

Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace

Gainsborough, Lincolnshire, DN21 2RJ

Tel: 01427 811573

Website: gainsborough-tc.gov.uk



PERSONNEL COMMITTEE AGENDA

To: Committee members:

Councillor Nigel Bowler

Councillor Richard Craig

Councillor Caz Davies

Councillor Stuart Morley

Councillor Kenneth Woolley

Councillor Sean Brennan

Councillor Dennis Dannatt

Councillor Paul Key

Councillor James Plastow

Notice is hereby given that a meeting of the **Personnel Committee** which will be held on **Wednesday 15 May 2024** commencing at **6:30pm** in the meeting room, **Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ** and your attendance at such meeting is hereby requested to transact the following business.

AGENDA

PC25/001 Apologies for Absence

To note apologies for absence.

PC25/002 Vice Chair

To appoint Vice Chair for this committee.

PC25/003 Declarations of Interest

To receive any declarations of interest in accordance with the requirements of the Localism Act 2011.

PC25/004 Dispensation Requests

To consider any dispensation requests received by the Town Clerk in relation to personal and/or disclosable pecuniary interests, not previously recorded.

PC25/005 Items for Exclusion of Public and Press

To determine which items on the agenda, if any, require the exclusion of public and press under the Public Bodies (Admissions to Meetings) Act 1960 1 (2) and resolve to exclude public and press for these items.

PC25/006 Minutes of the Previous Meeting

To receive the minutes of the previous Personnel Committee meeting and resolve to sign these as a true and accurate record.

Paper A Wednesday 17 April 2024 (pages 3 to 7)

PC25/007 Staff Structure Review Job Descriptions

To consider and approve the job descriptions and salaries as part of the staff structure review.

- Operations Manager and Deputy Clerk

Paper B (pages 8 to 11)

- Assistant Clerk

Paper C (pages 12 to 15)

PC25/008 Maternity Leave Policy Review

To review and adopt the Maternity Leave Policy.

Paper D (pages 16 to 23)

The NALC Model Policy is attached for reference.

Paper E (pages 24 to 32)

PC25/009 Items for Notification

To receive any items for notification to be included on a future agenda (for information only)

- Health and Safety Policy Review - July
- Paternity Leave Policy Review – Awaiting NALC update in June
- Flexible Working Policy - Awaiting NALC update in June
- Shared Parental Leave Policy Review
- Adoption Leave Policy Review
- Parental Bereavement Policy Review
- Child and Vulnerable Adult Welfare and Safeguarding Policy Review
- Volunteer Policy Review
- Lone Worker Policy Review
- No Smoking Policy Review
- Employee Code of Conduct Review
- Staff Training Policy Review
- Staff Appraisal Policy Review
- Wellbeing Policy Review
- Electronic Information and Communication Systems Policy
- HR Management Software

PC25/010 Time and Date of Next Meeting

To note the date and time of the next Personnel Committee meeting is scheduled for Wednesday 12 June 2024 at 6:30pm.

Rachel Allbones
Interim Town Clerk
Richmond House
Gainsborough

Friday, 10 May 2024

PAPER A

Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace

Gainsborough, Lincolnshire, DN21 2RJ

Tel: 01427 811573

Website: gainsborough-tc.gov.uk



DRAFT PERSONNEL COMMITTEE MINUTES

Minutes of the Personnel Committee meeting held on **Wednesday 17 April 2024** at **7:00pm** in the meeting room, Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ.

Councillors Present: Councillor Richard Craig (Chairman)

Councillor Sean Brennan	Councillor Dennis Dannatt
Councillor Richard Doy	Councillor Paul Key
Councillor Stuart Morley	Councillor James Plastow

In Attendance:
Rachel Allbones Interim Town Clerk (ITC)

PC24/112 Apologies for Absence

No apologies for absence were received.

PC24/113 Declarations of Interest

No declarations of interest were made.

PC24/114 Dispensation Requests

No dispensation requests were received.

PC24/115 Items for Exclusion of Public and Press

RESOLVED: to exclude the public and press from items PC24/119, PC24/120, PC24/121 and PC24/122 in accordance with the Public Bodies (Admissions to Meetings) Act 1960 1 (2) due to the confidential nature of the business to be discussed.

PC24/116 Minutes of the Previous Meeting (Paper A)

RESOLVED: that the minutes of the Personnel Committee meeting held on Wednesday 13 March 2024 be approved as a as a true and accurate record and signed by the Chairman.

Note: Councillors Brennan and Morley abstained from voting on the above resolution.

PC24/117 Flexible Working Policy (Paper B)

RESOLVED: to **NOTE** changes to the rules on flexible working and note NALC have advised us that all HR template policies are currently under review and due to be updated in June.

PC24/118 Data Protection Policy for HR-related Data (Paper C)

RESOLVED: to adopt the Data Protection Policy for HR-related Data.

PC24/119 Staff Sickness, Absence and Leave (Paper D)

RESOLVED: to **NOTE** the sickness absence and holiday report.

PC24/120 Flexible Working (Paper E)

RESOLVED: to approve a 4-month trial period of flexible working for the Operations Manager from 1 June 2024 working 22.5 hours per week, Monday, Tuesday, and Wednesday, and it be noted that the Operations Manager is content to attend evening meetings and occasional working on days other than Monday, Tuesday, and Wednesday and wishes to remain on Flexitime.

PC24/121 Town Clerk Contract of Employment (Paper F)

RESOLVED: to approve the Contract of Employment for the Town Clerk and Responsible Finance Officer with minor amendments.

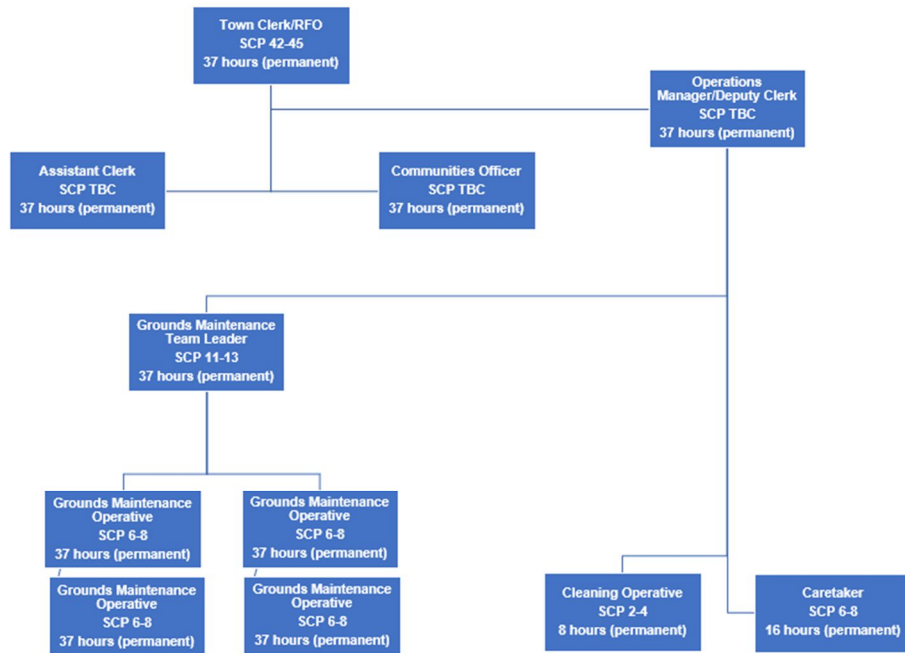
PC24/122 Staff Structure Review (Paper G)

A thorough discussion took place.

The Interim Town Clerk was asked which structure was her preference. The Interim Town Clerk advised option 4 but advised that with that structure a part time Admin Support Officer may be required down the line to relieve the Assistant Clerk of phone and front of house duties.

RESOLVED: to approve structure option 4 to: -

- Change the Town Clerk role to include RFO
- Deputy Clerk included in with Operations Manager (JD to be amended and SCP revalued)
- Change Admin Support Officer to Assistant Clerk (JD to be amended and SCP revalued)
- Create Community Officer post to include Allotment tasks (JD to be drafted and SCP valued)
- Contract HR advisor regarding new posts and next steps.



Note: Councillor Key voted against the above resolution.

Note: Councillors Craig and Doy abstained from voting on the above resolution.

PC24/123 Items for Notification

RESOLVED: to **NOTE** the items for notification to be included on a future agendas:

- Health and Safety Policy Review
- Maternity Leave Policy Review
- Paternity Leave Policy Review
- Shared Parental Leave Policy Review
- Adoption Leave Policy Review
- Parental Bereavement Policy Review
- Child and Vulnerable Adult Welfare and Safeguarding Policy Review
- Volunteer Policy Review
- Lone Worker Policy Review
- No Smoking Policy Review
- Employee Code of Conduct Review
- Staff Training Policy Review
- Staff Appraisal Policy Review
- Wellbeing Policy Review
- Electronic Information and Communication Systems Policy
- HR Management Software

PC24/124 Time and Date of Next Meeting

RESOLVED: to **NOTE** the date and time of the next Personnel Committee meeting scheduled for Wednesday 15 May 2024 at 7:00pm (time subject to change) at Richmond House, Morton Terrace.

The meeting closed at 8:08pm

Signed as a true record of the Meeting: _____ Dated _____
Presiding chairman of approving meeting

DRAFT

PAPER B



Post Title:	Operations Manager <u>& Deputy Clerk</u>
Grade:	SCP 27-30 £35,745 - £38,223 <u>29-32 £37,336 - £40,221</u> per annum
Responsible To:	Town Clerk / RFO
Contracted Hours:	37 hours per week - subject to flexible working time arrangements.
Contract Type:	Full Time – Permanent
Leave Entitlement:	23 days pro rata per annum, public holidays plus 2 extra statutory days with 3 additional days after not less than 5 years continuous service under one or more local authority at the date of appointment.
Location:	Gainsborough – Gainsborough Town Council managed facilities
Date Prepared:	May 2024

Job Purpose and Work Objectives

- Co-ordinate the activities of the Town Council's (TC's) operational services and the production of all information required for effective decision making concerning the services operation, including the cemetery, sports grounds, allotments, parks, playground equipment, and street furniture ~~and roundabouts etc.~~

Service Specific Responsibilities

General Duties

- Line manage staff and monitor and enhance service staff skills and the use of and training in new techniques.
- Study reports etc having a bearing on TC services activities and prepare reports for relevant meetings. Attending relevant meetings of the Council, its committees or working groups as required.
- ~~Attend training as required.~~
- Obtains quotes etc as appropriate for items or services connected with the Services Operation to the TC.
- To be responsible for the production and delivery of any long-term plan which directly affects the Services Operations.
- To carry out any other duties as required by the Line Management, if capable and trained to do so.
- To be responsible for the Services' financial management and budgeting.

- To provide manual and physical support to Grounds Operatives team, working within and as part of that team as required to ensure adherence to work scheduling is achieved.
- To manage sub-contractors and contractors.

Cemetery

- Monitor the demand and facilities for burials at the cemetery.
- To have overall responsibility for the management and maintenance of the cemetery.
- Liaise closely with the ~~Deputy Assistant Clerk and the Admin & Events Officer~~ to ensure the proper administration and recording of burials and associated works.
- Attend all interments as the Authorised Officer of the Burial Authority as legally required.

Property and Equipment

- Advise the Council on the acquisition, security and maintenance of new equipment and vehicles and to ensure any appropriate training is carried out.
- Monitor the condition and maintenance of TC properties, vehicles and equipment and to advise on improvements/repair.
- Ensure buildings, gates and other properties are opened/closed and monitor any security arrangements.
- Ensure fire safety, electrical, gas and other inspections are carried out

Allotments

- To be responsible for the management, condition and servicing of allotments.

Open Spaces and Play Equipment

- To monitor the maintenance of the open spaces.
- To monitor the condition of play equipment and ensure that records of inspection and maintenance are maintained.
- To advise the TC on replacement equipment and maintenance requirements in a timely manner.

Deputy Clerk

- To deputise for the Town Clerk, and act as a representative of the Council, as required.
- To undertake responsibility for staff management during the absence of the Town Clerk.
- To assist, support and deputise for the Town Clerk in all aspects of the day-to-day management and operation of Council services and resources.
- To assist and support the Town Clerk in the execution of the Council's decisions and implementation of Council policy.
- In the absence of the Town Clerk, to ensure the continued effective, compliant operation of the Town Council and as such, to assume the statutory roles of the Proper Officer.

~~Maintain regular consistent and professional attendance, punctuality, personal appearance, and adherence to relevant health & safety procedures.~~

~~All other reasonable requests from the Management that are within your capabilities.~~

Working Corporately and with Partners

~~Where necessary, to assist and actively contribute to the development and delivery of corporate or partnership projects/initiatives.~~

Health and Safety, Regulatory and Legal

- To maintain the Town Council Health and Safety policy, manual and records of risk assessments, reporting any concerns in a timely manner.
- To conduct full Health and Safety induction training with all staff and maintain individual training records for each Employee.
- To give due consideration to Health and Safety in the carrying out of duties.
- Comply with the Freedom of Information and General Data Protection Regulation legislation.
- Conduct Health & Safety practices that protect yourself, colleagues, contractors, sub-contractors and customers ensuring procedures are undertaken and reviewed to identify areas of concern.
- Report any suspicious activity in accordance with the Council procedures.
- To ensure vehicle and equipment checks are carried out and records retained.

Members and Personnel

- Respond to enquiries from Councillors or members of the public, provide information and advice to the Town Clerk to ensure proper responses can be given.
- Report on all matters of discipline, Health and Safety risks and other appropriate workforce problems in a timely manner to the Town Clerk.
- Manage the work scheduling, outputs and quality of the services staff.
- Work as part of a multi-disciplinary team, but also have the ability to take responsibility and work on own initiative.
- Provide support to other officers within the Council as and when required, and in particular during times of holiday and sickness.
- Work positively with other members of staff and councillors at the Council in a supportive manner.
- Represent the Council in a calm, non-confrontational and courteous manner and to ensure that any complaints are followed up and resolved constructively.
- To actively and positively contribute to the appraisal process and to follow up agreed actions.

Policies & Documents

- Carry out all duties in accordance with Gainsborough Town Council's adopted policies.
- To draft and review policies.
- Write, and manage tenders, contracts and Service Level Agreements (SLA's).

Accountability

- Report regularly to the Town Clerk regarding the progress and standard of work and service delivery.

Personal Development

- Undertake from time to time any such training as may be necessary or advisable.

Other Duties

- To undertake other duties as may be reasonably required by the Council.

PAPER C



Post Title:	Assistant Clerk
Grade:	SCP 18-21 £29,269 - £30,825 per annum.
Responsible To:	Town Clerk / RFO
Contracted Hours:	37 hours per week - subject to flexible working time arrangements.
Contract Type:	Full Time – Permanent
Leave Entitlement:	23 days pro rata per annum, public holidays plus 2 extra statutory days with 3 additional days after not less than 5 years continuous service under one or more local authority at the date of appointment.
Location:	Gainsborough – Gainsborough Town Council managed facilities
Date Prepared:	May 2024

Job Purpose and Work Objectives

To assist, as directed by the Proper Officer of the Council, namely the Town Clerk, in his / her / their statutory duty to carry out all the functions, and in particular to serve or issue, all notifications required by law of a Local Authority Proper Officer.

The Proper Officer will be totally responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are carried out.

Service Specific Responsibilities

- Be the first point of contact for queries from the public either visiting Gainsborough Town Council in person or for enquiries received by telephone.
- Conduct routine administration duties relating to Gainsborough Town Council and other associated tasks.
- Service Council and Committee meetings including attendance and minute production in agreement with the Town Clerk.
- To clerk the Planning Committee.

- Implement the Council decisions in the absence of the Town Clerk, as well as address all correspondence and communication with the office in the absence of the Town Clerk.
- Support the Town Clerk in ensuring statutory obligations are complied with and manage these in the Town Clerk's absence.
- In the long-term absence of the Town Clerk, to prepare, in consultation with appropriate members, agendas for meetings of the Council and its committees; to attend such meetings and prepare minutes for approval.
- To receive and report on invoices for goods and services to be paid for by the Council and to ensure such accounts are met. To issue invoices on behalf of the Council for goods and services and ensure payment is received.
- To conduct financial management and produce financial reports to Council/Committees in consultation with the Town Clerk.
- To receive and action correspondence and documents on behalf of the Council or bring such items to the attention of the Town Clerk and/or Council as is appropriate. To issue correspondence as a result of, or on the known policy of the Council.
- Produce relevant reports and required by the Council either in agreement with the Town Clerk, or in their absence.
- Facilitate effective communication between the Council's management and all external bodies, agencies and organisations.
- All administration associated with supporting the Mayor's and Deputy Mayors' role including:
 - The management and control of the Mayor's diary and the associated correspondence.
 - Maintain records of activity for both the Mayor and Deputy Mayor throughout the Civic year.
 - Assist the Mayor in the planning, organisation and execution of events.
- To undertake the administration and record keeping for burials, grave and memorial purchases and other cemetery administration utilising the Council's proprietary software, liaise with funeral directors, relatives, grave diggers etc and work closely with the Operations Manager in respect of burial arrangements.
- To assist with the promotion, administration and processing of bookings for the sports facilities and community rooms within Gainsborough Town Council's responsibility, utilising the council's proprietary software.
- To assist in maintaining and updating the Council's website and social media.
- Administration of the Council's Community Grant Scheme and associated correspondence, maintenance of the policy and associated documentation.
- Provide administrative and project support to other Gainsborough Town Council events, such as Remembrance Sunday.

Working Corporately and with Partners

Where necessary, to assist and actively contribute to the development and delivery of corporate or partnership projects/initiatives.

Health and Safety, Regulatory and Legal

- To give due consideration to Health and Safety in the carrying out of duties.
- Comply with the Freedom of Information and General Data Protection Regulation legislation.
- Conduct Health & Safety practices that protect yourself, colleagues and customers ensuring procedures are undertaken and reviewed to identify areas of concern.
- Report any suspicious activity in accordance with the Council procedures.

Personnel

- Work as part of a multi-disciplinary team, but also have the ability to take responsibility and work on own initiative.
- Provide support to other officers within the Council as and when required, and in particular during times of holiday and sickness.
- Work positively with other members of staff and councillors at the Council in a supportive manner.
- Represent the Council in a calm, non-confrontational and courteous manner and to ensure that any complaints are followed up and resolved constructively.
- To actively and positively contribute to the appraisal process and to follow up agreed actions.

Policies

- Carry out all duties in accordance with Gainsborough Town Council's adopted policies.

Accountability

- Report regularly to the Town Clerk regarding the progress and standard of work and service delivery.

Personal Development

- Undertake from time to time any such training as may be necessary or advisable.
- To hold or be prepared to complete, within 24 months, the CILCA qualification.

Other Duties

- To undertake other duties as may be reasonably required by the Council.

PAPER D

Maternity Leave Policy

Contents

1. Introduction	2
2. Maternity Leave.....	2
3. Compulsory Maternity Leave.....	3
4. Maternity Pay	3
5. Contract of employment during maternity leave	4
6. Pension	4
7. Employees who do not intend to return to work	4
8. Antenatal Care	4
9. Pregnancy Related Illness.....	4
10. Annual Leave	4
11. Health and Safety.....	5
12. Contact during Maternity Leave	5
13. Keeping in Touch (KIT) Days	5
14. Returning to Work	6
15. Return after Ordinary Maternity Leave	6
16. Return after Additional Maternity Leave	6
17. Return to Work Health and Safety.....	7

Document History

Adopted by Council – 2 October 2019

Reviewed & Adopted -

1. Purpose and scope

1.1 This policy and procedure apply to all current employees, whether full or part-time, temporary or fixed-term.

1.2 The purpose of this policy and procedure is to provide clear information about our maternity provisions. This document sets out our policy on maternity leave, pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which we need to follow at various stages, before, during and after maternity leave.

1.3 This document provides basic guidance on the health and safety aspects of working whilst pregnant.

2. Introduction

2.1. Gainsborough Town Council recognises the need to balance family responsibilities with paid work. We recognise the need for adequate maternity provision to provide pregnant employees with peace of mind and to ensure their and the child's health and welfare during the maternity period. This policy is supported by a raft of similar policies to assist the work/life balance, such as:

- a) Paternity Leave Policy
- b) Shared Parental Leave Policy
- c) Adoption Leave Policy

2.2. This policy covers all female employees of Gainsborough Town Council.

3. Maternity Leave

3.1. All pregnant employees are entitled to take up to one year's (52 weeks) maternity leave, regardless of length of service. Maternity leave and pay are separate entitlements. Maternity leave is a single continuous period with no gap between and is made up of:

- a) Ordinary Maternity Leave (26 weeks)
- b) Additional Maternity Leave (26 weeks)

3.2. An employee must notify the Town Clerk in writing by the 15th week before her Expected Week of Childbirth (EWC) of the week her baby is expected to be born, stating her intention to take maternity leave and when she wants the maternity leave to start.

3.3. The employee must attach their original Maternity Certificate (MATB1) signed by the midwife to the letter. Without this form, Statutory Maternity Pay (SMP) cannot be paid.

3.4. The Town Clerk will respond in writing to this notification of leave within 28 days, setting out the day on which the employee is expected to return to work. Unless otherwise notified, the date on which the employee will return to work will normally be the first working day 52 weeks after maternity leave begins. This is because all employees are entitled to 26 weeks Ordinary Maternity Leave and a further 26 weeks Additional Maternity Leave.

3.5. If an employee wishes to change the start date of her maternity leave she must give 28 days' notification, unless there is a good reason why this is not possible (for example, the baby is born early).

3.6. The earliest date an employee can take her maternity leave will be the beginning of the 11th week before her baby is due.

3.7. Maternity leave is available if:

- a) the baby is stillborn after 24 weeks of pregnancy
- b) the baby is born at any point in the pregnancy but dies later

3.8. If childbirth occurs before the date of notification, the Maternity Leave period will start automatically on the date of birth of the child (even if this is before the 11th week before the EWC). In order to preserve her rights to maternity leave and SMP, the employee must as soon as is reasonably practicable give her employer notice in writing of the date of childbirth and evidence of the date the baby was expected. A MatB1 from the doctor or midwife can be used as evidence.

4. Compulsory Maternity Leave

4.1. No employee may return to work within 2 weeks of the date of childbirth.

5. Maternity Pay

5.1. Pregnant employees with over one year's local government service at the 11th week before the EWC plus 26 week's continuous service with Gainsborough Town Council at the 15th week before the EWC, plus earnings over the national insurance lower earnings limit are entitled to:

- a) 90% pay (i.e. higher rate SMP) for the first 6 weeks
- b) Basic rate Statutory Maternity Pay (SMP) for the next 33 weeks.
- c) During weeks 7 – 18 if employees have provided written notification that they will return to work, they also receive half their normal pay. These will be without deduction unless the combined half pay and SMP exceed full pay in which case the half pay will be reduced accordingly. (This pay will be reclaimed if the employee does not return to work for at least three months)

5.2. Pregnant employees with less than one year's local government service at the 11th week before the EWC but more than 26 week's continuous service with Gainsborough Town Council at the 15th week before the EWC, plus earnings over the national insurance lower earnings limit are entitled to:

- a) 90% pay (i.e. higher rate SMP) for the first 6 weeks
- b) Basic rate SMP for the remaining 33 weeks.

5.3. Pregnant employees with less than 26 weeks Gainsborough Town Council service at the 15th week before the EWC and earnings over the national insurance lower earnings limit may be entitled to:

- a) 39 weeks Maternity Allowance (Length of service insufficient to qualify for SMP)

5.4. If they have over one year's local government service they will receive nine tenths pay (less SMP of Maternity Allowance) for the first six weeks and may be eligible to half pay during weeks 7 – 18 subject to written confirmation of their intention to return to work. If they do not return to work for at least three months, this payment will be reclaimed.

5.5. Pregnant employees with more than 26 week's service with Gainsborough Town Council but below the national insurance lower earnings limit may be entitled to:

- a) 39 weeks Maternity Allowance (Earnings insufficient to qualify for SMP)

5.6. If they have over one year's local government service they will receive nine tenths pay (less SMP of Maternity Allowance) for the first six weeks and may be eligible to half pay during weeks 7 – 18 subject to written confirmation of their intention to return to work. If they do not return to work for at least three months, this payment will be reclaimed.

6. Contract of employment during maternity leave

6.1. All terms and conditions of employment except remuneration will be protected during Maternity Leave.

6.2. Statutory and bank holidays accrue during Ordinary and Additional Maternity Leave.

6.3. The contract of employment continues throughout maternity leave ensuring that this period counts towards the employee's period of continuous employment for the purposes of entitlement to other statutory employment rights (for example redundancy, pension rights, annual leave and increments).

6.4. Maternity Leave will not be treated as sick leave and will therefore not be taken into account for the calculation of the period of entitlement to sickness leave.

7. Pension

7.1. While an employee is undertaking paid maternity leave (i.e. receiving SMP), the employers pension contributions will continue throughout this period as if the employee was working normally.

7.2. Employee contributions will be based on the amount of pay received during the maternity leave period. For the duration of the unpaid maternity leave the employee can elect to pay contributions on her return. On returning to work from maternity leave all employees must contact the Finance Section regarding pension implications.

8. Employees who do not intend to return to work

8.1. For those employees who do not intend to return to work, the first 6 weeks will be paid at nine-tenths of a week's pay offset against payments made by the way of Statutory Maternity Pay (SMP) and the next 33 weeks at SMP. The remaining 13 weeks will be unpaid.

9. Antenatal Care

9.1. All female employees are entitled to reasonable paid time off during working hours to enable them to receive antenatal care. This includes medical examinations and parenthood and relaxation classes, as long as a medical practitioner, registered midwife or health visitor advises these.

9.2. Should an employee wish to accompany their partner, family member or friend/colleague at an antenatal appointment, they will be required to arrange this with the Town Clerk. The employee would be required to take annual leave in this instance.

9.3. Employees are requested to give the Town Clerk as much notice as is reasonably possible of their appointments.

9.4. With the exception of the employee's first appointment, her line manager may ask to see her appointment card and/or certificate signed by their GP, midwife or health visitor stating that she is pregnant.

10. Pregnancy Related Illness

10.1. An employee's maternity leave will automatically start if she is absent from work for a pregnancy related illness during the four weeks before the start of her EWC or a repeated sickness, regardless of when she stated she wanted the maternity leave to start.

11. Annual Leave

11.1. Annual leave and bank holidays will accrue during both ordinary and additional maternity leave. An employee may use any untaken annual leave before they start maternity leave.

12. Health and Safety

12.1. The Management of Health and Safety at Work Regulations 1999 require employers to assess risks to their employees, including new and expectant mothers, and to do what is reasonably practicable to control those risks.

12.2. As soon as the employee informs her line manager that she is pregnant, the Town Clerk should carry out a specific risk assessment, paying particular attention to risks that could affect the health of an expectant mother. A copy of this risk assessment should be given to the employee.

12.3. Employees are advised to notify their line manager of their pregnancy as soon as possible in order to ensure health and safety risks are mitigated.

12.4. Pregnant women do not need to stop working with VDUs. However, if an employee is worried about working with a VDU during her pregnancy she should discuss her concerns with the Town Clerk.

12.5. During her pregnancy the employee should ask for assistance with heavy physical work, including lifting heavy objects.

12.6. If the nature of her work is likely to put the pregnant employee at risk, the Council will endeavour to find alternative employment for her until her maternity leave begins.

13. Maintaining Contact during Maternity Leave

13.1. The Council may make contact with an employee (and vice-versa) while they are on maternity leave, as long as the amount and type of contact is not unreasonable. Contact may take place for a number of reasons including to discuss the employee's return to work plans, or to keep her informed of important developments in the workplace. The frequency and nature of this contact will be agreed between the Town Clerk and employee prior to her maternity leave commencing.

13.2. Employees will be kept informed of relevant promotion opportunities or job vacancies that arise while they are on maternity leave.

14. Keeping in Touch (KIT) Days

14.1. Gainsborough Town Council is keen to keep in touch with employees during their maternity leave. The purpose of the KIT days is to encourage more effective communication between employers and employees during the leave period, to keep the employee up to date with things at the Council and ease an employee's return to work.

14.2. Provision can be made for up to 10 KIT days during the maternity leave period. These may be taken at any stage during the maternity leave, by agreement with the employer, except for the first two weeks after the baby is born.

14.3. KIT days may only take place by agreement between the employee and the Town Clerk. The line manager may not require an employee to work during maternity leave if she does not wish to, nor does an employee have the right to work KIT days if her employer does not agree to them.

14.4. Any work done as a KIT day must be agreed in advance between all parties, even as little as half an hour for example, will be counted as a whole day. They can be taken as single days; in blocks of two or more days; or can be taken consecutively.

14.5. The type of work that the employee undertakes on KIT days is a matter for agreement between the employee and the Town Clerk. They may be used for any activity which would ordinarily be classed as work under the employee's contract, for which she would be paid, for example a team meeting, conference or training activity.

14.6. Any work carried out during the KIT days will not have the effect of extending the maternity leave period or affecting their right to Statutory Maternity Pay (SMP).

14.7. The employee will be paid for the number hours work undertaken on each KIT day according to their contractual rate of pay, offset against Statutory Maternity Pay (SMP), if this is being paid when the Keeping in Touch Day is undertaken.

14.8. The Town Clerk is responsible for ensuring that the employee does not undertake more than ten KIT days. If the employee undertakes any work over and above the 10 KIT days they will lose a week's Statutory Maternity Pay (SMP) for the week in which the extra work was carried out.

15. Returning to Work

Period of Notice

15.1. If an employee wishes to return to work on the date set out in her original letter they do not need to provide any further notice.

15.2. If an employee wishes to return to work before the end of the full maternity leave period, as set out in their original letter, they must give eight weeks' notice in writing of the date they intend to return to work. This notice requirement applies during both ordinary and additional maternity leave.

15.3. The Council can accept less, or no, notice at its discretion. However, if an employee attempts to return to work earlier than the end of their maternity leave without giving eight weeks' notice, the Council reserves the right to postpone their return until the full eight weeks' notice has been given. However, the return to work date may not be postponed any later than the end of the maternity leave period.

15.4. Any payments made during maternity leave are made on the understanding that the employee will return to local authority employment for at least three months, which may be varied by the local authority on good cause being shown. In the event of the employee not doing so, the employee shall refund the monies paid, or such part thereof, if any, as the Council may decide. Payments made to the employee by way of SMP are not refundable.

15.5. The three-month period (inclusive of any holidays and other days when the establishment is closed) shall run from the date on which the employee returns to duty.

15.6. If the employee wishes to leave employment at the end of the three month period, she must give notice in writing and in accordance with Council policy during the three-month period.

15.7. Following a return to work the normal provisions for termination notice shall apply.

16. Return after Ordinary Maternity Leave

16.1. An employee who returns to work after Ordinary Maternity Leave (i.e. has taken no more than 26 weeks maternity leave) is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent.

17. Return after Additional Maternity Leave

17.1. An employee who returns to work after Additional Maternity Leave (i.e. has taken more than 26 weeks maternity leave) is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent, unless there is a reason why it is not reasonably practicable for her to return to her old job, in which case she should be offered a similar job on terms and conditions which are not less favourable than her original job.

18. Return to Work Health and Safety

18.1. Prior to the employee's return to work her line manager should carry out a specific risk assessment, paying particular attention to risks that could affect the health of a new mother, a breastfeeding mother or her child. A copy of this risk assessment should be given to the employee.

18.2. The Council will provide, if required, facilities for employees to breastfeed, express milk and to store expressed milk. If you wish to use these facilities please inform the Town Clerk.

PAPER E

[ENTER COUNCIL NAME] MATERNITY LEAVE AND PAY POLICY

Purpose and scope	2
Procedure	2
Entitlements	2
Maternity pay	3
Shared Parental Leave (SPL)	4
The effect of maternity leave on contractual benefits	4
Maintaining contract during maternity leave	5
Keep in Touch (KIT) Days	5
Returning to work	5
Requesting a change to your pattern of work	6
Your health and safety	6
Data protection	6

Purpose and scope

This policy and procedure apply to all current employees, whether full or part-time, temporary or fixed-term.

The purpose of this policy and procedure is to provide clear information about our maternity provisions. This document sets out our policy on maternity leave, pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which we need to follow at various stages, before, during and after maternity leave.

This document provides basic guidance on the health and safety aspects of working whilst pregnant.

Procedure

Telling your manager that you are pregnant

As soon as you know that you are pregnant, you are encouraged to let us know. This is in your own interests, and ensures that we can take any necessary steps to look after your health and safety and that of your baby.

As soon as you tell us that you are pregnant, we will conduct an assessment of any health and safety risks to you or your baby. Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before you expect the baby before telling us that you are pregnant. Either way, you are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT B1 and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change.

Note on the MAT B1 certificate

The MAT B1 is a form signed by a doctor/midwife confirming your expected week of childbirth (EWC). Hospitals and GP surgeries have different policies regarding when the MAT B1 should be signed and by whom. The MAT B1 is not always issued automatically and you may have to ask your doctor/midwife for a copy.

Entitlements

Ante-natal care

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should

however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic.

Maternity leave

You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML). You also have the right to return to work after the end of your OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week.

You can choose when to start your maternity leave. This can be any date from the beginning of the 11th week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

Sick leave during your pregnancy or maternity leave

If you are off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), then your maternity leave period will begin straight away.

If you are off sick due to a non-pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), it will be treated as sick leave in the usual way.

Any pregnancy related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.

Early births

If the birth of your baby occurs before the 11th week before the EWC or your planned date of leaving, your maternity leave will commence the day after your baby is born.

Maternity pay

You are eligible to receive 39 weeks statutory maternity pay (SMP) if:

- You have at least 26 weeks' continuous service with the council by the end of the 15th week before the expected week of childbirth (EWC) ("the qualifying week"), and,
- You have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.

If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this 39-week period, SMP is paid at 90% of your average weekly earnings; thereafter you will

receive the weekly lower statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the 8 weeks prior to the end of your qualifying week (15th week before the EWC) (see here for details of statutory rates - www.gov.uk/maternity-pay-leave/pay).

If you do not qualify for SMP you may be eligible to receive Maternity Allowance. If you are not entitled to statutory maternity pay, we will issue you an SMP1 form to allow you to claim the Maternity Allowance.

Shared Parental Leave (SPL)

You are entitled to curtail your maternity leave and pay and instead take SPL and pay with your partner/the father of the child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See the Shared Parental Leave Policy.

The effect of maternity leave on contractual benefits

During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (e.g. remuneration and allowances).

On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP Entitlements.

Annual leave

Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary or we may ask for an appropriate refund.

Pension scheme

Occupational pension contributions continue during OML and during any period of paid maternity absence.

Maintaining contact during maternity leave

Some people choose to have little if any contact with work during their maternity leave while others want to maintain a high level of contact. Before you start your maternity leave, we will meet with you to discuss reasonable contact arrangements during your maternity leave.

Below is a list of the sorts of information you may want to be kept informed about:

- Notes of important meetings or announcements affecting staff
- Details of internal vacancies which arise
- Details of significant developments to working practices
- Details of any training courses which are offered to the team

There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

Keep in Touch (KIT) Days

You may work for up to 10 days during your maternity leave. KIT days can only be worked by mutual agreement; that is to say both you and the council must agree to the work / training taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off-set against Statutory Maternity Pay and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or in excess of the rate of SMP.

Returning to work

We will assume that you will take your full maternity leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless you notify us, in writing, or request otherwise. In other words, you do not have to notify us if you intend to return to work at the end of your AML.

If you want to return to work before the end of your maternity leave, you will need to notify us in writing giving at least eight weeks' notice of your intended return date. If you do not give at least eight weeks' notice, we may delay your return to work by up to a further eight weeks where there is good reason.

You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

Requesting a change to your pattern of work

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

Your health and safety

Risk assessment

Whilst most women are able to work normally during pregnancy there are some duties which are best avoided or minimised. We may be able to reorganise your work to avoid/minimise such duties or may arrange different work for you for health and safety reasons. Only in exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action.

Once you tell us of your pregnancy, we will hold a meeting with you to discuss health and safety issues. In consultation with you, we will complete a risk assessment, agreeing with you any measures to be taken. We will hold regular meetings with you throughout your pregnancy in order to review the initial assessment. If you have any concerns please raise these directly with the council.

Data protection

When managing your maternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, those who need to manage maternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy: December 2019

Approving committee:

Date of committee meeting:

Policy version reference:

Supersedes: [Name of old policy and reference]

Policy effective from:

Date for next review:

— policy ends here —

Notes

The wording of this policy is based on an employee's statutory right to maternity leave and pay. Adopting and applying this policy as it stands will support the council to comply with this right.

1. Green Book terms

If the council adopts Green Book terms and conditions of employment, employees are entitled to receive maternity pay in accordance with the following extract from the Green Book: -

Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows: -

- i. For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
- ii. An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks receive half a week's pay without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively, the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution.
- iii. For employees not intending to return to work payments during the subsequent 20 weeks shall be the employee's entitlement to SMP.
- iv. Payments made by the authority during maternity leave under (ii) above shall be made on the understanding that the employee will return to local authority employment for a period of at least three months, which may be varied by the local authority on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.

2. Enhanced maternity pay

Councils may enhance maternity benefits, such as maternity pay. There is no set formulae on such enhancement.

3. Rest facilities

There should be somewhere at each workplace where a pregnant or nursing mother can rest. This may be a staff room, first aid room or if space does not permit, a comfortable chair away from the work area may have to suffice.

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish councils. Please contact them on 01403 240 205 for information about their services.