



NOTICE OF MEETING

Employment Committee

Wednesday 1 July 2015, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: Employment Committee

Councillor McLean (Chairman), Councillor Allen (Vice-Chairman), Councillors Mrs Angell, Mrs Birch, Leake, Ms Miller, Mrs Temperton, Virgo and Worrall

Non-Voting Co-optee

Councillor Heydon

cc: Substitute Members of the Committee

Councillors Angell, Brossard, Dudley, Mrs Hamilton and Mrs McCracken

ALISON SANDERS

Director of Corporate Services

EMERGENCY EVACUATION INSTRUCTIONS

- 1 If you hear the alarm, leave the building immediately.
- 2 Follow the green signs.
- 3 Use the stairs not the lifts.
- 4 Do not re-enter the building until told to do so.

If you require further information, please contact: Jemma Durkan

Telephone: 01344 352209

Email: jemma.durkan@bracknell-forest.gov.uk

Published: 23 June 2015



Employment Committee
Wednesday 1 July 2015, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

Sound recording, photographing, filming and use of social media at meetings which are held in public are permitted. Those wishing to record proceedings at a meeting are however advised to contact the Democratic Services Officer named as the contact for further information on the front of this agenda as early as possible before the start of the meeting so that any special arrangements can be made.

AGENDA

	Page No
1. Apologies	
To receive apologies for absence and to note the attendance of any substitute members.	
2. Declarations of Interest	
Any Member with a Disclosable Pecuniary Interest or an Affected Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.	
3. Minutes from previous meeting	
To approve as a correct record the minutes of the meeting of the Committee held on 11 February 2015 and 27 May 2015.	1 - 6
4. Urgent Items of Business	
Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	
5. Minutes of Sub Groups	
The Committee is asked to note the minutes of the Education Employment Sub-Committee 3 February 2015 and the Local Joint Committee held on 11 February 2015 and 22 June 2015 (to follow).	7 - 12
6. Shared Parental Leave	
To approve the Shared Parental Leave Policy.	13 - 32
7. Restructuring in Adult Social Care, Health & Housing	
To inform the Employment Committee of restructuring within Adult Social Care, Health & Housing.	33 - 44

8. **Annual Performance Report on Retirements and Redundancies**

To consider the Council's Annual Performance Report and updates regarding pensions discretions, early retirements and redundancies. (Information Item)

45 - 48

9. **Date of Next Meeting**

The next meeting will take place on 7 October 2015.

This page is intentionally left blank

**EMPLOYMENT COMMITTEE
11 FEBRUARY 2015
7.30 - 8.35 PM**



Present:

Councillors McLean (Chairman), Mrs Birch (Vice-Chairman), Allen, Angell, Leake, Mrs Temperton and Worrall

Apologies for absence were received from:

Councillors Davison and Ward

Also Present:

Tony Madden: Chief Officer: Human Resources
Vincent Paliczka, Director of Environment, Culture and Communities

29. Declarations of Interest

There were no declarations of interest.

30. Minutes from previous meeting

RESOLVED that that minutes of the meeting held on 17 December 2014 be approved as a correct record and signed by the Chairman.

31. Urgent Items of Business

There were no urgent items of business.

32. Staff Survey Results

The Committee received a report on the Staff Survey 2014 produced by Qa Research which included the key findings, conclusions and potential areas for action.

The results were generally positive with 61% of employees completing the survey which was a higher response rate than any previous year except 2011. The response rate per department were Chief Executive's 93%, Corporate Services 71%, Children, Young people & Learning 56%, Adult Social Care & Health 55% and Environment, Culture & Communities 53%.

In response to queries the Chief Officer: Human Resources confirmed that:

- the main aim of the research could be made more explicit and robust in the future,
- the figures of 61% of employees feeling well informed by the Council, was difficult to improve on as processes had already been undertaken in response to a similar response in the 2011 survey. These included the CE Road Shows, monthly Forest Views and team briefings. However this will be on the action plan for future consideration,
- to enable managers to more effectively manage performance, the 'Good to Great' scheme has resulted in the development of an interactive Performance

Management Tool kit which provides an accessible way to assist managers. This would be available in April 2015,

- how a manager manages other employees performance was largely a perception issue,
- the Chartered Institute of Personnel and Development (CIPD) report was the most appropriate data for statistical comparison as there was little meaningful data available in relation to the public sector work force,
- discrimination outputs would be addressed in the action plans,
- it was sometimes difficult to obtain detailed out turn information because of the need to protect confidentiality.

The Director of Environment, Culture and Communities explained that the information was considered in detail and areas were considered for improvement. An action plan would be drawn up to detail when and how improvements were being made which would be taken to Departmental Teams and then to CMT.

It was agreed that an update on the actions taken by departments in response to the Staff Survey be brought to the meeting in October 2015.

(Action: Chief Officer: Human Resources)

33. Exclusion of Public and Press

RESOLVED that pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 6 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person.

34. Revenue budget 2015-16 - Employment Implications

The Chief Officer: Human Resources reported that the staffing implications arising from the budget proposals for 2015/16 had been considered by the Corporate Management Team and by the Local Joint Committee. The Committee was now asked to consider the employment implications of the proposals before they were recommended for approval at Council on 25 February 2015.

The budget proposals, as far as possible, focused on making savings and efficiencies in areas which would have the least direct impact on services to residents. Inevitably in developing a package of budget proposals to deliver savings on the scale needed in 2015/16 there will be some impact on staff. However the staffing implications in 2014/15 have been at a very low level compared to previous years and the proposals impact one area of the Council.

The Director of Environment, Culture and Communities informed the Committee that a robust process had been completed to look at areas for efficiencies and improving performance. It was confirmed that the Executive Member for Planning and Transport, the Chairman of the Planning Committee and staff in the relevant section were all consulted on the proposals.

RESOLVED that:

- 1 the deletion of the post identified in Exempt Appendix A with effect from the date indicated be approved.
- 2 the postholder be declared redundant in accordance with the terms set out in that Exempt Appendix with the costs being met from the Structural Changes Fund be agreed.

35. Proposed Redundancy - Transport Development Section

The Committee considered a report on a proposed redundancy which arose from a review of the Transport Development Section within the Planning & Transport Division.

The current service delivery model for the Transport Development Section required modification in light of changes in demand. A review of the service undertaken in 2014 identified that this particular action would benefit from a revised management structure.

RESOLVED that:

- 1 the deletion of the post identified in the Exempt Appendix A with effect from the date indicated be approved:
- 2 the post holder be declared redundant in accordance with the terms set out in that Exempt Appendix with the costs being met from the Structural Changes Fund be agreed.

36. Date of Next Meeting

It was agreed by the Committee that as there were no items to consider that the meeting due to take place on 18 March 2015 be cancelled.

CHAIRMAN

This page is intentionally left blank

**EMPLOYMENT COMMITTEE
27 MAY 2015
8.34 - 8.35 PM**



Present:

Councillors Allen (Vice-Chairman), Mrs Angell, Mrs Birch, Leake, Ms Miller, Mrs Temperton, Virgo and Worrall

Apologies for absence were received from:

Councillor McLean

1. Election of Chairman

RESOLVED that Councillor McLean be appointed Chairman of the Employment Committee for the Municipal Year 2015 - 2016.

2. Appointment of Vice-Chairman

RESOLVED that Councillor Allen be appointed Vice-Chairman of the Employment Committee for the Municipal Year 2015 - 2016.

COUNCILLOR ALLEN IN THE CHAIR

3. Appointment of Sub-Committees and Advisory Groups

RESOLVED that the following be appointed:

Education Employment Sub Committee

Conservative

Allen (Chairman Elect)
Mrs Angell (Vice-Chairman Elect)
Mrs Birch
Leake
Virgo
Worrall

Substitute Members

Conservative

Angell
Brossard
Dudley
Mrs Hamilton
Mrs McCracken

Personnel Appeals Panel – Sub Committee of Employment Committee

Any four of the Employment Committee who are available on the day.

Local Joint Committee

Conservative

Allen

Mrs Angell

Leake (Chairman Elect)

Worrall

Reserve Members

Conservative (2)

McLean

Ms Miller

CHAIRMAN

**EDUCATION EMPLOYMENT SUB
COMMITTEE
3 FEBRUARY 2015
5.30 - 6.40 PM**



Present:

Councillors Allen (Chairman), Mrs Birch (Vice-Chairman), Leake and Mrs Temperton

Apologies for absence were received from:

Councillors Davison

Also Present:

Graham Jackson – NASUWT
Tom Wheaton - NUT
David Allais – UNISON

In Attendance:

Tony Madden, Chief Officer: Human Resources
Paul Young, Human Resources Manager, Children, Young People & Learning

5. Declarations of Interest

There were no declarations of interest.

6. Urgent Items of Business

There were no urgent items of business.

7. Minutes

RESOLVED that the minutes of the meeting of the Education Employment Sub-Committee held on 16 July 2013 be approved as a correct record and signed by the Chairman.

8. Teachers' Performance Related Pay

The Human Resources Manager: Children, Young People and Learning provided the Committee with an update into the operation of the performance related pay arrangements for teachers in Bracknell Forest schools.

From September 2013 schools have been able to set and link teachers' pay to performance. The first performance-linked pay increase was for September 2014 following performance reviews undertaken during the autumn 2014. Heads and school leaders are responsible for developing these arrangements and making pay recommendations to governing bodies.

All Bracknell Forest schools have undertaken performance reviews for their teaching staff and made recommendations to their appropriate committee of the governing body in time for the statutory guidelines. A total of 1068 reviews had been undertaken with only 2 formal appeals lodged against the pay determination. This includes one where a determination was made by the governing body to overrule the

recommendation of the head teacher. The outcome of the appeals was not available as they had not yet taken place, this information would be brought to the next meeting.

(Action: Paul Young)

It was noted that the amount of appeals had been less than expected however this could be due to concern in implementing the arrangements or head teachers and leaders being well trained.

In response to a question regarding the difference of information provided to the appropriate committee of the governing body and the governing body, it was noted that the full governing body were aware of reviews but do not know who had been awarded the increments.

9. Teacher recruitment update

The Human Resources Manager: Children, Young People and Learning provided the Committee with an update regarding changes to Initial Teacher Training and initiatives to support teacher recruitment and retention in the Borough.

Recruitment continues to be challenging due to increasing numbers of teachers required in Bracknell Forest. Also there have been a number of resignations and retirement of head teachers during the 2014/15 academic year which has led to a sharp increase in head teacher recruitment activity. The most recent figures show that there were 5 primary vacancies and one secondary.

There were a number of recruitment initiatives running in Bracknell Forest over recent years however due to the changes in Initial Teacher training and greater demand, recruitment was becoming more challenging. To support recruitment for September 2015 a number of activities have been planned, these include

- attendance at recruitment fairs,
- revised format of NQT pool,
- supporting Garth Hill College and the Secondary Schools Partnership with the School Direct programme,
- Liaising with Uplands Primary School to help market the School Direct opportunities,
- supporting individuals in training as teachers,
- building on links with the University of Reading to aid the recruitment of trainee teachers with raising awareness of Bracknell Forest ,
- carrying out regular vacancy surveys to keep aware of any changes.

It was reported that nationally the largest group of teachers were in their late 50s and could retire within the next 5 years which would then create an even greater problem with future teacher recruitment.

In response to comments and queries the HR Manager confirmed that:

- the School Direct places were based on need and it had been a challenge for secondary schools to obtain training allocations.
- the primary 2015 teaching pool would be operated in two separate phases to increase the availability of teachers.
- there can be difficulty in retaining school direct trainees as sometimes the trainees drop out before the end of their training.
- Members of the Human Resources team attended recruitment fairs.

- there are no current plans to provide housing support to newly recruited or trainee teachers.
- work to encourage people who wish to have a career change to teaching could be considered in the future.
- exit interviews were undertaken with head teachers to identify any issues.
- deputy head teachers usually did not want to make the transition to head teacher due to the additional responsibilities and additional work load.

10. **Exclusion of Public and Press**

Due to the restricted content in item 7 the Committee agreed the following motion:

RESOLVED that pursuant to Section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of the follow item which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (1) Information relating to any individual.
- (3) Information relating to the financial or business affairs of any particular person.
- (4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.

11. **Site Controller - Employment Tribunal judgement - Verbal Update**

The Chief Officer: Human Resources updated the Committee on recent developments regarding a Site Controller Employment Tribunal judgement.

This page is intentionally left blank

**LOCAL JOINT COMMITTEE
11 FEBRUARY 2015
4.00 - 4.30 PM**



Present:

Councillors Angell, Blatchford and Leake

Also Present:

David Allais (Chairman) – Unison

In Attendance:

Tony Madden, Chief Officer: Human Resources

Apologies for absence were received from:

Councillor Mrs Angell

11. Declarations of Interests

There were no declarations of interest.

12. Minutes from Previous Meeting

The minutes of the meeting held on 25 November 2014 were approved as a correct record.

13. Urgent Items of Business

There were no urgent items of business.

14. Employment Committee: Agenda and Related Matters

The Committee discussed the following items which were to be presented to the Employment Committee on 11 February 2014.

- 1) Staff Survey
- 2) Revenue Budget 2015-16 – Employment Implications
- 3) Proposed Redundancy – Transport Development Section

1) Staff Survey 2014

The Committee considered the results of the Staff Survey 2014 and in response to queries the Chief Officer: Human Resources confirmed that:

- the small number of staff in the CE department may have contributed to the high response rate,
- paper copies were given to managers of staff who did not have access to a computer and information was attached to staff notice boards,
- Confidentiality was a key element of the survey and certain sections/work units within departments had been merged to preserve anonymity.

- The following wording would be checked as it was not statistically correct, “Just over half said that they agreed that ‘*considering my duties and responsibilities, I am fairly paid for the job I do*’ (44%).”

(Action: Tony Madden)

2) Revenue Budget 2015-16 – Employment Implications

The Chief Officer: Human Resources informed the Committee of the staffing implications arising from the budget proposals for 2015/16.

A comment was made and noted regarding the use of the wording ‘only 1’ in the report.

The Committee had no further comments on the item.

3) Proposed Redundancy – Transport Development Section

The committee had no comments on the item.

15. Matters to be Raised by Trade Unions

There were no matters raised.

16. Date of next meeting

The Committee agreed that as there were no items to consider that the next meeting due to be held on the 3 March 2015 be cancelled.

CHAIRMAN

**TO: EMPLOYMENT COMMITTEE
1 JULY 2015**

SHARED PARENTAL LEAVE

(Director of Corporate Services – Human Resources)

1. PURPOSE OF REPORT

- 1.1 To note the current position in relation to the new legal framework for Shared Parental Leave (SPL) and Shared Parental Leave Pay (ShPP) which came into effect in April, and to agree the Policy on Shared Parental Leave (attached at Appendix A).
- 1.2 The FAQ document (attached at Appendix B), gives the basics of the new legislation in a form which is easier for employees to understand, and will enable them to decide if they need to look into the detailed policy further and get advice from their HR team.

2 RECOMMENDATION

- 2.1 **That the Shared Parental Leave policy, which reflects Statutory levels of Shared Parental Leave and Pay, is formally adopted.**

3 REASONS FOR RECOMMENDATION

- 3.1 It is a statutory requirement.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 It would be possible to enhance ShPP (paragraph 5.4 to 5.6) or to allow a greater number of occasions of SPL than the law provides for. It is suggested that the Council adheres only to the statutory requirements until the level of take-up and the potential impact on the workplace can be assessed. (It is estimated that only 2-6% of parents will initially take up the new SPL, but this may increase over time.)

5 SUPPORTING INFORMATION

- 5.1 The new Shared Parental Leave (SPL) Regulations apply to eligible parents of babies born or children adopted on or after 5 April 2015. Basically, during the first year of the child's birth or adoption parents will be allowed to share the care of their child along with sharing statutory maternity leave and pay.
- 5.2 The Regulations are designed to give parents more flexibility in caring for their child. All eligible employees have a statutory right to take Shared Parental Leave on up to 3 occasions and there may also be an entitlement to Shared Parental Pay (ShPP). A draft policy is attached as Appendix A, and sets out an employee's statutory rights and responsibilities. There are standard forms referred to in the policy which are not attached here.

Statutory pay and the option to enhance

- 5.3 There are some concerns expressed nationally that in order to ensure equality for both male and female employees, the SPL arrangements should mirror individual employers maternity and adoption provisions i.e. a man on SPL should receive any enhancements over and above the statutory allowances which would normally be paid to women on maternity leave.
- 5.4 The enhancement which the Council applies is for employees who are on national conditions of service with over 1 years' service, when they receive an additional 12 weeks pay at 50% of their contractual weekly pay as well as the statutory 90% payment for the first six weeks in maternity cases; the Council mirrors this enhancement for adoption cases.
- 5.5 It would be possible to agree to the enhanced maternity/adoption payment being mirrored for employees of both sexes taking up Shared Parental Leave. The Government has yet to provide any specific guidance on this but it has in the past taken the view that not to do so would not amount to unlawful discrimination, because women have special protection as a result of their biological position as the mother which can justify the different treatment and different pay for those on maternity leave. Once the individual has decided to change to Shared Parental Leave, both parents are treated equally.

Most councils have decided not to enhance as they do not have to by law.

- 5.6 Therefore, it is suggested that the Committee take a pragmatic approach on this and agree that if the mother voluntarily chooses to end her maternity leave and pay, and therefore gives up her right to any enhancements to her maternity allowances in order to embark on a period of SPL, the male and female partners are treated and paid equally but revisit this issue in the light of any further government or national advice.

Leave

- 5.7 The Regulations allow an employee to book SPL on up to three occasions, (this is not the number of weeks they can take, but the number of times they can make a request for a period of leave.) The Council has the option under the Regulations, to increase the number of occasions a request can be made. However it is suggested that the more employees come in and out of the workplace, the more difficult it will be to adequately cover the absences. It is therefore suggested that only the statutory three occasions are allowed.
- 5.8 On each occasion for which a request for SPL is made, it can be for almost any pattern of leave– e.g. alternate weeks for each parent – this is known as “discontinuous leave”. In line with the right to ask for Part Time working, managers can refuse any discontinuous pattern requested for specified business related reasons which include, difficulty in covering the work, difficulty in recruiting a replacement, and adverse impact on the quality of work. However, if the request is refused the parent can substitute the request for a period of continuous leave i.e. all in one block,

which the manager must then accept. HR advice will be important in such situations. Requests for continuous leave must always be accepted if the individual is eligible and has given the required notice.

Workforce Planning/Impact

- 5.9 Currently, mothers take their maternity leave entitlements in one continuous period and fathers/partners have limited paternity/parental leave options. Under the new system it is difficult to anticipate what the take up will be although there will be workforce planning issues if the take up is extensive. For example It may prove more difficult to arrange cover for shorter periods of leave than it is for a longer spell of maternity leave, and areas where the workforce is predominantly male, may see themselves facing “maternity leave” type issues for the first time. As in paragraph 5.7 it is suggested that this situation is closely monitored and also assessed in the Strategic Risk Register.

Communications

- 5.10 All employees have been advised of the new legal framework and what it means for them when they become parents. Information is available on Boris and expectant mothers will also be advised when receiving information about their maternity leave options.

Managers will also be advised how to deal with requests if this situation arises. The policy contains full details of how the leave works and the eligibility criteria, with a set of FAQs as an easier way to introduce staff to the concepts.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Nothing to add.

Borough Treasurer

- 6.2 The financial implications associated with this policy are not expected to be significant, although difficult to quantify until actual take up of Shared Parental Leave is known. The effects will need to be managed within existing devolved staffing budgets in the short term, but this will be reviewed when the Commitment Budget is updated in future.

Equalities Impact Assessment

- 6.3 The legislation has the objective of allowing partners to be more involved in the care of the child in the first year. It is almost impossible to analyse the impact on the organisations staff without knowing the level of take up. However it does clearly allow the parents more flexibility should they decide to take up SPL options.

Strategic Risk Management Issues

- 6.4 Outlined in paragraph 5.10

7 CONSULTATION

Principal Groups Consulted

7.1 None, it is a legal requirement, although the matter was discussed at the Local Joint Committee.

Method of Consultation

7.2 N/A

Representations Received

7.3 None

Background Papers

None

Contact for further information

Chief Officer – Human Resources

Initial Equalities Screening Record Form

Date of Screening: March 2015	Directorate: Corporate Services	Section: HR
1. Activity to be assessed	Shared Parental Leave Policy	
2. What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change Function/procedure	
3. Is it a new or existing activity?	<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing	
4. Officer responsible for the screening	Tony Madden	
5. Who are the members of the screening team?	Pat Butler, Alison James	
6. What is the purpose of the activity?	Comply with new legislation introducing Shared Parental Leave and Pay; allow both partners to share in the time off to care for a new baby that has previously been available through maternity leave only.	
7. Who is the activity designed to benefit/target?	New parents (birth or adoptive) and/or partners caring for a new baby	
Protected Characteristics	Please tick yes or no	Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.
		What evidence do you have to support this? E.g equality monitoring data, consultation results, customer satisfaction information etc Please add a narrative to justify your claims around impacts and describe the analysis and interpretation of evidence to support your conclusion as this will inform members decision making, include consultation results/satisfaction information/equality monitoring data
8. Disability Equality	Y N ✓	No different impact on disabled parents.
9. Racial equality	Y N ✓	No different impact on BME parents.

17

10. Gender equality	Y ✓	N	Positive	The stated aim of the new legislation is to make it possible for both parents to share in the childcare arrangements for a new baby.
11. Sexual Orientation equality	Y	N ✓		No different impact on parents relating to sexual orientation – same sex partners looking after a new child are equally able to benefit.
12. Gender re-assignment	Y	N ✓		No known different impact due to gender reassignment.
13. Age equality	Y	N ✓		No known different impact due to age, as employees may be new parents at a wide range of ages.
14. Religion and belief equality	Y	N ✓		No known different impact due to religion/belief.
15. Pregnancy and maternity equality	Y ✓	N	Positive	The intention of the legislation and policy is to allow both partners to share in the early care of the new baby.
16. Marriage and civil partnership equality	Y	N ✓		No known different impact.
17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders) and on promoting good community relations.	None known.			
18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?	No negative impacts.			
19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?	<p>It is not possible at this stage to predict how many people will take up the new options for Shared Parental Leave, although it is generally believed that initial impact will be relatively modest; it may take some time for this style of leave to become more commonplace.</p> <p>The Council is following current practice in offering the SPL at statutory pay levels, ie not enhancing it as Maternity Leave is enhanced; we believe most mothers will use up any enhanced payments before ceasing Maternity Leave and taking up SPL. From this point onwards both parents would receive the same levels of payment. Were we to enhance pay for mothers only to match enhanced maternity pay levels, it would be considered discriminatory. The Government has yet to provide any specific guidance on this but it has in the past taken the view that not enhancing Shared Paternity Pay would not amount to unlawful discrimination. (Women have special protection as a result of their biological position as the mother which can justify different treatment and different pay in maternity leave).</p>			

	The pragmatic approach the Council is advised to adopt on this is that if the mother voluntarily chooses to end her maternity leave and pay in order to embark on a period of SPL, the male and female partners are then treated and paid equally at statutory levels. We will revisit this issue in the light of any further government or national advice.		
20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?	Y	N✓	
21. What further information or data is required to better understand the impact? Where and how can that information be obtained?	None available at this time. When the policy has been in operation for some time it will be easier to understand the levels of take-up.		
22. On the basis of sections 7 – 17 above is a full impact assessment required?	Y	N✓	The explanations offered above are deemed sufficient not to warrant a full EIA.
23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.			
Action	Timescale	Person Responsible	Milestone/Success Criteria
New rights will be communicated to all staff.		CO:HR	
Take up will be analysed further after the first full year.		CO:HR	
24. Which service, business or work plan will these actions be included in?	n/a		
25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening?	The introduction of the Policy is itself intended to provide more options for new parents and to allow partners of new mothers to become more involved in the initial childcare if they should wish to be.		
26. Chief Officers signature.	Signature: TONY MADDEN		Date: March 2015

When complete please send to abby.thomas@bracknell-forest.gov.uk for publication on the Council's website.

This page is intentionally left blank

BRACKNELL FOREST BOROUGH COUNCIL

SHARED PARENTAL LEAVE POLICY

POLICY AND GUIDELINES FOR EMPLOYEES

1. SCOPE AND PURPOSE

- 1.1 This document sets out the Council's Policy for Shared Parental Leave (SPL) which has been agreed by the Council's Employment Committee.
- 1.2 This policy applies to all Council Employees (excluding those employed in Schools) whether they are the mother, adopter or the partner.

2. INTRODUCTION - WHAT IS SHARED PARENTAL LEAVE (SPL)?

- 2.1 Shared Parental Leave (SPL) is a new legal entitlement for parents of babies due, or children placed for adoption, on or after 5 April 2015. It is also available to surrogate parents.
- 2.2 It enables mothers/adopters to end their maternity leave and pay and to share the untaken balance of leave and pay as SPL (and pay) with their partner or to return to work early from maternity or adoption leave and opt in to shared parental leave/pay at a later date. SPL replaces additional paternity leave and pay.

3. DEFINITIONS IN THIS POLICY

- 3.1 The following definitions are used in this policy:
 - **Parent** - means one of two people who will share the main responsibility for the child's upbringing. If the biological father is not sharing responsibility for the child's upbringing he will not meet the definition of "partner" or "parent".
 - **Partner**: the biological father or the partner of the mother / adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.
 - **Statutory Shared Parental Pay (ShPP)** – will be £139.58 per week from 5 April 2015. It is available, subject to eligibility, for the balance of the paid weeks that are not taken as maternity pay, for whichever parent is taking SPL to look after the child. For future up to date rates please see www.hmrc.gov.uk or contact Bracknell Forest Council Payroll Department.
 - **The Employee** – the mother or the partner, either working for the Council, or may be working for another organisation – both individuals could be requiring SPL from their respective employers, if they are 'eligible' (see below). Casual workers should consult HR to see if they meet eligibility requirements, which are partly based on earnings and length of service.

4. AMOUNT/FREQUENCY OF SHARED PARENTAL LEAVE

- 4.1 The mother/adopter is able to take up to 52 weeks maternity/adoption leave and receive up to 39 weeks maternity/adoption pay as usual or choose to end maternity leave early and create an entitlement to SPL for themselves and their partner. The mother must take the minimum of two weeks compulsory maternity leave following the birth and the adopter must take at least two weeks of adoption leave. **Therefore the maximum amount of SPL is 50 weeks, whilst the maximum shared parental leave pay (ShPP) is 37 weeks.**

4.2 The amount of shared parental leave to which an individual is entitled will, therefore, depend on when the mother/adopter brings their maternity/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child.

4.3 An employee taking shared parental leave can split their leave into **a maximum of three** separate blocks instead of taking it all in one go, even if they are not sharing the leave with their partner. **Shared parental leave must be taken in blocks of at least one week.** Notices can be submitted one at a time or all at the same time.

In practice, at least the first period of SPL will be identified in the initial notice of entitlement and intention to take SPL. The employee will be entitled to submit a maximum of a further two 'period of leave' notices. Each notice must be given at least eight weeks before the start of a period of leave, stating the dates of the leave and the dates on which ShPP will be claimed, if applicable.

If the first 'period of leave' notice is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example 'starting two weeks after the baby is born for a period of four weeks'.

4.4 Employees can request to take SPL in
a) continuous blocks OR b) as discontinuous blocks:

a) *Continuous leave notifications:* An employee has the right to take a continuous block of leave so long as it does not exceed the total number of weeks of SPL available to them and the employer has been given at least eight weeks' notice. The manager can not refuse this request.

OR

b) *Discontinuous leave notifications:*

A single notification may instead contain a request for a pattern of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement to work every other week for a period of three months).

Please note that the Council will consider a discontinuous leave notification, but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

All SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday.

4.5 A period of SPL can be taken at any time from the date of the child's birth/placement (but partners are still entitled to take up to two weeks' ordinary paternity leave following the birth/date of placement of a child under the current paternity policy).

4.6 The partner can take shared parental leave simultaneously while the mother /adopter is still on maternity / adoption leave, but this counts towards the total amount of leave available.

4.7 Any shared parental leave not taken by the first birthday or first anniversary of placement for adoption will be lost. Shared parental leave must end no later than one year after the birth/placement of the child

5. ELIGIBILITY FOR SPL

5.1 For employees to be eligible to take SPL, both parents must meet the following eligibility requirements.

The mother/adopter is eligible for SPL if they:

- have, at the date of the child's birth/placement date, the main responsibility, apart from the partner, for the care of the child;
- qualify for statutory maternity leave **OR** statutory maternity pay or maternity allowance;
- give the relevant maternity/adoption leave curtailment and shared parental leave notice and evidence;
- are still be working for the organisation at the start of each period of the SPL;
- have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date.

Partner's eligibility for shared parental leave?

The partner is eligible for shared parental leave if they:

- have, at the date of the child's birth/placement date, the main responsibility, apart from the mother/adopter, for the care of the child;
- comply with the relevant shared parental leave notice and evidence requirements;
- there is no qualifying service for this leave, but to qualify for pay they must in the 66 weeks leading up to the child's expected due date have worked for at least 26 weeks and earned an average, currently of at least £30 a week in any 13 of those weeks.

6. NOTICE REQUIREMENTS FOR SHARED PARENTAL LEAVE

6.1 The employee is required to give **not less than eight weeks' notice**, before the intended start date of each SPL 'leave' period, and produce three types of information:

- a) The curtailment of the mother's maternity leave for herself and her partner to access SPL.
- b) Provide the Council with provisional dates.
- c) Provide the Council with confirmed leave dates which become a binding agreement.

To do this there are three main forms (known as Notices) to use

- **The Curtailment Notice** - ([Appendix A](#)) - This notice is to inform the council that you wish your maternity leave and pay (or just your maternity pay if you are no longer in employment) to end, in order **that the person who shares main responsibility to care for the child can take SPL**. However, it does state the intention to surrender the maternity leave entitlements and change to an SPL basis. Your partner/the other parent is not entitled to take shared parental leave until you have submitted this notice of curtailment.

Or use:

- **The Curtailment Notice combined with notice of entitlement and intention** - ([Appendix B](#)) from the employee giving an initial, non-binding indication of dates required for each period of SPL and includes a declaration from both parents, that they meet the eligibility requirements.

And:

- **A Period of Leave notice** - ([Appendix C](#)) from the employee which sets out the start and end dates of each period of SPL that he/she is requesting. Unlike the earlier notices which are indications, this is binding for the dates given.

Forms required to make variations or cancellations are also available.

7. CURTAILMENT NOTICE - ([Appendix A](#))

7.1 Before the parents can take SPL, the mother/adopter must either return to work before the end of her maternity/adoption leave or provide a maternity/adoption leave curtailment notice, which is in writing and states the date when the maternity leave will end.

This date must be:

- after the two week compulsory maternity leave period or two week adoption leave;
- at least eight weeks after the date on which the curtailment notice has been given in;
- at least one week before the 52 weeks of maternity/adoption leave is due to end.

7.2 Withdrawal of maternity leave curtailment notice

The mother can withdraw her curtailment notice providing that she gives eight weeks notice, it may be set aside for the following reasons;

- If the maternity leave curtailment notice was given before the birth of the child and the mother withdraws that notice within six weeks of the child's birth; or
- If the partner has died; or
- In any other circumstance where there are significant difficult personal circumstances such a request will not be unreasonably refused.

8. CURTAILMENT NOTICE, COMBINED WITH NOTICE OF ENTITLEMENT AND INTENTION TO TAKE SPL - ([Appendix B](#))

8.1 Part of the eligibility criteria requires the employee to provide the Council with correct notification. It must be in writing and include each of the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL each parent intends to take;
- an indication of when the employee expects to take the leave.

8.2 It also includes a signed declaration from the employee stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- that the information they have given is accurate;

- if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the Council.

8.3 It also includes with a signed declaration from their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the 'employment and earnings test' and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the Council processing the information contained in the declaration form; and
- (in the case where the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

8.4 It must have evidence of eligibility attached as follows or provided within 14 days of the request –

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

9 NOTICE OF VARIATION OR CANCELLATION OF ENTITLEMENT AND INTENTION TO TAKE SPL – (having previously submitted a 'Notice of Entitlement and Intention to take SPL') – ([Appendix C](#))

9.1 The employee can vary or cancel his/her proposed SPL provided that he/she provides the Council with a written notice. The written notice must contain:

- an indication as to when the employee now intends to take shared parental leave;
- details of any periods of leave that have been notified already;
- details of any periods of statutory shared parental pay that have been already and are now being changed or cancelled;
- a declaration signed by the mother and the partner that they agree to the variation.

9.2 There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

10. PERIOD OF LEAVE NOTICE – THIS IS BINDING – ([Appendix D](#))

10.1 In addition to the above an employee must complete this notice as confirmation they wish to take a period of SPL again stating the specific dates required. They must have previously submitted a notice of entitlement and intention to take leave form. This Notice will be a binding agreement.

10.2 A period of leave notice must be given at least eight weeks before the start date of the first period of shared parental leave requested in the notice.

11. PERIOD OF LEAVE VARIATION OR CANCELLATION OF NOTICE – (having previously submitted a ‘Period of leave Notice) – ([Appendix E](#))

- 11.1 The employee can vary or cancel his/her proposed SPL dates following the submission of a ‘period of leave notice’, provided that he/she provides the Council with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. This variation will count as one of the employee’s three periods of leave.

The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

12. LIMIT ON NUMBER OF REQUESTS FOR LEAVE

- 12.1 The employee has the right to submit three notifications specifying leave periods they are intending to take.

- 12.2 If the employee submits a period of leave notice requesting one **continuous** period of leave, he/she will be entitled to take that period of leave.

- 12.3 If the employee submits a period of leave notice requesting **discontinuous** periods of leave, the Council, has 14 days to:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

- 12.4 If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

The manager has the right to refuse the request for discontinuous leave on the same grounds as they do in the Bracknell Forest Council Flexible Working Policy, which are for the following reasons:

- detrimental effect on ability to meet customer demand;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- planned structural changes.

This will involve a formal meeting; HR can provide the procedure on request.

- 12.5 If the leave pattern is refused or no agreement has been reached, the employee can either withdraw the application within 15 days of giving it, or can take the leave in a single continuous block. The employee must notify the Council of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

12.6 A notice for discontinuous leave that has been withdrawn before it has been considered/is agreed does not count towards the total number of requests for leave that an employee can make.

13. RESPONDING TO A "PERIOD OF NOTICE"

13.1 On receipt of the notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made. All notices for continuous leave will be acknowledged in writing.

13.2 All requests for discontinuous leave will be carefully considered, on a case by case basis, weighing up the potential benefits to the employee and to the Council against any adverse impact to the service delivery (See paragraph 13.4). If refused, reasons must be given in writing.

14. SHARED PARENTAL PAY (SHPP)

14.1 ShPP is available for eligible parents to share between them while on shared parental leave.

14.2 Maternity/adoption pay or allowance will be paid to the mother/adopter from the start of their maternity/adoption leave and will be paid in accordance with the Council's maternity/adoption policy until such time as SPL starts. When the SPL commences the sharing partners will receive the remaining weeks of ShPP at the ShPP rate only. This principle will apply at whatever point in the 50 weeks the SPL commences.

14.3 The Council's maternity/paternity entitlements - may be paid at a higher rate than ShPP. Once the mother has ended her maternity leave in favour of SPL, those entitlements to enhanced pay end. The mother would therefore be advised to consider using up any maternity pay over the SHPP pay level before embarking on SPL. Similarly, the father/partner/nominated carer, should also consider using up Paternity leave or Maternity Support leave before embarking on SPL as this too will be lost when SPL begins.

15. ELIGIBILITY FOR SHPP

15.1 The employee has already established that they meet the eligibility requirements for SPL. An employee seeking to claim ShPP must also:

- intend to care for the child during the week/s in which ShPP is payable;
- give proper notification in accordance with this Policy.

16. RIGHTS DURING SHARED PARENTAL LEAVE

16.1 During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. Employees should receive all non-pay related contractual benefits during their SPL. They shall be consulted about planned changes to their workplace in the same way as other staff.

17. ANNUAL LEAVE ENTITLEMENT

17.1 Annual leave continues to accrue during shared parental leave.

18. PENSION

- 18.1 Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. If you wish to make contributions for any unpaid period of SPL you may either make a lump sum payment on your return to work or alternatively, increase your level of contribution until the outstanding sum has been paid off. Please ask your HR team for details.

19. CONTACT DURING SHARED PARENTAL LEAVE

- 19.1 Employees and managers are encouraged to maintain communication during SPL. For example, employees should know how to stay informed of job vacancies, and should be informed by their Line Manager, about any changes within their department and updates on issues facing the Council as a whole.

Before an employee's SPL begins, the manager should discuss the arrangements for them to keep in touch during their leave e.g. do they prefer email contact, phone contact and how often. The Council reserves the right to maintain reasonable contact during SPL

20. SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS

- 20.1 An employee can agree to work (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days. Working part of a day counts as one day from the 20 allowed. An employee will only be paid for the hours worked; this can be offset against any ShPP claimed.
- 20.2 The Council has no right to require employees to carry out any work and employees have no requirement to undertake any work during their shared parental leave.
- 20.3 SPLIT days replace the Maternity Keep In Touch Days (KITs) for those parents accessing SPL.

21. RETURNING TO WORK FOLLOWING SHARED PARENTAL LEAVE

- 21.1 Confirmation of return to work: The end date of any period of SPL will have been confirmed in writing by the manager. The employee is expected to return on the next working day after this date, unless they notify the manager otherwise. If they are unable to attend work due to sickness or injury, normal arrangements for sickness absence will apply. The employee may have agreed with the manager to use accrued annual leave or unpaid parental leave. In any other case, late return without prior authorisation will be treated as unauthorised absence.

22. RETURNING FROM SPL EARLY

- 22.1 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give at least eight weeks' notice of their date of early return. The notice must be at least eight weeks' before both the original end date and the new end date.

This will count as one of the employee's three allowed notifications. If they have already used their three notifications to vary leave then the Council does not have to accept the notice to return early - but may do if the Council considers it reasonably practicable to do so. Such requests will not be unreasonably refused.

23 SPECIAL CIRCUMSTANCES

23.1 Early birth

- If the child is born or placed before the expected due date or placement date and the employee had booked to take SPL within the first eight weeks of the due date, they may take the same period of time off after the actual birth without having to provide eight weeks' notice, by submitting a notice to vary their leave as soon as is reasonably practicable.
- Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave.
- If the child is born more than eight weeks before their expected due date and notice has not yet been given, then there is no requirement to give eight weeks' notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.

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

- Should the child die before the parents have submitted a notice of entitlement to take SPL then they cannot opt into SPL because a qualifying condition is caring for a child. The mother / adopter may remain entitled to maternity / adoption leave and the partner could still qualify for statutory paternity leave.
- If the parents have opted into SPL and they have already booked leave, they will still be entitled to take the booked leave. No further notice booking leave can be submitted but one variation notice could be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

23.3 Partner no longer caring for the child

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

23.4 Death of a parent during the child's first year

- If either parent dies and the other parent is taking, or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for SPL.

23.5 Returning to Flexible Working Arrangements

- If an employee wishes to change his or her hours or other working arrangements on return from SPL he or she should make a request under the flexible working rules, just as they would following maternity/paternity leave.

23.6 Resignations of employment

- If the employee decides that he or she does not wish to return to work they should give notice of resignation in accordance with their contract.

FAQs – Shared Parental Leave (SPL)

These FAQ's are a quick guide to the main principles. For full information please consult the Shared Parental Leave Policy.

What is Shared Parental Leave?

It is a type of leave which can be used as an alternative to part of the maternity leave or adoption leave, which can be shared between the parents (or the mother of the child and her partner) so they can share the caring responsibilities for the new baby.

If you decide instead to use the existing entitlements to maternity leave and paternity leave these are unchanged.

My partner works in another company, can I still get this shared parental leave?

Yes - If you and he/she are both eligible, and give the proper notice.

What is the pay for this type of leave?

Rather like maternity leave, there are some weeks of paid leave and some weeks of unpaid leave. The weekly rate for the paid SPL leave from 5th April 2015 will be £139.58. The total number of paid weeks you can have in a mixture of maternity leave and shared parental leave is the same as you would have received in maternity pay alone.

Can we take time off together?

Yes - If you are eligible, you meet the notification requirements, and you are both going to be caring for the baby. However remember that both of you are on leave together it will use up your leave entitlement and pay entitlement twice as quickly – there is only a fixed amount of leave and pay available for both of you to share.

I'm a mother to be. How is my maternity leave and pay affected if I take up shared parental leave?

You have an entitlement to a number of weeks which can be taken either as maternity leave or SPL but not both. You have to end your maternity leave and pay when you take up SPL therefore, it is suggested that if you are receiving maternity pay in excess of £139.58 per week i.e. where you qualify for 90% of your contractual weekly pay (first 6 weeks) or 50% of your contractual weekly (for 12 weeks) you use your maternity pay entitlement up before you go to SPL otherwise you'd drop to £139.58 per week. Similarly, if your partner is entitled to paternity leave of any description it may be advisable to use that up first as starting SPL would end that entitlement.

I'm about to adopt, does this apply to me?

Yes.

Once I have requested a period of SPL, can I change my mind?

You can but it counts as a new request and you only have 3 requests in total.

If I ask to use SPL, does my manager have to grant it?

If you are eligible and have given proper notice on up to three occasions of wanting to take leave, then yes the manager has to grant it. However, if any of the three occasions are describing a pattern of leave within the "occasion" (e.g. one week on and one week off for a defined period which is known as discontinuous leave) then the manager will have to consider the impact of this and may have to say no. The reasons for refusing a request for a pattern of discontinuous leave include where the work can't be reorganised amongst other staff, that people can't be recruited to cover; that work quality and performance will be affected. HR can advise managers further on the process for considering "discontinuous"

leave requests. If your request for leave is refused the employee can then change the request to one for a block of leave.

How can I find out what the rules are about eligibility and notification?

Attached is A Shared Parental Leave Summary Chart which identifies the process at a glance, but full details are in the Shared Parental Leave policy. The rules are quite complicated - they include whether you and your partner have sufficient length of service and how much you earn - so you might want to take advice from someone in your HR team too

Also take a look at the Government Website <https://www.gov.uk/pay-leave-for-parents> which provides an online tool for parents to find out if they are eligible for Shared Parental Leave. Using this tool will show you the basic Statutory Maternity Pay due (in some cases the mother will get enhanced maternity pay in addition to this, your HR will advise) but it also provides a good indication of entitlements for Shared Parental Leave and Pay.

**TO: EMPLOYMENT COMMITTEE
1 JULY 2015**

**RESTRUCTURING IN ADULT SOCIAL CARE, HEALTH & HOUSING
(Director of Adult Social Care, Health & Housing)**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Employment Committee of the restructuring of the Older People and Long Term Conditions (OPLTC), Community Response & Reablement (CR&R) and The Bridgewell Intermediate Care Unit Teams and seek approval for any redundancies which arise from it to be dealt with by the Chairman and Director. The OPLTC and CR&R teams were consulted on a revised structure and supported person's journey and work is now proceeding on the processes required for the restructure. The implementation date for the new structure is 1 October 2015. Staff at Bridgewell are being consulted on new rotas which will be implemented in September.

2 RECOMMENDATION

That the Employment Committee:

- 2.1 **Note the proposed changes to the ways of working for ASCH&H staff outlined in the report.**
- 2.2 **Agree to delegate any redundancies (and their funding from the Structural Changes Reserve) which arise as a result of those changes to the Director in consultation with the Borough Treasurer and the Chairman of the Committee and have those reported back to the next meeting of the Committee.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 A review of the journey by an individual supported by the Council was undertaken in order to remove the need for "hand-offs" from one professional person or group to another so that the individuals experience of Adult Social Care was as smooth as possible. Before the review a person could potentially be passed from one team to another for different social care reasons. This raised the possibility of a service breakdown between teams and any consequent adverse effects on the individual receiving support.
- 3.2 In addition to this, the process needed addressing to conform to the requirements of the Care Act 2014. The Care Act promotes people's wellbeing, puts individuals in the centre and supports integrated and co-ordinated care

4 ALTERNATIVES OPTIONS CONSIDERED

- 4.1 Not to introduce the new approaches outlined in the report. However these changes need to happen to conform to the Social Care Act 2014.

5 SUPPORTING INFORMATION

- 5.1 The restructure into teams, North and South of the Borough, combines the Short Term (CR&R) and the Long Term (OPLTC) teams so that there is a seamless transition between the two. There would also be a Support Co-Ordinator for each person to see them through their journey within Adult Social Care.
- 5.2 The consultation document which was issued to all staff in OPLTC and CR&R is attached at Appendix 1. This explains in detail the reasons for the reviews and the intended outcomes.
- 5.3 The restructure is also being made with a view to trying to create some spare capacity to mitigate against the increased costs of the anticipated growth in demand for Adult Social Care assessments that the Care Act reforms due 2016 will bring about.
- 5.4 There are no redundancies planned for this restructure as there are sufficient posts for the current staff. There will be a need for some team members to upskill and additional training may be required for them. However redeployment or redundancy may arise if any of the roles change to the point where they are not regarded as suitable alternative employment or the individual's skills do not reach the required standard. It is not believed that this would affect any more than one or two people.
- 5.5 Through annual appraisal, and talent talks, all staff will be encouraged to identify any training/knowledge gaps they have to ensure a planned approach to development in readiness for new roles.
- 5.6 The consultation at The Bridgewell Centre is as a result of changes to the rotas for day staff and the changes in some roles for supervisors or team leaders. Again, no redundancies or redeployment are envisaged but upskilling of staff is needed and the changes to staff rotas may mean that if some staff cannot work to the new rotas they will be liable to be considered for redeployment or redundancy. The consultation document for the Bridgewell is attached at Appendix 2.
- 5.7 The need to introduce change is to enable the service to respond to the Joint Commissioning Strategy for Intermediate Care 2015 -2018 and deliver outcomes of the Bridgewell centre review undertaken through 2014.
- 5.8 As the Employment Committee is not due to meet again until mid October and the implementation dates for these restructurings pre date that meeting, it is requested that if there are any staff losses, these are dealt with by the Chairman and Director.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 6.2 Whilst no redundancies are planned at this stage of the process the report identifies a risk that redundancies may be required following the review of role changes and skills audit. Any redundancy costs will be met for the Council's Restructuring Fund that is set-up to accommodate such costs.

Equalities Impact Assessment

6.3 As per initial Business Case

Strategic Risk Management Issues

6.4 None identified.

Borough Human Resource Manager

6.5 The matter is being dealt with in accordance with the Council's Protocol on Organisational Change.

7 CONSULTATION

Principal Groups Consulted

7.1 A process of consultation with all the teams affected was undertaken in line with the Organisational Change Protocol, Unison and GMB unions have also been consulted and following their concerns, the initial period of consultation was extended. Berkshire Health Foundation Trust are a partnership organisation who have also been consulted for matters concerning NHS employees.

Contact for Further Information

Mira Haynes, Adult Social Care, Health and Housing - 01344 351599
Miira.haynes@bracknell-forst.gov.uk

Nick Ireland and Angela Harris, Adult Social Care, Health and Housing - 01344 351679
Nick.Ireland@bracknell-forst.gov.uk

Staff Consultation

Introduction

All Adult Social Care and Health staff will be aware of the RIE (Rapid Improvement Event) week that took place in March. As a reminder, the focus of this was to identify issues that were having an adverse impact on staff being able to provide people with as smooth and problem free experience of Adult Social Care as possible. The arrangements we were looking at were – in the main – those for older people, and people with long term conditions, so the main teams affected were

- CR&R (assessment and planning functions, so excluding Bridgewell and the Community ICS service),
- OPLTC
- CHMT-OA.

Some of the issues that were identified during the week could be addressed quickly whilst others required further in-depth analysis and consideration. There are also significant changes required in response to the Care Act, and this has been an opportunity to incorporate all developments in one major project.

What was found

One of the main common themes was the number of “hand-offs” experienced by people when they are referred to the Department. Many people are passed from one team or practitioner to another, numerous times, with the potential for delays, misunderstandings, poor communication, repeated information gathering and assessment, with nobody being responsible for coordinating the “journey” through assessment, support planning and implementation of those plans. There were many examples given of how people have had poor experiences as a result, some of which resulted in safeguarding concerns. Practitioners were not able to be person-centred in their approaches and solutions, and it was clear that not all staff felt they were able to do as good a job as they would like to do. It was clear that the organisational arrangements, the wide range of roles, and business processes that have developed over a number of years are no longer “fit for purpose” and need to change in order to enable practitioners to support people to achieve their required outcomes.

What was agreed

It was agreed that every person needing support (including carers), whether the support was needed in the short term or long term would be allocated a practitioner who would be responsible for coordinating assessments, plans and implementation, and wherever possible, would remain the named contact person for as long as required. This includes the coordination of hospital discharge and intermediate care provision.

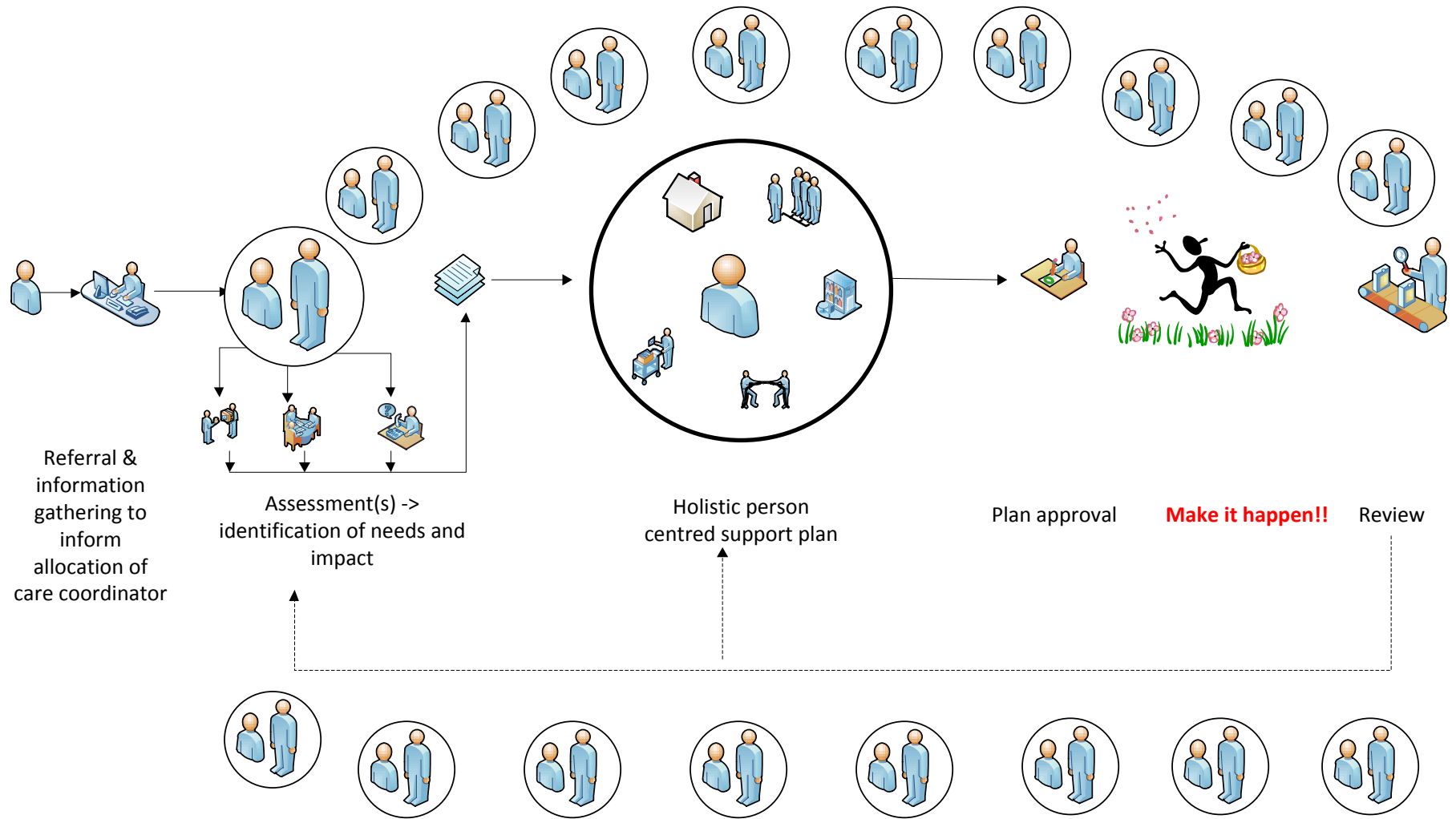
There were a number of workstreams arising from the RIE work, looking at documentation, business processes, LAS configuration, training needs etc., and staff have been kept involved and/or informed as appropriate throughout.

Outcomes

One major work stream has focussed on what staffing resources are required and how those resources need to be organised to ensure that staff are able to offer the best service possible. This consultation presents those proposals, which have been developed following

- the principles outlined above, which are in line with the person-centred, outcome focussed requirements of the Care Act
- analysis of current demand, based on whether people have needed
 - short term support only, including basis equipment
 - long term support, including basic equipment
 - long term support responding to complex needs and/or circumstances
 - specialist therapy assessment and associated provision.

Customer "journey"



Proposed Staff Organisation

Principle:-

- Every person should have one practitioner coordinating all stages of their “journey”, unless a change is dictated by a change in needs or circumstances, or staff turnover.

Implications:-

- Staff need to be organised in such a way as to ensure that each team has the appropriate resource levels and expertise to facilitate that journey without unnecessary hand-overs to other teams. Teams within OPLTC will therefore be organised on a geographical basis, rather than on the basis of a specific function or sub-function.
- CMHT-OA will have an appropriate level of resource and training to enable them to coordinate hospital discharge and the use of Intermediate Care provision.
- The range of practitioner roles will be reduced, and each role/JD will reflect the principles above. Allocation of practitioner to a person requiring assessment will be according to the anticipated complexity of the person’s needs and circumstances.
- The practitioner allocated to a person will remain the named contact for the time that support is required, and will carry out all reviews and respond to contacts between reviews.
- Intermediate Care is a **function** not a specific team/service, and the responsibilities associated with this will be devolved to each team as appropriate.
- Provider services (Bridgewell, Heathlands and Community ICS team) will not be managed by a Community Services Manager (CSM). Registered managers are peers of the CSMs. Any team will be able to refer to those services.
- The management “location” (i.e. North or South teams) of the sensory needs service, falls service and Blue Badge assessments is not finalised.
- The role of senior practitioner is a job within a structure, and as such must be applied for when a vacancy arises, as with any other role. It is not a status to be awarded on achievement of competencies.

Other Points

- The Duty/triage function will be carried out by staff on a rota basis.
- Training has been arranged in relation to Care Act responsibilities, including the requirement for personalised approaches. All staff should have been booked on. “Person-centred in all we do”
- Business processes must change in the light of Care Act requirements, and workshops to enable staff to understand those business processes are being arranged to run in conjunction with “Person-centred in all we do”

Frequently asked questions

Q. What happens if the allocated practitioner is not able to respond to an urgent contact?

A. It is recognised that there will inevitably be times when an allocated practitioner will not be able to respond to a contact in relation to someone to whom they are allocated but is “dormant”, and a response may be needed by another practitioner. However, the original person should take over as soon as possible unless it is clear that it is more appropriate that another practitioner or team should be allocated in response to changing needs.

Q How many people would a practitioner be the coordinator for?

A The figures below are obviously approximate, and relate to 1 x FTE staff.

	Active coordination required	“Dormant”
Support coordinators (Straightforward/short term only support)	16	33
Support Coordinators- Complex Social Care	16	33
Support Coordinators - Complex Therapy	8*	16
Senior Support Coordinators	5**	5

*reflects the fact that therapists will be carrying out assessments for people for whom they are not coordinator

** and a supervisory ratio of c1:5

Q Why are the OPLTC teams “North” and “South”?

A The numbers of people involved mean that one team would be too big to manage. Because of the fundamental principle that one practitioner coordinates the work for a person throughout their “journey”, it would be inappropriate to split the teams according to function. More and more work is being done in partnership with NHS colleagues, and therefore the teams are “groups” in alignment with the GP clusters. Adding the people from the Ascot practices to the people from the “North” cluster means that the teams will have roughly equal demand. However, as this analysis of demand was over a short time period, it will need to be reviewed regularly to ensure that resources are organised appropriately.

Q What about other Community teams?

A All other Community teams already work according to the principles outlined above: one allocated coordinator. There will need to be some further examination of some roles to ensure consistency. However, given that CMHT-OA have assumed responsibility for a large number of people from OPLTC, and that they will have

greater responsibility in coordinating hospital discharges for people they are supporting, there will need to be a transfer of resource and addition of therapy to reflect this. This could be vacancy or somebody who wishes to be considered for this opportunity. They are included in this consultation

Q What about Heathlands, Bridgewell and the Intermediate Care Community Team?

A There will be no changes to the functions of these services as a result of this workforce strategy. Each could be managed by either of the Heads of Service, and the location of the provider of the GP contract for Bridgewell may influence the final decision. Any team can make referrals to any of the services using the current referral processes. The Sensory needs service, falls service and blue badge assessments will also be separate

Q How will Hospital discharge work?

A There are a number of operational details that will be worked through, but the principle of one coordinator should still apply. There will need to be somebody responsible for maintaining information on who is in hospital, and their likely discharge date, but the arrangement of support on leaving hospital should be with an existing coordinator of the person is known to the Council.

Q How will referrals for a specialist assessment be made?

A There are a number of operational issues that will need to be determined, and staff will have the opportunity to contribute to developing appropriate procedures. However, these should be consistent for all teams where appropriate.

Q How will Safeguarding alerts be dealt with?

A Each team will have DSMs, and will respond to Safeguarding alerts for the area that they cover, following the same process as they do now.

Q If a person's needs change, and they would be better supported by another team, how will they be transferred?

Introduction

In December 2014 the Joint Commissioning Strategy for Intermediate Care 2015 – 2018 was agreed by Council Executive and Bracknell & Ascot Clinical Commissioning Group (BACCG).

This strategy builds on the successful approach to the provision of Intermediate Care currently provided by the Council in partnership with Berkshire Healthcare NHS Trust (BHFT), and which is jointly commissioned between the Council and BACCG. Specifically this strategy sets the strategic direction for people who require Intermediate Care and their carers continues to reflect:-

- The needs of people concerned
- National strategic direction
- Recognised best practice

The strategy alongside the review of Bridgewell Centre through 2014 informed the newly developed service specification for Bridgewell Centre whilst also establishing the need for a revision of care governance arrangements for the onward delivery of the service.

Some of the issues that were identified during the review could be addressed quickly whilst others required further consideration in light of the new service specification for Bridgewell.

What was found:-

Through the review and thus development of the new service specification the following has been identified:

- The present working rota pattern does not meet new working time regulations.
- The need for introducing a Care Dependency Tool based on best practice benchmarking across rehabilitation wards around the country that have similar dependency of 'individuals' to Bridgewell Centre. This has meant that staffing ratios in response to 'dependency' and need has had to evolve to effectively meet people's needs. **(Already implemented)**
- The current staff skill mix is not balanced which can result in an imbalance in skills and competency on shift compromising the Centre's ability to consistently provide high quality support. For example, on some days a Duty officer, two Senior Support Workers and a couple of Support Workers could be on duty and other times there might be a Senior Support Worker and 4 or 5 Support Workers. Senior Support staff currently act as both duty officers and support staff which does not optimise their competency set.
- Change in staff work locations. Bridgewell Centre building is not fit for purpose; the facilities do not effectively facilitate and support people with their reablement goals.

Outcomes & Proposals:-

As you might imagine there has been a great deal of focus on what staffing resources are required and how those resources need to be organised to ensure that staff are able to offer the best service possible and help with meeting the new service specification. This consultation presents those proposals:-

- A new working rota pattern that meets requirements of the working time regulations.
- Maintaining and sustaining the use of the Care Dependency Tool.
- A change in staffing establishment and structure. The permanent introduction of a revised staffing structure, job roles and skill mix in to Bridgewell Centre will meet the requirements of the newly commissioned specification and further complement and improve the quality, coordination and operational efficiency of the service.
- The Bridgewell 'service' is relocated to a more appropriate building fit for purpose within Bracknell Forest. The change in work 'locations' includes Support Worker staff becoming Reablement Support Workers so they can be asked to work as part of the registered intermediate community service.

Proposed Staff Organisation

Staff will need to be organised in such a way as to provide ongoing management oversight whilst also ensuring that each 'shift' has the appropriate resource levels and expertise to facilitate effective, person centred intermediate care.

Implications:-

- a) The present Assistant Unit Manager post will be assimilated in to the Duty Senior Co-ordinator role. The reason for this is that:-
- b) The Duty Senior Co-ordinator posts will have increased recognised responsibilities. The current role holds the responsibility for the day to day running of the shift but this is not reflected in the job description that is currently in place. The new job description will provide management with a tool to support staff to reach their potential through clearly defined responsibilities and meet the management oversight needs of the service.
- c) The revised Duty Senior Co-ordinator role / job description and capacity will enable and ensure there is a responsible person on each shift providing robust management oversight.
- d) The Senior Support Workers (all NHS Trust staff) will and are having their care competencies re-evaluated and where necessary training will be provided to ensure the service is getting the best value out of the position and the staff themselves, have the opportunity to utilise and practise their full skill set.
- e) Support Workers job description will change with more of a focus on reablement and assimilated with community ICS service Reablement Support Workers. This will not only provide the overall intermediate care service with a greater pool of skilled and competent staff, it will also provide the foundation for truly person centred reablement

for people using the service including aspects of daily living, meal preparation, and therapy programs.

- f) **Admin staff, Domestic and laundry Assistant as well as Night staff are not affected by the proposed new working pattern rota.**

**TO: EMPLOYMENT COMMITTEE
1 JULY 2015**

Information Report

**ANNUAL PERFORMANCE REPORT ON RETIREMENTS AND REDUNDANCIES
(Director of Corporate Services – Human Resources)**

1 PURPOSE OF REPORT

- 1.1 The Council produces an annual report to outline its current policy on severance issues and explain any potential for change, to show the capital costs and savings on early retirements/redundancies and to report on ill health retirements. The Council has been doing this since 1999 so, in line with established practice, this report summarises the Council's performance during the last financial year i.e. 1/4/14 to 31/3/15.

2 SUPPORTING INFORMATION

PENSION CHANGES

- 2.1 Previous reports to the Employment Committee described the changes to the Local Government Pension Scheme (LGPS) from April 2014.

These have been active for over a year and were widely communicated to staff, an approach which included 3 pension surgeries for staff which were provided by experts from the Berkshire Pension Fund.

As the Regulations are now firmly in place, there are no matters to bring to Employment Committee in this report.

Members will be aware that the 2014 Regulations, however, did remove their eligibility to enter the LGPS as well as removing their right to remain in the scheme on re-election. This was communicated by the Berkshire Pension Fund in April 2014.

The Berkshire Pension Fund have now been formally informed of those Councillors who were in the LGPS and are no longer eligible to remain in the scheme.

3 ANNUAL REVIEW OF ILL HEALTH RETIREMENTS AND REDUNDANCIES

3.1 The following information captures statistics from the last year (2014/2015) and compares them to previous periods.

The numbers of Ill Health Retirements and Redundancies over the age of 55 over the last 3 years are as follows:

	2012/2013	2013/2014	2014/2015
Ill Health	2	5	5
Redundancy (Over 55)	6	11	3
Total	8	16	8

The Employment Committee has received a detailed report on the business case to enact the redundancies & early retirements (including the savings accrued) and approved accordingly.

3.2 Ill Health Retirements

The total number of employees leaving as the result of ill health retirements (IHR), including schools, has remained the same in 2014/2015, and still remains at a low level because of two key factors:

- early intervention and robust management by Occupational Health.
- the process to obtain retirement on medical grounds has become very stringent

3.3 Redundancies (over the age of 55)

The number of those employees over 55 made redundant, who had access to their pension, decreased in 2014/15 compared to the previous year. This reflects a year where the number of restructures reduced, which has meant the need to enact redundancies has remained low.

4 EQUALITIES IMPACT ASSESSMENT

4.1 No adverse equalities impact as the current policy on discretions is constructed on a fair and equitable basis and applies to all employees. The policy has been the subject of an Equalities Impact Assessment. Each restructure is also subject to an Equalities Screening process which has no identified any adverse impact.

5 STRATEGIC RISK MANAGEMENT ISSUES

5.1 Identified in the individual reports to the Employment Committee where recommendations on redundancies / early retirements are made.

Background Papers

None

Contact for further information

Unrestricted

Tony Madden 01344 352062
Tony.madden@bracknell-forest.gov.uk

This page is intentionally left blank