

**EMPLOYMENT, HEALTH & SAFETY COMMITTEE
WEDNESDAY 8 FEBRUARY 2023 AT 10AM
CIVIC CENTRE, RIDLEY STREET,
REDCAR, YORKSHIRE, TS10 1TD**



CONTACT

Mrs Sue Fenwick
(01642) 444413
27 January 2023

CIRCULATION

Councillors I Nightingale (Chair), Baldwin (Vice Chair), Ayre, Brown, Cawley, Craig, Gallacher, Head, C Holmes, Lockwood, Rider, Waterfield and Westbury.

Officials:

Managing Director (Head of Paid Service)
Governance Director and Monitoring Officer
Executive Management Team
Jane Garnett, Strategic HR Manager
The Press [except for Confidential item(s)]

A G E N D A

	<u>Pages</u>
1. Apologies for Absence.	1 - 4
2. Declarations of Interest	
3. To confirm the Minutes of the meeting held on 11 January 2022 and note the attendance matrix.	1 - 4
4. Report of the Managing Director (Head of Paid Service)	
a. Capability Procedure	5 – 26
b. Menopause Policy	27 – 40
c. Paternity Leave Provisions	41 – 49
d. Paternity leave – Adoptive Parents Provisions	50 - 59
5. Any items the Chair certifies as urgent.	

EMPLOYMENT, HEALTH & SAFETY COMMITTEE

11 January 2023

EMPLOYMENT, HEALTH & SAFETY COMMITTEE		
	A meeting of the Employment, Health & Safety Committee was held on 11 January 2023 in the Civic Centre, Redcar.	
	PRESENT	Councillor I Nightingale (Chair), Councillors Baldwin, Cawley, Head, Lockwood and Rider.
	OFFICIALS	K Codling, S Fenwick, J Garnett and S Newton.
	APOLOGIES for absence were submitted on behalf of Councillors Ayre, Gallacher and Westbury.	
15.	MINUTES & ATTENDANCE MATRIX	
	RESOLVED that the minutes of the meeting held on 16 November 2022 be confirmed and signed by the Chair as a correct record; and, the attendance matrix be noted.	
16.	HEALTH & SAFETY UPDATE - PRESENTATION	
	<p>The Managing Director (Head of Paid Services) updated Members on Health and Safety performance.</p> <p>The presentation gave details of:</p> <ul style="list-style-type: none"> • Health and Safety Performance to the end of November 2022; • Accident Statistics 2022 by monthly breakdown; • Minor Injuries; • Total accident rates; • Near miss reporting; • Notification of assault; • Health and Safety Update - training • Health and Safety Update – changes to legislation • Health and Safety Update – police changes <p>As part of the ensuing discussions a Member commented on the poor signage to the entrance to Fairway House, Dormanstown and requested that the public access be assessed by Health & Safety.</p>	
	RESOLVED that the information in the report be noted.	

EMPLOYMENT, HEALTH & SAFETY COMMITTEE

11 January 2023

17.	HEALTH SURVEILLANCE POLICY
	<p>The Managing Director (Head of Paid Services) presented a report which sought approval to the Health Surveillance Policy.</p> <p>Members were advised that health surveillance is a scheme of repeated health checks which were used to identify ill health caused by work. Health and safety law requires health surveillance where workers remain exposed to health risks even after specific controls have been put in place. This is because control measures may not always be reliable, despite appropriate checking.</p> <p>Where the requirement for health surveillance has been identified the Council has engaged with Medacs Healthcare who employs several suitably qualified occupational health professionals.</p>
	<p>Health surveillance is not the same as health monitoring, health promotion or health screening. It:</p> <ul style="list-style-type: none">▪ should only be used for workers who need it;▪ provides feedback about actions you may need to take to prevent further harm and protect workers;▪ allows workers to raise concerns about how work affects their health; and,▪ provides the opportunity to reinforce workers' training and education. <p>Although there is no legislation that requires a specific health surveillance policy to be implemented it was felt that the Council would benefit from creating a consolidated and comprehensive document to highlight, within a single source, exactly how a health surveillance programme works, who is involved and who carries responsibilities.</p>
	<p>RESOLVED that the Health Surveillance Policy be approved and implemented with immediate effect.</p>

Employment Health and Safety Committee

ATTENDANCE RECORD - 2022/23

Surname	First name	29.06.22	03.08.22	05.10.22	02.11.22	16.11.22	11.01.23	dd.mm.yy	dd.mm.yy	dd.mm.yy	Total Meetings Attended / total possible
Ayre	Billy	✓	✓	✓	✓	✓	Apols3				
Cawley	Ceri	Apols1	X	✓	Apols1	✓	✓				
Brown	Alec	Apols1	X	X	X	X	X				
Head	Malcom	✓	X	✓	Apols3	✓	✓				
Nightingale	Irene	✓	✓	✓	✓	✓	✓				
Westbury	Louise	Apols1	X	✓	Apols2	X	Apols2				
Waterfield	Stephen	Apols1	Apols2	Apols2	X	X	X				
Rider	Vera	✓	Apols1	✓	✓	✓	✓				
Wells	Billy	✓	n/a								
Lockwood	Mike	✓	✓	✓	Apols4	Apols2	✓				
Baldwin	Neil	✓	✓	✓	✓	✓	✓				
Craig	Julie	✓	Apols2	✓	✓	✓	Apols2				
Brook	Adam	✓	n/a								
Kay	Steve	n/a									
Gallacher	Chris	n/a		✓	✓	✓	Apols4				

Substitutes



Member Report

Capability Procedure

Report to: Employment Health and Safety Committee
Report from: Managing Director
Portfolio: Resources
Report Date: 8 February 2022
Decision Type: Committee
Council Priority Investing for the Long Term

HEADLINE POSITION

1.0 Summary of report

- 1.1 The purpose of the report is to seek approval for the implementation of the revised Capability Procedure.

2.0 Recommendation

- 2.0 It is recommended that the Employment Health and Safety Committee approve the Capability Procedure.

DETAILED PROPOSALS

3.0 What are the objectives of the report and how do they link to the Council's priorities

- 3.1 The current Capability Procedure was approved on 21 February 2018. In line with normal arrangements, the policy has now been reviewed to ensure continued compliance with employment legislation and best practice.
- 3.2 In the context of employment law, 'capability' refers to an employee's ability to perform their job role, or to do so to the required standard. The Capability Procedure is instigated in cases where there are performance concerns relating to an employee.
- 3.3 An employee's inability to do their job is one of the five potentially fair reasons for dismissal, provided an employer can show that the decision to dismiss relates to the capability of the employee for performing work of the kind which they were employed to do. However, the intention of the procedure is to avoid that position being reached by supporting employees to improve, whilst ensuring the Council follows appropriate steps if that turns out not to be possible.
- 3.4 Having reviewed the existing procedure, it is proposed that the general arrangements within the procedure should largely be maintained but that, subject to the views of the committee, the following changes should be implemented:

Section 3 – Relationship with the Disciplinary Procedure

This section has been added to provide clarity that the Council recognises it would be inappropriate to apply the Disciplinary Procedure when poor performance relates to lack of capability.

Section 4 – General Information

This section has been added to provide managers with information on issues that may be impacting on performance. This section also provides guidance to assist new employees understand what is expected from them.

Section 5 – Informal Procedure

This section has been updated to clearly set out the process that managers should follow when instigating the informal stage for the Capability Procedure.

Section 7 – Formal Procedure

This section has been updated and the timescales for each of the stages have been adjusted to ensure that all issues are addressed in a more timely manner.

Section 8 – Assessed & Supported Year in Employment for Newly Qualified Social Workers

This section has been added to clarify the procedure for newly qualified social workers.

- 3.5 A copy of the Capability Procedure is attached as Appendix 1.

4.0 What options have been considered

- 4.1 The implementation of the revised Capability Procedure will ensure that the Council is compliant with employment and equality legislation and, as such, no other options have been considered.

5.0 Impact Assessment

5.1 Climate Emergency

There is no direct impact on the climate emergency.

5.2 Health and Safety

There are no direct implications arising from approving the procedure itself. However, individual cases may have health and safety implications and, hence it is important that appropriate and consistently applied procedure is in place so that capability issues are managed appropriately.

5.3 Social Value

There is no direct impact in term of social value.

5.4 Legal

The revised Capability Procedure will help to ensure that the Council complies with relevant employment legislation.

5.5 Financial

The Capability Procedure itself does not create any additional resource implications.

5.6 Human Resources

The Capability Procedure will allow for any issues arising due to capability to be managed consistently and appropriately.

5.7 Equality and Diversity

The procedure is designed to be compliant with Equality and Diversity requirements.

6.0 Implementation Plan

6.1 Timetable for Implementing Decision:

Once the Capability Procedure has been approved it will be implemented with immediate effect.

6.2 Lead Officer

Jane Garnett

6.3 Reporting Progress

N/A

6.4 Communications Plan

Arrangements will be made for this to be communicated internally via HR Insight and Building a Better Borough. A copy will also be made available on the intranet.

7.0 Consultation and Engagement

A copy of the revised Capability Procedure was circulated to the recognised Trade Unions and the Equality and Diversity Group. No comments have been received.

8.0 Appendices and Background Papers

8.1 Appendix 1 Capability Procedure

9.0 Contact Officer

9.1	Name:	Jane Garnett
9.2	Position	Strategic HR Manager
9.3	Email address	jane.garnett@redcar-cleveland.gov.uk
9.4	Telephone Number	01642 444524



Appendix 1



Human Resources

CAPABILITY PROCEDURE

Document Control			
Applies To	All employees	Intranet	
Approval/Date		Issue Date	
Author/Lead Officer	Steve Newton/Jane Garnett	Page Content	
Council Website		Print Run	
Distribution List		Reference Number	HR/PROC/08
Division		Review Date	
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Document Title	Capability Procedure Version 4.0	Version	Version 4.0
UNCONTROLLED IF PRINTED			
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Content

- 1 Introductions
- 2 Scope
- 3 Relationship with the Disciplinary Procedure
- 4 General information
- 5 Informal Procedure
- 6 Agreed Redeployment
- 7 Formal Procedure
- 8 Assessed & Supported Year in Employment for Newly Qualified Social Workers (NQSW's)
- 9 Sickness Absence
- 10 Appeals

Appendices

- 1 Redeployment Consent Form
- 2 Standard Letters and Forms
 - 2A First Meeting for Discussion on Capability – Example Letter
 - 2B Manager Guidance on using the Capability Procedure
 - 2C Action Plan
 - 2D Second Meeting for Discussion on Capability – Example Letter
 - 2E Final Meeting for Discussion on Capability – Example Letter
 - 2F Template Report for Capability Hearing
- 3 Capability Procedure Flowchart
- 4 Social Worker Assessed Year in Employment (ASYE) Flowchart

1. INTRODUCTION

The term capability refers to an employee's skills, ability, aptitude and knowledge in relation to the job they are employed to do.

The purpose of this procedure is to provide guidance for managers to deal with concerns of poor performance which relate to the capability of an employee to perform the functions of their job role to a satisfactory level.

This procedure seeks to:

- Promote high standards of performance and service provision.
- Assist employees to improve their performance.
- Provide a fair and consistent means of dealing with work performance which is below an acceptable level for the role in which the person is employed.

2. SCOPE

This procedure applies to all staff employed by Redcar and Cleveland Borough Council and sets out the procedure to be followed in relation to capability. With the exception of employees who TUPE transfer to Redcar and Cleveland who will be covered by their existing terms and conditions.

3. RELATIONSHIP WITH THE DISCIPLINARY PROCEDURE

This procedure runs parallel with, but is not part of, the Disciplinary Procedure. The Council recognises that it would be inappropriate to apply the Disciplinary Procedure when poor performance relates to lack of capability.

Concerns regarding an employee's capability should be dealt with by managers predominately because of unsatisfactory job performance and output. Where an employee is underperforming, and the reasons are related to circumstances within their control, a manager should use the Disciplinary Procedure to address their concerns.

One of the key distinctions between capability and conduct is that a lack of capability will usually be outside of the employee's direct control, while the same employee will have control of their conduct at work.

It can sometimes be difficult to establish whether an employee's poor performance is due to incapability or to lack of effort, motivation or negligence and in some cases, there may be elements of both. If this is the case, a manager should work through this procedure, in the first instance, rather than starting disciplinary proceedings.

If an employee is found to be underperforming, it is a manager's responsibility to examine the circumstances regarding the unsatisfactory performance and address those initially through informal discussions with the employee. It is the responsibility of the employee to identify what further support they may need to address any shortfall in their performance; however, this will be supported by the manager who can provide help and guidance. Further support can be sought from Human Resources.

Where an employee is struggling to meet work performance standards and requires support and encouragement, treating the issue as a capability concern can allow for a more positive outcome.

Where an employee is struggling to meet work performance standards or they are unable to fulfil their contractual obligations due to ill health, advice should be sought from Human Resources before proceeding with any action.

4. GENERAL INFORMATION

It is important to recognise that failings related to capability are not always an employee's fault.

A lack of capability exists where, no matter how hard an employee tries, they are simply unable to perform the job to the standard required. It is the agreed standard that is relevant, and not a manager's opinion of an employee. Expectations and standards should be clearly communicated to employees upon appointment to the role. The basic document for this is the job description and person specification which should be kept accurate and up to date. Managers should regularly review this document to ensure that it is an accurate reflection of the requirements of the job role.

A manager needs to consider other issues which may impact upon the performance, these include:

- Inadequate or insufficient training.
- Changes to a post as a result of service review or restructure.
- Poor systems of work.
- Inadequate physical working environment.
- Inadequate provision of equipment or tools.
- Inadequate support and supervision.
- Lack of understanding of the duties and role.
- Work overload.
- Unrealistic targets or deadlines.
- Poor work relationships.
- Physical or mental ill health.
- Personal issues.

It is a manager's responsibility to discuss any minor matters of concern with their employees on a day-to-day basis outside of the Capability Procedure. The manager should offer positive advice, assistance, and guidance to encourage employees to achieve and maintain acceptable standards of performance.

Whilst it is a manager's role to consider external influences on performance, it is for an employee to inform their manager about what is preventing them from carrying out their duties to the agreed standard. If the employee does not feel comfortable sharing information with their line manager as for example it is of a very personal nature, they should ensure it is shared with an appropriate alternative personal i.e., their line manager's manager.

Whilst the Council does not have a probationary period as part of its contract of employment, it is important that a new employee understands what is expected of them from the beginning of their employment, therefore, the manager should discuss the following with them within their first week: -

- What the employee is expected to achieve in their job
- Details of the core values of the organisation and behaviours expected of the employee.
- The standards of regular attendance expected from the employee.
- Any development required to help the employee to do their job.
- How any problems with performance will be addressed through the Capability Procedure

5. INFORMAL PROCEDURE

It is a question of management judgement as to whether an employee's capability requires the use of the formal Capability Procedure, although managers are encouraged to approach capability informally at first before moving to a formal approach. Managers are also advised to contact Human Resources for further support and guidance to ensure issues are dealt with sensitively.

As soon as either the manager or the employee identifies a concern, the issue should be discussed between the two parties. Both parties will have every opportunity to discuss the concern and make any comments and to record them. Most areas of concern can generally be dealt with through informal discussions and counselling.

If this informal discussion does not resolve the issue, the employee will be invited to attend an informal meeting giving a minimum of 2 working days advance notice. During this meeting, the manager will provide clear specific examples of underperformance or poor attendance in order to explain the capability issue. It is important that this meeting is undertaken as positively as possible, in order to motivate the employee to improve performance/attendance.

The meeting should be a two-way conversation and provide the opportunity for the employee to provide any reasons for the underperformance. Two-way communication involves seeking out, listening to and responding to the views of employees whilst also giving the manager the opportunity to express their concerns.

If under-performance is associated with health issues the employee may be required to attend an occupational health assessment as part of the procedure. If under-performance is associated with underlying personal related issues the manager may signpost the employee to the confidential counselling service, where appropriate.

An action plan will be agreed between the manager and the employee so that they know exactly what is expected of the employee to achieve the required performance/attendance standard and what support and assistance their manager will provide. The action plan should include:

- Agreed timescales to review and monitor performance over a period of between one and three months depending on the requirement of the improvement.
- Review dates and monitoring of standards of performance in respect of agreed objectives and the requirements of the job.
- If appropriate training specifically directed to facilitate improvement.
- If appropriate review and agreed variance of workload/objectives.

It is anticipated that in the vast majority of cases, no further action, other than normal follow-up will be necessary. However, if there is no improvement, then the formal capability procedure will be initiated. The employee should be made aware that if there is no improvement within the timescales that have been agreed then use of formal capability procedure will be necessary.

The manager will provide regular and timely feedback to the employee concerned. The feedback should cover the performance on general job aspects as well as the specific areas that have been highlighted as requiring improvement. Such feedback should include any positive, as well as negative, aspects of the employee's performance, as this will further reinforce their understanding of the required standards and demonstrate the manager's attention to the issue.

6. AGREED REDEPLOYMENT

Where during the formal or informal stages of the procedure there is a clear and shared acknowledgment by the Manager and the employee that capability will be an ongoing issue, and that the employee's current post is unsuitable, it may be agreed that internal redeployment would be an appropriate option and that suitable alternative employment within the Council should be explored.

Where a more suitable alternative vacancy exists then, subject to any other employee being entitled to that role, the Manager and employee may agree the voluntary redeployment of the employee to the alternative vacant post.

In these circumstances, the Manager must write to the employee, providing a statement of main terms and conditions of the alternative post, and seeking the employee's written consent to the redeployment.

If the employee freely gives written consent to the redeployment, the Manager must then obtain countersignature of the consent from the Strategic HR Manager following which the agreed redeployment will be processed. If the employee is a member of a trade union, then the employee should be given the opportunity of taking advice from that union should they wish. A copy of the Consent to Redeployment Form can be found on Appendix 1.

7. FORMAL PROCEDURE

If there has been no resolution from the informal capability process, then management should initiate the formal process. If managers have not already informed Human Resources by this point it is strongly advised that they do so before initiating the formal capability process.

The manager should make their employee aware that they have concerns about their capability to carry out their role. A manager should then set up a date for a formal meeting to discuss their concerns in greater detail, giving the employee five working days' notice and the opportunity to be represented at the meeting by a colleague or Trade Union representative. An example letter is attached as Appendix 2A.

Guidance on how to conduct the meeting and what to discuss can be found in Appendix 2B.

After the meeting, the manager should review the information gathered and decide which of the following courses of action to take:

- No further action necessary and removal from the process.
- There are still issues of concern and it is necessary to carry on with the process and extend the period of time for review but no formal warning.
- Issue a recorded verbal warning which will remain on file for 6 months. The Manager will set objectives and targets for improvement by completing an Action Plan, a copy of which can be found in Appendix 2C.
- Schedule a date for the second meeting

A written account of the meeting and what was discussed, a follow up action plan and a date of review should be produced and provided to the employee

Second meeting

The second meeting should be scheduled and held between 4 – 6 weeks after the first meeting. Again, at least five working days' notice should be given to an employee, and they should be offered the right to be represented. An example letter is attached as Appendix 2D.

At this stage, the employee's performance should be reviewed against the agreed action points from the previous meeting. Again, a manager will then decide whether sufficient improvement has been made.

If it is clear that the agreed targets or action points have been achieved then the employee will be removed from the process, alternatively if the agreed targets or action points have not been met then the manager will issue a written warning, which will remain on file for 12 months.

Third meeting

The third meeting should be scheduled between 6 – 8 weeks from the date of the second meeting. An example letter is attached as Appendix 2E.

At this meeting, the manager should discuss with the employee whether they feel sufficient improvements have been made. If it is the manager's view that improvements have been made, and the employee is now performing at an acceptable level, then the employee will be removed from the capability process. This decision should be confirmed in writing.

If sufficient improvement has not been made, the manager should inform the employee and advise them that their case will now need to be considered by the designated Nominated Officer. The manager should then promptly put together a brief report, outlining their concerns and showing what steps have been taken. This report should be passed to the Nominated Officer. A template report can be found in Appendix 2F.

Consideration of dismissal

When three meetings have been held, appropriate support identified and taken up by the employee (where applicable), but targets have still not been met, and the employee's performance has remained at a level that is unsatisfactory, the designated Nominated Officer will then write to the employee to invite them to a formal hearing.

The hearing should be convened soon after the third meeting. The letter must include a copy of the manager's report and must give the employee five working days' notice of the meeting. The employee is entitled to be accompanied at the meeting by a Trade Union representative or work colleague so this should be set out in the letter. As dismissal is a potential outcome of the meeting this should be mentioned in the letter.

At the meeting the manager will be asked to present their report illustrating the areas of concern and the lack of improvement. The employee will then be allowed to present their case. Witnesses may be called by either the manager or the employee if this will add to the information already gathered. The hearing officer, supported by a HR Advisor, will adjourn to consider the information and will later notify the employee verbally of their decision which will then be confirmed in writing within two working days of the meeting being held.

The decisions that the Nominated Officer may reach will reflect those within the Disciplinary Procedure.

If the employee is dismissed with notice, then the dismissing officer should assess whether it is appropriate to place the employee on a period of authorised paid leave during the notice period. If the decision is to dismiss the employee, the employee must be given the right of appeal against this decision

8. ASSESSED & SUPPORTED YEAR IN EMPLOYMENT FOR NEWLY QUALIFIED SOCIAL WORKERS (NQSW'S)

All Newly Qualified Social Workers (NQSW) have a period of 12 months, which aligns with the completion of the Assessed and Supported Year in Employment (ASYE). All NQSW's are required to undertake the ASYE qualification in their first year of employment. A detailed procedure can be found in Appendix 4.

9. SICKNESS ABSENCE

The Council recognises that it can be stressful to be notified about a capability issue and that in some cases the employee may go off sick and obtain a medical certificate from their GP. Where an employee is absent due to sickness absence the case will be dealt with in accordance with the Managing Health Attendance and Wellbeing Policy.

10. APPEALS

If an employee wishes to appeal against any capability decision, they must appeal to the Strategic HR Manager clearly setting out the reason(s) for their appeal in writing within 5 working days of the decision being communicated to them.

Redeployment Consent Form

This form is to be used where an employee agrees to voluntary redeployment (to a suitable vacant post) in accordance with the Capability Procedure and once signed by the employee must be countersigned by the Strategic HR Manager.

Employee Name	
Directorate	
Current Job Title	
Current Grade	
Current Working Hours	
Details of Proposed Redeployment Post	
Directorate	
Job Title	
Grade (if different to current grade)	
Working Hours (if different to current working hours)	
Effective Date	

I agree to voluntary redeployment to the post detailed above

Name (please print) _____
 Signature _____ Date _____

Strategic HR Manager Authorisation

Name (please print) _____
 Signature _____ Date _____

Initial invite letter

Dear

FIRST MEETING FOR DISCUSSION ON CAPABILITY

Further to our recent discussion, I wish to inform you that I have arranged to meet with you on (date) at (time) in (venue). I have enclosed a copy of the Capability Procedure for your information.

The purpose of the meeting is to discuss the potential cause(s) of concern about your performance.

You have the right to be represented by your trade union representative or a work colleague however, it is your responsibility to make these arrangements.

Yours sincerely

Manager's guidance on using the capability procedure

Before the meeting

- Set up a date for the meeting, this should be confirmed in writing, an example letter is attached as Appendix 2.
- Book a quiet, private room, where you won't be interrupted
- Set aside at least an hour so that you have sufficient time to explore the issues
- Obtain advice from your Directorate Human Resources Advisory Team, if needed
- Be familiar with the employee's job description and person specification.

At the initial meeting

- Clearly state the nature of the problem and give specific examples of when issues have arisen and the consequences
- Don't be judgemental or confrontational and remind the employee that they're not being blamed for the problem, and you want to resolve the issue
- Ask the employee what they enjoy about the job and what issues they may have
- Ask the employee what they think maybe causing a problem
- Consider any mitigating factors put forward, for example problems in the employee's personal life
- Restate what is expected in terms of job duties, outputs and targets
- Ask the employee what they feel they can do to achieve an improvement
- Agree specific action points with the employee
- Agree a timescale for reviewing progress, which should be within two months so that the next stage of the process can be followed if required

After the meeting

- Review the information and decide further action
- Make a written record of the meeting and write to the employee, setting out your decision
- Arrange training, support, equipment etc. where appropriate
- If you decide to issue a formal warning, schedule a follow up meeting for two months' time

Subsequent meetings

- Follow the guidance as above
- If at the end of the process the decision is to dismiss then the appropriate procedure should be followed, noting that only delegated officers have the power to dismiss

Record keeping

The list below contains some examples of records that need to be kept, although this is not exhaustive. A manager needs to keep any records that are appropriate to the circumstances:

- Meeting notes
- Copies of letters
- Details of training undertaken
- Evidence of underperformance

The employee should be given copies of all notes, any meeting notes should be agreed by the employee as a true record of what was discussed and agreed.

Action Plan

Directorate		Section	
Employee		Line Manager	
Date of Discussion			

Task	Area of Concern	Improvement Required (Detail of standard and means of evaluation)	Training/Support to be provided and by whom	Timescale

Date for 2 Meeting		Date for 3 Meeting	
Employee's Signature		Manager	

Second invite letter

Dear

SECOND MEETING FOR DISCUSSION ON CAPABILITY

Further to our previous discussions, I wish to inform you that I have arranged to meet with you on (date) at (time) in (venue).

The purpose of the meeting is to review my continued concerns about your performance and to discuss the potential cause(s) of concern about your performance.

You have the right to be represented by your trade union representative or a work colleague however, it is your responsibility to make these arrangements.

Yours sincerely

Third meeting letter

Dear

FINAL MEETING FOR DISCUSSION ON CAPABILITY

Further to our previous meetings to discuss your performance, I wish to inform you that I have arranged a final meeting to review my continued concerns about your ability to perform to the expected standard. The meeting will be held on (date) at (time) in (venue).

The areas of concern to be considered are as follows:

- 1.
- 2.

The above concerns are considered to be very serious, and that if proven may result in a formal hearing being arranged to allow your case to be considered by the Nominated Officer.

You have the right to be represented by your trade union representative or a work colleague however, it is your responsibility to make these arrangements.

Yours sincerely

Template Report for Capability Procedure

Nominate Officer Details	
Name	
Job Title	
Manager Details	
Name	
Job Title	
HR Advisor Details	
Name	
Job Title	
Employee Details	
Name	
Resources ID (Payroll Number)	
Job Title	
Grade	
Continuous Service Date	
Employment History	

Main Performance Concerns (Detail here what the areas of concerns are)

- 1.
- 2.
- 3.

What impact are these concerns having?

- on the team.
Detail here the specific impact the areas of concern are having on the team as a whole
- on the organisation.
detail here the specific impact the areas of concern are having on the organisation
- on customers/service users
detail here the specific impact the areas of concern are having on customers and service users

What steps have been put in place to address the concerns?

Detail here what support has been given to the employee to improve and what steps have been taken by the employee to resolve these

What has the employee done towards addressing the concerns?

Detail what has been done by the employee to date to address the identified concerns and how successful has this been?

Chronology of Events

Detail here dates of meeting to discuss concerns which have been held with the employee together with dates of 1:1's and any relevant training/support they have received.

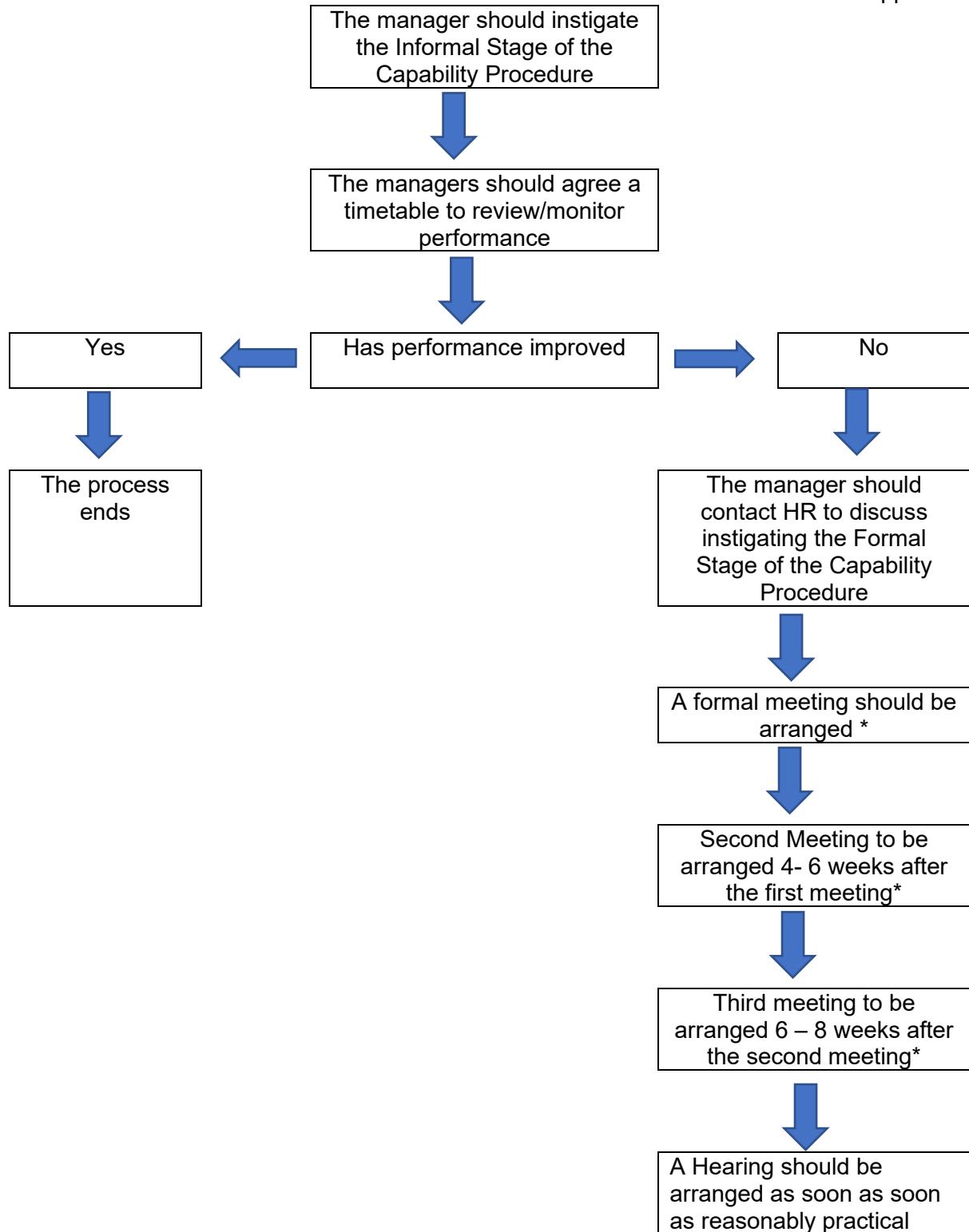
Conclusions

Detail here the conclusions from the investigation.

Documentary Evidence attached:

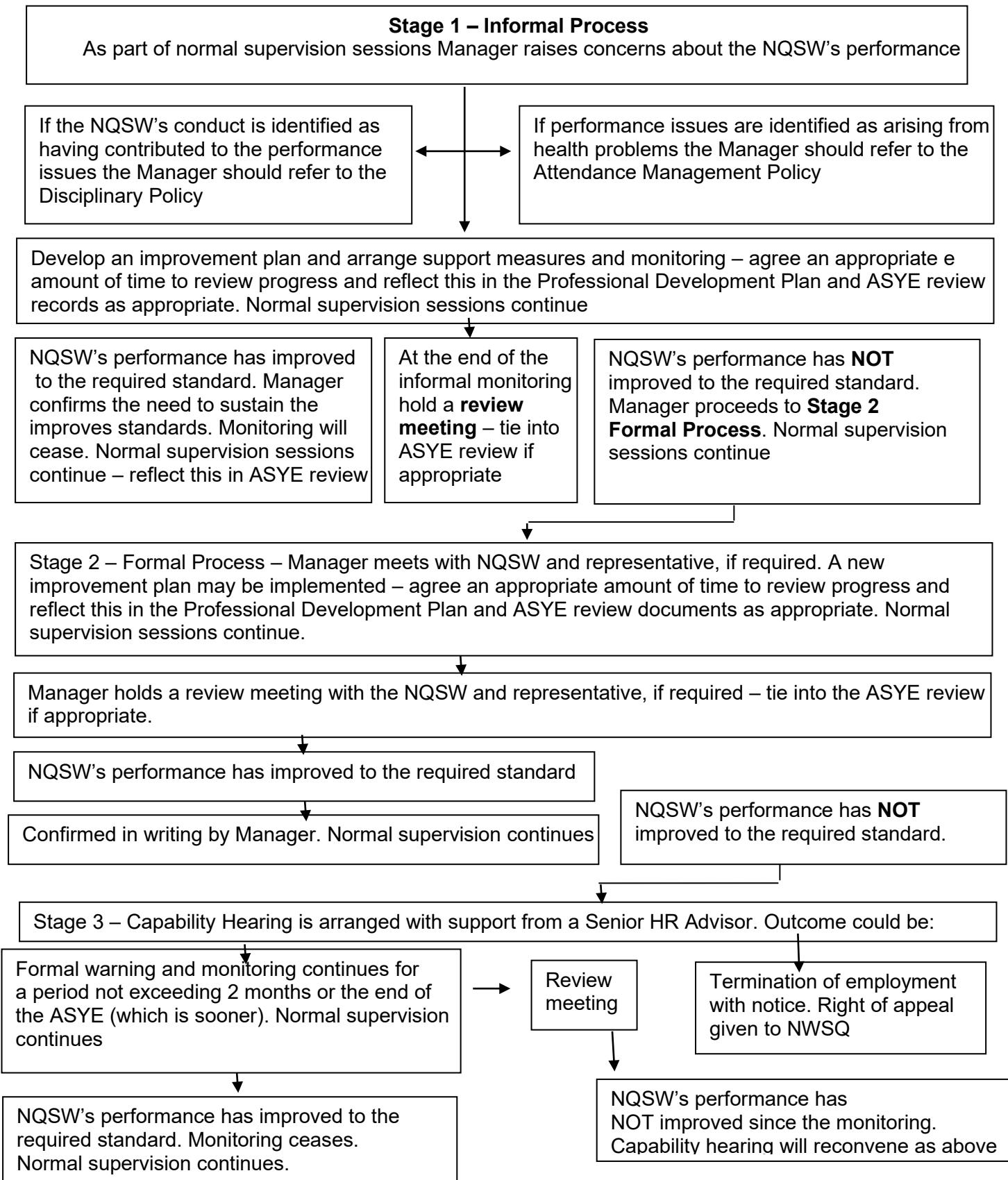
- | | |
|---------------------------------|--------------------------|
| Job Description | <input type="checkbox"/> |
| Training Record | <input type="checkbox"/> |
| Supervision/ 1-2-1 Notes | <input type="checkbox"/> |
| Attendance Record | <input type="checkbox"/> |
| Medical Advice (if appropriate) | <input type="checkbox"/> |
| Meeting Note | <input type="checkbox"/> |

Other Evidence



* If the performance has improved the process would end at this stage, if it is clear that the targets have not been achieved the process should continue

Process Flowchart – ASYE Capability Process





Member Report

Menopause Policy

Report to: Employment Health and Safety Committee
Report from: Managing Director
Portfolio: Resources
Report Date: 8 February 2022
Decision Type: Committee
Council Priority Investing for the Long Term

HEADLINE POSITION

1.0 Summary of report

1.1 The purpose of the report is to seek approval for the implementation of the revised Menopause Policy.

2.0 Recommendation

2.0 It is recommended that the Employment Health and Safety Committee approves the revised Menopause Policy.

DETAILED PROPOSALS

3.0 What are the objectives of the report and how do they link to the Council's priorities

3.1 The current Menopause Policy was approved on 13 November 2019. In line with normal arrangements, the policy has now been reviewed to ensure ongoing compliance with employment legislation and best practice.

3.2 The menopause is a natural part of life, and it is not always an easy transition for those affected. By helping menopausal staff manage their symptoms, employers can reduce absenteeism, maximize productivity, and make the workplace environment as comfortable as possible. It is acknowledged that whilst every woman does not suffer with symptoms, supporting those who do will improve their experience at work.

3.3 Since the implementation of our policy, ACAS have published Menopause at Work Guidance which states:

'It is important for employers to be aware that the menopause and its symptoms can affect staff at any time. Being aware of this can help staff continue to do their job confidently and effectively. Supporting and creating a positive and open environment can help prevent an employee from:

- losing confidence in their skills and abilities*
- feeling like they need to take time off work and hide the reasons for it*
- having increased mental health conditions such as stress, anxiety, and depression*
- leaving their job'*

- 3.4 Having reviewed the existing policy, it is proposed that the general arrangements within the provisions should largely be maintained but that, subject to the views of the committee, the following changes should be implemented:

Section 1 – Introduction

This section has been updated to provide a clearer introduced to the policy.

Section 3 – Equality Diversity and Inclusion

This section has been added to the revised policy to support the Council's equality, diversity, and inclusion objectives.

Section 4 – Aim

This section has been updated and now provides clarity on the aim of the policy.

Section 5 – Definitions

This section has been added to provide a definition of perimenopause, menopause, and post menopause

Section 7 – Roles and Responsibilities

This section has been updated and now clearly sets out the roles and responsibilities of employees, managers, human resources and occupational health.

Section 8 – Access to Workplace Support

This section brings together information on the support that can be accessed in the workplace

- 3.4 A copy of the Menopause Policy is attached as Appendix 1.

4.0 What options have been considered

- 4.1 The implementation of the revised Menopause Policy will help to ensure that the Council is compliant with best practice and, as such, no other options have been considered.

5.0 Impact Assessment

5.1 Climate Emergency

There is no direct impact on the climate emergency.

5.2 Health and Safety

The Menopause Policy will ensure that Redcar & Cleveland Borough Council are providing the necessary workplace adaptations for women who are experiencing menopausal symptoms

5.3 Social Value

There is no direct impact in term of social value.

5.4 Legal

We have no legal responsibility to implement a Menopause Policy, however, it is now seen as good practice to provide support within the workplace.

5.5 Financial

The policy its self does not create any additional resources implications

5.6 Human Resources

The Menopause Policy will ensure that employees are aware of the support that is available to them should they be experiencing menopausal symptoms within the workplace

5.7 Equality and Diversity

The provisions are designed to be compliant with Equality and Diversity.

6.0 Implementation Plan

6.1 Timetable for Implementing Decision:

Once the revised Menopause Policy has been approved, it will be implemented with immediate effect.

6.2 Lead Officer

Jane Garnett

6.3 Reporting Progress

N/A

6.4 Communications Plan

Arrangements will be made for this to be communicated internally via HR Insight and Building a Better Borough. A copy will also be made available on the intranet.

7.0 Consultation and Engagement

A copy of the revised Menopause Policy was circulated to the recognised Trade Unions and the Equality and Diversity Group. No comments have been received.

8.0 Appendices and Background Papers

8.1 Appendix 1 Menopause Policy

9.0 Contact Officer

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Appendix 1



Human Resources

MENOPAUSE POLICY

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Content

1	Introduction	4
2	Scope	4
3	Equality and Diversity	4
4	Aims	4
5	Definitions	4 – 5
6	Symptoms	5
7	Roles and Responsibilities	5 – 6
8	Access to Workplace Support	6 – 7
9	Links to other HR Policies and Procedures and useful websites	7

Appendices

1	Menopause Discussion - Manager Guidance	8 – 9
2	Menopause Advice Sheet	10 – 11

1. INTRODUCTION

This policy is intended to raise awareness of the menopause and provide information and support for employees - both those who are directly affected and those indirectly affected, for example, partners, colleagues, or line managers.

The purpose of this policy and guidance is also to assist line managers in supporting employees going through the menopause in the workplace.

It recognises employees may need additional consideration, support and adjustments during perimenopause, menopause, and post-menopause. Redcar and Cleveland Borough Council is committed to ensuring that all individuals are treated fairly and with dignity and respect in their working environment. It is also committed to ensuring the health, safety and wellbeing of the workforce.

The Council will work proactively to make adjustments where necessary to support employees experiencing the menopause

2 SCOPE

This policy applies to all Council employees

3 EQUALITY AND DIVERSITY

The Council is committed to developing an inclusive workplace and discrimination based on age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, or other characteristics, is not acceptable.

4. AIMS

The aims of this policy are:

- To ensure everyone understands what menopause is, can confidently have good conversations, and are clear on the Council's policy and practices
- To educate and inform managers about the potential symptoms of menopause and how they can support staff at work.
- To ensure that staff suffering with menopause symptoms feel confident to discuss this and ask for support and any reasonable adjustments, so they can continue to be successful in their roles.
- To reduce absenteeism due to menopausal symptoms.
- To assure staff that we are a responsible employer, committed to supporting their needs during menopause

5. DEFINITIONS

Perimenopause	Perimenopause is the time leading up to menopause when a person may experience changes, such as irregular periods or other menopausal symptoms. This can be years before menopause.
---------------	---

Menopause	Menopause is defined as a biological stage in a person's life that occurs when they stop menstruating and reach the end of their natural reproductive life. Usually, it is defined as having occurred when a person has not had a period for twelve consecutive months (for people reaching menopause naturally). The average age for a person to reach menopause is 51, however, it can be earlier or later than this due to surgery, illness or other reasons.
Post Menopause	Post Menopause is the time after menopause has occurred, starting when a person has not had a period for twelve consecutive months.

6. SYMPTOMS

It is important to note that not every person will notice every symptom, or even need help or support. However, 75% of people do experience some symptoms and for 25% of people, these could be classed as severe.

Symptoms can manifest both physically and psychologically including:

- hot flushes
- palpitations
- night sweats
- insomnia and sleep disturbances
- fatigue
- headaches
- joint aches
- dry skin and skin irritation
- increased perspiration during the day
- dry eyes
- hair loss
- urinary problems
- vaginal dryness, itching and discomfort
- irregular and/or heavy, painful periods, brought about by an unpredictable pre-menstrual tension and menstrual cycle, water retention and bloating
- depression
- stress/anxiety
- panic attacks
- poor concentration
- changes to mood
- problems with memory
- loss of confidence

7. ROLES AND RESPONSIBILITIES

Employees are responsible for:

- Taking a personal responsibility to look after their health.
- Being open and honest in conversations with managers, Human Resources and Occupational Health.
- Contributing to a respectful and productive working environment.
- Being willing to help and support their colleagues.
- Understanding any necessary adjustments their colleagues are receiving because of their menopausal symptoms.

Managers are responsible for

- Familiarising themselves with the Menopause Policy and Guidance.
- Being ready and willing to have open discussions about menopause, appreciating the personal nature of the conversation, and treating the discussion sensitively and professionally
- Seeking support from the Health and Wellbeing Team where appropriate
- Using the Manager's guidance, which can be found in Appendix 1
- Signposting to appropriate sources of help and advice (please refer to Appendix 2 for more information).
- Reviewing the guidance and signposting together with the employee, before agreeing with the employee how best they can be supported, and any adjustments required.
- Make a note of discussion and agree the next steps
- Ensuring ongoing dialogue and review dates.
- Ensuring that all agreed adjustments are adhered to.

Where adjustments are unsuccessful, or if symptoms are proving more problematic, the manager may:

- Discuss and agree a referral to Occupational Health for further advice.
- Review Occupational Health advice and implement any recommendations where reasonably practical.
- Update the action plan and continue to review.

Human Resources are responsible for:

- Offering guidance to managers on the interpretation of this policy and guidance.
- Referring employees to occupational health where requested to do so, by a manager.
- Developing a programme of awareness sessions, for managers and employees.
- Monitoring and evaluating the effectiveness of this policy in respect of related absence levels and performance.

The role of Occupational Health is to:

- Carry out a holistic assessment of individuals as to whether or not menopause may be contributing to symptoms/wellbeing, providing advice and guidance in line with up-to-date research;
- Provide support and advice to Human Resources, Health and Wellbeing Team and Managers in determining and agreeing reasonable adjustments, if required.
- Monitor referrals due to menopause symptoms and provide additional signposting, where required.
- Summarise all cases relating to menopausal symptoms in a quarterly activity report.
- Assist Human Resources to ensure the Menopause Advice Sheet is kept up to date.

8. ACCESS TO WORKPLACE SUPPORT

It is recognised that the menopause is a very personal experience and different adjustments, and levels of support may be needed for different individuals.

Individuals are encouraged to inform their line manager that they are experiencing menopausal symptoms at an early stage, to ensure that symptoms are recognised as an ongoing health issue rather than as individual instances of ill health. Early notification will also help line managers to determine the most appropriate course of action to support an employee's individual needs.

Although all line managers are expected to take a positive and supportive approach towards discussions about the menopause, the Council understands that some individual staff members who are affected may feel uncomfortable talking directly to their line manager if they are experiencing problems. The Council understands employees who do not wish to discuss the issue with their direct line manager may wish to have an initial discussion with:

- A colleague they trust
- Women's Network/Menopause Group Representative
- HR Advisor or Health and Wellbeing Advisor
- Occupational Health Practitioner
- Trade Union Representative

Counselling Services

Individuals can also access confidential support through either the Staff Support Network or through the Employee Assistance Programme (EAP) which offers expert advice and specialist counselling online or by telephone 24 hours a day, 7 days a week. Additionally, the EAP programme has a specific podcast on the Menopause, available to all employees and managers.

Women's Network/Menopause Support Group

A Menopause Support Group is available to access within the workplace and is open to any member of staff affected by issues linked to the menopause (directly or indirectly). The group will meet on a monthly basis and aims to provide a confidential and supportive forum for those affected by the menopause to access peer support and share knowledge and information.

9. LINKS TO OTHER HR POLICIES AND PROCEDURES AND USEFUL WEBSITES

- Health Attendance and Wellbeing Policy
- [Menopause Hub \(henpicked.net\)](http://menopausehub.henpicked.net)
- [Menopause Matters](http://menopausematters.com)
- [British Menopause Society](http://www.britishmenopause.org)
- [Menopause Exchange](http://menopauseexchange.com)
- menopausesupport.co.uk

Managers' Guidance for employee discussions

We recognise that every person is different and, therefore, it is not feasible to set out a structured set of specific guidelines.

If an employee wishes to speak about their symptoms, or just to talk about how they are feeling (they may not recognise themselves that they are symptomatic), or if an employee wishes to speak about a family member, please ensure that you:

- Allow adequate time to have the conversation
- Seek support from the Health and Wellbeing Team if necessary
- Find an appropriate room to preserve confidentiality
- Encourage them to speak openly and honestly
- Suggest ways in which they can be supported (see symptoms below) and issue them with a copy of the hand out (the Menopause Advice Sheet) which can be found at Appendix 2
- Make a note of the discussion and agree the next steps
- Agree if other members of the team should be informed, and by whom
- Ensure that designated time is allowed for a follow up meeting. Do not rely on quick queries during chance encounters in the corridor or break room.

Symptoms Support

Symptoms can manifest both physically and psychologically, including, but not exhaustively or exclusively; support for people should be considered as detailed below:

Hot Flushes

- Request temperature control for their work area, such as a fan on their desk (where possible a USB connected desk fan to reduce climate impact) or moving near a window, or away from a heat source.
- Easy access to drinking water.
- Be allowed to adapt prescribed uniform, such as by removing a jacket.
- Have access to a rest room for breaks if their work involves long periods of standing or sitting, or a quiet area if they need to manage a severe hot flush.

Heavy/light Periods

- Have permanent access to washroom facilities.
- Request an extra uniform.
- Ensure sanitary products are available in washrooms across the Council, in order to obtain personal protection.
- Ensure storage space is available for a change of clothing.

Headaches

- Have ease of access to fresh drinking water.
- Offer a quiet space to work.
- Offer noise-reducing headphones to wear in open offices.
- Have time out to take medication if needed.

Difficulty Sleeping

- Ask to be considered for flexible working particularly suffering from a lack of sleep.

Low Mood

- Agree time out from others, when required, without needing to ask for permission.
- Identify a 'buddy' for the colleague to talk to – outside of the work area.
- Identify a 'time out space' to be able to go to 'clear their head'.
- Contact Staff Support Network on 07973 965607 or the Employee Assistant Programme on 0330 380 0658 (24/7 telephone line) or alternatively CBT workbooks are available.

Loss of Confidence

- Ensure there are regular Appraisals and 1-2-1 meetings
- Have regular protected time with their manager to discuss any issues.
- Have agreed protected time to catch up with work.

Poor Concentration

- Discuss if there are times of the day when concentration is better or worse and adjust working pattern/practice accordingly.
- Review task allocation and workload.
- Provide books for lists, action boards, or other memory-assisting equipment.
- Offer quiet space to work.
- Offer noise-reducing headphones to wear in open offices.
- Reduce interruptions.
- Have agreements in place in an open office that an individual is having 'protected time', so that they are not disturbed.
- Have agreed 'protected time' to catch up with work.

Anxiety

- Promote counselling services provided by Council, the Staff Support Network on 07973 965607 or the Employee Assistant Programme on 0330 380 0658. CBT self-help workbooks are also available.
- Identify a 'buddy' for the colleague to talk to – outside of their work area.
- Be able to have time away from their work to undertake relaxation techniques.
- Undertake mindfulness activities such as breathing exercises or going for a walk.

Panic Attacks

- Agree time out from others, when required, without needing to ask for permission.
- Identify a 'buddy' outside of work area.
- Be able to have time away from their work to undertake relaxation techniques.
- Undertake mindfulness activities such as breathing exercises or going for a walk.

Discuss whether the member of staff has visited their GP. Depending on the discussion, this may be the next step suggested, particularly if the areas of difficulty are sleeping, panic attacks or anxiety.

If they have visited their GP, and are being supported by them, it may be helpful at this point to make an Occupational Health referral to give specific advice regarding the workplace.

Menopause Advice Sheet – How to talk to your GP about menopause

If you are suffering from menopausal symptoms to the point, they are getting in the way of you enjoying life, it's time to talk to your doctor. But, sometimes, that's easier said than done.

We all know how difficult it can often be just to get an appointment, and then it's often only ten minutes. And talking about symptoms can be hard, let alone if you feel rushed or unprepared. So, what can you do? We have put together some helpful, straightforward tips to help you get the best from your appointment.

Don't wait. It is all too common for people to feel they must simply 'put up' with [menopausal symptoms](#) as a part of life, but if they are affecting you, there are things you can do, and support available. There is no need to wait until symptoms feel unbearable.

Read the NICE guidelines. This stands for National Institute for Health and Care Excellence and these guidelines are what your doctor will use to determine the type of conversations to have with you and treatments to offer. There are [guidelines for patients](#), which are really useful to read before you see your GP, so you know what to expect.

Prepare for your appointment. It's easier for your doctor to understand what's going on if you provide them with all the information. That may sound obvious, but blood tests to say where you are on the menopause transition aren't always available or accurate – your hormones can fluctuate daily during this time. So, your doctor will be thinking about what to recommend for you, based on your symptoms.

Keep a [list of your symptoms](#), your menstrual cycle, hot flushes, how you're feeling, and any changes you've noticed. Write them down, and take them to your appointment. Your doctor will thank you for it, and it's more likely that together, you'll find the right solution faster. And, if you have any preferences about how you manage your symptoms, tell them that too – for example, if you'd like to try hormone replacement therapy (HRT), or not.

Ask the receptionist which doctor is best to talk to about menopause. They are often the font of all knowledge at a surgery, and can help you find the best person to speak to – it might not be your usual GP, it could be someone who has had special training in the subject.

Ask for a longer appointment. If you don't think your standard appointment will be long enough, try to book a double appointment, as some surgeries do offer this.

Don't be afraid to ask for a second opinion. If you don't feel you've received the help you need, ask to speak to someone else. Don't be put off, you know how you're feeling, and how it's affecting you.

Ask if there is a menopause clinic in your area. Occasionally, there are regional clinics, specifically devoted to menopause. If there is one in your area, and you think this would be helpful, ask for a referral.

Take your partner or a friend with you. The chances are, you spend your life supporting others and, during menopause, it is your turn to ask them for support. Your partner, or a friend, will know how the symptoms are affecting you. They could support you at the appointment, and also find out how they can continue supporting you.

What to expect from your doctor

There are certain things a GP should – and should not – do during your appointment.

They should:

- Talk to you about [your lifestyle](#), and how to manage both your symptoms, and your longer-term health;
- Offer advice on [hormone replacement therapy](#) and other [non-medical options](#);
- Talk to you about the safety and effectiveness of any treatment.

They should not:

- Tell you that it's just that time of your life. Yes, menopause is a natural stage, but please don't feel that means you should have to put up with every symptom without help;
- Tell you they don't prescribe HRT. It's up to you what you want to try, and for them to say whether it could be right for you, depending on your medical history;
- Impose unnecessary time restrictions, such as they will only prescribe this once, or for a year or two. This is an ongoing conversation, and if your symptoms persist, you will still need help to manage them.

Remember, your GP is there to help and support you, and you should feel comfortable and confident in talking to them about your symptoms, and any help you need. Don't think you have to struggle through menopause when there is help and support available.



Member Report

Paternity Leave Provisions

Report to: Employment Health and Safety Committee
Report from: Managing Director
Portfolio: Resources
Report Date: 8 February 2022
Decision Type: Committee
Council Priority Investing for the Long Term

HEADLINE POSITION

1.0 Summary of report

- 1.1 The purpose of the report to seek approval for the implementation of the revised Paternity Leave Provisions.

2.0 Recommendation

- 2.0 It is recommended that the Employment Health and Safety Committee approves the revised Paternity Leave Provisions.

DETAILED PROPOSALS

3.0 What are the objectives of the report and how do they link to the Council's priorities

- 3.1 The current Paternity Leave Provisions were approved on 13 November 2019. In line with normal arrangements, the provisions have now been reviewed to ensure compliance with employment legislation and best practice.
- 3.2 Having up-to-date Paternity Leave Provisions will ensure that Redcar and Cleveland Borough Council is compliant with the Paternity and Adoption Leave Regulations 2002.
- 3.3 Having reviewed the existing provisions, it is proposed that the general arrangements within the provisions should largely be maintained but that, subject to the views of the committee, the following changes should be implemented:

Section 1 – Introduction

This section outlines the framework for managing paternity leave and the steps managers and employees must take to ensure statutory and occupational benefits are applied appropriately.

Section 3 – Equality Diversity and Inclusion

This section has been added to support the Council's equality, diversity and inclusion objectives.

Section 4 – Entitlement and Qualifying Criteria

This section has been updated to give clearer guidance in relation to an employee's entitlement to Paternity Leave and the qualifying criteria required.

Section 6 – Paternity Leave Pay

This section has been updated simplify the information for employees in relation to paternity pay.

- 3.4 A copy of the Paternity Leave Provisions are attached as Appendix 1.

4.0 What options have been considered

- 4.1 The implementation of the revised Paternity Leave Provisions will ensure that the Council is compliant with employment and equality legislation and, as such, no other options have been considered.

5.0 Impact Assessment

5.1 Climate Emergency

There is no direct impact on the climate emergency.

5.2 Health and Safety

There is no direct impact in terms of health and safety.

5.3 Social Value

There is no direct impact in term of social value.

5.4 Legal

The revised Paternity Leave Provisions will ensure that the Council complies with relevant Employment legislation

5.5 Financial

Employees who meet the necessary qualifying criteria are entitled to paternity pay, which is funded from existing salary budgets

5.6 Human Resources

The revised Paternity Leave Provisions will help to ensure that employees are aware of their rights to paternity leave and pay.

5.7 Equality and Diversity

The provisions follow the relevant legislation and are designed to be compliant with Equality and Diversity.

6.0 Implementation Plan

6.1 Timetable for Implementing Decision:

Once the revised Paternity Leave Provisions have been approved, they will be implemented with immediate effect.

6.2 Lead Officer

Jane Garnett

6.3 Reporting Progress

N/A

6.4 Communications Plan

Arrangements will be made for this to be communicated internally via HR Insight and Building a Better Borough. A copy will also be made available on the intranet.

7.0 Consultation and Engagement

A copy of the revised Paternity Leave Provisions was circulated to the recognised Trade Unions and the Equality and Diversity Group. No comments have been received.

8.0 Appendices and Background Papers

8.1 Appendix 1 Paternity Leave Provisions

9.0 Contact Officer

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Appendix 1



Human Resources

PATERNITY LEAVE

Document Control			
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Content

1	Introduction	4
2	Scope	4
3	Equality, Diversity and Inclusion	4
4	Entitlement and Qualifying Criteria	4
5	Applying for Paternity Leave	5
6	Paternity Leave Pay	5
7	Other Relevant Human Resources Policies and Procedures	5

Appendices

1	Paternity Support Leave Application Form	6
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INTRODUCTION

Redcar and Cleveland Borough Council is committed to ensuring that paternity benefits are applied fairly and constantly. These provisions outlines the framework for managing paternity leave and the steps managers and employees must take to ensure statutory and occupational benefits are applied appropriately.

2. SCOPE

The provisions covers all Council employees.

3. EQUALITY, DIVERSITY AND INCLUSION

The Council is committed to developing an inclusive workplace and discrimination based on age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, or other characteristics, is not acceptable

4. ENTITLEMENT/QUALIFYING CRITERIA

The Council's local conditions of service allow all employees, regardless of length of service or hours worked, one week's paternity leave paid at their normal pay rate.

Employees with at least 26 weeks' continuous service at the end of the 15th week before the expected week of childbirth are entitled to a second consecutive week's paternity leave and pay if they meet the qualifying criteria:

- They are the biological father of the child and expect to have some responsibility for the child's upbringing; or
- They are married to or the partner¹ of the child's mother (including same sex partners) and expect to have main responsibility with the mother for the child's upbringing

Employees who meet the qualifying criteria for paternity leave can choose to start their leave:

- From the date of the child's birth (whether that is earlier or later than expected); or
- From a later date of their choosing as notified to the Council (see section 4 below).

The leave must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.

- c) Leave can start on the date of the child's birth or a later date of the employee's choosing but it must end:
 - Within 56 days of the actual birth of the child; or
 - Within 56 days of the first day of the expected week of birth.
- d) Paternity leave cannot start before the baby is born employees will need to submit an amended request in the event that the baby is not born by the date any leave is due to commence.

Only one period of leave is provided per pregnancy e.g., for multiple births the entitlement to leave will still be either one or two weeks.

¹ The law specifies that a partner is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative

5. APPLYING FOR PATERNITY LEAVE

All requests for paternity leave should be made on the Paternity Leave Application Form) on or before the 15th week before the expected week of the child's birth or as soon as it is reasonably practicable. Employees must provide supporting evidence of eligibility under the qualifying criteria.

Paternity Leave cannot be taken until the Paternity Leave Application form has been completed.

A copy of the Paternity Leave Application Form can be found in Appendix 1.

6. PATERNITY LEAVE PAY

All terms and conditions of the employee's contract, except normal pay, will continue during paternity leave.

Paternity Leave Pay

- Under the Council's Local Terms and Conditions of Service all employees regardless of their length of service or hours worked are entitled to one week's paternity leave paid at normal pay.
- Employees who have at least 26 week's continuous service at that the 15th week before the expected week of childbirth who elect to take a second week's paternity leave will receive Statutory Paternity Pay (SPP) which is paid at a standard rate of statutory paternity pay or at 90% of the employee's earning if this figure is lower.

7 OTHER RELEVANT HR POLICIES AND PROCEDURES

The Council has several other policies and procedures which you may want to refer to including:

Adoption Leave Provisions
Maternity Leave Provisions
Paternity Leave for Adoptive Parents
Parental Leave
Right to Request Flexible Working
Shared Parental Leave – Birth
Shared Parental Leave - Adoption.

Paternity Leave Application Form

You must attach the required supporting evidence to this application form

Section 1 – To be completed by the employee			
Surname			
Forename(s)			
Home Address			
Post Title		Contracted Hours	
Payroll Number		Line Manager	
Place of Employment			
Local Government Start Date			
Expected Week of Childbirth			
I would like my Paternity Support Leave and Statutory Paternity Pay to start on			
From	To	Duration	
		One Week	<input type="checkbox"/>
		Two Weeks	<input type="checkbox"/>
Supporting Evidence attached		Maternity Certificate	<input type="checkbox"/>
		Letter from Child's Mother	<input type="checkbox"/>
Declaration: (You must be able to tick all three boxes to get Paternity Leave and Statutory Paternity Pay)			
I am the baby's biological father or married to or in a civil partnership with mother or living with the mother in an enduring family relationship, but am not an immediate relative <input type="checkbox"/>			
I will have responsibility for the child's upbringing <input type="checkbox"/>			
I will take time off work to support the mother or care for the child <input type="checkbox"/>			

Signature of Applicant _____ Date _____

Section 2 - To be completed by the Manager	
Approved	Yes/No
Comments:	

Manager _____ Date _____

Completed form should be returned to Human Resources, Redcar & Cleveland House, Kirkleatham Street, Redcar



Member Report

Paternity Leave - Adoptive Parents Provisions

Report to: Employment Health and Safety Committee
Report from: Managing Director
Portfolio: Resources
Report Date: 8 February 2022
Decision Type: Committee
Council Priority Investing for the Long Term

HEADLINE POSITION

1.0 Summary of report

- 1.1 The purpose of the report is to seek approval for the implementation of the revised Paternity Leave – Adoptive Parent Provisions.

2.0 Recommendation

- 2.0 It is recommended that the Employment Health and Safety Committee approves the revised Paternity Leave – Adoptive Parent Provisions.

DETAILED PROPOSALS

3.0 What are the objectives of the report and how do they link to the Council's priorities

- 3.1 The current Paternity Leave – Adoptive Parent Provisions were approved on 18 November 2020. In line with normal arrangements, the provisions have now been reviewed to ensure compliance with employment legislation and best practice.
- 3.2 Having up-to-date Paternity Leave – Adoptive Parent Provisions will ensure that Redcar and Cleveland Borough Council is compliant with the Paternity and Adoption Leave Regulations 2002.
- 3.3 Having reviewed the existing provisions, it is proposed that the general arrangements within the provisions should largely be maintained but that, subject to the views of the committee, the following changes should be implemented:

Section 3 – Equality Diversity and Inclusion

This section has been added to support the Council's equality, diversity and inclusion objectives.

Section 4 – Entitlement and Qualifying Criteria

This section has been updated to give clearer guidance in relation to an employee's entitlement to Paternity Leave for Adoptive Parents and the qualifying criteria required.

Section 5 – Applying for Paternity Leave – Adoptive Parents

This section has been updated to clarify that all requests for Paternity Leave – Adoptive Parents must be made using the Adoptive Parents Paternity Leave Application Form and that a copy of the matching certificate must be attached.

Section 6 – Paternity Leave for Adoptive Parent Pay

This section has been updated to simplify the information for employees in relation to paternity pay.

- 3.4 A copy of the Paternity Leave – Adoptive Parent Provisions are attached as Appendix 1.

4.0 What options have been considered

- 4.1 The implementation of the revised Paternity Leave – Adoptive Parent Provisions will ensure that the Council is compliant with employment and equality legislation and, as such, no other options have been considered.

5.0 Impact Assessment

5.1 Climate Emergency

There is no direct impact on the climate emergency.

5.2 Health and Safety

There is no direct impact in terms of health and safety.

5.3 Social Value

There is no direct impact in term of social value.

5.4 Legal

The revised Paternity Leave – Adoptive Parent Provisions will ensure that Redcar & Cleveland comply with relevant Employment legislation

5.5 Financial

Employees who meet the necessary qualifying criteria are entitled paternity pay for adoptive parent which is funded from existing salary budgets

5.6 Human Resources

The revised Paternity Leave – Adoptive Parent Provisions will help to ensure that employees are aware of their rights to paternity leave and pay.

5.7 Equality and Diversity

The provisions are designed to be compliant with Equality and Diversity.

6.0 Implementation Plan

6.1 Timetable for Implementing Decision:

Once the revised Paternity Leave – Adoptive Parent Provisions have been approved they will be implemented with immediate effect.

6.2 Lead Officer

Jane Garnett

6.3 Reporting Progress

N/A

6.4 Communications Plan

Arrangements will be made for this to be communicated internally via HR Insight and Building a Better Borough. A copy will also be made available on the intranet.

7.0 Consultation and Engagement

A copy of the revised Paternity Leave – Adoptive Parent Provisions were circulated to the recognised Trade Unions and the Equality and Diversity Group. No comments have been received.

8.0 Appendices and Background Papers

8.1 Appendix 1 Paternity Leave – Adoptive Parent Provisions

9.0 Contact Officer

9.1	Name:	Jane Garnett
9.2	Position	Strategic HR Manager
9.3	Email address	jane.garnett@redcar-cleveland.gov.uk
9.4	Telephone Number	01642 444524



Appendix 1



Human Resources

PATERNITY LEAVE FOR ADOPTIVE PARENTS

Document Control			
Applies To	All Employees	Intranet	
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Content

1	Introduction	4
2	Scope	4
3	Equality, Diversity and inclusion	4
4	Entitlement and Qualifying Criteria	4
5	Applying for Paternity Leave for Adoptive Parents	5
6	Paternity Leave for Adoptive Parents Pay	5
7	Other Relevant Human Resources Policies and Procedures	5

Appendices

1	Paternity Leave for Adoptive Parents Application Form	6
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INTRODUCTION

Redcar and Cleveland Borough Council is committed to ensuring that its employment practices are fair and consistent, compliant with legislation and in line with best practice principles. The Paternity Leave for Adoptive Parents Provisions set out statutory rights and responsibilities in relation to Paternity Leave for Adoptive Parents who have a child placed with them. The provisions also cover surrogate parents who meet the qualifying criteria who are or expect to be the parents of a child under a parental order.

SCOPE

The provisions covers all Council employees.

EQUALITY, DIVERSITY AND INCLUSION

The Council is committed to developing an inclusive workplace and discrimination based on age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, or other characteristics, is not acceptable.

ENTITLEMENT AND QUALIFYING CRITERIA

The Council's local conditions of service allow all employees, regardless of length of service or hours worked, one week's paternity leave for adoptive parents, paid at their normal pay rate.

Employees with at least 26 weeks' continuous service who meet the qualifying criteria are entitled to apply for a second consecutive week's paid paternity leave for adoptive parents. The leave cannot be taken separately or as odd days. Employees can choose to start their leave:

- From the date of the child's placement with the adopter even if this is earlier or later than the expected date of placement or
- From a predetermined date after the placement; or
- A date falling in a specified number of days after the expected date of placement.

To qualify for paid Paternity Leave for adoptive parents, the employee must:

- Be either an adopter of the child, or the partner of the adopter¹ and
- Have, or expect to have, main responsibility for the upbringing of the child, with the adopter.

Leave can start on any day of the week on or following the child's placement but must be completed within 56 days of the child's placement. Leave cannot start before the child is placed with the adopter, and employees will need to submit an amended request in the event that the child is not placed by the date any leave is due to commence.

Only one period of leave is provided even if more than one child is adopted, so the entitlement for leave will still be either one or two weeks.

¹ The law specifies that a partner is someone who lives with the adopter in an enduring family relationship but is not an immediate relative

5. APPLYING FOR PATERNITY LEAVE FOR ADOPTIVE PARENTS

All requests for paternity leave should be made on the Adoptive Parents Paternity Leave Application Form. Employees must attach a copy of the Adoption Matching Certificate. Paternity Leave for adoptive parents cannot be taken until the Adoptive Parents Paternity Leave Application form has been completed. A copy of the Adoptive Parents Paternity Leave Application can be found in Appendix 1.

6. PATERNITY LEAVE FOR ADOPTIVE PARENTS PAY

All terms and conditions of the employee's contract, except normal pay, will continue during paternity leave.

Paternity Leave Pay

- Under the Council's Local Terms and Conditions of Service all employees regardless of their length of service or hours worked are entitled to one week's paternity leave for adoptive parents paid at normal pay.
- Employees who have at least 26 week's continuous service at that the 15th week before the expected week of childbirth who elect to take a second week's paternity leave for adoptive parents will be paid at the standard rate of Statutory Paternity Pay or at 90% of the employee's earning if this figure is lower

.7. OTHER RELEVANT HR POLICIES AND PROCEDURES

The Council has several other policies and procedures which you may want to refer to including:

Adoption Leave Provision

Maternity Leave

Maternity Support Leave

Parental Leave

Right to Request Flexible Working

Shared Parental Leave – Birth

Shared Parental Leave – Adoption.



ADOPTIVE PARENTS

PATERNITY LEAVE APPLICATION FORM

This form will not be accepted if you have not attached a copy of the Adoption Matching Certificate

Section 1 – To be completed by the employee			
Surname			
Forename(s)			
Home Address			
Post Title		Contracted Hours	
Payroll Number		Line Manager	
Place of Employment			
Local Government Start Date			
Date Child is expected to be placed with the adopter			
I would like my Paternity Leave and Statutory Paternity Pay for Adoptive Parents to start on			
From	To	Number of Weeks	
		One Week	<input type="checkbox"/>
		Two Weeks	<input type="checkbox"/>
Supporting Evidence attached (e.g. Adoption Matching Certificate)		Yes/No	
Declaration:			
You must tick this box if you are adopting a child with your partner			
I declare that I am adopting the child with my partner and I want to receive Statutory Paternity Pay and Paternity Leave and not Statutory Adoption Pay and Adoption Leave <input type="checkbox"/>			
You must be able to tick all three boxes below to get Statutory Paternity Pay and Paternity Leave			
I am married to or in civil partnership with the person adopting the child or living with the person adopting the child in an enduring family relationship, but am not an immediate relative <input type="checkbox"/>			
I will have responsibility of the child's upbringing <input type="checkbox"/>			
I will take time off work to support the person adopting the child or to care for the child <input type="checkbox"/>			

Employee Signature _____ Date _____

Section 2 - To be completed by the Line Manager

Approved

Yes/No

Comments:

Line Manager Signature

Date

Completed form should be returned to Human Resources, Redcar & Cleveland House, Kirkleatham Street, Redcar