

Social Media Policy



Walsall Council

Version Control

Document title	Social Media Policy		
Owner	Human Resources		
Status	Draft	Version	1.0
Effective from	TBC	Approved on	TBC
Last updated	08/08/2019	Last updated by	HR Strategy & Planning
Purpose	To provide clear guidance for employees and managers regarding the use of social media and its relationship with work and employment.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Email & Internet Usage Policy
- Grievance and Dignity at Work Policy
- Disciplinary Policy
- Code of Conduct
- Confidential Reporting Policy
- Workforce Strategy
- Behaviour & Standards Framework
- Information Governance Policy Framework
- Acceptable User Policy
- Social media guidance for Councillors

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential and this policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards framework.
- 1.5 The social media policy provides clear guidance for employees and managers regarding the use of social media and its relationship with work and employment.
- 1.6 For the purposes of this policy, social media is a type of interactive online media that allows parties to communicate instantly with each other or to share data in a public forum. This includes online social forums such as Twitter, Facebook and LinkedIn, blogs and video / image-sharing websites such as YouTube and Flickr – this list is not exhaustive.
- 1.7 Employees should be aware that there are many more examples of social media than can be listed here and this is a constantly changing area. Employees should follow these guidelines in relation to any social media that they use.

2.0 Scope

- 2.1 This policy applies to all council employees including contractor, agency staff and volunteers;
- 2.2 With the exception of;
- 2.2.1 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.

3.0 Principles

3.1 Corporate social media accounts

- 3.1.1 The official accounts for the council allow us to target communication with service users, deliver messages and information directly, engage and be open to challenge, and open up access to our officers and councillors.
- 3.1.2 These accounts have a clear purpose and audience and are evaluated against those criteria. When using these accounts, remember that they are public sites, therefore you must consider the following:
- Before publishing content on official channels, ensure that you communicate with and seek clearance from your line manager. Managers may authorise one off posts or give authorisation for ongoing publishing.
 - Use common sense when posting items. Think about the intended audience and the consequences of making remarks about the council. Ensure all posts are appropriate and politically impartial.
 - Take into account cultural sensitivities and avoid posting anything that could be considered offensive by anyone who may see the page.
 - You must not participate in any discussions that may bring the council into disrepute and you must not give advice or information that you know to be contrary to the council's policies or interests.
 - You must avoid making negative comments against the council, Cabinet, Councillors, management or colleagues, and/or about decisions that have been made, either by Councillors or management.
 - You must not reveal sensitive or confidential information relating to the council, its employees or individual service users and/or their relatives. Should you become aware of colleagues being involved in such discussions you must report it as a potential data breach incident to your line manager and where appropriate use the procedure for reporting and managing data breaches.
 - Confidential council or business information must not be loaded onto a corporate social media site (or a personal or business site) without the appropriate senior managerial sign off and without compliance to the council publication scheme.
 - You should not upload images or video files of work based activities unless authorised by your line manager and the communications team.

You should not upload images or video without explicit and informed consent of the people in it, and not upload any items which breaks copyright laws.

- Do not post or share anything which could be construed as advertising or promoting a commercial company unless specifically authorised in relation to council services and products.
- Never click links that have been shared by others via social media without ensuring they do not pose a risk to council information or network security.
- When contributing to an official weblog or 'blog' connected to the council, as agreed by the Head of Service and the Corporate Assurance Manager, then the employee will be told the details of how to operate and areas to write about.
- If there is evidence of abuse of the use of social media sites, disciplinary action may be taken against the individuals concerned.

3.1.3 If you wish to apply for an official social media account please contact the communications team on: communications@walsall.gov.uk.

3.2 Personal access to social media during the work day

- 3.2.1 In line with the email and internet usage procedure, employees are allowed to make reasonable and appropriate use of social media from the organisation's computers or devices, provided that this does not interfere with their duties.
- 3.2.2 Employees may access social media from the organisation's computers or devices at certain times (provided that they are not undertaking overtime). Employees should limit their use of social media to their own time (breaks or pre / post- working hours).
- 3.2.3 The council understands that employees may wish to use their own computers or devices to access social media while they are at work. Employees should limit their use of social media on their own equipment to their own time (breaks or pre / post- working hours).

3.3 Accessing social media from council equipment

- 3.3.1 Employees must not use council equipment for any unlawful internet usage, or use the internet to break or conspire to break the law, in particular, employees must refrain from:
- Inappropriate use of internet services and websites. This shall include but not be limited to creating, accessing, distributing or storing pornographic, racist, sexist, homophobic, harassing, defamatory or in any other way discriminatory or offensive material likely to cause offence to others, or the possession of which would constitute a criminal offence;
 - Making unwelcome propositions;
 - Promoting any form of criminal activity;

- Gambling, partaking in multi-player games or soliciting for personal gain or profit;
- Creating an online diary, web log or 'blog' using the council's ICT facilities, whether in working hours or their own time (unless they have been asked to contribute to an official weblog connected to the council). ('Blogging' refers to the development of an online diary, journal or web log, which enables users to contribute to or view regular updates within the journal or online diary. Blogging is the act of updating or contributing to a blog, and the creator of a blog is known as a blogger.);
- Undertaking any form of political advocacy and/or the endorsement of commercial products or services;
- Deliberately use the council's internet or intranet facilities to propagate any virus, worm, Trojan horse or trap-door program code or other malicious software.

3.4 Monitoring social media use on council equipment

3.4.1 The council reserves the right to monitor employees' use of social media on the organisation's equipment but will endeavour to inform an affected employee when this is to happen and the reasons for it. The Head of Service or higher for the service area concerned will determine whether there is sufficient reason for an investigation, in particular where there appears to have been;

- personal use of social media when the employee should be working;
- a breach of council policies and procedures
- activity that may bring the council into disrepute.

3.4.2 Monitoring may only be conducted in a manner that is necessary and proportionate.

3.4.3 Monitoring will consist of checking the social media sites that an employee has visited, the duration of such visits and the content that the employee has contributed on such sites.

3.4.4 Monitoring will normally be conducted by the council ICT security team. The information obtained through monitoring may be shared internally, including with members of the HR team, an employee's line manager, and managers in the business area in which the employee works if access to the data is necessary for performance of their roles. However, information would normally be shared in this way only if the organisation has reasonable grounds to believe that there has been a breach of the rules set out in this policy.

3.4.5 The information gathered through monitoring will be retained only long enough for any breach of this policy to come to light and for any investigation to be conducted.

3.4.6 Information obtained through monitoring will not be disclosed to third parties (unless the council is under a duty to report matters to a regulatory authority or to a law enforcement agency).

- 3.4.7 Workers have a number of rights in relation to their data, including the right to make a subject access request and the right to have data rectified or erased in some circumstances. If employees' believe that the council has not complied with their data protection rights they can find further details of these rights and how to exercise them on the Information Governance and Assurance intranet pages. Ultimately they can complain to the Information Commissioner.

3.5 Using social media in a personal capacity

- 3.5.1 The council recognises that many employees make use of social media in a personal capacity, and, while they are not acting on behalf of the organisation, employees must be aware that they can still damage the council if they are recognised as being one of our employees.
- 3.5.2 Employees are allowed to say that they work for the council, which recognises that it is natural for employees to sometimes want to discuss their work on social media. However, the employee's online profile (for example, the name of a blog or a Twitter name) must not contain the council's name.
- 3.5.3 If employees do discuss their work on social media (for example, giving opinions on their specialism or the sector in which the organisation operates), they must include on their profile a statement along the following lines: "The views I express here are my own and do not necessarily reflect the views of my employer."
- 3.5.4 Any communications that employees make in a personal capacity through social media must not:
- bring the organisation into disrepute, for example by:
 - criticising or arguing with customers, colleagues, management / Councillor decisions or rival organisations;
 - making defamatory comments about individuals or other organisations or groups; or
 - posting images that are inappropriate or links to inappropriate content;
 - breach confidentiality, for example by:
 - revealing trade secrets or information owned by the organisation;
 - giving away confidential information about an individual (such as a colleague, customer or service user) or organisation (such as a rival business); or
 - discussing the organisation's internal workings (such as work that it is undertaking with a customer/client or its future strategic/business plans that have not been communicated to the public);
 - breach copyright, for example by:
 - using someone else's images or written content that is subject to copyright protections without permission;
 - failing to give acknowledgement where permission has been given to reproduce something; or

- do anything that could be considered discriminatory against, or bullying or harassment of, any individual, for example by:
 - making offensive or derogatory comments or posting offensive images or links to such content relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age;
 - using social media to bully another individual (such as an employee of the organisation);
- 3.5.5 Employees are free to set up personal weblogs or "blogs" (in either written or video format) on the internet, provided that they do not breach the law or disclose confidential council information, breach copyright, defame the council or its suppliers, customers or employees, or disclose personal data or information about any individual that could breach the Data Protection Act 2018 or result in a conflict of interest with their role and / or duties. Employees must not use the council website, internet systems or intranet for their weblog and must not write their weblog in work time.
- 3.5.6 The council does not encourage employees to blog about their work in any way and would prefer them not to do so. If individuals choose to do so then they should follow the rules below. Employees who have a weblog should not disclose the name of the council on it or allow it to be identified by any details at all. The following guidelines apply;
- Employees should state to their readers/viewers that the views that they express are theirs only and that they do not necessarily reflect the views of the council. They should include a notice along the following lines :: "The views I express on this website/weblog are my own and do not necessarily reflect the views of my employer".
 - Employees must not disclose any information that is confidential or proprietary to the council or to any third party that has disclosed information to the council.
 - Employees should be aware that other organisations within the local government (or associated) sectors may employ individuals to read the personal weblogs of the council's employees to glean information about, for example, their work, services and employee morale, and that their weblog may be being read in this way.
 - If employees choose to write about their work even without identifying the precise council name it may still be possible for people to work out the employer's identity. Individuals should always be conscious of their duty as employees to act in good faith and in the best interests of their employer under law. This duty of fidelity to the employer is a very strong legal obligation. The council will not countenance criticisms in weblogs. Even where they are true and not defamatory, they will amount to a breach of employee duties and could lead to action under the council's disciplinary policy.
 - Employees should not link their site to that of the council.
 - Although employees should take their own legal advice on their weblog, they should be careful not to:

- include material that breaches copyright, and should link to other material rather than cutting and pasting it;
- defame (libel) anyone;
- include personal information about an individual without his/her consent, otherwise they risk breaching the Data Protection Act 2018, which is a criminal offence;
- include material that is sexist, racist or otherwise actionable;
- bring the council into disrepute.

3.6 Social media and the recruitment process

- 3.6.1 There should be no systematic or routine checking of prospective employees' online social media activities, as conducting these searches during the selection process might lead to a presumption that an applicant's protected characteristics (for example, sexual orientation or religious beliefs) played a part in a recruitment decision.
- 3.6.2 HR and managers may only conduct searches of social media following shortlisting where directly relevant to the applicants skills stated on a job application and / or claims made at interview, and where use of social media is requirement in the job they have applied for. For example;
- Where a prospective employee claims that they have used social media in their previous job (for example a publicity tool)
 - Where a prospective employee's claims it is a skill in which they are proficient (for example if they run a blog based around a hobby)

The prospective employee must be informed prior to any social media searches being made.

3.7 Misuse of social media

- 3.7.1 All employees are required to adhere to this policy. Access to particular social media may be withdrawn in any case of misuse.
- 3.7.2 Improper or inappropriate personal use of the council's email and Internet systems may result in disciplinary action and the services being withdrawn
- 3.7.3 Employees should note that any serious breaches of this policy, for example incidents of bullying of colleagues or social media activity causing serious damage to the council whether via council equipment or personal accounts, may constitute gross misconduct and lead to summary dismissal.

4.0 Accountabilities

4.1 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- Ensuring that employees are aware of their responsibilities in accordance with this policy
- Executive Directors take a particular responsibility for promoting the services of the Council and highlighting excellent delivery to our residents. This may be through their own accounts, corporate accounts or in conjunction with their teams.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and should ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- Should not spend an excessive amount of time while at work using social media corporate accounts. They should ensure that use of social media does not interfere with their other duties, as this is likely to have a detrimental effect on employees' productivity;
- Raise any issues or concerns regarding compliance with their line manager in order to seek a resolution;
- Comply with the requirements of this policy and procedure.

Probation Policy



Walsall Council

Version Control

Document title	Probation Policy		
Owner	Human Resources	Status	Draft
Version	1.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	09/08/19	Last updated by	HR Strategy and Planning
Purpose	To provide a framework within which both employees and managers can objectively assess an employee's suitability for a new role in the council.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Recruitment and Selection Policy
- Performance and Ill Health Capability Policy
- Workforce Strategy
- Behaviour & Standards Framework
- Recruitment and Selection Toolkit
- Sickness Absence Policy
- Probation Guidance

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximized and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential and this policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council delivers and through a culture of continuous improvement, the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 The purpose of the probationary procedure is to provide a framework that can be used to support the integration of new employees into the council and assess their suitability for a new role.
- 1.6 Probation is intended to work as a two-way process, in which the employee and the line manager are both given the opportunity to discuss and monitor progress against set standards and targets and raise any concerns, in order to ensure that the employee is able to perform their new role to the best of their ability, and is fully supported do to so by their manager.
- 1.7 The probationary process should be carried out in conjunction with the employee's induction process and employees should be supported throughout as part of normal management processes e.g. supervision / one to ones.

2.0 Scope

- 2.1 This policy applies to all council employees including Chief Officers;
- 2.2 With the exception of;
 - 2.2.1 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.

3.0 Principles

- 3.1 Managers will meet with new employees for an initial probation meeting at the start of their employment and will then hold at least a further 4 review meetings to assess the new employee's performance, attendance and conduct and to take supportive measures, should any of these fall short of outlined requirements.
- 3.2 Confirmation of appointment is dependent upon the satisfactory completion of the 6-month probation period. If a new employee's performance, conduct, timekeeping or attendance is not satisfactory during the probation period, the appointment may be terminated earlier giving contractual notice or extended at the council's discretion.
- 3.3 Where an employee's fixed-term or temporary contract is shorter than the length of the probation period, the probation process will be conducted for the duration of the employment period.
- 3.4 Where there are no issues of concern with the employee's performance, conduct, timekeeping or attendance, then the manager will write to the employee following the final review meeting confirming that the probation period has been satisfactorily completed.
- 3.5 Managers are expected to deal with any performance, conduct or attendance concerns as they arise and not wait until the probation review meetings.
- 3.6 New employees will not be subject to the performance review process until such time as their probation period is successfully completed.
- 3.7 Employees are entitled to be represented by a trades' union representative or a Walsall Council work colleague in meetings during the formal stages of the procedure.
- 3.8 Consideration will be given within the process to any reasonable adjustments required to enable the employee to fully participate, in accordance with the Equality Act.
- 3.9 Consideration will be given within the process to any factors impacting on performance as a result of any protected characteristic, in accordance with the council's equality and diversity protocol.
- 3.10 This policy and accompanying procedure is underpinned by and should be read in conjunction with the probation guidance which offers further advice and support to employees and managers in the implementation of this policy.

4.0 Accountabilities

- 4.1 Managers are accountable for the following;
 - Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;

- Assist all employees to achieve and maintain satisfactory performance standards by ensuring they are aware of the expected standard of performance, conduct and behaviour and are encouraged and supported to improve where required;
- Manage the probation period, offering appropriate support, guidance and training and ensure that review dates are set and monitored in a timely manner;
- Ensure that the employee receives regular feedback on performance;
- Ensure any concerns arising, are dealt with promptly and that the employee is aware of any aspect of their performance or conduct that is unsatisfactory;
- Assess the suitability of the employee for the post to which they have been appointed.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- Ensure they understand what targets and standards of performance, conduct and behaviour are expected and take responsibility for their own performance, development and training;
- Fulfil their role, demonstrate the standards expected by the council for performance, conduct, timekeeping, and attendance and raise any difficulties with the line manager;
- Fully participate in the probation process and the induction process.
- Complying with the requirements of this policy and procedure.

5.0 Procedure

5.1 STAGE 1 – initial probation meeting (week 1)

- 5.1.1 The line manager should explain the probation procedure and the process to be followed to the new employee as part of their individual service idea induction. See Appendix 1 for process flowchart.
- 5.1.2 An initial probationary meeting should be arranged between the line manager and the employee in the first week of their employment. This meeting should include;
- Clarification of the duties and responsibilities of the employee, in line with the job description;
 - Objective setting for the period between this and the first probation review meeting (this is likely to include induction-related tasks and any initial training);
 - If an employee considers that a disability or a health condition might be impeding their performance they should discuss the situation with their line manager as soon as possible, in order for appropriate support to be considered;
 - Explanation of how objectives will be monitored and measured, how frequently this will be done, and the basis on which satisfactory probation will be assessed;
 - Identification of required training for the employee to undertake (this may be attendance at internal/external courses, identifying a mentor or providing 'on the job' training);

- Identification of any reasonable adjustments which may need to be considered;
- Agreement and setting dates for four subsequent probation review meetings during the probation period, these should normally be at 4 weekly intervals during month 2, 3, 4 and 5 of the probation period;
- Agree any appropriate support required to enable the employee to satisfactorily perform the role to the required standards.

5.1.3 Following the initial meeting, confirmation of the discussion should be confirmed in writing to the employee and include the dates for subsequent review meetings. A copy of the probation performance form should also be enclosed with the letter.

5.2 STAGE 2 – probation review meetings (months 2-5)

5.2.1 Line managers are responsible for carrying out regular reviews of performance, attendance and conduct throughout the probationary period, ensuring appropriate support and training is provided throughout. Managers should hold at least four subsequent review meetings following the initial probation meeting and these should normally be at 4 weekly intervals during month 2, 3, 4 and 5 of the probation period. Managers may hold more frequent review meetings where this would be helpful to monitor performance and offer further support where required.

5.2.2 The monthly probation review meetings should include;

- A review of progress against objectives set, to include constructive feedback;
- Setting of new objectives for the period before the next review meeting,
- Identification of further training needs;
- Identification and discussion of any issues/concerns with the probation (on behalf of the line manager or the employee);
- Identification and discussion of any health-related absence;
- Identification of any reasonable adjustments which may need to be considered;

5.2.3 During (or immediately following) the probation review meeting, the line manager should update the probation performance form, detailing the review meeting conversation and share a copy of the form with the employee for any comments.

5.2.4 In addition to the formal review meetings, it is recommended that the line manager ensure that they maintain regular contact with the employee throughout the probationary period, providing ongoing feedback, this may be done verbally (ad hoc meetings, one to ones, supervisions etc.).

5.2.5 Satisfactory outcomes

Where the reviews are satisfactory, the line manager should continue reviewing the employee's work against objectives, providing the employee with feedback, during the scheduled review meetings and update the probation performance form accordingly, providing the employee with the opportunity to comment at each review.

5.2.6 Unsatisfactory outcomes

If performance, conduct or attendance are unsatisfactory at any stage of the probationary period, the manager should;

- communicate this clearly to the employee;
- put in place an individual and targeted programme of support in discussion with the employee;
- inform HR as soon as possible, and before the final scheduled review meeting (during month 5).

The programme of support will assist the employee in achieving the required standard of performance through;

- Discussing the areas which need improvement;
- Explaining the expected standards required;
- Devising an improvement plan, which sets objectives and targets and identifies any additional support, training or guidance needed;
- Discussing how improvement will be measured during the consecutive, monthly review meetings;
- Advising the employee that failure to meet the required standards may result in termination of employment.

All of the above must be confirmed in writing to the employee throughout the process using the probation performance form.

5.2.7 The fourth and final review meeting should be held during month five of the probationary period, the line manager will meet with the employee to discuss their performance and inform them of the outcome of the review period. The manager should confirm this discussion in writing.

5.2.8 Possible outcomes of the final review meeting:

- **Confirmation of appointment.** Where the employee has reached, or is about to reach, the objectives set for the probation period, the line manager should communicate this to the employee and ensure the employee receives a formal written confirmation of appointment prior to the probation end date.
- **Extension of the probationary period for up to three months.** Where, as a result of a support plan put into place, the employee has made substantial improvements, but his/her performance is still below acceptable standards, the manager may decide, after conferring with HR and the relevant Head of Service, to extend the probation period (refer to 5.4 below).
- **Consideration of dismissal.** Where the employee's performance, conduct, or attendance do not meet the standards set in the initial meeting and discussed in the review meetings, the manager will communicate this to the employee and arrange a consideration of dismissal hearing (refer to 5.5 below).

5.2.9 Any support or assistance identified will continue to be offered during the whole of the probation period up to the date of confirmation in post or decision to dismiss.

5.3 Early termination during the probation period

5.3.1 Termination of employment before the end of the probationary process will apply in the following cases:

- It can be demonstrated that, in submitting the application, the employee deliberately misled or provided false information to the council, for example concerning their qualifications, skills or experience; or
- It is considered that that an employee's performance, conduct, or attendance are unsatisfactory despite being given appropriate support and is unlikely to improve given further time.

5.3.2 The line manager will arrange a meeting with the employee concerned in order to discuss early termination. Early termination will be effected through a consideration of dismissal hearing (see 5.7 below).

5.4 Extending the probation period

5.4.1 It may be appropriate to extend the probationary period beyond 6 months if any of the following apply;

- Through the new employee's sickness or other authorised absence, it has not been possible to assess performance;
- The new employee has not performed satisfactorily but the manager has evidence to suggest that performance is likely to improve with a further period of probation;
- It has not been possible, for organisational reasons, such as line manager's absence or delays/cancellations of relevant learning and development events, fully to assess the employee's performance.

5.4.2 Any extensions will be discussed with the Head of Service and Human Resources in the first instance.

5.4.3 Where the probationary period is extended, the following should be discussed and confirmed to the employee in writing;;

- Reasons for the extension, if the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards;
- Length of the extension period – from 1 month to a maximum of 3 months, and the date on which the extended probation period will end
- The dates of new meetings during the probation extension (normally on a monthly basis);
- Assistance/training that will be given during the period of extension;
- Identification if there are any reasonable adjustments which may need to be considered;
- Areas for improvement and the performance standards that are required by the end of the extension and indication of how these will be monitored and measured;
- A statement that, if the employee does not fully meet the required standards by the end of the extended period of probation, his/her employment may be terminated.

5.4.4 Any decision to extend the probation period should be made by the line manager in the final probation review meeting during month five. The line manager will inform their Head of Service and Human Resources of the decision.

5.5 STAGE 3 – probation hearing (consideration of dismissal)

- 5.5.1 The line manager advises HR to convene a formal probation hearing and confirms the arrangements in writing to the employee giving at least 14 calendar days notice of the hearing and reminding the employee of the right to be accompanied by a Walsall Council work colleague or recognised Trades Union representative.
- 5.5.2 Supporting documentation for the hearing, from the manager and the employee will be provided 5 working days before the hearing date.
- 5.5.3 The formal hearing will normally be held on or prior to the expiry date of the probationary period.
- 5.5.4 The line manager, the employee and his/her representative will attend the hearing. Both management and the employee can submit documentation, call and question witnesses if required.
- 5.5.5 The hearing invite letter will include;
- a clear statement of the employee's failure to meet the required standards of performance, conduct, timekeeping or attendance which were set out in the initial meeting and reinforced through the review meetings;
 - the date, time, location of the hearing;
 - the name of the hearing officer for the case;
 - the name of the person who will present the management case (usually the employee's line manager);
 - that a decision may be taken to dismiss;
 - the arrangements and deadlines for the exchange of papers and informing of witnesses.

5.6 Preparation before the hearing

- 5.6.1 Any documentation that either management or the employee wishes to be considered at the hearing, including the names of witnesses to be called, should be made available to HR no later than 5 working days prior to the hearing. It is the responsibility of the person who wishes to call a witness to make arrangements for them to attend.
- 5.6.2 If the employee wishes to attend the hearing but is absent due to sickness or some other reason or their representative is unable to attend, the meeting may be postponed and will be rearranged within 5 working days of the original hearing date. The employee should be notified of the date in writing and informed that if they or their representative are not able to attend on the revised date the hearing will proceed on this occasion in their absence. If the employee cannot attend personally they will be invited to put their case either through their representative or submit their case in writing in advance of the hearing.

5.7 The hearing

- 5.7.1 The hearing will be chaired by a manager who is a trained hearing officer and who is normally from the service area concerned. They will hear all the evidence and decide the outcome. HR will support the hearing officer giving HR technical advice.
- 5.7.2 A note taker will be present, provided by the service area of the hearing officer (or if necessary from another area, where required this will be organised by the hearing officer).
- 5.7.3 The management case will normally be presented by the employee's line manager and will be required to demonstrate what action, support, training, and discussions have taken place with the employee throughout the procedure to date. HR may be present to support the line manager.
- 5.7.4 The employee, or their representative, will be required to give an explanation as to why they have not met the required standards of performance.
- 5.7.5 The hearing officer will consider all related evidence before making a final decision on the outcome.
- 5.7.6 Possible outcomes of the hearing:
- **No further action.** Appointment confirmed.
 - **Extension of the probation period**, if the hearing officer believes that an extension might be beneficial (maximum 3 months) at the end of this period, the probation hearing will be reconvened. The manager will submit a summary report for the hearing officer to make a final decision, following the same procedure, the employee will be provided with a copy of the summary prior to the reconvened hearing. This option must only used once.
 - **Dismissal with contractual notice.** In exceptional circumstances, the employee may not be required to attend work during their notice period, or may receive pay in lieu of notice if appropriate.

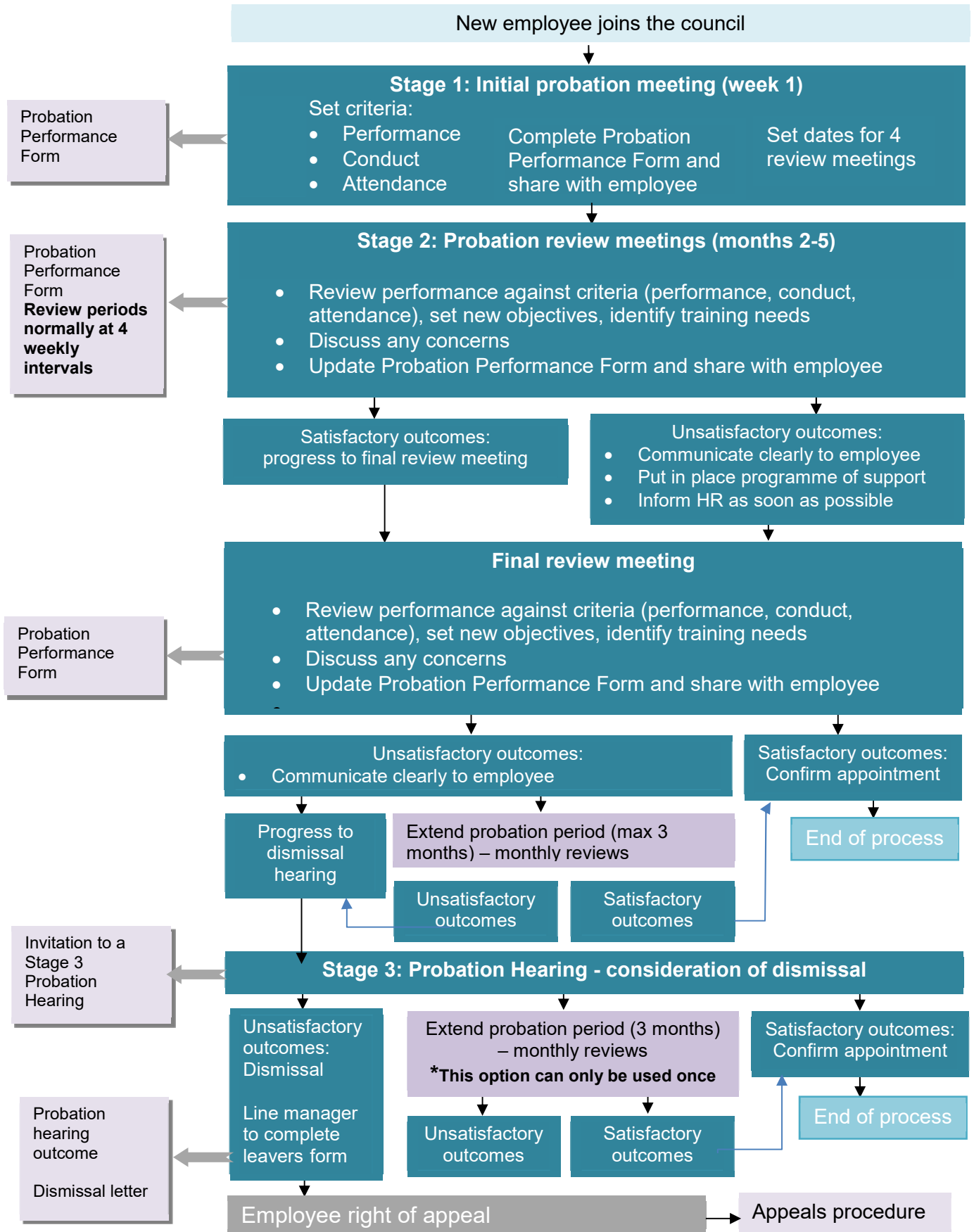
5.8 Follow up action

- 5.8.1 The outcome of the hearing will be confirmed to the employee in writing by the hearing officer (supported by HR).
- 5.8.2 Where the monitoring period has been extended by the hearing officer, the probation hearing will be reconvened on or just prior to the extended probation expiry date. The manager will submit a summary report for the hearing officer to make a final decision, the employee will be provided with a copy of the summary prior to the reconvened hearing, following the same procedure.

6. Appeals against dismissal

- 6.1 Employees have the right to appeal against their dismissal and if they wish to exercise this right, they should submit their appeal in writing to the Head of HR within 10 working days of the date of their formal notice letter.
- 6.2 All appeals will be held in accordance with the council's appeals policy. Employees have the right to representation at appeal hearings.

Appendix 1 - Probation Procedure Flowchart



Leave and Time Off Policy



Walsall Council

Version Control

Document title	Leave and Time Off Policy		
Owner	Human Resources	Status	Draft
Version	1.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	09/08/2019	Last updated by	HR Strategy and Planning
Purpose	To provide a framework for various types of leave (paid and unpaid) that may be requested by employees.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Annual leave and bank holiday entitlement guidance
- Annual Leave Purchase Scheme
- Code of Conduct
- Workforce Strategy
- Behaviour & Standards Framework
- Flexi-time scheme
- Family Friendly Policy
- Sickness Absence Policy

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 This policy details the various types of leave / time off situations (paid and unpaid) available within the council. It enables the council to ensure, where possible, that support is given to employees when balancing the demands of domestic and work responsibilities.

2.0 Scope

- 2.1 This policy applies to all council employees;
- 2.2 With the exception of;
 - 2.2.1 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.

3.0 Principles

- 3.1 This policy provides a framework for annual leave and time off for;
- Compassionate leave (bereavement leave, funeral leave, parental bereavement leave, serious illness support leave, other special leave, emergency time off for dependents and carer's leave)
 - Career breaks
 - Employee volunteering
 - Personal development
 - Competing in national/international sporting events
 - Public service leave
 - Medical appointments
- 3.2 It is good practice for employees to give as much notice as possible when requesting leave (a minimum of 2 weeks where possible), however, it is recognised that for some types of leave this is not always possible. Service areas may have local procedures which require a specified period of notice to be given due to service needs and / or cover arrangements.
- 3.3 All forms of leave must be discussed and agreed with the employee's line manager. The granting of a request is subject to employee's circumstances, the type of leave and the needs of the service, and should not be unreasonably refused.
- 3.4 Managers should not unduly delay in advising employees that their request has been granted or refused.
- 3.5 In terms of a request for unpaid leave, managers should consider the circumstances carefully and determine whether the request could be considered under an existing leave provision. There is no automatic right for employees to be granted unpaid leave and the needs of the service should be considered before making a decision.
- 3.6 Whenever unpaid leave is granted the manager must inform Payroll, using the unpaid leave form, so that appropriate payroll deductions can be made.
- 3.7 No pension contributions will be made to the Local Government Pension Scheme for any leave which is unpaid. Although, service will be regarded as continuous for employment purposes. On return to work the employee may elect to make additional pension contribution (APC) to cover the 'lost' pension for any authorised unpaid leave. Where an employee elects to pay an APC the cost to the employee will be higher if they make the election later than 30 days after returning to work. For further guidance contact Payroll.
- 3.8 This policy excludes the following, for which separate arrangements apply:
- flexi-time and time off in lieu (TOIL)
 - time off for trade union duties

- sickness absence
- time off for parents (maternity, paternity, adoption, shared parental leave, ordinary parental leave, foster care leave), which are included in the family friendly policy.

3.9 Any abuse of this policy may result in action being taken under the disciplinary policy.

4.0 Accountabilities

4.1 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- Taking responsibility for monitoring and managing their employees' attendance and absence;
- To consider all requests for leave and ensure that requests are dealt with consistently, bearing in mind the individual circumstances of the request and in line with business needs;
- To inform the employee of the outcome of their request, and if a request cannot be agreed reasons must be given, and alternative arrangements considered where possible;
- To record leave requests on the employee's leave card and/or HR Information System where applicable.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- To submit leave requests to their line manager, giving notice before the requested start of leave wherever possible;
- Comply with the requirements of this policy and procedure.

5.0 Procedure

5.1 Annual Leave

- 5.1.1 All employees have an entitlement to annual leave and bank holidays, which, if the employee is part time, are pro-rata of full time.
- 5.1.2 All requests for annual leave must be submitted to the employee's line manager, and holidays should not be booked until the request has been approved.
- 5.1.3 For employees on NJC terms annual leave entitlement varies according to grade and length of service;

Grade	Annual Leave entitlement (Full Time Equivalent)	Annual leave entitlement after 5 years continuous local government service (Full Time Equivalent)
1-4	24 days	29 days
5-6	25 days	30 days
7-9	27 days	32 days
10+	28 days	33 days

Part time employees are entitled to pro-rata leave in proportion to the hours worked.

- 5.1.4 This procedure is underpinned by, and should be read in conjunction with, the annual leave and bank holiday entitlement guidance which offers further advice and support to employees and managers.
- 5.1.5 Employees may purchase up to an additional 20 working days leave within one leave year. More information is available in the annual leave purchase scheme guidance.

5.2 Bereavement Leave

- 5.2.1 The purpose of bereavement leave is to provide assistance to employees who require time off work often at very short notice to deal with bereavements.
- 5.2.2 Bereavement leave will be granted in respect of the following relationships; spouse, partner, parent, son, daughter, brother, sister, grandparent and grandchild.
- 5.2.3 The employee will be entitled to paid leave up to a maximum of 4 days, including funeral leave (pro rata for part time employees).
- 5.2.4 Managers may also consider giving bereavement leave to other relationships where the employee can demonstrate a close relationship. For example, where a step parent has raised the child from infancy and has had a nurturing relationship with the child.

- 5.2.5 In all circumstances where employees have suffered bereavement, including those that do not fit the criteria above, managers should deal sympathetically with any requests for annual, flexi, TOIL or unpaid leave. Managers should also monitor repeat requests and use discretion where appropriate.
- 5.2.6 Managers should make sure employees are aware of the council's confidential counselling service, who may provide bereavement counselling.

5.3 Parental bereavement leave (expected April 2020 subject to legislation implementation – not live till after this date)

- 5.3.1 Parental bereavement leave will be granted to parents or primary carers following the death of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. Primary carers include adopters, foster parents and guardians as well as close relatives or family friends who have taken responsibility for the child's care in the absence of parents.
- 5.3.2 Parents or primary carers will be entitled to a statutory two weeks' leave, and this will be paid at full pay for all employees (rather than the statutory rate). This is in addition to the bereavement leave in section 5.2.
- 5.3.3 Leave can either be taken in one block of two weeks or in two separate blocks of one week (but not as individual days), and can be taken within a 56 week period from the date of the child's death.
- 5.3.4 Leave can be taken without prior notice in the initial period (within 2 months of the child's death). Where leave is to be taken after the initial period, one weeks' notice should be given, where possible. There is no requirement to provide the council with a copy of the death certificate. However, the employee is required to inform their line manager if exercising their statutory entitlement to take parental bereavement leave.
- 5.3.5 Employees must complete a parental bereavement leave form for Payroll within 28 days of taking leave.

5.4 Funeral Leave

- 5.4.1 If an employee is not entitled to bereavement leave, they may be entitled to a maximum of one day's funeral leave with pay in order to attend the funeral of one of the following relations: mother-in-law, father-in-law, brother-in-law, sister-in-law, step children, child of partner, uncle, aunt, nephew, niece and cousin.
- 5.4.2 In cases where the employee has to travel a distance to attend a funeral unpaid leave may be granted.

5.5 Serious illness support leave

5.5.1 Leave may be granted in exceptional circumstances in the event of serious illness where the employee is required to look after a close relative whose illness or injury is potentially life threatening. The employee will need to demonstrate that:

- they have ultimate responsibility for caring for the person
- they will have to administer medical care to the individual beyond the routine administration of non-prescription medication
- there is an emergency and their attendance at hospital is required, for example in the event of an accident.

5.5.2 In such circumstances, the employee may be granted paid time off up to a maximum of 3 days (pro rata for part time employees) in any leave year.

5.5.3 Serious illness support leave will not be granted for the comfort and support role associated with either visiting relatives in hospital or caring for ill children or other dependents, or for accompanying relatives to medical appointments.

5.6 Other special leave

5.6.1 Special leave may be granted to support employees in situations that are not deemed to meet the criteria for serious illness support leave. For example, where an employee requests time off to care for a child with chicken pox.

5.6.2 When granting special leave managers may approve up to a maximum of three days with pay in any leave year on the understanding that the employee will match any time given with their own time, i.e. annual leave, flexi-time, TOIL or unpaid leave. For example, the manager may grant two and a half days of special leave as long as the employee books two and half days of their own time.

5.7 Emergency time off for dependents

5.7.1 An employee is entitled to take a reasonable amount of time off to deal with an emergency (concerning a dependent) in order to take action which is necessary;

- to provide assistance on an occasion when a dependent falls ill, gives birth or is injured or assaulted
- to make arrangements for the provision of care for a dependent who is ill or injured
- when a dependent dies
- because of the unexpected disruption or termination of arrangements for the care of a dependent

- to deal with an incident, which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment, which the child attends, is responsible for him or her.
- 5.7.2 A dependent for these purposes is a partner, a child, a parent or someone who lives with the employee as part of the family (i.e. not a lodger, boarder, tenant or employee). In the case of ill-health (including mental illness or injury) or where care arrangements break down, it may include someone who reasonably relies on the employee for assistance.
- 5.7.3 Emergency time off is unpaid and generally limited to periods not exceeding two days, to allow employees to deal with the immediate emergency and make necessary longer term arrangements.
- 5.7.4 The employee must notify their manager as soon as possible of their requirement for emergency time off, and give a full explanation of the emergency and its expected duration.
- 5.7.5 If an employee is aware in advance that they will need time off, this will not be regarded as an emergency and should be taken using annual leave, flexi time or TOIL booked in the normal way.

5.8 Carer's leave

- 5.8.1 Unpaid carer's leave may be granted for an employee to care for a close relative for a period not exceeding twelve months. A close relative is defined as parent, spouse, brother, sister, child or common law partner. The scheme does not apply to "in law" dependents.
- 5.8.2 The employee should complete the carer's leave application form and submit this to their manager, giving details of the duration of leave requested and confirmation that the employee's relationship to the dependent meets the defined criteria.
- 5.8.3 Whilst on carer's leave the employee must not undertake paid work, as the employee is still employed by the council. Carer's leave is not considered to be a break in service. There is the expectation that the employee will return to their job in the council at the end of the carer's leave.
- 5.9.4 Annual leave entitlement is pro-rated to the number of full months worked in the employees' leave year either side of the carer's leave. Annual leave is accrued during the unpaid leave but only at statutory leave entitlement rate (28 days per year inclusive of bank holidays). Leave must be taken before returning to work and cannot be carried forward. If the employee's leave entitlement on their return has reached more than five years' service, they will be entitled to additional annual leave on return.
- 5.8.5 It is good practice for the employee and manager to keep in touch during the period of carer's leave. This is particularly important if there are proposals

regarding the service, such as a restructure, which might affect the employee's employment. In such circumstances, managers must make all reasonable attempts to contact the employee and keep them advised accordingly. Managers should make sure that employees on carer's leave are invited to meetings and sent appropriate documentation.

- 5.8.6 If the employee wishes to return to work earlier than the date agreed, they should advise their manager accordingly. However, where there are cover arrangements in place, the manager may require one month's notice of an early return. Otherwise, the employee may return early by agreement. Once the employee returns to work the manager must advise Payroll.
- 5.8.7 When the employee returns to work, they will return to their substantive post on the substantive spinal column point in place at the commencement of the carer's leave; there is no entitlement to incremental progression during the unpaid leave.

5.9 Career break

- 5.9.1 A career break is unpaid leave granted by the council to enable the employee to take time out from employment, for example to study, travel or undertake voluntary work. A career break may be agreed for a period between six to twelve calendar months. No extension past twelve months will be permitted. Following a return to work an employee is required to complete a further two years' service before a further application for a career break will be considered.
- 5.9.2 To apply for a career break the employee must have at least one year's continuous service with Walsall Council. Employees should complete the career break application form and submit this to their manager.
- 5.9.3 Whilst on a career break the employee must not undertake paid work, as the employee is still employed by the council. Any voluntary work must not be a conflict of interest with paid employment as a local government officer, in accordance with the code of conduct. The career break is not considered to be a break in service. There is the expectation that the employee will return to their job in the council at the end of the career break.
- 5.9.4 Annual leave entitlement is pro-rated to the number of full months worked in the employees' leave year either side of the career break. Annual leave is accrued during the unpaid leave but only at statutory leave entitlement rate (28 days per year inclusive of bank holidays). Leave must be taken before returning to work and cannot be carried forward. If the employee's leave entitlement on their return has reached more than five years' service, they will be entitled to additional annual leave on return.
- 5.9.5 It is good practice for the employee and manager to keep in touch during the career break. This is particularly important if there are proposals regarding the service, such as restructure, which might affect the employee's employment. In such circumstances, managers must make all reasonable attempts to contact

the employee and keep them advised accordingly. Managers should make sure that employees on a career break are invited to meetings and sent appropriate documentation. However, there may be circumstances whereby the manager is unable to contact the employee, for example, if they are using the career break for travelling. Managers should obtain details of any forwarding addresses or details of nominated persons who can forward any relevant correspondence. Alternatively, managers should ask the employee for relevant email addresses or mobile numbers so emails or text messages can be sent.

- 5.9.6 If the employee wishes to return to work earlier than the date agreed, they should advise their manager accordingly. However, where there are cover arrangements in place, the manager may require one month's notice of an early return. Once the employee returns to work the manager must advise Payroll.
- 5.9.7 When the employee returns to work, they will return to their substantive post on the substantive spinal column point in place at the commencement of the career break; there is no entitlement to incremental progression during the unpaid leave.

5.10 Employee volunteering leave

- 5.10.1 Volunteering supports the local community and can aid personal development, providing employees with transferable skills that they can bring back to the council, therefore managers should support employees who wish to volunteer, wherever possible.
- 5.10.2 Employees may be granted paid leave to volunteer up to a maximum of 15 hours per year. Employees are expected to match any leave granted with their own time (annual leave, flexi or TOIL), i.e. a request for two days leave to undertake volunteering using one day (7.24 hours) of paid volunteer leave matched by one day annual leave.
- 5.10.3 The volunteer activity must support a voluntary, community or charitable organisation that is recognised by the council and supports the council's vision and purpose. Employees must ensure that the organisation has valid public liability insurance before undertaking the voluntary activity.
- 5.10.4 Employees can apply for time off to volunteer via an employee volunteering application form. Employees must provide their manager with the confirmation that they have been selected to volunteer and details of the event/activities the leave is being requested for.
- 5.10.5 Walsall Council reserves the right to revoke authorisation and recall volunteers if there is a business need to do so, where possible with one week's notice prior to the start of the proposed activity, or if the activity has already started with 24 hours' notice.
- 5.10.6 The volunteering activity must not be a conflict of interest with paid employment as a local government officer, in accordance with the code of conduct.

- 5.10.7 Employees are not eligible to claim from the council expenses incurred in relation to the volunteering.
- 5.10.8 If a volunteer day falls on a bank holiday managers must allow for that day to be added back to the annual leave entitlement of the individual (pro rata for part time).
- 5.10.9 Employees should be aware of their total working hours and the need for rest breaks under the working time regulations.

5.11 Personal Development

Course attendance and development

- 5.11.1 Employees attending mandatory training courses as required by the council (for example, health and safety training) or attending courses as sponsored/supported by the council (for example, NVQ, apprenticeship or those identified via an APC) will be entitled to paid time off.
- 5.11.2 Employees attending courses which may support the employee's personal development but are not essential for the employee's job, may be granted paid time off at their manager's discretion.
- 5.11.3 Any other courses are in the employee's own time (annual leave, flexi or TOIL).

Interviews for alternative employment

- 5.11.4 The council allows reasonable paid time off for employees to attend interviews with other local authorities (or organisation as listed in the redundancy modification order). Employees are required to provide evidence of the interview to the manager for the time off to be granted. The manager has discretion as to the amount of paid time off. For example, an employee attending an interview in the morning will be expected to return to work in the afternoon and vice versa. If the employee is invited to attend a whole-day interview, dependent on the circumstances, the manager may grant half day paid time off. Similarly, if the employee is required to travel some distance to the interview, which may necessitate a full day off, or the interview is in the middle of the day, the manager may grant half day paid time off.
- 5.11.5 However, an employee who has been formally been given notice of redundancy may by law take reasonable time off with pay to look for another job, including attending job interviews outside of the redundancy modification order. The employee is still required to provide evidence of the interview. This also applies to employees who are seeking training opportunities.

Revision, study and exam leave

5.11.6 Employees are entitled to paid time off for exams/study, where the course is supported or sponsored by the council, as follows:

- one day revision leave per three hour exam, up to a maximum of three days
- half day revision leave per exam of less than three hours, up to a maximum of one and a half days
- paid time off to attend the exam; if the exam is in the morning, the employee will be expected to either attend work in the afternoon or book the time off and vice versa

5.11.7 For courses of study not supported or sponsored by the council, the employee will be required to use their own time.

5.11.8 For employees undertaking continuous assessment programmes, any time off for completion of a final project or dissertation should not exceed three days. Revision leave may be granted during the course for completing other assessed work, in lieu of exams, for up to three days. When attending a course at university/college, study time will only be given during term time.

5.11.9 Time off to retake exams or resubmit portfolios, projects, dissertations, etc is only available in exceptional circumstances.

Qualification courses

5.11.10 Where courses at colleges and universities are offered on a day release or part-time day/evening basis, employees should choose the second option and will not be allowed to claim hours for evening attendance.

5.11.11 Employees undertaking apprenticeships must spend a minimum of 20% of their employed time undertaking off the job training as set out within the Apprenticeship Funding rules. This is measured over the course of the apprenticeship and not academic year.

Internal courses / development activities

5.11.12 Employees can claim 7.24 hours (or a normal working day) for a full day course and 3.42 hours for a half day course. For briefings etc that are typically less than half a day, staff can claim the length of the session.

5.11.13 Reasonable time off should be given to support staff undertaking other types of development activities such as e-learning, mentoring, coaching, shadowing and action learning sets.

External short courses and conferences/seminars

5.11.14 Employees can claim 7.24 hours for a full day and 3.42 hours for half a day. Travelling time to and from the venue cannot be claimed if this would result in the employee exceeding 7.24 hours.

5.12 Competing in National/International Sporting Events

5.12.1 Support is given to employees competing in national/international sporting events where participation in that event brings honour or prestige to the Borough. Those employees who are not in receipt of payment other than expenses from a sporting body are eligible for 5 days paid leave of absence in any rolling 12 month period. In addition, for major events such as Olympic Games or European Championships, an extra 5 days paid leave of absence will be available. Where further absences are required, unpaid leave may be granted subject to the needs of the service.

5.13 Public service leave

Public duties

5.13.1 Public duties listed below are covered by legislation and are entitled to reasonable time off to go to meetings or to carry out their duties;

- a magistrate/justice of the peace (see separate entitlement below)
- a local councillor
- a school governor
- a member of any statutory tribunal (for example an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the Environment Agency or the Scottish Environment Protection Agency
- a member of the prison independent monitoring boards (in Scotland, prison visiting committees)
- a member of Scottish Water or a Water Customer Consultation Panel.

5.13.2 The council defines 'reasonable time off' as the equivalent of one day per month, or 12 days in any 12 month period, which may be taken in blocks if appropriate, subject to the needs of the service and manager approval.

5.13.3 A maximum of 12 days will be paid in a rolling 12 month period, any additional days are subject to the needs of the service and will be unpaid.

Magistrates/Justice of the Peace (JP)

5.13.4 The council is legally required to allow employee who are magistrates and JPs time off to complete their duties. The council will grant paid leave of one day per two weeks, up to a maximum of 26 days per year. Magistrate/JP duty rotas are usually finalised well in advance, therefore the employee should consult their manager with regards to time off giving reasonable notice.

Court witness

5.13.5 If an employee is called to act as a witness in court proceedings, they must be released to attend; not to do so would be illegal. However, checks should be made to determine exactly what the employee has been summonsed for. There may be circumstances, e.g., civil cases and domestic courts, where it is more appropriate for the employee to attend using their own time (i.e. annual leave, flexi or unpaid leave).

Jury service

5.13.6 An employee receiving a summons to serve on a jury must report the fact to their manager, who shall grant them leave of absence, unless the employee has secured an exemption. Absence for attendance due to jury service will be credited up to the employee's normal working hours for the day. Should the employee only be required to attend court for part of a day, it is expected that they attend work for remainder of their normal working hours, where practical.

5.13.7 Jury service is a public duty and is officially unpaid, however employees can claim a loss of earnings allowance from the court. The council will make up pay to full pay from the court allowance.

5.13.8 An employee serving as a juror must claim the allowance for loss of earnings to which they are entitled to by law. The certificate of loss of earnings (issued by the court) must be sent to Payroll for completion prior to commencement of jury service, where possible. Employees should submit the remittance advice slip (issued by the court detailing the allowance amount paid to the employee) to Payroll. The council will then deduct from the employee's full pay an amount equal to the allowance received.

Non-regular forces

5.13.9 Employees who are members of the non-regular forces who attend summer camp should be granted paid leave in addition to their normal annual leave entitlement. The summer camp is usually two weeks in duration.

5.13.10 Non-regular forces employees may be required to undertake training for up to 16 days per year, usually on Saturdays and Sundays. Training is usually arranged on days when the employee would not normally work. However, if this is not possible, it is recommended that paid time off be granted, provided

the manager is satisfied that the employee made all reasonable attempts to arrange the training on days they would not normally work.

Reservists

5.13.11 The Volunteer Reserve Forces (reservists) may be mobilised by the Ministry of Defense (MoD) on a voluntary and/or compulsory basis, and may not be released by the MoD for several weeks or even months.

5.13.12 In instances of voluntary mobilisation, the council is required to give its consent before individuals can be released from their employment. An employee wishing to volunteer is required to request permission from their manager in writing, who will seek approval or rejection from the appropriate Assistant or Executive Director. Applications from employees wishing to volunteer will be considered individually.

5.13.13 Where the call-up is compulsory, the employee should notify their manager. The council cannot refuse permission, to do so would be illegal, however the law does provide some flexibility for employers. Within seven days of the reservist being served with a call-up notice the employer can apply to an adjudication officer for the notice to be deferred or revoked on the basis that the loss of the employee will cause serious harm to the organisation.

5.13.14 The MoD anticipates that individuals will be able to give at least four weeks' notice to their employer, although there may be circumstances where this might not be possible. All reservists who are mobilised on active service are paid directly by the MoD.

Election duties

5.13.15 Some employees act as poll clerks, presiding officers, counting clerks, team leaders, etc, during local, general and European elections and, if required, referenda. Employees who are selected for election duties are entitled to:

- paid time off for the day of the election;
- paid time off to attend training;
- paid time off for collecting ballot boxes prior to the election.

5.14 Medical appointments

Time off for medical appointments

5.14.1 Medical appointments for **doctors, dentists or opticians** etc, should be made outside of normal working hours where possible, or as close to the beginning or end of the working day as to minimise disruption. Any time off for such medical appointments in working hours will be granted where appropriate and subject to service delivery needs, however employees will need to use flexi time, TOIL, annual leave or request unpaid leave.

5.14.2 Where an employee is required to attend a **hospital medical appointment**, then they will be entitled to reasonable paid time off for the appointment. Documentation showing the date / time of the appointment should be submitted at the time the request is made. An employee may be credited up to their normal standard hours so that their accrued time for that day does not exceed their standard working hours.

5.14.3 Where a hospital appointment lasts all day (e.g. for treatment or admittance as a day patient etc) it will be recorded as a medical appointment and credited as a normal working day. This will not be counted as sickness absence, however, any recovery period as a result of hospital/medical treatment or subsequent days in hospital will be counted as sickness absence.

Occupational Health

5.14.4 Employees who have been referred internally for occupational health and physiotherapy appointments will be allowed to attend in works time and will not be required to book additional leave.

IVF treatment

5.14.5 Consideration for requests for time off for IVF treatment will be treated as time allowed for a hospital medical appointment. This applies to both male and female employees.

Medical screening

5.14.6 Necessary paid time off will be granted for the purpose of cancer screening whether at the hospital or at the doctors.

Cosmetic surgery

5.14.7 Employees will need to take annual leave, flexi-time, TOIL or request unpaid leave for medical appointments due to cosmetic surgery, unless this is deemed necessary for medical reasons. In such cases the council will require written confirmation from a medically qualified consultant that this is the case, and any related absence will be managed in accordance with the sickness absence policy.

Family Friendly Policy



Walsall Council

Version Control

Document title	Family Friendly Policy		
Owner	Human Resources	Status	Draft
Version	4.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	24/07/2019	Last updated by	HR Strategy and Planning
Purpose	To detail all of the procedures relating to family friendly provisions (maternity, adoption, paternity, maternity support shared parental leave, ordinary parental leave and foster care leave).		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Leave and Time Off Policy
- Workforce Strategy
- Behaviour & Standards Framework

This list is not exhaustive.

For advice and guidance on this policy, or if you would like this information in another language or format please contact:

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1. Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 This procedure details the processes in place for employees and managers regarding requests for taking leave, work arrangements and pay in relation to family friendly provisions.

2. Scope

- 2.1 This procedure applies to all Council employees,
- 2.2 With the exception of;
 - 2.2.1 School based employees where the governing body has delegated authority and for whom separate arrangements apply.
 - 2.2.2 Agency workers, contractors or external consultants.

3. Principles

- 3.1 This policy outlines employee statutory and occupational entitlements in respect of leave and pay, as well as the processes that should be used to assist and support employees during the following circumstances;
- Maternity
 - Adoption
 - Paternity
 - Maternity support
 - Share parental leave (SPL)
 - Ordinary parental leave (OPL)
 - Foster care leave.
- 3.3 The law entitles employee who are pregnant to:
- Paid time off to attend antenatal care
 - A period of maternity leave (26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave)
 - The first two weeks of leave (following childbirth) is compulsory leave during which new mothers are prohibited from working.
 - The right to return to the same job held before the start of maternity leave on the same terms and conditions, unless after ordinary maternity leave this is not reasonably practicable, then a suitable alternative job on no less favourable terms and conditions must be found.
- 3.4 The provision for adoption leave mirror that of maternity leave rights.
- 3.5 Most employees will qualify for the appropriate statutory pay (maternity, adoption, paternity, shared parental). Eligibility is laid down in legislation.
- 3.6 New fathers/partners and adoptive parents who are eligible are entitled to take either one or two weeks paternity leave.
- 3.7 Shared parental leave and pay gives parents more flexibility in how they share the care of their child in the first year following birth or adoption.
- 3.8 Employees who have responsibility for a child are entitled to ordinary parental leave, up to 18 weeks unpaid leave per child with a maximum of 4 weeks in any one year.
- 3.9 Employees have the right not to be dismissed or subject to detrimental treatment on grounds of pregnancy, childbirth, maternity or for taking a statutory entitlement to leave (maternity).
- 3.10 Separate arrangements apply other leave and time off such as emergency time off for dependents, carers leave, and other compassionate leave (see the leave and time off policy).

4. Accountabilities

4.1 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- Taking responsibility for monitoring and managing their employees' attendance and absence;
- Completing the appropriate risk assessments, especially with regard to new and expectant mothers.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- To submit notifications and leave requests to their line manager and Payroll as appropriate.
- Comply with the requirements of this policy and procedure.

5. Maternity Procedure

Maternity key stages and the employees' and managers' accountabilities overview can be seen in appendix 1.

5.1 Announcing pregnancy

A pregnant employee must notify their manager in writing, as soon as possible but no later than the end of the 15th week before the expected week of childbirth (EWC) of:

- the pregnancy;
- the expected week of childbirth, this must be confirmed by providing a medical certificate (MATB1);
- the date she plans to start her maternity leave via a Maternity Leave request form.

5.2 Manager's responsibilities following pregnancy announcement

Conduct a workplace risk assessment

Managers have a legal obligation to ensure the health, safety and welfare of pregnant employees as soon as they are aware that they are pregnant and until six months after childbirth, or until the employee stops breastfeeding, whichever is later.

Managers need to complete a workplace risk assessment (or review an existing risk assessment) and review as necessary throughout the pregnancy and post pregnancy (as relevant). A model new and expectant mother risk assessment can be found on the Health and Safety pages of the HR intranet.

Managers should explore with employees any temporary measures required to support the employee, this may include; limiting external travel, reassessing work spaces to ensure equipment provides adequate support, utilising the flexi-time scheme to agree later start times etc. Guidance and support documentation can be found within the Safety Management Standards.

Where an unacceptable risk is identified and cannot be avoided, managers may:

- Alter the employees working conditions or hours - or if this is not reasonable, offer suitable alternative employment.
- Offer suitable alternative employment (or failing that paid leave) if the employee works at night and they produce a medical certificate which states that their health and safety is at risk from this.

Where there is a medical room available, this can be used by expectant mothers to rest and in the absence of a medical room alternative arrangements should be arranged in conjunction with the manager.

Support discussions

Employees and managers are encouraged to discuss the following in order for appropriate support to be provided:

- Provision of any emergency contact details.
- What sort of contact employees would like to have whilst on maternity leave and the best methods for this.
- Annual leave entitlement and how this might be taken.

5.3 Antenatal provisions

5.3.1 Mothers

Pregnant employees have a right to paid time off for antenatal care appointments. These appointments should be made where ever possible at either the start or end of the working day or when less disruption is caused to the service. Paid time off for parent classes or similar is only granted when these courses are prescribed by a medical practitioner.

Employees using the Flexi-time Scheme, whose appointments are scheduled during normal working hours, are entitled to a credit up to their normal standard hours.

Apart from the first appointment employees may be asked to produce evidence of the appointments and a copy of the last page of the pregnancy notes will usually suffice. Employees should however try and give their manager as much notice as possible of these appointments.

5.3.2 Fathers to be and partners

Fathers to be and partners (including same sex partners) of pregnant women are entitled to paid time off to attend up to two antenatal care appointments (not exceeding 6.5 hours each) that have been made on the advice of a medical practitioner. This excludes parental classes or similar appointments that have not been prescribed by a medical practitioner.

5.3.3 Parents in surrogacy cases

Both intended parents in a surrogacy case who meet certain criteria set out under the Human Embryology and fertilization Act 2000 will have the right to unpaid leave to attend up to two antenatal appointments (not exceeding 6.5 hours each) that have been made on the advice of a medical practitioner. Where the intended parent is the biological father they are entitled to paid time off to attend up to 2 appointments (this

is a maximum of 2 appointments, not 2 as the biological father and 2 as the parental order parent).

5.4 Maternity Leave

Duration

Pregnant employees can take up to 52 weeks maternity leave made up of 26 weeks of ordinary maternity leave (OML) followed by 26 weeks of additional maternity leave (AML), regardless of length of service. Employees are entitled to all contractual benefits, except pay, for the full 52 weeks of maternity leave.

New mothers must take a minimum of 2 weeks maternity leave (compulsory period) following the birth of the baby.

Mothers can choose to share their maternity leave (once they have taken the compulsory period) with their partner / co-parent by ending their period of maternity leave and instead taking shared parental leave (refer to section 8).

Start date

The earliest a woman can start her maternity leave is 11 weeks before the EWC. The latest a woman can start her maternity leave is her expected due date. Employees must give their manager at least 28 days notice in writing of the date they would like their maternity leave to commence. The employee may request to change this date after giving notice and they should give their manager as much notice as possible if they wish to do this.

If the baby is born earlier than the date which the employee had planned to commence maternity leave then the period of maternity leave will commence automatically. In this situation the employee should inform their manager of the baby's date of birth as soon as possible and the manager should notify HR Payroll Services.

If the employee is absent from work with a pregnancy-related illness, within 4 weeks of their due date, maternity leave will start automatically, even if they had intended to start their maternity leave later.

Returning to work

Employees are under no obligation to tell their manager of their intentions to return to work before they commence their maternity leave. Any discussions at this point are not binding and employees are not required to finalise any arrangements at this time.

For statutory maternity pay (SMP) purposes, employees who are not returning after the birth should not resign from their post until the end of their maternity leave. They should just indicate that they do not wish for the occupational maternity payment to be made to them and resign in writing giving their contractual notice.

5.5 Maternity Pay

Types of maternity pay and qualifying criteria

1. **Occupational Maternity Pay (OMP)** – to qualify for OMP employees need to have completed a minimum of 1 year's continuous service by the 15th week before the EWC.
2. **Statutory Maternity Pay (SMP)** – to qualify for SMP employees need to have completed a minimum of 26 weeks continuous service with Walsall Council by the 15th week before the EWC and their average weekly earnings must not be less than the lower earnings limit for National Insurance contributions.
3. **Maternity Allowance (MA)** – employees who are not eligible for SMP may instead be eligible for maternity allowance. Employees in this category should contact Payroll who will provide further advice regarding how maternity allowance should be claimed from the Department of Work and Pensions.

Maternity pay entitlement is calculated by Payroll on receipt of a completed Maternity Leave and Pay Provisions Application Form and the submission of a MATB1 form. The MATB1 is issued by a doctor or midwife at around week 20 – 24 of pregnancy. The original of the MATB1 is required in order to receive maternity pay. Additional copies of the MATB1 certificate should be made if required as it cannot normally be re-issued.

Once maternity pay entitlement has been calculated, HR Payroll Services will contact employees providing details of pay entitlement and significant dates. The statutory entitlement is based on the salary at the qualifying week (15th week before EWC) and OMP is based on salary at the commencement of maternity leave.

Employees who are not entitled to OMP, SMP or maternity allowance will still be entitled to 52 weeks unpaid maternity leave.

Maternity pay entitlement

Maternity leave period	Statutory Maternity Pay (SMP)	Occupational Maternity Pay (OMP)
Weeks 1 - 6	90% of employees average weekly earnings	90% of employees average weekly earnings (pay offset against any payments made by way of SMP or MA)
Weeks 7 - 18	SMP standard rate Where employees normal earnings are lower than SMP, they will receive 90% of normal earnings instead of SMP rate	Half normal weekly pay This will be in addition to SMP standard rate or MA (providing the total does not exceed normal pay)
Weeks 19 – 39	SMP standard rate Where employees normal earnings are lower than SMP, they will receive 90% of normal earnings instead of SMP rate	n/a
Weeks 40 - 52	n/a	n/a

A summary of entitlement can be found in appendix 2.

Payments are based on an employee's current salary and will be adjusted to reflect any pay increases during the maternity leave period.

Employees are required to return to work for a minimum of 12 weeks at the end of their maternity leave period to qualify for half pay OMP. If employees do not return for the required time then any half pay OMP paid to them will be claimed back. If employees are unsure of their intentions to return, they can elect to have their half pay OMP deferred and paid usually in a lump sum at a later date.

If an employee has more than one contract of employment with the Council and only returns to one of these contracts, they will not be required to pay back any half pay OMP, provided they complete 3 months service in at least one of their contracts.

Employees are not required to pay back any SMP received, even if they do not return to work.

5.6 Other entitlements and requirements

5.6.1 Contractual status whilst on Maternity Leave

On maternity leave employees are still employed by Walsall Council and should not enter into any other form of contractual employment (paid or otherwise) during this time. They may however, undertake training courses. Employees may move to another employer during maternity leave but leave is not transferable from the Council. If an employee commences work with a non local government / modification order employer (having followed procedure for resigning from their post), maternity leave will cease

and any outstanding SMP / half pay OMP will not be paid. Any half pay OMP paid before this time would be reclaimed. If however an employee takes up employment with another recognised body (such as a local authority) their service will be considered continuous and SMP / half pay OMP will not be reclaimed under these circumstances.

If the employee has completed 26 weeks of continuous employment with Walsall Council by the 15th week before the expected week of childbirth and earns enough to qualify for SMP, the employee will still be entitled to statutory maternity pay if they voluntarily leave employment, as long as it is on or after the 15th week before the expected week of childbirth.

5.6.2 Minimum contact

Whilst on maternity leave employees should expect to receive a reasonable level of contact with their manager to keep them informed of any changes or information, including:

- Payslips
- Current vacancies specifically relating to the immediate department
- Details of any 'Team Days' or training courses
- Details of any restructures / organisational changes that affect the employee
- Any other documentation relating to a consultation process

The manager may make reasonable contact with the employee to discuss plans to return to work, or any other changes that the employee may wish to make, such as working hours or pattern. This should be at a time that is mutually convenient to both parties.

5.6.3 Keeping in touch (KIT) days

Keeping in Touch (KIT) days allow an employee to do some very limited work under the terms of their contract without losing SMP for the week in which the work is done. This is limited to a maximum of 10 days (with the legal exception of 2 weeks after the birth) and must be agreed between the employee and their manager. Neither side is able to insist that KIT days are worked. Any days or sessions worked do not extend maternity leave – it remains at 52 weeks.

Examples of this include attendance at team 'away days' / training sessions or time with the team prior to returning from maternity leave. Specific project work may also be considered suitable for KIT days. The 10 days do not have to be taken as a whole day and can be worked on an hourly basis – working for any part of a day will count as a full day for KIT purposes.

Payment for these days is at an employees' normal contractual pay rate for the number of hours worked during that day and any SMP due is offset against this payment. Where the period of time worked generates a payment less than the SMP rate, no payment will be made.

Employees working KIT days should claim for this via an overtime form within 28 days. It is normally paid in the next pay cycle – subject to payroll requirements. Alternatively an employee can opt to have a KIT day credited to their TOIL entitlement.

Health and Safety implications must be considered if undertaking any KIT days and a risk assessment should be completed prior to these days commencing.

Outside of KIT days employees are welcome to visit the team whilst on maternity leave though they should check with the manager that the visit is at a convenient time – especially if the employee is bringing their baby in to work.

5.6.4 Annual leave and bank holidays

Employees accrue annual leave throughout normal and additional maternity leave. If an employee returns to work on a part-time basis, leave will be accrued pro rata from the date the contract is changed. The contract should not change until the employee returns to work.

It is normally advised that individuals take their annual leave entitlement for the year before maternity leave starts, but this should be agreed with the manager. As far as possible, leave should be taken in the current leave year. However, where this isn't possible, outstanding leave can be carried over.

Any outstanding annual leave can be paid to an employee during the maternity leave period – whilst in a period of nil pay (after week 39 of AML). This payment should be requested direct from the manager by the employee in writing during maternity leave.

Subject to approval with the manager annual leave can sometimes be taken in the first weeks back at work, effectively extending the maternity leave period. However, any such period of annual leave will be subject to operational requirements.

Bank Holidays and other statutory days are accrued whilst the employee is on maternity leave on a TOIL basis, this leave can be taken at any time and is not subject to any carry over restrictions.

5.6.5 Pension

If the employee is a member of the local government pension scheme, pension contributions will be deducted from the maternity and contractual pay entitlement whilst on maternity leave, unless indicated otherwise by the employee. This period will count as service for pension purposes in the normal way. When maternity pay runs out and the employee goes into nil pay, the employee can choose whether to make contributions.

The employee will be offered the opportunity to pay for the missing service at the end of their maternity break.

If the employee does not pay any contributions during this time, the period will not count as service for pension purposes.

5.6.6 Redundancy

Maternity leave counts as continuous service for redundancy purposes and does not affect the right to a redundancy payment.

5.6.7 Car parking permits

Whilst on maternity leave, an employee can opt to retain their staffing car parking permit and continue to use the parking facility whilst on maternity leave, however payments will continue to be taken during the leave period. Alternatively permits can be surrendered back to the car parks office and payment ceased.

5.6.8 Strike action

Calculation of maternity pay entitlement is unaffected by Industrial Action. Pregnant employees and those on maternity leave are normally requested to be exempt from strike action. There are also rules regarding lone working for pregnant employees during a period of industrial action.

5.6.9 Returning to work

Employees may take as much of their 52 week entitlement as they wish. To simplify notice procedures, it is now assumed that all employees will take their 52 week entitlement.

If an employee wishes to return early, at any point before the end of the 52 week period, they should give the manager at least 8 weeks' notice in writing of their intention to return. If an employee is intending to make any changes to their working pattern, this should have been raised with the manager before this time. The manager must contact the employee to confirm this date and to make arrangements for the employees return.

If correct notice is not given, the manager can delay the employees return but not beyond the end of the 52 weeks.

If an employee wishes to return at the end of the 52 week period, then no notice is required and they should simply return at the start of the following week, this date is confirmed to the employee at the time of going on maternity leave.

A notification of return to work form should be completed for Payroll, to put the returning employee back onto payroll on return from maternity leave, if there are any changes or this is before the 52nd week. If no form is received the employee will be re-instated on the same terms at the end of the 52 weeks maternity leave.

5.6.10 Working arrangements

As part of a planned return to work, the employee should meet with the manager to discuss their return, prior to the minimum notice periods required. This can be classed as a KIT day if there is still an outstanding allowance of KIT days. This discussion should cover any flexible working requests, using annual leave on return to work or other arrangements which can be put in place to support the employee returning.

5.5.11 Not returning from maternity leave

Not returning from maternity leave constitutes a resignation so there will be no statutory right to return to work if the employee changes their mind. Employees are encouraged to think carefully about this decision and discuss all the options with the manager.

If employees have received Occupational Maternity Pay they will need to repay the 12 weeks at half pay.

Employees will then receive a final payment which will also take into account any outstanding annual leave, flexi or TOIL. This will be treated as a normal leaver from the Council and arrangements will be made for the collection of any personal possessions and the return of any ID, car park pass or any other council property.

Should the employee be unable to return to work at the end of the period of maternity leave due to sickness then this absence should be reported as per the normal sickness reporting process. This only applies after the agreed return to work date.

5.6.12 Flexible working

Once the employee has given notice of their intention to return to work, there are a number of things to consider.

In the normal course of employment, the employee has a right to return to the job in which they were employed under the original contract of employment. If changes have taken place the employee is entitled to be offered suitable alternative employment. Specific circumstances (e.g. redundancies) could, of course, affect this.

The employee will also have a statutory right to request flexible working such as changing/reducing contractual hours which the Council will consider. The employee does not have an absolute right to return to work on different terms, as the right to return after maternity leave relates to the position held before the leave began. However, if an employee thinks they may like to change their hours (or other conditions), they should discuss the matter with their manager as soon as possible before the date of return.

Returning part time does not affect an employee's entitlement to retain 12 weeks OMP, providing the employee returns to work for the minimum period of 3 months.

5.6.13 Breastfeeding

Should an employee wish to continue with breastfeeding and need to feed or express breast milk once they have returned to work, they will be supported with time away from work and a facility for this. Managers should discuss this with the HR Team in the first instance as the facilities available will depend upon work location.

Any required nursing breaks are paid at full pay and managers should be advised of times in advance, where possible.

5.6.14 Following a return to work

Once the employee has returned to work, the manager should complete another risk assessment as a returning mother. This will take into consideration any adaptations that now have to be made. This normally happens at the return to work meeting on the employee's first day back. Other sections of this procedure may also become relevant such as unpaid ordinary parental leave.

5.6.15 Maternity rights

Unfair treatment and dismissal

During pregnancy, whilst on maternity leave and on return from maternity leave, employees have a right to be protected from unfair treatment or dismissal which is connected to pregnancy. During maternity leave, employees must be consulted with over any restructures or redundancies.

Returning from maternity leave

Employees returning from maternity leave, have a right to return to work on terms and conditions no less favourable than those which would have applied, had the employee not been absent.

If a post is made redundant, or there are other exceptional circumstances, for example a reorganisation/ restructure during maternity leave, employees are entitled to be offered a suitable alternative vacancy, where this exists.

5.5.16 What if something goes wrong?

Whilst it is hoped that a pregnancy goes according to plan, the Council will support employees as much as possible if anything goes wrong. The Employee Assistance Programme may be able to help with any concerns, though any non work related issues should be raised with the GP/Midwife. Counselling support is available for employees 24/7 on 0808 168 2143.

If an employee suffers a miscarriage or the baby dies before 24 weeks of pregnancy the employee will be eligible for sick pay and/or possibly special leave according to the circumstances.

If the baby is stillborn or dies after 24 weeks of pregnancy an employee will still be entitled to maternity pay / leave. The employee will also be entitled to parental bereavement leave (see the leave and time off policy).

If the baby is born before 30 weeks and survives, the Council will consider requests for extended leave on an individual basis. Provision can be made for maternity leave to be 'paused' until the baby leaves hospital or a time the employee requests. Maternity leave can also be extended beyond the normal leave periods in certain cases. This is an exceptional circumstance and the manager should contact the HR Operational Team in this situation.

6. Adoption Procedure

Adoption leave and pay will be available to employees who meet the eligibility criteria and are matched with a child for adoption or have a child through a surrogacy arrangement.

Adoption leave and pay will be available to one member of a couple who adopt jointly. This individual is classed as the “main adopter”. The partner of an individual who adopts, or the “secondary adopter”, may be entitled to paternity leave and pay or shared parental leave. This is regardless of gender.

6.1 Pre-adoption provision

Statutory pre-adoption provision

Employees are entitled to take paid time off work to attend adoption meetings:

- Time off must be taken in the period between being notified of match with the child and the date the child joins the family.
- Single adopters are entitled to paid time off to attend up to 5 adoption meetings
- In the case of dual adopters, the main adopter (who plans to take the adoption leave) will be entitled to paid time off to attend up to 5 meetings, and the other adopter (who may take paternity leave) is entitled to paid time off to attend up to 2 meetings

Documentary evidence should be provided by the employee for approval of time off with pay.

Occupational pre-adoption provision

To support the adoption process the council will also allow employees up to 5 days paid leave to attend an adoption preparation course (usually 4 days plus 1 day follow up 3 months later) before being matched with a child.

In the event of both adopters being employed by the council, they will both be entitled to the above. This leave is available to all employees regardless of length of service.

Employees may also request time off as part of the introduction to the child (usually 1-2 weeks depending on the age of the child). Employees are expected to use annual/flexi leave for this purpose, and managers should ensure that where possible requests for this leave are granted as the timing is dependent upon the adoption agency.

6.2 Statutory adoption leave

Adoption leave is a 'day 1 right' meaning employees do not need to have a qualifying period of service to qualify for Statutory Adoption leave (SAL), however they must meet certain eligibility criteria, which differs for UK and overseas adoptions;

UK Adoptions	Overseas Adoptions
Qualifying criteria	Qualifying criteria
An employee qualifies for SAL if they:	An employee qualifies for SAL if they:
<ol style="list-style-type: none"> 1) have been matched to a child to be placed with them by a UK adoption agency 2) have notified the agency that they agree the child should be placed with them and agree the date of the placement 3) have given the Council the correct notice (see below) 	<ol style="list-style-type: none"> 1) have received official notification from the relevant UK authority (usually the Department of Health) of their eligibility to adopt a child from overseas. The notification confirms either: <ol style="list-style-type: none"> a) that the authority is prepared to issue a certificate to the overseas authority dealing with the adoption of the child, or; b) that the authority has issued a certificate and sent it to the overseas authority 2) have provided the correct notification of the overseas adoption 3) have given the Council the correct notice (see below)

UK Adoptions	Overseas Adoptions
Notice	Notice
<p>Within 7 days of being matched with a child, the employee must tell the council;</p> <ul style="list-style-type: none"> • how much leave they want • the date on which they want their adoption leave to start (giving at least 28 days notice, unless the time between the child being matched and placed is less than that) • the date of placement (i.e. the expected date or actual date the child is placed with them) 	<p>Within 28 days of getting the notification, the employee must tell the council the date of their 'official notification' and the expected date the child arrives in the UK.</p> <p>Within 28 days of the child arriving in the UK, the employee must tell the council the actual date of arrival.</p> <p>The employee must tell the council;</p> <ul style="list-style-type: none"> • how much leave they want • the date on which they want their adoption leave to start (giving at least 28 days notice, where reasonable practicable)

Employees must notify the council, by completing the adoption leave and pay application form, at least 28 days before they want the adoption leave and statutory adoption pay to start, or as soon as is reasonably practicable.

Employees will be able to change their mind about the date on which they want their leave to start providing they tell the council at least 28 days in advance (unless this is not reasonably practicable).

Employees will not qualify for adoption leave (or adoption pay) if they:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a family member or stepchild
- have a child with the help of a surrogate mother, where the intended parents are not eligible for a Parental Order or where they meet the conditions but do not intend to apply for a Parental Order.

Duration

The statutory adoption leave (SAL) period is made up of 26 weeks' ordinary adoption leave (OAL) followed by 26 weeks' additional adoption leave (AAL), regardless of length of service. Employees are entitled to all contractual benefits, except pay, for the full 52 weeks of adoption leave.

The main adopter can choose to share their adoption leave with their partner / secondary adopter by ending their period of adoption leave and instead taking shared parental leave. They must take at least 2 weeks of adoption leave before starting any shared parental leave.

Adoption leave will end if the placement does not take place or breaks down. The employee must inform their manager if this occurs.

Start Date

Adoption leave can start:

- on the date the child starts living with the employee or up to 14 days before the expected placement date (for UK adoptions only)
- when an employee has been matched with a child to be placed with them by a UK adoption agency
- on the date the child starts living with the employee or up to 14 days before the expected placement date providing that the child has arrived in the UK (for overseas adoptions).

- the day the child is born or the day after (for parents in surrogacy arrangements)

Returning to work

Employees are under no obligation to tell their manager of their intentions to return to work before they commence their adoption leave. Any discussions at this point are not binding and employees are not required to finalise any arrangements at this time.

For statutory adoption pay (SAP) purposes, employees who choose not to return should not resign from their post until the end of their adoption leave. They should just indicate that they do not wish for the occupational adoption pay (OAP) to be paid to them and resign in writing giving their contractual notice.

6.3 Adoption pay

To qualify for adoption pay employees must:

- give the Council the correct notice (see above, the notice is same as that required for statutory adoption leave)
- give the Council proof of the adoption, and
- meet the employment qualifying criteria

The employee must declare that they are the main adopter and are therefore taking adoption leave and/or pay, not paternity leave and/or pay (see the adoption leave and pay application form).

Proof of the adoption

UK Adoptions	Overseas Adoptions
<p>The evidence must show:</p> <ul style="list-style-type: none"> • the name and address of the adoption agency and employee • date the child was matched, e.g. the matching certificate • the expected or actual date of placement, e.g. a letter from the agency 	<p>The evidence must show:</p> <ul style="list-style-type: none"> • the name and address of the adoption agency/authority and employee • the relevant UK authority's 'official notification' • the date the child arrived in the UK, e.g. plane ticket

Employees should ask their adoption agency for a matching certificate (or 'official notification' for overseas adoptions) which will includes basic information on matching and expected placement dates.

Employment qualifying criteria

UK Adoptions	Overseas Adoptions
STATUTORY ADOPTION PAY (SAP)	
To qualify for SAP employees need to have completed a minimum of 26 weeks' continuous service with Walsall Council by the week in which they were notified of having been matched with the child (i.e. the 'matching week'), and their average weekly earnings must not be less than the earnings limit for National Insurance contributions.	To qualify for SAP employees need to have completed a minimum of 26 weeks' continuous service with Walsall Council by the week that they receive official notification of adoption, or by the time they want to start their SAP to begin, whichever is later, and their average weekly earnings must not be less than the earnings limit for National Insurance contributions.
OCCUPATIONAL ADOPTION PAY (OAP)	
To qualify for OAP employees need to have completed a minimum of 1 year's continuous service by the week in which they were notified of having been matched with the child (i.e. the 'matching week'). The matching week starts on a Sunday and ends on a Saturday.	To qualify for OAP employees need to have completed a minimum of 1 year's continuous service by the week that they receive official notification of adoption, or by the time they want to start their SAP to begin, whichever is later.

Employees who are not eligible for SAP may be eligible for other welfare benefits and should contact their adoption agency or local Job Centre Plus office.

Adoption pay entitlement

Adoption leave period	Statutory Adoption Pay (SAP)	Occupational Adoption Pay (OAP)
Weeks 1-6	90% of employees average weekly earnings	90% of employees average weekly earnings (pay offset against any payments made by way of SMP or MA)
Weeks 7-18	SAP standard rate Where employees normal earnings are lower than SAP, they will receive 90% of normal earnings instead of SAP rate	50% of employees average weekly earnings This will be in addition to SAP standard rate or MA (providing the total does not exceed normal pay)
Weeks 19-39	SAP standard rate Where employees normal earnings are lower than SAP, they will receive 90% of normal earnings instead of SAP rate	n/a
Weeks 40-52	n/a	n/a

A summary of entitlement can be found in appendix 2.

Payments are based on an employee's current salary and will be adjusted to reflect any pay increases during the adoption leave period.

Employees are required to return to work for a minimum of 12 weeks at the end of their adoption leave period to qualify for OAP. If employees do not return for the required time then any OAP paid to them will be claimed back. If employees are unsure of their intentions to return, they can elect to have their OAP deferred and paid usually in a lump sum at a later date.

If an employee has more than one contract of employment with the Council and only returns to one of these contracts, they will not be required to pay back any OAP, provided they complete 12 weeks service in at least one of their contracts.

Employees are not required to pay back any SAP received, even if they do not return to work.

6.4 Other entitlements and requirements

Those taking adoption leave are also entitled to the same protections as those on maternity leave. Please see section 3.5 for other related entitlements and requirements. Where maternity is mentioned adoption should be substituted, likewise SMP/OMP with SAP/OAP.

6.5 Specific adoption cases

Foster carers who adopt

Ordinarily foster carers are not eligible for adoption leave and pay. However, the main prospective adopter who has a child placed with the under section 22C of the Children Act 1989 with a view to them adopting that child (sometimes referred to as "fostering for adoption"), are entitled to adoption pay and leave from when the child comes to live with them (initially for fostering). The partner or secondary adopter may be entitled to paternity leave and pay.

Adoption through surrogacy

The main intended parent in surrogacy arrangement, where they are eligible for and intend to apply for a Parental Order making them legal parents of the child, are entitled to adoption pay and leave.

To qualify for adoption leave:

- employees will have to give the Council a 'statutory declaration' (i.e. written declaration signed by the individual in the presence of a qualified person, such as a solicitor) confirming they intend to apply for a parental order in the 6 months after the baby's birth
- employees have to tell the council at least 15 weeks before the due date, when the baby is due and when they want their adoption leave to start.

To qualify for adoption pay:

Statutory Adoption Pay	To qualify for SAP employees need to have completed a minimum of 26 weeks continuous service with Walsall Council by the 15th week before the baby is due and their average weekly earnings must not be less than the lower earnings limit for National Insurance contributions.
Occupational Adoption Pay	To qualify for OAP employees need to have completed a minimum of 1 year's continuous service by the 15 th week before the baby is due.

The partner or second Parental Order parent may be entitled to paternity leave and pay or shared parental leave.

Where the Parental Order is refused by the court the adoption leave will end 8 weeks later or at the end of the 52 weeks, whichever is earlier.

Both intended Parental Order parents are entitled to take unpaid leave to accompany the surrogate mother to up to 2 for her antenatal appointments (up to 6.5 hours for each appointment) that have been made on the advice of a medical practitioner. Where the parental order parent is the biological father they are entitled to paid time off to attend up to 2 appointments (this is a maximum of 2 appointments, not 2 as the biological father and 2 as the parental order parent).

7. Paternity Procedure

Employees may be entitled to Paternity Leave where their partner is having a baby, where they are adopting a child or having a baby through surrogacy arrangements. Whilst this will normally apply to fathers, same sex partners may be entitled providing they meet the eligibility criteria.

7.1 Entitlement to Paternity Leave

Fathers to be / adoptive fathers (or same sex partners) are entitled to take one or two week's paternity leave at or within 56 days of the birth (or placement for adoption). Leave cannot start before the birth or in adoption cases the date of placement. Employees can choose to take one week or two weeks as leave, however this must be as one block of leave not as separate weeks.

Only one period of leave is provided per pregnancy/adoption process regardless of the number of children.

To be eligible for Paternity Leave, employees must be:

- The biological father, or are married to the mother, or are a partner of the mother (or main adopter), or are the intended parent (if having a baby through a surrogacy arrangement), and;
- Will be taking leave to care for the child and / or support the mother, and;
- Have 26 weeks continuous service with Walsall Council by the end of the 15th week before the baby is due (or by the 'matching week' in adoption cases), and;
- Have been employed continuously from the 15th week before the baby is due until the actual date of birth (qualifying week).

7.2 Eligibility for Statutory Paternity Pay

Employees who qualify for Statutory Paternity Leave will also qualify for Statutory Paternity Pay (SPP) provided they are earning at least the Lower Earnings Limit for National Insurance at the end of the Qualifying Week.

Fathers to be / adoptive fathers (or same sex partners) are entitled to one week at full pay and one week at Statutory Paternity Pay when taking Paternity Leave.

The rate of Statutory Paternity Pay will be the same as the standard rate of Statutory Maternity Pay.

7.3 Notice required for Paternity Leave and Pay

To receive SPP and take paternity leave the employee must provide the following information in writing to the manager by the end of the 15th week before EWC;

- the date of EWC.

- the length of leave requested
- the date the leave is intended to start

Employees are required to complete a Paternity Leave/Maternity Support Leave Application Form.

8. Maternity Support Procedure

Maternity Support Leave (MSL) of 5 days with pay is provided under the NJC Conditions of Service for Local Government Services (the Green Book). It is special leave which may be granted in addition to annual leave to employees to support an expectant mother. Some employees may also be eligible to apply for Paternity Leave, and they should select the Scheme which is most suitable for them.

Employees should complete the Paternity Leave/Maternity Support Leave Application Form.

8.1 Eligibility for maternity support leave

The Scheme applies to all employees irrespective of their length of service with the Council. In most cases this will be the child's father or co-parent. However, in certain circumstances the mother may need to nominate an alternative person to be the primary provider of care or support on or around the time of the birth, for example, if the father is in the forces abroad. This individual is called the "nominated person" and is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth. In all cases the employee applying for MSL will be expected to produce the original MATB1 which confirms the mother's expected date of childbirth.

8.2 Period of leave

Employees applying for maternity support leave will be granted 5 days leave with pay at or around the time (within 56 days) of birth. Leave cannot start before the birth or in adoption cases the date of placement.

8.3 Maternity Support Leave & Paternity Leave

An employee may be eligible for both Maternity Support Leave and Paternity Leave. Those employees who qualify for both will be entitled to:

- 5 days MSL at full pay (MSL offset by SPP);
- the second week as paternity leave at the SPP rate

Employees do not need to take both weeks, but where they do this must be as one block of leave not as separate weeks.

9. Shared Parental Leave Procedure

Shared Parental Leave (SPL) is designed to give parents more choice and flexibility in how they share the care of their child in the first year following birth or adoption.

SPL allows mothers, fathers, partners and adopters to choose how to share a period of leave between them after their child is born or matched / placed for adoption. This could include both parents being off work at the same time and/or taking it in turns to have periods of leave to look after the child.

9.1 Maternity Leave & Shared Parental Leave

Mothers will continue to be entitled to 52 weeks maternity leave, however SPL allows them flexibility as to whether to take all 52 weeks as maternity leave or share some of their maternity leave with their partner.

Mothers must take two weeks compulsory maternity leave then following this the remaining leave can be taken either as maternity leave or as SPL, provided the mother (or main adopter) has opted out of her maternity leave and both parents meet the required eligibility criteria for SPL.

Fathers / partners will continue to be entitled to two weeks paternity leave immediately after a child's birth, following which they will be able to apply for SPL, provided the mother (or main adopter) has opted out of her maternity leave and both parents meet the required eligibility criteria for SPL.

Parents can choose to opt into SPL at any point providing that there is some untaken maternity leave left to share.

The combined leave taken by both parents in total must not exceed 52 weeks (including any maternity leave or adoption leave).

9.2 Eligibility for Shared Parental Leave (SPL)

To qualify for SPL;

- the mother must have ended her period of maternity leave or returned to work;
- and both parents (birth / adoptive parents) must be working and individually meet the following criteria:
 - both parents must have / expect to have main caring responsibilities for the child
 - 26 weeks continuous service with Walsall Council by the end of the 15th week before the expected week of childbirth (EWC) or the notified week of adoption;
 - still be employed in the week before SPL is due to start;

- have given the required notice (see notice requirements - SPL section 8.5);
- have provided any evidence requested;
- the employee's partner must also satisfy the economic activity test (see www.gov.uk), which at the time of writing requires the partner to;
 - have worked for any 26 weeks out of the 66 weeks before the EWC (or the 'matching week' in adoption cases), and;
 - earned at least £390 in total in any 13 of the 66 weeks

Each parent must qualify for SPL in their own right.

For the mother to qualify for SPL she must be entitled to statutory maternity leave (SML) and have curtailed that leave.

For the father/partner to qualify for SPL, the mother must be entitled to SMP/maternity allowance/ SML, and have curtailed that pay/allowance/leave.

9.3 Eligibility for Statutory Shared Parental Pay (ShPP)

To qualify for ShPP;

- the employees' average salary for 8 weeks before the 15th week before the EWC must be at least the lower earnings limit (the current limit can be checked on www.gov.uk).
- The employee must have 26 weeks continuous service with Walsall Council by the end of the 15th week before the EWC.
- Have given the required notice (see notice requirements - ShPP section 8.5).

Each parent must qualify for ShPP in their own right.

9.4 Statutory Shared Parental Pay (ShPP) entitlement

ShPP entitlement is equivalent to SMP entitlement and is paid at the same rate.

Shared Parental Leave period	Statutory Shared Parental Pay (ShPP)
Weeks 3 - 6	90% of employees average weekly earnings This will be the average weekly earnings of the employee who is on leave during that particular week
Weeks 7 - 39	SMP standard rate Where employees normal earnings are lower than SMP, they will receive 90% of normal earnings instead of SMP rate

Weeks 1-2 will be compulsory maternity leave for which the mother will receive SMP. Total statutory pay will not exceed 39 weeks combined. Adopters must take at least two weeks adoption leave to be able to access shared parental leave.

9.5 Notice requirements for SPL and ShPP

Mothers/Adopters are required to provide written notice in order to end their maternity/adoption leave before being eligible for SPL.

Employees are required to provide at least 8 weeks written notice of their intention to take SPL prior to SPL commencing (unless the child is born early and this has not been possible). This first notification should include an indication of the expected pattern of leave they will be taking; however the pattern of leave is not binding at this stage. Form SPL1 details the information which must be provided when informing the Council of the intention to take SPL.

Both parents have to notify their employers.

Employees are required to provide at least 8 weeks written notice of each period of shared parental leave they will be taking. Any notice given to take SPL is binding once submitted, unless notice was given before the birth, in which case employees can change their mind up to 6 weeks after the birth. If a mother revokes her notice following the birth she will be able to opt into SPL at a later date.

Employees are able to notify the Council up to a maximum of three times to request periods of leave and/or any changes to the leave periods they have requested (the original notification and up to two further notifications or changes). Any change requests to previously notified arrangements which are mutually agreed as changes between the Council and the employee can be made as long as both parties agree and these will not count towards the maximum of three notifications allowed.

9.6 Requesting shared parental leave

Once employees have provided written notice of their entitlement and intention to take SPL, they must book each period of leave, providing at least 8 weeks written notice before the start of each period of leave using Form SPL2. Employees can submit up to three separate notices (including any change requests for previously booked periods of leave – where change requests are mutually agreeable they do not count towards the maximum of 3 requests that can be submitted).

Each notice can be for a block of continuous leave, or the notice may request a pattern of discontinuous leave involving different periods of leave.

Requests for a continuous block of leave will be granted. The Council may attempt to discuss and seek agreement to modify a continuous leave requests, however employees are under no obligation to accept any modifications to a continuous leave request.

Requests for a discontinuous block of leave will be considered in line with the needs of the service. The outcome which, will be provided within 14 calendar days of the request being received, may be anyone of the following;

1. That the request for a discontinuous block of leave is granted
2. That an alternative pattern of either discontinuous or continuous leave (as appropriate to the service) is proposed by the Council and agreement sought with the employee
3. That the discontinuous leave request be refused

Where the outcome is either option 2 or 3 the employee can withdraw their request on or before the 15th day after the request was originally made and it will not count as one of their three requests. If the employee does not withdraw their request, they must take the total amount of leave they had requested in one continuous block. The employee can choose when this leave period will begin within 19 days (i.e. 5 days after the 14th day) of the date the request was given to the employer but it cannot start sooner than the initially requested start date. If the employee does not request an alternative start date within the 19 day period, the leave will begin on the starting date stated in the original request.

9.7 Right to retain a job

If the period of leave does not exceed 26 weeks, the employee has the right to return to the same job. This will apply whether or not the leave is taken continuously. If the period of leave exceeds 26 weeks, the employee has a right to return to the same job or, if not reasonably practicable, a similar job.

9.8 Shared Parental Leave in touch (SPLIT) days

Each employee may take up to 20 in-touch (SPLIT) days during a period of shared parental leave without it bringing the leave to an end. These 20 days are in addition to the 10 'Keeping In Touch' (KIT) days that are available to those on maternity or adoption leave.

SPLIT days follow the same principles as KIT days.

9.9 Shared parental leave in adoption and surrogacy

Shared parental leave will also be available to adoptive parents and intended parents through surrogacy. The following points apply:

- Adopters will have the same rights as other parents to maternity leave and pay and if eligible, will be entitled to share parental leave.
- Surrogate parents who meet the criteria to apply for a Parental Order will be eligible for statutory adoption leave and pay and shared parental leave and pay again if they meet the qualifying criteria.

10. Ordinary Parental Leave Procedure

Ordinary parental leave (OPL) is separate to shared parental leave (SPL) and entitles eligible employees the right to take 18 weeks unpaid time off work to look after a child or make arrangements for the welfare of a child.

OPL is available to both male and female employees, irrespective of any current working arrangements or previous applications. OPL is granted per child born or adoptee, and not per employee, so in the case of twins or multiple adoptions (i.e. twins or siblings adopted at the same time) parents' entitlement is per child.

Employees remain employed during any period of unpaid parental leave and are not permitted to use their parental leave to take up any other employment.

Employees can use their OPL for a variety of reasons, such as;

- To spend more time with a child
- To support a child whilst in hospital
- To investigate nurseries or schools or to make other caring arrangements

10.1 Eligibility for OPL

To qualify for OPL the employee:

- Must have at least 1 year's continuous service;
- Must be named on the child's birth or adoption certificate, or have/expected to have parental responsibility for a child, and;
- The child is under 18 years of age

Foster parents are not eligible for OPL unless they have secured parental responsibility through the courts.

10.2 OPL entitlement

Eligible employees are entitled to take up to 18 weeks unpaid leave in total for each child. Leave can be taken at any point once the child is born or matched / placed for adoption, up to the child's 18th birthday. The limit on how much OPL each employee can take in a year is 4 weeks per child.

OPL may be taken as:

- A single block of up to 4 weeks in any one year, or;
- A number of shorter blocks of leave that must be taken in multiples of a week, unless the child is disabled, in which case the leave can be taken in individual days.

Employees who work part time will have their OPL allowance on a pro-rata basis. Therefore a week's leave will be equal to the length of time that employee normally

works during a week, i.e. 5 days for an employee who works Monday through to Friday or 2 days for an employee who works Tuesday and Wednesday only.

10.4 Applying for a period of unpaid OPL

Form OPL1 is required to be submitted giving a minimum of 21 days notice of a request to take ordinary parental leave.

The provisions in place in respect of fathers who wish to take a period of parental leave beginning when their child is born are slightly different. In this case, the notice must be given at least 21 days before the expected week of childbirth, and must specify the expected week of childbirth and the duration of the period of parental leave requested.

Similarly, where parental leave is requested to begin on an adopted child's placement, the employee's notice must be given at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. The notice must specify the week in which the adoption placement is expected to occur and the duration of the period of parental leave requested.

10.5 Postponement of OPL

In most cases, a period of OPL requested by an employee may be postponed if the employee's absence at the time requested would cause undue disruption to the business. If this is the case, the line manager must:

- give the employee written notice of the postponement;
- state the reason why the postponement is necessary; and
- suggest alternative dates for the employee to take an equivalent period of parental leave within the next six months.

The notice of postponement must be given to the employee no more than seven days after receipt of the employee's notice requesting OPL.

The manager may not, however, postpone OPL where the period of leave has been requested to coincide with the birth of the child or the child's adoptive placement. This is the case irrespective of whether the dates requested are likely to cause inconvenience or disruption to the business.

10.6 Rights on return to work after OPL

Employees are not required to give any specific notice of their return from OPL, as the return date will have been agreed at the outset. The employee should simply turn up for work in the usual way on the appropriate date.

10.7 Pay and benefits during OPL

Terms and conditions remain the same for employees on OPL except the period of leave is unpaid. Time taken is treated as continuous service and employees continue to accrue annual leave and other holiday entitlements regardless of how the leave is taken.

Employees who are sick during OPL are entitled to sick pay (on provision of GP fit note) and they will be entitled to claim back the OPL entitlement.

10.8 Pension

If the employee is member of the local government pension scheme, the employee will be offered the opportunity to pay for the missing service at the end of their break, and should discuss how to do this with Payroll.

If the employee does not pay any contributions during this time, the period will not count as service for pension purposes.

11. Foster Care Leave Procedure

11.1 Entitlement to foster leave

There is no statutory right to time off work to care for foster children. However, the council will allow employees paid leave if they meet the following eligibility criteria;

- they have completed a minimum of 26 weeks' continuous service by the time they want to take foster care leave;
- they are registered as a foster carer, or are applying to become a carer, with a local authority or registered foster care agency, and have proof of fostering (confirmed by a local authority as the corporate parent);
- they have, or expect to have, responsibility for a 'looked after child' (where a local authority is the child's corporate parent), and the leave is for the purpose of attending training and meetings related to a fostering placement. The placement can range from weekend respite through short term to long term and permanent arrangements.

It does not apply to the care of children who are family members, unless the employee is caring for a child under a Child Arrangement Order or a Special Guardianship Order, where the child would otherwise have to be fostered or go into local authority care for a period of time not normally less than 6 months.

11.2 Foster care leave

The council recognises that employees interested in fostering must go through a robust assessment process and intensive training before they can be approved. Therefore, an employee applying to become a registered foster carer may take up to 5 days paid leave to attend pre-approval training, assessment and panel process to becoming a foster carer.

An employee who is a registered foster carer may take up to a maximum of 5 days paid leave per year whilst a child or children are placed with them. This maximum is regardless of the number of children or placements that the employee has.

The paid leave may be used at the commencement of a placement to help settle the child or to ensure child care arrangements can be put in place or to attend meetings, home visits or mandatory training related to the fostering placement.

Foster care leave is pro rata for part time employees.

Where a couple are applying to become foster carers and both are employees of the council each employee will be entitled to the above leave.

Leave may be taken in half or whole days, subject to the needs of the service. Documentary evidence that a placement is due to start or that the employee is required to attend meetings or training must be provided for approval of time off.

There is no legal entitlement to leave for fostering purposes; therefore under this procedure any leave not taken in a year cannot be carried forward to the following year.

Where additional leave is required beyond the 5 days employees may request to take annual leave, flexi leave, time off in lieu (TOIL) or unpaid leave. The manager will consider these requests in line with service delivery needs.

Foster to adopt

A foster carer who is approved as a prospective adopter, and the child is placed with them in a “foster to adopt” situation will be entitled to adoption leave and pay.

Other leave or working provision

Foster carers are entitled to the usual unpaid leave provisions, with the exception of Unpaid Parental Leave. There is no statutory right to unpaid parental leave for foster carers.

Employees may take a reasonable amount of time off to deal with emergencies concerning a foster child, such as when a child falls ill or is injured, or to deal with an incident which involves a child which occurs unexpectedly at an educational establishment. Time off in this instance is unpaid.

Employees are expected to use annual leave or flexi-leave to cover known caring commitments.

Employees may wish to consider making a change to their working arrangement; this can be considered in accordance with the right to request flexible working policy.

11.3 Expectations of managers and employees

The council recognises that foster carers will often need additional time off work as part of successful fostering. Managers should be sympathetic to requests for time off work and flexible working arrangements, and seek to accommodate these where there is no major detrimental effect on the service.

Employees are expected to minimise their request for leave by seeking to arrange meetings, home visits and training sessions etc in their own time. However, it is recognised that this is not always possible, in this case the employee should make requests for leave as far in advance as possible in order for requests to be properly considered and to enable cover arrangements to be made where required.

11.4 Requesting foster care leave

An employee who wishes to take foster care leave should give reasonable notice (at least 2 weeks' where possible) of the intention to take leave and set out the dates on which leave is to begin and end.

Documentary evidence must be provided by the employee for approval of time off with pay. If there are any confidentiality issues regarding supplying letters already held by the employee as supporting evidence, then the employee may request verification from their Family Support Worker or relevant local authority.

Leave will be authorised by the line manager, who will take into account the nature of the request and the needs of the service. There may be occasions when, due to service needs or insufficient notice, the manager may not be able to accommodate a request for leave.

11.5 Record of foster care leave

Foster care leave should be recorded on the employee's leave record card or a record kept by the line manager under the scheme used locally to record all leave.

Appendix 1

Maternity Key stages/accountabilities

Significant Event Timeline requirements	Manager's Accountabilities	Employee's Accountabilities
Notification of pregnancy: As soon as applicable BUT prior to week 25 of pregnancy	Complete a Risk Assessment once informed of the employees pregnancy and review regularly.	Notify your manager of your pregnancy. Maternity information can be viewed at www.tommys.org
Submission of MATB1 As soon as supplied by Midwife / GP / Hospital	Send the MATB1 and application form to HR Payroll Services	Provide MATB1 form to manager with a completed Maternity Leave and Pay Provisions Application Form.
11 weeks before Expected week of confinement		This is the EARLIEST you can start your maternity leave
Period of sickness within 4 weeks of EWC	If an employee reports in sick during this time with a pregnancy related absence, Payroll should be instructed to commence an employee's maternity leave. The employee should be notified that this is the case.	
Week 39 of pregnancy or before (as appropriate)	Discuss the handover of any work. Consider the most appropriate way to deal with any outstanding annual leave.	
Week 40 of pregnancy	Confirm the start of the Maternity Leave.	If surrendering car parking permit return it to parking services.
During Maternity Leave	Send documents listed in 5.4.2 on a regular basis. Complete the Return to Work notification form. Arrange Keeping In Touch (KIT) days Discuss working arrangements post return to work Agree how annual leave will be taken following return to work (if any is going to be used)	Provide your manager with a copy of the child's birth certificate. Advise your manager if you wish to return from maternity leave early – 8 weeks' notice is required.
Upon return to work	Complete 'New Mother's Risk Assessment' – particularly important if the employee is breastfeeding Advise employee of facilities available for breastfeeding etc	Advise manager if you are breastfeeding.

Appendix 2

Summary of entitlement

Service at the beginning of the 15th week before the expected week of childbirth*	Pay entitlement	Leave entitlement
Less than 26 weeks service with Walsall Council and less than 1 year Local Government Service	No Statutory Maternity Pay - may be entitled to claim Maternity Allowance No Occupational Maternity Pay	Ordinary Maternity Leave 26 weeks Additional Maternity Leave 26 weeks i.e. 52 weeks in total
Less than 26 weeks service with Walsall Council but more than 1 year Local Government Service	No Statutory Maternity Pay - may be entitled to claim Maternity Allowance Entitled to Occupational Maternity Pay: Weeks 1-6 90% of normal pay Weeks 7-18 half pay (repayable if do not return to work for a minimum of 12 weeks) (OMP offset against any MA payments – the total cannot exceed normal pay.)	Ordinary Maternity Leave 26 weeks Additional Maternity Leave 26 weeks i.e. 52 weeks in total
More than 26 weeks service with Walsall Council but less than 1 year Local Government Service	Entitled to Statutory Maternity Pay** Weeks 1-6 90% of normal pay Weeks 7-39 SMP rate (dependent on earnings) No Occupational Maternity Pay	Ordinary Maternity Leave 26 weeks Additional Maternity Leave 26 weeks i.e. 52 weeks in total
More than 26 weeks service with Walsall Council and more than 1 year Local Government Service	Entitled to Statutory Maternity Pay** 39 weeks (dependent on earnings) Entitled to Occupational Maternity Pay: Weeks 1-6 90% of normal pay Weeks 7-18 half pay (repayable if do not return to work for a minimum of 12 weeks) (OMP offset against any SMP or MA payments – the total cannot exceed normal pay.)	Ordinary Maternity Leave 26 weeks Additional Maternity Leave 26 weeks i.e. 52 weeks in total

Adoption leave and pay entitlements mirrors that of maternity.

*for UK adoptions - service requirement is by the week in which notified of having been matched with the child (i.e. the 'matching week'),

**to qualify for SMP average earnings must be above the lower earnings limit for National Insurance contributions, where this is not the case a claim may be made for Maternity Allowance.

Code of Conduct for Employees



Walsall Council

Version Control

Document title	Code of Conduct for Employees		
Owner	Human Resources	Status	Draft
Version	5.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	25/07/19	Last updated by	HR Strategy and Planning
Purpose	The purpose of this code is to provide a clear framework within which employees of the Council are expected to conduct themselves.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Counter-fraud and Corruption Policy
- Sickness Absence Policy
- Media Publicity Protocols
- Confidential Reporting (Whistleblowing) Policy
- Disciplinary Policy
- Email and Internet Usage Policy
- Equality and Diversity Protocol
- Flexible-time Scheme
- Gifts and Hospitality Policy
- Workforce Strategy
- Behaviour & Standards Framework
- Social Media Policy
- Health and Safety policies
- Information Governance Policy Framework
- Media Publicity protocols
- Performance and Ill Health Capability Policy
- Recovery of Overpayments of Salary Procedure
- Recruitment and Selection Policy
- Substance Misuse Policy and guidance notes for managers
- Alcohol and Drugs Testing Policy
- Section 5.3 of the Constitution on member / officer protocol

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

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FOREWORD

Working in public service places great responsibility on us. High standards are required and public expectation of people working in local government continues to grow. We are expected to maintain excellent levels of conduct at all times.

This Code of Conduct shows how we need to behave to demonstrate honesty and integrity. It also outlines the things we need to do to demonstrate transparency and accountability and that our actions are impartial and objective.

Our Code of Conduct places a responsibility on every member of staff to act in the best possible interests of the public, to never bring themselves or the council into disrepute and provide excellent services to the people of Walsall. It also makes clear how we should work with each other and our partners on a day to day basis.

Your first responsibility as a member of staff is to read this document and discuss with your manager any points that may require further clarification. If you manage or supervise staff, you are also responsible for ensuring that the staff who report to you understand the requirements of this Code and operate within it.

Walsall Council aims to be an excellent council, highly regarded by the people we serve. We also aim to be an excellent place to work. People will make these judgements on the basis of their experiences. It is our collective and individual responsibility to ensure that our conduct is the best it can be at all times.

.....
Dr Helen Paterson
Chief Executive

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1. Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximized and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential and this policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement, the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 The purpose of the Code of Conduct is to provide a clear framework and guidance for all employees of Walsall Council, which outlines acceptable standards of behaviour and aims to support the council's shared vision, purpose, values and behaviour.

2. Scope

- 2.1 The Code of Conduct applies to all council employees.

3. Principles

- 3.1 The Code of Conduct draws together policies and requirements of the council and aims to assist employees in performing their duties to the best of their ability. All council policies and procedures form part of the Code of Conduct and as such any breach of policies or procedures will be considered a breach of the Code

- 3.2 Employees are required to familiarise themselves with the contents of the Code and the documents referred to therein. It cannot cover every eventuality and if in any doubt or any guidance is required, employees should consult their line manager / Human Resources contact.
- 3.3 The Code applies to all employees of the council. A breach of the Code may lead to disciplinary action.

4. Accountabilities

- 4.1 Employees are accountable for the following;
 - 4.1.1 The application of this policy should be conducted in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values;
 - 4.1.2 Support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
 - 4.1.3 Actively engage in employment practices and processes in which they are involved and ensure they understand this policy, seeking further advice and guidance from managers where necessary;
 - 4.1.4 Behave in a politically impartial manner;
 - 4.1.5 4.Avoid doing anything that might suggest that their actions are prompted by party political allegiance;
 - 4.1.6 Treat all councillors professionally and without bias, ensuring a working relationship demonstrating mutual respect. Mutual respect between employees and councillors is essential to good local government. Employees who have or enter into a personal relationship with a councillor must declare this to their line manager;
 - 4.1.7 Treat others with dignity and respect and contribute positively to a working environment that promotes these values and not discriminate unlawfully against any person;
 - 4.1.8 Avoid personal prejudice in giving / refusing any service;
 - 4.1.9 Provide the highest possible standards of service to the public and appropriate advice to councillors and fellow employees. In carrying out their duties and responsibilities, employees' honesty and integrity must be beyond question. Employees must never use their authority or position for personal gain, or to enable colleagues or others to gain personally;
 - 4.1.10 Ensure they do not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without a

lawful basis under the GDPR or the consent of the person authorised to give it, or unless they are required to do so by law;

4.1.11 Ensure they do not prevent another person from gaining access to information to which that person is entitled to by law;

4.1.12 Adhere to the GDPR and the Data Protection Act 2018 and any other relevant legislation relating to the disclosure of information and ensure that confidentiality is not breached;

4.1.13 Use their discretion to determine the appropriateness of where they hold conversations of a confidential nature, particularly given agile working arrangements. Employees, who view, overhear or otherwise come into contact with private information, must ensure confidentiality is maintained at all times;

4.1.14 Employees who access social media platforms must follow the Information Governance Framework and guidance on using social media and adhere to the council's Social Media Policy;

4.1.15 Employees that access social media platforms must follow the Information Governance Framework and guidance on using social media in that members of staff should not:

- Upload images from work
- Bring the council into disrepute
- Ruin the reputation of an individual or the council
- Upload or post defamatory, derogatory or offensive statements about colleagues, patients, their work or the council.

4.1.16 Any requirements to post information to social media in the exercise of your duties should be in accordance with any communications and or print and design specifications and or authorisation only.

5. The Code

5.1 Honesty, integrity, impartiality and objectivity

5.1.1 An employee must perform their duties with honesty, integrity, impartiality and objectivity.

Employees serve the council as a whole and have individual responsibility as part of their jobs for implementing policy, delivery of services and operational management of the council.

It is vital that employees understand that it is not just about reality it is also about perception. The public has a right to expect the highest levels of integrity and responsibility from all employees. This must be capable of demonstration and therefore actions, those which would lead to a loss of confidence through perceptions, are as critical as any others.

5.1.2 Political neutrality

All employees, whether or not politically restricted must ensure they follow all council policies and must not allow their personal or political opinions to interfere with their work.

Those employees, where it is part of their duties, who will work at a senior level with political sensitivity to advise and support councillors, will ensure councillors have appropriate and timely information on key issues and decisions (in line with data protection legislation); and will give councillors independent and professional advice, not influenced by political views or preferences (refer to section 5.3 of the council's constitution on member / officer protocol).

5.1.3 Politically restricted posts

The Local Government & Housing Act 1989 as amended by the Local Democracy, Economic Development and Construction Act 2009 states that posts which are deemed as 'specified posts' or 'sensitive posts' are politically restricted and therefore prevented by law from holding certain political office and from being an officer in a political party as well as taking part in certain political activities. Employees seeking further information should contact their line manager or Human Resources who hold a list of politically restricted posts.

5.2 Accountability

An employee is accountable to the council for their actions.

5.2.1 Compliance with legislation, Terms and Conditions of Service and other written policies, procedures and guidelines.

During the course of work employees should at all times be aware of and comply with all relevant legislation; for example the Health and Safety at Work Act 1974, the Equality Act 2010, the General Data Protection Regulations (GDPR) 2016 the Data Protection Act 2018, Freedom of Information Act 2000, The Computer Misuse Act 1990 etc and any other relevant legislation, including that relating to individual service areas. However this list is not exhaustive.

Employees should also have read and understood the conditions of service under which they are employed, including all local policies and procedures, which take into account all legislation and the local and national schemes. These policies and procedures are contained on the council's intranet site, or for further information contact Human Resources.

In addition, employees should be conscious of, and ensure that they are complying with, any other specific guidelines issued by their Service/Director Area. If an employee is a member of a professional institute or association they

are also obliged to comply with any professional code of conduct, accountancy professional bodies codes of conduct, social care codes of conduct.

5.2.2 Safeguarding

Employees working with children and/or vulnerable adults have a responsibility to safeguard and promote the welfare of children and/or vulnerable adults during the course of their work.

5.2.3 Dress code

Employees should dress appropriately and safely for the work that they do and to meet the expectations of members of the public, customers and stakeholders. The council reserves the right to set minimum standards of dress for each service area.

5.2.4 Equalities

Council employees have a duty to demonstrate principles of equality and diversity across all interactions ensuring compliance with council policies, procedures and relevant legislation. The council will not accept any form of unlawful or unfair discrimination on the grounds of age, disability, gender, gender identity, marital or civil partnership status, race, ethnic origin, colour, nationality, pregnancy or maternity, religion or belief (or no religion or belief), sexual orientation, class or social background, political belief or Trade Union affiliation. Employees should refer to the Equality and Diversity Protocol for further information.

5.3 Respect for others

- 5.3.1 Employees should always be courteous, professional and helpful when dealing with other people, whether fellow employees, service users, volunteers, customers, members of the public, councillors, contacts at external organisations or other stakeholders.

5.4 Stewardship

- 5.4.1 All employees must ensure that they use the public funds entrusted to or handled by themselves in a responsible and lawful manner. Employees must not utilise property, vehicles or other council facilities including equipment and materials for personal use unless expressly authorised to do so by their line manager.

5.4.2 Care and use of council resources

All equipment and vehicles belonging to the council should be utilised with due care and attention. Council resources, whether tangible assets such as materials, equipment and cash, or business information such as trade secrets

or business contacts, may not be used other than for the proper advancement of the business of the council.

Employees issued with council owned mobile phones may in exceptional circumstances use these for their own private telephone calls and/or text messages subject to the council being reimbursed. All personal call and/or text messages made on council telephones or mobiles should be properly logged and charges paid back to the council.

Council vehicles must only be used for authorised purposes and employees should only carry passengers where this is part of their working duties. Unauthorised use of council vehicles will render insurance cover void. In such circumstances, the employee would be personally liable to pay damages in the event of an accident causing injury and/or damage.

5.4.3 Security and use of computer equipment / data

The information technology systems operated by the council and the information stored within is of paramount importance. The GDPR, Data Protection Act 2018 and the Computer Misuse Act 1990 must be complied with. Employees must ensure that no unauthorised person gains access to equipment / data, which is within their responsibilities. User identifications and passwords must not be released to anyone, and passwords must be regularly changed. No data should be released unless it complies with the requirements of the GDPR and the Data Protection Act 2018.

The council has no objection to employees using the internet for personal use as long as this is undertaken in their own time (e.g. during lunch breaks or outside of their clocked in working hours) and in accordance with the council's Email and Internet Usage Policy, the Social Media Policy and the Computer Misuse Act 1990. The council will monitor the use of computers / internet access on a regular basis.

Employees should refer to the Email and Internet Usage Policy, the Social Media Policy and consult Information Governance for further information on the use of computer equipment and data.

5.5 Personal interests

- 5.5.1 Whilst employees' private lives are their own concern, employees must not allow their personal interests to conflict with their public duty or the requirements of the council. Employees must not misuse their official position or information acquired during the course of their employment to further their private interests or to confer an advantage or disadvantage to any person. An employee should not put themselves in a position where their job, or the council's interests and their own personal interests conflict. This includes behaviour (including that in an employee's own time), which because of the nature of employment would undermine the council's confidence or trust in the employee or that would bring the council into disrepute.

In particular, employees must comply with the following council requirements in relation to personal and/or conflicting interests;

5.5.2 Gifts & hospitality

The council's Gifts & Hospitality Policy must be adhered to when employees and/or their families are offered any gifts, hospitality or any other benefits by any third parties. All accepted and refused offers of gifts and hospitality must be properly authorised and recorded in a register maintained for this purpose by their Executive Director. For example gifts with a minimum nominal value may be accepted such as pens, diaries and chocolates, however cash should not be accepted. Unacceptable gifts should be politely but where appropriate firmly refused. Employees should refer to the Gifts & Hospitality Policy and if in any doubt they should contact their line manager for further guidance.

5.5.3 Financial and non-financial interests

Where an employee has any financial, private and personal interests with outside organisations or groups which may conflict with their duties, they must declare such involvement for formal recording and they must not allow it to influence in any way how they carry out their work.

Examples of interests include friendship, membership of an association, organisation or society whether or not receiving grant aid from the council, school governorship, involvement with an organisation or pressure group which may oppose council policies, and any other kind of relationship that could influence their judgement and give the impression that they might be acting from personal motives.

If an employee has a financial or non-financial interest relating to work that they are undertaking at the time, they should cease to deal with this work immediately and ask their manager to assign the work to someone else.

Employees must inform their Executive Director and the Monitoring Officer in writing about any relationship they have with contractors or potential contractors which could be seen as giving them financial gain or advantage. It is a criminal offence to fail to do so under Section 117 of the Local Government Act 1992.

Contracts have to be awarded in accordance with the council's procurement and contract rules, on merit, and following fair competition, except where those rules specify otherwise. No favouritism must be shown to businesses run by friends, partners, relatives or people with whom you have had a previous close working relationship.

If an employee or a member of their family or other person with whom they have a close personal relationship, has a financial interest in a contract that

the council has made or is going to make, it must be declared immediately in writing to their Executive Director and the Monitoring Officer.

Similarly, employees should declare any interests such as ownership of land and shares in any relevant company where a conflict of interest might exist. Employees are required to record these interests with the Monitoring Officer.

If an employee attends a cabinet meeting of the council when a contract in which they have an interest is to be considered, they must report this to the Monitoring Officer or the most senior officer present. It is a legal requirement for employees not to speak on an item for which they have an interest whether at the meeting, in prior briefings to members or at any other time.

Employees are required to consult their Head of Service before accepting any company directorship or positions akin to directorships in any limited liability company, including membership of the board of a community association whether such an association that is incorporated as a limited liability company or a registered charity or not.

Any financial or non-financial interests should be declared using the Code of Conduct declaration of interest form.

5.5.4 Additional employment

The council will not prevent an employee from undertaking additional employment providing it does not conflict with the interests of, or in any way weaken public confidence in the council and does not in any way affect performance of their duties and responsibilities whilst at work, or where their current position could confer advantage to their private interest / personal gain. If there is a conflict the manager can request that the employee discontinue with their conflicting private business interests.

Employees have a duty to take reasonable care of their own health and safety. Employees must inform their manager if they have/take up additional employment, particularly where this means that their total number of hours worked exceed an average of 48 hours per week, or which could have a detrimental effect on their health and safety.

Employees whose salary grade is above G6 are specifically required to obtain written consent from their line manager if they wish to take up any additional employment.

5.5.5 Alcohol / drugs

The council has a Substance Misuse Policy and guidance notes for managers and an Alcohol and Drugs Testing Policy, which is aimed at supporting employees and ensuring that they report fit for work and remain fit to perform their duties. All employees have responsibility to ensure that they report fit for work duties and conduct themselves in a professional manner. Any employee

who is under the influence of drugs or alcohol may present a health and safety risk to themselves or others.

The consumption of alcohol on council premises is not permitted, unless specifically approved by the line manager. Management reserve the right to ask an employee to remove themselves from any work locations / duties and take any subsequent and appropriate management action in any event where management feel an employee is unfit for work due to any substance misuse (including alcohol) or where they may present a risk to themselves or others.

Walsall Council expressly prohibits the use of any illegal drugs or any prescription medicines that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance.

Where it is established that there is an alcohol or drug dependency, the council will consider this as a treatable illness and managers will provide assistance and support where possible, including providing access to appropriate support channels. However any continued unacceptable behaviour or performance will be subject to the relevant council policy or procedure.

5.5.6 Criminal offences

Employees are expected to conduct themselves at all times (inside and outside of work) in a manner which will maintain public confidence in both their integrity and the services provided by Walsall Council.

Employees must inform their manager without delay if they are arrested, convicted, cautioned, subject to criminal investigation or formally warned of a crime including notifying their manager of the development and outcome of any ongoing case as soon as it happens. Employees do not need to disclose fixed penalty notices for minor driving offences except where driving is a key requirement of the employees' role or the conviction results in disqualification.

Employees sentenced to immediate imprisonment may be dismissed without notice or compensation in lieu of notice.

5.6 Reporting procedures: confidential reporting (whistleblowing)

5.6.1 In the event any employee becomes aware of any activities that they believe to be illegal, unethical, improper or otherwise inconsistent with;

- this Code of Conduct;
- the council's constitution;
- Counter-fraud Policy;
- or any other council policy or procedure.

they should report the matter to either;

- their line manager in the first instance where applicable or;

- through the Council's Confidential Reporting (Whistleblowing) Policy or;
- through the council's data incident reporting procedure

5.6.2 Confidential reporting is intended to encourage and enable employees to report serious concerns confidentially regarding the deficiency in the provision of any council service without fear of reprisal or recrimination. Under the Public Interest Disclosure Act 1998, employees are legislatively protected in the event they raise any concerns. Employees should refer to the Confidential Reporting (Whistleblowing) policy for further information.

5.7 Reporting procedures: bribery and corruption

5.7.1 The council does not tolerate any form of bribery and corruption. Employees need to be aware that bribing another person or receiving a bribe are serious criminal offences under the Bribery Act 2010 and should refer to the council's Anti Fraud/Anti Corruption Policy for further information.

5.8 Openness

5.8.1 Employees should be open about the council's services and how these are provided, including the dissemination of information and decision making, ensuring a transparent culture across the council. However, where certain information is private, sensitive or not appropriate for a wider audience there will be a need for confidentiality. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone who is not entitled to receive it, or needs to have access to it for the proper discharge of their functions. If in doubt employees should check with their line manager or the Information Governance Team.

In their official capacity, councillors have a general right of access to information held by the council. Where a councillor is seeking to access personal data relating to an individual, employees are legally obliged to ensure that such requests are handled in line with the GDPR and the Data Protection Act 2018 schedule 1, part 2, and the common law duty of confidentiality. Further details of which can be found in the Information Governance Policy Framework.

Employees should not use any information obtained during their employment or because of their position as a council employee for personal gain or benefit, nor should they pass it to others who might use this in such a way.

5.8.2 Media contact

Employees must not make statements to the media, or any other public statement which concerns the business of the council unless they have been authorised by their manager to act generally as a spokesperson or have been expressly authorised to act as a spokesperson in relation to a particular situation, or are acting as an authorised Trade Union spokesperson.

Employees should refer to the council's Media Publicity protocols for further information.

All media enquiries should be referred to the communications office. Employees authorised to maintain a council social media account should seek guidance and support from the council's communication unit.

5.9 Appointment of staff

- 5.9.1 Employees involved in appointments should ensure that those appointments are made only on the basis of merit. An employee must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee including agency workers, who is a relative or friend. The onus is on the employee to declare those people they would define as a 'friend' using their own personal judgement in accordance with the spirit of this Code, in particular honesty, integrity, impartiality and objectivity.
- 5.9.2 In the above, 'relative' means a spouse, civil partner, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, cousin or the spouse or partner of any of the preceding persons; and 'partner' above means a member of a couple who live together.

5.10 Duty of trust

- 5.10.1 An employee must, at all times act in accordance with the trust that the public is entitled to place in them.
- 5.10.2 Employees are reasonably expected to be ready and able at the agreed times of working to carry out their job.
- 5.10.3 Politeness and courtesy should be expressed to the public and to internal and external clients at all times.
- 5.10.4 Customer care and courtesy must be maintained with appropriate professional boundaries and particular attention should be paid when in contact with children and/or vulnerable adults.
- 5.10.5 In carrying out their duties and responsibilities employees' honesty and integrity should be beyond question.

Gifts and Hospitality Policy



Walsall Council

Version Control

Document title	Gifts and Hospitality Policy		
Owner	Human Resources	Status	Draft
Version	6.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	08/08/19	Last updated by	HR Strategy and Planning
Purpose	To provide guidance to all employees of Walsall Council when considering whether to accept gifts or hospitality from individuals or organisations.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Reimbursement of Personal Expenses Policy
- Workforce Strategy
- Behaviour & Standards Framework
- Code of Conduct
- Counter Fraud and Corruption Policy

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential and this policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services around the needs of service users. Employees will be empowered to deliver in a supportive environment, encouraging new ways of working, innovation and creativity, capitalising on emerging digital technologies.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 This purpose of this policy is to provide guidance to all employees of Walsall Council when considering whether to accept gifts and/or hospitality from individuals or organisations.

2.0 Scope

- 2.1 This policy applies to all council employees, including Chief Officers;
- 2.2 With the exception of;
 - 2.2.1 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.
- 2.3 This policy also applies to casual workers, consultants, agency workers or any self-employed individuals working for the council.

3.0 Principles

- 3.1 The council expects all employees to display high standards of integrity in their relationships with third parties.
- 3.2 Gifts, hospitality or other benefits offered to council employees or their families by a third party could, or could be seen to, compromise their personal judgment

or integrity and might appear to place the employee under an obligation. This is particularly the case where the gesture or offer could be interpreted as being made in an attempt to influence decision-making.

- 3.3 It is not possible to be prescriptive and define every eventuality where council employees should not accept gifts and/or hospitality, and should remember the need to be seen to display the core public sector principles of selflessness, integrity, objectivity and honesty at all times.

4.0 Accountabilities

4.1 The Monitoring Officer is accountable for the following;

- Consider and determine the appropriateness of any gifts and/or hospitality where applicable.

4.2 Executive Directors are accountable for the following;

- Consider and determine the appropriateness of any gifts and/or hospitality where applicable;
- Maintain a register for their directorate of gifts and/or hospitality received or refused and ensure the Monitoring Officer is notified. Records should be kept up to date and made available for scrutiny when required.

4.3 Heads of Service are accountable for the following;

- Consider and determine the appropriateness of any gifts and/or hospitality where applicable.

4.4 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- Support employees by determining the appropriateness of gifts and/or hospitality where relevant.

4.5 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and should ensure they understand this policy, seeking further advice and guidance from managers where necessary;
- Where relevant discuss any offers of gifts or hospitality with their line manager in the first instance to deem appropriateness;
- Comply with the requirements of this policy and procedure.

5. Procedure

5.1 Gifts and hospitality not requiring approval

5.1.1 Employees can accept gifts and/or hospitality which are small gestures such as those specified in 5.1.2 and 5.1.3 below, without approval from Head of Service or Executive Director. These may include small gifts received from relatives of service users as a token of appreciation for the service they have received. Gifts and hospitality of this nature do not need to be recorded.

5.1.2 Gifts which can be accepted include;

- Pens and/or diaries;
- Calendars;
- Mugs;
- Mousemats;
- Desk organisers;
- Coasters;
- Chocolate and flowers;
- Books;
- Other business stationery and promotional items.

5.1.3 Hospitality that can be accepted includes;

- Invitations to events or functions where you are representing the council (e.g. opening ceremonies, trade shows, events where you are invited to speak, events hosted or sponsored by the Council);
- Working lunches provided to enable the parties to continue to discuss business;
- Refreshments offered in connection with any meeting you are attending on behalf of the council;
- Meals or refreshments funded by other public sector partners as part of joint working/collaboration;
- Meals or refreshments provided as part of a ceremony or event to promote or launch a project or initiative supported by the council.

5.1.4 Where an employee is unsure they should discuss with their line manager in the first instance.

5.2 Gifts and hospitality requiring approval

5.2.1 Any gift or hospitality larger than the small gestures specified in 5.1 above should be politely refused or returned if such offers are from organisations or persons who do, or might provide work, goods or services to the council or who might require policy decisions to be taken by the council on matters affecting them personally. However, if there is a known conflict of interest after you have received the gift, you must obtain the written approval of your Head of Service

in order to keep the gift. If the Head of Service decides that it is not appropriate, you must return the gift immediately.

- 5.2.2 If you or your Head of Service has any concerns or doubts about the public perception that might be attached to accepting any gift or hospitality, then you must refer it to your Executive Director, who may in turn refer it to the Monitoring Officer.
- 5.2.3 In the case of Heads of Service or Assistant Directors being offered gifts or hospitality in the circumstances referred to above, approval must be obtained from the Executive Director, who may decide to refer it to the Monitoring Officer. In the case of Executive Director or the Chief Executive being offered gifts or hospitality in the circumstances referred to above, approval must be obtained from the Monitoring Officer.
- 5.2.4 There are special circumstances encountered by employees who have a caring role or provide a direct personal service. It is not unusual for residents of residential care homes or for people receiving support at home from paid employees or their relatives to wish to express their thanks and gratitude to employees by offering gifts, money or even by making an employee a beneficiary in a will. It is most important in such situations to protect the employee from any suggestion of improper motives or conduct. This is obviously an area however, which needs to be handled with great tact and sensitivity to avoid needless offence to an individual.
- 5.2.5 On being made aware that he or she has been made a beneficiary in an individual's will, the employee must immediately report the matter to his or her manager in writing. A manager will then visit the client to ensure that the bequest represents the genuine wishes of the individual and has not been improperly influenced by the employee. Following his or her visit, the manager will notify the Executive Director, who will determine the course of action to take. In some cases, an employee may not know that he or she is a beneficiary until after the death of the client concerned. As soon as the employee is made aware of such a bequest, he or she should notify their Executive Director in writing who will advise him or her on whether or not the bequest should be accepted.

5.3 Gifts and hospitality not allowed

5.3.1 Gifts and/or hospitality which should never be accepted include;

- Gifts of alcohol from private individuals or organisations, who provide services or goods to the council;
- Trade or discount cards, which permit employees to personally purchase goods or services at reduced cost;
- Cash or monetary gifts;
- Gifts and/or hospitality offered to your husband, wife, partner, family member or friend (where there is a link to the gift and your employment with the council);

- Gifts and/or hospitality arising from a tender in the immediate period before tenders are invited or during the tender process. If you are carrying out long site visits as part of the tender process, you can accept the offer of lunch provided it is proportionate and not extravagant;
- Lavish or extravagant gifts and/or hospitality unconnected to your work such as holidays, overnight stays, flights or travel, use of a company's own holiday accommodation, after dinner speakers celebrity events, expensive meals where work is not discussed, sporting or cultural events (e.g. theatre tickets, football match, golfing event). This applies even if undertaken in your own time.

6. Register of gifts and hospitality

- 6.1 Each employee must record (using the Disclosure of Gifts & Hospitality form) with their Executive Director the details of any gifts or hospitality, which they have received or refused, with the exception of those referred to in section 5.1.
- 6.2 Each Executive Director is responsible for notifying the Monitoring Officer and for maintaining a list of gifts and/or hospitality received or refused for their directorate, this may be subject to council scrutiny.
- 6.3 Employees who are in any doubt about whether or not to accept a gift should refuse it. Unsolicited gifts should be returned with a covering letter on council headed paper, and employees should report this course of action to their manager.
- 6.4 If an employee is offered something considered to be beyond a goodwill gesture (which could be interpreted as a bribe) they should immediately tell their manager, who has a duty to report the matter to the Monitoring Officer or Executive Director.

7.0 Overseas travel

- 7.1 All employees or Members wishing to undertake overseas travel which is funded by a third party are first required to declare the business reason for the trip to their line manager seeking approval from their Executive Director or Council Leader using the relevant application form which is detailed in the 'Reimbursement of Personal Expenses Policy'.

Market Supplements Policy



Walsall Council

Version Control

Document title	Market Supplements Policy		
Owner	Human Resources	Status	Draft
Version	3.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	08/08/19	Last updated by	HR Strategy and Planning
Purpose	To provide an additional tool to support the recruitment and retention of employees in jobs where the council's pay is below the market rate, and/or where employee shortages in key posts impact the provision of council services.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Job Evaluation and Grading Policy
- Workforce Strategy
- Behaviour & Standards Framework
- Recruitment and Selection Policy

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximized and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential and this policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 The purpose of this policy is to provide an additional tool to support the recruitment and retention of employees in jobs where the council's pay is below the market rate, and/or where employee shortages in key posts affects the provision of council services.
- 1.6 This policy aims to ensure that the council is able to attract and retain highly skilled employees by offering competitive salaries through the provision of a fair and transparent system where a recruitment and/or retention problem has been identified, which relates to a lack of competitiveness between the remuneration levels within the council and the relevant labour market for the particular job role.
- 1.7 This policy helps to ensure that the council meets the requirements of equal pay legislation and is not discriminatory in applying a market supplement to a post.

2.0 Scope

- 2.1 This policy applies to all council employees including Chief Officers;
- 2.2 With the exception of;
 - 2.2.1 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.
- 2.3 This policy does not apply to contractors, consultants, agency workers, or any self-employed individuals working for the council.

3.0 Principles

- 3.1 Market supplements are discretionary payments, constituting a temporary addition to basic salary and form part of pensionable pay.
- 3.2 Walsall Council is committed to the principles of equal pay and seeks to ensure that employees receive equal pay for work of equal value. The grading of all relevant posts is therefore determined in accordance with the Job Evaluation and Grading Policy. The award of a market supplement does not alter the job evaluation determined grade for the post.
- 3.3 Managers must take care to ensure that the payment of market supplements does not expose the council to potential equal pay claims and in considering the application of a market supplement must give due regard to any equalities implications ensuring consistency, fairness and transparency is applied throughout.
- 3.4 If a market supplement is introduced to a particular post category, it will not automatically be applied to all current employees in that post category. The law requires that to ensure equal pay principles, market supplements are only awarded in cases where a 'genuine material reason' can be demonstrated for the payment.
- 3.5 Market supplements will normally be awarded for 12 months, effective from the date specified on the request form. In circumstances where the reason for the recruitment and retention issue is unlikely to be resolved within 12 months, a market supplement may be awarded for up to 24 months.
- 3.6 Market supplement payments must be reviewed regularly and can vary year on year or cease completely.
- 3.7 Market supplements can be applied to employees in existing as well as newly recruited posts in the relevant job, where there is evidence of a 'genuine material reason'.
- 3.8 Market supplements will continue to be paid through periods of maternity leave or sickness absence.

4.0 Accountabilities

4.1 Managers are accountable for the following;

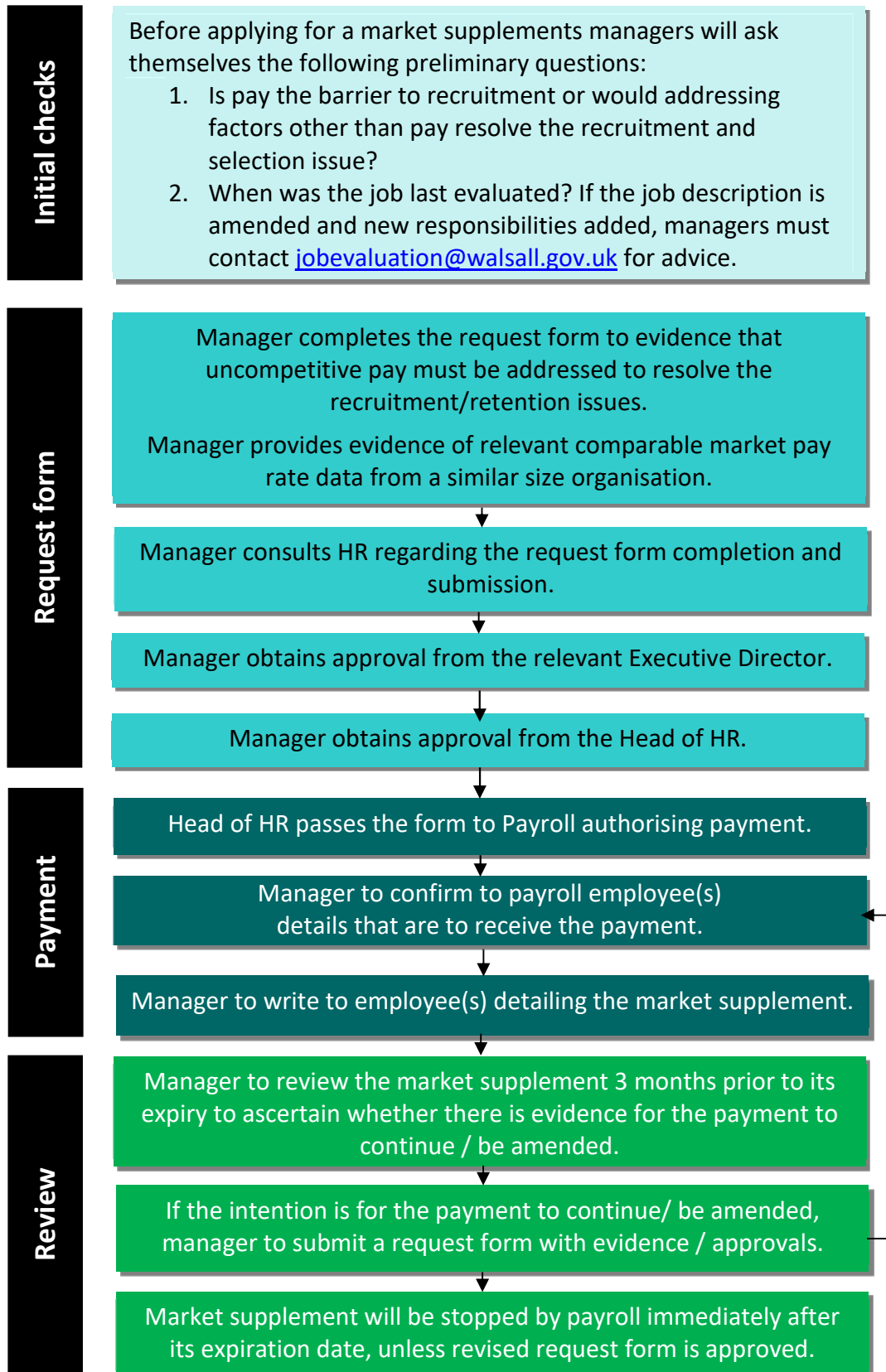
- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- Identifying the specific posts for which market supplements maybe appropriate and with advice from HR completing the market supplement request form containing appropriate justification and evidence and comparator market rates;
- Monitoring and reviewing any individual market supplements on an ongoing basis and taking appropriate action in relation to extended, ceasing or amending the supplement in accordance with this policy and within required timescales and in consultation with HR;
- Confirming in writing to the employee the details of any market supplement payment at the point it is applied to the post and upon any extensions/amendments/withdrawals. The manager must ensure a copy of this confirmation is placed on the personnel file.

5.0 Procedure

- 5.1 Where a manager can demonstrate that the salary range of a job role for hard to fill or retain posts is significantly lower than those offered elsewhere and this is having or will have an adverse impact on the ability to recruit and/or retain staff, a discretionary temporary market supplement may be paid in addition to the basic salary of a post or a group of posts.
- 5.2 Managers with advice from HR should carry out the following checks, sequentially, to ascertain whether a market supplement is warranted:
- Check whether identifying and addressing factors other than pay will resolve the recruitment and retention issue;
 - Check whether the recruitment and retention issue can be resolved through the organisation's job evaluation processes in the first instance;
 - Obtain evidence that uncompetitive pay must be addressed to resolve the recruitment and retention issues.
- 5.3 There must be a material reason for the payment which must be supported by appropriate evidence provided by the recruiting manager identifying the serious recruitment or retention difficulties and relevant comparable market pay rate data from a similar size organisation.
- 5.4 Managers must complete the market supplement request form in consultation with HR and obtain the relevant authorisations as specified within appendix 1 and on the request form.

- 5.5 Market supplements will be subject to regular review and monitoring to ensure that they continue to be justified and that the amount paid is still appropriate. Managers should conduct these reviews no later than 3 months prior to the expiry date to ensure any extensions or amended requests can be considered and authorised, otherwise payments will automatically cease at their expiry date.
- 5.6 Following review, the payment may be continued, reduced, increased or removed as market forces dictate and at the sole discretion of the council.
- 5.7 Managers are required to provide employees with one month's written notice if the market supplement is to be reduced or removed.
- 5.8 If the post holder is promoted or appointed to another position which is not subject to a market supplement, the market supplement will cease with effect from the date of their commencement in the new position.

Appendix 1 – Market Supplement Procedure Flowchart



Market Supplement Request Form

This form is to be completed by the manager, with advice from HR, signed by the relevant HRBP, Executive Director and forwarded to the Head of HR for final approval.

Please note: the market supplement details provided below relate to a particular post or groups of posts. To apply an approved market supplement to an individual employee, the employee(s) details also need to be provided separately at the end of the form.

1. POST DETAILS

Post title:			
Service Area & Directorate:			
Current grade:		Date job last evaluated:	
Total amount of market supplement requested:			
Length of market supplement (max. 24 months):			
Is this request:	New market supplement: <input type="checkbox"/> Extension of existing market supplement: <input type="checkbox"/>		
If an extension-start and end dates of previous request(s):			
Implementation date for this market supplement:			
End date for this market supplement:			

2. JUSTIFICATION FOR PAYMENT

This section asks for evidence in support of the request for payment of a market supplement;

a. Identify recruitment and retention difficulties/issues

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- b. **Provide relevant labour market data (the 'going rate') for the post, this must include the identification of at least two comparable posts from a similar size organisation (evidence to be attached)**

3. ANY OTHER COMMENTS

4. APPROVALS

Manager Name:			
Manager (signature):		Date:	

HR Business Partner Name:			
HR Business Partner (signature):		Date:	
Business Case Supported: If no give rationale	Yes / No		

Executive Director Name:			
Executive Director (signature)		Date:	
Agreed: If no give rationale	Yes / No		

Head of HR Name:			
Head of HR (signature)		Date:	
Agreed: If no give rationale	Yes / No		

5. ATTACHMENTS

Please provide the required evidence to support the market supplement requests, for example;

- Comparable post data, including the organisation, job details and grade/salary range;
- Job advertisements;
- job description;
- person specification;
- salary survey data and the source;
- any other supporting evidence.

6. EMPLOYEE DETAILS (if applicable)

Employee name:	
Employee number:	
Post Title:	
Post number:	
Service Area & Directorate:	

If the market supplement is to be applied to more than one employee, the above box should be duplicated for each employee on a separate page (this is so it can be detached and copied to their individual personnel file once processed).

Performance & Ill Health Capability Policy



Walsall Council

Version Control

Document title	Performance and Ill Health Capability Policy		
Owner	Human Resources	Status	Draft
Version	2.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	09/08/19	Last updated by	HR Strategy and Planning
Purpose	To provide a framework within which managers can work with employees to achieve and maintain satisfactory performance standards and to encourage improvement where necessary.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Appeals Policy
- Sickness Absence Policy
- Code of Conduct
- Disciplinary Policy
- Workforce Strategy
- Behaviour & Standards Framework
- Annual Performance Conversation
- Probation Policy
- Redeployment Policy

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximized and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential and this policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 The aim of this policy is to provide a framework within which managers can work with employees to achieve and maintain satisfactory performance standards, and to encourage and support improvement where necessary.
- 1.6 The policy aims to provide appropriate support in resolving capability performance issues as effectively as possible, supported by a fair and transparent process.

2.0 Scope

- 2.1 This policy applies to all council employees;
- 2.2 With the exception of;
 - 2.2.1 Assistant Directors, Executive Directors and the Chief Executive.
 - 2.2.2 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.
 - 2.2.3 Centrally employed teachers on School Teachers' Pay and Conditions, where they are managed through the school's Appraisal Policy (in line

with The Education (School Teachers' Appraisal) (England) Regulations 2012) and the associated Capability Policy.

2.2.4 Employees in their probationary period, where the Probationary Policy applies.

2.3 This procedure does not apply to:

- cases of sickness absence, which should be managed in accordance with the Sickness Absence Policy;
- cases of misconduct or gross misconduct, which should be managed in accordance with the Disciplinary Policy.

3.0 Principles

- 3.1 This policy should be applied in a non-discriminatory way, in accordance with equality legislation and the council's commitment to equality, diversity and inclusion.
- 3.2 If an employee considers that a disability or health condition might be impeding their performance they should discuss the situation with their line manager as soon as possible.
- 3.3 The council encourages informal means of improvement in work performance, wherever appropriate, to resolve capability performance issues as part of normal day-to-day management.
- 3.4 Where informal discussions are not effective or appropriate, the council is committed to supporting employees formally, on a structured basis, over a period of time, prior to any consideration of dismissal on the grounds of performance.
- 3.5 In instances of underperformance, which have not been resolved through day-to-day management, employees will be subject to the formal review procedure, through the use of a performance improvement plan, that is reviewed at regular intervals.
- 3.6 Employees will not normally be dismissed for performance concerns without previous formal improvement notices (with the exception of ill health capability, where improvement notices are not issued).
- 3.7 Dismissal without notice of required improvement may also be appropriate, should the consequences of a single act lead to a total loss of confidence in the ability of the employee to do their job e.g. errors that could have put the health of others at significant risk or invalidation of a required qualification or professional membership. In such instances the council's disciplinary policy may offer more appropriate process, however, advice should be sought from HR in determining the appropriate policy and procedure.

- 3.8 Ill health capability (section 6) due to persistent or permanent health issues will be managed in a supportive manner with Occupational Health/medical input and consideration of reasonable adjustments, including redeployment, where appropriate. Managers will have discretion to move from the performance policy into the ill health capability process based on medical information.
- 3.9 Consideration will be given within the process to any reasonable adjustments required to enable the employee to fully participate, in accordance with the Equality Act. In addition, consideration will be given within the process to any factors impacting on performance as a result of any protected characteristic, in accordance with the council's equality and diversity protocol.
- 3.10 Where an employee has concerns related to the use of, or decisions made, under the performance policy, these will normally be dealt with through the meetings/hearing or appeals policy. It is within the discretion of management whether or not to suspend the performance process whilst a grievance process is followed dependent upon the individual circumstances of the case.
- 3.11 Employees should be given 5 working days written notice of formal meetings and are entitled to be accompanied at these meetings by their recognised trade union representative or a Walsall Council work colleague.
- 3.12 There is no right of representation for meetings at the informal stage of this procedure.

4.0 Accountabilities

- 4.1 Managers are accountable for the following;
- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
 - Ensure that employees are aware what is required of them in relation to performance, quality standards, productivity and accountability in their roles;
 - Actively use supervision, one to ones and appraisal meetings (i.e. APC's) with the aim of maintaining high standards of performance within their teams;
 - Assist all employees to achieve and maintain satisfactory performance standards, encouraging and supporting improvement where required;
 - Seek to address performance issues at the earliest opportunity in the course of day-to-day line management. However, where an employee fails to meet the required standard of performance, the manager may initiate the performance policy;
 - Set objectives and expectations that are realistic, achievable and in accordance with the employee's job description and employee specification;
 - Remind employees of the support the council offers, such as the employee assistance programme.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- Ensuring they understand what targets and standards of work are expected from them in their role and be accountable for their own performance;
- Fulfilling their role and work to the best of their ability;
- Fully participating in their induction, supervision, one to ones and appraisal meetings (i.e. APC's);
- Working with their manager to identify where performance could be improved and how best to achieve that improvement;
- Engaging in any reasonable training and development that will enable them to reach the required standards of performance;
- Discussing and/or addressing any concerns or issues around their own performance;
- Complying with the requirements of this policy and procedure.

5.0 Procedure: performance

5.1 Informal stage

- 5.1.1 Initial identification of an employee not meeting the required levels of performance often arises through one to ones, professional supervision, supervision, the Annual Performance Conversations (APCs), appraisals or from complaints. Often a quiet word or regular dialogue at one to ones may be all that is necessary to improve performance.
- 5.1.2 The manager will meet with the employee to discuss the unsatisfactory performance concerns that have been identified. The employee should be provided with a copy of the policy and procedure.
- 5.1.3 The area(s) of concern should be discussed, along with appropriate support, guidance and training, and a reasonable timescale set over which improvement will be monitored and reviewed. During the monitoring period the manager should maintain written notes for their own record of any informal discussions held with the employee. The template performance improvement plan (Appendix 1) may be used at the informal stage.
- 5.1.4 It is expected that the majority of performance concerns will be resolved at this level. However, where performance remains unsatisfactory and there is evidence to show that an informal stage has been undertaken the formal procedure may commence.
- 5.1.5 Managers may seek advice from HR before progressing to the formal stages of the procedure.

5.2 Formal stages

5.2.1 The formal policy and procedure should be used where earlier informal discussion has not resulted in satisfactory or sustained improvement or, in exceptional cases, where the manager considers there are more serious issues of concern, such as gross negligence over performance requiring immediate application of the formal process at any stage (stage 1 to 3)

5.2.2 There are three stages in the formal process:

- Stage 1 performance meeting – first improvement notice
- Stage 2 performance meeting – final improvement notice
- Stage 3 performance hearing – consideration of dismissal

5.2.3 A flowchart of the procedure can be seen in Appendix 2.

5.3 STAGE 1 - performance meeting (first improvement notice)

5.3.1 The formal performance meeting should be conducted by the employee's line manager (however, if this is not possible or appropriate, another manager may conduct the meetings).

Preparation before a formal meeting

5.3.2 The manager invites the employee to a stage 1 formal performance meeting

5.3.3 The employee should be provided with a copy of the evidence discussed at the informal stage (if applicable).

5.3.4 Following the discussion the manager will make a decision whether to issue an improvement notice or not (improvement notices remain live for a period of 6 months from the date of the meeting) and where the manager decides that performance is unsatisfactory they may (as appropriate):

- seek to agree a performance improvement plan and targets (appendix 1), where an agreement cannot be reached the manager will make the final decision;
- seek to agree any relevant training and support required which can practicably be provided;
- establish if there are any reasonable adjustments which may need to be considered;
- establish a monitoring period (minimum 4 weeks), advice can be sought from HR;
- advise of the frequency of review meetings within the monitoring period. As a minimum there should be two review meetings, one in the middle and one at the end of the monitoring period;

- advise the employee that should the level of performance not be satisfactory by the end of the monitoring period they may progress to stage 2 of the procedure, which may lead to a final improvement notice being issued;
 - remind the employee of the availability of the Employee Assistance Programme, including the confidential counselling service, and / or make a referral to Occupational Health, if applicable.
- This list is not exhaustive.*

Note: where an employee declines a referral to Occupational Health, the manager needs to explain that without such a report management decisions will be made using the information available to them and that the matter will continue to be managed under the performance policy without medical advice. It should be noted that Occupational Health may also request relevant medical information from an employee's General Practitioner or Consultant etc.

Follow up action and review meetings

- 5.3.5 The outcome of the stage 1 performance meeting will be confirmed in writing to the employee including the possible outcome if performance continues not to be acceptable. A copy of the performance improvement plan will also need to be enclosed with the letter.
- 5.3.6 The review meetings should take place between the employee and the manager during the agreed period to monitor progress. Any targets that need amending during this period should also be made on the performance improvement plan. Regular feedback should also be given to the employee during the review period.
- 5.3.7 At the end of the agreed monitoring period the manager will meet with the individual to discuss the progress and inform them of the outcome of the review period. The manager should confirm the outcome to the employee in writing.
- 5.3.8 Possible outcomes following the monitoring period:

Outcome	Action
The employee has reached, or is shortly expected to reach, the specified levels of performance	<ul style="list-style-type: none"> • No further formal action is necessary • Existing first improvement notice will remain 'live' until its expiry date (<u>6 months from date of the stage 1 meeting</u>) and therefore, if satisfactory improvement proves only to be of a temporary nature the manager has the option of returning immediately to this point in the procedure.
The employee has made substantial improvements, but his/her performance is still below acceptable standards.	<ul style="list-style-type: none"> • The monitoring period may be extended (the extension will normally be for no more than 4 weeks).

The employee has made Insufficient improvement in meeting the required standard(s)

- The formal procedure continues and the employee should be informed that a stage 2 performance meeting will be arranged.

5.4 STAGE 2 - performance meeting (final improvement notice)

5.4.1 The stage 2 performance meeting and follow up review meeting will follow the same principles outlined for stage 1 (refer to 5.3). The same manager who conducted stage 1 will normally conduct the meetings at stage 2.

5.4.2 Following the discussion the manager will make a decision whether to issue a final improvement notice or not (final improvement notices remain live for a period of 12 months from that date of the meeting) and where the manager decides that performance is unsatisfactory they may (as appropriate):

- seek to agree a new or revised performance improvement plan and any further targets, where an agreement cannot be reached the manager will make the final decision;
- confirm any further relevant training and support that is required and can be practicably provided;
- establish if there are any reasonable adjustments which may need to be considered;
- establish a further monitoring period (minimum 4 weeks), advice may be sought from HR;
- advise of the frequency of review meetings within the monitoring period. As a minimum there should be two review meetings, one in the middle and one at the end of the monitoring period;
- advise the employee that should the level of performance not be satisfactory by the end of the monitoring period they may progress to stage 3 of the procedure, which may lead to a formal performance hearing (consideration of dismissal) which may lead to dismissal;
- remind the employee of the availability of the Employee Assistance Programme, including the confidential counselling service and / or make a referral to Occupational Health, if applicable.

Follow up action and review meetings

5.4.3 The outcome of the stage 2 performance meeting will be confirmed in writing to the employee including the possible outcome if performance continues not to be acceptable. A copy of the performance improvement plan will also need to be enclosed with the letter.

5.4.4 At the end of the agreed monitoring period the manager will meet with the individual to discuss the progress and inform them of the outcome of the review period. The manager should confirm the outcome to the employee in writing.

5.4.5 Possible outcomes following the monitoring period:

Outcome	Action
The employee has reached, or is shortly expected to reach, the specified levels of performance	<ul style="list-style-type: none"> No further formal action is necessary Existing final improvement notice will remain 'live' until its expiry date (<u>12 months from date of the stage 2 meeting</u>) and therefore, if satisfactory improvement proves only to be of a temporary nature the manager has the option of returning immediately to this point in the procedure.
The employee has made substantial improvements, but his/her performance is still below acceptable standards.	<ul style="list-style-type: none"> The monitoring period may be extended (the extension will normally be for no more than 4 weeks).
The employee has made Insufficient improvement in meeting the required standard(s)	<ul style="list-style-type: none"> The formal procedure continues and a stage 3 performance hearing will be arranged, which may lead to dismissal.

5.5 STAGE 3 – performance hearing (consideration of dismissal)

5.5.1 The line manager advises HR to convene a formal performance hearing, the line manager will then confirm the arrangements in writing to the employee giving at least 14 calendar days notice, of the hearing and reminding the employee of the right to be accompanied by a Walsall Council work colleague or recognised trade union representative. Supporting documentation for the hearing, from the manager and the employee will be provided 5 working days before the hearing date.

5.5.2 The line manager, the employee and his/her representative will attend the hearing. Both management and the employee can submit documentation, call and question witnesses.

5.6 The hearing

5.6.1 The hearing will be chaired by a senior manager, who is a trained hearing officer (normally from the service area concerned) with no prior involvement in the case. They will hear all the evidence and decide the outcome.

5.6.2 HR will support the hearing officer giving HR technical advice.

5.6.3 A note taker will be present, provided by the service area of the hearing officer (or if necessary from another area, where required this will be organised by the hearing officer).

- 5.6.4 The management case will normally be presented by the employee's line manager and will be required to demonstrate what action, support, training, and discussions have taken place with the employee throughout the procedure to date. HR may be present to support the line manager.
- 5.6.5 The employee, or their representative, will be required to give an explanation as to why they have not met the required standards of performance.
- 5.6.6 The hearing officer will consider the employee's performance history, all related evidence and any relevant council policies, procedures and practices before making a final decision on the outcome.
- 5.6.7 Possible Outcomes of the Hearing:

Hearing outcome	Duration	Note
No further action	The existing final improvement notice will remain 'live' until its expiry date (<u>12 months from date of the stage 2 meeting</u>)	<ul style="list-style-type: none"> if satisfactory improvement proves only to be of a temporary nature the manager has the option of returning immediately to a performance hearing, if the performance concerns are related
Extension of monitoring period	<p>Maximum 4 weeks. At the end of this period the performance hearing will be reconvened.</p> <p>This option can only be used once.</p>	<ul style="list-style-type: none"> The manager will submit a summary report for the hearing officer to make a final decision, following the same procedure, the employee will be provided with a copy of the summary prior to the reconvened hearing.
Dismissal with contractual notice	n/a	<p>In exceptional circumstances:</p> <ul style="list-style-type: none"> the employee may not be required to attend work during their notice period, or may receive pay in lieu of notice if appropriate; redeployment may be approved, allowing the employee to be placed on the redeployment register during their notice period, in accordance with the redeployment policy.

Follow up action

- 5.6.8 The outcome of the formal performance hearing will be confirmed to the employee in writing by the hearing officer (supported by HR).
- 5.6.9 Where the monitoring period has been extended by the hearing officer the performance hearing will be reconvened at the end of this period. The manager will submit a summary report for the hearing officer to make a final decision, the employee will be provided with a copy of the summary prior to the reconvened hearing, following the same procedure. This option is normally only used once.
- 5.6.10 Where an employee is dismissed the letter will inform the employee of their right of appeal. The employee's line manager should complete a 'leaver's form' and return it to Payroll.

6.0 Procedure: ill health capability

6.1 General considerations

- 6.1.1 This procedure may be used for ill health capability issues where an employee has a long term or permanent medical condition or disability, which is impacting upon their performance but not their attendance at work. This is where the health issues are beyond the employee's control and with no foreseeable sustained improvement expected within a reasonable period of time. A flowchart of the procedure can be seen in Appendix 3.
- 6.1.2 If the ill health is having an impact on attendance and the fall in performance relates to the persistent sickness absence then this should be dealt with under the sickness absence policy.
- 6.1.3 Ill health capability concerns could be identified in routine supervision or one to one meetings, an informal meeting specifically for this purpose or at an existing meeting under the performance policy (if the performance procedure has already started).
- 6.1.4 The decision to apply, or switch from the performance procedure, to the ill health capability process is based on an unacceptable level of performance due to assumed or reported persistent or permanent health issues.

6.2 Step 1 – ill health capability meeting

- 6.2.1 The manager invites the employee to a capability meeting to discuss the performance concerns. This should be in writing giving at least 5 working days notice and reminding the employee of the right to be accompanied by a Walsall Council work colleague or recognised trade union representative, it is the responsibility of the employee to arrange this.
- 6.2.2 The discussion at the capability meeting should include the following:

- Details of the shortfall in performance which is considered to be due to health issues;
- Informing the employee that the ill health capability process is being considered and the process that will be followed;
- An Occupational Health referral specifically focussed on capability (if required), and reminding the employee of the availability of the Employee Assistance Programme, including the confidential counselling service;
- Any further reasonable adjustments (setting monitoring and review periods where relevant);
- The timescales for monitoring may be shorter or longer than the normal 4 weeks in the performance procedure depending upon the case.

6.2.3 The Occupational Health referral should contain clear information about the job context and relevant physical and mental demands, including an indication of degree of time spent on particular activities. It should also include clear questions to confirm the details of the permanent or persistent health condition, the prognosis for improvement in the condition (including timescales), the limitations the condition places (or will place) on activities required for the role and what reasonable adjustments are required to assist or improve performance. It should be noted that Occupational Health may also request relevant medical information from an employee's General Practitioner or Consultant etc.

6.2.4 If the employee declines to attend Occupational Health, the manager should explain that without such a report decisions will be made using the information available to them, and that the procedure will continue to be managed without medical advice.

6.3 Step 2 – ill health capability review meeting

6.3.1 Once the manager is in receipt of the Occupational Health report, and/or at the end of the monitoring period, the manager should invite the employee to a capability review meeting. This should be in writing giving at least 5 working days notice and reminding the employee of the right to be accompanied by a Walsall Council work colleague or recognised trade union representative; it is responsibility of the employee to arrange this.

6.3.2 The ill health capability review meeting should include the following:

- A review of discussions and actions taken to date related to the performance issues.
- Discussion of the Occupational Health/Medical advice.
- The adjustments already made and the impact these are having on the employee, the team and service delivery and if they can be maintained in line with service delivery.
- Assessment of the main activities of the job and the employee's level of capability against each element and the job overall.
- Whether any further adjustments can be made and the extent of improvement these are likely to achieve.

- Itemise the elements of the job that the employee is able to undertake
- Consider whether redeployment within the service area is relevant or available (if applicable, pay protection will apply), this will result in a hearing to consider employment in the substantive post.
- A discussion on consideration of ill health retirement, where relevant the formal question should be asked of Occupational Health for specific advice and guidance.

6.3.3 The possible outcomes of the review meeting are:

- To make further reasonable adjustments with a set monitoring period.
- The timescales for monitoring may be shorter or longer than the normal 4 weeks in the performance policy depending upon the case. Advice should be sought from HR. A further review meeting will take place at the end of the monitoring period.
- Consideration of the council's redeployment policy, reasonable adjustments, if relevant/possible and based on medical advice, and whether this is temporary or permanent.
- Further Occupational Health referral and medical advice if necessary before reconvening the review meeting, particularly if ill health retirement is to be considered.
- Where there is no medical evidence to support ill health capability, the employee will return to the relevant stage within the performance procedure.
- Progress to a formal ill health capability hearing.

6.3.4 A decision to move to a formal ill health capability hearing will be considered when any of the following take place;

- Reasonable adjustments have been made but performance remains unsatisfactory after a reasonable monitoring period (minimum 4 weeks).
- There are no reasonable adjustment to consider
- The adjustments are not reasonable
- The adjustments cannot be permanent
- There is no alternative suitable post within the service area or the employee has declined it
- Ill health retirement has been considered (if appropriate)

6.4 Step 3 – formal ill health capability hearing

6.4.1 The formal ill health capability hearing will follow the hearing principles as set out in the performance procedure (refer to 5.6).

6.4.2 If the outcome of the formal ill health capability hearing is dismissal then redeployment will be approved (if appropriate). This will allow the employee to be placed on the redeployment register during their notice period, in accordance with the redeployment policy.

7.0 Appeals (performance procedure & ill health capability procedure)

- 7.1 Employees have the right to appeal against their dismissal and if they wish to exercise this right, they should submit their appeal in writing to the Head of HR within 10 working days of the date of their formal notice letter.
- 7.2 All appeals will be held in accordance with the council's appeals policy. Employees have the right to representation at appeal hearings.