

DYDD MERCHER, 24 EBRILL 2024

**AT: YR AELOD O'R CABINET DROS DREFNIADAETH A'R
GWEITHLU**

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD
O'R YR **AELOD CABINET DROS DREFNIADAETH A'R
GWEITHLU** A GYNHELIR YN YSTAFELL AELOD Y CABINET,
**NEUADD Y SIR, CAERFYRDDIN. SA31 1JP AC O BELL AM
10.00 YB, AR DYDD GWENER, 3YDD MAI, 2024** ER MWYN
CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA
ATODEDIG.

Wendy Walters

PRIF WEITHREDWR

| | |
|-------------------------------------|---|
| Swyddog Democrataidd: | Kevin Thomas |
| Ffôn (llinell uniongyrchol): | 01267 224027 |
| E-bost: | kjthomas@sirgar.gov.uk |

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

AGENDA

1. DATGANIADAU O FUDDIANNAU PERSONOL
2. LLOFNODI YN GOFNOD CYWIR GOFNODION Y CYFARFOD A GYNHALIWYD AR 30 IONAWR 2024 5 - 6
3. POLISI GWEITHIO HYBLYG 7 - 24
4. POLISI ABSENOLDEB TADOLAETH 25 - 38

Sylwer: - Nid oes hawl gan y wasg a'r cyhoedd fynychu'r cyfarfod. Bydd y cofnod penderfyniad yn cael ei gyhoeddi fel arfer o fewn 3 diwrnod gwaith.

DYDD Mawrth, 30 Ionawr 2024

YN BRESENNOL: Y Cyngorydd: P.M. Hughes (Aelod o'r Cabinet)

Roedd y swyddogion canlynol yn bresennol:

P.R. Thomas, Prif Weithredwr Cynorthwyol (Rheoli Pobl a Pherfformiad)

K. Thomas, Swyddog Gwasanaethau Democrataidd

Rhith-Gyfarfod - 2.00 - 2.10 yp

1. DATGANIADAU O FUDDIANNAU PERSONOL

Ni chafwyd datganiadau o fuddiant personol.

2. LLOFNODI YN GOFNOD CYWIR GOFNODION Y CYFARFOD A GYNHALIWYD AR 17 IONAWR 2024

PENDERFYNWYD llofnodi Cofnod Penderfyniadau'r cyfarfod oedd wedi ei gynnal ar 17 Ionawr 2024, gan ei fod yn gywir.

3. ADRODDIAD NAD YDYNI'W CYHOEDDI

PENDERFYNWYD yn unol â Deddf Llywodraeth Leol 1972, fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007, na fyddai'r eitemau canlynol yn cael eu cyhoeddi, gan fod yr adroddiadau'n cynnwys gwybodaeth eithriedig fel y'i diffiniwyd ym Mharagraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf.

4. TALIADAU IECHYD GALWEDIGAETHOL

Yn sgil cynnal y prawf budd y cyhoedd **PENDERFYNWYD**, yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod 3 uchod, beidio â chyhoeddi cynnwys yr adroddiad am ei fod yn cynnwys gwybodaeth eithriedig ynghylch materion ariannol neu faterion busnes unrhyw unigolyn penodol (gan gynnwys yr Awdurdod oedd yn meddu ar y wybodaeth honno) (Paragraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf).

Roedd prawf budd y cyhoedd ar y mater hwn yn berthnasol i'r ffaith fod yr adroddiad yn cynnwys gwybodaeth fasnachol sensitif felly roedd budd y cyhoedd o ran cynnal yr eithriad o dan Ddeddf 1972 mewn perthynas â'r adroddiad hwn yn drech na'r budd i'r cyhoedd o ran datgelu'r wybodaeth, gan y byddai datgelu'r wybodaeth yn debygol o roi'r sefydliadau hynny sy'n darparu elfennau allanol y Gwasanaeth Iechyd Galwedigaethol mewn sefyllfa anfanteisiol yn y farchnad gyffredinol lle maent yn gweithredu.

Rhoddodd yr Aelod Cabinet ystyriaeth i adroddiad ar gynigion i'r Cyngor gynyddu ei Daliadau Iechyd Galwedigaethol, fel y nodwyd yn Atodiad A.

PENDERFYNWYD bod y Cyngor yn cynyddu ei Daliadau Iechyd Galwedigaethol fel y nodwyd yn yr adroddiad.

AELOD O'R CABINET

DYDDIAD

Cyfarfod yr Aelod Cabinet 03.05.24

| | | |
|--|--|----------------------------|
| Yr Aelod Cabinet: | Y Portffolio: | |
| Y Cynghorydd Philip Hughes | Trefniadaeth a'r Gweithlu | |
| POLISI GWEITHIO HYBLYG | | |
| Y Pwrpas: | | |
| <p>Mae'r polisi Gweithio Hyblyg diwygiedig yn nodi ein hymrwymiad i gefnogi gweithwyr o ran cydbwysu ymrwymiadau yn y gwaith a gartref a'r weithdrefn ar gyfer rheoli cais gan weithiwr am weithio hyblyg yn unol â Rheoliadau Gweithio Hyblyg (Diwygio) 2023 a ddaw i rym ar 6 Ebrill 2024.</p> | | |
| Yr argymhellion / penderfyniadau allweddol sydd eu hangen: | | |
| <p>Cymeradwyo'r Polisi Gweithio Hyblyg diwygiedig ac argymell ei fabwysiadu.</p> | | |
| Y Rhesymau: | | |
| <p>Sicrhau bod yr Awdurdod yn cydymffurfio â Rheoliadau Gweithio Hyblyg (Diwygio) 2023 ac yn cyflawni ei rwymedigaethau statudol.</p> | | |
| Y Gyfarwyddiaeth: | Swyddi: | Y Gyfarwyddiaeth: |
| Enw Pennaeth y Gwasanaeth: | Paul Thomas | Enw Pennaeth y Gwasanaeth: |
| | Prif Weithredwr Cynorthwyol | |
| | Ann Clarke | |
| Awdur yr Adroddiad: | Rheolwr Adnoddau Dynol (Partneriaeth Busnes) | Awdur yr Adroddiad: |

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

(If the answer is yes exact details are to be provided below:)

DECISION MADE:

Signed: _____ DATE: _____

CABINET MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

| Recommendation of Officer adopted | YES / NO |
|---|----------|
| Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified: | |
| Reason(s) why the Officer's recommendation was not adopted: | |

EXECUTIVE SUMMARY

03.05.24

SUBJECT

Flexible Working policy

Flexible Working

The right to request flexible working has been in force since the Children and Families Act 2014.

From 6 April 2024, employees will have amended statutory rights when making a request for flexible working as set out in the revised Flexible Working policy.

Key changes:

The right to request flexible working is being expanded as follows:

- employers are required to consult with their employees before rejecting a flexible working request.
- employees may make two (not one) flexible working requests in any twelve-month period.
- employers must respond to requests within two (not three) months.
- employees are no longer required to set out how the effects of their flexible working request might be dealt with by their employer; and,
- the 26-week qualifying period is being removed, making it a day one right.

Acas is [updating its statutory Code of Practice](#) on handling requests for flexible working and Government guidance is expected early in 2024. Timescales will be included within the policy to reflect this guidance once finalised.

The changes do not provide a default right to work flexibly, and it will remain a right to request which an employer may refuse on the existing grounds. We have reviewed our flexible working policy and procedures (with reference to the Acas Code once finalised.)

Decision required: to recommend the adoption of amends to the Flexible Working policy.

DETAILED REPORT ATTACHED?

NO
Policy attached



I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Paul Thomas, Assistant Chief Executive (People Management)**

IMPLICATIONS

| Policy, Crime & Disorder and Equalities | Legal | Finance | ICT | Risk Management Issues | Staffing Implications | Physical Assets | Bio-diversity & Climate Change |
|---|------------|-------------|-------------|------------------------|-----------------------|-----------------|--------------------------------|
| YES | YES | NONE | NONE | NONE | YES | NONE | NONE |

1. Policy, Crime & Disorder and Equalities

The Flexible Working Policy supports the Authority’s Corporate Strategy and our Well-being Objective 4: To further modernise and develop as a resilient and efficient Council (Our Council).

2. Legal

The Flexible Working policy enables the Authority to meet its statutory requirements as laid out in the Flexible Working (Amendment) Regulations 2023.

3. Staffing implications

The People Management team has a role to play in educating managers on these enhanced rights and responsibilities, managing and advising on applications, to ensure the statutory obligations are complied with and risks of claims minimised.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Paul Thomas, Assistant Chief Executive

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

N/A

2. Local Member(s)

N/A

3. Community / Town Council

N/A

4. Relevant Partners

N/A

5. Staff Side Representatives and other Organisations

Recognised trades unions have been consulted via CERF.

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE

| Title of Document | File Ref No. | Locations that the papers are available for public inspection |
|-------------------|--------------|---|
| | | |

Mae'r dudalen hon yn wag yn fwriadol

Flexible Working Policy and Procedure

People Management

Adopted: September 2018

Reviewed: April 2024



sirgar.llyw.cymru
carmarthenshire.gov.wales

1. Introduction

Under the provisions set out in the Children and Families Act 2014 and the Flexible Working (Amendment) Regulations 2023, all employees have a statutory right to ask their employer for a permanent change to their contractual terms and conditions of employment to work flexibly.

Carmarthenshire County Council has a statutory duty to consider all such applications.

This statutory right does not provide an automatic right to work flexibly. The Authority will work with employees to try and reach mutually acceptable flexible working arrangements that meet the needs of both parties. However, there may be circumstances where a request to work flexibly may be declined due to business reasons and these will be clearly explained during the application procedure.

The statutory right aims to facilitate discussion and encourage both the employee and the line manager to consider alternative flexible working patterns and to find a solution that suits both parties.

2. Scope

This policy covers all employees including centrally employed teachers but excludes staff on the complement of locally managed schools for whom a separate policy applies. In the absence of a policy agreed locally by individual schools the principles of this policy should be followed.

3. Principles

- Each application for flexible working will be considered on its own merits and subject to qualifying criteria.
- Employees will be provided with appropriate support and information during their application by their line manager with advice from the HR Team.
- An employee may request to be accompanied by a recognised trade union representative or official, or a work colleague as a companion at the meeting or the appeal meeting.
- Employees can expect to have their application considered fairly in accordance with the set procedure.
- Applications will be dealt with in accordance with the time limits prescribed unless both parties agree to an extension.
- Applications will only be refused where there is a clear business ground for doing so. The reasons for rejecting the application will be clearly explained.
- All agreed contractual variations under this procedure will be recorded in writing.
- A successful application will result in a permanent change to the employee's terms and conditions of employment.

4. Eligibility

To make a statutory request the individual will:

- be an employee of the Authority (there is no minimum service requirement)
- not be an agency worker.
- not have made more than two applications under this policy in any 12-month period.

5 The statutory right to request a predictable working pattern.

Workers, i.e., have a separate statutory right to request a predictable working arrangement under the Employment Rights Act 1996. If you are a worker, you may make two statutory requests a predictable working arrangement within any 12-month period. Please see the Authority's Policy on Handling Requests for a predictable Working Pattern.

If as an employee you make a statutory request for flexible working and the purpose of that request is to have a more predictable working pattern, it will count as both:

- one of your two statutory requests for flexible working
- one of your two statutory requests for a predictable working pattern

You may have only one live request either for flexible working or for a predictable working pattern with the Authority at any one time.

Once eligibility has been established an employee can make a request under this policy by completing attached form FW (A).

5. Scope of the Request

Eligible employees will be able to request:

- A reduction in the hours they work.
- A change to the times when they are required to work.
- A change to the place at which they work in full or in part (specifically home as opposed to workplace).

Examples of types of flexible working patterns that may be requested are contained at Appendix 1. However, it should be noted that not all the work patterns identified may be suitable to your circumstances or working environment.

6. Making an application

All requests must be made in writing by filling the application form FW (A). Any request under this policy must include:

- Date of the application.
- A statement that it is a request for flexible working.
- The changes that the employee is seeking to their terms and conditions.
- The date on which the employee would like the terms and conditions to come into effect.
- Whether or not the employee has made a previous request for flexible working or a request for a predictable working arrangement and if so when the employee made that application.

All requests, including any appeals, must be decided within a period of two months from when the manager first receives a valid request, unless the manager and employee agree to extend this period. If an extension is agreed, the manager should confirm this in writing to the employee.

7. The Procedure

An employee must in the first instance submit their formal application using FW (A). The level of detail required will depend on the desired changes to the existing working pattern. However, employees should note that it could take up to two months to complete the process from submission of the application to final implementation. (Guidance for employees is contained at Appendix 2).

An agreed application will mean a permanent change to the employee's own terms and conditions of employment. There will be no right to revert to the previous working pattern i.e. to increase their hours of work. It will be important therefore that before making an application the employee considers which working pattern will be best for them and any financial implications, including the effect on their pension.

It is also the line manager's responsibility to carefully consider an application for flexible working and examine how the desired working pattern can be accommodated within a particular service area or function. Where the request cannot be supported the line manager should explore alternative options with the employee which may be mutually agreeable.

At all stages of this procedure both employees and line managers can seek advice from the HR Team within People Management. Employees may also seek advice from a recognised trade union representative.

8. Considering the Application

It is possible for a manager to agree to a request to work flexibly simply based on the application itself and if so, they should write to the employee, specifying agreement and the start date. Where this is not possible, there is a set procedure to be followed.

If an employee does not provide all the information required, the line manager should inform the employee what they have omitted and ask them to re-submit their

application. The line manager should also inform the employee that they are not obliged to consider the request until it is complete and re-submitted.

If the employee does not provide the line manager with the information needed to assess whether the change can be agreed to, e.g. they have not described the desired working pattern, the Authority will be entitled to treat the application as withdrawn. The employee will only be able to make one more application under this procedure within a rolling 12-month period. It is therefore important for the employee to provide all the information requested.

9. The Meeting

A meeting is not required where the line manager is able to approve the flexible working request, based on the information provided in the application.

If the line manager cannot approve the flexible working request based on the information they have, they must arrange a meeting following receipt of the formal application under this procedure.

The purpose of the meeting is to allow both parties an opportunity to explore the desired work pattern in depth and to discuss how best it might be accommodated. It will also provide an opportunity to explore other alternative working patterns should there be questions with the proposal put forward by the employee. The meeting can be adjourned to allow the employee and/or the line manager to consider alternative solutions or working patterns and agreement reached on the next meeting date.

If an employee does not attend a meeting without notification and does not provide a reasonable explanation within seven calendar days the line manager should write to the employee confirming that the application is treated as withdrawn.

The line manager is responsible for taking and retaining notes of all meetings with the employee to discuss the flexible working application.

10. The Right to be Accompanied

There is no statutory right of accompaniment at meetings held to discuss a request for flexible working. However, allowing you to be accompanied is good practice. This can be helpful in giving confidence to make requests and in supporting both parties to find a mutually agreeable solution.

If you make a request to be accompanied at any meeting to discuss your request for flexible working, including any appeal, and your request to be accompanied is reasonable and does not cause undue delay in the process, your manager should allow you to be accompanied a trade union representative, or an official or a work colleague.

What is reasonable will depend on the circumstances of each individual case. A request to be accompanied does not have to be in writing or within a certain timeframe. However, you should provide enough time for your manager to deal with the request for a companion's attendance at the meeting. You should also consider how you make your request so that it is clearly understood, for instance by letting your manager know in advance the name of the companion where possible and whether they are a trade union official or representative, or a work colleague. Please see guidance on the [Role of the Companion](#).

11. Informing the Employee of the Outcome

Where an application is approved, the line manager should:

- Confirm in writing to the employee their agreement with the proposed or alternative work pattern and confirm a start date. Form FW (B) should be completed and returned to the employee.

Where an application is rejected, the line manager should:

- Provide in writing to the employee a clear business grounds as to why the application cannot be accepted and their reasons why the grounds apply in the circumstances. Form FW (C) should be completed and returned to the employee.

There may, however, be occasions when the line manager will take further advice before notifying the employee of their final decision. Should this be the case, the line manager should agree with the employee concerned an extension to the time limit for responding to the application. This should be clearly documented with the revised time limit being specified.

12. Trial Periods

Trial periods can help both the employee and line manager test a particular working pattern to see if it works out to the satisfaction of both parties.

In some circumstances, especially when caring for an adult, a permanent change may not be the best solution e.g. an employee suddenly becomes the carer of an adult with a terminal illness, the line manager may consider a temporary flexible working arrangement, agreed informally outside the formal procedure, or agree to a time limited change after which the employee reverts to the original pattern. Please see the Authority's Carer's Leave Policy.

Trial periods can potentially happen at two stages before a formal agreement is reached:

- The line manager could give informal agreement to a trial before a formal flexible working request has been made by the employee; if this happens, the formal procedure is still available to the employee at some stage in the future.

or

- If a formal application is made, an extension of the time for an employer to decide could be agreed and the trial period could happen before a final agreement takes place; in this case the rest of the formal procedure would still be available to the employee.

Trial periods or temporary arrangements should be for no longer than six months, at which point the employee should either revert to their original working pattern or the new flexible working arrangement should become a permanent change to their contract.

13. Business Grounds for Refusing a Request

Unfortunately, service needs or circumstances may dictate that an application for flexible working cannot be accommodated in accordance with the employee's desired work pattern or a compromise agreed. Under the legislation, applications can only be rejected for one or more of the following reasons:

- Burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality (of service).
- Detrimental impact on performance.
- Insufficiency of work during periods the employee proposes to work.
- Planned structural changes.

The line manager will clearly document and provide for the employee the ground(s) for rejecting an application as well as clearly explain how the specified ground(s) apply in the circumstances of their application. Form FW (C) should be completed as detailed above.

14. Appeal

Where the line manager turns down an application, the employee has the right to appeal against the decision. This must be done in writing, to the appropriate Director or nominated representative setting out the grounds for the appeal, following receipt of the written notice of the decision (employees should complete Form FW (D)).

The appropriate Director or nominated representative will hear the appeal with advice from the Assistant Chief Executive (People Management) or nominated representative.

An appeal meeting will then be convened within following receipt of the letter of appeal (Form FW (D)). The employee may request to be accompanied at the appeal

by a recognised trade union representative or official, or work colleague. Please see section 10 above.

Where new information is presented to the appeal, which supports the ground(s) for the appeal, this will be considered. For instance, where the original application has been refused due to the inability to reorganise work among existing staff or was due to the inability to recruit additional staff; and another employee has since elected to return to work following maternity leave on a part time basis and is prepared to cover the hours.

In circumstances where the employee does not attend an appeal meeting without notification and does not provide a reasonable explanation within XX calendar days the Director or nominated representative should write to the employee confirming that the appeal is treated as withdrawn.

15. Informing the Employee of the Outcome

The decision of the appeal meeting will be notified to the employee after it has been held. The appropriate Director or nominated representative will communicate this in writing to the employee by completing Form FW (E). The decision at appeal will be final and exhausts the internal procedure.

If the appeal is upheld the written decision must:

- Include a description of the new working pattern.
- State the date from which the new working pattern is to take effect; and
- Be dated.

If the appeal is dismissed the written decision must:

- State the grounds for the decision appropriate to the employee's own grounds for making the appeal.
- Provide an explanation as to why the grounds for refusal apply in the circumstances; and
- Be dated.

16. Declined Applications

Most applications will conclude with a satisfactory outcome but there may be occasions when the employee feels their application has not been dealt with to their satisfaction and the request is declined. The employee may want to involve a third party or be thinking about making a complaint to an employment tribunal. However, the following are options to deal with unresolved and declined applications:

- Through an informal discussion with their line manager.
- Through the Authority's Grievance Procedure.
- Using third party involvement e.g. an ACAS official

However, an employee can make a complaint to an Employment Tribunal or ACAS early conciliation where:

- The employer has failed to follow the procedure properly; or
- The decision by the employer to reject an application was based on incorrect facts.

An employee has no right to make a complaint where they simply disagree with the business grounds provided. Please note that the early conciliation scheme is voluntary, and both the employee and employer must agree to the process.

17. Extension of Time Limits

There will be exceptional occasions when it is not possible to complete a particular part of the procedure within the specified time limit. Such extension of time limits can only take place if both the line manager and the employee agree to them. The line manager must make a written record of this agreement and send a copy to the employee. Form FW (F) should be completed. However, where the employee or line manager responsible for dealing with the application is away from work due to leave or illness, an automatic extension of the time limit will apply. On the employee's or line manager's return to work, the application should be acknowledged so that the employee is aware that the extension has applied and the period in which they can expect to meet with their manager.

18. Withdrawal of an Application

There will be occasions when an application is treated as withdrawn. In all circumstances a written record must be made.

Under the legislation, should an employee withdraw an application following its submission to the line manager, the employee will only be able to make one more application within a rolling 12-month period from the date of the original application. Employees should complete and submit Form FW (G) to their line manager.

There are three reasons why an application may be treated as withdrawn:

- The employee decides to withdraw the application.
- The employee fails to attend two meetings.
- The employee unreasonably refuses to provide the line manager with the required information.

The appropriate line manager, Head of Service, Director, Assistant Chief Executive or their nominated representative will write to the employee to confirm this.

19. Ensuring equality of opportunity

Managers must adopt a positive, open and fair approach and ensure the Authority's [Equality and Diversity Policy](#) is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity or expression, sexual orientation, maternity, parental, marital or civil partnership status.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the People Management Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

If you require this publication in an alternative format, please contact People Management by emailing CHR@carmarthenshire.gov.uk

DRAFT

Appendix 1

Examples of working arrangements/patterns which can be requested under the right to request flexible working are listed below:

Annualised hours – working time organised based on the number of hours to be worked over a year rather than a week.

Compressed hours – total hours which can be worked over a shorter period e.g. full weekly hours being worked over 4 days instead of 5.

Flexi time – choice of actual working hours outside certain core times.

Home working – not necessarily on a full-time basis but allows for time to be divided between home and office base. A risk assessment of the activities undertaken will be required in advice of this pattern of work being undertaken.

Job sharing – typically when two people are employed on a part-time basis but working together to cover one post.

Shift working – gives scope to open longer hours and for employees to have either set or different hours of work per week.

Staggered hours – different start and finish times at different times of the day.

Term time working – allows for unpaid leave of absence during the school holidays.

Appendix 2

Guidance for employees

How to help the Authority consider your application:

- Think carefully about the working pattern you require before making your request. You will have no right to revert to your former hours of work.
- Be clear about the date you would like the new working pattern to commence. Allow sufficient time for the procedure to be undertaken.
- Always complete Form FW (A) when submitting your application. This will ensure that you provide all the relevant and necessary information for the Authority to consider your application properly.
- The more notice you provide in your application the more likely your line manager is to be able to accommodate your preferred start date.
- Consider the financial implications of your request prior to submitting your application.
- It is to your advantage to provide as much detail as possible about the pattern you would like to work.
- Take time to consider the impact on your work colleagues if your working pattern is changed.
- Support your application by providing the perceived business benefits of approving a request for flexible working e.g. demonstrating how your request will provide extra cover at peak hours thereby improving customer service.
- Ensure you submit your application to the appropriate officer for consideration.
- If you are due to go on maternity or shared parental leave, think carefully about when to submit your application. If you intend for your request, if approved, to start on your return to work then you will need to meet your line manager during your period of maternity or shared parental leave.

The Meeting:

- Be prepared to expand on any points within your application.
- Be prepared to be flexible e.g. consideration of alternative work patterns, trial periods or alternative start dates.
- If you intend to request to be accompanied at the meeting, ensure your companion is fully briefed on your request.

Cyfarfod yr Aelod Cabinet 03.05.24

| | | |
|--|--|----------------------------|
| Yr Aelod Cabinet: | Y Portffolio: | |
| Y Cynghorydd Philip Hughes | Trefniadaeth a'r Gweithlu | |
| POLISI ABSENOLDEB TADOLAETH | | |
| Y Pwrpas: | | |
| <p>Mae'r polisi Absenoldeb Tadolaeth diwygiedig yn nodi ein hymrwymiad i gefnogi tadau a phartneriaid gyda hawliau gwell o ran absenoldeb tadolaeth a'r weithdrefn ar gyfer rheoli cais gan weithiwr am absenoldeb tadolaeth yn unol â Rheoliadau Absenoldeb Tadolaeth (Diwygio) 2024 a ddaw i rym ar 6 Ebrill 2024.</p> | | |
| Yr argymhellion / penderfyniadau allweddol sydd eu hangen: | | |
| <p>Cymeradwyo'r Polisi Absenoldeb Tadolaeth ac argymell ei fabwysiadu.</p> | | |
| Y Rhesymau: | | |
| <p>Sicrhau bod yr Awdurdod yn cydymffurfio â Rheoliadau Absenoldeb Tadolaeth (Diwygio) 2024 ac yn cyflawni ei rwymedigaethau statudol.</p> | | |
| Y Gyfarwyddiaeth: | Swyddi: | Y Gyfarwyddiaeth: |
| Enw Pennaeth y Gwasanaeth: | Paul Thomas | Enw Pennaeth y Gwasanaeth: |
| | Prif Weithredwr Cynorthwyol | |
| | Ann Clarke | |
| Awdur yr Adroddiad: | Rheolwr Adnoddau Dynol (Partneriaeth Busnes) | Awdur yr Adroddiad: |

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

(If the answer is yes exact details are to be provided below:)

DECISION MADE:

Signed: _____ DATE: _____

CABINET MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

| Recommendation of Officer adopted | YES / NO |
|---|----------|
| Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified: | |
| Reason(s) why the Officer's recommendation was not adopted: | |

EXECUTIVE SUMMARY

03.05.24

SUBJECT

Paternity Leave Policy

Paternity Leave

From 6 April 2024, employees will have enhanced statutory rights to paternity leave as set out in the Paternity Leave (Amendment) Regulations 2024.

Key changes:

The newly proposed regulations introduce several noteworthy changes to the existing paternity leave framework:

Flexible leave structure:

Employees will now have the flexibility to take their two-week paternity leave entitlement as two separate one-week blocks. This departure from the previous requirement of taking one continuous week or two consecutive weeks offers greater adaptability to people, acknowledging the diverse needs and circumstances that may arise during this crucial time.

An extended timeframe for leave:

Recognising the dynamic nature of family life, and to accommodate varying situations that can arise within the first year of a child's life, a significant shift has been made in the timeframe within which paternity leave can be taken. Instead of the previous restriction of 56 days following birth, employees will now be able to take paternity leave at any time within the 52 weeks after the birth of their child.

A reduced notice period:

The new regulations streamline the process for employees intending to take paternity leave by reducing the notice period from 15 weeks before the Expected Week of Childbirth (EWC) to a more manageable 28 days. This adjustment facilitates better planning for both employers and employees, ensuring smoother coordination during this crucial period.

Decision required: to recommend the adoption of amendments to the Paternity Leave policy.

DETAILED REPORT ATTACHED?

NO
Policy attached



I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Paul Thomas, Assistant Chief Executive (People Management)**

IMPLICATIONS

| Policy, Crime & Disorder and Equalities | Legal | Finance | ICT | Risk Management Issues | Staffing Implications | Physical Assets | Bio-diversity & Climate Change |
|---|------------|-------------|-------------|------------------------|-----------------------|-----------------|--------------------------------|
| YES | YES | NONE | NONE | NONE | YES | NONE | NONE |

1. Policy, Crime & Disorder and Equalities

The Paternity Leave Policy supports the Authority’s Corporate Strategy and our Well-being Objective 4: To further modernise and develop as a resilient and efficient Council (Our Council).

2. Legal

The Paternity Leave policy enables the Authority to meet its statutory requirements as laid out in the Paternity Leave (Amendment) Regulations 2024.

3. Staffing implications

The People Management team has a role to play in educating managers on these new responsibilities, managing and advising on applications, to ensure the statutory obligations are complied with and risks of claims minimised.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Paul Thomas, Assistant Chief Executive

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

N/A

2. Local Member(s)

N/A

3. Community / Town Council

N/A

4. Relevant Partners

N/A

5. Staff Side Representatives and other Organisations

Recognised trades unions have been consulted via CERF.

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE

| Title of Document | File Ref No. | Locations that the papers are available for public inspection |
|-------------------|--------------|---|
| | | |

Mae'r dudalen hon yn wag yn fwriadol

Paternity Leave Policy

People Management

Adopted: EBM April 2007
Reviewed: April 2024



sirgar.llyw.cymru
carmarthenshire.gov.wales

1.0 Introduction

This policy sets out our commitment to supporting parents and the procedure for managing a request from an employee for Paternity Leave in line with the Paternity Leave (Amendment) Regulations 2024.

2.0 Scope

This policy and procedure cover all employees including centrally employed teachers but excludes staff on the complement of locally managed schools for whom a separate policy applies. In the absence of a policy agreed locally by individual schools the principles of this policy should be followed.

3.0 Ordinary Paternity Leave – Becoming a parent.

The Paternity Leave (Amendment) Regulations 2024 provides two weeks' paid leave to employees. Eligible employees will have the right to take paid leave to care for the child and/or support the birth mother/primary adopter in the following circumstances:

4.0 Eligibility

An employee is eligible if:

- They have or expect to have responsibility for the child's upbringing and is either the biological parent or the birth parent's spouse or partner (partner refers to someone who lives with the birth parent, regardless of gender, in an enduring family relationship, but who is not a blood relative)
- They have worked continuously for the Authority for 26 weeks at the 15th week before the Expected Week of Childbirth (EWC) and continues in that employment up to the date of birth. In the case of adoption, the employee will need to have worked for the Authority for 26 weeks leading into the week in which the adopter is notified of being matched with a child.
- They wish to take the time off either to care for the new baby or to support the mother/primary adopter.

5.0 Amount and timing of leave

Employees can take up to two weeks' leave, either as two non-consecutive weeks or two consecutive weeks (but not odd days). Only one entitlement period of leave is provided per pregnancy. Therefore, if the employee's partner gives birth to twins or more than one child is placed the entitlement will still only be to two weeks' leave.

Leave can start on any day of the week on or following the child's birth or placement but must be completed within 52 weeks of the actual date of birth of the child or, or within 52 weeks of the child placement.

6.0 Notice Requirements

Employees must notify the Absence Team by completing the paternity application form of their intention to take paternity leave by the 15th week before the baby is expected or within seven days of the adopter being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable and must provide the following information:

- The expected date of childbirth or when the child is expected to be placed.
- Whether they wish to take a single period of one - or two-weeks' leave.
- Whether they wish to take a period of two non-consecutive periods of leave of one week each.
- The date they want their leave to commence (for Statutory Paternity Pay purposes 28 days advance notice is required for each period of leave unless good reason is provided for later notification)

An employee may change the commencement date provided they give at least 28 days' notice of the new start date (unless this is not reasonably practicable) (a copy of which should also be sent to the Line Manager).

An employee must inform the Absence Team (a copy of which should also be sent to the Line Manager) of the date of the child's birth as soon as practicable after the birth.

An employee must ensure that they inform the Line Manager regarding the paternity leave arrangements.

7.0 Eligibility for ordinary statutory paternity pay (OSPP)

To qualify for Ordinary Statutory Paternity Pay (OSPP) an employee must:

- Have been continuously employed for at least 26 weeks leading into the 15th week before the baby is due or in the case of adoption have been employed for at least 26 weeks ending with the qualifying week. The qualifying week is the week beginning with the Sunday that the adopter received notification of having been matched with the child and ends the following Saturday.
- Have average weekly earnings in the 8 weeks ending with the 15th week before the EWC or in the case of adoption in the 8 weeks at the end of the qualifying week equal to the lower earnings limit i.e. LEL for 2023/24 will be £123 a week.

- give at least 28 days' notice of their intention to claim paternity pay.

The Authority will pay OSPP to the employee for either one or two consecutive weeks as chosen by the employee.

The rate of OSPP will be the same as the standard rate of Statutory Maternity/Adoption Pay. Where the leave commences from the 2nd April 2023, the OSPP will be £172.48 per week or 9/10ths of average weekly earnings if this is less than £172.48 per week.

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes (£123 a week for 2023/24) will not qualify for OSPP. Employees who do not qualify for SPP may be able to receive other benefits while on paternity leave and should contact the Job Centre Plus or Department of Work and Pensions Office.

If an employee leaves the Authority for any reason before the baby is born, they will not be entitled to paternity leave or pay. However, if they remain in their job up until the baby is born before they leave employment they may still qualify for paternity pay.

8.0 Maternity/Adoption Support Leave

Maternity/Adoption Support Leave of 1 week with pay shall be granted to the child's biological parent or the partner or nominated carer of an expectant birth parent at or around the time of birth.

To qualify for maternity/adoption support leave the employee requesting this time will be the main support for the birth parent/ primary adopter and/or carer of the child.

If the authority knows that the biological parent/ partner/ co-adopter intends to take their entitlement to maternity support leave (MSL) and/or statutory paternity leave (SPL) then there will be no need for a 'nominated carer'.

(Nominated Carer – there will be a requirement for a supporting letter from the expectant birth parent or primary adopter confirming that the employee has been elected as the nominated carer).

Employees who qualify for both paternity leave and maternity support leave will be entitled to one week's leave with normal pay and one week's leave paid at the standard rate of SPP as detailed below:

Scenario 1

An employee who is the nominated carer and not eligible for paternity leave will be entitled to:

- 1-week Maternity/Adoption Support Leave (1 week with normal pay)

Scenario 2

An employee with at least 26 weeks continuous service at the 15th week before the EWC or leading into the week in which the adopter is notified of being matched with a child and who is eligible for paternity leave will be entitled to the following:

- 1-week Maternity/Adoption Support Leave (1 week with normal pay with OSPP offset)
- 1-week Ordinary Statutory Paternity Pay at **£172.48** SPP per week (or 9/10ths of average weekly earnings if this is less)

or

- 1-week Maternity/Adoption Support Leave (1 week with normal pay with OSPP offset)

This will apply when an employee does not elect to take week 2 of the Statutory Paternity Leave/Pay

Please note:

For additional leave please refer to the [Shared Parental Leave Policy](#).

For adoption paternity leave please refer to the [Adoption and Surrogacy Leave policy](#) for adoptive parents.

9.0 Re-instating lost pension because of unpaid paternity leave

As a member of the Local Government Pension Scheme (LGPS), you are able to reinstate any 'lost pension' arising from a period of unpaid paternity leave by paying additional contributions under an Additional Pension Contribution (APC) arrangement on your return to work. To do so, you will need to make an election to re-instate your lost pension within 30 days of returning to work. Provided you make your election within this period, and the reason for the period of absence is authorised unpaid leave the cost will be shared with the Authority (1/3rd to the member and 2/3^{rds} to the Authority).

However, if your election is made after 30 days of the date on the payslip in which the deduction of unpaid leave is taken, the entire cost will fall with you, as the member.

If you wish to reinstate the lost pension during your period of unpaid paternity leave, you will need to complete an online form via the [Dyfed Pension Fund](#) website. Before accessing the online modeller, you will need to have to hand, the lost pensionable pay for your period of unpaid leave/ industrial action (you will be able to request for this information from payroll) and the date you returned to work.

Please note that you will need to complete all the following details on the online calculator:

Personal Details section – complete all fields 1 – 7 – (information you must have at hand to complete this section are your NI Number and payroll number)

Details for Quote: - complete fields 8, 9, 10, 11 & 12

Field 8 – insert the lost pensionable pay – this will be to amount shown in your payslip for the deduction of the unpaid leave.

Field 9 – insert the reason of absence –click on ‘authorised unpaid leave’ from drop down menu.

Field 10 – section during absence – click on ‘main section’ from down menu (unless you have made an election to contribute under the 50/50 Section of the Scheme)

Field 11 - Last day of absence – insert the last date of unpaid leave taken during the applicable month. If the reason for absence is “authorised unpaid leave”, and you are making the application within 30 days of the date on the payslip in which the deduction of unpaid leave is taken, please click on the box “30-day override” (employer confirmation must be provided).

Field 12 – Method of payment – click on ‘lump sum deduction’ from drop down menu.

Finally click on ‘Get Quote’ to calculate the cost of purchasing lost pension – this will show on the results section on the right-hand side of the page see below:

Lump sum Cost to member before tax relief £ xxx.xx

Please note that you can also choose to buy the lost pension by spreading payment of the additional pension contributions over several complete years, however, you will be required to arrange a medical examination (by a Registered Medical Practitioner) to obtain a certificate at your own expense to certify that you are in ‘reasonably good health’ before your application is accepted.

Having completed the above, if you then wish to proceed with the purchase of your lost pension, please follow the following steps:

Step 1 - you will need to download the online form by ticking the ‘Application’ box, which confirms that the information entered is correct and that you have read and understood the ‘Terms and Conditions’ for your additional pension applications.

Step 2 - click on the ‘submit’ button on the bottom right-hand side of the page. This will transfer the details that you have entered onto a pdf document.

Step 3 - please sign the declaration on this form and email or post it directly to:

CR Payroll (CRPayroll@carmarthenshire.gov.uk) mailbox or post to

Payroll Team, People Management, Carmarthenshire County Council, 3 Spilman Street, Carmarthen, SA31 1LE.

CR Pensions (CRPensions@carmarthenshire.gov.uk) mailbox or post to Dyfed Pension Fund, Building 2, St David's Park, Jobswell Road, Carmarthen, SA31 3HB.

If you do not elect to reinstate your 'lost pension', the pension benefits that you have built up within the Scheme Year (1 April to 31 March), in which your period of unpaid leave falls, will be proportionately less as a result. For further information, please refer to the Dyfed Pension Fund website: www.dyfedpensionfund.org.uk

10.0 Ensuring Equality of Treatment

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

If you require this publication in an alternative format, please contact People Management on Ext 6184 or email CHR@carmarthenshire.gov.uk

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