During your period of shared parental leave, the Council may contact you about the possibility of working SPLIT days. You may also write to the Council to request to work on SPLIT days. However, you are under no obligation to agree to attend work and the organisation is under no obligation to offer you SPLIT days. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree to work SPLIT days.

In any event, the Council reserves the right to maintain reasonable contact with you from time to time during your shared parental leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

If you have any questions about any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

Maldon District Shared Parental Leave Policy and Procedure

Letter inviting an employee to a meeting to discuss a request for discontinuous period of shared parental leave

Date

Private & Confidential

**MALDON DISTRICT
COUNCIL**

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



Enquiries to: Human Resources
Email: human.resources@maldon.gov.uk

Dear xxxx

Thank you for your notice requesting the following discontinuous periods of shared parent leave [adapt as required]:

- You have requested that your first period of shared parental leave will start on [date] and finish on [date]
- You have requested that your second period of shared parental leave will start on [date] and finish on [date]
- You have requested that your third period of shared parental leave will state on [date] and finish on [date]

We would like to discuss your request with you to see how your proposed pattern of shared parental leave might work in practice, and also to discuss the potential implications of your suggested pattern of shared parental leave. I would like to invite you to a meeting on [date] at [time]. This will be held in [room] meeting room with an HR representative and [line manager]. You may be accompanied by a trader union representative or workplace colleague, and it is for you to arrange their attendance should you wish to have a companion.

We will endeavour to grant your request where possible, but we will also need to consider the effects of your proposed pattern of shared parental leave on the organisation, the work of your department and your colleagues. It would be helpful if you are willing at the meeting to discuss possible alternatives to the pattern of leave that you have requested with a view to seeking a compromise arrangement that suits both parties (if this is necessary).

Following the meeting, a decision will be made on the feasibility of your requested pattern of shared parental leave and the decision will be communicated to you in writing within 14 days. If we cannot agree to your original request or a compromise arrangement by [date that is two weeks from the date period of leave notice was submitted], you will still have the opportunity to take the leave as on continuous period of leave.

You can also withdraw your period of leave notice requested discontinuous period of leave, as long as you do so by [date that is 15th day after the period of leave notice was submitted]. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

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You can also withdraw your period of leave notice requesting discontinuous periods of leave, as long as you do so by [date that is 15th day after the period of leave notice was submitted]. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

If you have any questions about the meeting or any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

XXXX
XXXX

Maldon District Shared Parental Leave Policy and Procedure

Letter to reject a request for discontinuous periods of shared parental leave

Date

Private & Confidential

**MALDON DISTRICT
COUNCIL**

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



Enquiries to: Human Resources
Email: human.resources@maldon.gov.uk

Dear xxxx

Thank you for your notice requesting discontinuous periods of Shared Parental Leave [and your attendance at a meeting to discuss your request] that was given on [date].

Unfortunately, the Council cannot agree to the periods of shared parental leave that you have requested [and we were unable to reach a compromise]. You requested periods of leave as follows [adapt as required]:

- You have requested that your first period of shared parental leave will start on [date] and finish on [date].
- You have requested that your second period of shared parental leave will start on [date] and finish on [date].
- You have requested that your third period of shared parental leave will start on [date] and finish on [date].

Having given the matter thorough consideration, I regret that the organisation is unable to accommodate your proposed pattern of shared parental leave. The [reason/reasons] for this [is/are] set out below.

This pattern of shared parental leave would [adapt as required]:

- [have a detrimental effect on the organisation's ability to meet its customers' demands;
- have a detrimental effect on the organisation's ability to complete [details of project];
- create unacceptable difficulties for the organisation as it [would be/has been] unable to make arrangements to reorganise your work among other staff;
- create unacceptable difficulties for the organisation in finding suitable cover for you during your absences;
- be inappropriate due to planned structural changes.]

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The reason why this is relevant to your request for discontinuous periods of shared parental leave is [explain further why the employee's request is not workable].

You can still take the leave as one continuous period of leave. To do so, you must choose a start date no sooner than [date that is eight weeks from the date on which the period of leave notice was originally given]. You must notify the organisation of that date by [date that is five days after the end of the two-week discussion period]. If you do not choose a start date by this date, the period of continuous leave will start on [date of the first period of leave requested in the period of leave notice].

You can also withdraw your period of leave notice requesting discontinuous periods of leave, as long as you do so no later than [date that is 15th day after the period of leave notice was submitted]. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to Human Resources.

Yours sincerely

XXXX

XXXX

**Maldon District
Shared Parental Leave Policy and Procedure**

Letter agreeing to discontinuous periods of shared parental leave

Date

Private & Confidential

**MALDON DISTRICT
COUNCIL**

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



Enquiries to: Human Resources
Email: human.resources@maldon.gov.uk

Dear xxxx

Thank you for your notice requesting discontinuous periods of shared parental leave [and your attendance at a meeting to discuss your request]. [The Council agrees to the periods of shared parental leave that you have requested. / Although we were not able to agree to your original request, I am pleased that we were able to reach a compromise.] Your periods of leave will be as follows [adapt as required]:

- Your first period of shared parental leave will start on [date] and finish on [date].
- Your second period of shared parental leave will start on [date] and finish on [date].
- Your third period of shared parental leave will start on [date] and finish on [date].

During each of your periods of shared parental leave, all the terms of your contract of employment, except your [salary/wages], will continue.

Instead of [salary/wages], during [some of] your shared parental leave, you will be paid statutory shared parental pay at the rate set by the Government for the relevant tax year. You will get statutory shared parental pay totalling [number] weeks.

For you, this means that you will be paid as follows [adapt as required]:

- Your first period of shared parental leave, starting on [date] and finishing on [date], will be paid at the statutory rate of [the rate set by the Government for the relevant tax year].
- Your second period of shared parental leave, starting on [date] and finishing on [date], will be paid at the statutory rate of [the rate set by the Government for the relevant tax year] for the first [number] weeks, and the subsequent [number] weeks will be unpaid.
- Your third period of shared parental leave, starting on [date] and finishing on [date], will be unpaid.

Use below if employee is not entitled to statutory shared parental pay

You will not be entitled to statutory shared parental pay during your shared parental leave because [your normal weekly earnings are below the current lower earnings limit for national insurance]

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contributions/you and your partner [have/will have] received the full 39-week statutory pay entitlement during other periods of statutory [maternity/adoption/shared parental] leave].

If you subsequently wish to cancel one or more periods of shared parental leave or request a variation to the start and/or end dates of any of your periods of shared parental leave, you may do so by giving notice at least eight weeks before the original or new date, whichever is earlier. [The Council provides a form for you to request a variation to your periods of shared parental leave.]

You are eligible to work for the organisation for up to 20 days of work during your periods of shared parental leave (known as "shared-parental-leave-in-touch" (SPLIT) days) without bringing your shared parental leave to an end and without the loss of a week's shared parental pay (where it is due in that week). For these purposes, work can also include work that you are required to do under your contract of employment and may include training or any activity done for the purpose of keeping in touch with the workplace such as attendance at conferences, appraisals or team meetings.

During your periods of shared parental leave, the Council may contact you about the possibility of working SPLIT days. You may also write to the Council to request to work on SPLIT days. However, you are under no obligation to agree to attend work and the Council is under no obligation to offer you SPLIT days. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree to work SPLIT days.

In any event, the organisation reserves the right to maintain reasonable contact with you from time to time during your shared parental leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to Human Resources.

Yours sincerely

**Maldon District
Shared Parental Leave Policy and Procedure**

Letter inviting employee to a pre-shared Parental Leave interview

Date

Private & Confidential

**MALDON DISTRICT
COUNCIL**

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



Enquiries to: Human Resources
Email: human.resources@maldon.gov.uk

Dear xxxx

As your shared parental leave is approaching and [your first period of leave] is due to begin on [date], I am writing to you to invite you to a pre-shared parental leave interview on [date] at [time].

The meeting will be to discuss the final arrangements for your shared parental leave and it will also be an opportunity for you to raise any other issues that you would like to discuss. Issues that we would like to discuss with you include [list the appropriate points and expand on them as necessary]:

- how your work will be handed over to [your colleagues/name of individual doing shared parental leave cover];
- how we will maintain contact with you while you are on shared parental leave;
- the possibility of you working shared-parental-leave-in-touch (SPLIT) days while you are on shared parental leave; and
- how your holiday entitlement will be managed while you are on shared parental leave.

I enclose a copy of our shared parental leave policy which sets out the structure of the pre-shared parental leave interview.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to Human Resources.

Yours sincerely

XXXX
XXXX

**Maldon District
Shared Parental Leave Policy and Procedure**

Letter from employer to employee on shared parental leave asking him or her to attend a shared-parental-leave-in-touch (SPLIT) day

Date

Private & Confidential

**MALDON DISTRICT
COUNCIL**

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



Enquiries to: Human Resources
Email: human.resources@maldon.gov.uk

Dear xxxx

We hope that you are well and enjoying your shared parental leave.

In accordance with statutory shared parental leave provisions, you are eligible to work for up to 20 days during your shared parental leave without bringing your shared parental leave and pay to an end.

For these purposes, "work" can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

We would like to invite you to attend work on [date(s)] for the purpose of [details of what the employee will be doing during shared-parental-leave-in-touch day]. Please be aware that you are under no obligation to agree to attend work. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree. However, given that one of the purposes of coming to work is to enable you to keep in touch with the workplace during your absence, we would hope that you will agree. We would be grateful if you could let [name] know by no later than [date] whether or not you are willing to agree to work for us on [date(s)].

If you are entitled to receive statutory shared parental pay for the week in which we have asked you to attend work, you will still receive this in the usual way. In addition, we would also pay you for the number of hours that you work on [date(s)] at your normal rate of pay

We look forward to hearing from you.

Yours sincerely

xxxx
xxxx

**Maldon District
Shared Parental Leave Policy and Procedure**

Letter from employer to employee on shared parental leave asking him or her to attend a shared-parental-leave-in-touch (SPLIT) day

Date

Private & Confidential

**MALDON DISTRICT
COUNCIL**

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



Enquiries to: Human Resources
Email: human.resources@maldon.gov.uk

Dear xxxx

We hope that you are well and enjoying your shared parental leave.

In accordance with statutory shared parental leave provisions, you are eligible to work for the organisation for up to 20 days during your shared parental leave without bringing your shared parental leave and pay to an end.

For these purposes “work” can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

We would like to invite you to attend work on [date(s)] for the purpose of [details of what the employee will be doing during shared-parental-leave-in-touch-day]. Please be aware that you are under no obligation to agree to attend work. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree. However, given that one of the purposes of coming to work is to enable you to keep in touch with the workplace during your absence, we would hope that you will agree. We would be grateful if you could let [name] know by no later than [date] whether or not you are willing to agree to work for us on [date(s)].

If you entitled to receive statutory shared parental pay for the week in which we have asked you to attend work, you will still receive this in the usual way. [In addition, we would also pay you for the number of hours that you work on [date(s)] at your normal rate of pay.

We look forward to hearing from you.

Yours sincerely

xxxx
xxxx

**Maldon District
Shared Parental Leave Policy and Procedure**

Letter responding to employee's request to attend a shared-parental-leave-in-touch (SPLIT) day

Date

Private & Confidential

**MALDON DISTRICT
COUNCIL**

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



Enquiries to: Human Resources
Email: human.resources@maldon.gov.uk

Dear xxxx

We refer to your letter/email dated [date]. We are delighted to hear that you are enjoying your shared parental leave.

In accordance with the statutory shared parental leave provisions, you have requested to attend work on [date(s)] for the purpose of [details of what the employee wishes to do during shared-parental-leave-in-touch (SPLIT) day]. If the organisation agrees, you are eligible to work for up to 20 days during your shared parental leave without bringing your shared parental leave and pay to an end.

For these purposes, "work" can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

[In the circumstances, the Council is happy to agree to your request to attend work on [date(s)]. Could you therefore please contact [name] as soon as possible to make the necessary arrangements for your attendance at work on [this date/these dates]. If you are entitled to receive statutory shared parental pay for the [week/weeks] in which we have agreed you can attend work, you will still receive this in the usual way. In addition, we will also pay you for the number of hours that you work on [date(s)] at your usual rate of pay.

Please be aware that, if you work for more than 20 days during your shared parental leave, you will lose entitlement to statutory shared parental pay for the week in which you work.]

[OR]

In the circumstances, having carefully considered the operational needs of its business, the Council is unfortunately unable to agree to your request to attend work on [date(s)].

Thank you for kindly offering to work for us during your shared parental leave. As we are unable to accommodate your request, we now look forward to your returning to work from shared parental leave on [date]. In the meantime, we hope you continue to enjoy the remainder of your shared parental leave.]

Maldon District Shared Parental Leave Policy and Procedure

Yours sincerely

Letter informing an employee of ineligibility to take shared parental leave

Date

Private & Confidential

**MALDON DISTRICT
COUNCIL**

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



Enquiries to: Human Resources
Email: human.resources@maldon.gov.uk

Dear xxxx

Thank you for notifying us that you wish to take shared parental leave. Unfortunately, you are not eligible to take this type of leave.

Example 1 - expected date of childbirth was before 5 April 2015

We understand that your child's [expected date of childbirth/date of placement/date of entry into Great Britain] was [date that is before 5 April 2015]. Shared parental leave is available only to employees whose child [is expected to be born/is placed for adoption with them/enters Great Britain] on or after 5 April 2015. As a result, you are not eligible for shared parental leave.

[You/your partner] may still be eligible for additional paternity leave details of which are shown in the Parental Leave Policy and Procedure, further your partner can ask his/her employer about this right.

Example 2 - insufficient service or earnings

The reason for your ineligibility to take shared parental leave is that your length of continuous service with the organisation, calculated as at the end of the [15th week before the baby's expected week of birth/week in which you are notified of having been matched for adoption with the child/week in which you received official notification in relation to an adoption from overseas], [was/will be] less than 26 weeks.

OR

Your partner has not been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the [expected week of childbirth/the week in which you were notified of having been matched for adoption with the child/the week in which the child entered Great Britain in relation to an adoption from overseas].

OR

Although your partner has been [employed/a self-employed earner] in at least 26 of the 66 weeks immediately preceding the [expected week of childbirth/the week in which you were notified of

**Maldon District
Shared Parental Leave Policy and Procedure**

having been matched for adoption with the child/the week in which the child entered Great Britain in relation to an adoption from overseas], he/she does not have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks.]

Example 3 - lack of parental responsibility

The reason for your ineligibility to take shared parental leave is that, at the date [of the child's birth/of the child's placement for adoption/entry into Great Britain in relation to an adoption from overseas], [you/your partner] did not have the required responsibility for the care of the child.

Example 4 - mother/primary adopter not entitled to maternity/adoption leave

The reason for your ineligibility to take shared parental leave is that [you are/your partner is] not entitled to statutory [maternity/adoption] leave in respect of the child.

If you would like to discuss your application for shared parental leave, the reasons for your ineligibility, or other types of leave to which you may be entitled, please contact [name] on [telephone number].

Yours sincerely

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Title Shared Parental Leave Policy	Date August 2016	Officer Preparing Cally Darby Learning and Engagement Officer
1. Background		
1.1 Description of proposal / policy / service (Including aims, outcomes and in the case of an existing service how long it has been delivered in its current format)		
<p>The Shared Parental Leave Policy enables eligible parents to choose to share the care of their child during the first year after the child's birth or adoption.</p>		
1.2 Who are the users of the proposal / policy / service (Refer to data held about the users of the service i.e. numbers of users, demographic breakdown. Having this information is important to understand which sectors of the community might be affected. If that is not available refer to the demographic data held on the intranet.)		
<p>Any member of staff becoming a parent, including through adoption.</p>		
1.3 Have users been consulted with? (Have you carried out consultation with users or stakeholders while drawing up the proposal / policy / service? For example, have you carried out a formal consultation, discussed the issue with a Friends/User Group or consulted with stakeholders? If so, outline the results and how it has informed your plans. It's also important to show whether the target audience was reached during the consultation.)		
<p>The union (Unison) has been consulted with.</p>		
1.4 If the analysis is regarding an existing Service, what are users' views of that Service? (Base your view on evidence such as satisfaction surveys, levels of compliments and levels of complaints).		
<p>Not applicable.</p>		

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

2. Equality Aims – consider how the proposal / policy / service meets the three Equality Aims listed in the Equality Act.

Aim	How does the proposal / policy / service meet the equality aim?	Action or addition needed in order that the proposal / policy / service meets the aim?
2.1 To eliminate unlawful discrimination, harassment and victimisation	Ensuring that same sex couples are treated fairly and equally within the policy ensures that there is no discrimination and that there is equality of opportunity.	
2.2 To advance equality of opportunity between people who share a protected characteristic and those who do not	Allowing parents of both sexes to share their parental leave ensures equal treatment and opportunity for both sexes.	
2.3 To foster good relations between those who share a protected characteristic and those who do not		

3. Equality Impacts – examine how the proposal / policy / service impacts on the community. Base the analysis on evidence. Attach additional documents if necessary.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.1 Age (What will the impact be on different age groups such as younger or older people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.2 Disability (Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3.3 Pregnancy and Maternity (Think about pregnancy, new and breastfeeding Mums)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The shared parental leave policy is a positive impact that puts those who have had (or adopted) a child in control of how they divide their maternity leave with a partner. There are no longer assumptions and instead the mother/adopter and father/partner have options to divide the parental leave in the best way to suit them.	
3.4 Sex (is the service used more by one gender and are the sexes given equal opportunity?)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There is now equality between the sexes in terms of sharing leave so that the father of the child/male partner also has options to take parental leave.	
3.5 Gender Reassignment (Is there an impact on people who are going through or who have completed Gender Reassignment?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.6 Religion or belief (Includes not having a religion or belief)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3.7 Sexual Orientation (What is the impact on heterosexual, lesbian, gay or bisexual people?)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same sex couples are treated equally within the policy and have the same rights as male/female couples.	
3.8 Race (Includes ethnic or national origins including Gypsies and Travellers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3.9 Socio-Economic Group (Will people of any particular socio-economic group be particularly affected?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
4. Is there a Cumulative Impact? (If the same group is the subject of many changes or reductions the overall impact is much greater. Consider what else is happening within Maldon District Council that may have an impact and also what we know is happening elsewhere (such as Essex County Council). See Guidance for further advice.) No					
5. Outcome					
5.1 Consider all the analysis and evidence above and indicate (1) No change needed <input checked="" type="checkbox"/> (2) Adjust <input type="checkbox"/> (3) Adverse impact but continue <input type="checkbox"/> (4) Stop, remove the proposal / policy / service <input type="checkbox"/>					

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

5.2 Adjustments If option (2) above is selected please detail what adjustments are needed, who is responsible and how that will be reviewed. Also outline how that will be agreed (ie Committee, CMT).
5.3 Decision Making (How will this equality analysis be taken into account during the decision making process? For example will it be included with a report to Committee/CMT? Will it be considered at department level or by a Head of Service? How will community/stakeholders views be taken into account?)
6.0 Next Steps
6.1 If there was a lack of evidence or data held on which to base this assessment, how will that gap be addressed for the future?
6.2 Summary of actions highlighted within this analysis (Include how this will be picked up within service/work plans)
6.3 Arrangements for future monitoring of equality impact of this proposal / policy / service
6.4 Approved by (Manager or Head of Service signature and date)
Once approved please forward this analysis to Cally Darby to arrange publication.

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**Maldon District Council
Smoking Policy and Procedure**

Document Control Sheet

Document title	Smoking policy and procedure
Summary of purpose	The purpose of this policy and procedure is to inform employees and agency workers of the Council's Smoking Policy.
Prepared by	HR
Status	
Version number	1
Approved by	
Approval date	– xxx
Date of implementation	September 2016
Review frequency	
Next review date	As required by legislative changes
Circulation	All Staff
Published on the 's website	

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

If you would like this information in large print, Braille or another language, please contact HR.



**MALDON DISTRICT
COUNCIL**

Policy and Procedure Overview

1 Introduction

- 1.1 The Council recognises that the health, safety and welfare of employees, sub-contractors and anyone else directly affected by the Council's operations are of prime importance. The Council has therefore developed and enforces a dedicated smoking policy, conforming to the requirements of the smoke-free legislation.

Benefits of a smoke free organisation for the employees

- A tobacco-free environment helps create a safer, healthier workplace
- Workers who are bothered by smoke will not be exposed to it at work
- Tobacco users who want to quit may have more of a reason to do so
- Those who use tobacco may appreciate a clear company policy about tobacco use at work

2 Who does this policy apply to?

- 2.1 This policy applies to all employees of the Council as well as agency workers who undertake activities on behalf of the Council.
- 2.2 Failure to comply with this mandatory policy may result in disciplinary action being taken against that employee in line with the Council's Disciplinary Policy and Procedure.
- 2.3 As part of the Council's induction process, new starters will be told about this policy and shown where it is located.

3 Prohibition on smoking

- 3.1 Smoking is prohibited within the Council's premises, except in certain designated outside areas. Employees and agency workers may smoke only by the 'Butt Bin's' which are located;

- At Maldon District Council offices: by the bin store in the car park area
- At the Tourist Information Centre: within Butt Lane car park at the rear of the office
- At the Promenade Park Depot: Location to be confirmed

The Council provides a receptacle for smokers to dispose of cigarette butts and other smoking waste where smoking is prohibited.

Maldon District Council Smoking Policy and Procedure

- 3.2 A further 'Butt Bin' is located at Maldon District Council offices by the entrance to reception; this is for the purposes of visitors to the Council only and is not to be used by employees or agency workers.
- 3.3 Employees and agency workers who go outside to smoke are restricted to taking two short smoking breaks during a working day. Employees and agency workers should inform their manager if they wish to take a smoking break and ensure there is sufficient cover before taking the break. All breaks taken shall be recorded on the individual's timesheet.

4 Vehicles

- 4.1 The Council does not permit workers to smoke in any company vehicle.

5 Homeworkers

- 5.1 Homeworkers are not required to refrain from smoking during the course of work that is carried out for the Council in their home, unless they invite others into an area of their home for work purposes.

6 Electronic Cigarettes

- 6.1 The Council acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to giving up smoking. E-cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user.
- 6.2 Although they fall outside the scope of smoke-free legislation, the Council prohibits the use of e-cigarettes in the workplace. The Council's rationale for a ban on e-cigarettes is that:
- although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees
 - some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors, customers and other employees that it is acceptable to smoke

7 Signage

- 7.1 The Council displays signs that make it clear that smoking is prohibited on its premises. The Council also requires that no-smoking signs are displayed in those of its vehicles that are subject to the ban.

8 Assistance for employees to give up smoking

- 8.1 The Council recognises the difficulty that employees who wish to give up smoking may face. To support employees, the Council offers a free and confidential Employee Assistance Programme (EAP) to all staff. This service is delivered by Workplace Options, an independent provider of employee support services. To access the website, go to www.workplaceoptions.com Click on 'Member Login' then enter; User name: **Maldon** / Password: **employee**
- 8.2 Assistance is also available from <http://www.nhs.uk/smokefree>

9 Non compliance

- 9.1 Any infringement of these rules by an employee may result in appropriate disciplinary action, which will be dealt with in accordance with the Council's Disciplinary Policy and Procedure. Agency workers will be dealt with according through the agency which they are contracted by.
- 9.2 Employees are also reminded that it is a criminal offence for employees to smoke in smoke-free areas, with a fixed penalty of £50 or prosecution and a fine of up to £200.



REPORT of DIRECTOR OF RESOURCES

to
COUNCIL
27 OCTOBER 2016

COMMITTEE MEMBERSHIP SUBSTITUTIONS – DEADLINE FOR NOTICES

1. PURPOSE OF THE REPORT

- 1.1 To agree a minor revision to the Council and Committee Procedure Rules to make provision for a deadline to give notice of substitutions where a meeting is to be held during the day.

2. RECOMMENDATION

That the Council agrees to revise the Council and Committee Procedure Rule 17(9) to read as follows:

A Member of a Committee shall, if the Member wishes another Member of the political group to which the Member belongs to attend a meeting of that Committee in his place, give the Chief Executive and the Leader written notice not later than three hours before the published start time of that meeting that the Member is unable to attend and that the substitute Member named in the notice will attend in his place.

3. SUMMARY OF KEY ISSUES

- 3.1 The Procedure Rule as currently worded requires notice of Committee membership substitutions to be delivered to the Chief Executive by no later than 5pm on the day of the meeting. This assumes that meetings will be held at 7.30 p.m. It has however been the practice to hold some meetings during the working day and if this is to continue then a different deadline for the receipt of substitution notices will be required. The simple option appears to be to introduce the single deadline of three hours before the published start time of the relevant meeting.

4. LINKS WITH CORPORATE GOALS

- 4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the overarching principle of being efficient and effective.

5. IMPLICATIONS

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager, (Tel. 01621 875745).



REPORT of DIRECTOR OF CUSTOMERS AND COMMUNITY

**to
COUNCIL
27 OCTOBER 2016**

APPOINTMENT OF MEMBER REPRESENTATIVES ON THE COASTAL COMMUNITY TEAMS

1. PURPOSE OF THE REPORT

- 1.1 To agree Member representation on the Coastal Community teams and arrangements for appointments to be reviewed and made in the future.

2. RECOMMENDATIONS

- (i) That the Council agrees that the decision of the Community Services Committee in 18 April 2016 (Minute 1141(i) refers) is restated to relate to both the Maldon and Blackwater Estuary and River Crouch Coast Community Teams;
- (ii) That the Council agrees that the future review and making of appointments to the two Coastal Community Team Management Committees should rest with the Planning and Licensing Committee and the Community Services Committee at their first meetings each new Municipal Year.

3. SUMMARY OF KEY ISSUES

- 3.1 The Council though the Planning and Licensing Committee has with assistance of grant funding established Coastal Community Teams for the Maldon and Blackwater Estuary and the River Crouch Estuary. The Teams have already produced Economic Plans which were endorsed by the Committee in March 2016. At the same meeting, consideration was given to the Member representation on both teams. The Committee decided to appoint its Chairman and Vice-Chairman
- 3.2 At the March 2016 meeting of the Committee, it was resolved that the Chairman and Vice-Chairman of the Committee be appointed to serve on the Management Committee of the two Teams, with Councillors E L Bamford and P G L Elliott as named substitutes. Since the constitutional arrangements provide for two local authority representatives for each Team it was decided to invite the Community Services Committee to nominate accordingly.
- 3.3 It appears that the recommendation in the report to the Planning and Licensing Committee on 3 March 2016 designed to refer the matter to the Community Services Committee made mention of only the Maldon and Blackwater Estuary Team. At the

subsequent meeting of the Community Services Committee that the Chairman and Vice-Chairman of the Community Services Committee or his / her substitute were nominated to join the Management Team of the Maldon and Blackwater Estuary Coastal Community Team. Clearly that is over-representation on the one Team and cannot occur. Although the issue of Member representation on the River Crouch Estuary Team was raised it was not dealt with.

- 3.4 At the statutory annual meeting of the Council in May, the Planning and Licensing Committee appointments were included in the list of Appointments of Representatives on Outside Bodies and endorsed.
- 3.5 The work of these teams is progressing and it is important to finalise the Member representation. The two matters for immediate consideration are:
- i) Appointment of two representatives and substitutes from the Community Services Committees;
 - ii) Whether the future review and making of appointments should rest with the individual Committees.
- 3.6 In the interests of expediency, it is open to the Council to seek to clarify the Member representation position and with the benefit of hindsight it would best to interpret the previous decision of the Community Services Committee (Minute 1141(i) refers) to relate to both the Maldon and Blackwater Estuary and the Crouch Estuary Teams in line with that of the Planning and Licensing Committee. This would then enable either the Chairman or Vice-Chairman of each Committee to serve on one of the two Teams' Management Committees.
- 3.7 It is also open to the Council to agree at which level future appointments in respect of these Teams should be made. It is arguable that these Teams are not outside bodies in the strict sense on which this Council is invited to be represented, rather they are stakeholder/user groupings set up by this Council as the 'accountable body'. In that sense, each Committee could deal with the review and making of appoints to these Teams at their first meeting in the Municipal Year alongside other Working Groups, Liaison Panels etc.

4. LINKS WITH CORPORATE GOALS

- 4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the overarching principle of being efficient and effective.

5. IMPLICATIONS

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.

- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager, (Tel. 01621 875745).

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REPORT of DIRECTOR OF RESOURCES

**to
COUNCIL
27 OCTOBER 2016**

FORWARD PLANNING ARRANGEMENTS

1. PURPOSE OF THE REPORT

- 1.1 To seek Council endorsement for proposed arrangements to enable improved communication on cross-cutting issues and forward planning within the organisation.

2. RECOMMENDATION

- 2.1 That the Council endorses the proposal set out in this report.

3. SUMMARY OF KEY ISSUES

- 3.1 During a recent round table discussion with the Leader of the Council, Deputy Leader of the Council, and Committee Chairmen and Vice-Chairmen, various ways in which improved and effective communication between Members and Officers were proposed. Arising from this it was considered beneficial to put in place arrangements for a periodic meeting between the Leader, Deputy Leader, Committee Chairmen (or Vice-Chairmen in their absence) and the Corporate Leadership Team to facilitate communication on cross-cutting issues and forward planning. It is envisaged that such meetings will take place every six weeks.
- 3.2 As with similar other liaison arrangements, working groups and panels, these meetings will not have any executive or delegated powers and will therefore not take any decisions on behalf of the Council. The meetings will however provide an opportunity to improve communication on current issues and provide a level of guidance to Officers who will follow up as necessary though report to the Council and its Committees in the normal way.

4. LINKS WITH CORPORATE GOALS

- 4.1 While having no specific constitutional implications, the review and updating of the corporate governance arrangements underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the overarching principle of being efficient and effective.

5. IMPLICATIONS

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager, (Tel. 01621 875745).

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