

## Notice of Meeting

# People, Performance and Development Committee



**SURREY**  
COUNTY COUNCIL

**Date & time**  
**Wednesday, 29**  
**April 2020**  
**at 10.30 am**

**Place**  
Remote Meeting

**Contact**  
Joss Butler, Committee  
Manager  
joss.butler@surreycc.gov.uk

**Chief Executive**  
Joanna Killian



**We're on Twitter:**  
**@SCCdemocracy**

Please note that due to the Covid-19 situation this meeting will take place remotely.

Please be aware that a link to view a live recording of the meeting will be available on the People, Performance and Development Committee page on the Surrey County Council website. This page can be accessed by following the link below:

<https://mycouncil.surreycc.gov.uk/mgCommitteeDetails.aspx?ID=169>

### **Members**

Mr Tim Oliver (Chairman), Mr Colin Kemp (Deputy Chairman), Ms Denise Turner-Stewart,  
Mr Ken Gulati, Mr Eber A Kington and Mr Chris Botten

## AGENDA

### 1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

### 2 MINUTES OF THE PREVIOUS MEETING - 12 FEBRUARY 2020

(Pages 1  
- 6)

To agree the minutes as a true record of the meeting.

### 3 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

#### NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

### 4 QUESTIONS AND PETITIONS

To receive any questions or petitions.

#### Notes:

1. The deadline for Member's questions is 12.00pm four working days before the meeting (*23 April 2020*).
2. The deadline for public questions is seven days before the meeting (*22 April 2020*).
3. The deadline for petitions was 14 days before the meeting, and no petitions have been received.

### 5 ACTION REVIEW

(Pages 7  
- 10)

For Members to consider and comment on the Committee's action tracker.

### 6 FORWARD WORK PROGRAMME

(Pages  
11 - 14)

For Members to review and comment on upcoming items due for consideration by the People, Performance and Development Committee.

**7 TERMINATION OF A MEMBER REPRESENTATIVE AND FURTHER APPOINTMENT OF A MEMBER REPRESENTATIVE OF THE LOCAL PENSION BOARD** (Pages 15 - 20)

This report sets out the proposed appointment of an individual member of the Local Pension Board for approval by the People, Performance and Development Committee.

The Local Pension Board is a requirement under section 5 of the Public Service Pensions Act 2013, and Regulation 106 of the Local Government Pension Scheme Regulations 2013.

**8 PROPOSED CHANGES TO HR POLICIES** (Pages 21 - 58)

Proposed amendments to HR policies are brought for consideration by the Committee on End of Employment policy, Special Leave and Annual Leave.

This report is being brought to People, Performance and Development Committee for decision in accordance with the Scheme of Delegation for determining council policy on the terms and conditions of all staff.

**9 EXCLUSION OF THE PUBLIC**

**Recommendation:** That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.

**PART TWO – IN PRIVATE**

**10 STAFFING MATTERS IN RESPONSE TO COVID-19** (Pages 59 - 66)

To provide the Committee with an update on staffing matters in relation to the council's response to the Covid-19 pandemic.

**Confidential: Not for publication under Paragraph 3**

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**11 PUBLICITY OF PART 2 ITEMS**

To consider whether the item considered under Part 2 of the agenda should be made available to the press and public.

**Confidential: Not for publication under Paragraph 3**

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**12 DATE OF NEXT MEETING**

The next meeting of People, Performance and Development Committee will be on 11 June 2020

**Joanna Killian**  
**Chief Executive**  
Published: Tuesday, 21 April 2020

**MINUTES** of the meeting of the **PEOPLE, PERFORMANCE AND DEVELOPMENT COMMITTEE** held at 3.15 pm on 12 February 2020 at County Hall, Kingston upon Thames, KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

**Elected Members:**

\*= in attendance

Mr Tim Oliver (Chairman)\*  
Mr Colin Kemp (Deputy Chairman)\*  
Ms Denise Turner-Stewart\*  
Mr Ken Gulati\*  
Mr Eber A Kington\*  
Mr Chris Botten\*

**1/20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

None received.

**2/20 MINUTES OF THE PREVIOUS MEETINGS [Item 2]**

The minutes were agreed as a true record of the meeting.

In regards to the Appointment Sub-Committee minutes dated 20 January 2020, the candidate declined the offer of employment therefore the Appointment Sub-Committee agreed to offer Dawn Redpath the role of Director of Economic Development and Growth for Surrey County Council as the next appointable candidate.

**3/20 DECLARATIONS OF INTEREST [Item 3]**

There were none.

**4/20 QUESTIONS AND PETITIONS [Item 4]**

There were none.

**5/20 ACTION REVIEW [Item 5]**

**Declarations of interest:**

None

**Witnesses:**

Joss Butler, Committee Manager

**Key points from the discussion:**

1. Members of the Committee noted that there were currently no outstanding actions.

**RESOLVED:**

The People, Performance and Development Committee noted the Actions Tracker.

**6/20 FORWARD WORK PROGRAMME [Item 6]****Declarations of interest:**

None

**Witnesses:**

Joss Butler, Committee Manager  
Jacqueline Foglietta, Director - HR & OD

**Key points from the discussion:**

1. Members of the Committee noted the Committee's forward plan.
2. Officers highlighted that the usual standing item titled 'Moving Closer to Residents' considered by the Committee as a separate item as well as at the following meeting. Members highlighted the need for a specific committee to consider the details of the Council's County Hall move to Woking, Surrey.

**RESOLVED:**

The People, Performance and Development Committee noted the Forward Work Programme.

**7/20 OUR PEOPLE 2025 WORKFORCE STRATEGY [Item 7]****Declarations of interest:**

None

**Witnesses:**

Jacqueline Foglietta, Director - HR & OD

**Key points raised during the discussion:**

1. Officers introduced the report and presented the slides included as Annex 1 of the report.
2. In regards to Slide 1, the Committee noted that there were ongoing challenges in schools meet the Government's apprenticeship targets. Members stated that it was positive there were opportunities, especially for young people, to take up apprenticeships in Surrey schools.
3. When discussing workforce data, Members noted that work was being conducted by the Local Government Authority (LGA) and a pilot group of London Councils and South East Employees to collect benchmarking data and workforce statistics. Officers agreed to circulate this information once available.

4. In regards to Slide 2, Officers explained that a 'dial up' area was an area the organisation agreed needed to be focused on in the short to medium term.
5. Members had a discussion on the importance of the organisation having a diverse workforce. Officers highlighted that #Diversity sessions had taken place and that feedback was being incorporated into the new approach. Members further noted that there were a number of new diverse networks for staff across the Council.

**Actions/ further information to be provided:**

None.

**RESOLVED:**

The People, Performance and Development Committee noted the content of the report.

**8/20 APPRENTICESHIP GROWTH STRATEGY [Item 8]**

**Declarations of interest:**

None

**Witnesses:**

Jacqueline Foglietta, Director - HR & OD

**Key points raised during the discussion:**

1. Officers introduced the report and presented the slides included as Annex 1 of the report. Members noted that the apprenticeship target of 2.3% of staff on the programme per financial year was based on staff head count rather than Full Time Equivalent (FTE).
2. Members discussed the need for providers to provide the right apprenticeship programmes that cover a variety of employment areas.
3. Members noted that the Council was unable to retain funds left in the apprenticeship levy after it had expired. Members suggested to investigate options for the County Council to become an accredited training advisor to train apprentices rather than relying on external providers.
4. Members asked whether there was a penalty to the Council when an apprentice chose not to remain at the Council following the end of the programme. Officers confirmed that there was no penalty however there were challenges when an apprenticeship ended early due to restructure within a service.
5. Members noted that the Council would need to evidence that there were at least 12 dedicated apprenticeship placements for care leavers or looked after children to sign up to the Care Leavers Covenant.

**Actions/ further information to be provided:**

None.

**RESOLVED:**

The People, Performance and Development Committee noted the contents of the report.

**9/20 EXCLUSION OF THE PUBLIC [Item 9]**

**RESOLVED:** That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.

**10/20 MOVING CLOSER TO OUR RESIDENTS PROGRAMME STAFFING IMPLICATIONS [Item 10]**

**Declarations of interest:**

None

**Witnesses:**

Jacqueline Foglietta, Director - HR & OD

**Key points raised during the discussion:**

1. Officers introduced the report and provided a brief summary. Members noted that the focus of the programme had changed since confirmation that the Council's new civic heart would be in Working. Members further noted that a number of workshops had been launched to support agile leadership ways of working.
2. The Leader of the Council highlighted that, along with the Chief Executive, he would be beginning a series of road shows to provide staff with information on the Moving Closer to Residents Programme and collate feedback.

**Actions/ further information to be provided:**

None.

**RESOLVED:**

The People, Performance and Development Committee noted the contents of the report.

**11/20 SURREY PAY 2020/21 [Item 11]**

**Declarations of interest:**

None

**Witnesses:**

Jackie Foglietta, Director of HR&OD  
Paul Smith, Interim HR Consultant

**Key points raised during the discussion:**

1. Members of the Committee were informed that following the November meeting of the People, Performance and Development Committee negotiations took place with the Trade Unions on changes to Surrey Pay for 2020/21 and had come to a collective agreement.
2. A discussion was had around whether staff were able to sell annual leave back to the Council. Officers confirmed that staff were unable to sell annual leave but could buy five days annual leave per annum as well as carry over five days from the previous year. Members further noted that all annual leave requests were subject to management approval.

**Actions/ further information to be provided:**

None.

**RESOLVED:**

The People, Performance and Development Committee approved that:

- i A minimum pay rate of £9.30 per hour be applied to Surrey Pay point PS1/2 in line with the UK Living Wage Foundation's recommended rate.
- ii Increases of 2% on all Surrey Pay points from point PS3 upwards within existing pay grades, as set out in Appendix A of the report.
- iii Increases to apprentice rates as set out in paragraphs 14 and 15 of the report, to take effect from 1 September 2019.
- iv Increases to annual leave entitlements as set out in paragraph 16 of the report.
- v Changes to the Workbase Relocation Grant (WBRG) as set out in Appendix B of the report.
- vi The above changes be effected by a Collective Agreement with the recognised Trades Unions.

**12/20 SURREY PAY POLICY STATEMENT 2020 - 2021 [Item 12]**

**Declarations of interest:**

None

**Witnesses:**

Jackie Foglietta, Director of HR&OD

Paul Smith, Interim HR Consultant

**Key points raised during the discussion:**

1. Officers introduced the item and provided a brief summary. Members noted that they were being asked to recommendation the Pay Policy Statement to County Council which would take place on 17 March 2020.

2. Officers highlighted that the Annual Report and Accounts, referenced within paragraph 2 of Annex 1 of the report, only included information from the previous 12 months.

**RESOLVED:**

The People, Performance and Development Committee is asked to recommend publication of the Pay Policy Statement (Annex 1) to the next Surrey County Council Full Council meeting on 17 March 2020.

**13/20 EXCLUSION OF THE PUBLIC [Item 13]**

**RESOLVED:** That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.

**14/20 PUBLICITY OF PART 2 ITEMS [Item 14]**

It was agreed that the information related to Part 2 items discussed at the meeting would remain exempt.

**15/20 DATE OF NEXT MEETING [Item 15]**

The Committee noted that its next meeting would be held on 29 April 2020.

Meeting ended at: 4:30pm

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**Chairman**



**People, Performance and Development Committee**  
29 April 2020

**Action Review**

**Purpose of the report:**

For Members to consider and comment on the Committee's actions tracker.

**Introduction:**

An actions tracker recording actions and recommendations from previous meetings is attached as **Annex 1** and the Committee is asked to review progress on the items listed.

**Recommendations:**

The Committee is asked to monitor progress on the implementation of actions from previous meetings.

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**Report contact:** Joss Butler, Committee Manager

**Contact details:** [joss.butler@surreycc.gov.uk](mailto:joss.butler@surreycc.gov.uk)

**Annexes:**

Annex 1 – People, Performance and Development Committee Actions Tracker

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## People, Performance & Development Committee – ACTION TRACKING

## April 2020

### ONGOING ACTIONS

Number	Meeting Date	Item	Action	Action by whom	Action update
A15/19	23 September 2019	Workforce Performance Indicators	That workforce performance RAG rating be brought to the committee for discussion before the next Tableau item in February 2020.	Director of HR / Members of the People, Performance and Development Committee	April 2020 - Item to be included within the June 2020 Committee agenda.

### COMPLETED ACTIONS

Number	Meeting Date	Item	Recommendation / Action	Action by whom	Action completed
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**People, Performance and Development Committee**  
29 April 2020

**Forward Work Programme**

**Purpose of the report:**

For Members to review and comment on upcoming items due for consideration by the People, Performance and Development Committee.

**Introduction:**

A Forward Plan recording agenda items for consideration at future People, Performance and Development Committee meetings is attached as **Annex 1**, and Members are asked to review the items listed on the Forward Plan.

**Recommendations:**

That the People, Performance and Development Committee review items that it is due to consider at future meetings (Annex 1).

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**Report contact:** Joss Butler, Committee Manager

**Contact details:** [joss.butler@surreycc.gov.uk](mailto:joss.butler@surreycc.gov.uk)

**Annexes:**

Annex 1 – People, Performance and Development Committee Forward Work Programme

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**People Performance and Development Committee Forward Work Programme – April 2020**



**June 2020**

<b>Item title</b>	<b>Workforce Performance Indicators</b>
<b>Report author</b>	Jackie Foglietta - Director of HR & OD
<b>Item Summary</b>	The Committee to note Surrey County Council's Workforce Performance Indicators

<b>Item title</b>	<b>Staff Survey</b>
<b>Report author</b>	Jackie Foglietta - Director of HR & OD
<b>Item Summary</b>	To note proposals (purpose, content/format, outcomes sought and timescales) for an organisation wide staff survey.

<b>Item title</b>	<b>Moving Closer to Residents Update</b>
<b>Report author</b>	Jackie Foglietta - Director of HR & OD
<b>Item Summary</b>	To note an update on the Moving Closer to Residents programme.

<b>Item title</b>	<b>Staffing Matters in response to Covid-19</b>
<b>Report author</b>	Jackie Foglietta - Director of HR & OD
<b>Item Summary</b>	To provide the Committee with an update on staffing matters through the Recovery phase of Covid-19, including recognition for those staff who have made an exceptional contribution to the council's response to the pandemic

**Senior Officer Appointments will be scheduled as and when required.**

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People, Performance and Development Committee  
29 April 2020

**Termination of a member representative and further  
appointment of a member representative of the Local Pension  
Board**

**Purpose of the report:**

This report sets out the proposed appointment of an individual member of the Local Pension Board for approval by the People, Performance and Development Committee.

The Local Pension Board is a requirement under section 5 of the Public Service Pensions Act 2013, and Regulation 106 of the Local Government Pension Scheme Regulations 2013.

**Recommendations:**

It is recommended that the proposed termination and appointment for a member representative position of the Local Pension Board is approved, as outlined in Annex 1.

**Introduction:**

1. Under the provisions of section 5 of the Public Service Pensions Act 2013 ("the 2013 Act") and regulation 106 of the Local Government Pension Scheme (LGPS) Regulations 2013 (as amended) ("the Regulations") each LGPS Administering Authority must establish a new Local Pension Board for the purposes of assisting the Administering Authority in all aspects of governance and administration of the LGPS, including funding and investments.
2. The Local Pension Board is constituted separately to the Surrey Pension Fund Committee which has delegated authority to carry out pensions functions for the Council as the Administering Authority.

3. On 17 March 2015, the Council established the Local Pension Board, and delegated the appointment of members of the Local Pension Board to the People, Performance and Development Committee (PPDC). An appointment panel of officers and Members was established to oversee the recruitment process and produce recommendations for the PPDC.
4. On 17 July 2015 the PPDC appointed the required eight employer and member representatives of the Local Pension Board. One member of the Local Pension Board has now resigned, leaving a vacancy.
5. This report sets out the recommendation of the appointment panel, terminating an individual membership and making a subsequent appointment to fill the vacancy, and asks the PPDC to approve both the proposed termination and appointment to the Local Pension Board.
6. The role of the Local Pension Board, the constitution of its membership and the roles and responsibilities of the Board members are set out in the Local Pension Board terms of reference. It is expected that each Local Pension Board member so appointed will serve for the life of the current Surrey County Council, which will continue until spring 2021. Appointments can be extended for further periods subject to re-nomination.

#### **Financial and value for money implications**

7. The cost of provision of democratic support to the Board will be contained within existing resources, and therefore will not be an additional cost to the Council. Any additional expenses will be borne by the administration cost centre of the Pension Fund and must be approved by the Director of Finance.

#### **Equalities and Diversity Implications**

8. The establishment of the Board is a statutory requirement. There are no specific equality implications arising from these appointments.

#### **Risk Management Implications**

9. All risk related issues related to the appointment of Board members are managed within the Board's terms of reference, as agreed by Council on 17 March 2015 and amended by the Pension Fund Committee on 18 September 2015.

#### **Next steps:**

The next public meeting of the Local Pension Board will be organised prior to the end of 22 May 2020, following the appointment of the new Board member.

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**Report contact:** Ayaz Malik, Pensions Finance Specialist (Investments, Funding & Governance)

**Contact details:** T: 020 8541 9705 E: [ayaz.malik@surreycc.gov.uk](mailto:ayaz.malik@surreycc.gov.uk)

**Sources/background papers:**

Public Service Pensions Act, 2013

Local Government Pension Scheme (LGPS) Regulations, 2013

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## THE SURREY LOCAL PENSION BOARD

### RECOMMENDATION TO THE PEOPLE, PERFORMANCE & DEVELOPMENT COMMITTEE FOR THE APPOINTMENT OF A MEMBER REPRESENTATIVE OF THE LOCAL PENSION BOARD



#### 1. **Appointment of Local Pension Board members**

- 1.1 Appointment of Local Pension Board members is carried out by the People, Performance and Development Committee following recommendations from the Appointment/Termination panel.
- 1.2 The Appointment/Termination panel overseeing the process consist of the following representatives of the Administering Authority:
- The Chairman of the Pension Fund Committee;
  - The Director of Finance (or her nominee);
  - The Strategic Finance Manager – Pension fund and treasury;
  - The Director of Legal & Democratic Services (or her nominee).
- 1.3 The requirement is to appoint employer representatives as follows:
- 2 x Surrey County Councillors;
  - 2 x representatives to come from nominations from other employers (e.g. District, Borough and Parish Councils, Academies, Police and other scheduled, designated or admitted body employers in the Surrey Pension Fund).
- 1.4 The requirement is to appoint member representatives as follows:
- 1 x GMB nominated representative;
  - 1 x Unison nominated representative;
  - 2 x other member representatives.
- 1.5 Any independent representatives will be directly appointed by the Appointment Panel through an open and transparent process.
- #### 2. **Appointment of the Chairman and Vice Chairman of the Local Pension Board**
- 2.1 Appointment of the Chairman and Vice Chairman of the Local Pension Board is be carried out by the People, Performance and Development Committee on the recommendation of the Appointment/Termination panel.

### 3. The Constitution of the current Local Pension Board

3.1 The current Employer representatives are:

- 2 x Surrey County Councillors:
  - Cllr Nick Harrison
  - Cllr Graham Ellwood
- 2 x representatives to come from nominations from other employers (e.g. District, Borough and Parish Councils, Academies, Police and other scheduled, designated or admitted body employers in the Surrey Pension Fund):
  - Paul Bundy (Surrey Police)
  - Vacant

3.2 The current member representatives of the Local Pension Board are:

- 1 x GMB nominated representative:
  - Tina Hood
- 1 x Unison nominated representative:
  - Paresh Rajani
- 2 x other member representatives:
  - David Stewart
  - Trevor Willington

3.3 The requirement for independent representatives of the Local Pension Board is regularly reviewed by the newly formed Local Pension Board. There are no appointments at this stage.

3.4 The current Chairman of the Local Pension Board is:

- Cllr Nick Harrison

3.5 The current Vice Chairman of the Local Pension Board is:

- Cllr Graham Ellwood

3.6 The Appointment panel recommends:

- that Paresh Rajani membership of the Local Pension Board is terminated for the following reasons:
  - no longer being able to demonstrate to the Scheme Manager their capacity to attend and prepare for meetings or to participate in required training or otherwise to carry out the requirements of the role appropriately;

3.7 The appointment panel further recommends for the vacant member representative of the Local Pension Board to the People, Performance and Development Committee:

- 1 x employer nominated representative:
  - Siobhan Kennedy



People, Performance and Development Committee  
29 April 2020

### Proposed changes to HR policies

#### Purpose of the report:

Proposed amendments to HR policies are brought for consideration by the Committee on End of Employment policy, Special Leave and Annual Leave.

This report is being brought to People, Performance and Development Committee for decision in accordance with the Scheme of Delegation for determining council policy on the terms and conditions of all staff.

**Please note:** The policy changes in respect of carrying forward annual leave due to 'operational reasons' are for when the situation returns to normal. For the 2020/21 annual leave year CLT have agreed alternative arrangements due to the current Covid-19 pandemic in line with government guidance. A separate report is being presented to committee to explain this.

#### Recommendations:

It is recommended that the Committee considers and approves:

- i Proposed amendments to the End of Employment policy as set out in annex 1;
- ii Proposed amendments to the Special Leave policy as set out in annex 2; and
- iii Proposed amendments to the Annual Leave policy, as set out in annex 3.

## Introduction

1. It has been necessary to review the end of employment, special leave and annual leave HR employment policies for the following reasons:
  - **End of employment:** Contractual changes to notice periods and feedback from managers prompted a review. Consultation has taken place with SSCTU representatives and their feedback is included in the revised policy.
  - **Special leave:** new statutory legislation on parental bereavement leave prompted a review. Consultation has taken place with SSCTU representatives and their feedback is included in the revised policy.
  - **Annual leave:** Statutory changes in relation to the calculation and entitlement for holiday pay prompted a review. In addition, there was a need to add clarity to the current policy to ensure it remained legally compliant.

## End of employment

### Key amendments

2. To amend the notice period for probationary employees to one week for those individuals without continuous service and one months' notice for those individuals with continuous service.
3. The policy includes the arrangements for flexible retirement for those who are members of LGPS and over the age of 55. This section will be amended to state that; the Council expects employees will retire within a 24-month period of their flexible retirement effective date if their application is approved.
4. To add to the policy a section on how to end a fixed term contract or job share arrangement and the procedure to follow. In addition, details on the employee appeals process will also be included.
5. Finally, in order to reduce duplication and the risk of misalignment, the section on severance which is covered by the Redundancy and Severance policy will be deleted.

## Special Leave

### Key amendments

6. To add to the policy new sections on bereavement leave: Family bereavement leave which is up to two weeks' paid leave following the death of a close relative and Parental bereavement leave which is up to two weeks' paid leave following the death of a child. Paid leave will be inclusive of the statutory leave to be introduced in April 2020.

7. To clarify that compassionate leave may be granted by an Assistant Director for times other than bereavement and leave may be granted of up to 5 days' paid leave and 5 days' unpaid leave.
8. The current policy allows 15 days paid leave for those standing in Parliamentary elections. To add 1 day paid special leave for those standing for local elections.

## Annual Leave

### Introduction

9. Pay received by an employee while they are on holiday should reflect what they would have earned if they had been at work, i.e. their 'normal earnings'. However, the calculation for holiday pay becomes more complicated when an employee does not work fixed or regular hours and so does not receive the same amount of pay each month. This can be the result, for example, of working additional hours or overtime or the type of contract, such as part time, bank, annualised or part year.
10. All employees are entitled to the minimum 28 days statutory annual leave per year (pro-rata for part time and/or part year worked). This is made up of; 20 days from the EU Working Time Directive (WTD) and 8 bank holidays from the UK Working Time Regulations (WTR).
11. Following rulings from the European Court of Justice, holiday pay for the 20 days leave guaranteed under the WTD must be based on "normal remuneration". The additional 8 days weeks provided under the WTR do not need to reflect "normal remuneration". In addition, case law has established that regular overtime pay should be included in holiday pay calculations for the WTD 20 days.

### Key amendments

12. For simplicity and to reduce the administrative burden of treating different periods of holiday differently all holiday pay will be calculated on the same basis and will include all elements that make up "normal remuneration", (i.e. enhancements and allowances).
13. To add a provision in the policy stating that all additional hours worked by part time staff, up to the full-time equivalent hours for the role will attract holiday pay at the appropriate contractual leave accrual rate.
14. To add a provision in the policy stating that holiday pay on 'regular' overtime accrues at 12.07% (i.e. the minimum statutory leave rate) and to include in the policy definitions for additional hours, overtime and regular overtime to provide clearer guidance to managers.
15. In order to avoid a potential overpayment, it is proposed that the council awaits the Supreme Court outcome in relation to any changes to the calculation of holiday entitlement of term-time employees before taking any action.

16. The carry forward of annual leave for operational reasons to be reduced to a maximum of 5 days. In addition, to state that any days carried forward to be taken by 31 March of the new leave year.
17. To add to the policy that where sickness absence has prevented an employee from taking their annual leave, up to 20 days can be carried forward, to be taken within 24 months.
18. To amend the policy to state that annual leave continues to accrue during periods of sickness absence, paid and unpaid maternity/paternity and adoption leave based on the council's contractual annual rate.
19. To add to the policy that where maternity/adoption or paternity leave has prevented an employee from taking their annual leave, up to 28 days can be carried forward, to be taken within 12 months.
20. To add to the policy that annual leave is reduced on a pro rata basis for periods of unpaid leave of 30 days or more, and any leave that is carried forward following a period of unpaid leave is treated in the same way as leave carry forward for operational reasons, i.e. capped at 5 days.
21. To amend the policy to state that the cost of purchasing annual leave will be calculated at an employees' **substantive** grade/rate of pay as at the 1 January, (i.e. the start of the leave year in which they purchase leave).

<b>Conclusions:</b>
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22. The proposed change to these policies includes revised statutory requirements as well as providing clearer guidance to both employees and managers.

### **Financial and value for money implications**

37. There is an additional cost attached to the introduction of Family and Parental Bereavement leave. However, these costs are not considered to be significant.
38. The requirement to pay contractual holiday pay on additional hours worked by part-time staff up to the full-time equivalent hours for the role, will be met within service budgets.
39. There is a cost attached to the accrual of holiday pay on 'regular' overtime hours, however this cost has been limited to a statutory level and is not considered to be significant.

### **Equalities and Diversity Implications**

40. The proposed amendments will not impact on residents or staff with different protected characteristics, so a full Equality Impact Assessment is not needed.
41. The proposed changes to these policies ensure that the council remains legally compliant particularly in relation to the accrual and payment of holiday pay, the

carry forward of annual leave in cases of maternity/adoption, paternity and long-term sickness absence and bereavement leave.

**Risk Management Implications**

- 42. The proposed changes to the annual leave policy remove the risk of receiving claims for discrimination from part-time staff being treated less favourably than full-time staff.
- 43. HR&OD will continue to monitor the position in relation any changes in the calculation of holiday pay for term-time staff.

**Next steps:**

- To amend the relevant pages on SCC Info and communicate the changes using Jive
- To ensure an appropriate business process is in place for the calculation and payment of holiday pay.

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**Report contact:** Jackie Foglietta, Director HR&OD

**Contact details:** 01483 404648 / Jackie.foglietta@surreycc.ov.uk

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# Surrey County Council

## End of employment Policy

This Issue	Last Issue	Review Date (reviewed every 3 years)
Draft Jan 2020	March 2018	2023

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<b>Policy Scope and Purpose</b>	
<b>Scope and Purpose:</b>	<p>The Council's End of Employment policy and associated guidance have been devised to ensure that lawful, fair and effective arrangements exist for the end of employment.</p> <p>This policy summarises the approach of the Council to concluding contractual relationships with staff whose employment ends due to resignation, retirement, redundancy/ severance/ efficiency, end of a fixed term contract, dismissal or death in service.</p>
<b>Legislative requirements:</b>	<p>The law on unfair dismissal requires employers to act reasonably.</p>
<b>Who uses this Policy:</b>	<p>This policy applies to individuals directly employed by Surrey County Council.</p> <p>This policy should be read in conjunction with the Change Management and/or Severance Policies for terminations due to redundancy or severance.</p> <p>Specific HR policies cover the management of dismissals for conduct or capability issues.</p>
<b>Roles and Responsibilities:</b>	<ul style="list-style-type: none"> <li>• Line Managers are responsible for implementing the policy in a fair and consistent manner</li> <li>• All employees will be responsible for engaging with and adhering to this policy and procedures</li> <li>• Trade Unions will be consulted in regard to the content of the policy and will be reasonably available to support and represent their members</li> <li>• The Human Resources team will be responsible for ensuring compliance with this policy and procedure and providing guidance and direction</li> </ul>

## 1. End of employment - reasons and notice periods.

Employment may be ended by an employee e.g. by resigning or retiring. It may also be ended by the employer, Surrey County Council, on the grounds of conduct, capability, redundancy, statutory bar (e.g. an employee losing their entitlement to live in the UK), or “some other substantial reason.” In some circumstances, the employee and the Council may come to a mutual agreement to end the contract of employment- where appropriate, the terms of such an agreement may be negotiated on an individual basis.

The Council has a number of payroll and associated processes and procedures that need to be followed when an employee is due to leave the organisation. Detailed information is available on SCC Info and from MyHelpdeskHR.

### 1.1 Notice periods

The table below summarises the notice periods relevant in all cases, except gross misconduct, based on employee grade and length of service.

Grade	Notice period	
	Employee to Employer	Employer to Employee
All grades during probationary period (employees new to local government)	One week	One week
All grades during probationary period (employees with continuous service)	One month	One month
PS1/2 to PS7 (or equivalent) and all apprentices and interns	One month	One month or statutory notice*, whichever is greater
PS8 to PS10 (or equivalent)	Two months	Two months or statutory notice*, whichever is greater
<ul style="list-style-type: none"> <li>• PS11 and above (or equivalent)</li> <li>• Soulbury Terms &amp; Conditions</li> </ul>	Three months	Three months

\* Statutory notice is based on one week’s notice for each complete year of continuous employment with Surrey County Council up to a maximum of 12 weeks. For example, an individual with 6 complete years of service is entitled to receive a minimum of 6 weeks’ notice.

The expectation is that an employee will work during their contractual notice and be paid accordingly. If they have outstanding annual leave this should be taken during the notice period if their manager agrees. If it is possible for the outstanding leave to be taken during the contractual notice period this will ensure that no additional payment accrues for leave over and above the contractual notice period.

Where an employee has exhausted their entitlement to sick pay, remains unfit for work and is consequently dismissed on grounds of capability, they will be paid their substantive salary for their contractual notice period.

Notice can be given to terminate at any time of the month or week but if an employee is leaving the County Council on a Friday to transfer to the service of another local authority, the County Council will pay salary for any Saturday, Sunday and statutory/ national holiday that immediately follows.

## **1.2 Term time only employees**

If a term time only employee gives notice which is due to expire during a holiday period, the County Council will pay only for the period up to and including the last day on which the employee works. No re-calculation of salary will be made when the employment of a term time only employee is terminated. Those employees will be paid up to the date of their leaving, except where resignation is at the end of the academic year, and having worked that full year, employees will be paid up until 31 August.

## **1.3 Annualised hours payment**

If an employee on annualised hours gives notice part way through the year, an adjustment will be made, where appropriate, to reflect the actual hours worked and holiday taken against the monthly salary payments made at the date of leaving.

## **2 Resignation**

### **2.1 Introduction**

Employees who wish to resign from Surrey County Council, are required to provide written notice in accordance with the above.

Employees submit their resignation in writing to their line manager, setting out the effective date of the resignation. A line manager who receives notice of resignation from one of their direct reports will acknowledge and follow up with the employee arrangements around the precise leaving date, any outstanding annual leave, handing over pieces of work and Council equipment etc. Employees and managers should ensure a smooth handover and address all relevant practical issues.

### **2.2 Resignation during disciplinary proceedings**

If an employee tenders their resignation while under investigation for allegations of misconduct, the Council will reserve the right to continue with the investigation. If the allegations relate to safeguarding concerns, the Council will always investigate.

The Council will also reserve the right to investigate allegations relating to fraud or other actions and/or omissions which may have caused financial/reputational damage to the organisation. This is an important consideration if the Council decides to seek redress against one or more of its [current or former] employees in the civil courts. Detailed advice is available from the Internal Audit team.

If there are no safeguarding requirements or serious financial/reputational implications, management should assess whether it would be in the interests of the Council to complete the process.

If a decision is made to proceed to a disciplinary hearing, the employee will be invited to the hearing and have the right to be accompanied [normally by a work colleague or union representative], even if the hearing takes place after their last day of service. In certain cases the outcome of a disciplinary hearing may affect registration for a regulatory body such as the Law Society or Health Care Professional Council (HCPC).

### **2.3 Withdrawing notice of resignation.**

An employee may decide to withdraw a formal letter of resignation. There is no obligation to accept withdrawal, their line manager should decide whether agreeing to the withdrawal is practicable and beneficial to the Council. If the manager decides to agree to the withdrawal of notice, they should contact Employee Services immediately asking for the resignation to be cancelled.

## **3 Retirement**

### **3.1 Introduction**

There is no compulsory retirement age for Surrey County Council employees. Employees are, wherever possible, allowed to continue working for as long as they wish to do so.

Employees may voluntarily retire at a time of their choosing and, depending on the terms of their pension scheme, they may be entitled to claim pension benefits at any time from age 55 (reductions for early payment may apply). An employee who is a member of the Local Government Pension Scheme or the Teachers' Pension Scheme is entitled to pay into each Scheme until they reach 75 years of age.

### **3.2 Ill-health retirement**

The outcome of an informal absence management meeting or a formal absence capability meeting may be that an application should be made for ill health retirement. The process is outlined in the absence management policy.

### **3.3 Flexible Retirement**

Arrangements for flexible working only apply to employees aged 55 or over and who are members of the Local Government Pension Scheme (LGPS)

Flexible retirement enables an employee to ease into retirement whilst providing the service with scope for improved succession planning and development opportunities. As it is a mechanism to help employees prepare for retirement, the Council expects that requests will be made in the 24 month period before an employee plans to fully retire. .

- In order for an employee to be granted flexible retirement the employee must consent to a permanent reduction in grade or hours of employment equivalent to at least 20% of their contractual pay.
- A request cannot be considered unless the employee is aged 55 or over and is a member of the Local Government Pension Scheme (LGPS)
- It is at the discretion of the employee's Service to determine whether flexible retirement should be granted and what reduction in grade or hours worked should apply.
- Individual cases must be approved by the employee's Service Director or Head of Service/Assistant Director. Where payment of a pension for an employee would

result in a cost to the pension fund, approval for payment must also be sought from the Retirement, Redundancy & Discretions Group (RRAD)

- Where the applicant is a Director or Head of Service/Assistant Director, approval must be obtained from the relevant council committee responsible for the appointment of the post.
- Applications for flexible retirement must include a sound business case, and a plan to accommodate the impact of the longer term recruitment to the post left vacant by retirement, where appropriate.
- If an employee is granted flexible retirement they would be required to take all of their accrued pension benefits and not given the option to take part of their pension benefits.

Further guidance and advice on the flexible retirement process is available on SCC Info and from MyHelpdeskHR.

### **3.4 Re-entering employment after retirement**

Employees who have retired and thus ended employment with the Council, but who seek re-employment with the Council, either on a permanent contract, fixed-term contract or as a bank worker are required to take a one-month break before commencing re-employment.

## **4 Dismissal**

An employee may be dismissed by Surrey County Council, as the employer, on the grounds of conduct, capability, redundancy, statutory bar (e.g. an employee losing their entitlement to live in the UK), or “some other substantial reason.”

Any dismissal will follow the relevant procedure so that the council is able to demonstrate that the dismissal was fair and reasonable.

A Surrey County Council employee who is dismissed will receive written confirmation of the reasons for the end of the employment.

Where an employee has been issued notice, if the employee subsequently gives counter notice to terminate on a date within this period, the employee is still deemed to have been dismissed by the employer for the reasons originally stated.

### **4.1 Dismissal following HR proceedings**

The procedures for dismissal are set out in the relevant HR procedure

- Disciplinary procedure
- Performance Capability
- Attendance Capability

### **4.2 Dismissal following organisational change**

The procedures for organisational change are set out in the Change Management policy and the relevant severance including redundancy is set out in the Severance Policy.

### **4.3 Ending a fixed term contract**

A fixed-term contract is defined as one which ends:

- on a specific date (such as the end of the grant funding); or

- on the completion of a specific task (such as the conclusion of a project); or
- on the occurrence or non-occurrence of a specified event (such as the return from absence of a permanent employee).

It is important that the reason for the contract being fixed-term is explained to the employee at the start of the appointment and included in the contract.

A fixed term contract, should specify an end date, even if it is possible that the contract will be extended beyond this date.

If a fixed term contract has a specified end date managers will receive a reminder through the portal (or an email from Business Operations) three months before the contract expires.

If it is not possible to specify an end date, the contract must state the condition(s) that will end it. For example a specific task is completed or an event happens. If a fixed term contract has no end date, it is the manager's responsibility to initiate termination of employment when a specified task is completed or a specified event does (or does not) happen.

The ending of a fixed-term contract is regarded as a dismissal in law, so managers must ensure that they conduct a fair procedure when ending a fixed-term contract.

Managers are expected:

- to provide notice to the employee of the intention to end employment on the agreed date indicated in the contract. The notice provided should reflect the notice included in the contract and should be no less than one month.
- to hold a meeting with the employee to discuss the expiry of the contract and describe the reasons the contract is coming to an end and whether the employee has access to redeployment.
- to follow up with a letter stating the following:
  - the date on which the fixed-term contract is due to expire;
  - a short explanation of the reason that a fixed-term contract has been used in the particular circumstances and the reason for the expiry of the contract;
  - reference to previous correspondence or discussions, including any agreements made,
  - a description of the employee's access to redeployment

Where an employee has been continuously employed at the council for more than two years, they may be eligible for a redundancy payment if the fixed term work has come to an end.

Where an employee has been placed on 2 or more successive fixed term contracts in the same role and has accrued 4 years' continuous service, they are deemed to be a permanent member of staff.

Where a fixed term contract has come to an end because the substantive post holder has returned to work there is no entitlement to a redundancy payment (e.g. due to maternity or sickness). This is because there is a continuing need for the work to be undertaken. So the end of the fixed term contract is not a dismissal on the grounds of redundancy but a dismissal for some other substantial reason.

#### **4.4 End of job share**

The combined hours of the job share partners will not normally exceed the normal full time hours for the post

Should one job share partner leave, or otherwise have their contract terminated, every effort will be made to seek a suitable replacement for the remaining partner. If this is not successful and if it is decided to restructure the post to full-time working, the remaining partner will be offered the post on a full-time basis. If they do not accept this offer, every effort will be made to move them to a post that is consistent with their current hours of work/pattern of employment. If this is not possible or if they refuse a fair offer of alternative work, their post will become redundant.

## **5 Appeal against ending employment**

An employee may appeal against a decision to end employment on any grounds e.g. selection for redundancy.

When an employee is dismissed they are notified in writing that they have a right to appeal.

The purpose of an appeal is not to re-hear the information presented at the original dismissal meeting. The letter of appeal must be based on specific grounds such as:

- new information (not known at the time of the meeting),
- mitigating circumstances that were not taken into account at the meeting, or
- whether the decision was reasonable and consistent with other decisions made by the council in similar circumstances.

The employee should outline the outcome they are seeking from the appeals process in their submission.

The employee shall be given notice in writing at least five working days in advance of the time and place of the appeal hearing. The date should be mutually agreed to allow for the employee to arrange to be accompanied by a trade union representative or colleague.

The outcome of an appeal will be one of the following:

- to uphold an appeal and overturn the original outcome
- to dismiss the appeal and uphold the original outcome
- to substitute an alternative outcome

The decision of the appeal chairman is final.

An employee has a separate right of appeal against any decision regarding pension rights. Employees who wish to appeal should write to the Pensions Manager within six months of the date of the decision. The appeal will be considered under the IDRPs procedures as set out on the LGPS website.

## **6 Death in service**

### **6.1 Introduction**

When an employee dies whilst in service a key contact should be designated to provide support to the bereaved, notify Business Operations, inform immediate work colleagues and coordinate the necessary administrative arrangements. Normally the individual's immediate line manager is designated as the key contact.

It is the key contact's responsibility to maintain communication with the next of kin (or the family's nominated representative). They should consult with the deceased's family about the appropriate means by which colleagues may show their respect.

Wherever possible the key contact should know about pay and pensions to help inform and support the next of kin.

The key contact must inform the Employee Services and Payroll Teams. This will enable the teams to calculate benefits to be released to the deceased person's estate. Any balance of salary/wage will be frozen until the next of kin is established through probate or letter of administration. Employee Services will also need to see the death certificate and where appropriate, marriage and spouse's birth certificates will be needed at some stage. Copies are acceptable.

In some cases financial liabilities may be owed to the County Council, or may fall due to be deducted from the deceased's pay e.g. salary sacrifice, relocation loan, attachment of earnings in respect of court debt. An Executive director may consider waiving the recovery of outstanding monies for sums of less than £5,000. To waive sums in excess of £5,000 a business case is made to the Retirement, Redundancy and Discretions Group (RRAD).

At a suitable time all the usual steps associated with an employee leaving the service will need to be taken for example any equipment is returned to the County Council. Correspondingly, any personal items should be returned to the next of kin.

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# Draft Special Leave Policy

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## 1. Special Leave Policy

This policy sets out the special leave arrangements that are in addition to annual leave arrangements. Some special leave is paid according to provisions put in place by the County Council, e.g. to undertake certain public duties such as attending court as a magistrate; other special leave may be paid or unpaid according to management discretion depending on the circumstances of individual cases e.g. on compassionate or other grounds.

Before any leave is granted under the Special Leave arrangements, the use of flexible working arrangements should be explored for the employee to fulfil their duties/activities. Where this is not possible the Special Leave Arrangements may be used.

Any special leave, paid or unpaid, is subject to approval from the relevant line manager, who will take into account operational requirements. The occasions where Special Leave may be granted with pay are detailed in the table at [Appendix A](#). On other occasions the line manager has the discretion to decide whether Special Leave may be paid or unpaid. Compassionate leave is subject to approval by the Assistant Director or their nominee. Family bereavement leave may be granted by a line manager.

Special leave should be recorded on SAP. The exception to this is concessionary leave which is recorded locally.

To record special leave is not a self-service option and is recorded by a manager or a time administrator. The SAP record will note in each case whether the leave is paid or unpaid. In addition if unpaid special leave is granted then the manager or time administrator should email the My HR Helpdesk with this information before the monthly payroll deadlines.

### 1.1. Support Leave for Maternity and Adoption

Managers may grant up to 5 days paid special leave for a member of staff who is the "registered carer" of a birth mother or an adoptive mother and/or father. The leave should be taken around the time of the birth or adoption and can be taken on separate days if preferred. Staff should let their manager know as soon as possible the exact dates.

### 1.2 Support leave for Foster Carers

Surrey County Council is keen to encourage its employees to become Foster Carers, including Friends and Family Carers, and Staying Put Carers, and to support those already providing these types of care by granting special leave where necessary.

Adopters, Dual Approved Prospective Adopters (Foster to adopt), Foster carers; Friends and family carers, Special guardians, Supported Lodgings providers, and "Staying Put" carers may be granted time off work to attend meetings, home visits and training during assessment and placement periods. The time off may be taken as half or whole days. It is in addition to any leave granted under the adoption leave policy.

### 1.3 Accompanying colleagues at Disciplinary and Grievance Hearings

Employees have the right to be accompanied at a disciplinary or grievance hearing. Employees and workers are permitted to take a reasonable amount of paid time off to act as a companion to a colleague. While this obviously covers time off for the hearing itself, it may also be appropriate to permit time off for the companion to familiarise themselves with the case and talk to the colleague they are accompanying both before and after the hearing. Trade Union representatives accompanying staff at such hearings is covered by the Facilities Time guidance published on SCC Info.

### 1.4 Reservist Leave

Part of the commitment for Members of the Reserve Forces (RNR, RMR, AR, RAFVR) is to attend annual training lasting two weeks. This can be taken as special leave. This leave is paid (maximum 10 days) as referred to in the above table.

Members of the Reserve Forces (RNR, RMR, AR, RAFVR) can be called up for active duty. This leave is unpaid as the relevant Reserve Force will pay the employee for periods of active duty.

### 1.5 Public Duties Leave

The County Council has specific provisions relating to paid time off for public duties detailed in the table at [appendix A](#).

In addition to these, statutory provisions exist for time off to undertake certain other public duties as set out on the [directgov website](#).

The law does not set the amount of time off permitted. Your manager will need to consider whether requests for time off for these duties are reasonable. To help decide whether a request is reasonable the manager will consider:

- how long the duties might take
- the amount of time the employee has already had off for public duties
- how the time off will affect the service

The law does not require the time off to fulfil such duties to be paid. Your line manager has the discretion to decide whether such time off should be paid or unpaid.

### 1.6 Jury Service Leave

An employee will receive full paid leave if they are called for jury service. However, the employee must claim the allowance for loss of earnings from the Court for the period, and this amount will be deducted from the employee's pay.

### 1.7 Compassionate Leave

Compassionate leave is for circumstances not covered by bereavement leave. The Assistant Director or their nominee may grant compassionate leave, with or without pay. Their decision is likely to take into account - the reason for the request, the likely duration, the length of service with SCC, the effect of refusal on continued employment and any cover arrangements which might be made. Compassionate leave of up to 5 days' paid leave and up to 5 days' unpaid leave may be granted.

When the Assistant Director has authorised compassionate leave, details of the absence and whether it is to be paid or unpaid should be recorded on SAP by the line manager or the team's time administrator.

### **1.8 Family bereavement leave**

Time off with pay will be granted at time of family bereavement on the death of a partner, parent, dependant or sibling.

Employees are entitled to up to two weeks' paid leave. Additional bereavement leave, whether paid or unpaid, is granted at the discretion of the line manager.

Paid bereavement leave may also be granted on the death of other relatives, such as in laws, depending on the circumstances of the matter. Employees may feel the need for a longer period to grieve. In these circumstances they should speak to their line manager and discuss:

- Using part of their annual leave
- Taking unpaid leave

### **1.9 Parental bereavement leave**

Time off with pay will be granted at time of parental bereavement for primary carers following the death of a child under the age of 18, or a stillbirth after 24 weeks of pregnancy. This includes adopters, foster parents and guardians, as well as close relatives or family friends who have taken responsibility for the child's care in the absence of parents.

Employees are entitled to up to two weeks' paid leave which includes the statutory entitlement. Leave should be taken in blocks of a week within 56 weeks of the child's death.

Additional bereavement leave, whether paid or unpaid is granted at the discretion of the line manager.

## **2. Time Off for Dependants**

### **2.1 Definition**

Time off for Dependants is reasonable time off work to deal with unexpected or sudden emergencies and to make any necessary longer-term arrangements. The 'emergency' must involve a 'dependant' of the employee.

A 'dependant' is the husband, wife, child or parent of the employee. It also includes someone who lives in the same household as the employee e.g. a partner, a relative or the recipient of supported lodging. In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who 'reasonably relies on the employee for assistance' and 'arrangements for the provision of care'.

This may be where the employee is the primary carer, or is the only person who can help in an emergency. A carer who has longer term caring responsibilities will need to discuss with their manager the most appropriate way to accommodate their caring responsibilities whilst ensuring service delivery is maintained.

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See the Supporting Carers guidance on SCC Info

## **2.2 Circumstances for Time off for Dependants**

The circumstances under which an employee can take time off are:

- If a dependant falls ill.
- If a dependant has been injured, in an accident or assaulted;
- To make longer-term care arrangements for a dependant.
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant;
- To deal with an unexpected incident involving the employee's child during school hours.
- If a dependant goes into labour.

## **2.3 Qualifying Conditions for Time off for Dependants**

Every employee is entitled to take time off for dependants, regardless of hours worked. Employees are entitled to this right from their first day of work

## **2.4 Time off for Dependants Leave**

The amount of time, which is reasonable, will vary but it is likely that one or two days will be sufficient. The provision is intended to help the employee to cope with a crisis – to deal with the immediate care of the child, visit the doctor if necessary, and to make longer-term care arrangements.

There is no limit on the number of times an employee can be absent from work under this entitlement, as long as it is reasonable.

## **2.5 Pay during Time off for Dependants**

There is no statutory right to be paid for time off for dependants. Managers have the discretion for the time off to be paid if it is considered appropriate in the circumstances.

## **2.6 Notifying the need for time off for Dependants**

The employee must tell their manager, as soon as practicable, the reason for their absence and how long they expect to be away from work. It is not necessary to give notice in writing.

There may be exceptional circumstances where the employee either has to leave work or return before it has been possible to notify their manager. In these circumstances the employee must still tell their manager as soon as practicable, advising the reason for absence and if they have not yet returned, how long they expect to be away from work.

## **2.7 Abuse of Time Off**

Abuse of the right to time off for dependants will be dealt with in accordance with the Disciplinary Procedure.

## **2.8 Legal Position**

Employees are legally protected from suffering any detriment or disadvantage because they are taking or seeking to take time off for dependants.

## **3. Concessionary Time**

Concessionary time is paid leave. It is recorded locally, not on SAP.

### **3.1 Adverse Weather and Travel Conditions**

As a general principle, employees are expected to take all practicable steps to reach their place of employment on time, and to maintain their normal hours of work and working practice, during adverse weather or travel conditions.

During adverse conditions, managers have the discretion to approve alternative working arrangements, e.g. to work in an agile way, from home or hot desk closer to home.

Employees may be granted concessionary time to make up their daily standard hours if conditions mean that they arrive late, or are sent home early.

### **3.2 Visits to the Hospital, Doctor or Dentist**

Routine visits to the doctor or dentist should, where possible, be made outside normal working hours. Where this is impossible, reasonable concessionary time may be granted by managers, depending upon the needs of the service. Additionally, concessionary time may be granted to an employee who necessarily and urgently requires time off to visit the doctor, dentist or hospital or where they need to make a series of hospital visits for treatment and these visits cannot be arranged outside normal working hours.

If it is necessary for an employee to accompany a dependant to visit a doctor, dentist, or hospital, managers have discretion to allow absence from work, but the time should be made up at a later stage.

Concessionary time may be granted to employees wishing to attend a National Health Service Well-Women or Well-Men Clinic where they are unable to arrange an appointment outside normal working hours.

A manager may ask to see an appointment letter or card to support a request for time off to attend a medical appointment

### **3.3 Interviews with Local Authorities**

Managers may grant reasonable concessionary time off for employees to attend job interviews with other local authorities.

### **3.4 Professional Bodies**

At the manager's discretion, concessionary time may be given where it is considered necessary for an officer to attend an approved meeting of a professional body during the day.

#### 4. Discretionary Unpaid Leave

Employees may wish to apply for a long unpaid leave for a number of reasons to travel, to study, to attend a religious festival etc. Permanent employees with more than two years' service may apply to their line manager for unpaid leave of up to 6 months. It is not an automatic entitlement and the needs of the service will have to be balanced with those of the employee. It may be granted but only after all possible measures to avoid taking such as unpaid leave – e.g. use of annual leave, flexible working etc.

Employees do not have to resign from the council whilst on unpaid leave and they will return to their substantive post at the end of the unpaid leave period, if the post still exists. All pay, allowances, sickness entitlements etc will cease during the period of unpaid absence. However their continuity of service will be protected for the duration of the unpaid leave. Employees may not take up any paid employment during the period of unpaid absence.

In exceptional circumstances an individual may apply for up to 12 months unpaid leave. Applications for such sabbaticals would need to be authorised by the Assistant Director. For such sabbaticals of between 6 and 12 months in duration, there is no guarantee of returning to the same post. However, the service will make best endeavours to find a suitable and equivalent post for the returner.

It is important to remember that pension arrangements require that the employee and employer pay contributions for the first 30 days of the unpaid leave. If the employee wishes to pay contributions for the total period of absence, this must be done within 30 days of returning to work. In this case, the council will also pay the employer contributions for the period of absence. A letter will be sent to confirm the amount and options for repaying.

Further information is in the Unpaid Leave guidance on SCC info

## Appendix A Paid Special leave

Purpose of leave	Maximum paid days in any one year
Compassionate leave	5
Family Bereavement leave	10
Parental Bereavement leave	10
To attend court as a magistrate	18
To undertake duties as a member of another local authority	18 (this is a statutory limit)
To be a candidate at a Parliamentary Election	15 (during the campaign)
To be a candidate at a local council election	1 (during the campaign)
To attend annual training as a member of the reserve forces	10
To attend a meeting (as a member of the Staff Side) of an appropriate national, provincial or local negotiating or consultative committee	18
Time off for recognised Trade Union representatives to undertake employee relations functions.	As necessary
To undertake official polling station duties at County Council elections	Ordinary & Bi-Elections as required
To sit an approved examination	As necessary
A member of the managing or governing body of an educational establishment maintained by a local authority, a foundation school or a higher education corporation	5
To attend compulsory summer school as part of the Open University Degree	As necessary
To attend a Youth Offender Panel as a Panellist	18
To work with a voluntary sector organisation on schemes or projects that will contribute to achieving the County's aims and objectives (excludes school based staff, Firefighters and Commercial Services staff).	2
Support leave for maternity and adoption for the "registered carer" of the birth mother or adoptive mother and/or father	5
To accompany a colleague at a disciplinary or grievance hearing	As necessary
Leave during assessment For prospective foster carers, friends and family carers, dual approved prospective adopters, adopters, supported lodgings providers and special guardians (e.g. for attending meetings, home visits and training)	5 - can be taken in whole or half days.

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Leave during matching, introductions and at the commencement of a foster care placement and/or friends and family care placement. For prospective foster carers, friends and family carers, dual approved prospective adopters, adopters and supported lodgings providers. (e.g. for meetings, training).	5 - can be taken in whole or half days.
Leave at the start of a foster care placement and/or friends and family care placement.	10 (If both carers are Surrey employees one may be granted up to 10 days the other may be granted up to 5 days)
Leave to attend meetings or other activities related to caring for the foster child and young person in a "Staying Put" arrangement (e.g. for meetings, training).	5 - can be taken in whole or half days.

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# Surrey County Council

## Annual leave Policy

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## Glossary

Acronym or term	Definition
SCC or Surrey County Council	Defined as the Employer in this policy. It can also be referred to as the council and/or organisation.
Leave year	1 January to 31 December
Statutory annual leave	This is the legal minimum paid leave entitlement of 28 days (5.6 weeks) a year required under the Working Time Regulations 1998. It is made up of: <ul style="list-style-type: none"> <li>The basic statutory leave entitlement under the Working Time Directive of 20 days (4 weeks), plus</li> <li>Bank holidays of 8 days (1.6 weeks).</li> </ul>
Bank holidays	The 8 public holidays per year paid by the council which are included in the statutory annual leave entitlement and are in addition to the contractual annual leave entitlement. The term “bank holiday” includes “public holidays” and the two terms are often used interchangeably in general usage.
Contractual annual leave	The paid annual leave entitlement provided by the council according to length of service. Paid leave for bank holidays (normally 8 per year) are then added to this figure. For example, a new full time employee to the council is entitled to: <ul style="list-style-type: none"> <li>26 days contractual annual leave entitlement</li> <li>8 days bank holidays</li> </ul> The total number of days paid leave entitlement (34 days in this case) includes the 28 days statutory annual leave entitlement.
Holiday pay	Where employees receive a payment for accrued annual leave when they are unable to take it as booked time off.
Additional hours	Hours worked in excess of an employee’s normal weekly contractual hours <b>up to the full time equivalent</b> hours for their terms and conditions of employment (normally 36 hours for Surrey Pay staff).
Overtime	Hours worked <b>in excess of an employee’s full time equivalent</b> hours for their terms and conditions of employment (normally 36 hours for Surrey Pay staff).
Regular overtime	Where an employee works an average of more than 36 hours in a week (or their normal full-time equivalent hours) for more than 25% of their working time in a month.

<b>Policy Scope and Purpose</b>	
<b>Scope and Purpose:</b>	<p>This policy outlines the council's annual leave entitlements. It describes entitlements and exceptions, gives guidance on how to calculate and apply for annual leave, and also explains bank holiday entitlements.</p> <p>It ensures that all employees are clear of the key requirements of the policy and procedures and how their entitlements are calculated.</p>
<b>Legislative requirements:</b>	Working Time Regulations 1998
<b>Who uses this policy:</b>	<p>All council employees working on Surrey Pay terms and conditions, including those working on a full-time, part-time, fixed-term, term time, annualised and bank (zero hours) basis. For groups of staff on other terms and conditions of employment (e.g. teachers, fire fighters or following a TUPE transfer), employees should refer to their Statement of Terms and Conditions of Employment or seek advice on from MyHelpdesk HR or their relevant HR team.</p>
<b>Roles and responsibilities:</b>	<ul style="list-style-type: none"> <li>• Line Managers are responsible for implementing the policy in a fair and consistent manner.</li> <li>• All employees are responsible for engaging with and adhering to this policy and procedures</li> <li>• This policy is subject to collective bargaining with the Trade Unions.</li> <li>• The Human Resources team are responsible for ensuring compliance with this policy and procedure and providing guidance and direction.</li> </ul>
<b>Is there a procedure attached to this policy?</b>	<ul style="list-style-type: none"> <li>• Yes – see Annual leave guidance document</li> </ul>

## 1. Introduction

**1.1.** This policy, procedure and associated guidance provide you with information about the annual leave to which employees are entitled and how annual leave is managed within the council, balancing the needs of the service and the staff.

## 2. How it's worked out

### 2.1. Leave year

The annual leave year runs from 1 January to 31 December and leave is specified in hours for both full and part-time staff (a standard working day is 7.2 hours).

### 2.2. Leave entitlements

The annual leave entitlements for full time employees (pro-rata for number of hours and/or part-year worked) are shown in the table below:

Grade	Annual Leave Entitlement FTE
New employees (excluding children's service social workers on career pay model grades PS8SC to PS12SC) from date of commencement	187.2 hours (26 days)
Children's service social workers on career pay model grades PS8SC to PS12SC from date of commencement	201.6 hours (28 days)
Employees who have 2 or more years' continuous service* (including Children's service social workers)	201.6 hours (28 days)
Employees who have 5 or more years' continuous service* (including Children's service social workers)	216 hours (30 days)

\* Continuous service includes service with one or more local authorities or other organisation covered by the Redundancy Payments Modification Order.

### 2.3. Effective dates for longer service leave

The enhanced rate of annual leave will apply from the date on which you complete two or five years' continuous service. In cases where the second or fifth anniversary of appointment falls part-way through the leave year, you will be entitled to a proportion of the full year's enhanced entitlement from the date that the required continuous service is met.

## **2.4. Joining and leaving during the leave year**

When you join the council you will be entitled to 1/12 of the appropriate annual leave entitlement for every month completed before the following December. In addition, any fractional part of a month worked will earn pro-rata leave. When you leave the council you will have a similar entitlement calculated on the number of months worked between January and the date on which you leave.

## **2.5. Accrual of annual leave entitlement**

You will usually accrue entitlement to annual leave as you accrue continuous service. Entitlement to contractual annual leave continues to accrue even during periods when you are not receiving pay, for example during the unpaid period of maternity leave, adoption or parental leave, or when entitlement to occupational sick pay has been exhausted. However, if you have been granted unpaid leave, for example to enable you to travel or undertake a sabbatical, your annual leave entitlement will reduce on a pro-rata basis for periods of unpaid leave of 30 days or more.

These examples are illustrative only and should not be regarded as exclusive or exhaustive. If you are absent from work long term, i.e. for all or a large proportion of the leave year, you should seek advice from your line manager on your position regarding annual leave, and managers should obtain HR advice before making decisions on individual requests.

## **2.6. Transferring between local authorities**

Employees who transfer to the council's service from another local authority are not able to bring any outstanding leave entitlement with them. Similarly, employees who leave the council and join another local authority cannot carry forward any outstanding leave entitlement to their new employer. Exceptions may be considered for employees who temporarily transfer into/out of Surrey County Council on external secondments.

## **2.7. Part year (term time), annualised hours and bank (zero hours) employment**

If you work on a part-year (normally term time), annualised hours, or bank (zero hours) basis you will normally receive the monetary value of your leave entitlement along with your pay for the hours worked. Please refer to the Annual leave Guidance and your Statement of Particulars of Employment for further information about how your holiday pay is calculated and paid.

## **2.8. Calculator**

An annual leave [calculator](#) is available on SCC Info.

### 3. Pay during leave periods

#### 3.1. Pay during leave periods

During periods of annual leave you will receive your normal pay which includes, if applicable, regular additional contractual hours payments, and any regular payments made for standby duty or for any other non-standard working arrangements.

### 4. Carrying forward leave

**4.1.** You are encouraged to take your full leave entitlement during the leave year and must (except in the circumstances outlines in clauses 4.6 and 4.7 below) take the minimum basic statutory entitlement of 20 days leave per annum (pro-rata if you work part time or part year) in the year to which it relates.

**4.2.** However, if operational reasons prevent you taking your full leave entitlement during the year, you may request to carry forward up to a maximum of 5 day's annual leave (pro-rata to hours worked and/or part-year worked).

**4.3.** Any excess over the 5 days (or pro-rata) which is outstanding at the end of the leave year will be automatically lost.

**4.4.** Any requests to carry forward leave entitlement must be agreed in advance by your line manager.

**4.5.** In cases where leave is carried forward, such leave must be taken by 31 March of the new leave year. Any leave which has been carried forward and remains outstanding at the 31 March deadline will be automatically lost.

#### 4.6. Leave carry forward – sickness absence

If you cannot take all of your annual leave entitlement because you are or have been absent from work due to sickness, you can carry over up to 20 days leave (pro rata if you work part time or part year) to the next leave year. In these circumstances, you must use the carry forward leave within 24 months of the end of the year in which it accrued, otherwise it will be lost.

#### 4.7. Leave carry forward – maternity/adoption and paternity leave

If you cannot take all of your annual leave entitlement because you are or have been on maternity/adoption or paternity leave, you can carry over up to 28 days leave, i.e. your statutory annual leave entitlement which includes bank holidays (pro rata if you work part time or part year) to the next leave year. In these circumstances, you must use the carry forward leave within 12 months of the end of the year in which it accrued, otherwise it will be lost. Please refer to the maternity/adoption and paternity leave policies for further information.

## 5. Fixed-days

- 5.1.** The council retains the right to fix up to 21.6 hrs (3 days) annually, for all Surrey Pay staff or for designated staff groups, following consultation with the trade unions. The intention is to use this provision to meet operational needs e.g. to enable Christmas and New Year closure so office staff can have a five-day Christmas break.

## 6. Leaving employment

### 6.1. Outstanding leave not taken

If you resign or are dismissed from your post with the council you should normally take any outstanding leave to which you are entitled during your notice period. If operational reasons prevent that from happening, payment in lieu of the contractual leave not taken will be made based on the total number of hours outstanding.

- 6.2.** There may be circumstances, for example dismissals for gross misconduct or where an extended period of paid sick leave has already been granted, where payment in lieu of any leave not taken is based on statutory annual leave rather than contractual leave. In these circumstances it is recommended that managers seek HR advice.

### 6.3. Excess leave taken

If you resign or are dismissed from your post with the council, and you have taken more than your leave entitlement, you will have your final pay adjusted to take account of the additional time taken. Managers may, however, decide to waive the adjustment if, in their view, the leave has been taken in good faith. The adjustment will not be waived if less than six months' service has been completed.

## 7. Leave taken in excess of entitlement

- 7.1.** For staff who, for whatever reason (e.g. a mid-year reduction in contractual hours or technical issues with reporting/accounting), have taken more leave than their entitlement, the first option should be for the excess time to be made up within an agreed period. Managers and staff should endeavour to agree on a workable solution.
- 7.2.** Where the adjustment of working hours is not possible, the options for utilising annual leave entitlement or making a pay adjustment should be discussed and agreed with staff.

## 8. Sickness during annual leave

- 8.1.** If you are sick during a period of annual leave you will be able to claim back the annual leave lost due to sickness absence, subject to the conditions below. For example, if annual leave was booked for 5 days and the employee was ill for 2 days, only the 2 days can be reinstated. A minimum of one day's leave can be claimed back if you were ill on that day.
- 8.2.** If you have been ill during a period of annual leave you will need to report it as sickness absence.
- 8.3.** If you are asking for annual leave to be reinstated due to sickness, your line manager may ask for a fit note / medical certificate to cover period of sickness regardless of its length. All instances of sickness absence need to be supported and managed through the appropriate council policies and procedures.
- 8.4.** Inappropriate reporting of sickness absence to accrue extra annual leave will be treated as a disciplinary issue and appropriate action will be taken by managers.

## 9. Holiday pay accrual for additional hours/overtime

### 9.1. Additional hours

If you work less than the full time equivalent hours for your role and you work additional hours, you will receive holiday pay for the additional hours worked up to the full time equivalent hours for your role based on your contractual annual leave entitlement.

### 9.2. Overtime

If you work regular overtime you will receive holiday pay for the regular overtime hours worked based on the statutory annual leave entitlement. Holiday pay does not accrue on overtime that is not considered to be regular.

## 10. Purchase of annual leave

- 10.1.** Access to this benefit is restricted for operational reasons. It is available only to staff on Surrey Pay not in schools. You must seek permission from your line manager to 'buy' annual leave. Full details can be found on the Buying Annual Leave page on the Surrey County Council website.

## 11. Bank Holiday entitlement

- 11.1.** In addition to the contractual annual leave entitlement, you are granted paid leave in respect of bank holidays.
- 11.2.** There are normally 8 bank holidays in a year (New Year's Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday, Summer Bank Holiday, Christmas Day, and Boxing Day).
- 11.3.** Entitlements to the amount of paid leave in respect of bank holidays apply to all council employees, regardless of whether their working patterns include working on designated holidays. Part time employees are entitled to paid bank holiday leave in proportion to that of a comparable full time employee.
- 11.4.** If you are employed on a fixed term/temporary basis you are entitled to paid leave in respect of bank holidays equivalent to that of a comparable permanent employee, but only in respect of those bank holidays which occur during your period of employment with the council.
- 11.5.** If you are required to work on a bank holiday you will be paid in accordance with the arrangements for pay of those on Surrey Pay as set out in the Reward policy.

## 12. Applying for annual leave

### 12.1. Council policy

The council seeks to be an equal opportunities employer and, wherever practicable, will try to accommodate cultural and religious needs in conjunction with its operational requirements. Should there be a need to take time off for cultural/religious reasons, the council would expect the employee to utilise annual leave for that purpose. If there are particular cultural/religious needs which cannot be accommodated through the usual leave arrangements, they should be raised with the line manager in the first instance.

### 12.2. Agreeing annual leave

The timing of annual leave for council employees is subject to the prior agreement of local management who should take into account the need to maintain service delivery, and being sensitive to the personal/cultural requirements of the employee. Managers must ensure that employees' annual leave is appropriately authorised and recorded against their annual leave entitlement.

### **12.3. Education staff**

The majority of employees in education are required as a condition of employment to take their annual leave at times when educational establishments are closed to pupils. This requirement may be varied at the discretion of management on an individual basis only where exceptional circumstances exist.

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