

## AGENDA

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**Meeting:** STAFFING POLICY COMMITTEE  
**Place:** Committee Room III - County Hall, Trowbridge  
**Date:** Wednesday 9 March 2011  
**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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### Membership:

Cllr Allison Bucknell  
Cllr Rod Eaton  
Cllr Mike Hewitt  
Cllr David Jenkins  
Cllr Francis Morland

Cllr John Noeken  
Cllr Mark Packard  
Cllr Jane Scott OBE  
Cllr John Smale

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### Substitutes:

Cllr Ernie Clark  
Cllr Peter Colmer  
Cllr Mary Douglas  
Cllr George Jeans

Cllr Howard Marshall  
Cllr Bill Moss  
Cllr Christopher Newbury  
Cllr Jonathon Seed

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## **PART I**

### **Items to be considered while the meeting is open to the public**

1. **Apologies for absence**

2. **Minutes of Previous Meeting** *(Pages 1 - 4)*

To confirm the minutes of the meeting held on 9 February 2011. (Copy attached)

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

#### Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Director of Resources) no later than 5pm on (4 clear working days, e.g. Wednesday of week before for a Wednesday meeting). Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Trade Union Recognition and Facilities Agreement** (Pages 5 - 30)

A report by the Service Director HR & OD is attached.

7. **Maternity Support and Paternity Leave Policy & Procedure** (Pages 31 - 42)

A report by the Service Director HR & OD is attached.

8. **Equality and Diversity Policy & Procedure** (Pages 43 - 62)

A report by the Service Director HR & OD is attached.

9. **Default Retirement Age (DRA)** (Pages 63 - 72)

A report by the Service Director HR & OD is attached.

10. **Quarterly Workforce Reports - December 2010** (Pages 73 - 76)

A report by the Service Director HR & OD is attached.

11. **Date of Next Meeting**

To note that the next meeting is scheduled to be held on Wednesday 18 May 2011, starting at 10.30am.

12. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be considered as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

**PART II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None

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## **STAFFING POLICY COMMITTEE**

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### **DRAFT MINUTES OF THE STAFFING POLICY COMMITTEE MEETING HELD ON 9 FEBRUARY 2011 AT COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE.**

#### **Present:**

Cllr Allison Bucknell (Chairman), Cllr Rod Eaton, Cllr David Jenkins, Cllr Francis Morland, Cllr Bill Moss (Reserve), Cllr John Noeken, Cllr Mark Packard, Cllr Jane Scott OBE and Cllr John Smale

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#### **1. Apologies for absence**

An apology for absence was received from Cllr Mike Hewitt, who was substituted by Cllr Bill Moss.

#### **2. Minutes of Previous Meeting**

##### **Resolved:**

**To confirm and sign the minutes of the Committee meeting held on 16 December 2010 as a correct record.**

#### **3. Declarations of Interest**

There were no declarations of interest.

#### **4. Chairman's Announcements**

The Chairman announced that the workforce reports for the quarter ended 31 December 2010 had just become available and would be emailed to Members of this Committee very shortly. They would also be included in the agenda papers for consideration at the next meeting

#### **5. Public Participation**

There were no members of the public present.

6. **Local Government Pension Scheme (LGPS) Employer Discretions Policy Revision**

Consideration was given to a report by the Service Director HR & OD which proposed some amendments to the LGPS Employer Discretions Policy to withdraw the discretion to allow late transfers-in of previous pensionable service.

After discussion,

**Resolved:**

**To withdraw the discretion to transfer-in previous pensionable service after the expiry of 12 months from joining Wiltshire Pension Fund, with effect from 1 October 2011.**

7. **Wiltshire Pension Fund Admission for Clerks to Governors to be Eligible to join the Local Government Pension Scheme**

On considering a report by the Service Director HR & OD,

**Resolved:**

**To grant consent for Clerks to Governors in schools to join the Local Government Pension Scheme with effect from 1 April 2011, subject to the consent of the governing body and the usual qualifying conditions.**

8. **Redundancy Policy & Procedure for Chief Officers**

On considering a report by the Service Director HR & OD,

**Resolved:**

**To approve the redundancy policy and procedure for chief and senior officers, subject to all references to chief executive or head of paid service to be standardised.**

9. **Appointments Policy & Procedure for Chief Officers**

On considering a report by the Service Director HR & OD,

**Resolved:**

**To approve the appointments policy and procedure for chief and senior officers, subject to all references to chief executive or head of paid service to be standardised.**

10. **Improving Work Performance Policy**

On considering a report by the Service Director HR & OD,

**Resolved:**

**To approve the revised policy on improving work performance.**

11. **Recovery of Overpayments Policy**

On considering a report by the Service Director HR & OD,

**Resolved:**

**To approve the revised recovery of overpayments policy and procedure.**

12. **Date of Next Meeting**

**Resolved:**

**To note that the next meeting was due to be held on Wednesday 9 March 2011.**

13. **Urgent Items**

There were no urgent items.

14. **Exclusion of the Public**

**Resolved:**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Minute Number 15 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

15. **Local Government Pension Scheme (LGPS) - Employer Discretions - Payment of Deferred Benefits**

On considering a confidential report by the Service Director HR & OD,

**Resolved:**

**To approve the release of the Officer's deferred LGPS pension benefits, with actuarial reduction following his voluntary redundancy on 31 January 2011, as set out in the report.**

(Duration of meeting: 10.30am to 11.25am)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115



## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE 9 MARCH 2011

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#### **TRADE UNION RECOGNITION AND FACILITIES AGREEMENT**

##### **Purpose of Report**

To update Staffing Policy Committee on time off for trade union activities being recorded within Wiltshire Council.

##### **Background**

On 28 July 2010, Staffing Policy Committee agreed a revised Trade Union Recognition and Facilities Agreement but that it should be reviewed in 12 months' time. A copy of the document is attached as Appendix 1. The Agreement outlines the general principles, duties, roles and responsibilities of representatives and defines what is negotiable and what is for consultation.

In addition the Agreement outlines the maximum allocation for time off for specific UNISON roles.

##### **Main Considerations for the Council**

At its meeting on 28 July 2010 Staffing Policy Committee resolved:

“to request that systematic recording of approved time off be continued and that a report on this be presented to the Committee in six months' time”.

When a trade union representative is nominated the Human Resources Team is notified by the relevant recognised trade union. Human Resources then alerts the employee's manager to advise them of the staff members election to the union and the implications of this. They are also asked to keep a record of approved time off and advised that they will periodically be asked for this information by Human Resources.

A summary of all time off since the recording system was introduced in January 2010 is attached an appendix 2. The Agreement allows for up to 80 days per month for trade union duties for specific roles. Casework is over and above this allowance. 80 days per month equates to 592 hours. For the period 1 July 2010 until 31 October 2010 time recording shows that 1,975.00 hours were spent on trade union activities. The spreadsheet does not include the Branch Secretary and this has been factored in as she is currently full-time.

Total record trade union activity for the period 1 July 2010 to 31 October 2010 equates to 494 hours per month. So there remains a shortfall of 98 hours per month.

##### **Environmental impact of the Proposal**

None

##### **Risk Assessment**

None

### **Financial Implications**

Recording levels have improved since the system was introduced in January 2010. However there is still a significant shortfall which suggests that the time allowed under the Agreement is not actually required.

### **Legal Implications**

The legislation covering Trade Union Recognition and Facilities arrangements is contained within the Trade Union and Labour Relations (Consolidation) Act 1992 within sections 168 and 170.

Where a Recognition Agreement exist, an employee who is an official of an independent recognised Trade union has a statutory right to reasonable paid time off during working hours to carry out trade union duties.

### **Proposal**

It is recommended that the time recording system remain in place and be reviewed together with the revised Trade Union Recognition and Facilities Agreement in July 2011.

**Barry Pirie**  
**Service Director, HR & OD**

Report Author: Jane Tagg  
HR Business Partner – DoR  
[jane.tagg@wiltshire.gov.uk](mailto:jane.tagg@wiltshire.gov.uk)

Appendices:

Appendix 1 – Trade Union Recognition and Facilities  
Appendix 2 – Trade Union Time Recording Spreadsheet.

## **Wiltshire Council**

### **Trade Union Recognition and Facilities agreement**

#### **1 Parties**

1.1 This agreement is made between Wiltshire Council (the Council) and the following Trade Unions:

UNISON  
GMB  
Unite

#### **2 Scope**

2.1 The agreement applies to all employees of the Council, other than those covered by separate agreements.

#### **3 Purpose**

3.1 The purpose of the agreement is to

- afford recognition to the above Trade Unions as the sole bargaining agent for all relevant employees
- outline the general principles
- define the union representatives roles
- define the duties and responsibilities of representatives
- define which items are negotiable and which are for consultation
- detail the negotiating and consultative constitution and procedures
- outline the administrative and operational facilities and procedures
- co-operate in achieving positive industrial relations based on a partnership approach
- engage in effective communications with employees
- work towards high quality public services

#### **4 Principles**

4.1 All parties affirm that they share a common aim in ensuring the efficiency and effectiveness of the Council for the benefit of the public it serves.

4.2 All parties recognise their mutual interdependence in securing the future success of the Council and the best interests of its employees

4.3 All parties recognise that their pursuit of these common objectives under this Agreement shall be by informal and formal communication, consultation and negotiation.

- 4.4 All parties agree that at each stage of the procedure as set out in this Agreement every attempt will be made to resolve issues raised.
- 4.5 The Council recognises that it is to the mutual benefit of the Council and its employees for those employees to be fully consulted and represented by a properly constituted trade union and will inform its employees that it encourages membership of a trade union in the Statement of Particulars issued to all new employees.
- 4.6 To this end the Council affirms its intention as a good employer to maintain a constructive relationship with the recognised Trade Unions.
- 4.7 The Unions undertake to represent fairly the interests of all employees covered by this agreement.
- 4.8 The Council shall not take any unilateral action and the Unions shall not take industrial action in relation to any matters covered by this agreement until the procedures for resolving issues as defined in the Agreement have been exhausted. Neither side should prejudice the national machinery.
- 4.9 The Council acknowledges the need to make information available on issues affecting the staff or business of the organisation.
- 4.10 It is recognised that it is management's responsibility to plan, organise and manage the activities of the organisation.
- 4.11 It is recognised that it is the union's responsibility to represent the interests of its members and work to improve their conditions of employment.
- 4.12 There is a commitment to protect the right of employees to join trade unions and encourage trade union membership.
- 4.13 There is a joint commitment to adhere to and develop policies on equal opportunities.

## 5 **Representation**

- 5.1 Representatives will carry out the duties prescribed by the Trade Unions' rules and represent members in accordance with the terms of this agreement.
- 5.2 The number of representatives in units/areas within which they will act will be agreed between the Council and Trade Unions. The principle will be to ensure that there is adequate and fair representation.
- 5.3 In order to stand for election as a representative, an employee must have the required Trade Union membership.

- 5.4 Representatives will be elected in accordance with relevant Trade Union rules.
- 5.5 The Trade Unions will notify the Council in writing of the names of representatives as soon as possible after an election.

## 6 **Negotiable Terms**

The following is a list of negotiable terms subject to this agreement. Some, where indicated, are primarily subject to national negotiation but which may have some local elements or variations -

- Terms and conditions of employment (national)
- Pay awards (national)
- Job descriptions
- Job grading and job evaluation
- Hours of work (national)
- Holiday and sickness arrangements (national)
- Pensions (national)
- Overall salary structure
- Health, safety and welfare
- Equal opportunities and workforce diversity
- Redundancy and redeployment
- Disciplinary, grievance and procedures
- Any other item which both sides agree to refer

## 7 **Consultative Items**

- 7.1 The Council will consult the recognised trade unions on significant changes in working practices or the organisation of work. The Council will not proceed without first obtaining and considering the views of those trade unions with a view to reaching agreement.
- 7.2 The following is a list of items which may be subject to consultation with the trade unions (but does not exclude any other changes not listed but which affect employees of the Council) –
- New technology or equipment (where it significantly affects working practices and jobs)
  - Staff amenities
  - Restructures of jobs and departments

- Privatisation
- Business transfers
- Collective redundancies
- Reorganisation of staff and relocation of offices
- Training and development

7.3 The Council or trade union(s) shall refer proposals for change to the other party.

## 8 **Negotiation and Consultation Procedure**

8.1 All parties agree that it is in their mutual interests to observe a consultative/negotiating procedure by which all issues arising between them can be considered and resolved at the lowest level as early and as speedily as possible.

### ***Line Management***

8.2 In the first instance any collective matters of concern will be raised by the appropriate Trade Union with the appropriate line manager with the intention of resolving them at this level.

8.3 If it is not possible to resolve the matter at this level then it will be referred to a regular meeting of Human Resources and the trade unions.

### ***Meetings between Trade Unions and Human Resources***

8.4 Meetings between the recognised Trade Unions and Human Resources will take place on a monthly basis. Matters of mutual interest, concern, operational issues and information sharing will be raised at these meetings, or at other times if needed, with the intention of resolving them at this level.

### ***Joint Consultative Committee***

8.5 See appendix 1 for the constitution and terms of reference of the Wiltshire Council JCC.

#### School's Joint Consultative Committee

8.6 See appendix 2 for the constitution and terms of reference for the Schools JCC.

### ***Health and Safety Committee***

8.7 The Council will set up in agreement with the trade unions a central Health and Safety Committee according to the guidance in the Safety Representatives and Safety Representatives Regulations 1977 and the Health and Safety Consultation with Employees Regulations 1996. The

Council will also agree directorate, departmental and area health and safety consultation arrangements with the trade unions. The Health and safety Committee will meet quarterly.

8.8 See appendix 3 for the constitution and terms of reference for the Health and Safety Committee.

9 **Administrative Facilities for the Trade Unions and their Accredited Representatives**

9.1 Meetings between representatives of the Council and Trade Unions will be held during normal working hours (except in exceptional circumstances and by joint agreement) and on the Council's premises.

9.2 The Council will provide free meeting room facilities for the Trade Unions to hold Branch Executive meetings.

9.3 Reasonable facilities will be provided by the Council at no cost, at the Trade Unions' request to enable Trade Union members to meet on Council premises.

9.4 The Council will provide secure and private offices at each of its area hubs (i.e. Salisbury, Chippenham, Devizes & Trowbridge) for the exclusive use of UNISON.

9.5 The Council will provide the following facilities - a telephone line, computer (with intranet/internet access and software and hardware support), printer, a desk, chair and filing cabinet

9.6 Photocopying and printing facilities will be made available by the Council.

9.7 The Council will make available reasonable use of the internal and external mail distribution facilities for Trade Union communications.

9.8 The Council will make available reasonable access to the Council's e-mail system and intranet.

9.9 The Council will make reasonable noticeboard space available for the use of the trade unions with dedicated boards at each large workplace.

9.10 The Council will provide a facility under which employee subscriptions to Trade Unions may be deducted from salary at the request of the employee and provide a monthly list of such deductions to the Trade Union.

9.11 The Council will provide to the unions, on a monthly basis, a list of all new employees, except those that withdraw their permission to do so, and a list of those who are leaving the Council. The Council will also

allow the Trade Unions access to induction sessions for new staff to inform and encourage employees of Trade Union membership.

## 10 **Dedicated Facilities Time**

10.1 The Council will make available to each trade union the following dedicated secondment time –

### 10.2 UNISON

Secretary	20 Days per month
Asst Branch Secretary	8 Days per month
Chair	4 Days per month
Area Conveners (4 x 8)	32 Days per month
Health & Safety Officer	4 Days per month
Welfare Officer	1 Day per month
Conditions of Service Officer	1 Day per month
Equality Roles	6 Days per month (shared)
All other branch officers *	4 Days per month (shared)
• includes - Treasurer, Membership Officer, Communications Officer and Events Co-ordinator	

NB: any full-time secondment will be governed by the Wiltshire Council secondment policy.

10.3 The Council has set aside a budget of £23,000 to use to part backfill the seconded time undertaken by UNISON branch officers. The allocation of this funding will be subject to annual agreement between the Council and Wiltshire UNISON following the election of branch officers at the Annual General Meetings, usually held in February, and implemented from 1 April each year.

10.4 There is an additional fund of £15,000, subject to 12 months notice of withdrawal, paid annually to Wiltshire UNISON on 1 April each year to assist with the organisation costs incurred by the Branch in conducting its business.

## 11 **Trade Union Duties**

11.1 In addition to his/her work as an employee an accredited Trade Union representative has the following Trade Union duties for which reasonable paid time off will be granted when those duties fall within his/her working hours (this is not an exhaustive list).

- To prepare and make representations to management on behalf of a member or group of members, including representation as part of the Disciplinary, Capability or Grievance procedures.
- To attend meetings of the JCC, Safety Committee and any sub-committees and to represent the Trade Union in the joint negotiating or consultative machinery at local, regional or national level.



- Attendance at Branch Executive meetings as an elected representative.
- Attendance at meetings of stewards (e.g. UNISON area steward's group meetings) where Wiltshire Council matters are discussed.
- To attend management initiated meetings where the manager concerned has requested the attendance of the union representative.
- To attend appropriate trade union training (see below).
- To prepare and appear on behalf of his/her members before an outside body, such as an employment tribunal, or other organisation which is dealing with a matter relating to current or past employment within the Council.
- To inform employees of the role and function of the Trade Unions and encourage membership of those organisations.
- To carry out the following duties with prior arrangement and agreement of appropriate management
  - to attend staff induction sessions
  - to meet employees
  - to hold surgeries
- To attend national conferences annually as an elected delegate, the size of the delegation to be in accordance with union rules, and by agreement to include an observer.
- To attend regional or national service group meetings.
- To attend as a delegate of their Trade Union at meetings of a committee or sub-committee of the TUC.
- To undertake arrangements for and conduct workplace meetings and ballots of the membership as required by law.

11.2 Timing and time off arrangements for meetings with members will be agreed in discussion with line management in advance and where matters deal with work related issues the assumption will be that reasonable time off will be granted. If meetings are held outside normal working hours time off in lieu will be granted.

11.3 Overtime payments will not be made for any time spent on union duties over and above normal working hours.

11.4 Management will always endeavour to ensure that any meetings they arrange that involve Trade Union representatives will occur during normal working hours.

## 12 **Training**

12.1 The Council and Trade Unions agree on the need for representatives to understand clearly their duties and rights, and agree jointly to encourage their representatives to undergo union accredited training so that they may achieve the skills required to carry out their responsibilities in the best interests of their members and the Council.

- 12.2 The Council will ensure that representatives experience no loss in pay as a result of such agreed training. The Council will not pay overtime for time spent on Trade Union training over and above normal working hours.
- 12.3 The timing of training must be agreed with the representative's line manager and will not be unreasonably refused.
- 12.4 In addition HR will provide specific training to trade union stewards on the HR Policies.
- 12.5 Appendix 4 summarises the trade union lay roles.

**13 Interpretation, Variation and Termination**

- 13.1 Any disputes as to the interpretation of this Agreement shall be referred to the Joint Consultative Committee (JCC) in the first instance. If the JCC cannot resolve the matter or if there are financial or policy implications, it will be referred to Council's Cabinet. In the event of a failure to agree, the Council and Trade Unions shall take such further steps as may be necessary to resolve their differences, which may include referring the matter to Provincial Council, National Joint Council and/or ACAS.
- 13.2 Either side may submit proposals to amend this Agreement. Such proposals will be in writing and will be the subject of joint negotiations through the JCC in line with 13.1 above. Both parties agree to review this Agreement within 12 months.

Signed –

For the Council –

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For UNISON –

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For GMB –

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For Unite –

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**Wiltshire Council JOINT CONSULTATIVE COMMITTEE (WCJCC)**

**CONSTITUTION**

**1. Objectives:**

**Without prejudice to the right of management to manage and of staff to make representations either directly or through recognised trade unions, the general objectives of the WCJCC is:**

**To afford a regular channel for consultation and negotiation as appropriate between Wiltshire Council and the recognised trade unions on matters relating to industrial relations, working arrangements and terms and conditions of service that are not reserved for negotiation at national or other agreed levels.**

**1 Functions and Scope**

1.1 To establish and maintain regular methods of negotiation and consultation between the Council and its employees so as to maintain and improve employee/industrial relations.

1.2 To provide for the participation of staff in decisions that effect their working lives by establishing a regular channel where Council policies may be discussed, differences resolved and representation made.

1.3 To consider any employee/industrial relations matter referred to it by the Council and any Trade Union recognised under this agreement.

1.4 The JCC and its designated sub-committees (which may be set up at any time to discuss specific issues with the agreement of the JCC) will act as a consultative and negotiating body, to deal with all terms and conditions of employment and all other matters referred to throughout these procedures (as per paragraphs 6 and 7 of the agreement).

1.5 The Council will take full account of the information requirements for collective bargaining purposes as set out in ACAS Code of Practice "Disclosure of Information to Trade Unions for Collective Bargaining Purposes".

1.6 The matters for discussion at the JCC shall be all those covered by paragraphs 6 and 7 of the Trade Union recognition agreement.

1.7 The Health and Safety Committee of the Council will report to the JCC.

**2 Membership of the Full JCC**

2.1 The Management side shall consist of seven members.

2.2. The trade union side shall consist of seven members of which four seats shall be for UNISON, two for GMB and one for Unite. These members shall be employees of the Council.

### **3. Co-option**

3.1 Both sides may co-opt additional members as required, for specific items on the agenda by notice to the Joint Secretaries.

### **4 Secretaries**

4.1 There shall be Joint Secretaries to the JCC, one from the Management Side and one from the trade union side.

### **5. Attendance and Appointment.**

5.1 The trade unions, through their own procedures, will nominate their representative(s) to the JCC. In the event of a JCC member being unable to attend any meeting, the appropriate Trade Union may delegate a person to attend in his or her place, and such substitute shall be entitled to take a full part in the proceedings.

5.2 On the occurrence of a casual vacancy, a new member shall be appointed by the Trade Union in whose representation the vacancy occurs, as the case may be, and shall sit until the end of the period for which his or her predecessor was appointed.

5.3 Regional or National Officers of the Trades Unions recognised by the Council and the Wiltshire UNISON Branch Organiser may attend and participate in meetings of the JCC as ex-officio members and will be written into the Proceedings. Regional or National Officers must register their intention to attend with the Trade union side Secretary (who will convey this intention to the Management Side Secretary) by the day before the meeting at the latest. Attendances may be refused should this intention not be registered.

### **6. The Chair**

6.1 The Chair shall be held in alternate years by the Management Side Chairperson and the Trade Union side Chairperson.

### **7. Meetings**

7.1 Meetings will be held quarterly.

7.2 At least ten days' notice in writing shall be given of meetings and agenda items. For this purpose, notice shall be given to the Joint Secretaries as soon as possible of any matter intended to be raised at this meeting.

7.3 The Council shall provide accommodation for meetings and also the cost of the secretarial and administrative support will be borne by the Council.

7.4 A special meeting of the JCC may be called by the agreement of both Chairpersons. The business to be discussed at the special meeting shall be limited to matters stated on the notice summoning the meeting. Notice of meetings will be as long as possible, but it is recognised that on occasions it will be necessary to call meetings at short notice, and both chairpersons may agree to vary paragraph 7.2 above in these circumstances.

## **8. Quorum**

8.1 A quorum shall consist of at least four members on both sides of the JCC.

## **9 Failure to agree**

9.1 In the event of a failure to agree, the Management and Trade Union Sides shall take further steps as may be necessary to resolve their differences. This may include, with the agreement of Management and Trade Union Sides, reference to Staffing Policy Committee, Provincial Council, National Joint Council and/or ACAS for the purposes of arbitration.

## Wiltshire Council

### Joint Consultative Committee for Teachers

#### Constitution 2007

##### 1 Title

The title of the committee shall be the Joint Consultative Committee for Teachers, referred to hereinafter as 'the Committee'. For the purposes of this committee, 'teachers' shall mean teachers employed at Wiltshire local authority maintained primary, secondary and special schools and other teachers employed by Wiltshire Council.

##### 2 Objects

Without prejudice to the right of management to manage and of the teachers to make representations in their interests through the teachers' unions and associations, the general objects of the Committee are:

- 2.1 to effect a regular exchange of views and to establish a consultative procedure between the Council and the recognised teachers' unions and associations;
- 2.2 to afford a regular channel for consultation and negotiation as appropriate between the Council and the recognised teachers' unions and associations on matters relating to industrial relations, working arrangements and terms and conditions of service that are not reserved for negotiation at national or other agreed levels.

##### 3 Functions

- 3.1 Information: to provide information on administrative and organisational matters so that teachers' unions and associations are kept fully informed of plans and intentions that are likely to affect teaching staff.
- 3.2 Consultation: on matters that are for the Council to decide, to provide an opportunity for comment and discussion in order to assist the Council in making those decisions.
- 3.3 Negotiation: to negotiate on local terms and conditions of service not reserved to national or other agreed procedures.

##### 4 Constitution

- 4.1 Membership: the Committee shall comprise the following representatives. Vacancies may be filled as they arise.
  - 4.1.1 Representatives of the County Council:
    - the Director of the Department for Children and Education or their nominee
    - the Human Resources Business Partner for Children and Education

4.1.2 Representatives of the recognised teachers' unions and associations:

The Association of School and College Leaders representative	1
The Association of Teachers and Lecturers representatives	3
The National Association of Head Teachers representatives	2
The National Association of Schoolmasters Union of Women Teachers representatives	3
The National Union of Teachers representatives	3
The Professional Association of Teachers representative	1

4.1.3 Two representatives of the education support staff unions as observers

These observers may speak, at the chair's discretion, but may not vote.

They may be excluded from the meeting for specific agenda items on a

simple majority vote of the representatives named in 4.1.1 and 4.1.2

present and voting. (Abstentions are not votes.)

4.2 The Chair of the Committee shall be the Director of the Department for Children and Education or their nominee.

4.3 Advisers: the Committee shall have the right to invite to the meeting any person whose knowledge and expertise is likely to enable it to conduct its business more effectively.

## **5 Procedure**

5.1 Meetings of the Committee shall be held during working hours not less than three times a year, but special meetings may be called at the request of either the representatives of the Council or the representatives of the recognised teachers' unions and associations.

5.2 The agenda for each meeting shall be sent, by post or by electronic mail, to each member of the Committee no later than ten working days before the meeting. Items of business may be added to the agenda at the meeting only with the consent of the representatives of the Council and of every recognised teachers' union and association present.

5.3 The quorum for a meeting shall be one representative of the County Council and one representative of each of three of the recognised teachers' unions and associations.

5.4 Reports and recommendations emanating from the Committee shall be submitted to the appropriate committees, panels and other representatives of the Council.

5.5 Minutes of the proceedings of the Committee shall be prepared by a representative of the Council, who will send them to the Chair of the Committee, and to the nominated Chair of the recognised teachers'

unions and associations, for accuracy checks within 10 working days of the meeting. Thereafter the minutes will be issued by post or by electronic mail, to each member of the Committee within 30 days of the last meeting date.

- 5.6 The representatives of the teachers' unions and associations and the observers shall be paid their ordinary rates of pay and reimbursed travelling expenses.
- 5.7 The representatives of the Council, the representatives of the teachers' unions and associations and the observers shall each be responsible for their own administrative expenses.



**Constitution of the Wiltshire Council  
Joint Central Health and Safety Committee**

**1. Purpose**

The Committee exists to provide the means for management to consult staff representatives about the management of health and safety as it affects the Council's business and its employees.

**2. Functions**

- a) To secure the effective co-operation of all employees in ensuring the health, safety and welfare of those persons represented;
- b) To encourage a uniform approach and best practice by all departments, by developing knowledge, raising awareness and promoting a pro-active management approach;
- c) To consider the impact of new legislation;
- d) To consider and develop policy;
- e) To promote communications and publicity within the Authority;
- f) To promote and monitor the effectiveness of the safety content of employee training;
- g) To analyse and consider the implications of information and reports from Enforcing Authorities;
- h) To examine safety reports on a similar basis;
- i) To develop, introduce and monitor safety rules and safe systems of work;
- j) To study accident/notifiable disease statistics and trends so that reports can be made to management on unsafe or unhealthy conditions and practices, along with recommendations for remedial action;
- k) To watch over the adequacy of health and safety communication and publicity in the workplace;
- l) To keep the effectiveness of the Safety Policy under review and as necessary recommending changes to it;

- m) To consider and recommend action where local management has been unable to resolve a health and safety issue satisfactorily.

### 3. Membership

The Committee shall comprise:

- a) Representing the Council:

- i) The SST Service Director responsible for OH&S
- ii) 1 nominated officer from each of:
  - Transport, Environment and Leisure
  - Economic Development, Planning and Housing
  - Resources
  - Children and Education
  - Community Services

- b) Representing staff:

Staff representatives can attend as per the tariff below. Nominees are at the discretion of individual unions but should be union-appointed Safety Representatives or Safety Officers and reflect the whole of the County Council's workforce.

UNISON	4 representatives inc. the UNISON Health and Safety Officer
GMB	1 representative
Unite	1 representative

- c) The Council's Occupational Health and Safety Manager, Insurance and Risk Manager and an Occupational Health Nursing Adviser shall be permanent advisers to the Forum. The UNISON Branch Organiser will also be a permanent adviser to the Committee. Other internal advisers from either side of the Forum and other external advisers may attend from time to time subject to prior notice being given to both sides.
- d) The number of management representatives should not exceed the number of employee representatives.
- e) Management representation should be aimed at ensuring adequate authority to give proper consideration to views and recommendations.

- f) Additional management representatives may attend the Forum for items of interest.
- g) Substitutes will be allowed for both sides.
- h) Membership of the safety committee must be regarded as part of an individual's normal work. He/she should suffer no loss of pay through attendance at meetings of the committee or at other agreed activities, such as safety inspections undertaken by, or on behalf of, the committee.

#### **4 Conduct of Business**

- a) The committee will meet at least quarterly, and more frequently if business demands, on dates agreed generally one year in advance. A quorum will comprise of 3 persons per side.
- b) The Chair will rotate annually between the Council and staff side.
- c) Management agenda items will be prepared by the Occupational Health and Safety Manager. Items from employee representatives should be submitted to the Occupational Health and Safety Manager at least 10 working days before the day of the meeting. All members of the Committee are encouraged to put forward items.
- d) All members of the committee should have equal voting rights. Neither side is responsible to, or for, the other.
- e) In the event of the committee being unable to resolve any matter satisfactorily or if the committee has continuing serious concerns about a particular issue, then the Chairman will have the means to refer to the Corporate Directors and/or Portfolio Holder.
- f) Minutes of the meeting will be taken by a secretary appointed by the Chairman and circulated as soon as possible after the meeting. Minutes will be submitted to the Council's Regulatory Committee and the Joint Consultative Committee and will be available to all employees via the Intranet.
- g) This Constitution will be reviewed annually or at any other time at the request of either side.

#### **5 Schools Safety Forum**

A forum for management and trade union representatives in schools will be held on a regular basis to discuss all schools related health and safety issues. Notes from these meetings, general policy matters and

unresolved issues will be referred to the Council's Joint Central Health and Safety Committee.

### **Trade Union Lay Roles Recognised by the Council**

**Steward** – elected Trade Union representative whose role includes organising, recruiting, representing and communication with union members.

**Convenor** – senior steward elected from amongst a group of stewards covering a directorate, department or geographical area.

**Health and Safety Representative** – elected Trade Union representative whose role includes representing union members and employees on all matters which concern employee health, safety and welfare at work.

**Lifelong Learning Representative** – elected Trade Union representative whose function involves encouraging employees to access lifelong learning and training opportunities, enabling such access and liaising with management in all training matters.

**Workplace Contact** – informal role undertaken by Trade Union members in areas without a steward who may distribute union literature in the workplace and put up notices.

#### **UNISON Branch Officers**

(for a description of the duties contact the UNISON Branch Secretary)

- **Chairperson**
- **Secretary**
- **Treasurer**
- **Education Co-ordinator**
- **Life-long Learning Co-ordinator**
- **Health and Safety Officer**
- **Equalities Officer (s) – e.g. Women’s, Black and Ethnic Minorities, Lesbian Gay and Transgender, Disabled, Young Members**
- **Communications Officer**
- **Membership Officer**
- **International Officer**
- **Welfare Officer**
- **Service Conditions Officer**
- **Assistant/Vice Chairperson**
- **Assistant Secretary**

The Council will be notified about the appointment of persons to any positions not listed above and will be informed about their duties.

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## Union Duties

Depart	Reason for request	Location of union work undertaken	Date	Time start	Time finish	Total time Decimal	hrs mins
DCS	Meeting with Manager	County Hall, Trowb.	03/06/2010	10.30	13.00	2.50 hours	2.30
DCS	Meeting with Managers	County Hall, Trowb.	26/07/2010	09.30	11.00	1.50 hours	1.30
DCS	Meeting with Managers	County Hall, Trowb.	23/08/2010	11.00	12.30	1.50 hours	1.30
DCS	Meeting with Managers	County Hall, Trowb.	04/10/2010	12.30	14.00	1.50 hours	1.30

DCS	Meeting	County Hall, Trowb.	09/04/2010	09.30	11.30	2.0 hours	2.00
DCS	Other	Unison Office	12/04/2010	08.30	13.30	5.00 hours	5.00
DCS	B.E.C Meeting	Bradley Road	13/04/2010	13.30	16.30	4.00 hours	4.00
DCS	Other	Unison Office	19/04/2010	08.30	09.30	1.00 hour	1.00
DCS	Harmonisation	Borne Room	22/04/2010	13.00	15.00	2.00 hours	2.00
DCS	Other	Unison Office	26/04/2010	08.30	16.30	8.00 hours	8.00
DCS	J.C.C	Bradley Road	29/04/2010	09.30	15.30	6.00 hours	6.00
DCS	Pay harmonisation/Other	Unison Office & County Hall	10/05/2010	08.30	16.30	8.00 hours	8.00
DCS	Other	Unison Office	12/05/2010	08.30	12.25	3.92 hours	3.55
DCS	Other	Unison Office	17/05/2010	08.30	12.15	3.75 hours	3.45
DCS	Pay harmonisation/Other	Unison Office & County Hall	24/05/2010	08.30	16.30	8.00 hours	8.00
DCS	Stakeholder Panel	County Hall, Trowb.	02/06/2010	10.00	12.00	2.00 hours	2.00
DCS	Unison Liaison Meeting	Unison Office	03/06/2010	11.00	12.00	1.00 hour	1.00
DCS	Pay harmonisation/Other	Unison Office	21/06/2010	08.30	16.30	8.00 hours	8.00
DCS	J.C.C	Bradley Road	24/06/2010	09.30	12.00	2.50 hours	2.30
DCS	Other/work place transformation	Unison Office/County Hall	28/06/2010	08.30	16.30	8.00 hours	8.00
DCS	Other	County Hall, Trowb.	29/06/2010	10.00	11.00	1.00 hour	1.00
DCS	Other	Bradley Road	30/06/2010	14.00	16.30	2.50 hours	2.30
DCS	Meeting with Manager						
DCS	Stewards Meeting	Committee Romm 8 County Hall	09/04/2010	12.30	14.00	1.50 hours	1.30
DCS	SW Region H&S Forum	Richard Huish College Taunton	13/04/2010	09.00	16.30	7.50 hours	7.30
DCS	Unison members meeting	Bradley Road, Trowb.	24/05/2010	13.00	15.00	2.00 hours	2.00
DCS	Induction Course GMB wk					2 days	
DCS	Induct New uni Rps prt 1					5 days	
DCS	Induct New uni Rps prt 2					5 days	

DCS	Job Evaluation Panel	Salisbury - Evaluation, Travel to Trowbridge, Trowbridge Panel, Travel back to - Salisbury ?				1 day per month	
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TEL	Meeting with Managers	Churchfields Depot, Salisbury	14/04/2010	14.30	16.30	2.50 hours	2.30
TEL	Meeting with Managers	Kennet House, Devizes	15/04/2010	13.30	18.00	4.50 hours	4.30
TEL	Other - Corporate issues	County Hall, Trowb.	20/04/2010	08.00	11.30	3.50 hours	3.30
TEL	Other - JE Panel	County Hall, Trowb.	23/04/2010	11.30	17.30	6.00 hours	6.00
TEL	Other - JCC Meeting	Bradley Road, Trowb.	29/04/2010	08.00	14.00	6.00 hours	6.00
TEL	Other - corporate issues	County Hall, Trowb.	10/05/2010	09.00	13.00	4.00 hours	4.00

TEL	Meeting with Managers	Churchfields Depot, Salisbury	12/05/2010	14.30	16.30	2.00 hours	2.00
TEL	Other – JE Panel	County Hall, Trowb.	21/05/2010	08.00	14.00	6.00 hours	6.00
TEL	Other - Corporate issues	County Hall, Trowb.	24/05/2010	09.00	13.00	4.00 hours	4.00
TEL	Other – JCC Meeting	County Hall, Trowb.	03/06/2010	13.00	18.00	5.00 hours	5.00
TEL	Other - Corporate issues	County Hall, Trowb.	07/06/2010	10.00	13.30	3.50 hours	3.30
TEL	Meeting with Managers	County Hall, Trowb.	15/06/2010	13.00	17.30	4.50 hours	4.30
TEL	Meeting with Managers	County Hall, Trowb.	17/06/2010	08.00	15.00	7.00 hours	7.00
TEL	Casework	Churchfields Depot, Salisbury	18/06/2010	10.00	12.00	2.00 hours	2.00
TEL	Other Corporate issues	County Hall, Trowb.	21/06/2010	08.00	13.30	5.50 hours	5.30
TEL	Other JCC Meeting	County Hall, Trowb.	24/06/2010	08.00	14.00	6.00 hours	6.00
TEL	Other JE Panels	County Hall, Trowb.	25/06/2010	12.00	17.00	5.00 hours	5.00
TEL	Meeting with Managers	Churchfields Depot, Salisbury	30/06/2010	14.30	17.00	2.50 hours	2.30
	Casework Corporate issues concern Pay						
TEL	Harmonisation					5.5 hours esti	5.30
TEL	Flexi					9.5 hours acc	9.30
	Branch Executive and Clear Union office at						
TEL	Browfort	Trowbridge & Browfort	13/04/2010	08.00	17.00	9.00 hours	9.00
TEL	Meeting with Managers	Kennet House, Devizes	15/04/2010	15.30	17.30	2.00 hours	2.00
	Conference re: Sickness procedures						
TEL	procedures	Bristol	14/04/2010	09.00	17.00	8.00 hours	8.00
TEL	Convenors Meeting	Trowbridge	02/06/2010	10.00	13.00	3.00 hours	3.00
TEL	Branch Executive Meeting	Salisbury	10/06/2010	10.00	15.00 plu	5.00 hours	5.00
TEL	Branch Executive	Chippenham	12/05/2010	10.00	15.00	5.00 hours	5.00
TEL	None						
TEL	Health & Safety Rep	Bristol	13/05/2010	all day			
TEL	Health & Safety Rep	Bristol	30/05/2010	all day			
TEL	Health & Safety Rep	Bristol	10/06/2010	all day			
TEL	Health & Safety Rep	Bristol	17/06/2010	all day			
TEL	Health & Safety Rep	Bristol	24/06/2010	all day			
TEL							
TEL							
TEL							
TEL							
TEL	Meeting with Manager	Kennet House Devizes	24/06/2010	11.00	17.00	6.00 hours	6.00
TEL	Meeting with Manager	Churchfields Depot, Salisbury	30/06/2010	15.00	17.00	2.00 hours	2.00
TEL	Meeting with Manager	Churchfields Depot, Salisbury	30/06/2010	15.00	17.00	2.00 hours	2.00
	Meeting with Managers to discuss JEQs						
TEL	discuss JEQs	Kennet House Devizes	24/06/2010	10.00	17.30	7.50 hours	7.30
TEL	Training	Bristol	01/01/2010	09.00	17.00	8.00 hours	8.00
TEL	Meeting	Browfort, Devizes	17/07/2010	18.00	20.00	2.00 hours	2.00
TEL							
TEL							
DOR			01/01/2010	30/06/10			
DOR	Casework	Devizes	20/07/2010	16.00	17.00	1.00 hour	1.00 hour
DOR	Casework	Devizes	28/07/2010	17.00	18.00	1.00 hour	1.00 hour
DOR	Casework	County Hall, Trowb.	11/08/2010	12.00	16.00	4.00 hours	4.00 hours
DOR	Casework	Devizes	17/08/2010	16.00	17.00	1.00 hour	1.00 hour
DOR	Job Evaluation Panel	County Hall, Trowb.	04/08/2010	09.30	12.30	3.00 hours	3.00 hours
DOR	Casework	Devizes	25/08/2010	11.00	12.30	1.50 hours	1.30 hours
DOR	Job Evaluation Panel	County Hall, Trowb.	01/09/2010	13.30	15.30	2.00 hours	2.00 hours
DOR	Meeting	Devizes	22/09/2010	11.00	12.00	1.00 hour	1.00 hour



DOR	Job Evaluation Panel	County Hall, Trowb.	06/10/2010	10.00	12.00	2.00 hours	2.00 hours
DOR	Casework	Devizes	06/10/2010	13.00	13.30	.50 hour	30 minutes
DOR	Casework	Devizes	13/10/2010	13.00	15.00	2.00 hours	2.00 hours
DOR	Casework	Devizes	19/10/2010	16.00	16.30	.50 hour	30 minutes

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DOR	Convenors meeting	Trowbridge	07/07/2010	10.00	16.00	6.00 hours	6.00 hours
DOR	Staffing Meeting	Trowbridge	12/07/2010	11.30	16.00	4.50 hours	4.30 hours
DOR	Unison E-mails Dealing with Convenor issues	Office	13/07/2010	08.00	09.00	1.00 hour	1.00 hour
DOR	Dealing with Member Convenor issues	Salisbury College	14/07/2010	12.30	14.30	2.00 hours	2.00 hours
DOR	Member Issues	Salisbury Office	20/07/2010	15.30	17.00	1.50 hours	1.30 hours
DOR	Member Issues	Home office	21/07/2010	16.00	17.00	1.00 hour	1.00 hour
DOR	Member Issues	Home office	27/07/2010	09.00	09.30	0.50 hour	.30 minutes
DOR	Member Issues	Home office	28/07/2010	08.30	10.00	1.50 hours	1.30 hours
DOR	Convenor Work	Home office	02/08/2010	09.00	10.30	1.50 hours	1.30 hours
DOR	Unison Work	Home office	24/08/2010	08.30	09.30	1.00 hour	1.00 hour
DOR	Member Issues	Mere	26/08/2010	08.30	10.00	1.50 hours	1.30 hours
DOR	Unison Work	Home office	27/08/2010	14.00	17.00	3.00 hours	3.00 hours
DOR	Member Issues	PFH	31/08/2010	09.00	10.00	1.00 hour	1.00 hour
DOR	Sub Committee Meeting	Churchfields	01/09/2010	12.30	14.00	1.50 hours	1.30 hours
DOR	Going over policies	Home Office	02/09/2010	08.30	09.30	1.00 hour	1.00 hour
DOR	Unison Work	Home Office	07/09/2010	13.30	17.00	3.50 hours	3.30 hours
DOR	Member Issues	Wyndham Road	08/09/2010	08.30	12.00	3.50 hours	3.30 hours
DOR	Member Issues	PFH	10/09/2010	09.30	12.00	2.50 hours	2.30 hours
DOR	Member Issues	PFH	13/09/2010	08.00	12.00	4.00 hours	4.00 hours
DOR	Member Issues	PFH	17/09/2010	10.30	12.00	1.50 hours	1.30 hours
DOR	Meeting	Bedwin Street	21/09/2010	10.00	12.00	2.00 hours	2.00 hours
DOR	Union E-mails	Home office	22/09/2010	08.00	09.30	1.50 hours	1.30 hours
DOR	Union Funding Meeting	Rollestone Street	22/09/2010	14.00	17.00	3.00 hours	3.00 hours
DOR	Member Issues	Salisbury	27/09/2010	10.00	12.00	2.00 hours	2.00 hours
DOR	Member Issues	Salisbury	27/09/2010	14.30	16.30	2.00 hours	2.00 hours
DOR	Unison Work	Home office	11/10/2010	15.00	17.00	2.00 hours	2.00 hours
DOR	Unison Work	Home office	15/10/2010	16.00	17.00	1.00 hour	1.00 hour

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DOR	BEC	Devizes	12/07/2010	13.00	16.00	3.00 hours	3.00 hours
DOR	Unison Treasurer Admin	Home office	18/08/2010	15.00	17.00	2.00 hours	2.00 hours
DOR	Sub Committee meeting	Churchfields	01/09/2010	12.30	14.00	1.50 hours	1.30 hours

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DNP	PTR AA1 General (incl	Rural Bus Grar	29/03/2010			0.50 decimal	.30 minutes	£	10.12
DNP	PTR AA1 General (incl	Rural Bus Grar	05/04/2010			4.50 hours	4.30	£	91.04
DNP	PTR AA1 General (incl	Rural Bus Grar	12/04/2010			8.00 hours	8.00	£	161.84
DNP	PTR AA1 General (incl	Rural Bus Grar	19/04/2010			4.25 hours	4.15	£	85.98
DNP	PTR AA1 General (incl	Rural Bus Grar	26/04/2010			4.75 hours	4.45	£	96.09
DNP	PTR AA1 General (incl	Rural Bus Grar	03/05/2010			5.00 hours	5.00	£	101.15
DNP	PTR AA1 General (incl	Rural Bus Grar	10/05/2010			7.00 hours	7.00	£	141.61
DNP	PTR AA1 General (incl	Rural Bus Grar	17/05/2010			2.25 hours	2.15	£	45.52
DNP	PTR AA1 General (incl	Rural Bus Grar	24/05/2010			6.00 hours	6.00	£	121.38
DNP	PTR AA1 General (incl	Rural Bus Grar	31/05/2010			4.25 hours	4.15	£	86.11
DNP	PTR AA1 General (incl	Rural Bus Grar	07/06/2010			3.00 hours	3.00	£	60.78
DNP	PTR AA1 General (incl	Rural Bus Grar	14/06/2010			11.75 hours	11.45	£	238.06
DNP	PTR AA1 General (incl	Rural Bus Grar	21/06/2010			.75 decimal	.45 minutes	£	15.20

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DNP PTR AA1 General (incl Rural Bus Grar	28/06/2010	1.00 hour	1.00	£	20.26
				Totals	£ 1,275.14

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EDPH Union Duties

2 days pe 14.8 hours pe 14.48 minutes

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## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE 9 March 2011

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#### **Maternity Support and Paternity Leave Policy and Procedure**

##### **Purpose of Report**

1. This report presents the revised maternity support and paternity leave policy and procedure.

##### **Background**

1. The content of this policy and procedure has been updated in light of the legislation changes in relation to additional paternity leave. The mother/primary adopter on return to work may transfer the remainder of their entitlement to their partner.
2. The content in relation to maternity support leave and ordinary maternity leave remains unchanged.
3. Human Resources aims to create policies which are consistent in format, easy to read and understand and are fit for purpose. This policy is in the new format which supports these aims.

##### **Main Considerations for the Council**

4. In creating the policy key stakeholders were consulted including legal services and unions.
5. The policy has been created and formatted in line with the new HR policy template.
6. The main points of the maternity support and paternity leave policy and procedure include:
  - The continued provision of 5 days paid maternity support leave for nominated carers at or around the time of the birth or adoption.
  - The continued provision for ordinary paternity leave of 2 weeks (including the 5 days maternity support). This leave will be paid at the statutory paternity pay rate and is reviewed annually.
  - The inclusion of provisions for additional paternity leave entitlement of 26 weeks leave. Payment of additional paternity leave will be dependent upon whether the mother/primary adopter would have been entitled to statutory maternity pay, maternity allowance or adoption pay.
  - Clarification regarding HR, line manager and employee roles and responsibilities

### **Environmental Impact of the Proposal**

7. None.

### **Equalities Impact of the Proposal**

8. None. The provision of paternity leave is a legislative requirement.

### **Risk Assessment**

9. None.

### **Options Considered**

10. None.

### **Recommendation**

11. To approve the maternity support and paternity leave policy and procedure.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Laura Butcher, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**

## Wiltshire Council Human Resources

### Maternity Support and Paternity Leave Policy

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### What is it?

This policy covers the arrangements for employees to take time off to care for a newborn or newly adopted child.

It includes maternity support entitlement for nominated carers, Ordinary Paternity Leave (OPL) and Additional Paternity Leave (APL) where the mother or primary adopter wishes to transfer their benefits when returning to work before the end of their maternity/adoption leave full entitlement.

#### Go straight to the section:

- [Maternity support leave](#)
- [Maternity support leave entitlement](#)
- [Application for maternity support leave](#)
- [Ordinary Paternity Leave \(OPL\)](#)
- [Payment of Ordinary Paternity Leave](#)
- [Additional Paternity Leave \(APL\)](#)
- [Payment of Additional Paternity Leave](#)
- [Keeping In Touch \(KIT\) days](#)
- [Returning from additional paternity leave](#)
- [Service redesign](#)
- [Annual leave entitlement](#)
- [Roles and responsibilities](#)
- [Frequently asked questions](#)

#### Who does it apply to?

This policy applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools).

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

### **When does it apply?**

This policy applies to parents at around the time of childbirth or start of adoption up until the child is 1 year old or 1 year after the start of the adoption.

### **When does it not apply?**

This policy does not apply for parents or carers of children over the age of 1 year. In this case, the [parental leave policy](#) should be used. If further leave is required in addition to this entitlement the [parental leave policy](#) should also be used.

### **What are the main points?**

Maternity support leave for nominated carers

1. A nominated carer is the person named by the mother/primary adopter to assist in the care of the child and to be the primary provider of support at or around the time of the birth or adoption of a child.
2. In most cases, the father or partner would provide this role, however a relative or someone who has a caring relationship with the mother/primary adopter and/or child may fulfil this role instead.
3. To be a nominated carer you must be:
  - named by the mother as the main/only provider of care, and;
  - involved in the care of the newborn or adopted child assisting the mother or caring for other children
4. Assisting the mother may include (but is not limited to):
  - direct physical care
  - active support, including washing clothes, preparation of feeds, bathing the child or taking them out
5. You will not be granted maternity support leave if the mother or primary adopter of the child already has someone undertaking the role of nominated carer.

Maternity support leave entitlement

6. You will be entitled to 5 working days paid leave (at normal pay) at the time of the birth or adoption of the child/children. This leave cannot be postponed until a later date.
7. Part of the 5 working days leave may be used to attend antenatal appointments prior to the birth. Your manager will record the time taken to attend antenatal appointments to count this towards your entitlement.

#### Application for maternity support leave

8. You should complete the notification for **maternity support and paternity leave** form and return to your manager as soon as possible but providing at least 4 weeks notice. In the case of a premature birth, you should inform your manager as soon as possible.
9. You should notify your manager of the following:
  - expected date of childbirth or adoption
  - the amount of leave you wish to take
  - the date that you wish the leave to start
  - In the case of adoption, you will need to confirm the adoption matching date and the actual date of the placement

#### Ordinary Paternity leave (OPL)

10. OPL is the provision to take either 1 or 2 consecutive weeks leave to care for a newborn or newly adopted child.
11. If you wish to take 5 days paid maternity support leave, this will replace the first week of OPL so that no more than 2 weeks in total can be taken.
12. You are entitled to take ordinary paternity leave if you:
  - are the biological father of the child born on or after 3 April 2011
  - are married to or are the partner of the child's mother
  - are adopting a child with your partner or receive notification that you are matched with a child for adoption on or after 3 April 2011
  - expect to have responsibility for the child's upbringing
  - are not taking adoption leave for the child
13. You should inform your manager providing 4 weeks notice of your wish to take OPL. In the case of a premature birth you should inform your manager as soon as possible. Notification should include:

- the expected date of the child's birth or date of adoption
  - the actual date of the child's birth or date of adoption
  - the start date of the paternity leave and pay
  - the amount of leave that you wish to take
  - your relationship to the mother or primary adopter
14. OPL cannot start before the date of childbirth or start of adoption placement and must be completed within 56 days of childbirth or adoption. If the child is born early, OPL must be completed up to 56 days after the expected week of childbirth.
15. If you are adopting a child from overseas, your leave cannot begin before the child enters Great Britain and must start within 28 days of entry. OPL may only be taken during the period of 56 days beginning with the date on which the child enters Great Britain.
16. If an early birth means that the qualifying criteria for length of service is not met, you will still qualify if (but for the date of the birth) you would have met the conditions.
17. Only one period of paternity leave can be taken in the case of a multiple birth or adoption.
18. You may still take paid leave if the baby is stillborn after 24 weeks or if the baby is born alive at any point during the pregnancy but dies later.

#### Payment of Ordinary Paternity Leave

19. The **statutory paternity pay** rate per week for Ordinary Paternity Leave is reviewed annually or is 90% of your average earnings (whichever is lower).
20. To be eligible for paid OPL you must have worked continuously for Wiltshire Council for 26 weeks before the qualifying week, i.e. at:
- the end of the 15th week before the expected week of childbirth
  - the week in which the child's primary adopter is notified as being matched with the child
  - the week the child enters the UK if it is an overseas adoption
21. You must have average weekly earnings for the 8 weeks up to and including the qualifying week of at least the **lower earnings limit** for the payment of NI contributions which is reviewed annually.



22. You must self-certify your eligibility for ordinary paternity pay by completing the **notification of maternity support and paternity leave** form and forwarding to HR payroll administration at least 4 weeks before you wish to start ordinary paternity leave.
23. If you do not qualify for paid OPL you will be issued with a **SSP1** form by HR payroll administration.
24. If your paternity leave is for adoption you should declare that you have elected to receive statutory paternity pay (adoption) and not statutory adoption pay.

#### Additional Paternity Leave (APL)

25. APL is for a maximum of 26 weeks (in addition to the 2 weeks ordinary paternity leave) and must be taken as one consecutive period.
26. To be eligible for APL, you must already have qualified for ordinary paternity leave and have continuous service with Wiltshire Council.
27. You may only take APL if the child's mother or primary adopter has returned to work before the end of their full maternity entitlement and wishes to transfer their entitlement. You will not be able to take APL at the same time as they are on maternity leave.
28. You may take APL any time from 20 weeks after the child is born or adopted and must finish before their first birthday or before 52 weeks after the child starts living with the adopter.
29. You must notify your manager in writing at least 8 weeks before the start of the intended leave. In the case of a premature birth you should inform your manager as soon as possible. Notification should include:
  - the expected date of the child's birth or date of adoption
  - the actual date of the child's birth or date of adoption
  - the start date of the additional paternity leave and pay
  - the amount of leave that you wish to take
  - your relationship to the mother or primary adopter
30. You must also provide your manager with details of the mother's or primary adopter's place of work, their declaration that they will be returning to work and that you will be the only person exercising the right to APL.

#### Payment of Additional Paternity Leave

31. If you are eligible for APL, you may be entitled to receive statutory paternity pay during the mother's or primary adopter's maternity pay, maternity allowance or adoption pay period.
32. If the mother or primary adopter does not qualify for statutory maternity pay, adoption pay or maternity allowance, you will not be entitled to statutory paternity pay.
33. The **statutory paternity pay** rate per week for Additional Paternity Leave pay is reviewed annually or is 90% of your average earnings (whichever is lower).
34. If you do not qualify for paid APL you will be issued with a **SSP1** form by HR payroll administration.

#### Keeping In Touch days

35. You may work during your APL on a keeping in touch (KIT) day without it affecting your right to additional paternity leave or pay.
36. KIT days are an optional arrangement on both sides. Your manager is not obliged to provide KIT days and you will not have to work a KIT day if you do not wish to do so. Your manager will discuss the arrangements for working KIT days with you.
37. If you work for part of the day (e.g. coming in to work for a one hour training session in a day) this will count as one KIT day.
38. You will be paid for the actual hours that you work on your KIT day at your standard hourly rate.
39. If you are in receipt of APL pay, this will be offset against your KIT payment.
40. If you work over the 10 KIT days allowance during your additional paternity leave, this will bring to an end your entitlement to additional paternity leave and pay.
41. Your manager should complete the **KIT day form** and send to HR payroll administration.

#### Returning from Paternity Leave

42. You should inform your manager when you expect to return from paternity leave in your initial request.

43. If you wish to return from additional paternity leave early, you must give at least 6 weeks notice before your earlier return date.
44. Following additional paternity leave, you have the right to return to the same job as before your paternity leave on no less favourable employment terms and conditions.
45. If you do not wish to return from additional paternity leave you must give notice as outlined in your employment contract.

#### Service redesign

46. In cases of service redesign that may affect your job role whilst you are on paternity leave, you have the same right to be consulted as other employees.
47. You will be invited to attend any collective consultation meetings which take place and will be offered an individual consultation meeting at a mutually convenient time and location. This will be counted as a KIT day and will be included in your KIT day entitlement.
48. You will be considered for jobs in the new structure at the same time as other employees affected by the re-structure.

#### Annual leave

49. You will continue to accrue annual leave entitlement and entitlement to any bank holidays that fall within the maternity support and paternity leave period. Annual leave accrued may be added to the beginning or end of the additional paternity leave.
50. Any annual leave accrued can only be carried forward to the next leave period in line with the arrangements for all other employees (i.e. a maximum of 5 days)

### **Roles and responsibilities**

#### Employee responsibilities

51. To inform your manager as soon as possible of your wish to take maternity support or paternity leave.

52. To provide the required information in support of your request to take maternity support or paternity leave so that the relevant checks can be made.

#### Line manager responsibilities

53. To apply this policy fairly and consistently to all employees.
54. To ensure that the required information is provided and forwarded to HR payroll administration so that pay records can be amended.

#### HR responsibilities

55. To process requests for maternity support and paternity leave ensuring that pay records are amended accordingly.

#### Frequently asked questions

56. **When do I need to tell my manager that I am going to take maternity support leave?**

You should preferably tell your manager as soon as possible but providing no later than 4 weeks notice.

57. **When do I need to tell my manager that I am going to take ordinary paternity leave?**

You should preferably tell your manager as soon as possible but providing no later than 4 weeks notice.

58. **When do I need to tell my manager that I am going to take additional paternity leave?**

You must notify your manager in writing of your intention to take additional paternity leave at least 8 weeks before the start of the leave.

59. **What happens in the case of premature births? I will not be able to provide the required notice of my intention to take leave.**

In the case of a premature birth, notice to take leave should be as soon as possible.

60. **Can I take paternity leave before the baby is born to be with my partner?**

No. Your paternity leave cannot start until the birth of the baby. However, the 5 days paid maternity support leave may be used to attend antenatal appointments.

**61. Am I allowed any paid time off to attend antenatal appointments?**

Yes. You may use part of your 5 days maternity support leave entitlement to attend antenatal appointments.

**62. What if I need more than 5 working days maternity support leave?**

If you are eligible, you may request additional leave through the ordinary paternity leave and additional paternity leave entitlement.

**63. Will the leave I take after the 5 days paid maternity support leave be paid?**

The first week after this leave (known as ordinary paternity leave) will be paid at the **statutory paternity pay rate**.

Additional paternity leave after this time will be dependent upon the entitlement of the mother or primary adopter to maternity pay. If they qualify for statutory maternity pay or maternity allowance paternity pay may be paid.

**64. What if my partner does not qualify for statutory maternity pay?**

If your partner does not qualify for statutory maternity pay or maternity allowance, you will not be entitled to statutory paternity pay.

**65. My partner and I are expecting/adopting twins, what leave am I entitled to? Do I get an entitlement for both children?**

No. In the case of multiple births, only one period of maternity support, OPL and APL can be taken.

**66. How does maternity support and paternity leave differ from parental leave?**

These arrangements are independent of one another.

If you wish to take further leave in addition to the maternity support and paternity leave arrangements you should request this leave following the [parental leave policy](#)

This policy has been Equality Impact Assessed to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly.

### **Legislation**

Additional Paternity Leave Regulations 2010  
Paternity and Adoption Leave (Amended) Regulations 2006

### **Advice and guidance**

If you require help in understanding this policy or completing any of the associated forms you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

### **Further information**

There are a number of related policies and procedures that you should be aware of including:

[Parental leave policy](#)

[Maternity policy](#)

[Adoption policy](#)

[Flexible working for parents and carers policy](#)

[Time off for family emergencies policy](#)

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

Policy author	HR Policy and Reward Team – (LB)
Policy implemented	22 February 2011
Policy last updated	

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

9 March 2011

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### EQUALITY AND DIVERSITY POLICY AND PROCEDURE

#### Purpose of Report

1. This report presents the updated equality and diversity policy and procedure, previously known as the equal opportunities policy, with the aim of having it approved by this committee.

#### Background

2. The current equal opportunities policy was last revised in 2006. On the 1 October 2010 the Equality Act came in to force which represented a major piece of legislation in this area. The policy and procedure has been updated in line with the Act.
3. As part of the consultation process a strong preference for the title equality and diversity policy and procedure rather than equal opportunities was expressed. It was felt that this title also reflected the wider emphasis on diversity in the Act.
4. Each of the district council's had separate equality policy and procedures. These policies and procedures are currently out of date now that the Equality Act 2010 has come in to force. It is therefore timely to seek to harmonise this policy and procedure at this point and the JCC have agreed to this.
5. As a harmonised policy and procedure it applies to all Wiltshire Council employees and prospective employees (job applicants) except for teaching and non-teaching staff employed in locally managed schools.
6. The policy and procedure sets out Wiltshire Council's approach to equality and diversity which is to ensure fair and lawful practices and procedure at all times throughout employment and recruitment. It includes the Council's full equality and diversity policy statement. The policy and procedure is sent out to all new starters with the Council.
7. The aim of this review was also to:
  - maintain consistency of approach by adopting the standard policy format;
  - make the procedure clearer and easier to follow
  - ensure the content is up to date and fit for purpose.

#### Main Considerations for the Council

8. In amending the policy and procedure key stakeholders were consulted including the operational human resources teams, legal, the stakeholder panel, the staff disability forum, BME staff forum and the unions.
9. The main changes to the equality and diversity policy and procedure are:
  - the policy and procedure has been updated in line with the Equality Act 2010.

- there is information about equalities through the key stages of the employment lifecycle i.e. recruitment, induction, training and development, pay etc.
- details of monitoring arrangements and links to current monitoring information is included.
- The policy sets out details of acceptable and unacceptable behaviour and how breaches to the policy will be dealt with.
- roles and responsibilities have been clarified.

10. A toolkit of guidance notes will accompany the policy and procedure.

### **Environmental Impact of the Proposal**

11. None.

### **Equalities Impact of the Proposal**

12. An Equalities Impact Assessment was undertaken on 16 November 2010 and no negative impacts were identified.

### **Risk Assessment**

13. None

### **Options Considered**

14. None.

### **Recommendation**

15. To approve the revised equality and diversity policy and procedure.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Catherine Coombs, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report:** None



**DRAFT**  
**Wiltshire Council Human Resources**  
**Equality and Diversity Policy and Procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

**What is it?**

This policy outlines Wiltshire Council's approach to equality and diversity to ensure fair and lawful practices and procedures at all times throughout recruitment and employment. This policy is closely linked with the [Dignity at Work policy](#) and takes in to account changes under the [Equality Act 2010](#).

**Go straight to the section:**

- [Who does it apply to?](#)
- [When does the policy apply/when does it not apply?](#)
- [What are the main points?](#)
- [Equality and Diversity policy statement](#)
- [Equalities and key HR Policies and Procedures](#)
- [Recruitment and promotion](#)
- [Induction](#)
- [Terms and conditions of employment](#)
- [Training and development](#)
- [Key HR policies and procedures](#)
- [Policies which provide flexibility](#)
- [Equal pay](#)
- [Workforce monitoring](#)
- [Acceptable/unacceptable behaviour at work](#)
- [Breaches to the policy](#)
- [Types of discrimination and what do they mean](#)
- [Line management responsibilities](#)
- [Employee responsibilities](#)
- [HR responsibilities](#)
- [Frequently Asked Questions](#)
- [Equality Impact Assessments](#)
- [Relevant Legislation](#)
- [Advice and guidance](#)

### **Who does it apply to?**

This policy and procedure applies to all employees and prospective employees (job applicants and prospective job applicants) apart from school teachers and non teaching school staff.

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

Contractors, sub-contractors, consultants, agency workers, staff seconded from other organisations and volunteers are expected to adhere to the principles set out in this policy and procedure whilst undertaking work or tasks for Wiltshire Council.

### **When does the policy apply?**

This policy and procedure applies at all times including prior to employment, during the recruitment process, and throughout employment.

### **When does the policy not apply?**

There are no exemptions under this policy.

### **What are the main points?**

1. Wiltshire Council is committed to employment policies, procedures and practices which do not discriminate unfairly or unlawfully against anyone and which promote equality and diversity for all and aim to ensure equality of outcome through equality impact assessment. This is reflected in the council's [equality and diversity policy statement](#).
2. On coming in to force on the 1 October 2010 the Equality Act 2010 consolidated and harmonised much of the previous discrimination legislation (which has now been repealed) and introduced some new changes which have been built in to this policy and procedure as appropriate. Further details about the changes can be found in [ACAS guide The Equality Act – What's new for employers?](#) In brief the main areas of change following the implementation of the Equality Act 2010 are set out below:
  - identifies nine characteristics which are protected under the act from direct and indirect discrimination, harassment and victimisation in services and public functions, premises, work, education etc;
  - introduces the concept of discrimination arising from disability;
  - prevents employers asking questions relating to an employee's health by restricting when employers may ask any pre-employment health questions;

- increases the powers of employment tribunals;
  - applies the definition of indirect discrimination to all protected characteristics;
  - extends protection to people who are associated with a person who has a protected characteristic or in circumstances where a person is discriminated against because they are perceived to have a protected characteristic;
  - makes provision for pay gap information relating to gender;
  - allows positive action in regards to recruitment and promotion.
3. The 'protected characteristics' which qualify for protection from discrimination under the act include:
- Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion and belief
  - Sex
  - Sexual orientation

This policy and procedure also sets out details of the different types of discrimination.

4. This policy and procedure also provides you with details of:
- how this policy will apply to other council employment policies and procedures
  - how this policy will be monitored
  - the rights and responsibilities of everyone to whom the policy applies
  - what is acceptable and unacceptable behaviour at work
  - how to raise a concern or complaint
  - the procedure for dealing with breaches to the policy
5. The following policy and procedures are also directly linked and form part of this policy and procedure:
- Disability support policy and procedure
  - Religious practices and beliefs policy and procedure

## **Equality and Diversity policy statement**

6. Wiltshire Council believes in equality of opportunity throughout employment (including pay, training & development, recruitment and retention) and commits to developing policies, practices and procedures that promote equality and diversity and anti-discriminatory practices.
7. Employees should understand and accept that there is a diverse workforce and that everyone has the right to be treated with dignity and respect and afforded equality of access to opportunities that are available within the working environment. Valuing diversity means that we recognise and embrace that we all have unique identities which will help to ensure that we can provide the best services possible. These can include, but are not limited to race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity, marriage or civil partnership or gender reassignment.
8. No employee will receive less favourable treatment or be disadvantaged by policies, procedures, conditions or requirements which cannot be shown to be justifiable. Recruitment processes will ensure that individuals are short listed, selected and promoted solely on the basis of their relevant merits and abilities\*. All HR policies are continually reviewed and equality impact assessed to ensure that this policy is fully effective.
9. \*Justification of positive action can include our commitment to the award of the Double Tick 'positive about disabled people' symbol for our disabled staff and applicants. This includes guaranteeing an interview to all job applicants who declare a disability at the application stage who meet the essential requirements of the person specification and consider them on their abilities

### **Equalities and key HR Policies and Procedures**

10. Details of equalities issues in relation to key HR policies and procedures are set out below and specific details are also included in the relevant policies and procedures and in many of the new toolkits which accompany these documents.

#### Recruitment (including promotion)

11. The council's recruitment policy and procedure provides recruiting managers with a fair and equitable process for recruiting to vacancies in the council and all managers are required to follow the policy and procedure to ensure that appointments are based on:
  - candidates' ability to do the job (based on skills, experience and knowledge)

- equality of opportunity
  - current legislation
  - the council's objective to have a workforce which reflects the diverse community it serves
12. If you apply for a post with the council as a prospective or existing employee, the recruitment policy also contains the following measures to assist with equality:
- Double tick symbol – ensures if you are a disabled candidate and have declared this on your application form, you will be guaranteed an interview if you meet the essential criteria in the person specification.
  - Reasonable adjustments to ensure that barriers can be removed for candidates with protected characteristics who might otherwise be placed at a substantial disadvantage. This could be at any stage from application to attending the interview or considering adjustments for the post itself.
  - Positive action – may be used on an individual case by case basis to address under represented groups. See [toolkit equality and diversity guidance](#).
13. In line with the Equality Act 2010 you should not be asked questions about your health before you are offered a post with the council except in [restricted circumstances](#). This includes health questionnaires or questions about health at interview.
14. You will be asked to complete a pre-employment health questionnaire once you are offered work on a conditional or unconditional offer. You should not be unfairly discriminated against on the basis of the information provided in your health assessment and the recruiting manager is responsible for making reasonable adjustments where appropriate.
15. For further specific information see [Recruitment toolkit - Manager's guide to equality and diversity in recruitment](#) and [Manager's guide to completing job descriptions](#)

#### Induction

16. If you are a new starter with the council you will be sent details of this equality and diversity policy and procedure with your statement of particulars and you will be provided with an appropriate and fully accessible induction programme. E-learning modules are available as part of the corporate online induction package which includes an equality and diversity module.

#### Terms and Conditions of work

17. As an employee you have a range of terms and conditions which should be applied fairly and equitably to you. These are set out in your statement of particulars and include your pay, grade, hours of work, annual leave, other leave, sickness entitlement, notice periods, allowances etc. Details of how individual terms and conditions are applied can be found on [HR Direct](#).

#### Training and development

18. Access to training and development will be related to the needs of the job and section/department, the available resources and by an assessment of the employee's needs. Your manager will identify your training needs in consultation with you and you are also able to make requests for training either through supervision, appraisal or informally or, where appropriate, through the formal time to train policy.
19. Where appropriate, if you have a disability or another protected characteristic your manager will consider reasonable training and development adjustments in relation to access and support to training. Training may be provided as a suitable adjustment in itself.
20. If you have declared that you have a disability at any time during your employment your manager should ensure that there is a mechanism in place to discuss, at any time, but at least once a year, (with periodic reviews) what can be done to make sure that you can develop and use your abilities. This discussion can take place as part of your annual appraisal. Alternatively, your manager may choose to do this at a separate meeting. Further advice on reasonable adjustments may be sought from Occupational Health where appropriate and following discussion with you.
21. Trainers are also responsible for checking whether course delegates require any adjustments in the terms of the delivery of the course including content of course, presentation/training methods, venue and facilities and support needs. Timing of courses should also be considered at the planning stage.
22. Positive action may be considered in relation to training on a case by case basis to address disadvantage or under-representation or to meet the particular needs of those who share a protected characteristic. See toolkit equality and diversity guidance.

#### Key HR policies and procedures

23. Written policies and procedures exist to ensure that there is a fair and equitable process for managing all key HR issues such as

disciplinary, grievance, work performance, absences and circumstances which involve an employee leaving the council.

24. Key employment policies and procedures have also been equality impact assessed which includes an assessment of the outcome and impact to reduce the potential for discrimination and highlight good practice.
25. If you are involved in a formal procedure the manager responsible for managing the procedure should also ensure that:
  - they are accompanied by an HR Advisor or another senior manager at any formal meetings where formal action may/may not be taken.
  - you have the opportunity to be accompanied by a trade union representative or work colleague at any formal meetings (as appropriate to the policy).
  - they give consideration to the potential impact of protected characteristics in relation to operation of the policy and on final decisions, including making reasonable adjustments.
26. If you are involved in the absence management policy and procedure and you have a disability your manager will need to take this in to account in terms of assessing the impact of your disability on your overall absence levels and whether a reasonable adjustment would help your attendance. Advice from Occupational Health should also be sought in these circumstances.
27. If you have a disability provisions are also available under the absence management policy and procedure in relation to time off to attend appointments relating to your disability.

#### Policies which provide flexibility

There are also a number of policies and procedures aimed at providing you with the opportunity to request flexibility at work which can also assist with improving access to the workplace. These are:

- Flexible retirement
- Flexitime scheme
- Flexible working for parents and carers of adults
- Leave for carers
- Flexible working e.g. annual hours, job share and compressed hours
- Employment break scheme for parents and carers
- Work patterns
- Career break scheme

28. If you are making an application for flexibility in your working arrangements your manager will also take in to account circumstances where you are making the application in connection with someone associated with you, who has a protected characteristic e.g. requesting reduced hours to care for a disabled parent or partner.

### **Equal pay**

29. The Equality Act 2010 states that men and women doing equal work and work rated as of equal value are entitled to equal pay and that employers may wish to carry out a pay audit to ensure that men and women are getting equal pay. This part of the Equality Act makes provision for the publishing of data relating to pay in order to enable an objective assessment of the gender pay gap.
30. In 2007, the council undertook a pay reform process to ensure that we operate a robust system of job evaluation, ensuring all jobs are assessed objectively and paid fairly in relation to other jobs within the council. The majority of posts will have been evaluated under this scheme. Some specialist and senior roles will have been assessed under other evaluation schemes.

### **Workforce monitoring**

31. The Equality Act has clarified the general and specific duties in relation to data collection and monitoring information. The Equality and Human Rights Commission have also produced guidance on these duties and work is currently being undertaken to comply with this guidance.
32. Monitoring data is currently collected in relation to recruitment, selection, leavers, discipline and grievance, performance appraisal and training for the following protected characteristics: gender, age, ethnicity and disability. The range of monitoring is likely to increase under the general and specific duties.
33. The Equality Act recognises that whilst being good practice to collect data on other more sensitive protected characteristics this should only be the case where the culture is ready to do so and where the data will be used appropriately. This will remain under review and subject to the development of corporate guidance.
34. Diversity monitoring is not just the collection of statistical information, but an annual process of analysis and evaluation which informs policy developments and process changes. The monitoring and evaluation cycle should:



- Highlight possible inequalities
  - Investigate their causes
  - Remove, mitigate or justify any discrimination or disadvantage
  - Develop appropriate positive action initiatives
  - Evaluate the effectiveness of any changes
35. Annual reports on diversity monitoring are produced for the Staffing Policy Committee and to Service Directors. This provides the opportunity for consideration of information in the context of the council's people strategy, workforce planning and potential positive action in appropriate areas.
36. Published reports on diversity data are "headline" figures, and do not identify individuals. All personal staff data is protected by data protection legislation.
37. You can access details of the current equality and diversity employment monitoring figures on the Wiltshire Council website.

#### **Acceptable/unacceptable behaviour at work**

38. All employees are expected to be familiar with and comply with the responsibilities and behaviours for employees identified under:
- This equality and diversity policy and procedure (and directly linked procedures)
  - The dignity at work policy and procedure
  - The council's code of conduct
39. Unacceptable behaviour towards anyone including those with a protected characteristic includes some of the following examples: (this list is not exhaustive)
- using offensive language
  - offensive jokes or inappropriate language
  - creating or contributing to hostile working environment
  - bullying and harassment in any form
  - excluding or isolating a colleague(s)
  - inappropriate use of internet or electronic communication including social networking.
  - discrimination against a member of staff or the public on any grounds of sex, race, disability, age, religion or belief, sexual orientation, pregnancy and maternity; gender reassignment or marriage or civil partnership
  - behaviour or body language which demonstrates prejudice or ignorance

40. Unacceptable behaviour extends to all the types of discrimination outlined in this policy including:
- discrimination by association where someone is associated with someone with a protected characteristic (e.g. a child, parent or partner)
  - discrimination by perception where someone is perceived to have a protected characteristic but does not actually possess it.
  - Harassment is also extended to protect those who witness harassment of others and find it offensive.
  - Victimisation as set out below.

### **Breaches to this policy**

41. As a prospective employee or employee you are entitled to both be treated with dignity and respect and expected to treat others with dignity and respect at all times (including outside of working hours in cases of misconduct - see code of conduct policy and procedure)
42. If you are an employee and feel that you have been discriminated against or treated unfairly you should raise this under the dignity at work policy with your line manager or with your manager's manager if the matter concerns your manager. Redress over inappropriate behaviour or language can be sought through this policy which could include mediation. In relation to more serious contraventions the policy includes provisions for the matter to be treated in line with the disciplinary policy and procedure.
43. Prospective employees should raise concerns either with the manager responsible for recruitment to the post for which they have applied for or with the recruitment team.
44. As a prospective employee or employee, if you feel that you have been the subject of harassment by a third party (i.e. someone who is not directly employed by the council e.g. a member of the public, service user, you should report this to your line manager or potential line manager who will take reasonably practical steps to deal with the matter. See guidance for managers – equality and diversity policy.

### **Types of discrimination and what do they mean:**

45. The Equality Act has harmonised and strengthened discrimination legislation, the main aspects are defined below, but for further detail and clarification you can go to further information from the Equality and Human Rights Commission.

46. **Direct discrimination** - Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

*Example:*

If an employer recruits a man rather than a woman because s/he assumes that women do not have the strength to do the job, this would be direct sex discrimination.

47. **Indirect discrimination** - Indirect discrimination can occur when you have a condition, rule, policy or practice in your organisation that applies to everyone but particularly disadvantages people who share a protected characteristic.

*Example:*

A manager holds all of his team meetings from 2.00 – 4.00 pm making it very difficult for many part time staff to attend. The majority of part time staff are women and therefore this practice is indirect sex discrimination

49. **Discrimination by association** - This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

*Example:*

An employer refuses to appoint an employee because she is married to a Muslim, this would be indirect religious or belief-related discrimination because of her association with her husband

50. **Perception discrimination** - This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

*Example:*

Where an employer fails to shortlist an applicant on the basis that because of an Irish sounding name they must be Irish, even when they are not actually Irish.

51. **Harassment** - Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an

individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

*Example:*

An employee is subject to homophobic banter and name calling on the basis that he went to a public school. Even though his colleagues are aware that he is not gay, and he is aware that they know he is not gay this constitutes sexual orientation harassment and is unlawful under the Equality Act.

52. **Third party harassment** - The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company, such as customers or clients. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

*Example:*

A Pakistani library assistant repeatedly informs his manager that he is upset by a member of the public who regularly makes derogatory remarks that jobs in England should be for the English and not given to foreigners. If his manager does nothing to try to prevent this from happening he himself would be liable for racial harassment.

53. **Victimisation** - Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

*Example:*

A non disabled employee gives evidence on behalf of a disabled colleague at a disciplinary hearing against a manager and is subsequently relocated to a different team with no promotion prospect and less responsibility because of their action at the hearing. This would constitute victimisation under the act which is unlawful.

**Line manager responsibilities....**

54. To ensure that all employees are managed fairly and consistently in line with the principles outlined within this policy and specifically:
55. To carry out recruitment and selection in accordance with the current policy and guidance and to ensure that prospective employees are also treated fairly and consistently in line with the principles outlined within this policy.
56. To ensure that employees receive an appropriate and fully accessible induction including information about policies, practices and procedures when they start a new post and that they continue to be informed and updated about changes to these.
57. To apply all other employment related policies and procedures and terms and conditions of employment fairly and consistently.
58. To ensure that supervision, appraisal and learning development plans for employees take full account of Wiltshire's commitment to equality and diversity as set out in this policy and procedure.
59. To ensure that equality and diversity is fully integrated into any training and development that is commissioned and delivered for employees.
60. To ensure that there is a mechanism in place to discuss, at any time, but at least once a year, with a disabled employee what can be done to make sure that they can develop and use their abilities – this can be through the appraisal process or at a separate meeting
61. When an employee declares their disability to ensure that reasonable adjustments are implemented to remove barriers for disabled staff (and employees with protected characteristics) which potentially put employees at a disadvantage to ensure that they can perform effectively and have equal access to progression in the work place.
62. To make every effort when employees become disabled to enable them to stay in employment including redeployment where appropriate.
63. To give careful consideration to requests for flexible working arrangements including parental or carers leave which enables staff to combine work and other responsibilities and to seek to agree these unless there are operational, financial or other legitimate reasons for not doing so under the relevant policy and procedures.
64. To challenge discrimination and unfair treatment in the workplace and ensure that it is dealt with appropriately and where necessary under the dignity at work/disciplinary policy and procedure.

65. To provide support to any employee who is the subject of unlawful or unacceptable discrimination in the course of his/her employment.
66. To take appropriate action in relation to complaints and concerns raised by employees and prospective employees about third party harassment.
67. To be mindful and take action to avoid all forms of discrimination as set out in this policy and procedure and to ensure that equal rights and opportunities are provided to all.
68. To undertake Equality Impact Assessments for policy, procedure and practice where appropriate.

#### **Employee Responsibilities....**

69. To treat colleagues, managers, councillors, service users and members of the public with dignity and respect, in accordance with the principles set out in this policy and procedure and in the council's equality statement, the dignity at work policy and the code of conduct policy and specifically:
  - to embrace a culture which provides supportive and positive working relationships and behaviour which underpins the council's vision, values and belief.
  - to be mindful of and take action to avoid becoming involved in any form of discrimination as set out in this policy and procedure.
  - not to aid or collude in circumstances where colleagues, managers, councillors, service users and members of the public are treated in a manner which contravenes the policy and to report any such instances.
  - to make colleagues aware if their conduct or behaviour is inappropriate and to report this to your manager.
  - provide support to someone who is subject to such conduct or behaviour
  - to promote good community and workplace relations to foster and encourage an atmosphere of tolerance and support so that there is no place for behaviours which would negatively impact upon the community or workplace.

#### **HR responsibilities**

70. HR has an overall responsibility for the reviewing, updating and monitoring of this policy and procedure and specifically to:

- make available to employees its written policies, practices and procedures on equality and diversity and anti-discriminatory practice in employment through HR direct online.
- send the equality and diversity policy and procedure to all new employees.
- inform new employees of its policies, practices and procedures during induction training.
- inform all employees of changes to, and developments of its policies, practices and procedures.
- provide advice and support and training to managers in relation to equality and diversity issues and issues relating to breaches of the policy and procedure.
- to carry out equality impact assessments for all HR policies and procedures.

### **OH responsibilities**

71. OH has an overall responsibility for providing manager's with advice on an employee's fitness for work from a professional health perspective. In the context of this policy and procedure OH:
- provide advice and support to managers in relation to pre-employment questionnaires (once a job offer has been made)
  - provide advice and support to managers and employees in relation to fitness for work under the absence management policy and procedure
  - provide advice and support to managers and employees in relation to reasonable adjustments where required. Access to this service is via manager's completion of the agreed referral form.
  - have a reasonable adjustment budget which is managed by the Health and Safety Manager to reimburse manager's budgets where either the Access to Work funding is not available or does not cover the total cost of the reasonable adjustment. Managers and employees are encouraged to contact OH prior to going to Access to Work.

### **Frequently asked questions....**

72. **There is regular 'office banter' which often includes mild swearing and derogatory language which I find offensive even though it is not directed at me, can anything be done about this?**

Yes, language or behaviour which one person finds acceptable may not be acceptable to another and if you are finding language or behaviour offensive you should raise this with your line manager. The relevant team members will be informed that the language used is unacceptable to work colleagues and therefore it should not be used. If

the informal approach does not succeed formal action can be taken in accordance with the disciplinary policy and procedure. Additional support maybe required at the informal stage to raise awareness in the form of training or coaching in appropriate cases.

**73. What is expected from me in helping to provide a positive working environment and culture?**

Employees are expected to comply with the requirements of the dignity at work policy and procedure and code of conduct policy and procedure to co-operate and support managers in addressing and taking appropriate action to improve areas of concern.

**74. If I witness offensive behaviour or language against another employee but this employee does not report it, am I expected to do anything?**

Yes, you should speak to the person who has been the target of the abuse and advise them to report it to their line manager under the dignity at work policy. If they don't want to take the matter any further you should report the incident to an appropriate senior manager for them to follow up on.

Alternatively, if you have been personally offended by the incident you have witnessed and it relates to a protected characteristic, you are able to raise the matter under the dignity at work policy and procedure yourself, even though you do not possess the characteristic yourself.

**75. Do I have to disclose my disability status?**

No, there is no legal requirement upon you to disclose any protected characteristic but it does assist the council in understanding its workforce. By having this information we can monitor the effectiveness of our policies, procedures and identify where further support or positive action needs to be addressed. You will not be at any disadvantage for disclosing this information and in fact there are further rights and support available for disabled staff and any staff who have other protected characteristics.

**76. Does Wiltshire Council support staff forums for staff with protected characteristics?**

Yes, there is a Staff Disability Forum and a Black and Minority Ethnic (BME) Staff Forum which both meet regularly for support and to have a valuable consultative role in policy development and other employment related issues.

The Forums exist to:



- provide mutual support for disabled/BME staff
- help inform all staff about equality and diversity issues and help raise awareness
- advise and work with management on how to improve the quality of working life for disabled/BME staff
- recognise and share achievements/ contribute a powerful voice for all

<http://thewire.wiltshire.council/equality-and-diversity-staff-disability-forum.htm>

<http://thewire.wiltshire.council/index/equality-and-diversity/staff-support/equality-and-diversity-black-and-minority-ethnic-staff-forum.htm>

**77. Does my manager have to let me attend the BME staff forum?**

Managers should allow and encourage relevant employees to attend the staff forums whenever possible, subject to service delivery requirements. It is a good idea to inform your manager of the dates of the forums with as much notice as possible; these dates are published via the Wire.

**Equality Impact Assessment**

This policy has been Equality Impact Assessed (link to EIA for policy) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

**Relevant legislation**

The Equality Act 2010. This policy and procedure reflects the first part of the implementation of the Equality Act. A number of provisions from the Act are still subject to consideration by the Government Equalities Office (GEO).

The council will also have due regard to the relevant codes of employment practice issued by the Equality and Human Rights Commission.

**Advice and guidance**

If you require help in understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

**For further advice**

There are a number of related policies and procedures that you should be aware of including:

- [Disability and support policy and procedure](#)
- [Religious practices and beliefs policy and procedure](#)
- [Dignity at work policy and procedure](#)
- [Recruitment and retention policy and procedure](#)
- [Code of conduct](#)
- [Whistleblowing policy and procedure](#)
- [Grievance policy and procedure](#)
- [Absence management policy and procedure](#)
- [Disciplinary policy and procedure](#)
- [Improving work performance policy and procedure](#)
- [Computer e-mail and internet policy](#)

For further information please speak to your supervisor, manager, service director or contact a member of your [human resources advisory team](#).

Policy author	HR Policy and Reward Team
Policy last updated	DD-MM-YYYY

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

9<sup>th</sup> March 2011

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#### **DEFAULT RETIREMENT AGE (DRA)**

##### **Purpose of Report**

1. The purpose of this report is to consider what actions should be taken by Human Resources and the Council in relation to the imminent changes in employment law concerning age retirement.

##### **Background**

2. On 6 April 2011 legislation will be enacted that will make the statutory retirement age of 65 disappear on 1 October 2011. This means that the last date for giving six months compulsory notice under the existing Default Retirement Age (DRA) regulations is 30 March 2011. This will only apply to retirements that fall before 1st October 2011.
3. Requiring an employee to retire because of their age after 1st October 2011 will be both unfair dismissal and age discriminatory unless the employer can justify having its own retirement age.
4. The Coalition Government has indicated that guidance will be issued by ACAS but to date this information has been slow in being published and the details provided so far have tended to concentrate on the transitional arrangements. These give examples of good practice where companies have abolished the DRA altogether and encourage companies to use management performance processes to deal with any work place issues they may encounter with their employees.

##### **Main Considerations for the Council**

5. The limited case law on objective justification is based on aspects such as succession planning/ aiding workforce planning, creating promotion opportunities and maintaining a congenial working environment.
6. However, under the existing age retirement regulations very few cases have been taken to employment tribunal. As the case law is limited any employer who sets a DRA and is challenged will be amongst the first 'guinea pigs' for any future tribunal cases with potential damages and costs being awarded against them.
7. In justifying a retirement age, either for all jobs or for certain occupations, Wiltshire Council would also need to demonstrate that this was a proportionate means to obtain a legitimate end and that having a retirement age was an appropriate and necessary means to achieve this objective. An employment tribunal would also expect supportive evidence to be produced.
8. If we were to select certain categories of jobs for age specific retirement e.g. those that required manual work, we would have to justify this and provide proof

to back up our justification. It would be difficult at this stage to conclusively justify that all people of a certain age could not undertake a specific role when in all probability some would still be physically fit and capable whereas there could be some younger people employed in the same role that were less fit.

9. ACAS has produced case studies of a number of companies that employ people in physically demanding and manual positions that have done away with a DRA completely. Companies include T. Shea Waste Management, the Coop, Asda, Centrica, South Wales Forgemasters etc. etc. ACAS emphasise that work performance issues should be handled by managers through appropriate policies and work place discussions and managers should not rely on having a DRA to dismiss or deal with poor performance.
10. SW Employers were approached to contact other authorities in the region to see what they were considering. The feedback is inconclusive many have yet to make a policy decision although some have already decided to abolish having a DRA. Those that want to maintain a DRA haven't worked out how to legally do this and others are waiting for further guidance from ACAS.

#### **Environmental Impact of the Proposal**

11. None.

#### **Equalities Impact of the Proposal**

12. An Equalities Impact Assessment will be undertaken in the near future but the abolition of a DRA would be to the benefit of all employees

#### **Risk Assessment**

13. Any concerns about health, safety or welfare will be addressed through existing policies which apply to all staff.
14. There could be implications for death in service benefits but the government has indicated that there will be future legislation on insured benefits and occupational pension schemes that could affect the over 65s.

#### **Options Considered**

15. The new regulations have been discussed with Legal. It is felt that in the absence of further guidance and very little case law and the 6th April deadline fast approaching that we introduce an interim policy of having no Default Retirement Age but reassess the situation in one year's time. By this time there may be more information available from ACAS and further case law which would enable us to consider a case for justification.
16. This would mean that no further 6 month notice retirement letters can be sent to employees after 30th March 2011. Letters up to this date can only be sent to employees who will reach retirement age by 30th September 2011. Managers would still need to follow a proper procedure with these employees including any request from the employee to stay on being given serious consideration.

17. Legal have also suggested that a shortened form of capability for retirement cases is looked at so that employees who have spent many years working for the council can leave with dignity and not have their human rights infringed.

**Recommendation**

18. To approve the abolition of a Default Retirement Age but for this to be reviewed after a year when further clarification and case law may be available. Consideration also to be given to see if it is feasible to have a fitness for work procedure for retirement cases.

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Margaret Roots, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**

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## **Wiltshire Council Human Resources**

### **Age Retirement Policy**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

This policy removes the Council's Default Retirement Age (DRA) of 65 as a result of legislative changes commencing 6 April 2011.

#### **Go straight to the section:**

- Who does it apply to
- When does it apply
- When does it not apply
- Removal of existing retirement procedure
- Transitional arrangements
- New arrangements from 1 October 2011
- Management of employees
- Future legislation
- Employee responsibilities
- Line manager responsibilities
- HR responsibilities
- Frequently Asked Questions

#### **Who does it apply to?**

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

#### **When does it apply?**

From 6 April 2011 new legislation makes the statutory retirement age of 65 disappear on 1 October 2011. No further letters giving six months compulsory notice of retirement under the existing DRA (Default Retirement Age) regulations can be issued after 30 March 2011.

The policy will be kept under review as there may be further changes to the law in this area.

#### **When does it not apply?**

The new policy of having no Default Retirement Age (DRA) will apply to all staff.

### **What are the main points?**

#### Removal of existing retirement procedure

1. Although Wiltshire Council's official retirement age up to now has been 65 you have had the right to request to work longer. A fair procedure needed to be followed including notification of retirement within specific time limits, discussion meetings and the right of appeal if your request was turned down.

However, providing this fair procedure was followed correctly you could still be dismissed on the grounds of retirement and could not pursue the matter any further.

2. This procedure is now being phased out.

#### Transitional Arrangements

3. Up to 30 September 2011 the council can still issue you with a compulsory 6 month retirement letter if your 65<sup>th</sup> birthday falls on or before this date and the letter is received by 30 March 2011.
4. The fair retirement procedure introduced by the Employment Equality (Age) Regulations 2006 and now part of the Equality Act 2010 would still need to be followed.
5. This means that no compulsory retirement letters can be issued to any employee after 30 March 2011.

#### New Arrangements from 1 October 2011

6. There will no longer be a Default Retirement Age from 1 October 2011 and you can remain in your position beyond age 65 until you choose to retire providing your performance remains satisfactory.
7. From 1 October 2011 if you are asked to retire because of your age this will be both unfair dismissal and age discriminatory.
8. If you have already been served with a notice of retirement and the date of retirement given is after 30 September 2011 this will no longer be valid with the new legislation and the retirement cannot take place unless you want it do so.

#### Management of Employees



9. Your manager will continue to have work place discussions and appraisals with you.
10. These discussions can look at your performance to date, future performance, developmental needs, plans within the organisation and your aims and aspirations etc. etc.
11. You may want to use these work place discussions with your manager to request changes to your work pattern, flexible working or applying for a different role within your department or the council. Your manager would need to give serious consideration to any such request.
12. Should there be any issues with your performance or conduct these will be dealt with by following the appropriate Wiltshire Council policy such as disciplinary, improving work performance, grievance, dignity at work, sickness absence management etc.

#### Future Legislation

13. It is expected that the government may issue further guidelines and legislation on age retirement that could cover insured benefits and occupational pension schemes that may affect the over 65s.

### **Roles and responsibilities**

#### Employee responsibilities

14. If your date of retirement falls within the transitional period ending 30 September 2011 and you are given 6 months written notice by 30 March 2011 you will need to follow the procedure as set out in that letter.
15. Continue to participate constructively in normal work place discussions, one to ones and appraisal discussions with your manager.
16. When you decide that you want to retire have an appropriate conversation with your manager.

#### Line manager responsibilities

17. Follow the correct procedure for any of your staff who fall within the transitional arrangement period. This is where they reach their retirement age before 30 September 2011 and have received written notification about this by 30 March 2011. Liaise with your HR Advisor for advice on this.

18. After 30 March 2011 no further notification of retirement letters can be sent out and you cannot discuss with your individual members of staff the subject of retirement unless they bring the matter up.
19. Give proper consideration to any requests received from a member of staff to work flexibly, change work patterns or change roles.
20. Continue to have regular work place discussions and appraisals with your staff and where necessary deal with any work place issues using the appropriate Wiltshire Council procedure.
21. Meet with any employee who has already been issued with a retirement notification letter with a retirement date after 30 September. The retirement is no longer valid and cannot go ahead unless the employee wishes it to do so. Amend any forms that may have already been sent to HR Payroll Administration.

#### HR responsibilities

22. Provide advice to managers on the new age retirement legislation and the transitional arrangements. Support managers with any performance issues.
23. Check on any employees who have already received retirement letters with a retirement date after 30 September 2011 and take remedial action as this will no longer be a valid retirement under the new legislation.

#### Frequently asked questions

24. After the removal of the Default Retirement Age can my manager discuss retirement with me or will this be age discriminatory?

It depends on how this is handled by your manager. You should not be singled out as an older worker but if your manager generally discusses with all his/her employees their future aims and aspirations then that is fine.

25. Once I'm past 65 will my manager be able to discuss work concerns or issues with me?

As an employee of Wiltshire Council if there are issues with your work performance your manager can raise these with you through the normal way at supervisions or by following one of the council's HR policies.

26. If I have indicated in meetings with my manager my retirement intentions and then I change my plans am I held by what has been said in these discussions?

If you have formally submitted your resignation in writing then your manager can hold you to this but if you have just had general discussions then you have not committed yourself to anything.

27. Can I retire at any age?

The normal retirement age in the Local Government Pension scheme is age 65. You can retire earlier, at any time after your 60<sup>th</sup> birthday, but your pension and lump sum may be reduced. You can also continue or join the pension scheme up until your 75<sup>th</sup> birthday. Further details on pension arrangements are available on the Wiltshire pension fund website.

## **Equal Opportunities**

This policy applies equally to all staff.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

## **Legislation**

Employment Equality (Age) Regulations 2006  
Equality Act 2010

Legal advice has been sought on this policy.

## **Advice and guidance**

If you require help in accessing or understanding this policy [\[or completing any of the associated forms\]](#) you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

## **Further information**

There are a number of related policies and procedures that you should be aware of including:

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

Policy author	HR Policy and Reward Team – (MR)
Policy implemented	DD-MM-YYYY
Policy last updated	DD-MM-YYYY

## QUARTERLY WORKFORCE REPORTING

**WILTSHIRE COUNCIL** (excl. schools) Quarter ended: **Dec 2010**

### Notes on the figures:

- All reported figures exclude casual employees and agency/professional services staff
- Wiltshire Council figures exclude Fire, Police and Schools
  - **Headcount** = Number of positions that are filled not individual people
  - **FTE** = “Full Time Equivalents” which take into account actual working hours to show accurate staffing levels
- **Age profile** and **Employee diversity** information is as a % of the headcount (explained above).
- **Working days lost per FTE** = The lost time to sickness based on hours worked. Cost is a great incentive for looking at these rates: A sick day on average will cost £90 in lost productivity so a rate in line with the local Government median (10.0 days) would cost £900 per employee a year. WC has around 5600 staff meaning a rate at this level would incur an annual cost of over **£5,000,000** in lost productivity (Temporary cover costs, lost morale, reduction in quality of work etc are not included in this figure).
- **“Annualised”** means we take the measured amount divide it by the months it covers (in this case 3) and multiply it by 12 to give an estimate of the rate that would be seen throughout the year.
- **Incidents/injuries reported** - The Health and Safety section shows the number of RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) incidents that have occurred. There may have been other minor incidents that are not included. <http://www.hse.gov.uk/riddor/riddor.htm>.
- **“YTD”** means year to date i.e. All information known since April 2010 has been included.
- The **Voluntary staff turnover** section does not include information for those who leave due to statutory retirement, ill health, compulsory redundancy, dismissals, end of contract, unsatisfactory probation and TUPE transfers as these are classified as compulsory reasons. Only Voluntary leavers are included as these are the individuals that have decided to leave for their own reasons and therefore it may not be in Wiltshire’s best interest. Overall turnover rates will be higher and can be analysed on request.
- Although the cost associated with turnover is not readably available, CIPD estimate that the recruitment cost of replacing a leaver is £2930. Based on the Median turnover rate (7.6%) of local government, we could estimate that 422 employee will leave Wiltshire Council a year resulting in approximate costs of **£1,250,000**.
- **% all staff turnover** is the number of voluntary leavers as a percentage of headcount shown elsewhere in the report
- **% <1 year turnover rate** is the number of individuals that left voluntarily before completing one year service as a percentage of the employees in post with less than one years service. The cost of turnover in this group is generally higher as the investment in recruitment, induction and training is unlikely to be recovered within such a short time period.

If you have any queries on these reports or requests for further information, please contact Paul Rouemaine, HR Business Analyst, on 01225756159 or [Paul.Rouemaine@Wiltshire.gov.uk](mailto:Paul.Rouemaine@Wiltshire.gov.uk)

# QUARTERLY WORKFORCE REPORTING

**WILTSHIRE COUNCIL** (excl. schools)    Quarter ended:    **Dec 2010**

## Headcount and Full Time Equivalent

Measure	This quarter	Change since last quarter
Headcount	5548	-88 (-1.6%)
FTE	4440	-38 (-0.9%)

## Age Profile

Measure	This Quarter	Last Quarter	Benchmark
% of workforce under 25	6.2%	6.3%	6.2% (all)
% of workforce 55 and over	22.9%	22.9%	20.0% (all)

## Employee Diversity

Measure	This Quarter	Last quarter	Benchmark
% Female	70.6%	70.5%	67.2% (M)
% Part-time	42.0%	42.0%	40.5% (M)
% Temporary contracts	10.9%	11.4%	9.8% (M)
% Black or Minority Ethnic	1.5%	1.5%	4.3% (UQ)
% Disabled	2.5%	2.3%	4.0% (UQ)

## Sickness Absence

Measure	This Quarter	Last quarter	Benchmark
Working days lost per FTE (if annualised)	8.7 days	8.4 days	8.6 days (LQ)
Average length of absence (fte days) – ytd.	4.6 days	4.8 days	5.3 days (M)
% of total absences over 20 days (ytd.)	45.2%	45.6%	52.9% (M)

## Health and Safety

Measure	This Quarter	Last quarter	Benchmark
No. of workplace incidents/injuries reported per 1000 employees (ytd annualised)	tba	2.1	3.4 (LQ)

## Voluntary Staff Turnover

Measure	This Quarter	Last quarter	Benchmark
% staff turnover (ytd annualised)	9.4%	9.9%	6.5% (LQ)
% <1 year turnover rate(ytd annualised)	19.8%	22.9%	n/a
Average leavers' length of service	7.8 years	7.2 years	n/a

## Disciplinary and Grievance Cases

Measure	This Quarter	Last quarter	Benchmark
New disciplinary cases per 1000 employees (annualised)	7.7	5.3	4.8 (LQ)
New grievance cases per 1000 employees (annualised)	6.7	2.5	3.1 (LQ)

# QUARTERLY WORKFORCE REPORTING

## BENCHMARK DATA

Benchmark figures are supplied by DLA Piper Benchmarker. The Local Authority benchmarks represent combined data from 54 subscriber Local Authorities. The Private Sector benchmarks represent data from approximately 250 private sector organisations classified as "large" (over 1000 employees), consisting of a mix of Financial, Professional and Support Services; Manufacturing, Engineering and Processing; and Retail and Leisure.

### AGE PROFILE

Measure	All Local Authorities	All Private Sector
% under 25	6.2%	18.8%
% 55 and over	20.0%	7.6%

### EMPLOYEE DIVERSITY

Measure	Local Authorities Median	Local Authorities Upper Quartile	Private Sector Median
% Female	67.2%	73.7%	49.1%
% Part-time	40.5%	48.4%	16.3%
% Temporary contracts	9.8%	12.0%	1.3%
% Black or Minority Ethnic	2.8%	4.3%	10.4%
% Disabled	3.0%	4.0%	1.1%

### SICKNESS ABSENCE

Measure	Local Authorities Median	Local Authorities Upper Quartile	Private Sector Median
Working days lost per FTE	10.0	8.6 (lower q.)	5.7
Average length of absence (FTE days)	5.3	7.3	3.5
% of absences over 20 days	52.9%	59.9%	40.5%

### HEALTH & SAFETY

Measure	Local Authorities Median	Local Authorities Upper Quartile	Private Sector Median
No. of workplace incidents/injuries reported per 1000 employees	6.3	3.4	8.0

### VOLUNTARY TURNOVER

Measure	Local Authorities Median	Local Authorities Upper Quartile	Private Sector Median
% staff turnover	7.6%	6.5%	10.5%
% staff turnover of leavers within first year's service	n/a	n/a	n/a

### DISCIPLINARY & GRIEVANCE CASES

Measure	Local Authorities Median	Local Authorities Upper Quartile	Private Sector Median
No. of disciplinary cases per 1000 employees	7.4	4.8	44.8
No. of grievance cases per 1000 employees	4.5	3.1	6.4

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