



	<p><b>Personnel Appeals Panel – Sub Committee of Employment Committee (5 Councillors)</b></p> <p>Five Councillors drawn from the Employment Committee in the first instance as follows:</p> <ul style="list-style-type: none"> <li>• At least one Executive Member and one opposition Member</li> <li>• Three other Members</li> <li>• Up to three substitutes per political group(s)</li> </ul> <p>Members must not have had any previous involvement in the matter being considered.</p> <p>Chief Executive to agree the appointments in accordance with the wishes of the political group(s)</p> <p><b>Local Joint Committee, Consultative Committee of Employment Committee (4 Councillors)</b></p> <p>Conservative (4)  Allen  Angell  Leake (Chairman elect)  Wade</p> <p>Staff side representatives  David Allais (Unison)  Vacant (Unison)  Nikki Dancey (GMB)</p> <p>Substitute Members  Conservative (3)  Bhandari  Porter  Tullett</p>	
5.	<p><b>Declarations of Interest</b></p>	
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>Any Member with a Disclosable Pecuniary 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 Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> <p>Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.</p>	

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6.	<b>Minutes from previous meeting</b>	5 - 8
	To approve as a correct record the minutes of the meeting of the Committee held on 12 February 2020.	
7.	<b>Urgent Items of Business</b>	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	
8.	<b>Update from the Chairman of Sub Committees and Committee Review</b>	9 - 14
	A verbal update from the Chairman of the Local Joint Committee and the Chairman of the Education Employment Sub Committee.  Attached are the terms of reference for the Employment Committee, Education Employment Sub Committee and the Local Joint Committee.	
9.	<b>Parental Bereavement Leave</b>	15 - 22
	A report outlining new legislation introduced in April 2020 in relation to the death of a child. The Committee is asked to consider and agree the recommendation to adopt an enhanced allowance for all staff rather than the statutory minimum allowance for staff with the statutory qualifying length of service.  <b>Reporting:</b> Trish Barnard, Assistant Director of HR and OD	
10.	<b>Challenges and Successes during Covid19</b>	
	To receive a presentation highlighting challenges and successes of altered ways of working through the pandemic based on Managers' feedback.  <b>Reporting:</b> Trish Barnard, Assistant Director of HR and OD	
11.	<b>Wellbeing Survey</b>	
	To receive a presentation highlighting the introduction and results of a staff Wellbeing Survey. The survey is proposed to run for the duration of 2020 as an additional tool to ensure the Council has regular feedback from staff across the council which will inform support and recovery planning.  <b>Reporting:</b> Trish Barnard, Assistant Director of HR and OD	
12.	<b>Exclusion of Public and Press</b>	
	To consider the following motion:  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 following item which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:  (3) Information relating to the financial or business affairs of any	

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	particular person.	
13.	<b>Furloughed Staff</b>	23 - 24
	Report outlining staff furloughed under the Job Retention Scheme. <b>Reporting:</b> Trish Barnard, Assistant Director of HR and OD	

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Published: 30 June 2020

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**EMPLOYMENT COMMITTEE  
12 FEBRUARY 2020  
7.30 - 8.20 PM**

**Present:**

Councillors Leake (Chairman), Allen (Vice-Chairman), Angell, Tullett, Wade and Temperton (Substitute)

**Non-Voting Co-optees Present:**

Councillor Peter Heydon

**Apologies for absence were received from:**

Councillors Bhandari, Neil and Porter

**29. Apologies for Absence**

Councillor Mrs Temperton was substituting for Councillor Neil.

**30. Declarations of Interest**

There were no declarations of interest.

**31. Minutes from previous meeting**

**RESOLVED** that the minutes of the meeting held on 18 December 2019 be approved as a correct record and signed by the Chairman.

**32. Urgent Items of Business**

There were no urgent items of business.

**33. Update from the Chairman of the Local Joint Committee**

The Chairman update the Committee that Local Joint Committee had been cancelled in the interest of for attendee as there was only the Market Premia report on the agenda and UNISON had nothing to put forward. UNISONS only comment was in relation to the Market Premia report which was that UNISON hoped that premia payments be kept to a minimum.

Trish Barnard, Head of HR and Employee Experience reported that Local Joint Committee members had all be emailed to request that any if they had any comments on the reports they feedback and virtual minutes will be created if required.

**34. Minutes of Sub Groups**

The Committee noted the minutes of the Local Joint Committee held on 18 December 2019.

**35. Workforce Monitoring Report update**

The Committee received a Workforce Monitoring Report update. Trish Barnard, Head of HR and Employee Experience reported that this report had been requested by the Chairman following the Committee on 18 December. It was reported that the workforce monitoring data would be submitted directly to the central government portal and published to the public website annually. However, the annual workforce monitoring report to the Employment Committee would cease to prevent duplication of data and instead all relevant information would be captured within the council plan's annual report and Equality and Diversity working group reports and updates to the Employment Committee.

Resulting from the Member's comments and questions, the following points were made:

- The alternatives reporting made sense and would also save officer time.
- The Committee were assured that updates and reports from the Equality and Diversity working group would be brought to the Employment Committee when relevant.
- Retention was also a key aspect of workforce monitoring and Overview and Scrutiny had previously held workshops on this issue. Members were concerned that nothing had been brought forward since these workshops, and that there was nothing on the 4-year Overview and Scrutiny Plan. Members felt that this was a really important issue and further clarity needed to be sought.
- The Head of HR and Employee Experience confirmed that workforce planning was being undertaken and would discuss bringing an update to the Committee as the workshops previously held, predated her. A proposal would be put to CMT that an update be brought to the Committee including what the changes were, what was working and work still needed to be done.
- It was suggested that **the** Head of HR and Employee Experience speak to the Overview and Scrutiny Officers who would have the minutes from the workshop.

**RESOLVED** that

- i. workforce monitoring data should be submitted directly to the central government portal and published factually to the public website annually, as per the Council's public sector employer obligation.
- ii. the annual workforce monitoring report to the Employment Committee is ceased and ensure all relevant information is captured within the council plan's annual report and Equality and Diversity working group reports and updates when applicable.

**36. Exclusion of Public and Press**

**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 following item which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

- (1) Information relating to any individual (Item 9).

**37. Market Premia Review 2020**

The Committee received a Market Premia Report which provided bi-annual review information. The review ensured that market premiums are applied to support the Councils recruitment challenges whilst keeping pay competitive within the current financial environment both internally, and externally across the local labour market.

The Head of HR and Employee Experience reported that the review of all Market Premia's was a priority for CMT and would allow for cross directorate challenge.

Arising from the Member's comments and questions, the following points were made:

- Market Premia's came about through a mixture of demand and supply led roles.
- Market Premia's had not been removed from roles historically.
- The Council did hold a Relocation and mortgage policy that was underused.
- Centralised HR had left Managers who had limited recruitment expertise, writing job adverts, this was being refocused.
- Staff should be able to build up skills to work across departments, and in-house talent developed to its full potential.
- A more formal mentoring structure was being considered .
- The recruitment adverts needed to be attractive and targeted.
- It was unlikely that the Council would get to a point of having no Market Premia's across the workforce.

**RESOLVED** that

- i. the rates set which ensure that the Council; can retain key staff and attract new staff to vacancies, as outlined in Section 5.2 of the report, are noted.
- ii. an update report will be brought to the Employment Committee in March 2022.

**CHAIRMAN**

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## **EMPLOYMENT COMMITTEE**

### **Terms of Reference**

To consider appeals against dismissal by employees of the Council:

1. Staffing matters generally are dealt with by officers under the Scheme of Delegation.
2. A sub-committee will be appointed with power to vary human resource policies for school-based staff following consultation through the approved consultation processes.

Excepting human resources policies, to determine all matters relating to the employment or dismissal of staff which do not fall to be dealt with by officers under the Scheme of Delegation.

To formulate all human resources policies, including the matters set out below and to make appropriate recommendations to the Council.

- Scheme of Remuneration of Employees
- Performance Appraisal Policy of Staff
- Training Policy, including Management and Staff Development Activities
- Conditions of Employment
- Employment Related Policies and Procedures
- Retirement and Redundancy Schemes
- Superannuation and Pensions
- Consultation Policy and Procedures in Respect of Industrial Relations

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## **EDUCATION EMPLOYMENT SUB COMMITTEE**

### **Terms of Reference:**

To vary all human resources policies of the Council for School based staff including the matters set out below:

- a) scheme of remuneration of employees;
- b) performance appraisal policy;
- c) training policy, including management and staff development activities;
- d) conditions of employment;
- e) employment related policies and procedures;
- f) retirement and redundancy schemes;
- g) superannuation and pensions;
- h) staff consultation policies in respect of industrial relations;

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## **LOCAL JOINT COMMITTEE**

### **Terms of Reference**

The Joint Committee may consider any matter concerning employees' conditions of service with a view to:

- Establishing regular formal contact between the Council and its employees so as to prevent differences and to recognise them should they arise
- Acting as the principal official channel for consultation between employees and the Employment Committee
- Considering any relevant matter referred to it by the Employment Committee or by any of the recognised Trade Unions concerned
- Making recommendations or comments to the Employment Committee as to the application of any or all of the terms and conditions of employment and the education and training of employees employed by the Council and any other matter affecting employees well being to be discussed by the Employment Committee
- Discussing supplements to national agreements where they are required
- Discharging such other functions specifically assigned to the Committee

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To: **Employment Committee**  
**8 July 2020**

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## **Parental Bereavement Leave** **Director of Resources**

### **1 Purpose of Report**

- 1.1 To outline to the Employment Committee and recognised trade unions, the new legislation introduced in April 2020 in relation to the death of a child.

### **2 Recommendations**

- 2.1 **That the Employment Committee consider the options outlined below regarding support for staff experiencing loss of a child and to approve the recommendation to pay an enhanced rate of Parental Bereavement Leave for two weeks for all staff, rather than the statutory minimum amount for qualifying staff.**

**This would be consistent with other employment rights where an enhanced rate has been applied rather than the statutory minimum, i.e. annual leave, parental leave, maternity leave.**

### **3 Reasons for Recommendation**

- 3.1 The bereavement of a child is a significant loss to an employee. The legislation has been introduced to allow employees a statutory right to time off. The right to be paid is dependent on length of service with an organisation. However, the Council's current policy is to pay for up to one-week compassionate leave on full pay. Therefore, to enhance the policy to pay for two weeks would ratify Bracknell Forest as a supportive employer and also enhances the employment package/branding which has been reviewed recently to reflect the changing demands which millennials expect from an employer.
- 3.2 It is not anticipated that there will be a high level of child bereavements and the statutory element of pay for those people with over 26 weeks' service can be reclaimed from the HMRC.
- 3.3 Whilst the regulations differentiate between an employee with less than/more than 26 weeks' service and whether they should receive pay or not, it is recommended that Bracknell Forest do not introduce a tiered Parental Bereavement leave system and should allow all employees the same level of benefit. This would be a particularly stressful time for staff and the employee may otherwise be forced to be absent through sick pay if they are not awarded two weeks full pay – regardless of length of service. It would be anticipated that a large number of employees who lose a child would not be fit to return to work, shortly after their passing, and reducing pay would very likely increase the level of stress experiences by the employee.
- 3.4 The recommendations above are also made to enable a more efficient process in terms of recording and payment of these two weeks. Currently compassionate leave is recorded on the iWorks@BFC system as one block of leave which payroll know to pay as full pay. To introduce a new process to split compassionate leave into one week full pay and one week Parental Bereavement leave paid at statutory rate could

be an additional administrative burden for Managers and the payroll team. A new category would be set up as Parental Bereavement leave thereby passing the information to payroll, that an element of the pay may be reclaimed as a statutory element. Whilst this is arguably the least important reason for the recommendation, it is an area that should be considered especially at a time where process efficiencies are paramount to business.

#### **4 Alternative Options Considered**

- 4.1 Pay the two weeks' parental leave pay at the statutory rate as set out in the legislation, however Bracknell Forest Council already offers one week (five days for a full-time employee) at full pay so it would be unreasonable to remove that now. This would also not be in line with other enhanced leave policies and would involve separate consultation with Unions and staff to remove and it therefore it is not recommended.
- 4.2 Pay one week at full pay in line with the current compassionate leave policy and one week at statutory rate as set out in the legislation. This is commensurate with other policies offered under the Green Book NJC conditions for Maternity Support Leave. This leave pays one week at full pay and one at the statutory rate. This would be the second most reasonable option if CMT decided against two weeks full pay, however, it could potentially add to the administrative burden of managers and payroll.

#### **5 Supporting Information**

- 5.1 In brief Parental Bereavement Leave is as follows:
  - Available to all employees from day one of employment, for the death of a child under age 18, including still births after 24 weeks
  - Paid time off is an entitlement to employees who have been employed for 26 continuous weeks at Statutory rate of £151.60 per week. Employees with less than 26 weeks are entitled to time off unpaid.
  - Applies to all parents, foster parents, adoptive parents and partners of those people
- 5.2 Full details of the Parental Bereavement Leave are attached in [Appendix A](#) which will be available to all employees and Managers on the intranet.
- 5.3 As the Bracknell Forest Compassionate Leave policy already allows employees from the commencement of employment, the right to take one working week as compassionate leave for the death of a child, it would be unreasonable to remove that entitlement. However, a decision needs to be made whether the second week of Parental Bereavement Leave is made at the statutory rate of £151.60 per week or at full pay.

- 5.4 The table below shows the legislative requirements in relation to what an employee should be paid, what Bracknell Forest currently pay and the proposed recommendations for the Employment Committee:

	<b>Employees with less than 26 weeks' service</b>	<b>Employees with more than 26 weeks' service</b>
<b>New Legislative requirements</b>	No pay for 2 weeks	Statutory weekly pay for 2 weeks
<b>BFC current policy</b>	Up to 1 working week full pay	Up to 1 working week full pay
<b>The recommendations</b>	Full pay for 2 working weeks – Statutory pay CANNOT be reclaimed	Full pay for 2 working weeks – Statutory pay CAN be reclaimed

- 5.5 Whilst compassionate leave is recorded on iWorks@BFC, it does not specify which family member has passed away. Therefore, there are no statistics to provide the Employment Committee to indicate the number of children who have passed away to enable financial costings.

## **6 Consultation and Other Considerations**

### Legal Advice

- 6.1 The statutory basis for the recommendations are set out in the report and accompanying draft policy. Whether the Authority seeks to implement a policy which provides affected employees with an entitlement beyond that set out in the legislation is a matter for local discretion.

### Financial Advice

- 6.2 There are no significant financial implications arising from this report.

### Other Consultation Responses

- 6.3 None

### Equalities Impact Assessment

- 6.4 N/A no detriment proposed to staff

### Strategic Risk Management Issues

- 6.5 None

### Background Papers

Gov.UK website  
Acas Website  
CIPD Website

Contact for further information  
Trish Barnard, Resources - 01344 351904  
[Trish.barnard@bracknell-forest.gov.uk](mailto:Trish.barnard@bracknell-forest.gov.uk)

**BRACKNELL FOREST COUNCIL'S  
PARENTAL BEREAVEMENT LEAVE POLICY**

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## **BRACKNELL FOREST COUNCIL'S PARENTAL BEREAVEMENT LEAVE**

From 6 April 2020 new legislation applies to all employees from their first day of employment, to enable them to take 2 weeks statutory compassionate leave for the death of a child - Parental Bereavement (Leave and Pay) Act 2018.

### **Who does the legislation apply to**

The legislation applies to parents losing a child under the age of 18, or a baby stillborn at 24 weeks or later. This new Act recognises the effect that the loss of a child can have on parents and ensures that all primary caregivers in this situation are entitled to a minimum period of bereavement.

This right applies to the:

- biological parent
- adoptive/foster parent, if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child

Biological parents of the child or baby will not be eligible for Parental Bereavement Leave and Statutory Parental Bereavement Pay after an adoption or parental order was made, unless there was a contact order in place.

Further and more extensive details in relation to eligibility can be seen on the [Gov.Uk website](#)

The employee is entitled to 2 weeks' Statutory Parental Bereavement Leave for each child.

### **When can the leave be taken?**

Parents will be able to take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the 56 weeks following the child's death. This means there is the ability to match the leave to the times that parent's need it most, which could be in the early days or over the first anniversary of their loss.

### **Salary payment during Parental Bereavement leave**

The right to the statutory leave will be a 'day one' right for all Bracknell Forest employees, which means that all employees will be entitled to take and be paid their full contractual pay for the two weeks leave, regardless of how long they have been employed in the company.

Bracknell Forest Council are committed to supporting all staff experiencing such a tragic loss, and as such the policy goes beyond the statutory minimum requirements for Parental Bereavement Leave. Further information on the statutory guidance can be found using the following link to the Government website [Gov.Uk website](#)

## **Notice required for taking Parental Bereavement Leave**

Notification should include the date of the child's death, the date an employee wishes to take their chosen period of absence and whether the absence will be for one or two weeks.

Notice can be in writing, but it is not a specific requirement.

The rules for giving notice depend on how long it's been since the child died:

### Within eight weeks of the death

The regulations set out that if an employee is to take statutory Parental Bereavement Leave within eight weeks of their child's death, they will need to inform their manager by the first day of the intended leave. In practice, the notice requirements are like those which are expected when an employee calls in sick.

The same short notice provisions apply if the employee wants to change the date on which they want to start leave.

### Following the initial eight week/56-day period

Where possible, employees should provide at least a week's notice to take leave after the initial eight-week period. The employee would also need to provide a week's notice to cancel previously booked parental bereavement leave.

## **How should the absence be recorded?**

It is the line managers responsibility to record the leave on iWork@BFC and it should be classified as Parental Bereavement leave.

## **Parental Bereavement leave and other policies**

It should be noted that Parental Bereavement Leave does not replace any existing statutory leave provisions. For example, employees retain the right to take time off to deal with emergencies involving dependants such as children, which can include the sudden death of a child.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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