

**AGENDA FOR  
EMPLOYMENT PANEL**



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**To: All Members of Employment Panel**

**Councillors :** T Rafiq (Chair), R Bernstein, J Grimshaw,  
D Berry, C Cummins, E Moss, T Tariq, M Walsh and  
L Dean

Dear Member/Colleague

**Employment Panel**

You are invited to attend a meeting of the Employment Panel which will be held as follows:-

<b>Date:</b>	Thursday, 22 June 2023
<b>Place:</b>	Mirosoft Teams
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

## **AGENDA**

**a FOR INFORMATION EMPLOYMENT PANEL TERMS OF REFERENCE**  
*(Pages 3 - 6)*

**2 APOLOGIES FOR ABSENCE**

**3 DECLARATIONS OF INTEREST**

Members of the Employment Panel are asked whether they have an interest in any of the matters on the agenda and, if so, to formally declare that interest.

**4 MINUTES OF THE PREVIOUS MEETING** *(Pages 7 - 10)*

The minutes of the meeting held on 1<sup>st</sup> March 2023 are attached for approval and accuracy.

**5 WORKFORCE POLICY REVIEW PHASE 3** *(Pages 11 - 30)*

Smoking & Vaping Policy  
Foster Friendly Policy  
Overtime Changes Proposed.

**6 EXCLUSION OF PRESS AND PUBLIC**

To consider passing the appropriate resolution under Section 100(A)(4) of the Local Government Act 1972 that the press and public be excluded from the meeting during consideration of the following items of business since they involve the likely disclosure of exempt information.

**7 TRAINING & CONFIRMATION OF UPCOMING RECRUITMENT PANELS**  
*(Pages 31 - 66)*

Training slides attached for information.

**8 URGENT BUSINESS**

## **EMPLOYMENT PANEL TERMS OF REFERENCE**

### **1. FUNCTION**

The Employment Panel is responsible for the employment functions as set out in the Officer Employment Procedure Rules; including;

- Act as the Investigating and Disciplinary Committee for statutory Officers of the Council
- Appeals against dismissal and grievances by employees of the Council
- Applications for premature retirement and
- Appointment Panel for Chief and Deputy Chief Officers.

### **2. MEMBERSHIP**

2.1 The Employment Panel will be Chaired by the Cabinet Member with responsibility for human resources. The Committee will be a politically balanced committee of the Council with nine members.

2.2 A politically balanced 3 member panel will be convened to fulfil the appeals functions.

2.3 A politically balanced 6 member panel will be convened to fulfil the employment functions, the 5<sup>th</sup>/and if necessary, 6<sup>th</sup> member will be the Cabinet Member(s) with responsibility for the portfolio area under consideration or their appointed deputy.

2.4 A politically balanced 7 member panel will be convened to fulfil the employment functions to discharge their function in appointing the Chief Executive, Monitoring Officer and the S151 Officer.

The 7 member panel will consist of:

1. Chair of the Employment Panel
2. The Leader of the Council
3. The Deputy Leader of the Council
4. One further Cabinet Member to be nominated by the Leader of the Council
5. The Leader of the largest opposition group
6. One further Member to be nominated by the Leader of the Largest opposition group
7. The Leader of the second largest opposition group

If any member of the panel (as outlined above) is not already a member of the Employment Panel, they will be co-opted to the Employment Panel for the purpose of these appointments.

On completion of the appointment process, the Panel will make a recommendation to Full Council for final approval.

2.5 Any panels convened must comprise of the 9 members appointed to the Employment Panel except in instances when a Cabinet Member is required to fulfil an employment function as detailed in point 2.3.

2.6 Officers supporting the Employment Panel will make every attempt to ensure ad hoc Panels are constituted politically proportionally. There may be occasions when this is not possible, in such circumstances any decisions regarding composition, will be taken in consultation with the Leader and the Cabinet Member, with oversight from the Monitoring Officer.

### **3. KEY RESPONSIBILITIES OF THE BOARD**

1. Be the appropriate body including acting as the Investigating and Disciplinary Committee.
2. To fulfil the employment functions as set out in part 4 section 8, the Officer Employment Procedure Rules in relation to: Chief Officers and Deputy Chief Officers including the Head of Paid Service (to include Returning Officer and Electoral Registration Officer functions), Deputy Chief Executive; Director for Adults and Communities, Director of Children and Families; Director of Public Health, Monitoring Officer and S151 Officer.
3. Review the annual pay policy statement and make recommendations to Council.
4. Be a consultee on all terms and conditions including policies for all staff.
5. Approve the performance and development framework for annual assessment of the Chief Executive.
6. Appeals against dismissal and grievances by employees of the council and applications for premature retirement.
7. The Chair of the Employment Panel has delegated authority to suspend the Head of Paid Service.

### **5. MEETINGS**

The Employment Panel is a Committee of the Local Authority and so as such the Access to Information provisions will apply. The Panel will meet four times a year.

The **date and timings** of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

The meeting will be Chaired by the Cabinet Member with responsibility for the human resources function. The Chair will be appointed annually and the appointment would be ratified by Council. **In the absence of the Chair** - a replacement Chair will be elected for the duration of the meeting.

A **quorum** of three will apply for meetings of the Full Panel and to consider appeals and appointments.

The Director of People & Inclusion or their representative will act as the **lead officer**.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings.

Meetings will be **clerked** by a representative of Democratic Services.

### **Public Engagement**

Agendas will be available to view by members of the public in line with Access to Information Requirements on the Councils website at <https://www.bury.gov.uk/index.aspx?articleid=10465>

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**Minutes of:** EMPLOYMENT PANEL

**Date of Meeting:** 1 March 2023

**Present:** Councillor T Rafiq (in the Chair)  
Councillors R Bernstein, J Grimshaw, D Berry, E Moss,  
M Walsh and L Dean

**Also in attendance:** Lynne Ridsdale - Chief Executive, Sam McVaigh – Director of People and Inclusion, Kelly Barnett – Democratic Services Officer

**Public Attendance:** No members of the public were present at the meeting.

**Apologies for Absence:** Councillor C Cummins and Councillor T Tariq

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**16 APOLOGIES FOR ABSENCE**

Apologies for absence are noted above.

**17 DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**18 MINUTES OF THE PREVIOUS MEETING**

It was agreed that the notes of the meeting held on 24 January 2023 be approved as a correct record and signed by the Chair.

**19 COUNCIL ORGANISATIONAL STRUCTURE REVIEW**

Lynne Ridsdale, Chief Executive provided members with a verbal update around the Council Organisational Structure Review ahead of a report going to a future Cabinet Meeting.

Lynne Ridsdale reported that she is in the process of dealing with a restructure to address the vacant Deputy Chief Executive post and other gaps in the structure which include a role to lead the work around social policy and to ensure that the Council has the capacity to lead the agenda around culture, across the levelling up sites and the emerging community wellness offer. Lynne advised that as well as filling the gaps and bringing opportunities together within the organisational structure, there are savings to be made within the transformation programme.

Lynne Ridsdale reported that the balance of a Chief Executive with the six Executive Directors feels right for the Organisational Structure and intends to keep the structure as it is but to populate it fully from internal appointments, whilst saving money and providing development opportunity for some colleagues. Lynne reported that she is not intending to designate a Deputy Chief Executive as she was, as all Executive Directors will deputise for her in relation to their departments.

In response to the update, members welcomed the idea of not to appoint a designated Deputy Chief Executive and highlighted that there may be details to discuss ahead of the Cabinet Meeting within the report. Lynne Ridsdale advised that members will have the opportunity to ask further questions once the report is completed and will attend future Employment Panel meetings to update on staffing issues.

**20 POLICY PAY STATEMENT 2023-24**

Sam McVaigh, Director of People and Inclusion presented the Pay Policy Statement 2023-24.

Sam McVaigh reported that Local Authorities must set a pay policy statement annually. Pay policy statements set the Council's policy position, the remuneration and pay setting of Chief Officers. The pay policy statement 2023-24 is relatively unchanged from last year's statement. In setting pay policy statements, Councils are asked to consider the effectiveness of pay statement.

As agreed at the last Employment Panel meeting, the sign off of special severance payments is now linked into the pay policy statement 2023-24. The data around the gender pay gap continues to be positive, Bury is a better performing Local Authority regionally and nationally, although work around inclusion continues. Pay scales are included within the pay policy statement and include the 2022-23 national pay award. As the Council is an accredited real wage employers, the intention would be to supplement the bottom rate of pay to align to the real living wage from 1<sup>st</sup> April; these costs have been factored into the medium-term financial strategy. Once the pay award for 2023-24 is agreed and implemented the level of non-consolidated supplements will reduce so that, as a minimum, the overall level of hourly pay is retained.

In response to a member's question around gender pay, Sam McVaigh reported that in general the gender pay gap gives more credibility when discussing inclusion, a lot of work has been completed over the last 2-3 months around recruitment processes to make processes more streamline, the next phase of this work will be around the benefits of working in Bury and the gender pay gap will play a big part in this work. There is still work to be done but Sam McVaigh advised that he is proud of the positive work that has been completed.

**The Employment Panel agreed:**

1. to commend the proposed Pay Policy Statement for 2023/24 for approval by full Council.
2. the Council's proposed pay structure for 23/24 as set out within the statement and inclusive of revised non-consolidated pay supplements to retain compliance with the Real Living Wage rate of pay.

**21 WORKFORCE POLICY REVIEW - PHASE 2**

Sam McVaigh, Director of People and Inclusion presented the Workforce Policy Review – Phase 2.

Sam McVaigh reported that all of the policies have been developed in consultation with professionals leads and trade union representatives.



### Reservists

Sam McVaigh explained that the policy doesn't substantively change our position around support to reservists in the workforce however it was suggested that the previous policy was unclear around leave allowance for reservists and needed strengthening. The policy will support the Council's aspiration to be a recognised gold level employer in the Defence Employer Recognition Scheme.

### Secondment Policy

Sam McVaigh presented the secondment policy and explained that our existing secondment policy had implications around substantive posts around long-term secondments. The revised policy maintains a commitment to a secondment for 12 months.

In response to a member's question around secondments, Sam McVaigh explained that the policy includes any secondments, both internally and externally. Sam McVaigh explained that there will be circumstances where there will be an option for a long-term secondments but this would be a large scale operational decision rather than an ad hoc decision.

### Voluntary Exit Policy

There are currently 4 policies around voluntary exits, this policy brings all of the policies together in one document. Changes include a 3-year cap on flexible retirements and a strengthened policy provision to be clear that if an employee left under a voluntary package they will not be able to be re-engaged in normal circumstances without the agreement of the Cabinet Member for HR and Corporate Affairs and Executive Director of People and Inclusion, the only exception will be for staff to undertake election work to ensure sufficient and capable staffing in this area.

### **The Employment Panel agreed:**

1. the revised Reservists Policy
2. the revised Secondment Policy
3. the new Voluntary Exits Policy

Sam McVaigh explained that the agreed policies will go through to the Corporate JCC Committee for consideration and then be shared with employees.

## **22 URGENT BUSINESS**

There was no urgent business.

### **COUNCILLOR T RAFIQ Chair**

**(Note: The meeting started at 7.00 pm and ended at 7.30 pm)**



Classification	Item No.
Open	

<b>Meeting:</b>	Employment Panel
<b>Meeting date:</b>	22 <sup>nd</sup> June 2023
<b>Title of report:</b>	Workforce Policy Review: Phase 3
<b>Report by:</b>	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

### Executive Summary:

A central component of the Let's Do It 'Well' Transformation Programme is the review of core HR systems, processes and policies to ensure they are fit for purpose, reflective of modern HR practice and align with the organisational culture described by the LET'S values. As part of this work, the first and second phase of our Workforce Policy Review took place in January and March 2023 where a number of policies were reviewed and agreed by Employment Panel.

This report details Phase 3 of this Policy Review and the work that has taken place to continue to address any areas where current policies are either outdated or posing operational challenges, and where there are current gaps in policy provision. Trade Union colleagues have been fully engaged in this work.

Changes are proposed in the following areas:

1. Smoking and Vaping – An updated policy following a review by Public Health
2. Fostering Policy – Bringing together 2 policies into one and aligning our approach with the Foster Friendly Employers Scheme
3. Overtime – A revision to Local Conditions of Service Section 3 Paragraph 10 to provide a clear timescale for overtime pay applications. .

### RECOMMENDATION(S)

That the Employment Panel:

1. Agree the revised Smoking and Vaping Policy.
2. Agree the revised Fostering Policy.
3. Agree the revisions to Local Conditions of Service for Overtime.

Subject to Employment Panel's approval, the new and revised policies will go forward for endorsement via the Trade Union Consultation Meeting and the Council's Corporate Joint Consultative Committee before being published on the Council's intranet pages and communicated to staff.

## **KEY CONSIDERATIONS**

### **1. Smoking and Vaping Policy**

#### **1.1 Background**

1.1.1 The Council's current Smoking and Vaping at Work Policy was last updated April 2018.

1.1.2 The policy applies to employees, elected members, members of the public, contractors and others working, visiting or using Council premises or vehicles

1.1.3 The Council recognises the adverse impact on health caused by direct and second-hand smoking in the workplace and the policy details arrangements around smoking and vaping in any workplace setting. As well as detailing the restrictions and arrangements around smoking and vaping at work the policy also sets out the avenues available to support employees with smoking cessation.

#### **1.2 Policy Headlines**

1.2.1 The updated policy clarifies the Council's position on smoking and vaping in the context of agile working, when Council staff are working from home. It makes clear that expectations around smoking and vaping continue to apply when individuals are working at home.

1.2.2 The Council's Public Health team have contributed to the revised policy to ensure it reflects the latest guidance, particularly in relation to vaping.

#### **1.3 The revised policy is attached as appendix 1.**

### **2. Fostering Policy**

#### **2.1 Background**

2.1.1 The Council recognises and values the contribution that foster carers make to society and especially the lives of children in care. Increasing the number of Foster Carers in Bury is a priority as part of the Children's Improvement programme and, more broadly across Greater Manchester. As one of the major employers in the borough it is important that the Council leads the way here through a policy framework which positively incentivises and supports staff to foster. We understand that foster carers who do other work in addition to fostering need some flexibility in their working arrangements in order to meet the needs of their fostered child. The Council currently has in place the following arrangements which were last reviewed in September 2019:

- Child Foster Placement Policy
- Foster Care Leave

2.1.2 These policies have been reviewed in order to align with best practice and support the Council in becoming recognised by the Fostering Network as a foster friendly employer.

## **2.2 Policy Headlines**

2.2.1 Key changes include:

- Reference to the CCG has been removed
- The scope for taking time off has been extended to cover foster carers with other local authorities/organisations whereas we previously limited it to those who were foster carers for Bury Council
- Eligibility for foster placement leave has been reduced from 1 year to 3 months service, to bring it in line with eligibility for foster care leave.

**2.3 The revised policy is attached as appendix 2.**

## **3. Overtime**

### **3.1 Background**

3.1.1 Arrangements for the payment of overtime are laid out in Section 3 of Local Conditions of Service, paragraph 10.

### **3.2 Policy Headlines**

3.2.1 Following an Internal Audit of overtime transactions two minor changes are proposed:

1. To emphasise the requirement that additional hours/overtime should be approved in advance and adequately recorded.
2. To confirm that overtime claims should be submitted within 3 months of the overtime worked (Which aligns this with the approach in place for mileage claims).

3.2.2 Work is also underway to transfer the claiming and authorisation of additional hours/overtime to iTrent.

**3.3 The revised Section 3 Paragraph 10 of Local Conditions of Service is below:**

#### **Paragraph 10 - Overtime**

Plain time, ie basic contractual pay with no enhancement, is payable for all hours worked as non-contractual overtime, including on a Saturday and/or Sunday.

For part time employees, additional hours up to 37 will be paid at plain time, whatever part of the day or day of the week is worked.

Time and a half is payable for all hours worked on a bank holiday with the exception of Christmas Day which is paid at treble time. Where an individual works on a bank holiday they will also be entitled to time off in lieu.

The hourly rate of pay for work undertaken as overtime will be based on the rate paid to the employee in their substantive post.

Where the employee is undertaking overtime in a different job to their substantive post they will be paid at the rate of this post.

Additional hours/overtime must be formally approved in advance and adequately recorded. Overtime claims should be submitted within 3 months of the overtime worked, and payment will not normally be made for claims made outside of this timeframe.

**Community impact/links with Community Strategy**

A modern and effective employee policy framework is essential to ensuring the effective operation of the organisation and, in turn the delivery of our commitment to the Community Strategy.

**Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.*

<b>Equality Analysis</b>	Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.
An Equality Impact Assessment has been carried out in relation to the proposed changes and no negative impacts have been identified.	

**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
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Trade Union objection to policy changes	Prior discussions have taken place with Unison
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**Consultation:**

The proposed changes have been developed in partnership with the Trade Unions

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**Legal Implications:**

The proposed changes proposed to the policies are minor do not require staff consultation, as set out in the report if Members are minded to agree the policies will be considered at Trades Union consultation meeting and JCC.

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**Financial Implications:**

There are no financial consequences of the updated Fostering Policy or Smoking and Vaping Policy. The changes to the Council's Local Conditions of Service in relation to overtime, though minor, support improved oversight and governance and respond directly to the findings of a recent internal audit.

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**Report Author and Contact Details:**

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**Background papers:** None

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning

**Appendix 1: Smoking and Vaping (see separate attachment)**

**Appendix 2: Fostering Policy (see separate attachment)**

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# Control of Smoking and Vaping at Work Policy

## Document Control

Title	Control of Smoking and Vaping at Work Policy
Document Type	
Author	
Owner	Human Resources
Subject	
Date Created	8 June 2023
Approval Date	22 June 2026
Review Date	June 26

**Contents**

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Contents..... 2

1. Aim..... 3

2. Definition ..... 3

3. Scope..... 3

4. Principles..... 3

5. Approach..... 4

6. Detailed Guidance ..... 4

7. Evaluation and Measures of Success ..... 7

## 1. Aim

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Bury Council recognises the adverse impact on health caused by direct and secondhand smoking in the workplace and are supportive of the Government's commitment to eradicating the harmful effects of tobacco smoking and secondhand smoke which now includes the provision to make enclosed public places and workplaces smoke-free.

This Policy details the restrictions and arrangements/facilities around smoking and vaping at work, together with support available for employees.

## 2. Definition

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The word 'smoking' throughout this Policy includes the use of all types of tobacco/herbal tobacco, cigarettes pipes and cigars.

The word 'vaping' throughout this policy means the use of any type of electronic cigarette device.

The use of electronic cigarettes is to be regarded in the same way as tobacco cigarettes (i.e. they are not permitted to be used in any work related setting).

## 3. Scope

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This Policy applies to employees, elected members, members of the public, contractors and others working, visiting or using Council premises or vehicles. It forms part of the Council's Health and Safety arrangements and is recommended to schools for adoption by each governing body. (Specific guidance is also available to support the [development of school policies on vaping](#)).

The Policy applies to all Council-run meetings which Council employees attend as part of their work.

The Policy relates to the actions of employees during the course of their work, irrespective of location.

## 4. Principles

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The Health and Safety at Work Act 1974 gave employers a duty of care to ensure the health, safety and welfare at work of all their employees and the Workplace (Health, Safety and Welfare) Regulations 1992 specifically placed a duty on employers to ensure that non-smokers were not affected by tobacco in rest rooms or rest areas.

The Smoke-free (Premises and Enforcement) Regulations 2006 requires all employers to provide smoke-free workplaces for employees.

The smoking ban applies in all enclosed or "substantially enclosed" public places and workplaces and vehicles used for work.

## 5. Approach

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Except where specifically described within this Policy, smoking/vaping is not permitted within any of the Council's buildings or in any part of the Council's premises, within the entrance area to Council owned buildings or on land adjacent to the building (car park, garden area, walkway etc.) where this forms part of the premises. These restrictions also include Civic Suites.

Similarly, except where specifically described within this Policy, smoking/vaping is not permitted during working time, irrespective of work location.

## 6. Detailed Guidance

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### **Workplace Arrangements:**

No employee is allowed to smoke/vape during paid working time; this includes employees working outdoors and working from home. When on a smoking/vaping break, employees should not be easily identifiable as a Council employee; i.e. where appropriate they should ensure their uniform is covered when smoking/vaping.

It is not permitted for any employee on duty in any Council place of work to open any doors or windows for the purposes of smoking/vaping.

Smoking and vaping should be limited to breaks (including lunch breaks) and should be appropriately logged via the flexi-sheet system where relevant.

### **Short stay residences, sheltered housing and clients' homes:**

In the Council's short stay residences, residents aged over 18 are permitted to smoke/vape in a designated room. Designated areas will be provided with suitable extraction equipment to minimise the effect on staff working at those establishments and employees working within these premises will be offered an annual health check.

Within Sheltered Housing residents are allowed to smoke/vape in their own flats and will be encouraged to purchase and use a reasonable extractor. There will be no smoking/vaping in communal areas.

Employees who work within establishments during the night are not permitted to smoke/vape during working hours. It is acknowledged that for some employees this may present difficulties and the council will provide support to overcome this on an individual basis.

Employees are not allowed to smoke/vape in people's homes where they are working or visiting. This includes during any break in their work or at the end of the working day.

### **Vehicles:**

The smoking/vaping ban applies to all Council vehicles.

Employees are asked to refrain from smoking/vaping in their own vehicles, when used on Council business and when carrying passengers.

### **Smoking/Vaping Breaks:**

No facilities for smoking/vaping will be provided within any of the Council's buildings, however, the Council does acknowledge that smoking is an addictive habit, and subject to service requirements and levels of cover, smokers/vapers will be permitted to leave their place of work for a smoking/vaping break. Employees; including those working outdoors; will need to seek approval before taking a smoking break and all will be treated as an unpaid authorised absence from the workplace.

Smoking/vaping breaks must be appropriately recorded and deducted from working time. In some social care establishments flexi-time does not apply and there may be no provision for official breaks. In these circumstances where there is a team agreement for unofficial breaks e.g. a tea break, the Manager should put a system in place that allows this to be controlled and reasonable, ensuring staffing levels are maintained. If such a system exists, those wishing to smoke/vape should do so during their unofficial break and not in addition to it.

In all cases where employees take official or unofficial smoking/vaping breaks they must fulfill their contractual hours.

The duration and frequency of smoking/vaping breaks must be agreed between the smoker/vaper and their manager, as acceptable levels will vary from service to service, and the number of smokers. In any event authorised absence from work will not be permitted for smoking/vaping within one hour of starting/finishing work or within one hour of starting/finishing a lunch break.

### **Designated Smoking/Vaping Areas:**

Designated smoking/vaping areas can be identified outside the confines of the actual building but within the grounds of the premises in the following cases where:

- a management assessment identifies a risk to the personal safety of employees if they leave the grounds of the Council premises where they work to have a smoking/vaping break
- or**
- where employees work in a social care setting and are taking an unofficial smoking/vaping break but are still on duty and must respond to any requests or notification to return to their duties

Designated smoking areas must be compliant with legislation, be out of view of the public, and be provided with a bin by the Council for disposal of any waste material. Employees smoking/vaping within designated areas should ensure that waste is disposed of appropriately without littering.

### **Help with Smoking Cessation:**

The Council will support employees wishing to give up smoking through Bury Live Well Service. The Live Well Service can be contacted via:

[Live Well Website](#)

[Referral page](#)

Telephone: 0161 253 7575

Where practicable, requests from employees to attend smoking cessation programs during working hours will be supported, subject to operational requirements and management approval. Support is also available from GPs.

### **Pre-Existing Medical Conditions:**

It is important to identify members of staff who have a pre-existing medical condition that is made worse by exposure to tobacco smoke, such as asthma and cardio-vascular disease, and those who face additional risks e.g. pregnant women. In these cases particular care must be taken to prevent or minimise their exposure to tobacco smoke and medical advice should be sought.

### **Protection whilst working in or visiting other people's homes:**

Employees can be required to work in or visit people's homes in the course of their duties. As private dwellings are not covered by the legislation during these visits staff may be exposed to the harmful effects of passive tobacco smoke.

It is expected that a smoke free environment will be provided whilst a Council employee is visiting a private home in the course of their official duties. Therefore, smoking by the client or others who may live in the house/accommodation (including visitors) should not take place immediately before or during this time and clients should be informed of this requirement at their first contact or assessment. Standard appointment letters, forms and other relevant correspondence should ask that, in preparation for the visit, any smokers at the property should: -

- Avoid smoking inside their home for at least one hour before their appointment time
- Fully open windows and doors to ventilate the area where the employee will be working
- And also that, during the visit, they should:-
- Not smoke/vape or let anyone else smoke/vape in the area
- Wherever possible ask others to go outside to smoke/vape whilst the employee is present
- Clients should also be informed that the employee will decide whether to leave their home if these requests are not met.
- If it is a statutory or essential service that must be provided, and the provisions outlined above are not met, the following alternative strategies should be explored:-
- Where possible agree to meet at an alternative smoke/vape free venue
- Encourage the client to limit their time smoking/vaping whilst the employee is in their home
- Where exposure to continues, managers should limit the employee's exposure by restricting the amount of time they spend on visits

For staff contracted to work long shifts in service users' homes, a risk assessment should be carried out and the following steps taken to minimise the risk of secondhand smoke:-

- Where possible to negotiate and designate a smoking/vaping room which can be used by the smoker/vaper when employees are present
- Where possible the employee should leave the room if the service user is smoking/vaping
- If this is not possible employee may request increased ventilation in the room by opening a window/door
- The service user should be asked to limit the number of times they smoke/vape whilst the employee is in their home
- The service user to be asked to consider the purchase of a reasonable extractor

If exposure is still unacceptable, reducing the amount of time that any one employee spends there must be considered.

If 24 hour care is provided in a service users' home staff should be made aware before the appointment that the nature of the work may result in exposure to secondhand smoke and that steps will be taken to minimise this exposure.

If none of the above measures can be implemented then, as a last resort, consideration should be given to withdrawing employees from an unsuitable working environment.

The smoking/vaping status of a client should be recorded and issues involving the homes and cars of clients/service users who smoke/vape should be discussed and documented appropriately to ensure employees have prior warnings before future visits.

It must be ensured that Council employees who smoke/vape are treated in the same way as non-smokers when allocating client/service users who are smokers/vapers.

### **Smoking or Vaping when working from home:**

As we support employees to work with agility, a greater number of staff are working from home far more than they did in the past. We encourage meetings take place via Teams to enable colleagues to stay in contact and feel connected.

When working at home, rules around smoking or vaping in work (as detailed within this document) still apply. When attending meetings via Teams, employees should maintain the same professional standards as they would if they were attending the meeting face-to-face. Under no circumstances should employees attend meetings via Teams whilst smoking or vaping; employees must consider the professional nature of their interactions at all times, whether interactions take place virtually or face-to-face.

## **7. Evaluation and Measures of Success**

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All managers are responsible for ensuring that the Council's approach to smoking/vaping at work as outlined in this Policy is adhered to and all employees can enjoy a smoke/vape free working environment. Complaints or requests in relation to this should be dealt with appropriately and notes should be retained.

Breaches of this policy will be dealt with under the Council's Disciplinary Procedure.

Employees who raise genuine concerns about breaches of this policy will be supported. Staff are authorised to ask non-employees who breach the policy to leave the premises.

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# Foster Friendly Policy

## Document Control

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## Contents

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1. Introduction .....	3
2. Aim .....	3
3. Foster care leave .....	3
4. Foster placement leave .....	4

## 1. Introduction

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- 1.1 Bury Council recognises and values the essential contribution that foster carers make to the lives of children and young people. As a Corporate Parent we are committed to providing any and all possible support to those employees who are, or wish to become, foster carers. We understand that foster carers who do other work in addition to fostering need flexibility in their working arrangements in order to meet the needs of their fostered child and, through both our policy framework and management culture, will do all we can to support this critical activity.
- 1.2 The Council is committed to supporting any and all staff members who are a main or linked foster carer and those who are applying to be a foster carer with a local authority or independent fostering service. Through this, the Council is seeking to align its strategic objectives in relation to the support of Bury Children with its own employment policy framework and organisational culture.
- 1.3 We will work to create and maintain a truly fostering friendly organisation that offers flexible working arrangements which respond to the needs of employees who are foster carers.
- 1.4 This policy sets out the additional time off that we will offer foster carers and those going through the approval process.
- 1.5 It recognises that the process of seeking approval to become a foster carer can be lengthy and places a number of reasonable but demanding expectations upon prospective carers, particularly in relation to the training, assessment and approval process.
- 1.6 It also recognises the circumstances when employees who are foster carers are taking on a placement/child under a short or long-term fostering arrangement.
- 1.7 For cases relating to adoption please see the Adoption Policy.

## 2. Aim

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- 2.1 Bury Council offers staff the opportunity to work flexibly where this is compatible with the demands of their job. Our family friendly policies apply to foster carers.

## 3. Foster care leave

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- 3.1 Foster care leave is available to staff who:
  - are applying to become foster carers
  - are approved foster carers and have a child in placement (or have had a child in placement for 75% of the previous 12 months), and

- have three months or more employment service with Bury Council  
School staff, casual staff and contractors are not eligible for foster care leave.

3.2 Bury Council values and will support foster carers by giving paid time off in any 12-month period as follows:

- assessment and initial training prior to approval as a foster carer - up to three days
- attendance at panel for approval – half a day
- looked after child statutory review meetings, child review meetings, annual foster carer review meeting and training – up to five days.

3.3 The employee's line manager will approve the leave wherever possible, taking into account individual circumstances of each case and operational requirements of the business. The leave will be considered and approved on a pro rata basis. The employee will provide necessary evidence to support their request for leave if requested.

3.4 Foster care leave should be requested via the iTrent Employee Self Service system.

## 4. Foster placement leave

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4.1 To qualify for leave when taking on a placement/child under a short or long-term fostering arrangement, staff members must:

- have continuous service of 3 months or more with Bury Council
- provide a notice of acceptance for a placement
- have not taken child placement leave in the last 12 months
- be the primary carer of the child

In exceptional circumstances, when the needs of the child requires both carers' full time involvement, leave may be granted when the staff member is not the primary carer.

School staff, casual staff and contractors are not eligible for foster placement leave under the terms of this policy. However, the Council will look to support these workers wherever possible.

4.2 Qualifying staff are eligible for up to six weeks paid leave of absence following the placement being made.

4.3 If the Council employs both foster carers, then they are only entitled to receive a single allocation of leave, however it may be split between both carers with agreement from the appropriate Heads of Service.

4.4 Where only one foster carer works for the Council, there shall be entitlement, provided that their partner is working but not entitled to claim equivalent leave. There shall be no entitlement where the partner is not working; unless there are

exceptional circumstances, when the needs of the child require both carer's full-time involvement.

4.5 There is only one period of leave and or pay available irrespective of the number of children being fostered.

4.6 Where the child placed is under five years of age on the day of placement:

- weeks 1–3 inclusive will be paid at 90 per cent of pay
- weeks 4–6 inclusive will be paid at half pay. Staff not returning to work by the first day of the seventh week shall repay the three weeks at half pay.

Where the child placed is over five years of age on the day of placement one week's leave with pay shall be available to the primary carer in consultation with the line manager.

4.7 In exceptional circumstances, when the needs of the child require the carer's full-time involvement for a longer period of time, the leave entitlement for a child under five years of age may apply at the discretion of the Head of Service.

4.8 Foster placement leave should be requested via the iTrent Employee Self Service system.

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of the Local Government Act 1972.

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