

To: Members of the Special Sub-Group

Councillors D Clews, Deakin, Hayfield, Jenns, Parsons and L Smith

For the information of the other Members of the Council

For general enquiries please contact Democratic Services on 01827 719221 or via email – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

This document can be made available in large print and electronic accessible formats if requested.

SPECIAL SUB-GROUP

12 APRIL 2022

The Special Sub-Group will meet on Tuesday, 12 April 2022 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The Meeting can also be viewed on the Council's YouTube channel at: [NorthWarks - YouTube](#)

AGENDA

- 1 **Evacuation Procedure**
- 2 **Apologies for Absence / Members away on official Council business.**
- 3 **Disclosable Pecuniary and Non-Pecuniary Interests**

4 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members. Questions should be submitted by 9.30am two working days prior to the meeting. A period of five minutes will be allowed for each question to be answered.

Members of the public wishing to address the Board must register their intention to do so by 9:30am two working days prior to the meeting. Participants are restricted to five minutes each.

If you wish to put a question to the meeting, please register by email to democraticservices@northwarks.gov.uk or telephone 01827 719221/719226/719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber;
- (b) attend remotely via Teams; or
- (c) request that the Chair reads out their written question.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should dial the telephone number and ID number (provided on their invitation) when joining the meeting to ask their question. However, whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they made need to mute the sound on YouTube when they speak on the phone to prevent feedback).

5 **Flexible Working Policy** - Report of the Corporate Director - Resources

Summary

This report advises members of the background to the revised policy on Flexible Working and recommends the adoption of the revised policy for the Council. The trade unions have been consulted on the proposed amendments.

The Contact Officer for this report is Kerry Drakeley (719300).

6 **Exclusion of the Public and Press**

To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

7 **Staffing Matter** – Report of the Corporate Director – Streetscape

The Contact Officer for this report is Richard Dobbs (719440).

STEVE MAXEY
Chief Executive

Agenda Item No 5

Special Sub-Group

12 April 2022

Report of the Corporate Director - Resources

Flexible Working Policy

1 Summary

- 1.1 This report advises members of the background to the revised policy on Flexible Working and recommends the adoption of the revised policy for the Council. The trade unions have been consulted on the proposed amendments.

Recommendation to the Special Sub-Group

To adopt the revised Flexible Working Policy

2 Introduction

- 2.1 North Warwickshire Borough Council adopted a Flexible Working Policy in 2014. The Council aims to ensure that its working arrangements balances the degree of flexibility offered to employees against the requirement to ensure the efficiency and standards of the Council's services, and the way in which they are provided.

3 Policy Revision

- 3.1 Following the Coronavirus pandemic, the Flexible Working Policy has been revised. The revised policy includes a section on the Council's approach to hybrid working (Section 5.2), which allows some employees to split their time between attending the workplace/office and working remotely.
- 3.2 Hybrid working is an important element of both the Council's strategy for adapting to, and thriving in, the new working environment following the pandemic; and its commitment to supporting a positive work-life balance for our employees. Such arrangements are becoming more common and it is felt that offering similar conditions could play an important part of our recruitment and retention strategy, something particularly important in the current 'tight' labour market. The revised Policy, with amendments highlighted, is detailed at Appendix A and balances the above aims with the need to ensure services and availability of staff to the public and Councillors is not compromised.
- 3.3 The policy will be reviewed in 12 months' time to ensure that the hybrid working arrangements are working appropriately and will be amended if required.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 There are no direct financial implications from the changes to the policy.

4.2 Human Resources Implications

4.2.1 As detailed in the report.

4.3 Equality Implications

4.3.1 As detailed in the report.

4.4 Links to Council's Priorities

4.4.1 Effective management of the workforce contributes to the Council's priority of making the best use of our resources.

The Contact Officer for this report is Kerry Drakeley (719300)

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

**FLEXIBLE WORKING POLICY AND
LEAVE GUIDANCE**
Reviewed March 2022



**North Warwickshire
Borough Council**

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1. INTRODUCTION

- 1.1 This document balances the degree of flexibility offered to employees against the requirement to ensure the efficiency and standards of the Council's services, and the way in which they are provided.
- 1.2. It must be recognised that there is no entitlement to paid time off. As an example, there is no automatic right to paid time off for Hospital, Medical or Dentist Appointments and employees should, where possible, make appointments outside of normal working hours. Employees should use flexi/flexible working arrangements wherever possible. However, where the employees are unable to work within the rules of the flexi/flexible working section of this policy they must get their time off authorised by their line manager to attend appointments during working hours and agree that paid time off to attend the appointment will normally be given.
- 1.3. If necessary, advice and guidance can be obtained from Human Resources.
- 1.4 The reference guide to Authorised Leave is given at Appendix C.

2. SCOPE

- 2.1 The policy applies to all employees.

3. PRINCIPLES

- 3.1 When agreeing flexible ways of working the guiding principles are:
 - The service must not suffer
 - There would be no additional costs
 - There would be no negative impact on colleagues both inside and outside of the service
- 3.2 Inevitably over the course of an employee's service with the Council they will experience situations which put demands on their time and causes conflict between work and life commitments. In order to provide employees with flexibility in balancing these work-life responsibilities, the Council endeavors to:
 - Promote equality
 - Promote employee well-being through its promotion of work-life balance;
 - Ensure a fair and consistent approach to managing employee attendance;
 - Provide assistance and support to employees when absence from work is necessary.

In addition the Council will use flexible working to:

- Help with business continuity
- Help with emergency planning
- Help with value for money

3.3 However, employee sickness can have an adverse impact on the Council's overall performance and performance rating. Therefore, notwithstanding the overriding aim to provide flexibility, the Council looks to promote:

- High attendance levels;
- The avoidance or minimisation of disruption to service delivery;
- An understanding that each employee holds an important role within the Council, regardless of their current circumstances;
- Good working relationships amongst all employees.

3.4 Throughout this document direction is given as to the amount of time off that is appropriate for different circumstances. It should be recognised, however, that where appropriate, line managers in consultation with HR may use their discretion in the interpretation and application of the guidance to ensure both the well being of the employee and the requirements of the service.

3.5 Time off from work, as defined in this document should not, however, be seen as an automatic right and entitlement. Inevitably, instances will arise where the line manager may have to refuse the request for time off either for business reasons or in relation to the specific request made. Wherever this is the case the employee will be given a full explanation of the reason behind the refusal and, where appropriate, alternative leave arrangements will be discussed and agreed. This explanation and any alternative arrangements, will be specified in writing if requested by the employee.

3.6 Where there is a service qualification for eligibility to particular types of leave covered by the provision of this document, this is stated. Each type of leave is regarded as a separate entitlement. However, the granting of leave remains at the discretion of the line manager and/or the Director or member of Management Team (MT), as appropriate.

3.7 Where an employee is experiencing emotional or difficult circumstances it may be appropriate for them to be granted leave under one of the categories listed and then discuss the situation with Human Resources (HR).

3.8 The entitlements to leave given are for full time employees, this entitlement should be calculated as a pro rata amount for employees working on part time or term time only basis or pro rata to the length of the contract for employees on temporary contracts.

3.9 Where leave is paid, the employee will receive their normal salary payment including all regular contractual payments.

4. TYPES OF ABSENCE

4.1 There are a number of different forms of leave covered and these fall into a number of broad categories. This document covers each type of leave in turn and gives a full explanation of the entitlements, statutory and non-statutory, paid and unpaid, and the procedure for applying for leave in each instance.

4.2 There will be occasions when employees will request authorised leave for

reasons not covered in this document or in the reference guide at Appendix C. In these circumstances the Director or member of MT in consultation with HR will decide whether authorised leave will be approved.

5. FLEXTIME/FLEXIBLE WORKING AND HYBRID WORKING

5.1 Accommodating flexible working does depend upon the service provided. Where the service can accommodate this, it allows employees to stagger their start and finish times with the opportunity to build up hours to be taken at a future time for personal or domestic requirements. It ensures that the working day is covered more effectively and has a mutual benefit to the employee and the organisation. It enables employees to manage their work and personal commitments and encourages a spirit of 'give and take' between the employer and the employee. However, for this to work teams must ensure that 'work comes first' in all but exceptional circumstances. This requires some basic principles to be followed:

- Minimum cover is required during normal office hours
- There needs to be a shared understanding within teams of the level of cover required to ensure that the service is delivered to the required standard.
- Service delivery must not suffer
- Flexible working for a team member must not impact negatively on the rest of the team or other sections
- Flexible working is always subject to the exigencies of the service
- Managers have the responsibility to ensure an appropriate level of service at all times
- Managers, having consulted with the team, have the right to change arrangements in the interests of operational efficiency or quality of service

Provided the work is covered the following applies:

- There are no standard core hours
- Employees can start and finish their working day between the hours of 7.30am and 7.30pm Monday to Thursday and 7.30am and 7.00pm on Friday at the Council offices to meet the needs of the service. Flexible working is not limited to these hours provided working outside of these hours is agreed by the line manager. Operational staff who can work flexi time may start earlier to meet service needs.
- Where an employee is asked not to work extended hours due to an absence of 'business need' they will, upon request, be given a written explanation of the manager's decision.
- Customer based services must have cover for the hours when open to the public. e.g. 9:00am to 5:00pm Monday to Friday for the Council House. * *ICT systems are supported from 8.50am to 5.15pm Monday to Friday and although systems may be available outside these times, this cannot be assumed or guaranteed*
- Where more than 6 hours are worked in any day a 30 minute lunch break must be taken
- Smokers are not allowed to take smoking breaks during the working day
- Time sheets must be completed daily, using the NWBC template flexi

sheet within TRIM where available, saved within the employee's HR folder. The employee should and submit their timesheet to the line manager at the end of the 4 week accounting period, or make them aware when it is complete

- At the end of each 4 week accounting period Line Managers must review the timesheets for accuracy and compliance of this policy; cross reference Annual leave records/Toil records/Carers Leave records to the timesheet and raise any discrepancies with the individual immediately in order that they can be rectified. The timesheet should be finalized at the end of the year when the document is no longer in use, or a hard copy should be signed by both the employee and the line manager
- The maximum surplus allowed is 16 hours – pro rata for part-time employees (except for employees on annualised hours). All hours in excess of this are lost at the end of the period (except if agreed in advance with management to be banked as Toil or Carers Leave)
- The maximum deficit allowed is 4 hours
- Flexi leave does not have to be banked prior to it being taken provided that at the end of the period there is no more than the maximum 4 hours deficit.
- A maximum of two days can be taken in the flexi period for full time employees
- Flexi leave is booked and authorised by the line manager in the same way as annual leave
- When managers take bookings for flexi leave in advance, they are responsible for ensuring that the time is accrued appropriately.
- When it is due to be taken if the member of staff does not have enough leave to meet the criteria above, i.e., at the end of the period there is no more than the maximum 4 hours deficit, then the member of staff must either convert the day to annual leave or cancel it.
- TOIL is where an employee needs to work hours in excess of the 16 hours to complete a piece of work, a project etc. This must be agreed in advance and authorized by the line manager. It could be that the Line Manager has asked for the additional hours to be worked or in the case of seasonal fluctuations it is necessary to agree TOIL (See Appendix C for more details)
- Where employees are lone workers a safe system of work must be in place for when they are working. See section 6 of the Management of Lone Working Policy
- Internal Audit will undertake sample checking of flexi sheets to ensure adherence to and consistency with the policy
- Any employee found to be abusing the system will place themselves in a position where the Disciplinary Policy applies, and the remedy may be the removal of the right to flexible working to fixed hours of work to suit the business.

The submission of the timesheet/flexi sheet is a representation of the hours that an individual has completed in the course of their duties. If there is any suspicion of fraud or that an individual is abusing the system, the Line Manager should report the matter to Internal Audit or follow the reporting procedures within the Fraud and Corruption Policy. Following an investigation any employee found to have submitted false information on their timesheet/flexi or abusing the system may be subject to criminal and/or disciplinary action **Contrary to the Fraud Act 2006.*

Employees away from their place of work on business or on training should book their time as follows:

- From the start of their journey, arrival until the event finishes minus their lunch break plus their return journey time on their flexi sheet.
- If the event involves an overnight stay, they should book the journey to and from the venue as above and the start and finish times of the event for each day. They should not book time spent in the evening networking/dining.

5.2 Hybrid working allows employees to split their time between attending the workplace/office and working remotely. Hybrid working is an important element of the Council's strategy for adapting to, and thriving in, the working environment following the coronavirus pandemic; and its commitment to supporting a positive work-life balance for employees. This requires some basic principles to be followed:

- Hybrid working is available for roles which include office-based duties (e.g. Customer Services Officer, Benefits Officer, Accountancy Assistant), and is not suitable for roles which include customer facing/manual duties (e.g. Lifeguard, Refuser Loader, Plumber).
- The Council anticipates most employees to spend 40% to 60% of their working time at the workplace/office. The number of days per week each employee spends attending the workplace/office compared with working remotely will vary, depending on:
 - their individual circumstances;
 - the nature of their role;
 - what is happening within their role and team at any particular time; and
 - the needs of the Council, including the space available at work locations.
- The Council recognises the benefits of being flexible and that this schedule could be difficult for some employees to follow. For example, it could be more efficient for an employee to spend more time working remotely; or an employee could have challenges with their working environment at home that mean that remote working is difficult for them, and they would like to attend the workplace/office more often than this.
- Employees are required to speak to their line manager/the HR department if they think that they would benefit from departing from the anticipated 40% to 60% of working time at the workplace/office. Line manager's agreement is required to depart from this norm. Depending on the nature of the additional flexibility that the employee is seeking, the Council may ask them to make a statutory flexible working request.
- Given the degree of flexibility that the Council's hybrid working arrangements provide, the Council expects our workforce to be flexible. Employees may be required to attend the office on particular days at the request of their line manager, for example for in-person training and for meetings the line manager has determined are best conducted in person. Similarly, there may be circumstances in which the Council asks employees to work remotely, or to work from such other place as we may reasonably require, when the

employee would otherwise expect to attend the workplace/office. In such cases, the employee will be given as much notice as possible.

- Working remotely is not a substitute for childcare or caring for dependants. Employees who are working remotely are responsible for ensuring they have appropriate childcare or care for dependants provision during their working hours.
- When working remotely, employees should not work if unwell. If sick and unable to work, the Council's Attendance Management Policy and sickness notification procedure applies.

See Appendix A for guidance in relation to arrangements while working remotely.

6. MEDICAL DENTAL AND HOSPITAL APPOINTMENTS

6.1 See Appendix C for guidance

7. ANNUAL LEAVE/BANK HOLIDAYS

7.1 The holiday year runs from 1 April to the 31 March. All employees are entitled to this leave in line with their contract of employment.

7.2 A member of staff wishing to carry over up to 5 days leave from one leave year to the next may do so provided it is not in breach of the Working Time (Amendment) Regulations 2007.

7.3 In exceptional circumstances leave may be brought forward from the next year. Staff wishing to do this must agree this with their line manager provided it is not in breach of the Working Time (Amendment) Regulations 2007.

Employees leaving the Authority will have to pay back any leave taken that is in excess of their entitlement.

7.4 Employees under suspension are entitled to accrue leave during this period but are required to advise their managers if they take holidays away from home at anytime so that it can be deducted from their leave card. Employees are on trust to be honest about holidays taken. If the period of suspension takes them into a new entitlement year, then any outstanding leave from the previous year should be carried forward.

7.5 All holiday dates must be approved in advance by the line manager. As much notice as possible of a proposed holiday date must be given to the line manager to ensure adequate staffing coverage at all times. The legal guidance in the Working Time regulations is that the notice the employee gives to the employer should be at least twice as long as the amount of holiday they want to take (e.g., the employee would give two week's notice for one week's holiday). The employer can refuse permission for the holiday as long as they give notice which is at least as long as the holiday requested (so to refuse a request for one week's leave, the employer has to tell the employee one week in advance). However, in practice teams agree time off

well in advance with each other and their line manager to ensure the service is covered. The maximum annual leave that a line manager can authorise is three weeks. It is the line manager's responsibility to ensure sufficient cover for his/her service. In exceptional circumstances where an employee requires more than 3 weeks annual leave at one time, this will need to be authorised by the Director or member of MT as appropriate.

- 7.6 Employees who are contracted to work bank holidays and extra statutory days will have the bank holidays and extra statutory days added to their annual leave entitlement
- 7.7 Employees, particularly those who do not work every or the same days each week should have their leave including bank holidays and extra statutory days calculated in hours to ensure that they receive the correct leave for their contracted hours. This also applies to employees who work part time.
- 7.8 Managers should respond to a request as soon as is practicable. If a line manager has to refuse a holiday request, this should be done in good faith and on reasonable grounds, not simply on an arbitrary basis. If a request is refused the reasons should be given to the employee. This shall be in writing if the employee requests so.
- 7.9 If an employee becomes ill during a period of leave, sickness will replace the leave provided the employee follows the sickness reporting procedure.
- 7.10 If an employee is unable to take all of his/her leave due to sickness by the end of the year, this will be carried over to the next leave year.
- 7.11 Leave entitlement is pro rata to the hours worked for part time and job share employees regardless of which days are worked.

8. COMPASSIONATE LEAVE

- 8.1 In the event of a life-threatening illness of a close relative, up to three days leave of absence with pay will normally be granted for any one occasion. The decision should be made in consultation with HR.
- 8.2 A close relative is defined as mother, father, guardian, sister, brother, husband, wife, partner, son, daughter, grandparent, grandchild, father-in-law, mother-in-law, partners' parents.
- 8.3 In the event of the death of a close relative, up to five days leave of absence with pay will be granted. In determining how much leave to grant, managers should take into account travel and the help that is to be given with funeral arrangements when granting bereavement leave.
- 8.4 Extended family i.e., uncles, aunts, nieces, nephews, spouse or partner's sister, brother, grandparent are normally excluded. However, where employees have been raised by any of these relatives the same arrangement as for a close relative will apply.

- 8.5 In the event of a death of an extended family member one day will be granted for attending the funeral. Shift workers and staff on rota will be granted the hours they were due to work on the day of the funeral.

9. INCLEMENT WEATHER

- 9.1 Employees should take reasonable steps to get into work but if they feel unable to do so they will have to make up the time, book leave or work from home. This should be agreed with the line manager within a reasonable time on the day.
- 9.2 Employees who have taken reasonable steps to get into work on time and are on fixed hours i.e., not on flexitime or must be at their desk for when the phone lines open arriving late in the morning, where their lateness is directly attributable to the adverse weather conditions, will not lose pay or be required to make up lost time.
- 9.3 Employees who have declared a disability relating to mobility problems and cannot work from home should not attempt to come to work and will not lose pay or be required to make up the lost time.
- 9.4 Depending on the numbers able to get into work, there may be a need to ask some employees to cover different duties to those they normally undertake in order to keep priority services running. The alternative duties shall be reasonably comparable or of lesser demand than their normal duties.
- 9.5 Where the Council cannot provide employees with work, and they are sent home or in exceptional circumstances the premises are closed employees will receive pay for their contracted hours on that particular day

10. INTERVIEWS

- 10.1 If an employee applies for vacancies within North Warwickshire Borough Council or another local authority, (including any associate employer for the calculation of continuous service for redundancy purposes), time off will be granted for the actual interview, plus reasonable traveling time.
- 10.2 Employees who are officially “at risk” of redundancy will be afforded reasonable time off for interviews with any prospective employer.

11. INFERTILITY TREATMENT

- 11.1 North Warwickshire Borough Council will grant up to three days' leave in any one year for an employee to undergo fertility treatment.
- 11.2 Rest periods after treatment will be classed as sick leave and will require a medical certificate. This time would not be counted with regards to Attendance Management monitoring of sickness absence.

- 11.3 In order to qualify for time off for infertility treatment, the employee must have a minimum of 12 months continuous service with North Warwickshire Borough Council.
- 11.4 Time off for fertility treatment up to the permitted number of days will be paid at the employee's normal rate of basic pay.
- 11.5 Any employee planning to undergo fertility treatment must:
- inform his/her line manager as soon as his/her plans to undergo fertility treatment have been confirmed;
 - provide a statement from a qualified medical practitioner that fertility treatment has been recommended and approved;
 - produce an appointment card for each occasion on which time off is requested;
 - try to arrange appointments at times that will cause the minimum amount of inconvenience to North Warwickshire Borough Council;
 - give as much notice as possible of the days on which time off is required.
- 11.6 Any information provided to the line manager will be maintained in strict confidence.

12. TRANSEXUALS AND GENDER REASSIGNMENT

- 12.1 The Council's policy on transsexuals and gender reassignment, including working arrangements, is given in Appendix B.

13. COSMETIC SURGERY

- 13.1 Cosmetic surgery which is concerned with the enhancement of appearance through surgical and medical techniques, e.g., face-lifts or breast implants will have no entitlement to authorised leave. The employee will be expected to request annual leave, unpaid leave or flexible working. Where failure to undergo the procedure presents a threat to the employee's physical or mental well being advice will be sought from Occupational Health and this may be covered by the Attendance Management Policy

14. OTHER ELECTIVE SURGERY

- 14.1 Elective medical procedures such as laser eye treatment or sterilisation would be covered under medical appointments

15. CARER'S LEAVE

- 15.1 Proper provision for employees with family responsibilities is a vital ingredient in promoting equal opportunities. Caring responsibilities are not just restricted to childcare, a growing number of employees provide care for the elderly and disabled relatives.
- 15.2 A carer is anyone whose life is in some way restricted because of the need to

take responsibility for the care of a child, a person with a disability or an elderly person. It is not a substitute for regular childcare e.g., getting a child to and from school or nursery.

- 15.3 Carer's leave is intended to enable employees to combine work and their caring responsibilities. To be successful it must be operated in a spirit of 'give and take' and with an acceptance of the principal that the efficient functioning of the Council's services and the interests of the public are paramount.
- 15.6 Employees when they become a carer should register with their line manager and HR to use carer's leave. An employee would approach their line manager who would then contact HR to confirm that they support the request. HR will put them onto a register and issue them with a carer's leave card. An employee could be a carer to more than one person at any one time e.g., a child and an elderly relative.
- 15.7 An employee registered with their line manager and HR as a carer will be allowed to bank up to a maximum of two weeks of their weekly contracted hours for time off in lieu to be used in either emergencies or planned hospital visits for the person/persons they are caring for.
- 15.8 Any carer's leave will be recorded on a carer's leave card and must be monitored and authorised by the line manager prior to reclaiming the leave.
- 15.9 Once an employee has used their two weeks carer's leave, one further week can be banked. However, an employee can only be allowed to take a maximum of three weeks carer's leave in any twelve-month period i.e. a rolling year. This can be extended at the discretion of the relevant Director or member of Management Team
- 15.10 As it is a rolling year the number of hours banked can be carried over from one leave year to another subject to the maximum above.
- 15.11 Employees who are registered carer's and are also eligible for flexi time will still be allowed to build up flexi time in addition to their carer's leave.
- 15.12 Employees must not work less than their contracted weekly hours including credits in respect of sickness, annual leave, carer's leave, bank and statutory holidays and other authorised credits. However, employees may be up to 4 hours down under Flexi time arrangements.
- 15.13 On leaving the employment of the Council, the employee will, during the period of notice, work the contracted hours for the period of notice in question, decreased by the amount of any carer's leave banked outstanding at the beginning of the notice period, or be paid for the banked carer's leave at the discretion of the Director. Carer's leave when claimed will only be paid at plain time.
- 15.14 Employees who abuse the carer's leave by taking the leave for other than the reasons stated above will place themselves in a position where the Disciplinary Policy applies. The remedy may be to return to their normal working pattern.

16. SPECIAL LEAVE

See Appendix C for guidance.

16.1 This covers:

- Blood Donation
- Bone Marrow Donation, Organ and Tissue Donation
- Blind and Partially Sighted Employees
- Miscarriage or Still Birth
- Dependency/Emergency Leave

17. PLANNED PARENTAL LEAVE

See Appendix C for guidance.

17.1 This covers:

- Antenatal Care
- Maternity Leave
- Adoption Leave
- Paternity Leave
- Maternity Support Leave
- Parental Leave
- Shared Parental Leave

18. RELIGIOUS OBSERVANCE

18.1 Employers are not required to provide time and facilities for religious or belief observation in the workplace. However, it is good practice to accommodate wherever practicable requests related to religious or belief observations. North Warwickshire Borough Council has an established procedure for booking leave as set out in Paragraph 7.4. Discussion and flexibility between staff and managers usually results in a mutually acceptable outcome that balances the need of the individual, the business and other employees. All requests will be considered sympathetically and where it is reasonable and practical for the employee to be away from work, and they have sufficient holiday entitlement in hand, the request will be granted.

19. PUBLIC DUTIES:

See Appendix C for guidance.

19.1 This covers:

- Called to be a witness at Court or Tribunal
- Member of a local authority, a police authority, any statutory tribunal, a health authority, a primary care trust, or a governing body
- Jury Service
- Magisterial and Justice of the Peace Duties
- Election Duties
- Services Leave
- Reservist Mobilisation

20. MISCELLANEOUS

See Appendix C for guidance

20.1 This covers:

- Examination and Study Leave
- Sickness Absence
- Unpaid Leave
- Time off in lieu
- Unauthorised Leave

21. MONITORING AND REVIEW OF POLICY

21.1 The provisions of this policy will be subject to regular review and as required by changes in legislation and guidance. This policy has been in place since 2009. This is its second review. The Human Resource Section will monitor the policy.

The policy will be reviewed again in March 2023.

22. COMMUNICATION AND TRAINING

22.2 The provisions of this policy and any updates will be communicated to all employees of the Council.

Arrangements while working remotely

Working hours

Employees are in a position of trust especially when working from home. While working remotely, employees must be available and working during their normal hours of work.

Employees should be mindful that they are not overworking - "downtime" from work is essential. To help maintain wellbeing, employees are advised to take adequate rest breaks:

- Take a minimum of 30 minutes off for lunch each day.
- Ensure the time period between stopping work one day and beginning the next is not less than 11 hours.

Employees should be as clear as possible with their line manager about their hours of work for days on which they are working remotely. Making use of tools such as shared calendars and out-of-office messaging can help colleagues to be aware of availability on these days.

Contact

While working remotely employees must be able to be contacted by all available methods (e.g., email, telephone and Microsoft teams etc.) by the public, colleagues and Councillors. Office phone extension number should be diverted to home/mobile number when working remotely.

Managers will be required to maintain a rota of staff coming into the office to ensure that there is at least one person in each main service area (as determined by Management Team) available to resolve queries face to face with the public or Councillors.

Suitable work environment

While working remotely employees must have a suitable work environment, which ensures they are:

- free from distractions/noise disturbance
- able to ensure privacy and maintain confidentiality at all times
- able to participate in remote meetings in terms of other people not being 'in shot', background noise and a generally reasonable internet connection/audio quality (whilst acknowledging the inevitability of occasional interruptions)

Technology and equipment

To assist employees to work remotely, they may be provided with equipment such as computer/laptop, keyboard, mouse etc. Employees must take care of any equipment the Council provides them and notify their line manager/the IT department of any

faults with the equipment. If employees need any equipment, they should notify their line manager.

Health and safety

Employees should liaise with their line manager to ensure that their remote working set-up is appropriate and that they are working in a safe manner. Employees will be required to allow the Council to undertake a workstation assessment, which may include a home visit if required.

Employees must take responsibility for their own health and safety and that of anyone else who is affected by their work (for example others in the household when they are working from home).

Employees must notify their line manager if:

- They feel any discomfort due to working remotely (such as back pain); or
- They believe that there are any work-related health and safety hazards;
- Any work-related accidents occur in their home.

The line manager will escalate the matter to the HR department to consider what action can be taken.

Data protection

Employees who are working remotely are responsible for keeping information associated with the Council secure at all times. Specifically, remote workers are under a duty to:

- practise good computer security, including using a unique password for their work computer/laptop and any other devices they use for work;
- keep all hard copies of work-related documentation secure, except when in use;
- ensure that work-related information is safeguarded when working in public spaces, for example by positioning laptop so that others cannot see the screen, not leaving laptop unattended; and not having confidential/business-sensitive conversations in public spaces.

In addition, any equipment provided by the Council must be used by the employee, for work-related purposes only and must not be used by any other member of the household or third party at any time or for any purpose.

Financial assistance

Employees may be able to claim tax relief for any household expenses incurred as a result of working from home, provided the expenses are solely work related. To benefit from this tax relief, see the Government's guide on claiming tax relief for job expenses at: www.gov.uk/tax-relief-for-employees/working-at-home.

TRANSSEXUALS AND GENDER REASSIGNMENT

1. Transsexual people are those who decide to adopt the opposite gender to that assigned at birth because they do not feel that their gender identity matches that assigned to them. Gender reassignment is the process of changing to the new gender identity. This may involve surgical treatment but some transsexual people will not undergo surgery for personal reasons, such as age, health or finance. The process of gender reassignment will normally involve a period of at least one year when the transsexual person must live and work in the gender to which he/she is reassigning (the 'real life test') and undergo hormone treatment. If the person decides to undergo surgery, this will follow the real life test.
2. Under the Equality Act 2010, a person who has the protected characteristic of gender reassignment is defined as someone who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning his/her sex by changing physiological or other attributes of sex. It is no longer necessary for the individual to be under medical supervision or surgery. It is sufficient that he/she decides to live as a member of the opposite sex. The definition covers a woman who has decided to live as a man, but has not and will not undergo any surgical or medical procedures or treatments. However, the act does not cover, for example transgender people such as cross dressers.
3. North Warwickshire Borough Council is committed to ensuring that transsexual people are treated with respect and that it does not discriminate unlawfully. This commitment is an important aspect of its overall commitment to providing equal opportunities in employment.
4. North Warwickshire Borough Council will put this commitment into practice and will help, transsexual people and other employees to deal with any practical issues that may arise. This should also ensure that employees do not commit unlawful acts of discrimination.
5. Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. An employee who discriminates against another employee on grounds of gender reassignment may be held liable for unlawful discrimination and be required to pay compensation as well as, or instead of, the employer. The Council has a Dignity at Work Policy, which any employee alleged to have discriminated against another employee would be investigated under. If it was found that there was a case to answer this could lead to a disciplinary hearing.
6. The employee should discuss with the line manager and HR what time off is likely to be required and when, if known. The employee may require time off for medical or other treatment. Time off for these purposes should be treated no less favourably than time off for illness or other medical appointments. The employee may also need time off for additional appointments, such as electrolysis. Where possible flexible working will be used to accommodate these appointments. Where this is not possible holiday or unpaid leave should be taken for these purposes. Some employees may wish to take a

period of leave before returning to work in their new gender. This will need to be agreed whether this is to be part of the employee's normal annual leave entitlement or unpaid leave.

7. HR in consultation with the employee will appoint a person who will be the transsexual employee's principal contact in relation to the transition and who will manage the transition from North Warwickshire Borough Council's perspective. This would be a member of the HR team and/or the welfare representative from the trade union. This contact person should meet with the transsexual employee at an early stage and agree the process for managing the transition. This should then be recorded as a written action plan. With the employee's consent HR will arrange consultation with Occupational Health to help with agreeing an action plan.
8. The contact person and the transsexual employee should set out in writing a plan for managing the transition at work. This plan and any notes from the meeting should be kept strictly confidential in the employee's personnel file. Matters to be addressed in the plan may include:
 - whether the employee is to remain in the same job or be redeployed;
 - time off;
 - timing of change of social gender and information to be provided;
 - dress codes;
 - use of single-sex facilities;
 - insurance and pension; and
 - records and confidentiality.
9. Any information provided to the line manager will be maintained in strict confidence. The reason for the employee's absence will be disclosed only on a 'need-to-know' basis and in consultation with the employee.
10. The employee may give the North Warwickshire Borough Council his/her consent to disclose the reason for the absence to colleagues.
11. Where the reason for the absence is disclosed to colleagues, North Warwickshire Borough Council will ensure that the employee, on his/her return to work, is treated with sensitivity and dignity, in accordance with the North Warwickshire Borough Council's dignity at work policy. Inappropriate jokes or comments about the employee's surgery will be dealt with under the North Warwickshire Borough Council's Dignity at Work Policy.
12. Where the outcome of the surgery is unexpected and the employee suffers an injury, North Warwickshire Borough Council's sick pay will apply, following receipt of the relevant sickness certificate.
13. Third-party harassment occurs where an employee is harassed due to gender reassignment by third parties such as clients or customers. The employer should take steps to protect the employee from such third-party harassment. An employee who is subject to third-party harassment must report this to their line manager. The line manager will work with the harassed employee to take action to protect the employee. All of the agreed actions will be documented on the third-party harassment form.

Law Relating to this Document

Leading statutory authority

Human Rights Act 1998
Data Protection Act 1998
Gender Recognition Act 2004
Equality Act 2010

TYPE/REQUIREMENT OF LEAVE	AMOUNT OF LEAVE	APPROVAL PROCESS	COMMENTS
Flexi Time/Flexible Working	Leave will be granted in line with this policy	Line Manager to Approve	
Medical, Dental and Hospital Appointments	<p>Routine appointments should, where possible, be made outside of normal working hours. Where possible flexi time should be used. E.g., a referral from a GP, check ups etc. Where someone must have treatment that lasts longer than half a day and he or she are unable to make the time up they should by mutual agreement with their manager take longer than the current flexi period to make their time up or when unfit to work on that day should book sick leave. Where an employee has a cluster of appointments, by mutual agreement they will be allowed to take longer to make the time up. This could be up to 3 months depending on the circumstances.</p> <p>Employees using flexi time to take time out for hospital appointments only need to take the hours that they need for the appointment. E.g., they can leave work and return, come in later or leave early depending on the time of their appointment. They need to inform their line manager of what they need to do to attend the appointment.</p> <p>In circumstances where the employee cannot work within the rules of the flexi/flexible working policy,</p>	Line Manager to approve	<p>Where an appointment results in treatment or the issue of a sick note this will be covered by the Managing Attendance Policy</p> <p>E.g., a blood test at a hospital for an employee who can't work flexibly, the employee would need to agree the paid time off with their manager</p>

	<p>the line manager must authorise their time off and agree the time to be paid to attend the appointment. Employees must give as much notice as possible of appointments.</p> <p>Where treatment forms part of an agreed phased return e.g., someone has been absent and they have to go for cardio treatment once per week, this maybe agreed as part of the phased return for them to attend and would be built into their rehabilitation</p> <p>Part 2, 7.7, green book - Paid time off will be granted for the purpose of cancer screening</p>		
Annual Leave/Bank Holidays	Leave will be given in line with this policy	Line Manager to approve	
Compassionate Leave	Leave will be given in line with this policy	Line Manager to approve	
Inclement Weather	Leave will be given in line with this policy	Line Manager to approve	
Interviews	Leave will be given in line with this policy	Line Manager to approve	
Infertility Treatment	Leave will be given in line with this policy	Line Manager to approve	
Transsexual & Gender Reassignment	Leave will be given in line with this policy	Line Manager to approve	
Cosmetic Surgery	Leave will be given in line with this policy	Line Manager to approve	
Other Elective Surgery	Leave will be given in line with this policy	Line Manager to approve	
Carer's Leave	Leave will be given in line with this policy	Line Manager to approve	

<p>Special Leave:</p> <ul style="list-style-type: none"> • Blood Donation • Bone Marrow Donation, Orqan and Tissue Donation • Blind and partially Sighted Employees • Miscarriage or Still Birth (prior to 24th week of pregnancy) • Dependency/ Emergency Leave 	<p>Paid leave for up to 4 sessions in a rolling year, a maximum of 1 hour per session</p> <p>Paid leave for up to 5 days in a rolling year</p> <p>Necessary paid time off to attend the training of a new guide dog</p> <p>Paid leave for up to 5 days in any one request dependent on the individual's needs and in addition to any sickness absence taken</p> <p>These are given in line with statute (unpaid leave - number of days granted will be dependant on the circumstances)</p>	<p>Line Manager to approve</p> <p>Line Manager to approve</p> <p>Line Manager to approve</p> <p>Line Manager to approve</p>	<p>If the procedure results in unanticipated complications this will be covered by the Attendance Management Policy</p> <p>Miscarriage or Still Birth after the 24th week of pregnancy is covered in maternity and paternity leave.</p> <p>Please consult with HR. Employees may if they wish and with agreement make their time up.</p>
<p>Planned Parental Leave:</p> <ul style="list-style-type: none"> • Antenatal Care • Maternity Leave • Adoption Leave • Paternity Leave • Maternity Support Leave • Parental Leave • Shared Parental Leave 	<p>These are given in line with statute, the green book and the Council's policies.</p>		<p>An employee who qualifies for both the provision of paternity leave and maternity support leave by meeting the specified criteria will receive 1 week at full pay (as per Green Book) and 1 week at Statutory Paternity Pay. Please consult with HR.</p>

<p>Religious Observance</p>	<p>Where appropriate, Annual Leave should be taken for religious holidays or festivals.</p> <p>Time required for the purpose of observing prayer times will be given consideration but shall be in the employee's own time.</p>	<p>Line Manager to approve</p> <p>Director or member of MT to approve</p>	
<p>Public Duties:</p> <ul style="list-style-type: none"> ▪ Called to be a witness at court or tribunal ▪ Called to Jury Service ▪ Magisterial and Justice of the Peace Duties ▪ Election Duties ▪ Services Leave ▪ Reservist Mobilisation 	<p>Paid leave up to 5 days in a rolling year</p> <p>Leave is given as required.</p> <p>Paid leave for up to 10 days in a rolling year</p> <p>Necessary Paid Leave</p> <p>Non-Regular Forces - Paid leave for up to 10 days for Annual Instruction. Civil Defence - Paid leave for up to 5 days for Annual Instruction.</p> <p>Requests for Voluntary Mobilisation and call-ups for Compulsory Mobilisation will be given consideration.</p>	<p>Line Manager to approve</p> <p>Line Manager to approve</p> <p>Director/ Member of MT to approve</p> <p>Line Manager to approve</p> <p>Director or member of MT to approve</p> <p>Line Manager to approve</p>	<p>Consult with HR</p>

<p>A Member of</p> <ul style="list-style-type: none"> ▪ A local authority ▪ A police authority ▪ Any statutory tribunal ▪ A health authority ▪ A primary care trust ▪ A governing body of an educational establishment 	<p>Paid leave for up to 5 days in total in a rolling year</p>	<p>Line Manager to approve</p>	<p>Where the Public Body is not mentioned, Director/Head of Service will consult with HR</p>
<p>Examination and study leave</p>	<p>Leave will be granted in line with the Council's Post Entry/Training Policy</p>	<p>Line Manager to approve</p>	<p>Consult with HR</p>
<p>Sickness Absence</p>	<p>Refer to Attendance Management Policy.</p>		<p>Consult with HR</p>
<p>Unpaid Leave</p>	<p>All requests for leave without pay will be given consideration.</p>	<p>Director/ Member of MT to approve</p>	<p>To ensure consistency across the Authority please consult with HR before making a decision</p>
<p>Time off in lieu</p>	<p>These are hours recorded on the timesheet that are in excess of the 16 hours flexi time allowed in a period. This may be accrued in special circumstances to meet a business need. This has to be agreed in advance of the accrual.</p>	<p>Line Manager to approve</p>	<p>As this is compensatory time off for additional hours worked it should be taken within 3 months. Where there is a business reason e.g. the busy period is not over this may be extended to 6 months. The time off is booked in the same way as annual leave. It can be carried from one leave year to the next if it meets the 3-month rule.</p>

Unauthorised Leave	Any unauthorised leave shall be without pay and will be considered a breach of contract, which may result in disciplinary action.		Consult with HR
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Agenda Item No 6

Special Sub-Group

12 April 2022

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 7

Staffing Matter – Report of the Corporate Director - Streetscape

Paragraph 1 – By reason of the report containing information relating to an individual.

Paragraph 3 – By reason of the report containing information relating to the financial or business affairs of any particular person (including the authority holding that information).

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Amanda Tonks (01827 719221)