

REVIEW OF HUMAN RESOURCES POLICIES

EXECUTIVE MEMBER: Councillor Gillian Troughton
LEAD OFFICER: Zoe Pluckrose, Head of People Resource
REPORT AUTHOR: Zoe Pluckrose, Head of People Resources

Summary and Recommendation:

To approve amends to the Councils Special Leave Policy & Flexible Working Policy.

To approve the Councils Discretionary Pension Policy based on existing Pension Policy.

Guidance on Adverse Weather Conditions & Social Networking Guidance are included for information.

RECOMMENDATION That

- a) the amendments to the Special Leave Policy & Family Friendly Policy
- b) to approve the consolidation of Pension Discretion information in the Councils Discretionary Pension Policy

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1. INTRODUCTION

The Councils Special Leave Policy & Flexible Working Policy have been amended, and a number of references to current policy & procedures on pensions have been consolidated .

The Councils Guidance on Adverse Weather Conditions and Social Networking have been previously referred to the Personnel Panel. Requests were made by Personnel Panel to clarify some details in those documents.

1. Special Leave Policy

The Council was invited by Cumbria County Council to show their support to being a foster friendly employer. This entails providing 5 days paid leave to employees who wish to be foster parents so they can undertake the 5 days training required.

Section 15 has been added to the policy.

2. Flexible Working Policy

There has been a change in the law from 1st July 2014, which allows all employees with 26 weeks continuous service to apply to work flexibly. Previously the right to apply was only for those with child care responsibilities.

3. Councils Discretionary Pension Policy Statement

As a result of the new pension scheme regulations introduced in April this year require employers to have a Discretionary Pension Policy Statement in place.

The statement has to cover:

Part A – Covers areas where mandatory written policy statements have to be published in relation to the requirements under the Local Government Pension Scheme regulations (Part A). Covers areas where although mandatory written policy statements are not required it would be useful for employers to establish a clear policy intention in relation to the exercise of the employers functions under the Local Government Pension Scheme regulations. (Part B). Covers areas where mandatory written policy statements have to be published in relation to the requirements under the Local Government discretionary payments and compensation regulations (Part C).

The information contained in the statement is drawn from our existing policies and the custom and practice that employee can apply for discretionary benefits, but any approval of a discretionary benefits rests with Directors/ head of paid service based on cost/ benefit analysis.

4. Adverse Weather Guidance

There have been instances in 2013 when employees have experienced difficulty travelling to work due to bad weather conditions. This guidance gives advice to managers and employees on a corporate approach to any situations which may arise in the future.

5. Social Networking Guidance

There has been an increase in the use of Social Media with Facebook and Twitter etc. as a method of keeping in touch with friends and acquaintances. This guidance outlines the responsibilities of employees when using the internet to access these sites.

A Personal safety group has been set up by the Council in response to the unacceptable behaviour that some employees have encountered from face to face threatening or abusive behaviour to bullying and harassment on social media sites. This group include Julie Betteridge, Sue Stamper, Sue Graham, Tracey Emerson Jewkes and representative

from the Police and NHS. Work will continue to work on this area and further guidance/ support to employees will follow.

6. CONCLUSION

Amends have been made to existing policy due to changing external factors, such as the legal framework (Pension, right to request flexible working) and social factors (social media).

The Personnel Panel are asked to agree to the recommendations on page 1 (a-c).

7. STATUTORY OFFICER COMMENTS

- a. **The Monitoring Officers comments are:** These policies require approval by Personnel Panel and subsequently Executive where necessary.
- b. **The Section 151 Officers Comments are:** The proposed changes are necessary to update our HR policies.
- c. **EIA Comments:** The Council seeks to promote equality of opportunity for employees including through the use of appropriate policies and procedures.
- d. **Policy Framework Comment:** HR policies and procedures are integral part of the Council's corporate policy framework.

List of Appendices:

- Appendix 1 – Special Leave Policy**
- Appendix 2 – Flexible Working Policy**
- Appendix 3 – Pension Discretions Policy**
- Appendix 4 – Adverse Weather Guidance**
- Appendix 5 – Social Networking Guidance**

Special Leave Policy

Human Resources

July 2014

Special Leave Policy

POLICY STATEMENT

Copeland Borough Council's Special Leave Policy and procedures have been developed to help all employees to balance their work and private lives. The Policy ensures that all employees are treated in an equal, fair and consistent manner. This document is aimed at Managers and employees to ensure all employees are aware of their responsibilities, to ensure effective management of leave requests, and to provide support for employees in a variety of circumstances.

This policy will not discriminate against any employee regardless of race or ethnicity, disability, gender, marital status or sexual orientation.

INTRODUCTION

Copeland Borough Council recognises that its employees have a range of responsibilities in addition to those that they take on at work, arising from family, community and public life. The Council, in seeking to be a good employer, has decided to offer assistance to its employees in dealing with times of particular pressure. This is in the form of special leave for occasions when employees are faced with conflicting demands on their time.

In all cases, applications for special leave must be made as far in advance as possible or as soon as reasonably possible in the case of unforeseen circumstances.

POLICY AREAS

This policy covers special leave in situations of:

1. Bereavement
2. Family Illness
3. Attendance for interview for other Local Authority posts
4. Jury Service
5. Maternity and Paternity
6. Training courses or examinations
7. Selection for sporting representation at International level
8. Adverse Weather Conditions
9. Religious Observance, including Religious Festivals
10. Disability-related need
12. Treatment relating to infertility
13. Medical/Dental Appointments
14. Public Service
15. Meetings/training in connection with fostering children
16. Other exceptional circumstances

1. BEREAVEMENT LEAVE

1.1 Purpose and Scope

- 1.1.1 The Council's policy on bereavement leave is designed to provide employees with support at a time when they have suffered the bereavement of a close family member or partner.
- 1.1.2 It is difficult to predict precisely the effect of bereavement on any individual, and how much time away from work may be appropriate. Managers will try to be as understanding as possible to respond sensitively to requests for bereavement leave.
- 1.1.3 The policy applies to all employees of the Council.

1.2 The Policy

- 1.2.1 Bereavement leave will be granted to an employee in the event of the death of a close family member or partner.
- 1.2.2 The duration of the leave will be up to 5 days depending on the relationship to the deceased and any responsibilities the employee may have in regard to the funeral arrangements, legal matters, probate etc. Each decision for duration of leave will be based on individual circumstances.
- 1.2.3 Bereavement leave must be authorised by the employee's Head of Service.
- 1.2.4 Requests for additional bereavement leave will be considered by the Head of Service in consultation with the Chief Executive.
- 1.2.5 The term "close family member" normally includes:
 - Parent, guardian or step parent
 - Brother, sister, step brother, step sister
 - Son, daughter, step son, step daughter
 - Spouse, partner
 - Grandparent or grandchild
- 1.2.6 Bereavement leave may be granted exceptionally in respect of other relatives or friends to whom the employee is very close or has responsibilities in connection with the funeral.
- 1.2.7 Attendance at the funeral service of other family members or friends will require the employee to take annual leave, unpaid leave or flex time.
- 1.2.8 Paid leave for attendance at the funeral service of a work colleague will be authorised with consent of the line manager, who will consider the impact on the needs of the business.

1.3 Responsibilities

- 1.3.1 The line manager, when notified of an employee who has suffered bereavement, will contact the relevant Head of Service to seek authorisation for bereavement leave. The line manager will also notify HR to advise them of the occurrence.
- 1.3.2 If requested by the line manager or employee, HR will approach the employee or employee's family to offer support as appropriate. HR will monitor the employee's progress through direct contact or through intermediaries at work or in the family.
- 1.3.3 Every instance of bereavement leave should be recorded on the appropriate form by the Head of Service and sent to HR for consistency. This can be completed retrospectively. Bereavement leave should be recorded on the Team's monthly absence return as normal.
- 1.3.4 HR will include statistics on bereavement leave as part of their performance monitoring statistics.

2 FAMILY ILLNESS

2.1 Purpose and Scope

- 2.1.1 The policy for allowing special leave for Copeland Borough Council employees to care for immediate family members who have suffered a short-term, sudden, acute, serious illness, has the aim of enabling employees to be available to support family members at a time of family emergency.
- 2.1.2 This policy does not cover the needs of employees who have an ongoing responsibility for caring for their dependent children, family members with illness or disabilities or elderly relatives. Such needs are covered by the Council's policy on Flexible Working.
- 2.1.3 The policy applies to all employees of the Council.

2.2 Policy

- 2.2.1 In the event of a short-term, serious, acute illness affecting a close member of the family which results in additional short-term caring responsibilities, paid leave can be granted to an employee.
- 2.2.2 Short-term arrangements for more flexible working may also be made where possible, to allow the employee to reduce their working hours for an agreed period, or work away from their normal place of work if practicable.
- 2.2.3 The duration of the paid family illness leave will be up to 5 days in any leave year.
- 2.2.4 It will be possible for employees to use available annual leave, accumulated flexi time or time off in lieu, bring forward annual leave from the next year or take unpaid leave to extend the period needed to care for a family member suffering from an acute, serious illness

2.2.5 The term “close family member” normally includes:

- Parent, guardian or step parent
- Son, daughter, step son, step daughter
- Spouse, partner

2.2.6 Family illness leave may exceptionally be granted in respect of other relatives or friends to whom the employee is very close, if appropriate.

2.3 Responsibilities

2.3.1 Family illness leave must be authorised by the employee’s Head of Service. Family illness leave should be recorded on the Team’s monthly absence return as normal.

2.3.2 If family illness leave is extended by any means described above, contact must be maintained with the employee concerned by the line manager, or HR if requested.

2.3.3 HR will include statistics on family illness leave as part of their performance monitoring statistics.

3 ATTENDANCE FOR INTERVIEW FOR OTHER LOCAL AUTHORITY POSTS

Paid leave will be granted for employees to attend interviews with other local authorities. Proof of interview must be seen by Line Manager prior to leave being approved.

4 JURY SERVICE

Employees will continue to be paid whilst on Jury Service but they will be required to claim any fees or expenses to which they are eligible (e.g. travelling and subsistence allowances).

Where employees are no longer required to attend court, they should return to work immediately.

5 MATERNITY/PATERNITY LEAVE;

This will be covered within the Council’s Maternity and Paternity Policy.

6 TRAINING COURSES OR EXAMINATIONS

If approved training involves attending a course during a person’s normal working hours, time off with pay is given. Where training (or travel connected with a course) occurs outside normal working hours, then it will be covered by flexi time/lieu time. Please see the Council’s Flexi Time Scheme Policy (section 3.4).

As detailed on the Council’s Training Expenses Form, employees may claim a maximum of 9hrs 30minutes for attending and travel per day.

Where an approved training course involves sitting professional examinations or tests, time off, with pay is allowed to take these (provided they are in normal working hours). Study leave of up to three days in any twelve month period is also allowed, provided that the Line Manager has authorised it beforehand.

7 LEAVE TO REPRESENT YOUR COUNTRY IN A SPORTING EVENT

Paid time off will be granted by the Head of Service to employees who are participating in or representing their country in a major sporting event. The amount of time off which can be taken under this leave will depend on individual circumstances. Generally, the leave should be sufficient to assist the employee to participate in the event only.

8 ADVERSE WEATHER CONDITIONS

On occasions employees may be faced with difficulty in attending work due to extreme weather conditions. Whilst unreasonable risks should not be taken in attempting to get to work in difficult conditions, there should not be a disincentive to employees who do make an effort.

Employees will be expected to make a reasonable effort to get to work, however if they are unable to do so alternatives should be considered such as:

- Working from an alternative office
- Working from home, if appropriate for the role and operational requirements
- Using alternative travel methods
- Adapting working hours, dependent upon the weather conditions and/or use of alternative travel methods.

Employees must contact their Line Manager as early as possible and prior to their start time to explain and discuss the situation.

If a Line Manager confirms the employee is unable to make alternative arrangements, which enables them to carry out their role they may grant leave in line with our guidance on Exceptional Circumstances Leave (see below).

9. TIME OFF FOR RELIGIOUS OBSERVANCE

It is our policy to endeavour, on request, to alter an employee's working pattern so that breaks can be granted at times that coincide with his/her needs for religious observance. Alternatively, the Council will, where appropriate, endeavour to grant employees reasonable time off during working hours for religious observance insofar as this is possible and practicable, taking into account the needs of the business and whether or not such arrangements might cause disturbance or disruption to other members of staff and/or their work or work patterns.

However, where an employee requests time off at a particularly busy time or at a time when the employee's absence would otherwise cause difficulties for the business or his/her department, or where the amount of time off requested is unreasonable or excessive (taking into account the needs of the business), the Council reserves the right to refuse to grant some or all of any of the time off requested.

All employees, whatever their religion or belief, will be treated equally in respect of requests for time off for religious observance or requests for alterations to their working patterns for religious reasons.

In addition, it is the employer's policy to ask all employees, on a voluntary basis, to disclose their religion or belief to it so that any religious needs can be assessed and fair consideration given to what facilities and arrangements it might reasonably provide for staff. While no employee is obliged to disclose his/her religion, belief or religious practices to the employer, employees are encouraged to do so for this reason.

10. TIME OFF TO ATTEND RELIGIOUS FESTIVALS

As all employees of the Council are entitled to paid time off for public holidays, some of which are Christian festivals, employees who require time off to attend any other religious festivals will be expected to take leave from their annual holiday entitlement to enable them to do so. This includes Eid al-Adha, Diwali, Honicka, Ash Wednesday, Saints Day, etc.

11. DISABILITY RELATED LEAVE

There may be circumstances where a disabled employee is unable to attend work for a reason relating to their disability but not due to ill health e.g. due to a breakdown in support arrangements or because their mobility aids are not functioning. In such circumstances, sickness absence is not appropriate.

Where alternative arrangements cannot be made and the employee cannot work from home, a short period of paid leave may be appropriate until the situation is resolved. This will be subject to the line manager and Head of Service's approval.

12. LEAVE FOR TREATMENT RELATING TO INFERTILITY

Employees attending a programme of treatment relating to infertility are entitled to leave for up to 2 (as allowed under current NHS rules) IVF cycles for fertility treatment. Requests for leave must be supported by appointment cards/medical evidence and submitted to the Line Manager.

13. TIME OFF FOR MEDICAL/DENTAL APPOINTMENTS

Employees are expected to arrange medical/dental appointments outside the working day. Where this is not possible or where they are required to attend a hospital appointment in normal working hours, employees may be allowed paid leave. An appointment card/medical evidence should be provided as appropriate. Please see the Council's Sickness Absence Management Policy and Procedure.

14 PUBLIC SERVICE

The guidelines cover the following categories of public service as:

- County Councillor
- District Councillor
- Parish Councillor
- School Governor
- Justice of the Peace
- Special Police Constable
- Retained Fire Fighter
- Territorial Army/Auxiliary Forces serviceperson
- Member of a Board of Visitors (e.g. Prison)
- Member of a Liaison Committee
- Election Duties

Decisions on special leave for public services can be made by the Chief Executive, Corporate Directors or Heads of Service, who are the designated officers. Consultation with the Human Resources Manager is recommended to ensure consistency throughout the Council.

Allowance

(i) All employees involved in public duties must have it recorded on their personal file, whether time off is granted or not.

(ii) Designated Officers are granted discretion to approve up to 208 hours paid or unpaid leave of absence to employees in their teams under this scheme. This information must be entered on the individual's leave card.

(iii) Any employee needing more than 208 hours absence for public duties is expected to use annual leave, lieu time or flexitime allowances for this purpose.

(iv) Those employees who take paid leave and are able to claim allowances (for example jury service) are required to claim and to pay the allowance to the Council.

The granting of leave of absence must be at the discretion of the Head of Service concerned, having regard to considerations such as the applicant's attendance record, time-keeping, and especially the impact on workload and the employee's colleagues.

Clarification

If anyone has doubts about the interpretation of this policy they should consult HR.

15 LEAVE FOR TIME OFF IN RELATION TO FOSTERING CHILDREN

Anyone who has committed to attending pre approval training related to fostering children will be allowed up to 5 days special leave.

16 EXCEPTIONAL CIRCUMSTANCES LEAVE

The Council recognises that occasionally staff may need to take further leave following any of the circumstances set out above. Normally it will be made up from the employee's annual leave allowance, flex time accumulated, time off in lieu or from annual leave "borrowed" from the following year's allowance.

However if these allowances are exhausted, the Chief Executive may agree to up to 2 weeks additional paid leave or unpaid leave in any leave year. In coming to a decision on this, the Chief Executive will take into account the employee's attendance record and the continuing impact on the service if the employee is absent.

The amount of leave required will vary according to the circumstances and each request will be dealt with on an individual basis.

PROCEDURE FOR RECORDING SPECIAL LEAVE

All requests for leave MUST be discussed and agreed with the employee's Line Manager in line with the criteria set out in this policy document. The application for Special Leave form must be completed. Line Manager's must also ensure all requests are recorded on Annual Leave Cards either in advance of the leave or if this has not been possible, immediately on an employee's return to work.

Line Managers must also ensure they have requested and seen medical evidence/ appointment cards to support an employee's request for time off where appropriate.

UNAUTHORISED/EXCESSIVE ABSENCE

An employee's Line Manager and/or Head of Service must approve all absences. Where absence is unauthorised, pay may be stopped and employees may be subject to disciplinary action. Where an individual's volume of requests for leave is giving cause for concern, the Line Manager should meet with the employee, seeking advice from HR as appropriate.

Further information may also be found in the [Sickness Absence Management Policy](#).



Special Leave Application Form

This form should be completed, authorised in accordance with the Council's special leave policy, and forwarded to HR

Employee details:

Name		Job Title	
Department		Service Unit	

Employee application for special leave
I wish to apply for special leave on the following dates:

First day of leave		Last day of leave	
Reason for request: 			
Signed:		Date:	Tel. No:

Authorisation by line management
I have authorised the above request in accordance with the Council's policy on special leave.

Signed:	Employee's Line Manager	Date:
Signed:	Head of Service	Date:
Comments: 		

A copy of this form must go to HR.

Flexible Working Procedure

Human Resources

July 2014

Flexible Working Policy

POLICY STATEMENT

As a result of the changes in legislation from 1st July 2014 all employees have the right to request a variation to their contracts so that they can work more flexibly and thereby balance their childcare responsibilities with their work commitments. Employers have a duty to consider requests seriously related to hours, times and place of work and are able to refuse where there is a clear business case only.

Changes agreed are permanent and there is no right for the employee to revert back to the former arrangement. In order to qualify employees have to meet certain criteria.

1. Who can apply

Employees must meet the following criteria:

- ❖ Have 26 weeks' continuous service at the date of application.

Only service with the current employer will count for continuous service purposes and not previous continuous service with other local government bodies.

Employees with less than 26 weeks service and agency workers do not have a statutory right to request flexible working.

An Application will be taken as having been made on the day that it is received.

Only one application per 12 months is permissible.

2. What can be requested?

Changes to:

- The number of hours an employee is required to work.
- The times an employee is required to work.
- Where the employee is required to work – at home or a place of business of the employer.
- Homeworking
- Job sharing
- Locality of work
- If a manager is unable to approve a request in a team where a number of employees are already working flexibly because any more flexible working arrangements impact adversely upon the business, it would be good practice to consider calling for volunteers from existing flexible working employees to change their contracts

3. Making an application

The employee must apply in writing and

- i. State that it is an application under the legal right to request flexible working
- ii. State whether a previous application has been made and if so when
- iii. Set out the change applied for, e.g. a new working pattern and the date they wish it to become effective
- iv. Explain the effect that they envisage the change will have on their employer, including how it might be accommodated
- v. Explain how the employee satisfies the requirements relating to the relationship with the child
- vi. Sign and date the application.

4. CONSIDERING THE APPLICATION

If the manager agrees with the proposal it must notify the employee of the variation that has been agreed to and the date on which it will take effect within 28 days of receiving the proposal.

If the manager does not agree he/she must meet with the employee to discuss the request within 28 days of it being made. The employee is to be invited at a mutually convenient time and should be allowed to be accompanied by a representative or colleague. A meeting about flexible working should take place in a location where it cannot be overheard. The manager should consider the request carefully looking at the benefits of the requested changes in the working conditions for the employee of the business and weighing these against adverse impacts.

The manager and employee may agree a compromise to a discussion such as a temporary agreement.

The manager must inform the employee of his/her decision within 14 days of the meeting.

If a variation is agreed, the manager must set out the agreement and the date on which it is to take effect.

If the request is refused the manager must give the employee a notice setting out the grounds for refusal explaining why they apply in the circumstances, and set out the appeal procedure.

A copy of the agreement needs to be sent to HR.

It is good practice to get review points where a manager and employee can discuss new arrangements.

5. The Appeal

The employee has 14 days after the date of notification of the decision to appeal in writing setting out the grounds of appeal.

If the manager then decides to accept the request they must notify the employee of the variation and the date it is to start within 14 days after receiving the employee's notice of appeal.

If the manager does not accept the request they must inform the Personnel section who will arrange an Appeals Panel within 14 days after receiving the employee's notice.

The law requires that all requests including appeals, must be considered and decided upon within a period of three months from first receipt, unless you agree to extend this period, unless an extension is agreed with the employee.

The Manager must notify the employee of its decision within 14 days after the date of the meeting in writing with a copy to HR. Once it is accepted HR will be informed of the variation agreed to and the date on which it is to take effect.

If the request is refused the Manager must set out the grounds for the refusal, explaining why they apply.

The employer should arrange all meetings at a time and place convenient to both the employee and employer.

All notices should be in writing and should be dated.

There may be a number of reasons why the time limits specified above are too short and an extension may be required. Time limits can be extended where the employer and the employee agree. A written record of the agreement must be made which states which period the extension relates to and the date the extension is to end. This must be dated and sent to the employee.

Time limits will be automatically extended where the person who would ordinarily consider the application is absent because of annual leave or sick leave when the application is received. The 28 day period begins when that employee returns to work or 28 days after the application is made whichever is the sooner.

6. Grounds for Refusal

If the request is rejected the manager must inform the employee in writing, setting out the grounds for refusal. The only valid grounds for rejecting a request are provided in section 80G of the Employment Rights Act 1996. These are as follows:

- The burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to re-organise work among existing staff.


- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during the periods the employee proposes to work.
- Planned structural changes.

The manager must also provide a sufficient explanation as to why the business reason applies in the circumstances.

7. Withdrawal of Application

If the employee wishes to withdraw the application it can initially be done verbally but should be followed up in writing.

Forms for Employees

 <p><i>Proud of our past. Energised for our future.</i></p>	<h2 style="text-align: center;">Flexible Working Application Form</h2>
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Note to the employee.

You can use this form to make an application to work flexibly under the right provided in Law to help eligible employees care for their children. Before completing this form you should first read the policy and check that you are eligible to make a request.

You should note that under the right it may take up to 14 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to your line manager (you might want to keep a copy). Your line manager will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

1. Personal Details

Name

Position

Manager

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided in law. I confirm I meet each of the eligibility criteria as follows:

I have worked continuously as an employee of the Council for the last 26 weeks.

I have not made a request to work flexibly under this right during the past 12 months.

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked).

2c. I would like this working pattern to commence from Date:.....

3. Impact of the new working pattern.

I think this change in my working pattern will affect my employer and colleague as follows:

4. Accommodating the new working pattern

I think the effect on my employer and colleagues can be dealt with as follows:

5. Are you making a request in relation to the Equality Act 2010?

Signed

Date.....

.....

Manager Confirmation of Receipt *(to be completed and returned to employee)*.

Dear

I confirm that I received your request to change you work pattern on
and will arrange a meeting within 28 days with you and your representative in order to discuss
you application.

Manager to email above to confirm receipt and copy to HR.



Flexible Working Application Appeal Form

Note to the employee

If your application has been refused, you may appeal against your manager's decision. You can use this form to make your appeal. You should set out the grounds on which you are appealing, and do so within 14 days of receiving written notice that your application for flexible working has been turned down.

Note to the Manager

This is a formal appeal made under the legal right to apply for flexible working. You have 14 days following your receipt of this form in which to arrange a hearing with your employee to discuss their appeal. The Human Resources Manager will convene a hearing panel and invite yourself and the employee and their representative along.

Dear.....

I wish to appeal against your decision to refuse my application for flexible working. I am appealing on the following grounds:

Signed Date.....

Forms for Managers



Flexible Working Application Acceptance Form

Note to the manager

You must write to your employee within 14 days following the meeting with your decision. This form can be completed by you when accepting an application to work flexibly. If you cannot accommodate the requested working pattern you may still wish to explore alternatives to find a working pattern suitable to you both. Please refer to the policy for guidance in considering the application.

Please note that Form C Flexible Working Application Rejection Form should be used if the employee's working pattern cannot be changed, and no other suitable alternatives can be found.

Dear..... Date.....

Following receipt of your application and our meeting on

- ☐ I am please to confirm that I am able to accommodate your application
- ☐ I am unable to accommodate your original request. However, I am able to offer the alternative pattern which we have discussed and you agreed would be suitable to you.

Your new working pattern will be as follows:

Your new working arrangements will begin from: Date.....

We will review these arrangements Date.....

Note to the employee

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

If you have any questions on the information provided on this form please contact me to discuss them as soon as possible. A copy of this form must go to HR.

Form FW (C)



Flexible Working Application Rejection Form

Note to the manager

You must write to your employee within 14 days following the meeting with your decision. This form can be completed by you when declining an application. Before completing this form you must ensure that full consideration has been given to the application. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) applies in the circumstances. Please see the policy for the list of permissible business grounds under which a request may be refused.

Dear.....

Following receipt of your application and our meeting on

I am sorry but I am unable to accommodate your request for the following business ground(s):

The grounds apply in the circumstances because:

(You should explain why any other work patterns you have discussed at the meeting are also inappropriate.

Signed Date.....

You have the right to appeal against this decision. You must do so in writing within 14 days of receiving this written notice of decision. You can do so on Form FW(D).

A copy of this form must go to HR.

Form FW (E)



Flexible Working Appeal Reply Form

To be completed by the HR Manager within 14 days after the appeal hearing.

Dear.....

Following our meeting onI have considered your appeal against the decision to refuse your application to work a flexible working pattern.

I accept your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from Date.....

Note to employee

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

I am sorry but I must reject your appeal for the following ground(s):

The ground(s) apply because

Signed Date.....

A copy of this form must go to HR.

Employers Pension Discretions

Statement of Policy

July 2014

Employers Discretions

EMPLOYER DISCRETIONS – STATEMENT OF POLICY

EMPLOYER NAME: COPELAND BOROUGH COUNCIL

The employer stated above has prepared this written statement of policy in relation to its exercise of certain discretionary functions available under the above regulations.

PART A – Mandatory policy statements – Formulation of policy in accordance with:

Regulation 60 of the Local Government Pension Scheme (LGPS) Regulations 2013
Paragraph 2 (2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014
Regulation 66 of the Local Government Pension Scheme (Administration) Regulations 2008
Regulation 106 of the Local Government Pension Scheme Regulations 1997

PART A1 – Discretions from 1 April 2014 in relation to post 31 March 2014 active members and post 31 March 2014 leavers (excluding councillor members)

1. Power of Scheme employer to award additional pension

(Regulation 31 of the LGPS Regulations 2013)

An employer can grant extra annual pension of up to a maximum £6,500 (figure at 1 April 2014) to an active Scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency. This maximum figure that can be initially awarded will be index linked and the level increased on the 1st April each year.

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth.

2. Power of Scheme employer to contribute towards the cost of a member purchasing additional pension

(Regulation 16 (2) (e) and 16 (4) (e) of the LGPS Regulations 2013)

Where an active Scheme member wishes to purchase extra annual pension of up to £6,500 (figure at 1 April 2014) by making Additional Pension Contributions (APCs), the employer may voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution. This maximum figure that can be initially purchased will be index linked and the level increased on the 1st April each year.

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth.

3. Flexible retirement

(Regulation 30 (6) and (8) of the LGPS Regulations 2013, Regulations 3 (5), 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 18(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

The Local Government Pension Scheme allows scheme members who have attained the age of 55 to draw all or part of their retirement benefits under flexible retirement arrangements even though they have not retired providing that:

- the employer consents, and
- there has been a reduction in hours, or
- a reduction in grade.

Specifically where the employer consents to flexible retirement then, in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw), the employer can also allow the member to choose to draw all, part or none of the pension benefits they accrued after 31 March 2008.

However, benefits taken on flexible retirement will be subject to a potential actuarial reduction if they are being drawn earlier than the members normal retiring age (flexible retirement provisions may be operated for members potentially up to a member's 75th birthday). The reductions applied will be in accordance with guidance issued by the government actuary. Employers can if they choose waive, in whole or in part, any reductions that might apply.

Employer's policy:

Flexible retirement	Employees aged 55 +	<p>Can retire from 55 but must have employers permission to draw LGPS retirement benefits before aged 60</p> <p>If approved, can agree to draw full or part LGP</p> <p>Can continue paying into scheme at reduced level</p> <p>To note LGP benefits drawn before age 65 may be actuarially reduced (ARP)</p>	<p>1. Employee initiates</p> <p>2. Employees in the LGPS can request an estimate of pension benefits from their HR Advisor in advance of submitting an application for flexible retirement.</p> <p>Applications considered for:</p> <p>a. Reduction in hours and/or grade in current/similar role</p> <p>OR</p> <p>b. Appointment to a different post within CBC on reduced hours and/or grade (subject to Council's normal recruitment and selection</p>
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			procedure) 4. Only 1 application in any 12 month period Applications for flexible retirement will not proceed unless there is a clear business and/or financial benefit to the Council See Annex 1 for flowchart and application form
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Further pension benefits can be accrued for the employment period after flexible retirement has been approved. Where the employee wishes to reduce hours and receive benefits but not continue to contribute to the Local Government Pension Scheme, the employee must make this clear in their application request.

The fullest possible information on the financial implications of early retirement will be considered closely, before early retirement is agreed.

Employees aged 55 or over may request early retirement. However, LGPS benefits will only be paid to those below aged 60 with the prior consent of the Council.

Pension benefits drawn before age 65 may be actuarially reduced. Actuarially Reduced Pension (ARP) is the phrase used to describe an employee's pension and lump sum payment that has been reduced by a specific amount to reflect the fact that the pension benefits have been paid early. The amount of the reduction will be calculated by the Government Actuary to take into account the loss to the scheme of the contributions that would have been payable by both the employee and the employer, together with the loss to the scheme of the pension benefits being paid early. The reduction is for the life span of the pension.

Applications for early retirement can only be made once in any 12 calendar month period.

4. Early retirement and waiving actuarial reductions

(Schedule 2 paragraphs 1(2), 2(1), 2(2) and Regulation 3 (1) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation 30(8) of the LGPS Regulations 2013 and regulation 30(5) and 30A(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

If a member leaves a local government employment before he is entitled to the immediate payment of retirement benefits, then if he is age 55 or more (or having attained age 55 and have previously been awarded deferred benefits after 01 April 2014) he may choose to receive payment of them immediately.

Any benefits payable may be reduced as appropriate in accordance with guidance issued by the Government Actuary. Employers can if they choose waive, in whole or

in part, any reductions that might apply and the employer must pay to the Pension Fund a sum representing the capital cost of waiving those reductions.

Due to the complexity in the level of protected benefits that now apply to different members, establishing what level of benefits can be waived can be difficult.

Appendix 1 lists the options available to employers in terms of the level of reductions that can be waived and the grounds under which they may be waived.

Employers policy:

Early retirement	Employees aged 55+	<p>Can retire from 55 but must have employers permission to draw LGPS retirement benefits before aged 60</p> <p>To note LGP benefits drawn before age 65 may be actuarially reduced (ARP)</p>	<ol style="list-style-type: none"> 1. Employee initiates. 2. Employees in the LGPS can request an estimate of pension benefits from their HR Advisor in advance of submitting an application for early retirement. 3. Application to be made in writing 4. Only 1 application in any 12 month period <p>Applications for early retirement will not proceed unless there is a clear business and/or financial benefit to the Council See Annex 2 for flowchart and application form</p>
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Early retirement for reasons of redundancy

It is the policy of Copeland Borough Council to ensure as far as possible that full employment is maintained for all its employees, and to avoid redundancy. However, financial constraints and changes in the pattern of services or the structure of the organisation may from time to time require the authority to declare redundancies. When such circumstances arise, the Council's Managing Change policy and procedures will be followed.

In cases of redundancy, a pensionable employee whose service is terminated because of redundancy and who is aged 55 or over, with at least two years' total period of membership, is entitled to immediate payment of pension benefits in accordance with the Local Government Pension Scheme Regulations, without reduction.

Appendix 1 lists the options available to employers in terms of the level of reductions that can be waived and the grounds under which they may be waived.

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth.

PART A2 – Discretions in relation to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (excluding councillor members)

5. Power of Scheme employer to award additional membership

(Regulation 3 (10) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 12 of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

An employer can within 6 months of the date of termination grant extra membership in the pension scheme to a Scheme member whose employment was terminated before 1 April 2014 on the grounds of redundancy or business efficiency. Note that this is a time limited discretion which expires on 30 September 2014 for those whose employment is terminated on 31 March 2014.

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth.

6. Early release of deferred benefits with employer consent

(Regulations 30(2), (5), 30A(3) and (5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

A policy decision concerning early release of benefits needs to be made in relation to members who have left the scheme between 1 April 2008 and 31 March 2014 with deferred benefits (or suspended tier 3 benefits) who make an application to release benefits on or after age 55 and before age 60.

In addition a further policy decision is required to determine whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth.

PART A3 – Discretions in relation to scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 and active councillor members and councillor members who ceased active membership on or after 1 April 1998

7. Early release of deferred benefits with employer consent

(Regulations 31(2) and (5) of the LGPS Regulations 1997)

The rules of the Local Government Pension Scheme allow former employees with preserved benefits in the Scheme to request the early release of these benefits on compassionate grounds. Under 1995 Regulation D11 (2) (c), which deals with entitlement to deferred benefits for leavers who left before 1 April 1998 and who have not yet reached age 60, the sole discretion for a former employing authority is that they may determine on compassionate grounds that benefits are to become payable. In these cases, an actuarially reduced pension cannot be taken, and early release will mean a cost to the former employer. The Council's policy is not to grant early release of former employees' preserved benefits where there is a cost to the Council and therefore the taxpayers.

From age 60 onwards, former Council employees can apply for early release of actuarially reduced preserved benefits, with no cost to the Council.

A policy decision concerning early release of benefits needs to be made in relation to active members who have left the scheme between 1 April 1998 and 31 March 2008 with deferred benefits and councillor members who left after 1 April 1998 who make an application to release benefits on or after age 50* and before age 60.

In addition a further policy decision is required to determine whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.

*It should be noted that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on any benefits built up after 5 April 2006.

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth.

8. PART A4 – Discretions in relation to scheme members who ceased active membership before 1 April 1998

(Regulation D11(2) (c) of the LGPS Regulations 1995)

A policy decision concerning early release of benefits needs to be made in relation to active members who have left the scheme before 1 April 1998 who make an application on compassionate grounds to release benefits on or after age 50* and before age 60. Under these rules the sole discretion for an employing authority is that they may determine on compassionate grounds that benefits are to become payable on an unreduced basis.

*It should be noted that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, a Scheme sanction charge will not be payable.

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth.

PART B – Formulation of policy in accordance with further discretions under the Local Government Pension Scheme Regulations 2013

As highlighted in the employer bulletin, there are a number of other discretions which Scheme employers may exercise under the LGPS Regulations 2013. There is, however, no requirement to have a written policy in respect of these. However the following areas of discretion would be useful for scheme members, in order for them to establish the clear policy intention that the employers hold in these particular areas.

9. Shared Cost Additional Voluntary Contributions (SCAVCs)

(Regulation 17 of the LGPS Regulations 2013, Regulations 15(1)(d) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation 25(3) of the LGPS (Administration) Regulations 2008 and Regulation 15(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

An active member may elect to pay AVCs into a scheme established under contract between his appropriate administering authority and a body approved for the purposes of the Finance Act 2004.

An employer can, at its discretion, contribute to the AVC scheme and where they do the AVC scheme is known as a shared cost additional voluntary contributions arrangement (SCAVC). An employer should establish whether, how much and in what circumstances to either continue with an existing SCAVC or enter into a new SCAVC.

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth.

10. Late transfer requests

(Regulation 100(6) and 22(7) and (8) of the LGPS Regulations 2013)

The Local Government Pension Scheme Regulations allow for the acceptance of transfer value payments into the fund (subject to the Pension Fund administering authorities approval) to enable members to transfer pension rights accrued prior to joining the scheme into the LGPS, and thereby count additional pension. This election should be made within 12 months of first joining the LGPS in the employment.

The discretion allowed under regulation 100(6) relates to the acceptance of transfers relating to non LGPS membership, where the member makes a request after the expiry of the first 12 months of joining the LGPS.

Previous LGPS rights are automatically aggregated unless an election to keep those accrued benefits separate is received. Regulations 22 (7) and (8) allow an employer to extend the 12 month time limit within which a Scheme member who has a deferred LGPS benefit in England or Wales following the cessation of employment (or cessation of a concurrent employment) to elect not to have the deferred benefits aggregated with their new LGPS employment (or on-going concurrent LGPS employment) if the member has not made an election to retain separate benefits within 12 months of commencing membership of the LGPS in the new employment (or within 12 months of ceasing the concurrent membership).

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth, except in cases where an error has been made by the employer or administering authority.

11. Contributions payable by active members

(Regulation 9 and 10 of the LGPS Regulations 2013)

An active member shall make contributions to the Scheme at the relevant contribution rate, from his pensionable pay, in each employment in which he is an active member. The contribution rate to be applied to his pensionable pay in any financial year is the rate determined by the employer with reference to the tiered contribution pay bands stated in the regulations.

Where there is a material change to a member's pensionable pay in the course of a financial year, the employer may re-determine the contribution rate to be applied.

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth.

12. Assumed Pensionable Pay

(Regulation 21(4) and (5) of the LGPS Regulations 2013)

Whether or not, when calculating assumed pensionable pay when a member :

- is on reduced contractual pay or no pay on due to sickness or injury, or
- is absent during ordinary maternity, paternity or adoption leave or during paid additional maternity, paternity or adoption leave, or
- is absent on reserve forces service leave, or
- retires with a Tier 1 or Tier 2 ill health pension, or
- dies in service

to include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred. A 'regular lump sum payment' is a payment for which the member's employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.

Employer's policy:

The Council may include any regular lump sum payment in the calculation of assumed pensionable pay.

PART C – Mandatory policy statement* – Formulation of policy in accordance with:

Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
Regulation 26 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000
Regulation 14 of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

*The mandatory requirements for a written policy under these regulations do not extend to employers whose employees are members of the LGPS by virtue of an admission agreement however as the provisions still apply it would be deemed appropriate for a policy statement to be in place

PART C1 – Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

13. Redundancy and Compensation Payments

(Regulation 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006)

These regulations provide a discretionary power to award a one-off lump sum payment of up to 2 years pay (104 weeks), inclusive of any redundancy payment made. This applies to any member who terminates their employment on the grounds of redundancy, efficiency or in the case of a joint appointment (not job shares) where termination arises because the other holder of the joint appointment has left it.

The provisions apply to all employees who are eligible for participation in the LG Pension Scheme, whether or not they are current members of the scheme.

There is also a discretionary power to waive the weekly pay ceiling placed on statutory redundancy payments and to calculate, instead, on pay up to the actual week's pay.

Employer's policy:

The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth.

PART C2 – Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000

14. Redundancy and Compensatory Added Years payments

(Regulation 17,19,21 and 25 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000)

Prior to the 2006 discretionary regulations employers could award employees additional service following a redundancy or efficiency retirement where that employee was over age 50. Although this facility is no longer available to current active employees, there are still discretionary decisions to be made in respect of employees who are already in receipt of additional service. These include:

- How to apportion any surviving spouse's or civil partners annual compensatory added years payment where the deceased person is survived by more than one spouse or civil partner.
- How the annual added years will be apportioned amongst any eligible children.
- Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be ignored i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid or if the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation.
- Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government and how to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government.

Employer's policy:

The Council will apportion any surviving spouse or civil partners payments equally where there is more than one surviving spouse or civil partner.

The Council will apportion any eligible children's payment equally.

The Council may pay the Compensatory added years in cases of remarriage or new civil partnership.

The Council will fully suspend any compensatory added years payments during any period of re-employment in the Local Government.

PART C3 – Discretions in relation to the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011**15. Injury Allowance payments**

(Regulations 3 to 7 of the Local Government (Discretionary Compensation) (Injury Allowances) Regulations 2011)

Under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 Scheme employers must formulate, publish and keep under review a policy on:

a) whether or not to make an injury award to those who sustain an injury or contract a disease as a result of anything they were required to do in performing the duties of their job and in consequence of which they:

- suffer a reduction remuneration, or
- cease to be employed as a result of an incapacity which is likely to be permanent and which was caused by the injury or disease, or
- die leaving a surviving spouse, civil partner or dependant, and

b) if the Scheme employer has a policy to make such payments, how it will determine the amount of injury allowance to be paid

Employer's policy:

The Council will not operate a discretionary injury allowance scheme.

Declaration

It is understood that the above discretions are applicable to all eligible members of the Scheme. In respect of the mandatory policy requirements, a written statement should be published indicating the policy which is being applied by that employer in the exercise of its functions. A copy of the scheme employer's policy decisions should be sent to Your Pension Service within one month of the date the policy is revised.

Any change to the discretions exercised under the LGPS Regulations can take immediate effect from the date the Scheme employer agrees the change.

Any change to the discretions exercised under the Discretionary Compensation Regulations 2000, the Discretionary Compensation Regulations 2006 or the Injury Allowances Regulations 2011 cannot take effect until one month after the date the Scheme employer publishes a statement of its amended policy.

The policies made above:

- i. Must have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;
- ii. Will not be used for any ulterior motive;
- iii. Will be exercised reasonably;
- iv. Will only be used when there is a real and substantial future benefit to the employer for incurring the extra costs that may arise;
- v. Will be duly recorded when applied.

Signed on behalf of the Employing Authority:

Name in Block Capitals:

Position:

Employing Authority:

Date:

Signed on behalf of the Employing Authority:

Name in Block Capitals:

Position:

Employing Authority:

Date:

Appendix 1 – if voluntarily retiring

If there is an actuarial reduction regarding the particular tranche of membership, the employer has the right to -

	Group 1	Group 2	Group 3	Group 4
Part A	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.
Part B1	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on this on compassionate grounds.
Part B2	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.
Part C	Waive all, some or none on any grounds.	Waive all or none on compassionate grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.
Part D1	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.

Part A = membership to 31 March 2008

Part B1= membership 1 April 2008 to 31 March 2014

Part B2 = membership 1 April 2014 to 31 March 2016

Part C = membership 1 April 2016 to 31 March 2020

Part D1 = membership 1 April 2020 onwards

Group 1 member = a member who was an active member prior to 1 October 2006 and who was born on 31 March 1956 or earlier

Group 2 member = a member who was an active member prior to 1 October 2006, was born between 1 April 1956 and 31 March 1960 inclusive, and who would reach their CRA by 31 March 2020

Group 3 member = a member who was an active member prior to 1 October 2006 and who is not a Group 1 or Group 2 member

Group 4 member = a member who was not a member prior to 1 October 2006.

If member retires on flexible retirement, the employer may waive all, some or none of any reduction on any grounds.



Adverse Weather Guidelines

INTRODUCTION:

Copeland Borough Council recognises that adverse weather conditions can prevent employees from reaching their normal place of employment.

All employees are expected to make every reasonable effort to attend for work, but without compromising their health and safety.

The purpose of these guidelines are to provide guidance and outline the responsibilities for employees and managers for attendance at work in the event of adverse weather conditions and/or major disruptions to public transport or air/sea travel.

SCOPE:

The guidelines are applicable to all employees directly employed by the Council. It does not apply to contractors, elected members, agency employees or volunteers, except where the recommendations cover issues relating to health and safety.

The policy provisions will be deemed to apply when there are severe weather conditions or disruptions to public transport or air or sea travel that prevent an employee from attending work.

AIMS:

In applying the guidelines, the Council recognises the need to safely maintain services during adverse weather conditions, whilst properly discharging its duty of care to employees.

The manager's decision will seek to take account of any advice issued or sought from the police; weather centre; public transport and monitoring organisations in relation to prevailing weather conditions and the advisability of travel.

PRINCIPLES:

It is appreciated that there may be operational and service delivery considerations in working during periods of adverse weather. Managers are expected to ensure that employees are treated in an equitable and consistent manner and that the safety of employees is not compromised in any way.

Managers also need to consider individual requests from people with a disability and/or caring responsibilities that may prevent additional barriers to attendance at work in bad weather conditions or disruptions to public transport, etc.

RESPONSIBILITIES:

During bad weather conditions managers should ensure that employees do not take unnecessary risks to get to work, and should encourage remote working wherever operationally possible.

Employees should make every effort to attend work in all circumstances. However, they should not put themselves at unnecessary risk when trying to do so.

Employees who are unable to attend for work as expected should notify their line manager as soon as possible.

Absence From Work

If an employee has made all reasonable efforts to attend work but has failed to do so because of severe weather conditions or disruptions to public transport, the line manager should discuss with the employee and make a decision as to whether the employee should:

- Take the time as annual leave or flexi leave, or
- Make up the lost time at a later date, or
- Take unpaid leave, or
- Work from home or remotely

Severe conditions or disruptions occurring during the course of the working day

Any general decision to allow employees to leave work early will be made by the Chief Executive.

Outside any decision made by the Chief Executive, managers have discretion to decide on a case-by-case basis whether it is appropriate for individual employees to leave work early. In taking the decision, they should take appropriate account of the employee's circumstances (e.g. distance to travel, mode of transport), issues of health and safety and business need.

Closure of normal place of work

In extreme circumstances, the Chief Executive may decide to close a Council office or other place of work at the beginning or during the working day.

Employees who are able to work remotely (from home or another Council building) will be expected to do so during the closure.

Employees whose normal place of work is closed may be required to attend an alternative Council workplace to carry out some or all of their duties.

EMPLOYEES STRANDED ABROAD AFTER A HOLIDAY:

Employees stranded overseas due to air or sea travel disruptions, who cannot return to work on the expected date, should make every effort to notify their manager at the earliest opportunity. They should also make every reasonable effort to return to the UK at the earliest opportunity.

The normal arrangements for dealing with an additional period of absence in such circumstances will be for the employee to:

- Take the time as annual or flexi leave, or
- Make up the lost time at a later date, or
- Take unpaid leave.

The precise arrangements will be decided by the line manager after consultation with the employee and taking into account their personal circumstances. It may be possible to offer a combination of options.

ARRIVING LATE:

Where the line manager is satisfied that an employee has genuinely been prevented from attending work by his/her normal starting time, as a result of adverse weather, any lateness will not be penalised in terms of sanctions under any of the Council's Disciplinary policies. Any loss of time should be managed by giving consideration to use of the appropriate options detailed above.

ABSENCE DUE TO CHILDCARE COMMITMENTS BECAUSE OF SCHOOL CLOSURES:

As a result of school closures, some employees may need to take time off to care for their dependent children. The Council want to support employees with nursery and school age children in the event of weather related school closures. In these circumstances, a combination of paid and unpaid leave, building on the existing carer's leave provisions may be more appropriate than homeworking. It should not be forgotten that the statutory right to take time off to deal with unforeseen events regarding dependents does not provide the right to take extended leave, but only the right to take off what time is reasonable to allow the employee to deal with the unforeseen event. Similar principles should be followed in relation to other dependents, and older or disabled relatives. We need to strike a balance between the need to maintain services and the pressure that fall on employees who have childcare and other caring responsibilities.

EMPLOYEES WHO ABUSE THE SYSTEM:

If there is a reason to suspect that an employee is abusing our flexible approach to lateness or absence, we will investigate the employee's reasons for their absence to find out the true extent of the transport disruption and the impact on others who travelled from the same area. If abuse is established, we will treat this absence or lateness in the same way as other unauthorised absence.

FAIRNESS AND CONSISTENCY IN EXERCISE OF POLICIES:

Manager's should implement the policy fairly and consistently, while taking into account the particular needs and circumstances of individual employees members.

Abuse of these rules may lead to disciplinary action being taken by the Line Manager.

REVIEW AND DATE:

These guidelines will be reviewed in December 2014.

Document Control:**Title:**

Adverse weather guidelines

Applicable To:

All Employees

Date Last Reviewed:

May 2013

Procedure Owner:

Human Resources

This guidance regarding social networking websites is intended to supplement the Council's existing MIS policy on email and internet use (Social Media Acceptable Use Policy November 2010).

INTRODUCTION:

The widespread availability and use of social networking applications bring opportunities to understand engage and communicate with our audiences in new ways. It is important that we are able to use these technologies and services effectively and flexibly. However, it is also important to ensure that we balance this with our duties to our service users and partners, our legal responsibilities and our reputation as a Local Authority.

The requirements in this document aim to provide this balance to support innovation whilst proving a framework of good practice.

GENERAL:

As employees are aware at work, the internet is provided, primarily, for business use. The Council recognises that many employees use the internet for personal purposes and that many employees participate in social networking on websites such as Facebook, Twitter, You Tube, MySpace, and Bebo.

The purpose of this document is to outline the responsibilities of employees using the internet to access social networking websites. This guidance is applicable to all employee including those in politically restricted post.

PERSONAL CONDUCT:

The Council respects an employee's right to a private life. However we must also ensure that confidentiality and its reputation are protected. It therefore requires employees using social networking sites to:

- Refrain from identifying themselves as working for the Council, as any statements made will be taken to be the views of the Council.
- Ensure that they do not conduct themselves in a way that is detrimental to the Council; and
- Take care not to allow their interaction on these websites to damage working relationships between members of employees or service users of the Council.

MONITORING OF INTERNET ACCESS AT WORK:

The Council reserves the right to monitor employees' internet usage, but will endeavour to inform an affected employee when this is to happen and the reasons for it. The Council considers that valid reasons for checking an employee's internet usage include suspicions that the employee has:

- Been spending an excessive amount of time viewing websites that are not work-related; or
- Acted in a way that damages the reputation of the Council and/or breaches confidentiality.

DISCIPLINARY ACTION:

Any communications or content published by employees that causes damage to the Council, any of its employees or any third party's reputation may amount to misconduct or gross misconduct. If appropriate, disciplinary action will be taken in line with the Council's Disciplinary Policy.

SECURITY AND IDENTITY THEFT:

Employees should be aware that social networking websites are a public forum, particularly if the employee is part of a 'network'. Employees should not assume that their entries on any website will remain private. Employees should never send abusive or defamatory messages.

Employees must also be security conscious and should take steps to protect themselves from identity theft, for example by restricting the amount of personal information that they give out. Social networking websites allow people to post detailed personal information such as date of birth, place of birth and favourite football team, which can form the basis of security questions and passwords. In addition, employees should:

- Ensure that no information is made available that could provide a person with unauthorised access to the Council and/or any confidential information; and
- Refrain from recording any confidential information regarding the Council on any social networking website.

LEGAL INFORMATION TO BE AWARE OF:

What you write in emails or on the intranet could seriously damage your own or another person's reputation, you could lose your job and you and the Council could be sued, fined or even imprisoned. ***Stop and think before you click.***

Anything written in an email has the potential for public exposure (for example, if the email is forwarded to others). ***Stop and think before you click.***

Posting on the internet is essentially making a public statement (for example, when commenting on social media sites, blogs or other electronic forums). ***Stop and think before you click.***

Failing to take care about what you write can have serious personal, disciplinary and/or financial implications. ***Stop and think before you click.***

Even if you are emailing or using other forms of online communication in your own time, if you refer to people at work or work related matters, you and the Council could get into trouble. ***Stop and think before you click.***

Emails and internet postings can be used against you or the Council in legal proceedings, disciplinary meetings or other regulatory investigations. ***Stop and think before you click.***

Don't be hurtful or spread rumors:

- Never send emails or post content online that could be thought of as obscene, racist, sexist, bullying or hurtful;
- Never lie, exaggerate or make a false or inaccurate statement about another organisation or person. You could be sued even if an e-mail was only sent to one person;
- Forwarding an email can be just as serious as writing the original – you could be sued even if the original was sent or forwarded to only one person.

Do not send or view offensive or unknown material:

- Monitor what arrives in your inbox, especially if you do not recognize the sender or the title of the email seems odd;
- If there is a risk that an email may contain a virus, do not open it and inform the IT Department immediately;
- You could be disciplined or even dismissed for forwarding inappropriate emails or accessing inappropriate websites at work. In severe cases, it could also be a criminal offence. ***Stop and think before you click.***

Avoid Unproductive Usage:

- Copeland Borough Council allows light personal internet and email usage as long as it does not interfere with your work duties. However, excessive, unproductive usage is not permitted and may be treated as gross misconduct. ***Stop and think before you click.***
- Emails can often be a waste of time. Think carefully before copying someone in on an email, especially if there is a long chain of emails attached. ***Stop and think before you click.***

