Public Document Pack

Tendring District Council

IAN DAVIDSON, CHIEF EXECUTIVE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA, ESSEX, CO15 1SE. TELEPHONE (01255) 686868

AGENDA

HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

DATE:	**Monday, 28 July 2025**
TIME:	**7.30 pm**
VENUE:	**Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE**

MEMBERSHIP:

Councillor Chapman BEM (Chairman)
Councillor Calver (Vice-Chairman)
Councillor Amos
Councillor Baker
Councillor Guglielmi
Councillor Keteca
Councillor G Stephenson

Chief Executive
Ian Davidson

www.tendringdc.gov.uk
Minicom: 01255 475566

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting. Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting. In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio record and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

If you have any queries regarding webcasting or the recording of meetings by the public, please contact Bethany Jones Email: bjones@tendringdc.gov.uk or Telephone on 01255 686587

DATE OF PUBLICATION: Friday, 18 July 2025

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 7 - 18)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Monday, 24 February 2025.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 Career Track - Verbal Update

The Committee will receive an oral update regarding the Council's Career Track.

6 Report of the Corporate Director (Finance & IT) & Assistant Director (People) - A.1 - Vibration Guidance - Best Practice for Managers (Pages 19 - 52)

This report presents the proposed Vibration Guidance – Best Practice for Managers, which aims to support managers in identifying, assessing, and mitigation the risks of employee exposure to vibration in the workplace. The guidance algins with statutory health and safety obligations and promotes a proactive approach to employee wellbeing. The Human Resources and Council Tax Committee is asked to approve the implementation of this guidance as a standard of best practice across relevant service areas, in support of the Council's continued commitment to maintaining a safe working environment.

7 Report of the Assistant Director (People) - A.2 - Family Leave and Support Policy (Formerly the Council's Maternity Policy) (incorporating maternity, paternity, adoption, surrogacy, and neonatal care provisions) (Pages 53 - 90)

This report presents the proposed revised Family Leave and Support Policy (*formerly the Council's Maternity Policy),* which consolidates and updates the Council's provisions relating to maternity, adoption, paternity, and associated leave arrangements. It outlines the rights and responsibilities of employees and managers, incorporates recent legislative changes, and provides clear guidance on related health and safety obligations. The Human Resources and Council Tax Committee is asked to consider and approve the implementation of the updated policy.

8 **Report of the Assistant Director (People) - A.3 - People Development Report (Pages 91 - 100)**

To provide Members of the Human Resources and Council Tax Committee with an update on the Council's current position regarding the training and development of its workforce.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Human Resources and Council Tax Committee is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Thursday, 16 October 2025.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

This page is intentionally left blank

**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX COMMITTEE,
HELD ON MONDAY, 24TH FEBRUARY, 2025 AT 7.30 PM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Chapman BEM (Chairman), Calver (Vice-Chairman), Amos, Baker, Guglielmi, Morrison and G Stephenson
In Attendance:	Lisa Hastings (Director (Governance) & Monitoring Officer), Katie Wilkins (Head of People), Jo Williams-Lota (Human Resources Manager), Lewis Vella (Finance Officer) (except items 15 - 20), Debianne Messenger (Work Based Learning Manager), Bethany Jones (Committee Services Officer) and Katie Koppenaal (Committee Services Officer)

9. CHAIRMAN'S ANNOUNCEMENT

The Chairman (Councillor Chapman BEM) requested that the Minutes record that the members of the Human Resources and Council Tax Committee had sent Carol Magnus an email before she retired to thank her for all her hard work over the last few years and that her hard work had been appreciated.

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence nor substitutions on this occasion.

11. MINUTES OF THE LAST MEETING

It was moved by Councillor Baker, seconded by Councillor Morrison and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday, 30 July 2024, be approved as a correct record and be signed by the Chairman.

12. DECLARATIONS OF INTEREST

Councillor Guglielmi stated for the public record in relation to Agenda Item 9 – **A.4 – Fostering Friendly Policy**, that he was on the Panel for Essex County Council that dealt with Fostering, but that he would still participate in the deliberations and the decision-making on this item.

13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

14. REPORT OF THE DIRECTOR (FINANCE & IT) - A.1 - FORMAL CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2025/26 FOLLOWING THE NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING AUTHORITIES

The Committee heard that, at the meeting on the 11 February 2025, Council had considered the Executive's Budget and Council Tax proposals for 2025/26 and as part of that process the Council Tax for the District and Parish/Town Council Services had been approved.

Members were told that, once the precepts were received from the major precepting authorities, the Human Resources and Council Tax Committee had the delegated responsibility to agree the total Council Tax for 2025/26.

The total Council Tax for the year was made up by the District and Parish/Town Council amounts approved by Council on 11 February 2025 and the corresponding amounts agreed by the major precepting authorities. Legislation required that formal confirmation even though the process was dictated by legislative formulae and there was no judgement or choice to be made.

It was moved by Councillor Guglielmi, seconded by Councillor Baker and unanimously:-

RESOLVED that:

(a) the precepts issued by Essex County Council, Essex Fire and Essex Police, as set out in Appendix A to the Officer report (A.1), be noted; and

(b) the amounts of Council Tax for 2025/26, as shown in Appendix C to the Officer report, for each of the categories of dwellings be confirmed.

15. APPRENTICESHIP UPDATE - VERBAL UPDATE

The Committee received a verbal update on the work of the Council's apprenticeships which included:-

- An apprenticeship update; and
- Career Track update.

Questions from Members:	**Answers from Officers:-**
What is Gingernut?	*They are an apprenticeship provider with a Head Office in Colchester, they provide a lot of IT and Marketing Project Management apprenticeships that work across the country. There is a projects manager apprentice in Economic Growth at TDC. They started as Gingernut Media.*

16. REPORT OF THE HEAD OF PEOPLE - A.2 - UPDATE ON REVIEW OF CHANGES TO THE CHIEF EXECUTIVE'S TERMS AND CONDITIONS

The Committee heard that, at its meeting on 8 August 2024, the Human Resources Sub-Committee Panel had received a report in respect of the current terms and conditions of employment of the Chief Executive and, specifically, the reduced working hours (*of 27.75 hours per week)* approved by Council on 25 January 2025. The substantive post on the Council's establishment remained at 37 hours per week. In approving the reduced working hours arrangement for the post holder (Ian Davidson),

Full Council had determined that there should be annual reviews of the operation of the revised working hours arrangement.

Members were told that, in deciding to review the operation of the revised working hours arrangement for the current post holder, the Council had not specified the mechanism for that review. To advance that process, it had been determined that the composition of the Human Resources Sub-Committee Panel, as established by the Council, along with their role outlined for the Sub-Committee in the Officer Employment Procedure Rules concerning Statutory Officers, constituted the most effective approach for conducting such reviews.

Officers informed the Committee that, the Panel was composed of the Leader of the Council, the Deputy Leader of the Conservative Group and the Group Leader of the Independent Group *(and Chairman of the Human Resources and Council Tax Committee)*. It also had the benefit of the presence and insight of Councillor Calver *(a member of the Labour Group and Vice-Chairman of the Human Resources and Council Tax Committee).*

The Committee was made aware that the special nature of the post of Chief Executive meant that the terms and conditions were set by the Joint Committee for Local Authority Chief Executives, as set out in the Chief Executives' Handbook, and locally agreed by Full Council, following the advice and recommendations of the Human Resources and Council Tax Committee.

Members noted that to assist the Panel in undertaking the review, the Panel had been presented with the statements of the former Leader of the Council, Councillor Neil Stock OBE, from the time of the original request to reduce the contractual working hours, as well as written representations from Councillor John Spence CBE, Chairman of the Essex Health and Wellbeing Board. Additionally, the Panel had been apprised of Mr Davidson's notable achievements during his tenure as the Council's Chief Executive, and reference was made to his nomination for an award from the Suffolk and North Essex Integrated Care System.

The Committee was also told that the Panel had been informed that, unless otherwise agreed, the Chief Executive remained fully committed to Tendring District Council, adhering to whole-time service, with specific operational arrangements coordinated with the Leader of the Council.

At the Panel's meeting on 8 August 2024:-

"It was moved by Councillor Mark Stephenson, seconded by Carlo Guglielmi, and unanimously:-

***RESOLVED** that:*

(i) the position in respect of terms and conditions of employment of the post holder be noted;

(ii) the following outcome of the review undertaken by the Panel of the operation of the current terms and conditions of the post holder be reported to the Human Resources and Council Tax Committee:

(a) *no alteration to the terms and conditions of employment was required and, as such, the current terms and conditions do not need to be amended;*

(b) *the annual review determined by Council on 25 January 2022 be discontinued on the basis that the exercise of the review appeared to have no identifiable value to the Council going forward and there was a separate annual appraisal process for the post holder undertaken by the Leader; and*

(c) *the tanks of the Panel for the valuable and enduring positive contribution of the post holder to the Council be recorded.*

Officers also informed the Committee that since the Human Resources Sub-Committee Panel had reviewed the Chief Executive's terms and conditions of employment, Essex Devolution and Local Government Reorganisation (LGR) had been announced.

The Committee was made aware that Devolution involved the transfer of powers and funding from central government to local authorities, enabling decisions to be made closer to the communities they affect.

Further, Local Government Reorganisation, focused on restructuring local government to create simpler, more efficient council structures. In Essex, that would involve replacing the current two-tier system, where services were split between Essex County Council and 12 City, Borough, or District councils, with a number of unitary authorities responsible for all local services. That reorganisation aimed to drive economic growth and deliver better public services by creating clear accountability and more streamlined operations.

Essex had been agreed to be part of Phase 1 of that initiative, highlighting its commitment to those transformative changes. The process included submitting interim plans, followed by full proposals, with the goal of establishing new unitary councils by 2028.

The Committee was notified that the Chief Executive's role was considered critical in the formation and implementation of those proposals for Tendring. Given his essential role, the Leader of the Council had requested that the Human Resources and Council Tax Committee review the previously agreed reduction to his working hours and endorse, *(also recommending to Full Council)* that it was reversed to support his continued leadership and involvement in those significant initiatives.

Members also noted the decision of Full Council at its meeting on 21 January 2025, whereby Full Council - '*mandates the Leader of the Council and Chief Executive to seek to ensure that the voice of Tendring (and North Essex more generally) is as strong as possible in any negotiations around devolution and local government reorganisation recognising its opportunities and challenges.'*

A Member queried whether the Chief Executive's pay would be backdated in view of the number of hours that he had been recently working over and above his contractually

agreed hours. Officers responded that this would not be possible under the terms and conditions of the Chief Executive's employment.
It was moved by Councillor Guglielmi, seconded by Councillor Baker and unanimously:-

RESOLVED that the Human Resources and Council Tax Committee:

(a) endorses the request from the Leader of the Council to reinstate the Chief Executive's full time working hours in light of the demands of Devolution and Local Government Reorganisation;

(b) notes that a special dispensation is required to alter the terms and conditions of employment of the Chief Executive *(due to the special nature of this role)* in relation to the Council's Flexible Retirement Policy and its application, which reinstates the Chief Executive's full-time working hours as soon as practical;

(c) recommends that Full Council:

I. considers the request from the Leader having been supported by the Human Resources and Council Tax Committee, to reinstate the Chief Executive's full time hours;

II. agrees to grant the special dispensation to the Council's Flexible Retirement Policy and its application to the Chief Executive, in his role at this time due to Devolution and Local Government Reorganisation;

III. subject to (i) and (ii) agrees the reinstatement to full time hours as soon as practical;

IV. that the annual review as determined by Council on 25 January 2022, be discontinued on the basis that the exercise of the review is unnecessary, given that there is a separate annual appraisal process for the post holder undertaken by the Leader; and

V. the thanks of the Council for the valuable and enduringly positive contribution of the post holder to the Council be recorded.

17. REPORT OF THE HEAD OF PEOPLE - A.3 - PAY POLICY STATEMENT 2025/26

The Committee heard that the Localism Act 2011, Chapter 8 (Pay Accountability) Sections 38 and 39, required the Council to prepare a Pay Policy Statement that articulated the Council's approach to a range of issues relating to the pay of its workforce.

Members were told that, Schedule 2 of Part 3 of the Constitution confirmed Full Council was responsible for the preparation and approval of a Pay Policy Statement for the upcoming financial year in accordance with Chapter 8 of the Localism Act 2011.

Officers informed Members that the Human Resources and Council Tax Committee had historically overseen the preparation of a draft Pay Policy Statement for recommendation onto Full Council for its approval and adoption.

Members were also informed that matters that must be included in the statutory Pay Policy Statement were as follows:-

- A local authority's policy on the level and elements of remuneration for each Chief Officer.
- A local authority's policy on the remuneration of its lowest-paid employees *(together with its definition of "lowest-paid employees" and its reasons for adopting that definition)*.
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.
- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

The Committee was reassured that the draft Pay Policy Statement 2025/26 therefore outlined the Council's approach to remuneration, detailing policies on the pay of Chief Officers and the lowest-paid employees, the relationship between different levels of pay, and the Council's adherence to the National Pay Grades set by the National Joint Council (NJC). That framework ensured a fair and transparent approach to remuneration, including incremental progression based on service length and performance.

Members noted that the statement also covered discretionary allowances for statutory and non-statutory officers, the use of market forces supplements to address recruitment and retention challenges, and the Council's policies on organisational change and redundancy payments, pay protection, and access to the Local Government Pension Scheme.

The Committee was also told that it set out the Council's position on the provision of milage and subsistence payments, and its policies for overtime and standby allowances. The document also emphasised transparency and compliance with statutory regulations, including gender pay gap reporting, off-payroll working rules and severance payments.

Officers also informed Members that there was limited change reported in the 2025/26 draft Statement with the exception of the implementation of the 2024/25 pay award, *(following agreement between National Employers and National Unions)* whereby, there were further, notable changes at the lower to mid-end of the pay spine, as follows:-

Effective from 1 April 2024:

- *An increase of £1,290 (pro rata for part-time employees) will be added as a consolidated permanent addition on all NJC pay pints 2 to 43.*
- *A 2.50% increase on all pay points above 43.*
- *A 2.50% increase on all allowances.*

The Committee was made aware that the latest pay award meant an employee on the bottom pay point in April 2021 (earning £18,333) would have received an increase in their pay of £5,323 (22.06%) over the three-year period to April 2024. For an employee at the mid-point of the pay spine (pay point 22), their pay would have increased over the same period by £5,140 (15.7%).

Further, the document had been reviewed to ensure it remained legally compliant, reflected best practice, and maintained a high level of transparency for both staff and the residents of Tendring. Changes applied to the draft Pay Policy Statement in 2025/26 were highlighted throughout the document in red text.

Officers reminded Members that the Human Resources and Council Tax Committee was requested to review and provide any comments on the draft Pay Policy Statement 2025/26 before its submission to Full Council.

Members noted that as soon as reasonably practicable after approving the draft Pay Policy Statement, the Authority must publish the Statement. Therefore, the Statement would be published on the Council's website following approval by Full Council in March 2025.

It was moved by Councillor Amos, seconded by Councillor Guglielmi and:-

RESOLVED that the draft Pay Policy Statement 2025/26, as set out in Appendix A of the Officer report (A.3), be recommended onto Full Council for approval and adoption.

18. REPORT OF THE HEAD OF PEOPLE - A.4 - FOSTERING FRIENDLY POLICY

Earlier on in the meeting as reported under Minute 12 above, Councillor Guglielmi had declared for the public record that he was on the Panel for Essex County Council that dealt with Fostering, but that he would still participate in the deliberations and the decision-making for this item.

The Committee heard that according to Essex County Council's Fostering team, Essex currently had over 1,000 children in care, each facing significant disruption in their lives. Unfortunately, that number was increasing leading to a growing demand for more foster carers.

Members noted that foster carers provided essential care and stability to children who could not live with their birth families. For many of those children, foster care represented their first positive experience of family life. The shortage of foster carers across the UK often resulted in children being placed far from their communities.

The Committee was told that Tendring District Council recognised and valued the vital contributions that foster carers and supported lodgings carers made to society, particularly to the lives of children and young people in care.

The Committee was assured that, Tendring District Council understood that foster carers required flexibility in their working arrangements to meet the needs of their fostered children or young people.

Officers informed the Committee that, Tendring District Council aimed to achieve that by creating a fostering-friendly organisation that offered flexible working arrangements to accommodate the needs of all foster carers.

Members also heard that Tendring District Council acknowledged that the process of becoming an approved foster carer was lengthy and involved several reasonable but demanding expectations, particularly concerning training, assessment, and approval.

Therefore, the Council had introduced a policy to support any staff member who was a foster carer, approved connected person's carer, supported lodgings carer, or an approved kinship carer *(hereafter referred to as foster carers).* The policy would apply to all Council employees.

Officers made Members aware that to publicly demonstrate the Council's commitment to being a fostering-friendly organisation, the Council was also collaborating with Fostering Network UK to become a recognised Fostering Friendly Employer.

Members were also told that by recruiting more foster carers and supporting those employed by the Council, more children would be able to receive support locally, allowing them to stay connected with the people and places that mattered most to them. As a Fostering Friendly employer, the Council could be part of the solution.

It was moved by Councillor Guglielmi, seconded by Councillor Baker and unanimously:-

RESOLVED that the Human Resources & Council Tax Committee:

(a) approves and adopts the Council's new Fostering Friendly Policy and the organisation's commitment to becoming a recognised Fostering Friendly employer; and

(b) requests the Leader of the Council to delegate responsibility to the Portfolio Holder for Partnerships to approve initiatives that promote fostering and becoming a foster carer.

19. REPORT OF THE HEAD OF PEOPLE - A.5 - WORKFORCE UPDATE REPORT

The Committee heard that the analysis of workforce data provided Members with statistics relating to the staff employed within the Council and how that compared to the Tendring District and national averages.

Members noted that, at the time of writing the Officer report (A.5), Tendring District Council had 521.2 full-time equivalent (FTE) employees. The FTE figure equated to 790 workers in total (including casual workers and learners). That was made up of 439 full time and 351 part-time staff.

The Committee was told that the 'Grow Our Own' initiative, aimed at enabling staff to obtain professional qualifications in areas with recruitment challenges, remained a priority. The organisation would maintain its sponsorship programme for qualifications and would leverage apprenticeships whenever feasible. Apprenticeships, up to and including Level 7 (postgraduate level), were increasingly accessible and could be financed through the organisation's Levy, levy sharing, or the organisation's co-investment scheme.

The Committee was reassured that the commitment of Tendring District Council employees 'to go the extra mile' continued despite the challenges identified above and should be noted.

Officers informed the Committee that the Officer report indicated that the equality data had largely remained consistent with previous reports. In some areas, that was a positive, particularly regarding gender balance, the gender pay gap, and age distribution. However, it was disappointing to note that the number of employees reporting a disability or identifying as non-white British had not increased.

Members also heard that the HR team was actively encouraging staff to complete the 'sensitive data' section on the HR and Payroll system and would continue to support employees in feeling comfortable sharing their disability status. However, the low number of employees recorded as non-white British was believed to be influenced by other factors, including the demographic representation of the Tendring area.

Officers made Members aware that recognising those challenges, the Council acknowledged the need for proactive measures to attract non-white British candidates to Council roles. By implementing targeted recruitment strategies and fostering an inclusive work environment, the Council aimed to enhance diversity and better reflect the community it served.

At its last meeting, the Human Resources and Council Tax Committee had endorsed the adoption of the People Strategy 2024 to 2029. A key focus of the strategy was updating and promoting the Council's Equality and Diversity Policy. As a priority, the HR team was collaborating with partner organisations to review and enhance the effectiveness of the policy, ensuring it aligned with the Council's commitment to fostering an inclusive and diverse workplace.

Members were also made aware that to further support the Council's Equality and Diversity Policy, the Council was introducing Inclusion and Diversity Champions. Those champions would model inclusive behaviour throughout the Council, assisting the HR team, managers, and colleagues in fostering an inclusive culture. The Inclusion and Diversity Champions planned to hold their inaugural meeting in March, and regular updates on initiatives, ideas, and progress would be provided.

Finally, while those efforts were set within the context of Local Government Reorganisation, the Authority remained committed to ensuring its staff were in the best possible position moving forward.

It was **RESOLVED** that the Human Resources and Council Tax Committee **NOTED** this report.

20. REPORT OF THE DIRECTOR (LAW & GOVERNANCE) & MONITORING OFFICER - A.6 - HUMAN RESOURCES COMMITTEE AND ARRANGEMENTS FOR STATUTORY OFFICER AND NON-STATUTORY CHIEF OFFICER APPEALS

The Committee heard that it was important to set out the context of seeking to amend the Terms of Reference of the Human Resources Committee and that the Council's Staff Handbook stated *"Employees have a right to appeal against any formal disciplinary decision. The appeals procedure was part of the Disciplinary Policy and Procedures."*

Members were told that the Disciplinary Policy and Procedures issued by Human Resources updated October 2017 stated:

"15. APPEALS PROCEDURE
15.1 Refer to Appeal Policy"

APPEALS PROCEDURE (Updated August 2012):

"As an employee of the Council, there may be occasions where a formal decision was required to be taken about your employment. Where this occurs, formal policies and procedures will be followed to ensure a fair process is applied. It is essential that any actions or decisions made are based on facts and evidence provided as part of that process.

There may, however, be times where an employee is unhappy with the decision made or action taken. Where this occurs they have the right to appeal against that decision. The purpose of the Appeals Procedure is to outline the process which will be followed when exercising the right of appeal.

The right of appeal will usually apply where decisions are taken regarding the outcome of a disciplinary or capability hearing, formal grievance or redundancy selection. In all cases, the appeals process will be the same and further advice relating to each specific procedure can be found in the following policies:

- *Disciplinary Policy, Rules and Procedure*
- *Grievance Procedure"*

Members were also made aware that in paragraph 2.2 of the Disciplinary Policy and Procedure, the Scope of the Procedure was stated as:

"The procedure applies to all employees of Tendring District Council, with the exception of the Council's Statutory Officers who are covered by National Employer's procedures. These are agreements of the Joint Negotiating Committee (JNC) for Chief Executives and Chief Officers of Local Authorities. Cases where an employee's ability to undertake the job they are employed to do is in question, will normally be dealt with under the Capability Procedure. Human Resources will advise on the best course of action to take in these circumstances."

Officers informed Members that in September 2022, the Handbook for Chief Executives had been updated by the *Joint Negotiating Committee for Chief Executives.* The Conditions of Service for Local Authority Chief Officers had been last updated by the Joint Negotiating Committee in 2017. Further information on both of those documents was contained within the legal requirements section of the Officer report (A.6).

Consequently, there was a need to review whether the Council had the appropriate decision-making structure in place to accord with appeal requirements for the Chief Executive, Statutory Officers, and Non-Statutory Chief Officers and their deputies, as set in the relevant Staff Handbooks.

Members also heard that upon undertaking the review, it had been recommended that a Chief Officer Employment Appeals Sub-Committee was established with the Terms of Reference as set out in Appendix A of the Officer report, following a recommendation from the Human Resources and Council Tax Committee onto Full Council for approval and consequential amendments to the Council's constitution.

It was moved by Councillor Amos, seconded by Councillor Guglielmi and unanimously:-

RESOLVED that the Human Resources and Council Tax Committee:-

(a) notes the outcome of the review undertaken by the Council's Monitoring Officer as requested by Full Council;

(b) recommends to Full Council that:

(i) the Human Resources and Council Tax Committee's Terms of Reference be amended to include the determination of Employment Appeals of Chief Officers, with these functions being delegated to a Chief Officer Employment Appeals Sub-Committee;

(ii) a Chief Officer Employment Appeals Sub-Committee is established with the Terms of Reference as set out in Appendix A of the Officer report (A.6), with the necessary amendments being made to the Council's Constitution, to be highlighted in the reference report to Full Council;

(iii) political proportionality would not apply to the Employment Appeals Sub-Committee, on the basis that it is not a committee which meets regularly; and

(c) authorises the Head of People to undertake a review of the Council's Human Resources Policies and Procedures, in consultation with the Head of Paid Service, to ensure they are up to date and consistent with the appeal process for Chief Officers as set out.

The meeting was declared closed at 8.43 pm

Chairman

This page is intentionally left blank

HUMAN RESOURCES & COUNCIL TAX COMMITTEE
28 July 2025

REPORT OF CORPORATE DIRECTOR – FINANCE & IT & ASSISTANT DIRECTOR - PEOPLE

A.1 VIBRATION GUIDANCE – BEST PRACTICE FOR MANAGERS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
This report presents the proposed Vibration Guidance – Best Practice for Managers, which aims to support managers in identifying, assessing, and mitigating the risks of employee exposure to vibration in the workplace. The guidance aligns with statutory health and safety obligations and promotes a proactive approach to employee wellbeing. The Human Resources and Council Tax Committee is asked to approve the implementation of this guidance as a standard of best practice across relevant service areas, in support of the Council's continued commitment to maintaining a safe working environment.

EXECUTIVE SUMMARY
The Council's current procedures are fully compliant with the Control of Vibration at Work Regulations 2005, reflecting its ongoing commitment to safeguarding employee health and wellbeing. These regulations require employers to assess and monitor vibration exposure, implement effective control measures, and provide health surveillance where risks are identified. This report introduces the Vibration Guidance – Best Practice for Managers, a new document developed to further support managers in effectively identifying, assessing, and mitigating the risks associated with employee exposure to vibration in the workplace. The guidance reflects current best practice and has been developed in collaboration with Human Resources, Unison, and relevant service leads. Within certain areas of the Council's operations, particularly in services such as Horticulture and Engineering, employees may be exposed to vibration through the use of percussive handheld tools or by operating machinery such as mowers and other vehicles. Regular and prolonged exposure to vibration can result in serious and permanent health conditions, including Hand-Arm Vibration Syndrome (HAVS) and Carpal Tunnel Syndrome (CTS), which can significantly affect an employee's ability to work and overall wellbeing. To support compliance, employees in higher-risk roles benefit from annual health surveillance assessments carried out by an external provider. This proactive approach enables early detection of any symptoms and reinforces the Council's commitment to maintaining a safe and healthy working environment. In addition, all equipment is routinely inspected and maintained in line with the Provision and Use of Work Equipment Regulations 1998 (PUWER), ensuring it remains safe and fit for purpose. Where a case of HAVS is identified, it is promptly reported to the Health and Safety Executive (HSE) under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), following a thorough investigation by the Council's Health and Safety Team. The introduction of the Vibration Guidance – Best Practice for Managers, while not a statutory requirement, reflects best practice by providing managers with clear and practical advice on conducting risk assessments, monitoring and recording exposure, implementing control measures, delivering appropriate training, and ensuring timely health surveillance and reporting. Developed in line with recommendations from the HSE, this guidance is designed to enhance the Council's existing procedures by embedding a consistent and proactive approach to vibration risk management across all relevant service areas.

The Human Resources and Council Tax Committee is asked to approve the implementation of this guidance, in support of the Council's continued commitment to maintaining a safe working environment and promoting best practice in vibration risk management, noting that the Council is already fully compliant with its statutory obligations in this area.

RECOMMENDATION(S)

It is recommended that the Human Resources and Council Tax Committee:

a) acknowledges that the Council remains fully compliant with all relevant statutory obligations in relation to vibration-related risks and approves and adopts the Council's Vibration Guidance – Best Practice for Managers to support the consistent and proactive management of such risks across relevant service areas.

b) requests that officers report back to the Committee 12 months following implementation to provide an update on how the guidance has operated in practice, including any lessons learned and proposed refinements.

REASON(S) FOR THE RECOMMENDATION(S)

Under the Control of Vibration at Work Regulations 2005, the Council has a legal duty to assess and manage the risks associated with employee exposure to vibration. This includes identifying tasks and equipment that may expose employees to harmful levels of vibration, conducting appropriate risk assessments, and implementing control measures to reduce exposure to as low a level as is reasonably practicable.

The Council is currently meeting its statutory obligations through regular equipment assessments, adherence to maintenance schedules in line with the Provision and Use of Work Equipment Regulations 1998 (PUWER), and the provision of annual health surveillance for employees in higher-risk roles. These measures ensure that staff are working in a safe environment and that any potential health risks are identified and managed promptly.

The Vibration Guidance – Best Practice for Managers has been developed to further support managers in fulfilling these responsibilities. While not a statutory requirement, the guidance provides clear and practical advice on assessing vibration risks, monitoring and recording exposure, implementing control measures, delivering training, and ensuring timely health surveillance and reporting. It reflects current best practice and aligns with HSE recommendations.

The Corporate Health and Safety Team will continue to undertake regular reviews of the Council's Hand-Arm Vibration Syndrome (HAVS) management arrangements and will recommend updates to the guidance as necessary to reflect changes in legislation, best practice, or operational learning. Any breaches of protocol or areas of concern identified through these reviews will be escalated to senior management via established assurance and reporting mechanisms.

ALTERNATIVE OPTIONS CONSIDERED

That the Human Resources and Council Tax Committee notes the development of the Vibration Guidance – Best Practice for Managers and considers its adoption. However, while implementation is not a statutory requirement, choosing not to adopt the guidance may limit the Council's ability to demonstrate a proactive and consistent approach to managing vibration-related risks, and could result in missed opportunities to strengthen employee wellbeing and compliance with Health and Safety Executive (HSE) expectations.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
A revised Corporate Plan and Vision was approved by Full Council at its meeting on 28 November 2023. One of the six included themes is Financial Sustainability and Openness, with a commitment to continue to deliver effective services and get things done whilst looking after the public purse; that means carefully planning what we do, managing capacity and prioritising what we focus our time, money and assets on. The development and implementation of the Vibration Guidance – Best Practice for Managers also aligns with Tendring District Council's Corporate Plan 2024–2028 themes of "working with partners to improve quality of life" and "raising aspirations and creating opportunities." By supporting our employees—many of whom are also residents—we contribute positively to both workforce wellbeing and the wider community.
LEGAL REQUIREMENTS (including legislation & constitutional powers)
The Council has a statutory duty to comply with the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999, and the Control of Vibration at Work Regulations 2005. These regulations collectively require employers to assess and manage risks to employee health and safety, including those arising from exposure to vibration in the workplace. Under the Control of Vibration Regulations 2005, the Council must identify tasks and equipment that may expose employees to vibration, assess the level of exposure, implement appropriate control measures, and provide health surveillance where necessary. Failure to comply with these legal duties may result in enforcement action by the Health and Safety Executive (HSE). This could include the issuance of an improvement notice, a formal caution, financial penalties, or, in cases of serious non-compliance, prosecution. The Human Resources & Council Tax Committee has responsibility for the discharge of Part II – miscellaneous functions as set out in Schedule 1 to the Local Authorities (*Functions and Responsibilities)* (*England*) Regulations 2000 (*as amended*) and as detailed in Appendix 1 to Part 3 of the Constitution; including the '*decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers'*. This extends to the agreement on key personnel policies. Corporate Health and Safety is an Executive Function and falls within the remit of the Portfolio Holder for Corporate Finance and Governance. As such, the implementation of this guidance will be undertaken in consultation with the Portfolio Holder, in line with his Executive responsibilities. The Health and Safety Team will be responsible for overseeing the implementation of the guidance, including its ongoing monitoring and review. Following the 12-month review, to be undertaken by the Human Resources and Council Tax Committee, any subsequent updates to the guidance, whether arising from changes in statutory obligations or the identification of best practice, will be made under the delegated authority of the Assistant Director of People, in consultation with the Head of Paid Service and the Portfolio Holder for Corporate Finance and Governance. Progress and any emerging issues will continue to be reported to the Committee through the established Workforce Update Reports.
FINANCE AND OTHER RESOURCE IMPLICATIONS
Failure to comply with the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999, or the Control of Vibration at Work Regulations 2005 may result in enforcement action by the Health and Safety Executive (HSE). This could include significant financial penalties or prosecution, depending on the severity of the breach.

Such enforcement action poses both a financial and reputational risk to the Council. For example, in a recent case, another Council was fined approximately £65,000 following breaches related to hand-arm vibration exposure, highlighting the potential cost of non-compliance.

By adopting and implementing the Vibration Guidance – Best Practice for Managers, the Council strengthens its ability to demonstrate due diligence and proactive risk management, thereby reducing the likelihood of enforcement action and associated financial liabilities.

USE OF RESOURCES AND VALUE FOR MONEY

The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 ("the 1999 Act") to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services and secure value for money in all spending decisions.

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	To support financial sustainability, the Council manages resources efficiently to ensure safe, effective service delivery. The Vibration Guidance – Best Practice for Managers supports this by helping prevent work-related ill-health, reducing enforcement risks, and avoiding costs such as fines, claims, and service disruption—protecting both workforce wellbeing and long-term resilience.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including and	The Council ensures strong governance through informed decision-making, effective risk management, and alignment with legal requirements. The Vibration Guidance – Best Practice for Managers reinforces this by providing a clear framework for managing vibration risks and supporting compliance. Ongoing monitoring and reporting by the Health and Safety Team further enhances oversight and accountability.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Council uses data and performance insights to enhance service delivery. The Vibration Guidance – Best Practice for Managers supports this by reducing costs linked to work-related ill-health, improving risk management, and promoting safe, efficient, and sustainable operations. It enables consistent practices and continuous improvement in workforce health and safety.

MILESTONES AND DELIVERY

The adoption and rollout of the Vibration Guidance – Best Practice for Managers will follow the timeline below:

- Consultation with Management Team – 1 July 2025
- Human Resources and Council Tax Committee – 28 July 2025
- Officer Decision – 29 July 2025
- Publication to TDC Intranet – 29 July 2025
- Circulation to Relevant Services – 29 July 2025
- Ongoing Monitoring by Corporate Health and Safety Team – Continuous

Following formal approval, the guidance will be shared across the organisation to promote a consistent, Council-wide approach to managing vibration risks within service areas. The Corporate Health and

Safety Team will work closely with managers to support the implementation of the guidance, provide clarification where needed, and ensure that best practice is embedded into day-to-day operations.

ASSOCIATED RISKS AND MITIGATION

This report proposes the introduction of the Vibration Guidance – Best Practice for Managers to strengthen the Authority's approach to managing vibration-related risks. This guidance is intended to complement existing operational practices outlined elsewhere in the report, and forms part of a broader strategy to ensure legal compliance and protect employee wellbeing.

The guidance has been developed as a proactive measure to support compliance with health and safety legislation—specifically the Control of Vibration at Work Regulations 2005—and to mitigate the risk of legal action, financial penalties, and reputational harm.

Without a consistent and structured approach, there is a risk of inconsistent application of vibration control measures across services, which could increase employee exposure and reduce operational efficiency. The proposed guidance addresses this by providing a clear, standardised framework for managers, supported by training and advice from the Corporate Health and Safety Team.

Recognising that resource limitations in high-risk areas may delay implementation, the Council will also prioritise high-risk roles and adopt a phased approach, working closely with service leads and HR to ensure timely and effective delivery.

OUTCOME OF CONSULTATION AND ENGAGEMENT

While formal consultation was not required for this guidance, engagement was undertaken with key stakeholders during its development. Input was sought from service areas involved in vibration-related activities, as well as from Unison and Human Resources, to ensure the guidance is practical, relevant, and aligned with operational needs.

EQUALITIES

Section 149 of the Equality Act 2010 establishes the Public Sector Equality Duty (PSED), which requires public authorities, including the Council, to have due regard to the need to:

(a) Eliminate unlawful discrimination, harassment, victimisation, and other conduct prohibited by the Act
(b) Advance equality of opportunity between people who share a protected characteristic and those who do not
(c) Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding

The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Marriage and civil partnership is also a protected characteristic, but it is only relevant to the duty to eliminate unlawful discrimination (aim a).

The Council is committed to being an inclusive and supportive employer in all its people policies and practices.

The implementation of a clear policy to promote a consistent, Council-wide approach to managing vibration risks within service areas will help ensure non-discriminatory and consistent practices are adopted, in accordance with the Council's Diversity and Equality Policies.

An Equality Impact Assessment has been completed and indicates that the proposals in this report will not have a disproportionately adverse impact on individuals with any protected characteristic.

SOCIAL VALUE CONSIDERATIONS

Social Value is defined under the Public Services (Social Value) Act 2012, which requires public sector organisations and their suppliers to consider how the services they commission and procure can improve the economic, social, and environmental wellbeing of their communities.

The introduction of the Vibration Guidance – Best Practice for Managers contributes to this duty by promoting a safer and healthier working environment for Tendring District Council (TDC) staff. By clearly outlining expectations and responsibilities, the guidance ensures that employees feel supported in managing their health and wellbeing, and that the Council is actively fulfilling its responsibility to identify and mitigate vibration-related risks.

The document provides staff with a clear understanding of how to monitor their own exposure to vibration and the process for reporting any concerns. It also sets out managers' responsibilities in responding to potential breaches and outlines the procedures for addressing such matters. This proactive approach not only supports individual wellbeing but also reinforces the Council's commitment to delivering services in a socially responsible and sustainable manner.

IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

There is no direct impact on the Council's implementation of devolution or the ongoing local government reorganisation in Greater Essex arising from the adoption of the Vibration Guidance – Best Practice for Managers. However, by taking proactive steps to ensure full compliance with health and safety legislation, the Council strengthens its operational readiness and legal assurance. This approach supports a safe and compliant transition in the event of transfer to a future Unitary Authority structure.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

Consideration has been given to the Councils aim to be net zero by 2050, there is no direct implication related to the content of this report.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	Not applicable
Health Inequalities	The Council supports staff wellbeing by conducting annual HAVS assessments for at-risk employees, enabling early identification of health issues and targeted preventative action.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	This proposal does not involve the provision of financial assistance or confer any economic advantage to external organisations; therefore, subsidy control considerations are not applicable in this instance.
Area or Ward affected	Not Applicable.

ANY OTHER RELEVANT INFORMATION

None.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council is legally required to comply with the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999, and more specifically, the Control of Vibration at Work Regulations 2005. These regulations place a duty on employers to assess and manage the risks associated with exposure to vibration in the workplace, including both hand-arm and whole-body vibration. The Vibration Guidance – Best Practice for Managers has been developed to support the Council's compliance with these duties and aligns with recommendations issued by the Health and Safety Executive (HSE) for effective vibration risk management.

The Council has maintained a strong record in managing vibration risks, with long-standing arrangements in place for the identification and monitoring of hand-arm and whole-body vibration. This includes annual health surveillance delivered by an external provider and overseen by the Corporate Health and Safety Team. In addition, all relevant equipment and machinery are regularly assessed in accordance with the Provision and Use of Work Equipment Regulations 1998 (PUWER) and the Council's internal maintenance procedures, ensuring they operate within safe vibration thresholds.

The introduction of the Vibration Guidance – Best Practice for Managers formalises and standardises these practices across the organisation. It provides a clear, Council-wide process for both managers and staff to follow in the identification, monitoring, and management of vibration risks. The guidance also outlines the actions required where procedures are not followed, reinforcing accountability and supporting a consistent approach to health and safety across all service areas.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

None.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers or published reference material associated with this report other than the HSE guidance for vibration management.

APPENDICES

Appendix A – Vibration Guidance – Best Practice for Managers
Appendix B – HSE guide to HAVS

REPORT CONTACT OFFICER(S)	
Name	**Clare Lewis** **Katie Wilkins**
Job Title	**Careline and Community Manager (seconded)** **Assistant Director of People**
Email/Telephone	**clewis@tendringdc.gov.uk** **01255 686544** **kwilkins@tendringdc.gov.uk** **01255 686315**

This page is intentionally left blank

VIBRATION GUIDANCE

BEST PRACTICE FOR MANAGERS

Issued by Health and Safety – April 2025

Contents

1. INTRODUCTION AND THE RISK IN CONTEXT

1.1 Managers must ensure they are familiar with the contents of this document and understand their responsibilities in managing the risks associated with vibration in the workplace. Employees also have a duty to follow any training and instructions provided, use equipment correctly, and report any concerns or symptoms related to vibration exposure.

1.2 Workers are exposed to vibration in many forms. This can be from the use of percussive handheld tools or from standing or sitting on machinery/vehicles. Those who regularly use high vibration tools and machinery are at risk of injury and/or developing health conditions associated with vibration exposure. Prolonged and regular exposure to vibration can affect the operator's health, for some people the symptoms may appear after only a few months of exposure, but for others it may take several years.

1.3 The Control of Vibration at Work Regulations (2005) works on the basis that the amount of harm caused through exposure to vibration is dependent on the dose of vibration received. The principle being that a given dose, however delivered, will cause an equivalent degree of harm. This dose is determined by the vibration magnitude and the duration of exposure. The higher the exposure level, the greater the damage caused.

1.4 The risks from vibration can be controlled and employees can be protected from ill-health caused by vibration. To protect employees, and to comply with the:

Hand Arm Vibration Control of Vibration at Work Regulations ACOP 2005 (L140)

Whole-body Vibration the Control of Vibration at Work Regulation ACOP (L141)

Employers need to assess the risks from vibration and plan how to control them. HSE Guidance HSG 170 offers Practical ways to reduce the risk of hand – arm vibration injury.

2. KEY DEFINITIONS

2.1 ***'Vibration'*** is the term given to an oscillatory motion involving an object moving back and forth.

2.2 ***'Vibration Magnitude'*** is the term that describes the amount of vibration that a tool or piece of equipment emits. This value is used to calculate a worker's personal daily exposure.

2.3 ***'Hand-Arm Vibration'*** is defined as mechanical vibration which is transmitted into the hands and arms during the work activity and can also be known as segmental vibration.

2.4 ***'Whole Body Vibration'*** is defined as mechanical vibration, which is transmitted into the body, when seated or standing, through the supporting surface during the work activity. PLEASE NOTE: If you have any equipment in your service that has the potential to cause WBV, then specialist advice may need to be sought.

3. WHAT IS HAND-ARM VIBRATION SYNDROME (HAVS)?

3.1 Hand-arm vibration syndrome (HAVS) covers a range of occupational diseases that are associated with the upper limbs of a worker. The most common cause of HAVS is from gripping vibrating power tools or using hand guided machinery.

3.2 Continued exposure can lead to steady deterioration in symptoms. The symptoms of HAVS are progressive and there is no known treatment available. The progression of the condition is accelerated by exposure to vibration in low temperatures. Workers with pre-existing circulatory disorders, i.e., Raynaud's phenomenon and those who smoke are at greater risk of developing the condition. Employers must make special arrangements for workers with pre-existing circulatory disorders. Employers are to make special arrangements with regards to Occupational Reviews.

3.3 HAVS is used to collectively describe a range of associated health conditions linked to regular and prolonged exposure to vibration. HAVS includes the following:

- Circulatory disorders and vascular damage including blanching of the fingers (*Vibration White Finger).*
- Articular effects including joint pain.
- Muscular effects include weakening of the muscles and damage to the bones in the hands and arms of the worker. This also includes loss of grip and reduced dexterity.
- Neurological disorders include numbness and tingling in the fingers.
- Carpal Tunnel Syndrome.

3.4 In addition to the acute and chronic injuries caused to the body of a worker, exposure to vibration can cause significant degradation of the workers performance. This increases the likelihood of human error and consequently places the worker, and those affected by their work, at an increased level of risk. The effects on overall performance may include:

- Difficulty in accurately handling controls.
- Inability to perform works requiring tight gripping of equipment.
- Inability to perform dexterous tasks and intricate work.
- Impaired sleep due to pain leading to fatigue in the workplace.
- Reduced ability to work in cold conditions.

4. WHOLE BODY VIBRATION (WBV)

4.2 Whole body vibration (WBV) is presented by machines, which are operated either by standing or sitting on them, which can present health problems that affect the musculoskeletal system. Whole body vibration is transmitted through the seat or feet of employees who drive mobile machines or other work vehicles e.g., excavators, tractors, sit on lawn mowers, etc. over rough or uneven surfaces as a main part of their job. Everyday road vehicles do not normally present significant risks which affect employees.

4.3 Exposure to WBV can cause great discomfort to those affected and large shocks and jolts may cause health risks including back pain.

5. EXPOSURE LIMIT VALUES AND ACTION VALUES

5.1 The 'exposure action value' refers to the level of daily exposure for any worker which, if reached or exceeded, requires specified action to be taken to reduce the risk. The 'exposure limit value' refers to the level of daily exposure for any worker which must not be exceeded.

5.2 For hand-arm vibration, Regulation 4 of the Control of Vibration at Work Regulations ACOP 2005 (L140) sets these values at:

- **5 m/s2 A(8)** – Exposure Limit Value (ELV) – **400 points on Ready Reckoner**

- **2.5 m/s2 A(8)** – Exposure Action Value (EAV) – **100 points on Ready Reckoner**

For whole body vibration, Regulation 4 of the Control of Vibration at Work Regulations ACOP 2005 (L141) sets these values at:

- **1.15 m/s2 A(8)** – Exposure Limit Value (ELV)
- **0.5 m/s2 A(8)** – Exposure Action Value (EAV)

**Please note that A (8) refers to the total daily exposure averaged over an 8-hour working day.*

5.3 Managers will adhere to the practice of task planning that ensures that their staff will not exceed 400 vibration points per working day.

5.4 Managers and Supervisors can monitor daily usage using the REACTEC system. The system will raise an alert in the event of over daily exposure.

5.5 Employees who exceed the daily limit will discuss the reasons why with their Line Manager. Employees who continue to exceed the daily exposure could be subject to disciplinary action in line with the Councils Disciplinary Procedures.

5.6 Employees who continue to ignore departmental risk assessments relating to HAVS monitoring, or who remove the monitor to avoid exposure recording, could be subject to disciplinary action in line with the Councils Disciplinary Procedures.

5.7 Employees who continue to misuse or lose the HAVS monitor could be subject to disciplinary action, in line with the Councils Disciplinary Procedures and/or be liable to pay to replace equipment.

6. DETERMINING VIBRATION EXPOSURE

6.1 The two main methods for determining vibration exposure and to calculate a worker's personal exposure are:

- **HSE Calculators** – The HSE has provided a HAVS calculator which allows for multiple exposures and exposure durations to be entered and an output figure produced. The spreadsheet automatically generates a vibration value which can then be used to indicate where this lies with regards to the exposure action value and exposure limit value. The link allows you to use this tool to determine personal vibration exposure and is simple and effective. See Appendix E.

- **Ready Reckoner Tool** – The Ready Reckoner uses a point scoring system to calculate a workers daily vibration exposure. A copy can be found in Appendix C below.

www.hse.gov.uk/vibration/hav/calculator-guide.htm

6.2 As a matter of good practice, all equipment should be fully maintained, clearly marked showing the vibration magnitude that each piece of equipment emits, to allow staff to record their personal daily exposures. See Appendix G.

7. ASSESSMENT OF VIBRATION RISK

7.1 The hand-arm vibration the Control of Vibration at Work Regulations ACOP 2005 (L140) and whole-body vibration the Control of Vibration at Work Regulation ACOP (l141)

requires the employer to undertake a formal risk assessment for vibration exposure if exposure to vibration is likely to meet or exceed the ***exposure action value (EAV)***. Where the EAV is likely to be reached or exceeded, the employer must reduce exposure to as low a level as is reasonably practicable by introducing appropriate control measures (*see section 8 below*).

7.2 All TDC Managers will ensure that, where any employee has the potential to be exposed to vibration, a 'suitable and sufficient' assessment is completed prior to work commencing. Risk assessments of all tasks that involve vibration must be undertaken. An example risk assessment template can be found in Appendix A.

7.3 In completing the vibration risk assessment, the Manager should ensure that they follow the five basic steps to risk assessment:

- Identify whether you have a vibration problem to manage in the first instance.
- Identify all workers likely to be exposed to vibration.
- Evaluate the risks arising from vibration - estimate daily exposures and identify further actions to control the risk and comply with the regulations.
- Record your findings.
- Review the assessment and revise it as required (*see point 7.7. below*).

7.4 In conducting the vibration risk assessment, all TDC Managers whose staff are, or could be affected, need to assess daily exposure to vibration by means of:

- Observation of specific working practices. It is necessary to know which tasks expose employees to vibration, which employees are exposed, what equipment they use, what they use it for and the total time they are in contact with the equipment whilst in operation.
- Reference to relevant information on the probable magnitude of the vibration corresponding to the equipment/tools used in the working conditions. Sources of information include vibration emission values declared in the equipment handbook, information from the equipment supplier, internet databases, research organisations, HSE website or measurements made in the workplace.
- Measurement of the vibration magnitude to which their employees are liable to be exposed.

7.5 <u>The vibration risk assessment will only be deemed 'suitable and sufficient' if it identifies:</u>

- Where there may be a risk from HAV.
- A soundly based estimate of your employee's exposures and a comparison with the exposure action value and exposure limit value.
- The available risk controls.
- The identification of individuals who may be more at risk.
- The steps you plan to take to control and monitor those risks.
- A record of the assessment.

7.6 Managers must ensure that any outstanding actions arising from such an assessment will be implemented in a timely manner.

7.7 Managers should review the vibration risk assessment every 12 months as a minimum; however, it should be reviewed more frequently where:

- There is a change in the legislation or HSE guidance hand-arm vibration the Control of Vibration at Works Regulations ACOP (L140) and whole body vibration the Control of Vibration at Work Regulation ACOP (l141).

- There is a change in the work routine.
- There is a change in the equipment.
- There is a change of the operative (*physical capability*).
- An Occupational Health referral identifies symptoms of HAVS or WBV.
- There is doubt that the existing control measures remain effective.
- The risk is high.

8. CONTROL OF EXPOSURE TO VIBRATION – RISK REDUCTION

8.1 TDC MANAGER ACTION - As the employer, we must ensure that the risks from exposure to vibration are either eliminated at source, or where this is not reasonably practicable, reduce it to as low a level as is reasonably practicable. This can be carried out by establishing and implementing a program of organisational and technical measures. These measures should include the consideration of:

8.1.1 TDC Managers/ Supervisors may be required to find alternative work methods which eliminate or reduce exposure to vibration. For example, using vehicle mounted equipment rather than handheld equipment.

8.1.2 TDC Managers/ Supervisors, when purchasing work equipment, must ensure it is of appropriate design which produces the least possible vibration. For example, purchasing lighter weight equipment or battery operated to reduce the strain on workers hands. Only equipment that has had vibration emissions measured either by a competent person or through accessing manufacturers' data will be authorised for use in the respective area.

When selecting tools and equipment, TDC Managers / Supervisors should seek assurance from manufacturers or suppliers that their equipment is suitable for intended use and efficient in terms of vibration emissions.

TDC Managers should arrange for employees to trial different equipment before committing them to purchasing. TDC Managers / Supervisors must not hire equipment where the level of vibration is either not clear or not provided.

PLEASE NOTE: Under the Supply of Machinery (Safety) Regulations 2008, tool and equipment manufacturers and suppliers are obliged to design equipment which will reduce vibration risks to as low a level as possible, making use of the latest technology. A clearly defined 'CE' mark and the provision of relevant health and safety information in an instruction book is a clear indication that the equipment complies with these requirements. All equipment is to be procured on the basis that it fully complies with the Health and Safety at Work Act (1974), the Supply of Machinery (Safety) Regulations (2008) and the Provision and Use of Work Equipment Regulations (1998).

8.1.3 TDC Managers/ Supervisors must ensure that appropriate maintenance programs are in place for work equipment in accordance with manufacturers recommendations. Worn or damaged equipment should either be repaired or replaced accordingly. All equipment failing any inspection or annual maintenance will be removed from service immediately. It is the duty of the employee to report any defects / breaks of any equipment when found. Any concerns must be raised and reported to the employee's line Manager/ Supervisor.

8.1.4 The design and layout of workplaces, workstations, and rest facilities.

8.1.5 TDC Managers/ Supervisors must arrange for information, instruction, and training for employees (*see section 10 below*).

8.1.6 Limiting the duration and magnitude of exposure to vibration. This can be done by introducing job rotation and rest breaks to reduce the exposure time. It is important that these relate to the trigger times that a worker can use a specific tool for. A maximum permitted exposure time should be established for individual items of equipment.

8.1.7 Appropriate work schedules and adequate rest periods.

8.1.8 The provision of PPE/clothing to protect employees from cold and damp conditions i.e., thermal gloves / waterproof. Ensuring that employees can keep warm and dry helps to maintain good blood circulation and reduce the likelihood of vascular symptoms e.g., finger blanching. Employees should be reminded to massage and exercise their fingers during work breaks.

8.1.9 In addition to all the controls outlined above, as a minimum it is expected that you have the following procedures in place:

- Arrange Health Surveillance for employees exposed to vibration (*see section 9*).
- Provision of information, instruction and training to employees exposed to vibration (*see section 10*).
- Recording personal exposures of employees exposed to vibration (*see section 11*).
- Mark equipment/tools with vibration magnitudes and erect notices in the work area.

9. HEALTH SURVEILLANCE

9.1 If the vibration risk assessment indicates that there is a risk to health for employees who are liable to be exposed to vibration, or employees are likely to be exposed to vibration at or above the exposure action value, the Manager must ensure that such employees are placed under suitable health surveillance. This should form part of the risk assessment documentation.

9.2 On any occasion where health surveillance is required, the Manager, Health and Safety, Occupational Health and the HR teams should follow the standardised procedure outlined in the flowchart in Appendix B.

9.3 A simple approach to health surveillance for HAV exposure involves working through a number of tiers:

- **Tier 1** – This involves an initial short questionnaire where the employees reply will indicate whether they need to be referred for a HAVS health assessment.
- **Tier 2** – This involves a short annual questionnaire to check whether employees need to be referred for a HAVS health assessment.
- **Tier 3** – This involves a HAVS health assessment done by a qualified person.
- **Tier 4** – This involves formal diagnosis and is conducted by Innovate Occupational Health (innovateoh.co.uk) The qualified person will advise the employer on the employee's fitness to work.
- **Tier 5** – This is optional and involves referral to a specialist for tests.

9.4 **MANAGER ACTIONS** – Following diagnosis of HAVS-related symptoms; the Manager will ensure that all recommendations outlined in the TDC Occupational Health report are implemented accordingly. Alternative work must be found for the employees to ensure that they do not exceed the vibration points outlined in any Occupational Health report, and where appropriate, the employee may have to be prevented from undertaking any vibration work. Any employee who has been placed on HAVS points restriction by Occupational Health will be reviewed every 6 months by the management team. The Manager must ensure that they write to the employee in question to ensure that they are fully aware of the actions to be taken to prevent further harm to that individual.

9.5 **EMPLOYEE ACTIONS** – Employees must cooperate with any health surveillance program that they are a part of by ensuring that they attend all pre-arranged health surveillance appointments, and Managers must ensure that these are arranged in normal working hours. It is important that employees understand that the aim of health surveillance is to prevent them from developing advanced symptoms or ill-health so that their ability to continue to work is not affected.

10. TRAINING FOR EMPLOYEES

10.1 If the vibration risk assessment indicates that there is a risk to health for employees who are liable to be exposed to vibration, or employees are likely to be exposed to vibration at or above the exposure action value, the Manager must ensure that such employees are provided with 'suitable and sufficient' information, instruction, and training (HASAWA 1974 Section 2(2)(c)). Training can be arranged by contacting the Health and Safety Team directly.

It may be appropriate for the Manager to advise the employee that the vascular form of vibration white finger (VWF) and Carpal Tunnel Syndrome are both prescribed diseases under the Industrial Injuries Disablement Benefit (IIDB) Scheme.

Training

- IHASCO/Skillgate e-learning.
- REACTEC information videos.
- Operator Training – Using the Hardware - https://www.youtube.com/watch?v=Y1Q-Q_4wDqc.
- Operator Toolbox Talk - https://www.youtube-nocookie.com/embed/PRrTfaqw-7U.

10.2 Managers should ensure that their employees fully understand the level of risk they may be exposed to, how it is caused and the possible health effects. The list below is not exhaustive but covers the key points that should be covered in any 'suitable and sufficient' training program:

- Which work equipment and processes cause vibration risks.
- How their personal daily exposures compare with the exposure action values and exposure limit values.
- What symptoms of ill-health they should look out for, who they should report them to and how they should report them.
- Technical and organisational measures in place to protect employees' health.
- The use of PPE where required and an explanation of the need to keep warm.
- Consider what health surveillance will be provided and an explanation of the employees' entitlement to it.

- Employees duties include, following safe working practices, reporting problems, and cooperating with control measures and the health surveillance program.
- The significant findings of the vibration risk assessment.

10.3 Any training delivered in this area should be recorded on your internal systems accordingly so an accurate record is available should it be required (*attendance records required*). The training record should also be uploaded to the employee's personal iTrent training record for future reference.

10.4 Whenever the vibration risk assessment is reviewed or the work practices change in any way, refresher training should be delivered to update employees of these changes. This should be conducted by means of informal training and/or toolbox talks.

10.5 As a matter of good practice, all employees exposed to vibration emissions should be provided with a copy of the 'Vibration Pocket Card' shown in Appendix F, to provide them with the basic information regarding HAVS.

11. RECORDING PERSONAL VIBRATION EXPOSURES

11.1 Recording personal exposures is a key element of the management of vibration as it ensures that employees aren't being exposed to above the exposure action value and ensures that we are meeting all statutory obligations as specified under hand-arm vibration the Control of Vibration at Works Regulations ACOP (L140) and whole body vibration the Control of Vibration at Work Regulation ACOP (l141). Where possible practical ways to reduce the risk of hand-arm vibration injury HSE Guidance HSG 170 offers practical ways to reduce the risk of hand-arm vibration injury HSG 170.

11.2 It is important that employees receive training on how to record personal exposures using both the monitoring diary in Appendix D and the HSE Calculator – www.hse.gov.uk/vibration/hav/calculator-guide.htm.

11.3 All equipment should be clearly labelled showing the vibration magnitude that each piece of equipment emits to allow staff to record their personal daily exposures.

11.4 TDC Managers/ Supervisors must ensure that they frequently monitor employees' weekly exposure that is recorded on the REACTEC system. This can be monitored by accessing the system and reviewing the spreadsheet (*Appendix D*) generated by the information download from the employee vibration wrist monitor once placed back into the mina wall mounted docking station. Any concerns must be raised with the employee and recorded on the REACTEC system.

12. RIDDOR REPORTING

12.1 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (2013) place a duty on us as an employer to report any cases of HAVS arising from certain work activities or of Carpal Tunnel Syndrome associated with exposure to vibration, to the Health and Safety Executive (HSE).

12.2 Manager action (*if appropriate*) - Managers and Occupational Health must ensure that they inform the Health and Safety Team in a timely manner of any incident that becomes reportable to the HSE under RIDDOR so the appropriate F2508 form can be submitted.

Investigation

Once medical evidence has been submitted by the Employee to their Manager.

- Manager completes a TDC incident report form which is submitted to Health and Safety Team.
- The Health and Safety Team will review the incident report with the Manager. Ascertain if further information is required relating to Employee, Medical Information, training records and REACTEC system, duration of time off from work (*if appropriate*).
- A decision will be made if a full Health and Safety Investigation is required.
- HR will be notified, if required.

For the incident to be RIDDOR reportable, diagnosis must confirm that the employee has either of these conditions and that there is reason to believe that the disease is likely to have an occupational origin.

12.3 The Occupational Health report should clearly state whether the incident of HAVS needs to be reported on this occasion so there is no ambiguity in interpretation. If the Manager of the person concerned is unclear, they must contact the Health and Safety Team for clarification.

13. OTHER CONSIDERATIONS

13.1 When considering the effects of vibration on working staff, it is important to consider the extra susceptibility of the following vulnerable groups as they are more at risk of developing health problems associated with vibration. This may require further Risk Assessment.

- New or expectant mothers.
- Young employees.
- Individuals with pre-existing conditions – i.e., diseases affecting blood circulation e.g., diabetes, or nerve disorders affecting the hands and arms e.g., carpal tunnel syndrome.
- Individuals who have previously been diagnosed with HAVS.
- Individuals who have undergone surgery.

13.2 In circumstances where vulnerable employees (*as listed above*) are required to conduct work activities involving exposure to vibration, additional advice should be sought from both the Health and Safety Team or Occupational Health via HR.

14. SUMMARY OF KEY ACTIONS

14.1 A summary of all the key manager and employee actions for the management of vibration at work can be found in the table below:

MANAGER ACTIONS	EMPLOYEE ACTIONS
• Ensure employees are not exposed to more than 400 points per day. • Ensure that employee vibration recording sheets are returned and recorded monthly. • Ensure all employees referred through Occupational Health do not	• Must follow training, use equipment correctly, and promptly report any signs of vibration-related health issues. • Cooperate with any health surveillance that is arranged.

exceed 100 points per day (*unless specified otherwise*). • Ensure all employees identified with conditions associated with vibration exposure are monitored and written to, ensuring the employee receives a copy of the letter. • Ensure all employees exposed are given the 'Vibration Pocket Card' shown in Appendix F. • Ensure all vibrating equipment is assessed and marked with the vibration magnitude. Equipment to be assessed. • Inform the Health and Safety Team that an incident is reportable under RIDDOR – Process as stated in 12.2 will be followed.	• Return the REACTEC HAVs monitor to the docking station and raise faults or issues with their line Manager/ Supervisor. • Wear any PPE provided, in particular, that are provided to ensure that body and hands are kept warm. • Report any tingling or numbness in the hands and fingers to Line Managers as soon as possible. • Inform management of any defective equipment and ensure it is not used. • Do not exceed 400 vibration points per day. • If placed on restricted points, ensure that these are not exceeded.

14.2 Failure to comply with any of the requirements listed above may result in disciplinary action being taken.

APPENDIX A – Vibration Risk Assessment Template

RISK ASSESSMENT FOR EXPOSURE TO HAND ARM VIBRATION (HAV)

This is a record of findings for the assessment of risk, due to exposure to vibration. It is provided in pursuance of Regulation 5 of the Control of Vibration at Work Regulations (2005). This form can be used where a reasonably reliable estimate of the exposure to vibration can be made. If reliable estimates cannot be made, measurement of the vibration levels is necessary.

Tendring District Council

Health and Safety at Work Act 1974. The risk assessment is to be carried out by a competent person in accordance with The Management of Health and Safety at work act 1999 and the approved code of practice (ACOP). This risk assessment will be written up and be made available to all staff. Ahere to the HSE Control of Vibration at Work Regulation 2005.

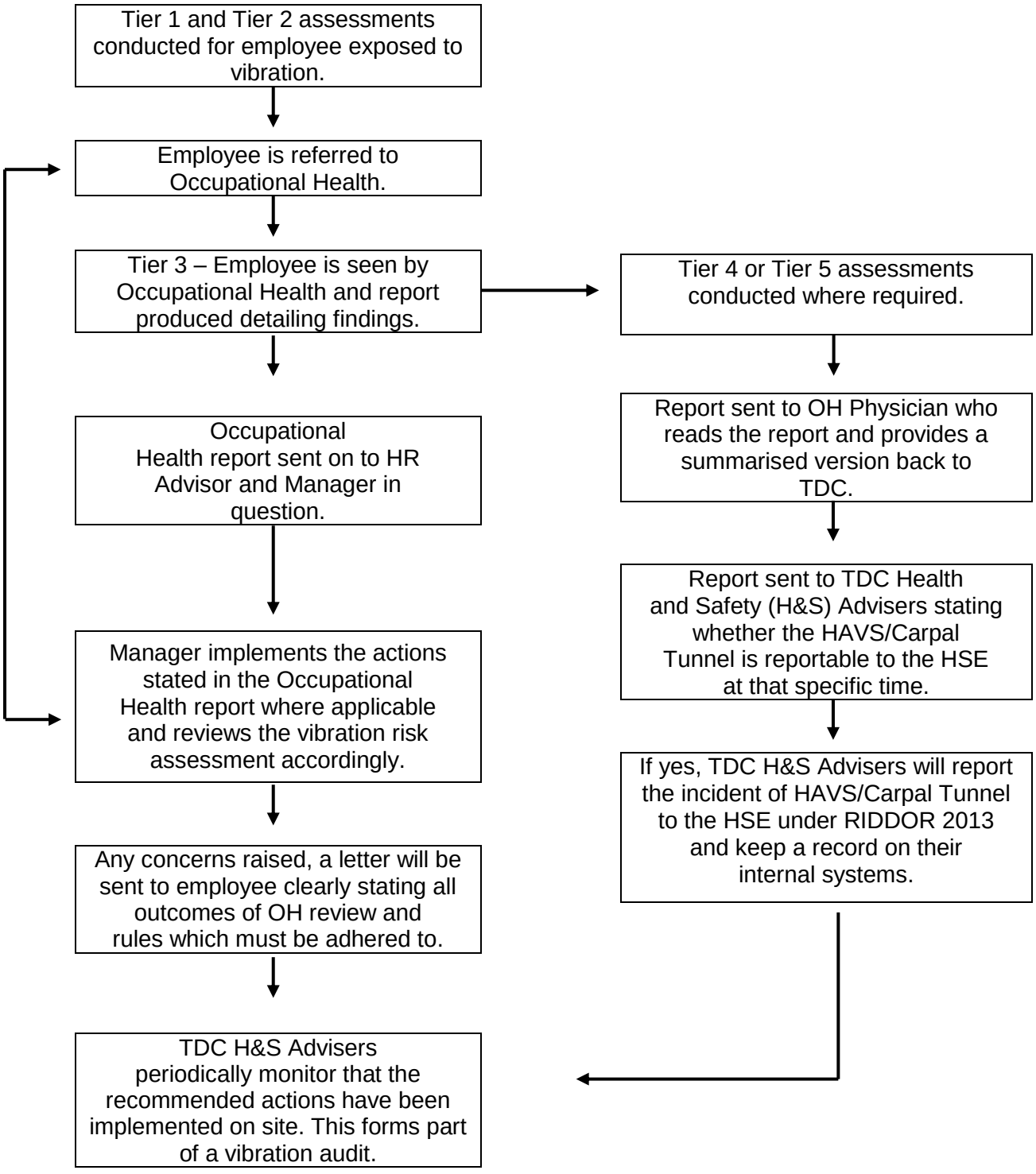
Title (Explain what this RA covers)

Completed By: **Date:**

Risk Rating	Likelihood (A)					Worst case injury (B)					Risk rating = A x B		
	Unlikely 1	2	Probable 3	4	Certain 5	Minor 1	2	Reportable 3	4	Death 5	Low 1 – 6	Medium 7 – 12	High 13 - 25

Hazards Identified	Who might be harmed and how	Controls in place	Residual risk rating	Additional controls required *(and date completed)*

APPENDIX B – Health Surveillance Flowchart for Vibration



APPENDIX C – HSE Ready Reckoner Tool

		315	625	1250						
		200	400	800						
		180	360	WO	1450					
		160	325	I-660	1300					
		145	290	580	1150					
		130	255	510	1000					
		115	225		900	1350				
		98	195	390	785	1200				
		85	170	340	675	1000	1	,		
	t72		145	290	575	865	1150	1450		
a		61	120	240	485	725	970	1200.15/4	50	
		50	100	200	400	600	800	1000	1200	
		41	81	160	326	485	650	810	970	1300
		32	64	130	255	366	610	640	770	1000
azi		25	49	98	195	295	390		590	785
5-		18	36	72	145	215	290	360	430	575
8		15	30	61	120	180	240	305	365	486.
4		13	25	50	100		200	250	300	400
		10	20	41	81	120	160	205	245	325
		8	16	32	64	96	130	160	190	255
		6	12	25	49	74	98	125	145	195
		5	9	18	36	54	72	90	110	145
		3	6	13	25	38	50	63	75	100
		2	4	8	16	24	32	40	48	64
		1	2	5	9	14	18	23	27	36
		1	1	2	4	6	8	10	12	16
						3h				
						SURE	TIME			

APPENDIX D – Hand-Arm Vibration Monitoring Diary CHANGE FOR REACTEC

https://readecanalyticsplatform.com/2/182/Report/HAVS/OperatorDailyExposure?sort.ExposurePercentagebscendingrFalse&Range.Last30Days&VibrationMeasurementTypeldrl&ParticleMeasurementlypeId=08iNois...

Operator Daily Exposure HOP

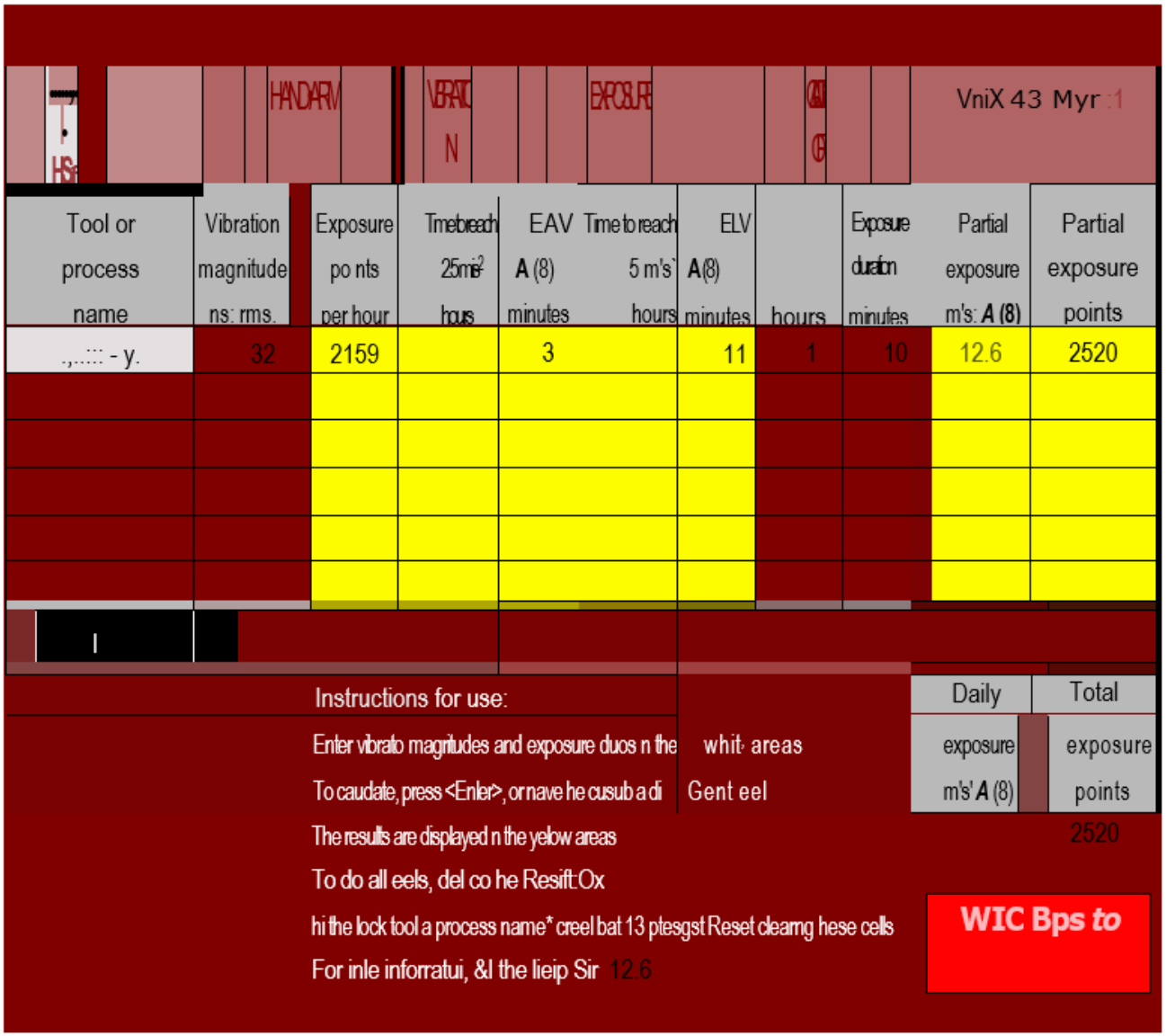
Tendring

30 days 31/10/2014 to 29/11/2024 TEP

Tendring District Council

Overridden	Dale	Der	Group	operator 02		EN	ELY TM Exposure Point.		WEIN,	Dipper Time (Hours)	View Mails	Intervenbons
	1111112024	Mon	Dalton	1027		HO	400	388	97%	2.2969		
	2211112024	hi	Dalton	1027		100	400	324	81%	19925	Dela	
	25/1112024	*Mon*	liurS	21		WO	400	264	71%	3.0119	Debi	
	12/11/2024	Tue	Dalton	1023		100	400	268	07%	1.9750	Debi	
	14/1112024	Thu	Dalton	1027		100	400	239	60%	2.1861	Dela	
	2611112024	Toe	Rur4	21		100	400	206	52%	1.2119	Dela	
	31/10/2024	Thu	Cern/Crem	00820		WO	400	104	46%	3.4333		
	wan'	Fe	RIO	21		100	400	185	46%	1.1103	Detais	
	18/11324	Mon	liankichlDavelsourl	50		HO	4"0	179	45%	0.8942	Dela	
	1811112024	Mon	Dalton	1023		100	400	173	43%	3.5331	Dela	
	25/11/2024	Mon	Trees	1024		WO	400	169	42%	0.5161	Dela	
	05/11/2024	Tue	Cent/Gem	00320		100	400	153	18%	2.7297	Maas	
	05/11/2024	Toe	Dalton	165		HO	4"0	146	36%	1.9103		
	1411112024	TIN	CenVCrem	00820		100	400	142	36%	2.6458	Dela	
	14/1112024	Thu	Trees	1024		WO	400	143	36%	1.9214		
	15/11024	Fe	uamketovettoen	170		100	400	143	36%	1.5575		
	25/1112024	Mon	Clacton	1023		100	400	144	36%	2.5414		
	26/11324	Tue	ConfCrem	00820		100	400	145	36%	3.8564	Dela	
	15/1112024	Fri	CennfCrem	00820		100	400	129	32%	2.3083		
	04/11024	Mon	Cern/Crern	CC820		100	400	125	31%	2.2290	Detai	
	14/1112024	Thu	HanyklYDovercoun	170		100	400 M	125	31%	1.6664	Debi	
	0511112024	Tue	Dalton	1025		HO	400 M	118	30%	1.5297	Dela	
	0411112024	Mon	Han4ch/Dovercourl	170		100	400 M	116	29%	2.5178	Dela	
	11/1112024	*Mon*	Dalton	1007		100	400 M	112	28%	1.7419	Debi	
	17/11/2024	Toe	Dalton	1007		100	400 =	113	26%	1.7494		
	31/1012024	Thu	anion	1006		HO	400 =	109	27%	1.8667	Dela	
	13/1112024	Wed	Trees	1024		100	400 M	107	27%	13978	Dee	
	18/11324	Mon	Trees	1024		100	an =	90	22%	1.1889		

APPENDIX E – Hand-Arm Vibration Exposure Calculator



HANDARM VIBRATION EXPOSURE CALCULATOR VniX 43 Myr :1

Tool or process name	Vibration magnitude ns: rms.	Exposure po nts per hour	Tmebreach 25mi² hous	EAV A (8) minutes	Time to reach 5 m's` hours	ELV A(8) minutes	hours	Exposure duration minutes	Partial exposure m's: A (8)	Partial exposure points
.,.::: - y.	32	2159		3		11	1	10	12.6	2520

Instructions for use:

Enter vibrato magnitudes and exposure duos n the whit· areas

To caudate, press <Enler>, or nave he cusub a di Gent eel

The results are displayed n the yelow areas

To do all eels, del co he Resift:Ox

hi the lock tool a process name* creel bat 13 ptesgst Reset clearng hese cells

For inle inforratui, &I the lieip Sir 12.6

Daily exposure m's' A (8)	Total exposure points
	2520

WIC Bps *to*

APPENDIX F – Vibration Information Pocket Card (Based on INDG296)

SAFE HANDS

Hand-Arm Vibration: A Guide for Employees

This pocket card is aimed at people who use handheld powered work equipment or workpieces which vibrate while being processed by powered machinery.

Hand-Arm Vibration	HAVS	Carpal Tunnel Syndrome?
Hand-arm vibration is vibration transmitted into your hands and arms when you use this equipment. It can cause hand-arm vibration syndrome (HAVS) and carpal tunnel syndrome (CTS).	HAVS affects the nerves, blood vessels, muscles and joints of the hand, wrist and arm. It can become severely disabling if ignored. HAVS includes vibration white finger, which can cause severe pain in the affected fingers.	Carpal tunnel syndrome is a nerve disorder which may involve pain, tingling, numbness and weakness in parts of the hand and can be caused by, among other things, exposure to vibration.

How can I help reduce the risks?

It is your employer's responsibility to protect you against HAVS and CTS, but you should help by asking your employer if your job could be done in a different way without using vibrating tools and machines. If this cannot happen:

- Ask to use suitable low vibration tools.
- Always use the right tool for each job (to do the job more quickly and expose you to less hand-arm vibration).
- Check tools before using them to make sure they have been properly maintained and repaired to avoid increased vibration caused by faults or general wear.
- Make sure cutting tools are kept sharp so that they remain efficient.
- Reduce the amount of time you use a tool in one go, by doing other jobs in between.
- Avoid gripping or forcing a tool or workpiece more than you have to.
- Store tools so that they do not have very cold handles when next used.
- Encourage good blood circulation by: — keeping warm and dry, e.g., wear warm waterproof clothing; — giving up or cutting down on smoking because smoking reduces blood flow; and — massaging and exercising your fingers during work breaks.
- Report any problems with your hands promptly to your employer or the person who does your health checks.
- Use any control measures your employer has put in place to reduce the risk of HAVS.
- Ask your trade union safety representative or employee representative for advice.
- Never exceed 400 vibration points per working day.

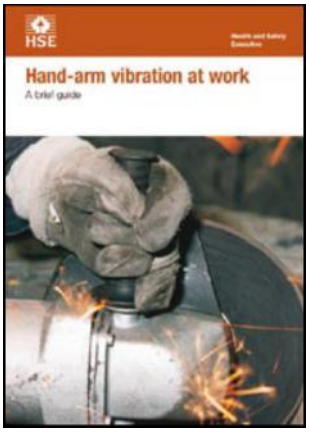
**Information based on the HSE's INDG296 Pocket Card*

Appendix G – Example REATEC tool tag

This page is intentionally left blank

Hand-arm vibration at work

A brief guide



This is a web-friendly version of leaflet INDG175(rev3), published 11/12

Introduction

This leaflet explains what you, as an employer, may need to do to protect your employees from the risk of hand-arm vibration. It will also be useful to employees and their representatives. The leaflet will help you identify when exposure to hand-arm vibration may cause harm. It introduces practical steps for controlling the risks and will help you understand what you need to do to comply with the Control of Vibration at Work Regulations 2005 (the Vibration Regulations).

What is hand-arm vibration?

Hand-arm vibration is vibration transmitted into workers' hands and arms. This can come from use of hand-held power tools (such as grinders or road breakers), hand-guided equipment (such as powered lawnmowers or pedestrian controlled floor saws) or by holding materials being worked by hand-fed machines (such as pedestal grinders or forge hammers).

Why is hand-arm vibration an issue?

Regular and frequent exposure to hand-arm vibration can lead to two forms of permanent ill health known as:

- hand-arm vibration syndrome (HAVS); and
- carpal tunnel syndrome (CTS).

Symptoms and effects of HAVS include:

- tingling and numbness in the fingers which can result in an inability to do fine work (for example, assembling small components) or everyday tasks (for example, fastening buttons);
- loss of strength in the hands which might affect the ability to do work safely;
- the fingers going white (blanching) and becoming red and painful on recovery, reducing ability to work in cold or damp conditions, eg outdoors.

Symptoms and effects of CTS can also occur and include:

- tingling, numbness, pain and weakness in the hand which can interfere with work and everyday tasks and might affect the ability to do work safely.

Symptoms of both may come and go, but with continued exposure to vibration they may become prolonged or permanent and cause pain, distress and sleep disturbance. This can happen after only a few months of exposure, but in most cases it will happen over a few years.

What the law says

The Vibration Regulations require you to:

- make sure that risks from vibration are controlled;
- provide information, instruction and training to employees on the risk and the actions being taken to control risk; and
- provide suitable health surveillance.

The Vibration Regulations include an exposure action value (EAV) and an exposure limit value (ELV) based on a combination of the vibration at the grip point(s) on the equipment or work-piece and the time spent gripping it. The exposure action and limit values are:

- a daily EAV of 2.5 m/s^2 A(8) that represents a clear risk requiring management; and
- a daily ELV of 5 m/s^2 A(8) that represents a high risk above which employees should not be exposed.

Preventing disability

Your duties are to reduce the risks from vibration to the lowest level reasonably practicable and to reduce exposure to as low as is reasonably practicable if it is above the EAV. You must not allow exposures to exceed the ELV.

If you comply with the Vibration Regulations you will prevent disability from HAVS and vibration-related CTS. Some people will develop early signs and symptoms of HAVS or CTS even at low exposures (for example, if they are susceptible to vibration injury and are regularly exposed to vibration at around the exposure action value, usually for some years). Your health surveillance should identify any harm early on, so appropriate action by you at this point will prevent disability.

Make sure you consult your trade union safety representative or employee representative on your proposals to:

- control risk; and
- provide health surveillance.

Certain cases of HAVS and all cases of vibration-related CTS must be reported to HSE in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) – see ‘Find out more’.

Duties of manufacturers and suppliers

Manufacturers and suppliers have duties under the Supply of Machinery (Safety) Regulations to provide health and safety information in equipment handbooks.

They also have a duty to list the vibration emission in literature describing equipment performance. This should be, but is not always, suitable for estimating vibration exposure – check, for example, with the manufacturer or your supplier.

When you buy work equipment you should expect your supplier to provide the following:

- warning of any vibration-related risks from using the equipment;
- information on safe use and, where necessary, training requirements;
- information on how to maintain the equipment;
- information on the vibration emission of the equipment.

Is hand-arm vibration a problem in my workplace?

In some industries, assessment will often show that the operating time of equipment is actually very short and that the EAV is not exceeded.

Which jobs are most likely to create a risk?

Jobs involving regular and frequent exposure to vibration above the EAV are found in a wide range of industries, for example:

- construction and civil work;
- engineering;
- forestry;
- foundries;
- motor vehicle manufacture and repair;
- maintenance of parks, gardens, verges, grounds etc;
- shipbuilding and ship repair;
- utilities (eg gas, water, telecommunications).

Which tools are most likely to create a risk?

Users of the types of equipment listed below and similar equipment will often be exposed above the EAV:

- chainsaws;
- grinders (all types and sizes, eg angle, die, straight, vertical etc);
- hand-fed equipment, eg pedestal linishers, grinders, mops;
- impact drills;
- scaling hammers including needle scalers;
- pedestrian controlled equipment including mowers, floor saws, floor polishers;
- powered hammers for chipping, demolition, road breaking etc;
- sanders and polishers;
- hand-held saws for concrete, metal, ground clearance etc.

Damaged and very old models of equipment may be hazardous even when used for very short periods. Most types of hand-held, hand-guided or hand-fed powered equipment can cause ill health from vibration if used incorrectly.

For powered hand-tools, regular and frequent use of modern, well-designed, well-maintained tools is likely to result in exposure at or above the EAV after:

- the use of a hammer action tool for about 15 minutes; or
- the use of non-hammer action tools for about one hour.

The exposure limit value is likely to be reached after:

- use of a hammer action tool for about one hour; or
- use of non-hammer action tools for about four hours.

How can I control the risks from HAVS?

You can reduce vibration exposure by reducing one or both of:

- the vibration transmitted to the hand; and
- the time spent holding vibrating equipment or work-pieces.

Assess where risks are most likely

The industry, type of equipment, duration of use and reported signs or symptoms of HAVS or CTS are all good guides to the likelihood of vibration risk. Once you have established the likelihood of risk you should look more closely at which workers, or groups of workers, are likely to be at risk and what can be done to reduce those risks.

Assess who is at risk

You should:

- carry out a brief survey of the workplace. Find out who is exposed to hand-arm vibration and what is causing the exposure;
- estimate the time workers spend holding the equipment or work-piece while it is vibrating. Begin to set priorities:
  - very short periods may not be a problem; but
  - the longer the equipment or work-piece is held the higher the exposure will be so it is more important that the vibration is low.
- ask users of equipment if they feel tingling or numbness during or after exposure to vibration. If they do, their exposure to vibration could be causing them harm.

Use the guidelines above to determine when users of powered hand-tools are likely to reach the EAV and if there could be a risk.

You should find out if any of your employees already have HAVS or CTS. If they do, you will need to take steps to stop their symptoms getting worse, even if they are exposed below the EAV.

How should I use this information?

Having decided that employees have vibration exposures which must be managed, you will need to look at how risks from vibration can be reduced, finalise your priorities and put in place those steps that are reasonably practicable. You should:

- look for ways of working that avoid or reduce the need to hold vibrating equipment or work-pieces;
- consider vibration emissions when purchasing or hiring equipment for example:
  - check the vibration of available equipment in technical sales literature or the handbook. Avoid types with high vibration when there are suitable lower vibration alternatives;
  - keep an inventory of equipment and its vibration emission;
- maintain equipment in accordance with its manufacturer's instructions;
- plan work schedules to minimise vibration exposures and make sure exposures are below the ELV;
- organise work and design workstations to avoid uncomfortable postures and the need for high manual effort to grip, push or pull equipment;
- help employees maintain good blood circulation, for example, by providing clothing to help them keep warm and dry.

Information, instruction and training

Your information, instruction and training for employees should cover:

- the health effects of hand-arm vibration;
- the sources of hand-arm vibration and how the vibration has been minimised, eg the choice of process or equipment;
- whether they are at risk, including how their exposure compares with the exposure action and limit values;
- how to recognise and report symptoms;
- how health surveillance can help them remain at work and what your arrangements are for health surveillance (see below);
- the steps you have taken, or plan to take, to minimise the risk;
- where necessary, training in how to use equipment to minimise vibration and how to reduce grip force etc.

Health surveillance

You must provide health surveilance when exposures are at or above the EAV and in other circumstances where there is risk, for example, after diagnosis of HAVS and exposure continues but below the EAV. Health surveillance can involve just a short set of questions until, for example, signs or symptoms are reported. A health surveillance scheme must include access to a competent occupational physician. Make sure that your providers have the right qualifications and training and that you will:

- receive feedback, including notification of fitness for work with HAV for each employee under health surveillance;
- receive anonymised health surveillance results (unless groups of employees are too small to get this type of information);
- be informed of new or deteriorating cases of HAVS that are being diagnosed (with the consent of the affected person).

You must report cases of HAVS and CTS under RIDDOR (see ‘Find out more’).

Prompt action by you to revise your controls – when finding new cases or worsening of existing cases – will help keep skilled people in work and should prevent disability.

Next steps

This leaflet has helped you decide if hand-arm vibration is likely to be causing harm in your workplace. It has outlined practical steps required by law that will control the risk of harm. You now need to decide whether the steps you have taken are sufficient and what actions need to be taken to minimise the risk in your workplace.

Find out more

You can find vibration information and good practice examples of vibration control at www.hse.gov.uk/vibration. If you need help managing vibration, you may choose to hire a competent advisor to select appropriate control measures and/or estimate vibration exposures.

More detailed guidance on controlling the risk is contained in *Hand-arm vibration. Control of Vibration at Work Regulations 2005. Guidance on Regulations* L140 HSE Books 2005 ISBN 978 0 7176 6125 1 www.hse.gov.uk/pubns/books/l140.htm.

Consulting workers on health and safety. Safety Representatives and Safety Committees Regulations 1977 (as amended) and Health and Safety (Consultation with Employees) Regulations 1996 (as amended). Approved Codes of Practice and guidance L146 HSE Books 2012 ISBN 978 0 7176 6461 0 www.hse.gov.uk/pubns/books/L146.htm.

www.hse.gov.uk/riddor

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

This leaflet is available at: www.hse.gov.uk/pubns/indg175.htm.

HUMAN RESOURCES & COUNCIL TAX COMMITTEE
28 July 2025

REPORT OF ASSISTANT DIRECTOR - PEOPLE

A.2 FAMILY LEAVE AND SUPPORT POLICY (FORMERLY THE COUNCIL'S MATERNITY POLICY) (*INCORPORATING MATERNITY, PATERNITY, ADOPTION, SURROGACY, AND NEONATAL CARE PROVISIONS*)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report presents the proposed revised Family Leave and Support Policy (*formerly the Council's Maternity Policy*), which consolidates and updates the Council's provisions relating to maternity, adoption, paternity, and associated leave arrangements. It outlines the rights and responsibilities of employees and managers, incorporates recent legislative changes, and provides clear guidance on related health and safety obligations. The Human Resources and Council Tax Committee is asked to consider and approve the implementation of the updated policy.

EXECUTIVE SUMMARY

The Council is committed to fostering a diverse, inclusive, and supportive working environment. As part of this commitment, the updated Family Leave and Support Policy sets out the current rights and responsibilities of employees in relation to maternity, adoption, paternity, neonatal care, and parental leave. The policy reflects the Council's legal obligations under employment and equality legislation and ensures that staff are supported through key life events.

This review has been undertaken in response to recent changes in employment legislation, including provisions introduced in April 2025. These changes entitle eligible employees to up to 12 weeks of paid leave where a baby is admitted to hospital for neonatal care within 28 days of birth. The policy also expands adoption leave eligibility to include employees involved in surrogacy arrangements and overseas adoptions, ensuring the Council's approach remains inclusive and legally compliant.

Key areas covered by the policy include:

- Entitlements to pay, time off, and return-to-work arrangements.
- Employee responsibilities regarding maternity and parental provisions.
- Managerial guidance and expectations for supporting staff.

The policy reinforces the Council's duty of care in safeguarding the health and safety of employees during pregnancy, post-childbirth, and while breastfeeding. Employees are expected to notify both their line manager and Human Resources to enable timely risk assessments and appropriate workplace adjustments.

Recognising that family-related entitlements can be complex, the updated policy provides a clearer and more comprehensive framework to support informed decision-making and proactive planning by both employees and managers. It applies to all employees, regardless of working hours or length of service, and reflects an inclusive approach to all family structures, gender

identities, and arrangements—including same-sex couples, Foster to Adopt placements, and surrogacy.

To support implementation, employees are encouraged to engage with Human Resources early, to access advice and guidance. Dedicated Human Resources Advisors will be available to provide support to managers in addressing any service-related challenges, whilst they manage the increased statutory entitlements to family-related leave. This may include the need to source temporary cover or relocating internal resources, to ensure continuity of service delivery during an employee's period of absence. Additionally, resources and supporting materials will be made available via the Council's Intranet.

The Human Resources and Council Tax Committee is asked to approve the implementation of the revised Family Leave and Support Policy, reaffirming the Council's commitment to supporting staff through key life events and maintaining a fair, inclusive, and legally compliant workplace.

RECOMMENDATION(S)

It is recommended that the Human Resources and Council Tax Committee:

a) approves and adopts the Council's Family Leave and Support Policy (*formerly the Maternity Policy*), which consolidates and updates various leave and payment arrangements including maternity, adoption, neonatal care, parental, and paternity provisions;

b) authorises the Assistant Director – People, in consultation with the Head of Paid Service, to make any necessary and consequential amendments to associated people policies and procedures arising from the implementation of this updated policy; and

c) authorises the Assistant Director – People, in consultation with the Head of Paid Service, to make any further amendments to this policy (*and any associated policies*) as may be required to ensure compliance with future changes to employment legislation, including those anticipated under the Employment Rights Act, particularly in relation to family leave and support provisions.

REASON(S) FOR THE RECOMMENDATION(S)

As the revisions to the Family Leave and Support Policy (*formerly the Council's Maternity Policy*) represent a fundamental update in line with recent legislative changes and best practice, the Human Resources and Council Tax Committee is requested to approve the revised policy and its formal adoption, in line with its delegated responsibilities.

Adoption of the revised Family Leave and Support Policy is essential to ensure the Council remains compliant with recent legislative changes, including the introduction of statutory neonatal care leave from April 2025. The updated policy also reflects the Council's commitment to inclusivity by recognising a wider range of family structures and arrangements. By consolidating and clarifying entitlements and responsibilities, the policy supports consistent application across the organisation and reinforces the Council's role as a fair, supportive, and legally compliant employer.

ALTERNATIVE OPTIONS CONSIDERED
While there is no practical alternative to updating the Family Leave and Support Policy, doing so presents a valuable opportunity to ensure the Council's approach remains current, inclusive, and aligned with best practice. The revised policy reflects recent legislative developments, such as the introduction of neonatal care leave, and better supports the diverse needs of today's workforce. By providing clearer guidance for both employees and managers, the policy helps foster a consistent and supportive working environment, reinforcing the Council's commitment to fairness, wellbeing, and legal compliance.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
A revised Corporate Plan and Vision was approved by Full Council at its meeting on 28 November 2023. One of the six included themes is Financial Sustainability and Openness, with a commitment to continue to deliver effective services and get things done whilst looking after the public purse; that means carefully planning what we do, managing capacity and prioritising what we focus our time, money and assets on. The development and implementation of the Family Leave and Support Policy also aligns with Tendring District Council's Corporate Plan 2024–2028 themes of "working with partners to improve quality of life" and "raising aspirations and creating opportunities." By supporting our employees—many of whom are also residents—we contribute positively to both workforce wellbeing and the wider community.
LEGAL REQUIREMENTS (including legislation & constitutional powers)
The Council must comply with a range of statutory rights and legal obligations designed to protect employees and support work–life balance. These include: **Employment Rights Act 1996** - Establishes statutory rights to maternity, paternity, adoption, and parental leave and pay. **Maternity and Parental Leave etc. Regulations 1999** - Sets out detailed provisions for maternity, paternity, and parental leave entitlements. **Shared Parental Leave Regulations 2014** - Enables eligible parents to share leave following birth or adoption. **Paternity and Adoption Leave Regulations 2002** - Provides rights to leave and pay for adoptive parents and fathers/partners. **Neonatal Care (Leave and Pay) Act 2023 -** Introduces up to 12 weeks of paid leave for parents of babies requiring neonatal care (*effective from April 2025*). **Flexible Working Regulations 2014 (as amended)** - Gives employees the right to request flexible working arrangements (*now a day-one right from April 2024*). **Equality Act 2010** - Protects against discrimination based on pregnancy, maternity, sex, sexual orientation, gender reassignment, and other protected characteristics.

Human Rights Act 1998 - Upholds rights to family life, privacy, and protection from discrimination.

Adoption and Children Act 2002 - Governs adoption processes and parental rights.

Health and Safety at Work etc. Act 1974 - Requires employers to ensure, as far as reasonably practicable, the health, safety, and welfare of all employees—including pregnant workers.

Management of Health and Safety at Work Regulations 1999 - Regulation 16 specifically requires employers to assess and manage risks to new or expectant mothers. If risks cannot be avoided, working conditions must be adjusted or the employee suspended on full pay.

Workplace (Health, Safety and Welfare) Regulations 1992 - Regulation 25 requires employers to provide suitable rest facilities for pregnant and breastfeeding workers.

The Human Resources & Council Tax Committee has responsibility for the discharge of Part II – miscellaneous functions as set out in Schedule 1 to the Local Authorities (*Functions and Responsibilities)* (*England*) Regulations 2000 (*as amended*) and as detailed in Appendix 1 to Part 3 of the Constitution; including the 'decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers'. This extends to the agreement on key personnel policies.

In accordance with the Council's Constitution, the Assistant Director – People holds delegated authority to make operational decisions and implement changes to Human Resources policies and procedures, including those necessary to ensure compliance with legislation and best practice, in consultation with the Head of Paid Service where appropriate.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Failure to comply with statutory family-related employment duties may expose the Council to legal, financial, and reputational consequences. Employees could bring claims for unfair dismissal, discrimination, or breaches of statutory rights — such as failure to provide maternity leave or pay resulting in tribunal awards or compensation. Regulatory bodies, including HMRC and the Health and Safety Executive, may also investigate non-compliance, leading to fines or enforcement action. In serious cases, breaches of health and safety or equality legislation could result in personal injury claims, criminal prosecution, or reputational harm to the Council's standing as a fair and inclusive employer.

USE OF RESOURCES AND VALUE FOR MONEY

The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 ("the 1999 Act") to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services and secure value for money in all spending decisions.

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	To support financial sustainability, the Council manages resources efficiently to ensure safe, effective service delivery. The Family Leave and Support Policy supports this by helping prevent

	pregnancy related ill-health, reducing enforcement risks, and avoiding costs such as fines, claims, and service disruption—protecting both workforce wellbeing, retention and motivation.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including and	The Council ensures strong governance through informed decision-making, effective risk management, and alignment with legal requirements. The Family Leave and Support Policy reinforces this by providing a clear, consolidated, and updated framework that promotes clarity and consistency in application, reducing the risk of misinterpretation or uneven practices across departments.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Council uses data and performance insights to enhance service delivery. The Family Leave and Support Policy supports this by reducing costs associated with pregnancy-related ill health, promoting safe working environments, and helping to retain key skills.

MILESTONES AND DELIVERY

The adoption and implementation of the Family Leave and Support Policy will follow the timeline below:

- Management Team – 8 July 2025
- Human Resources and Council Tax Committee – 28 July 2025
- Officer Decision – 29 July 2025
- Publication to TDC Intranet – 29 July 2025
- Circulation to Relevant Services – 29 July 2025

Following formal approval, the guidance will be shared across the organisation to promote a consistent, Council-wide approach to supporting family leave and pay within service areas.

ASSOCIATED RISKS AND MITIGATION

This report proposes the introduction of the reviewed Family Leave and Support Policy which will play a critical role in managing and mitigating a wide range of organisational risks and supports the Council's legal compliance, employee wellbeing and retention, and operational resilience.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Full consultation has taken place with the local UNISON Branch Executive, who are fully supportive and welcome the updated policy and the Council's commitment to supporting employees with family leave and pay.

EQUALITIES

Section 149 of the Equality Act 2010 establishes the Public Sector Equality Duty (PSED), which requires public authorities, including the Council, to have due regard to the need to:

(a) Eliminate unlawful discrimination, harassment, victimisation, and other conduct prohibited by the Act.
(b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
(c) Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Marriage and civil partnership is also a protected characteristic, but it is only relevant to the duty to eliminate unlawful discrimination.

The Council is committed to being an inclusive and supportive employer in all its people policies and practices.

The implementation of a clear policy to promote a consistent, Council-wide approach to managing family leave and pay within service areas will help ensure non-discriminatory and consistent practices are adopted, in accordance with the Council's Diversity and Equality Policies.

An Equality Impact Assessment has been completed and indicates that the proposals in this report will not have a disproportionately adverse impact on individuals with any protected characteristic.

SOCIAL VALUE CONSIDERATIONS

Social Value is defined under the Public Services (Social Value) Act 2012, which requires public sector organisations and their suppliers to consider how the services they commission and procure can improve the economic, social, and environmental wellbeing of their communities.

The introduction of the revised Family Leave and Support Policy contributes to this duty by promoting a fair, consistent, safe, and supportive working environment for Tendring District Council (TDC) staff. By clearly outlining expectations and responsibilities, the guidance ensures that employees feel supported in managing their health and wellbeing.

The document offers staff a clear and detailed overview to help them understand their entitlements and responsibilities, while equipping managers to address such matters with confidence and sensitivity. This proactive approach not only supports individual wellbeing, but also reinforces the Council's commitment to delivering services in a socially responsible and sustainable way.

IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

There is no direct impact on the Council's implementation of devolution or the ongoing local government reorganisation in Greater Essex arising from the adoption of the Family Leave and Support Policy. However, by proactively ensuring full compliance with employment legislation, the Council enhances its operational resilience and legal assurance. This approach supports a smooth and compliant transition in the event of a future transfer to a Unitary Authority structure.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

Consideration has been given to the Councils aim to be net zero by 2050, there is no direct implication related to the content of this report.

OTHER RELEVANT IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	Not applicable
Health Inequalities	The Family Leave and Support Policy helps to reduce health inequalities by ensuring all employees—regardless of background—have equitable access to paid leave, support, and safe working conditions. By clearly outlining entitlements and promoting inclusive practices, it supports better health outcomes for parents and children while fostering fairness across the workforce.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	This proposal does not involve the provision of financial assistance or confer any economic advantage to external organisations; therefore, subsidy control considerations are not applicable in this instance.
Area or Ward affected	Not Applicable.
ANY OTHER RELEVANT INFORMATION	
None.	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
The Council is legally obligated to comply with a range of statutory rights and duties that protect employees and promote work–life balance. These include, but are not limited to, the Employment Rights Act 1996; Maternity and Parental Leave etc. Regulations 1999; Shared Parental Leave Regulations 2014; Paternity and Adoption Leave Regulations 2002; Flexible Working Regulations 2014 (as amended); Equality Act 2010; Health and Safety at Work etc. Act 1974; Management of Health and Safety at Work Regulations 1999; Workplace (Health, Safety and Welfare) Regulations 1992; and the Neonatal Care (Leave and Pay) Act 2023. The updated Family Leave and Support Policy reflects these legal obligations and outlines the current rights and responsibilities of employees in relation to maternity, adoption, paternity, neonatal care, and parental leave. In recognition of evolving family structures, the policy now includes provisions for employees in same-sex relationships, those involved in surrogacy, Foster to Adopt placements, and overseas adoptions—ensuring fairness, inclusivity, and equal access to entitlements. Given the complexity of employment legislation in this area, the revised policy provides a clear and accessible framework to support both employees and managers. It promotes consistent application across departments, reduces the risk of misinterpretation, and enhances confidence in managing family-related matters. This update reinforces the Council's

commitment to fostering a diverse, inclusive, and supportive workplace that prioritises staff wellbeing, recruitment, and retention.
PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.
None.
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
There are no background papers or published reference material associated with this report.

APPENDICES
Appendix A – Family Leave and Support Policy

REPORT CONTACT OFFICER(S)	
Name	**Jo Williams-Lota**
Job Title	**People and Culture Manager**
Email/Telephone	**jwilliams-lota@tendringdc.gov.uk**

FAMILY LEAVE AND SUPPORT POLICY

Issued by – Human Resources

Updated – July 2025

TENDRING DISTRICT COUNCIL

FAMILY LEAVE AND SUPPORT POLICY

Contents

INTRODUCTION

We recognise and value the diversity of our workforce. As part of our commitment to attracting, supporting, and retaining employees, we actively promote policies that support maternity, adoption, paternity and parental leave.

This policy outlines employees' rights regarding:

- Pay
- Time off
- Returning to work

It also sets out employees' responsibilities in relation to maternity provisions and serves as a guide for managers.

Employees are encouraged to arrange to meet with the Human Resources team as soon as possible to gain advice and support on their rights and welfare during their pregnancy or time off.

The Council has a duty of care to protect the health and safety of employees during pregnancy, after childbirth, and while breastfeeding upon returning to work. It is the employee's responsibility to inform their line manager and the Human Resources team if any of these circumstances apply, so that an appropriate risk assessment can be carried out and any necessary adjustments can be made.

This policy applies to all employees, regardless of working hours or length of service with the Council. Parental leave entitlements, including paternity and adoption leave, are inclusive of all family structures and gender identities. Any references within this policy should be interpreted as inclusive of individuals in same-sex relationships and other diverse family arrangements.

It also applies to employees adopting through a Foster to Adopt programme or having a child via surrogacy.

GENERAL OVERVIEW

As a Tendring District Council employee you are entitled to the following:

- Maternity Leave
- Maternity Pay (*depending on length of service and earnings*)
- Adoption Leave
- Adoption Pay (*depending on length of service and earnings*)
- Time off for antenatal care/fertility treatment
- Protection against unfair dismissal on maternity related grounds
- The right to request to work flexible hours on your return to work
- Shared Parental Leave
- Neonatal Care Leave and Pay

To make sure you safeguard your rights, ensure that you:

- Read all of the family leave documents applicable to you and make yourself aware of the requirements placed on you throughout your pregnancy and after the birth of your baby;
- Inform your Line Manager of your pregnancy by the required notification deadline and discuss your plans with them;

- Keep in contact with your Line Manager during your maternity leave, letting them know when your baby is born;
- Notify your Manager of any potential Adoption arrangements;
- Follow the guidelines when submitting an application for Shared Parental Leave.
- Notify your manager if your baby needs to receive neonatal care.

MATERNITY LEAVE AND PAY

Eligibility

All pregnant employees have the right to Statutory Maternity Leave (SML) and to resume work afterwards.

SML is the minimum level of entitlement of up to 52 weeks leave and is broken into:

- Ordinary Maternity Leave (OML) – the first 26-week period of maternity leave entitlement.

- Additional Maternity leave (AML) – the remaining 26-week period of maternity leave entitlement.

By law, you must take at least 2 weeks off after your baby is born, and after this time, how many of the remaining 52 weeks you choose to take is up to you. You will be entitled to the same amount of maternity leave and pay even if you have more than one baby, e.g., twins.

Notification

If an employee is entitled to maternity leave, they should complete the Notification of Intention to take Maternity Leave form (*see Appendix A*) and submit a copy to the Human Resources team.

They must do this:

- No later than the end of the 15th week before the expected week of childbirth (EWC); or
- As soon as reasonably practicable of:
    - the pregnancy
    - the expected week of childbirth
    - the date the employee intends to start maternity leave.

Employees can start maternity leave at any time from the 11th week before the EWC. However, they can work up until their baby is born provided they are fit and healthy.

Regardless of how much maternity leave an employee is planning to take, it will help their Line Manager if they discuss with them at the earliest opportunity when they wish to start their leave and for how long. When the employee is on maternity leave their Line Manager may have to make arrangements for the role to be covered, and knowledge of their intentions will help them plan for this.

Employees can change their mind about when they want to start maternity leave. They must give at least 28 days advance notice in writing unless this is not reasonably practicable.

Maternity leave will start on the date stated by the employee to their manager.

However, it can also start if the employee:

- Is absent from work due to pregnancy-related illness any time after the beginning of the 4th week before their EWC. Their maternity leave may trigger automatically on the second day of absence.
- Gives birth to their child before maternity leave has started. In this case, it will begin on the day after the date of the birth.

For health and safety reasons, employees must take a minimum of two weeks' leave following childbirth.

Please see the Maternity checklist for employees (*which can be found in Appendix B*) for further details of all notifications and actions required.

Following receipt of the Notification of Intention to take Maternity Leave form, the Human Resources team will write to confirm receipt of the notification form and the date which the employee is expected to return to work, after they have finished their full maternity leave entitlement. The Payroll & Payments team will also advise employees of their maternity pay entitlements.

In addition, the employee's midwife or GP will provide a certificate called a MATB1 that confirms their due date. The employee must pass the original MATB1 (*not a photocopy*) to the Human Resources team as soon as possible, as this is required in order to activate Maternity Pay entitlement.

It should be noted that each case of maternity leave is different, and circumstances can change during pregnancy, so please keep managers and the Human Resources team informed of any changes.

MATERNITY PAY ENTITLEMENT

Statutory Maternity Pay

Statutory Maternity Pay (SMP) is a standard rate determined by the Government on an annual basis, payable over 39 weeks.

To qualify for SMP, employees must:

- Have been employed by the Council for a continuous period of 26 weeks by the end of the 15th week before the EWC;
- Have average weekly earnings of over the lower limit for National Insurance Contributions. This is calculated over the eight weeks before and including the 15th week before EWC;
  Have started maternity leave.

Maternity pay can start any week after the beginning of the 11th week before the EWC on any day. It may start earlier:

- If triggered by the birth of the child.
- Due to absence from work due to a pregnancy-related reason in the four weeks before the EWC.

For the first six weeks, SMP is at the higher rate. This is 90% of the employee's average weekly earnings over a specified period.

For the remaining 33 weeks, SMP is at the standard rate, or less if the employee returns to work sooner. It is paid:

- At the rate set by the Government for the relevant tax year; or
- 90% of the employee's average weekly earnings if this is lower than the Government's fixed weekly rate.

SMP is treated as earnings and is therefore, subject to Statutory deductions, including tax and National Insurance. SMP is also subject to Pension deductions. Employees who are not entitled to SMP may be entitled to Maternity Allowance, payable by the Government.

Maternity Allowance

Employees who do not qualify for SMP may be able to claim Maternity Allowance (MA).

They must:

- Have been employed for at least 26 weeks in the 66 weeks before their child is due.
- Be earning a gross weekly pay set by the Government in any 13 weeks of those 66 weeks.

MA is an allowance paid for up to 39 weeks and claimed from the Jobcentre Plus office on form SMP1. The Payroll & Payments team will send this form to the employee after they have received the Notification of Intention to take Maternity Leave form (*Appendix A*). Employees should contact their local Jobcentre Plus office for further details.

The earliest an employee can receive MA is at the start of the 11th week before the expected date of birth. It will commence at the beginning of maternity leave.

Occupational Maternity Pay

Occupational Maternity Pay (OMP) is an additional payment, over and above SMP, paid by the Council to employees who:

- Have at least one years continuous service by the 11th week before the expected week of childbirth (EWC).
- Comply with the notification requirements.

Continuous service for OMP purposes means working without a break, with either Tendring District Council, another local authority or with certain other public bodies (*as outlined in the Redundancy Payments (Continuity of Employment Local Government etc.) Modifications Order 1999*).

If entitled to OMP, employees will, in addition to their SMP will also receive:

- 12 weeks at half pay*, which can be paid over a mutually agreed period between the 7th and 39th week of Maternity Leave**.

**The calculation of half pay plus SMP cannot exceed full pay*.

The Payroll & Payments team must be advised how the employee would like to receive their OMP before starting maternity leave.

*** The half pay cannot be paid at the same time as the 6 week higher rate SMP, but the employee can decide if they want it paid over a 12 week period, a 33 week period or as a lump sum 3 months' after they return to work. If they opt for the 33 week option, this will mean that they receive the same amount each week of their maternity leave from week 7.*

Before an employee starts maternity leave, they should complete the Notification of Intent to take Maternity Leave (Appendix A) which outlines the employee's intentions so that payment arrangements for OMP can be made.

Both SMP and OMP are subject to regular deductions, such as tax and National Insurance and Pension.

Employees have a choice of payment arrangement for OMP. Payments can be made:

- During maternity leave; or
- In a lump sum when they return to work once they have completed three months back at work.

Having returned to work an employee must work for a period of at least three calendar months. If they do not return to work for the stated period, they will be required to repay the OMP element of their maternity pay in full.

It should be noted that each case of maternity pay is different, and employees should contact the Human Resources and Payroll & Payments teams, so that they receive advice regarding pay and benefits based on their individual circumstances.

Time off for Antenatal Care

Employees are entitled to reasonable paid time off for antenatal care. They must tell their manager in advance of all appointments and give them as much notice as possible. Managers can ask to see appointment cards, except for the first appointment. Employees are asked to arrange appointments in such a way as to cause minimum disruption to normal working, e.g., at the beginning or end of a working day, lunchtime.

Expectant pregnant employees are entitled to necessary time off with full pay for other hospital and clinic appointments resulting from their pregnancy. This includes pregnancy-related relaxation classes, exercise and parent-craft classes made on the advice of a registered GP, midwife or health visitor.

Partners (*including same-sex partners, civil partners, and intended parents in surrogacy arrangements*) have the right to take paid time off to attend up to two antenatal appointments, with a maximum of 3.5 hours per appointment, including travel and waiting time. Any additional time needed should be taken as annual leave or flexi time.

This right applies from day one of employment for employees, and after 12 weeks in the same role for agency workers.

Employees should contact their line manager to make a request for time off to accompany someone at an antenatal appointment.

Health and Safety during Pregnancy

The Council has a duty of care to protect the health and safety of employees during pregnancy, after childbirth, and while breastfeeding upon returning to work.

It is the employee's responsibility to inform their line manager and the Human Resources team if any of these circumstances apply, so that an appropriate risk assessment can be carried out and any necessary adjustments made.

An employee's line Manager, or Health and Safety Representative within the Service, will complete a risk assessment to identify any risks to the employee and/or their baby from substances, processes or conditions at work as soon as they are made aware of the pregnancy.

An employee's health and capability may change during pregnancy and risk assessments should be kept under review throughout. The risk assessment should be reviewed monthly as there could be significant changes in health and mobility during various stages of the pregnancy.

If an employee is already aware of any risks to either themselves or their baby, these should be discussed with their line manager as soon as possible. It should not wait until the risk assessment has been completed. Furthermore, if further risks arise during the pregnancy or additional help and/or adjustments are identified that would assist them, these should be brought to the line manager's attention as soon as possible.

In some exceptional circumstances it may be necessary for the employee to be transferred to alternative work for the duration of their pregnancy. Any questions about risk assessments or health and safety need to be raised with the line manager, Health and Safety Representative, or the Corporate Health and Safety team.

Notification of birth

Employees should confirm the date of birth with their line manager and the Human Resources team as soon as possible to ensure that maternity pay is calculated and paid correctly. This can be done by using the form in *Appendix C*.

NEONATAL CARE LEAVE AND PAY

If your baby needs to stay in neonatal care (that's medical or palliative treatment in hospital) for at least 7 continuous days within the first 28 days of birth, you may be eligible for Neonatal Care Leave (NCL)—up to 12 weeks of extra time off to help care for your child.

To qualify, you'll need to be an employee and be one of the baby's parents, the intended parent (in surrogacy), or the partner of the mother—meaning someone in a lasting family relationship who lives with her but isn't a relative. You'll also need to have, or expect to have, responsibility for raising the child.

You can take one week of NCL for each full week your baby is receiving neonatal care. Leave can start from day 9 onwards, and you have up to 68 weeks after birth to take it. NCL is in addition to maternity, paternity, adoption, or shared parental leave.

Some parents will take NCL after their usual family leave ends, while others (like dads or partners) might use it during neonatal care, especially if their paternity leave has already finished.

If you are facing this situation or think you might be eligible for neonatal care leave and pay, please do not hesitate to reach out to a member of the HR team. They are there to support you and can guide you through the process step by step, making sure everything is clear and manageable during what we know can be a very emotional time.

Premature or Early Births

If your baby is born prematurely, this may occur before your maternity pay period was due to begin. In such cases, please inform your line manager of the actual date of birth as soon as reasonably practicable. This ensures your Statutory Maternity Pay (SMP) can be re-calculated and paid correctly.

If the birth takes place before or during the qualifying week (*the 15th week before the expected due date*), your 'average earnings' for SMP purposes will need to be re-calculated based on the eight weeks immediately preceding the week of the actual birth.

Your maternity leave and pay will begin automatically from the day after the birth if your baby arrives before your planned start date. This may change your expected return-to-work date.

Please notify the Human Resources team in writing as soon as your baby is born. They will confirm your revised return date, if applicable. To help with this process, you should complete the Notification of Birth Form found in *Appendix C* of this policy.

If an employee's baby is born prematurely and requires a stay in neonatal care, they may be entitled to Neonatal Care Leave and Pay, as outlined in the previous section. This is in addition to maternity leave.

Late Births and Extra Leave

If you give birth late, you are not entitled to extra ordinary or additional maternity leave. However, you may be able to use a different type of leave, e.g., annual leave or parental leave, to extend your time away from the workplace.

You should speak to your line manager at the earliest opportunity if you require extra leave. Your line manager will decide if this is possible depending on your circumstances and the operational implications.

Stillbirths or Miscarriage

If a child dies before birth after 24 weeks of pregnancy, this is a stillbirth. The employee will be entitled to the same rights to maternity leave and pay. Employees are also entitled to parental bereavement leave. For more details, read the Leave Arrangements for Employees Policy.

If the death of an unborn child occurs before the 24th week of pregnancy, this is a miscarriage. The employee is not eligible for maternity entitlements. They may be eligible for sick pay and a period of compassionate leave.

If an employee's partner suffers a stillbirth or miscarriage, the same criteria and rights apply to statutory paternity pay and leave.

Employees should approach their line manager to discuss their individual needs together with advice from their doctor. The manager may refer the employee to Occupational Health. They can discuss counselling and provide advice about workplace adjustments and return to work arrangements.

The employee should also be reminded about the support available through the Employee Assistance Programme - EAP). Further details can be found on the Council's Intranet.

Fertility Treatment

It is recognised that fertility treatment can be time-consuming, expensive and traumatic. Although there is currently no legislation around time off for this treatment, the Council will endeavor to be supportive to all employees.

Paid time off will be granted for up to 2 cycles of fertility treatment, at a maximum of 10 days per year. Any additional time needed should be taken as annual leave or flexible working time. Every effort will be made for time to be granted where needed, but employees must provide as much notice as possible and evidence of appointments made.

In order to qualify for time off under this policy, the employee must have a minimum of 26 weeks continuous service. Time off for fertility treatment up to the permitted number of days will be paid at the employee's normal rate of basic pay.

ADOPTION, SURROGACY AND FOSTERING TO ADOPT

Definitions

Adopter – the person with whom an adoption agency has placed, or will place a child. They will be the 'primary' adopter who is eligible to statutory provisions.

Beginning of the week – refers to a Sunday.

Placement date – the date which the child is placed for adoption.

Qualifying week – the week during which the agency tells the adopter that they are matched with a child for adoption. This starts on a Sunday.

Adoption from overseas – the adoption of a child from abroad that does not involve placing the child up for adoption under UK law.

Surrogacy – when another woman carries and gives birth to a baby for the intended parents. An Adoption or Parental Order can transfer parental responsibility. At least one parent must be genetically related to the child to apply for a Parental Order.

Employee Adoption Eligibility

Adoption leave and pay are available, subject to eligibility criteria, to:

- Employees who have a child through surrogacy arrangement and are eligible for a Parental Order.
- Who foster a child through the Foster to Adopt programme as per section 22C of the Children Act 1989.

Adoption leave is available to:

- Individual employees who adopt.
- One member of a couple, where a couple jointly adopts.
- An employee who is:
    - a local authority foster parent.
    - approved as a prospective adopter and a child is placed with them in a Foster to Adopt situation.
    - one member of a couple that are the legal parents of a child born through surrogacy.

Where a couple is adopting jointly, or have become legal parents via surrogacy, only one may take adoption leave and receive adoption pay. The other, subject to meeting specific eligibility criteria, may be entitled to take one or two weeks paid Paternity Leave.

Adoption leave and pay are not available where a child is not newly matched for adoption. For example, when a step-parent is adopting a partner's child. You will also not be entitled if you arrange a private adoption, become a special guardian or kinship carer, or adopt a family member.

Notification

Employees must notify their line manager in writing within 7 days when:

- They are matched with a child; or
- They intend to take adoption leave.

With surrogacy, employees must tell their line manager at least 15 weeks before the child is due, that they intend to take adoption leave.

Employees will need to give their manager:

- The date that they intend to start adoption leave.
- The expected week of the placement of the child.
- With surrogacy, the expected week of childbirth.
- A matching certificate completed by the adoption agency.
- With surrogacy, a Parental Order within six months of the start of adoption leave.

Employees can choose to start their leave from:

- The date of the child's placement, whether this is earlier or later than expected; or
- From a fixed date, which can be up to 14 days before the expected date of placement.

With surrogacy, adoption leave can start the day of the birth or the day after.

If an employee changes their mind about the date on which they intend to start adoption leave, they should tell their line manager. They must give at least 28 days' notice of the revised start date.

The line manager will formally respond in writing to an employee's leave plans within 28 days. They will confirm the date on which the employee is expected to return to work.

If the date of the adoption placement or, with surrogacy, the expected week of childbirth changes, employees must:

- Tell their manager.
- Give appropriate notice of the change in date.

Some employees may plan to start adoption leave at any time before the actual date of placement. They must be sure the placement will be going ahead on the date agreed before they start their leave. If the placement is delayed, for whatever reason, and adoption leave has already begun, they cannot stop and start it again at a later date.

Adoption from Overseas

Eligible employees adopting a child from overseas must tell their line manager of the date on which:

- They receive special notification.
- They expect the child to enter the UK.

Employees must:

- Give at least 28 days' notice of when they wish their adoption leave to start.
- Tell their line manager about the child's entry into the UK within 28 days, if applicable.

Managers can ask for evidence of the official notification and entry of a child into the UK.

Adoption Leave Arrangements

All qualifying employees are entitled to:

- 26 weeks Ordinary Adoption Leave (OAL).
- Up to 26 weeks Additional Adoption Leave (ALL).

This is a total of 52 weeks, regardless of the number of hours they work or their length of service.

Ordinary Adoption Leave

To qualify for OAL leave, employees must:

- Have an approved adoption agency match them with a child;
- Be one of a couple that has been jointly matched with a child for adoption;
- Tell the adoption agency that they agree to have the child placed with them and on the date of the placement; or
- Be the legal parent of a child born via surrogacy.

Adoption leave is available to:

- One member of a couple that has had a child placed with them for adoption.
- The legal parents of a child born via surrogacy.

It is up to the adoptive or legal parents to decide which of them takes the adoption leave. The other partner may, however, be entitled to a period of paid paternity leave.

During adoption leave, employees retain their right to contractual benefits. However, employees are not entitled to remuneration unless they meet the qualifying conditions for adoption payments. Employees returning to work after OAL can return to the same job they had before.

Additional Adoption Leave

Employees who qualify for OAL are also entitled to Additional Adoption Leave (AAL). AAL starts immediately after OAL and continues for a further period of up to 26 weeks. This brings the total period of absence allowed to up to 52 weeks.

Only one period of leave will be available, even if:

- More than one child is placed for adoption as part of the same arrangement.
- With surrogacy, more than one child is born.

Sometimes, the child's adoption placement may end during the adoption leave period. In this case, employees may continue their adoption leave for up to 8 weeks after the end of the placement.

Sometimes, an expected adoption placement does not happen, but employees have already started the leave or pay period. In this case, adoption leave and pay will be available for 8 weeks after notification that the child will not be placed.

Statutory Adoption Pay

Statutory Adoption Pay (SAP) is payable for up to 39 weeks during adoption leave.

An employee is entitled to SAP if they:

- Have been employed by the Council for a continuous period of 26 weeks by the end of the week in which they are matched with a child. With surrogacy, this is the end of the week in which they are told of the pregnancy.
- Have national weekly earnings over the lower limit of National Insurance contributions.
- Have been matched with a child to be placed with them by a UK adoption agency.
- Have told the adoption agency that they agree to have the child places with them and on the date of placement.
- Tell their manager within 7 days of the date they are matched with the child.
- Provide a matching certificate completed by the adoption agency. With surrogacy, provide a copy of the Parental Order as soon as possible after the child's birth. This must be no later than 6 months after the start of adoption leave.

SAP is payable for a maximum of 39 weeks. This period is called the 'adoption pay period'. It can begin from 14 days before the child is placed with the adoptive parent but no earlier. SAP is an amount set by the Government each year.

For the first 6 weeks, SAP is at the higher rate. This is 90% of the employees' average weekly earnings over a specified period. To calculate average weekly earnings, shift allowances and overtime payments are included.

For the remaining 33 weeks, SAP is at the standard rate, or less if the employee returns to work sooner. It is paid:

- At the rate set by the Government for the relevant tax year; or
- 90% of the employees' average weekly earnings if this is lower than the Government's fixed weekly rate.

SAP is treated as earnings and is, therefore, subject to PAYE and National Insurance deductions. Employees who are not entitled to SAP may be entitled to receive an allowance, payable by the Government.

Occupational Adoption Pay

Occupational Adoption Pay (OAP) is an additional payment we make and is more generous than SAP.

An employee is entitled to OAP if:

- They have at least 12 months continuous service by the week in which they are told they have been matched with a child.
- They give the proper notification of the adoption.
- They provide a Matching Certificate from the adoption agency or, with surrogacy, a parental Order.
- They give at least 8 weeks written notice if they wish to change their agreed return date.

If entitled to OAP, employees will receive:

- For the first six weeks – 90% of their average weekly earnings offset against any entitlement to SAP.
- For the following 12 weeks - half pay*.

**The combination of SAP and half pay is capped at the equivalent of a full week's pay.*

Adoption leave can start:

- On the day the child is placed for adoption, or up to 14 days earlier.
- When the child arrives in the UK or within 28 days of this date (for overseas adoptions).
- The day the child's born or the day after (if you've used a surrogate to have a child).

You should tell your manager within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.

Employees should notify their managers of the timing of adoption leave as early as possible. To be entitled to take adoption leave and receive statutory adoption pay, employees are required to give the Council written notification of his/her intention to take adoption leave no later than seven days after the date on which, notification of the match with the child was provided by the adoption agency. Notice, which must be

in writing, must specify the date the child is expected to be placed for adoption and the date the employee intends their adoption leave to start.

Employees are permitted to bring forward their adoption leave start date, provided that they advise their manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. Employees may also postpone their adoption leave start date, provided that they advise their manager in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. You must also give your manager at least 8 weeks notice if you want to change your return to work date

Employees must also provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency. Within 28 days of receiving the employee's notice of intention to take adoption leave, the Council will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

Time off to Attend Adoption Appointments

Employees who are matched with a child can take paid time off to attend up to five adoption appointments.

Where an employee is part of a couple jointly adopting a child:

- One of them can take paid time off for up to five appointments.
- The other can take unpaid time off to attend up to two appointments.

Employees must take any time off before the date of the child's placement for adoption.

Intended parents in a surrogacy arrangement who intend to apply for a Parental Order, are entitled to unpaid time off to accompany the surrogate mother to 2 antenatal appointments. Each appointment is capped at a maximum of 6.5 hours.

The purpose of the appointment is to enable employees (and their partner) to have contact with the child (for example, to bond with them before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption. Employees must provide proof of the date and time of the appointment, and that the appointment has been arranged by or at the request of the adoption agency (*for example, a letter or email from the adoption agency*).

In addition, if adopting jointly, employees must submit a declaration, alongside the documentary evidence, confirming that they are electing to exercise their rights under either s.57ZJ or s.57ZL of the Employment Rights Act 1996 to take time off to attend an adoption appointment. Such declarations should be submitted on the first occasion on which the employee asks for time off to attend an adoption appointment.

Contractual Status of Pay and Benefits

Whilst on maternity leave you are still employed by Tendring District Council. You will continue to retain entitlement to all of your contractual benefits, with the exception of normal pay, including:

- Annual leave

- Employer pension contributions (*whilst you continue to pay your employee contribution*)

Normal pay is replaced by whichever maternity pay provisions are applicable to you.

Local Government Pension Scheme

If you are a member of the Local Government Pension Scheme, the maternity or adoption leave period will count as reckonable service, and contributions will automatically continue to be deducted from the actual pay you receive whilst on maternity or adoption leave.

If you take any unpaid maternity leave, you need to decide whether or not you want to pay pension contributions for this "gap" in your Service. Employees can make contributions to cover periods of maternity or adoption leave when they are not in receipt of pay, but this must be confirmed in writing to Payroll & Payments within 30 days of your return to the workplace.

Annual Leave

Employees on maternity and adoption leave continue to accrue annual leave entitlement in accordance with your existing terms and conditions. They also receive a compensatory day for each bank holiday during their leave for part-time employees, calculated on a pro-rata basis, this is the number of bank holidays they would have had if not on leave.

Before you start your maternity or adoption leave, it will be helpful if you discuss with your Line Manager when you are going to take your annual leave. Your options may include:

- Taking all or part of your annual leave that has accrued up to the start date of your maternity or adoption leave, before your maternity or adoption leave actually starts either in the normal way, or by taking annual leave immediately before the start of your maternity leave.
- Taking all or part of your annual leave that has accrued prior to and during your maternity leave by tagging annual leave at the end of OML, AML or adoption leave.
- By returning to work initially on a 'part-time' basis, with annual leave making up the balance to full-time.

Carry Over Entitlements

If your period of maternity leave spans 2 leave years (in other words the period before and after 1st April when the new leave year starts), you will be entitled to carry over the maximum allowance of 5 days annual leave. It is therefore essential that you take this into consideration when planning your length of maternity leave start and end dates. Any annual leave that is in excess of 5 days at the 31st March will be lost if not taken.

Keeping in Touch During your Maternity Leave or Adoption Leave

Managers will discuss arrangements to keep in touch with employees during their leave period. Contact should be minimal to respect an employee's privacy during adoption and maternity leave, however, it can be helpful to maintain contact to ensure they continue to feel part of the team.

Keeping in touch (KIT) days are an opportunity for employees to agree with the Council to return to work for up to 10 days during their statutory maternity or adoption leave, without bringing the maternity or adoption leave to an end or losing SMP or statutory adoption pay. These days are optional, and employees are not obliged to attend work. KIT days do not have to be consecutive and may be used for any work-related activity such as training, meetings, conferences or other activities which would help the employee keep in touch with the workplace and any changes occurring in it.

Any KIT time taken will be reimbursed with TOIL (Time Off in Lieu), when the employee returns to work following maternity or adoption leave.

Paternity Leave

Paternity leave allows an employee to take paid leave to care for the child or support the mother.

The right to paternity leave is available to:

- The biological father of the child, or to a person who is married to, the civil partner, or the cohabiting partner of, the child's mother.
- The spouse, civil partner or partner of a child's adopter, or where a couple jointly adopt a child, to the individual who does not take adoption leave. (the definition of a 'partner' includes same sex partners).
- The intended parent if you're having a baby through a surrogacy arrangement.

Where an employee has been continuously employed for 26 or more weeks by the end of the 15th week before the child's expected week of birth (or in an adoption situation by the end of the week in which the child's adopter is notified of a match), they have the right to take either one week's or two consecutive weeks' ordinary paternity leave.

The first week's paternity leave will be paid at the employee's contractual full pay, and the second will be paid at the current rate of Statutory Paternity Pay (SPP), or 90% of the employee's average weekly earnings, whichever is the lowest. The current rate of SPP may be lower than your weekly earnings, and you should seek advice from Payroll when choosing this leave. Employees who have average weekly earnings of less than the current Lower Earnings Limit (LEL) will not qualify for SPP but will still be entitled to full pay for the first week taken.

Paternity leave can only be taken once the baby is born in blocks of a week and not in odd days. The leave must be completed within 56 days of the date of birth of the baby.

Only one period of SPP will be available irrespective of whether more than one child is born as the result of the same pregnancy.

To take paternity leave, you are required to inform your Line Manager, in writing, of your intention to take paternity leave by the beginning of the 15th week before the EWC, unless this is not reasonably practicable. You will need to tell your Line Manager when

the baby is due, whether you wish to take one or two weeks paternity leave, and when you wish to start that leave. You should complete the 'Notification of intention to take Paternity Leave' form found at Appendix E. You may also be required to provide a form of evidence to show that you meet the criteria as detailed above.

You will be able to change your mind about the start date of your paternity leave providing you notify your Line Manager at least 28 days in advance, unless this is not reasonably practicable.

If you work part time, you are entitled to paternity leave pro-rata to your normal hours of work.

You are still entitled to paternity leave and pay if your baby is stillborn from 24 weeks of pregnancy, or born alive at any point of the pregnancy but does not survive. You can take any leave you booked before losing the baby. If after losing the baby you have paternity leave left to book, you can still book and take this. You must book this leave within 8 weeks of the death of your baby.

Shared Parental Leave

Shared Parental Leave (SPL) is a legal entitlement for eligible parents of babies due, or children placed for adoption, which provides flexibility when making arrangements to care for their child during the child's first year.

A mother is entitled to take up to 52 weeks maternity/adoption leave. Should they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take the remaining weeks. Therefore, a partner can begin to take SPL while the mother is still on maternity/adoption leave.

Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit 3 notices booking periods of leave.

Parents are still entitled to take maternity, adoption or paternity leave in the usual way. However, a birth mother must still take at least 2 weeks maternity leave following the birth of a child (4 weeks if employed in manual work). An adopter can end their adoption leave once this has been taken for 2 weeks.

Full details regarding eligibility criteria and rights to SPL can be found in the Shared Parental Leave Policy on the Council's intranet, or contact a member of the Human Resources team for further advice.

RETURNING TO WORK

Your Right to Return to Work

You are entitled to return from Maternity, Neonatal and Adoption Leave to the same job on the same terms and conditions of employment as if you had not been absent, unless a redundancy situation has arisen.

If you are at risk of redundancy while on Maternity, Neonatal or Adoption leave, you have special legal protection, including the right to be offered any suitable alternative role over others, and this protection extends up to 18 months after your baby is born or the date the adoption placement starts or the date the child enters England, Scotland or Wales, if it's an overseas adoption.

Return to Work Notification Requirements

Returning to Work After Maternity or Adoption Leave

Notification

The HR team will write to confirm your expected return-to-work date. If your plans change and you're unable to return on that date, please let your line manager know as soon as possible. Once you're back, your manager will notify HR to update your records.

If you plan to return at the end of your full maternity or adoption leave, you do not need to give further notice, although confirming your intention is helpful for planning your return and managing workloads.

You may use annual leave straight after your maternity or adoption leave ends (with agreement from your manager), which can help you ease back into work gradually.

If an employee wants to return to work earlier than the end of their maternity leave, they must give their employer at least 8 weeks' notice of the new return date. This applies whether they are shortening their leave or extending it beyond what was originally planned.

If the employee plans to return at the end of the full 52-week maternity leave period, no additional notice is required, as the employer will have already confirmed the expected return date in writing.

If the required notice isn't given, the employer is entitled to postpone the return until the full notice period has been met, though not beyond the end of the maternity leave entitlement.

For Adoption leave, it will be assumed that you will return to work after 52 weeks, unless you have advised different. If you would like to return to work before your given date, you must provide at least 8 weeks' notice.

Please complete the 'Early Return to Work' form found in Appendix D of the policy. If the required notice isn't provided, your return date may be postponed until the full notice period has passed.

If you are unsure what steps to take or just want to talk through your options, please do not hesitate to contact a member of the HR team. They are there to support you every step of the way.

Sickness at the End of Maternity Leave

If you are unable to return to work due to health reasons, your absence will be managed under the Council's sickness absence procedures, and you must notify your Line Manager immediately and provide a Statement of Fitness for Work from day one of your absence.

If you are absent due to ill health at the end of your period of maternity leave, this period of absence will count towards the requirement to return to work for 3 months, where you have been in receipt of Occupational Maternity Pay.

In this case, it will be considered that you've returned from leave, and normal absence reporting rules will apply. A late return without prior agreement may be treated as an unauthorised absence.

Requests to Change Hours/Work Flexibly

We understand that returning after maternity or adoption leave can be a big transition. If you are considering flexible working arrangements—like a change in hours, working pattern, or work location—we encourage you to submit a written request as early as you can. All requests will be reviewed under the Council's Flexible Working Policy and in line with operational needs.

If you are unsure what steps to take or would simply like to explore your options, the HR team is always available to help. They can guide you through the process and make sure you feel supported throughout.

Reduce Hours and Annual Leave Entitlement

If you reduce your hours, your annual leave and bank holiday entitlement will be adjusted pro-rata, in line with the number of hours you are going to work upon your return, by your Line Manager. The adjustment will be effective from your agreed date of return.

Breastfeeding

We will work with you to allow time during the working day to accommodate breastfeeding or expression of milk, and reasonable adaptations to your working pattern will be accommodated. Each case will be looked at individually and advice will be sought from Corporate Health and Safety who will work in consultation with your line manager and Human Resources.

Settling Back in After Your Return to Work

However well organised your childcare arrangements are, you may encounter problems at some point after your return to work. Often these problems will be short term and typically due to either your child or childcare provider being ill. You should speak to your Line Manager and/or Human Resources about any such problems as there may be leave options available to you.

If you encounter problems of a work-related nature upon your return to work you should, in the first instance, speak to your Line Manager. If after discussion you feel your concerns have not been addressed and resolved you can use the Council's Grievance Procedure, a copy of which is available via the Council's intranet. You may also wish to speak to your Trade Union Representative if you are a member.

Employees Resigning before and during Adoption or Maternity Leave

If you resign before the start of the 15th week prior to your expected week of childbirth, you would not qualify for Statutory Maternity Pay (SMP), although you may be eligible for Maternity Allowance instead. However, if you leave on or after the beginning of that 15th week and meet the qualifying criteria, you will still be entitled to SMP.

An employee on maternity or adoption leave may decide that they do not want to come back to work. If so, they should write to their manager to formally resign as per the terms of their contract.

If your notice period expires after their leave has ended, the employee will need to:

- Return to work for the remainder of their notice period or;
- Use annual leave if available.

Your manager will notify Human Resources who will write confirming your effective resignation date, notifying you of any outstanding monies due to you or alternatively any monies you owe to the Council and/or equipment you need to return.

Please contact Payroll & Payments or Human Resources for further guidance.

GLOSSARY

A number of phrases and abbreviations are used throughout this guide relating to maternity and paternity provisions. This glossary provides a brief explanation of each one for ease of reference.

EWC	Expected Week of Childbirth. This is the relevant week for calculating entitlement to maternity provisions where there are qualifying criteria. It is the week, beginning on a Sunday, in which the baby is due.
MATB1 FORM	This is the certificate provided by the doctor or midwife which provides confirmation of a pregnancy and the EWC.
ML	Maternity Leave.
OML	Ordinary Maternity Leave. This is leave that all pregnant employees will receive. It lasts for 39 weeks.
AML	Additional Maternity Leave. It runs from the end of OML for up to 13 weeks.
SMP	Statutory Maternity Pay. This is the allowance, specified by Government, which is payable subject to the mother meeting certain 'qualifying conditions.' The amount is usually increased every April*.
OMP	Occupational Maternity Pay. This is the enhanced maternity pay package available to Local Government Service Employees in TDC in accordance with their terms of conditions of service.
MA	Maternity Allowance. This is a maternity benefit which mothers may be eligible to receive if they do not qualify for SMP.
SPP	Statutory Paternity Pay. This is an allowance, specified by Government, which is payable subject to the father/carer or new child meeting specified 'qualifying conditions.' The amount is usually increased every April*.
SPL	Statutory Parental Leave, where maternity leave/pay can be transferred to the father.
QW	Qualifying Week. 15 weeks before EWC.
N.I.	National Insurance.
LEL (LOWER EARNINGS LIMIT)	This is the amount of money you have to be earning to pay National Insurance contributions and qualify for N.I. related benefits e.g., SMP. The amount is usually increased in April*.
CONTINUOUS SERVICE	This is employment that is counted towards your entitlement to maternity and paternity benefits. Tendring District Council and usually other local government service employment is relevant.
AVERAGE WEEKLY EARNINGS	This is the figure used to calculate maternity and paternity pay. Where earnings are variable, actual earnings (including overtime and bonus payments) over a period of eight weeks prior to the QW are taken into account.

* Current rates for all statutory allowances e.g., SMP, SPP, SPL and the LEL can be obtained from Payroll & Payments.

USEFUL TELEPHONE NUMBERS AND INTERNET SITES

External contacts:

ACAS helpline number: 08457 47 47 47
Website: www.acas.org.uk

Commission for Racial Equality:
Tele: 020 7939 0000

Department for Work and Pensions
Advice for employees claiming social security and current rate of SMP
Website: www.dwp.gov.uk

Maternity Action
Information and Advice on all aspects of maternity, parental rights, and benefits)
Tele: 020 7253 2288
Website: www.maternityaction.org.uk

Tax Credits Helpline
Tele: 0845 300 3900

Directgov
Website: www.direct.gov.uk

Internal contacts:

Human Resources Team

Payroll & Payments Team

Corporate Health and Safety

UNISON
Council's Intranet site for Tendring Branch
www.unison.org.uk

Appendix A - Notification of Intention to take Maternity Leave

CONFIDENTIAL

Notification of pregnancy with details of leave dates and pay

On completion, please hand this form to Human Resources and forward a copy to Payroll & Payments.

☐ Personal details

Employee:		Manager:	
Name	_____	Name	_____
Job title	_____	Work tel.	_____
Service	_____	Location	_____
Daytime tel.			
Post no.	_____		

☐ Leave

Expected week of childbirth (EWC)

My baby is due on,

Certificate (MATB1) confirming this:

☐ **has already been given to Human Resources**
☐ **is enclosed with this form**
☐ **will shortly be given to Human Resources**

It is your decision when you start maternity leave, but it may not begin earlier than the 11th week before your EWC. You must notify your manager/human resources of your intended start date by the 15th week before your EWC.

I would like to start my maternity leave on

☐ Pay

If eligible, the Occupational Maternity Pay equivalent to 12 weeks half pay is conditional upon returning to work for 3 months following maternity leave.

I request that this proportion of my maternity pay be paid:

☐ **as one lump sum after completion of 3 months work following my maternity leave**
☐ **monthly, as half pay, over weeks 7-18 of my maternity leave (total 12 weeks at half pay) ***
☐ **monthly (in line with your SMP, currently 33 weeks)**

- Should you elect to receive this payment whilst on maternity leave you will be required to repay it in full should you not return to work for Tendring District Council or any other local authority for at least three months following maternity leave.

signed _____ **date**

Appendix B - Maternity checklist for employees

When	Action required
As soon as you are ready to share you are pregnant	Tell your manager, and / or a member of the HR team of your pregnancy and discuss: • Your intentions of when you want to commence maternity leave • Any risk / adjustments to current role to protect employee and baby • Whether you intend to return to work, or have not decided
After 20 weeks pregnant	Ask your doctor or midwife for a maternity certificate (Form MATB1) showing when the baby is due. This must be the original MATB1
During or before the 15th week of EWC (Expected week of childbirth)	Complete the Notification of Intention to take Maternity leave form. Payroll will acknowledge this in writing and set up maternity pay entitlement within 28 days
After 29 weeks	Commence maternity leave when you have chosen to do so
During maternity leave	If you wish to return early (before 52 weeks) then 21 days' notice is required in writing to your manager. The notice period is seven days during ordinary leave (first 26 weeks) Consider whether you wish to return to work on different terms. If so, you are encouraged to submit a flexible working request, allowing sufficient time for it to be reviewed and processed.
52 weeks from the beginning of the week in which maternity leave started	Latest time by which you have the right to return to your job

Appendix C - Notification of birth

CONFIDENTIAL

On completion, please hand this form to Human Resources and forward a copy to Payroll & Payments.

☐ Personal details

Employee:		Manager:	
Name	_____	Name	_____
Job title	_____	Work tel.	_____
Service	_____	Location	_____
Daytime tel.			

☐ Birth details

My baby was born on

Please tick:

☐ **This date was earlier than my Expected Week of Childbirth**
- please confirm what my revised Return to Work date is

☐ **This date was on or after my Expected Week of Childbirth**
- my Return to Work date is unchanged from the date previously notified to me

.....

signed _____ **date**

Appendix D - Early return to work

CONFIDENTIAL

Notice of intention to return to work early from maternity leave

On completion, please hand this form to your Line Manager – Copy required to go to Human Resources and Payroll & Payments.

Notes: You will be expected to return to work at the end of your full maternity leave entitlement. This will be the date that was confirmed to you by Human Resources before you commenced maternity leave. **(You only need to fill this form in if you want to return earlier than that date).**

If you want to return early from maternity leave you must give your manager at least 7 days notice for return from ordinary maternity leave and 8 weeks notice for return from additional maternity leave. This notice does not have to be in writing, but you may like to use this form for convenience.

☐ Personal details

Name _____ Address _____

Job title _____ _____

Home tel. _____ _____

☐ Birth details

I plan to return to work before the end of my maternity leave:

Date of intended return _____

.....

signed _____ **date**

Appendix E - Notification of Intention to take Paternity Leave

CONFIDENTIAL

Please return this to your line manager (copy to Human Resources and Payroll & Payments) as early as possible, but no later than 28 days before you intend to take your paternity leave.

☐ Personal details

Employee:		Manager:	
Name	_____	Name	_____
Job title	_____	Job title	_____
Department			
Work tel.	_____		
Post no.	_____		

☐ Your dates for pay and leave

The baby is due on or the **baby was born on**

I'd like my paternity pay & leave to commence on

I'd like to be away from work for

☐ **one week**
☐ **two weeks**

You must be able to tick all three boxes below to get paternity pay and leave:

☐ **I am:** either **the baby's biological father,**
or **married to, or civil *partner* of the mother,**
or **living with the mother in an enduring family relationship, but not an immediate relative.**

☐ **I have responsibility for the child's upbringing**

☐ **I will take time off work to support the mother or care for the child**

---

signed _____ **date**

This page is intentionally left blank

HUMAN RESOURCES & COUNCIL TAX COMMITTEE

28 JULY 2025

REPORT OF ASSISTANT DIRECTOR - PEOPLE

A.3 PEOPLE DEVELOPMENT UPDATE REPORT

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide Members of the Human Resources and Council Tax Committee with an update on the Council's current position regarding the training and development of its workforce.

EXECUTIVE SUMMARY

The aim of this report is to provide Members with an overview of current people development activities across the Council, key achievements, emerging priorities, and future plans. This programme supports our strategic aim to build a skilled inclusive and motivated workforce, whilst ensuring our staff are in the best possible position as we prepare them for the transition through the Local Government Reorganisation (LGR).

The training and development statistics provided within this report are based on the past year, i.e. 1st July 2024 to 30th June 2025. Training identified will be a combination of mandatory training, employees requesting additional support through learning, and managers recommendations for their team members.

Apprenticeships

The Council offers apprenticeship training through the use of our successful Career Track programme, but also through the use of external providers where qualifications need to be gained in specialist areas of work. These currently include:

- Level 2 Leisure Team Member
- Level 2 Horticulture Construction Operative
- Level 2 Digital Marketing
- Level 3 CIPD Learning and Development

Further apprenticeship courses are available through the use of the Government's Apprenticeship Levy. This levy funding was incorporated into law by Part 6 of the Finance Act 2016, and came into effect on 6 April 2017. As a larger employer, the Council is able to access these Government funds for apprenticeships through our Apprenticeship Service Account. This account creates a funding amount through a levy fund based on the Council's pay bill and contributions to HMRC, which we can either:

- Spend on our own apprenticeship training and assessment costs; or
- Transfer up to 50% of the funds to another employer known as levy sharing, or levy transfer.

The Council chooses not to share or transfer the funding available, and ensures that 100% of the levy funding is invested into our own employees through apprenticeship training, and in some cases accesses transferable levy funds from other organisations. There is a dedicated list of apprenticeships which can be accessed using the levy fund, and this information is regularly accessed and shared with managers to ensure the courses are utilised wherever possible.

The Council is committed to making full use of our allocated Government levy fund, with 100% of the available funding actively being invested in workforce development through these available apprenticeships. This approach ensures that resources are being used efficiently to enhance our employees' skills, improving service delivery, and contributing to staff development and retention. The Council remains committed to leveraging every opportunity to support learning and development across its service areas, thus providing cost effective training without impacting Council budgets.

Current reports state that with effect from January 2026 the existing Government levy funding for Level 7 apprenticeships will cease for anyone aged 22 and over. As a result, the Council is ensuring that any employees who would like to undertake one of the funded Level 7 apprenticeships is identified, in order to utilise the levy fund while it is still available.

E-Learning and Development

The Council currently has two e-learning platforms, each offering a variety of online training courses accessible to our staff via the Council's Intranet. The systems are called iHasco and Skillgate, and each platform offers the opportunity for staff to search for relevant training, complete the course online at a time that suits them, and attain a pass mark and for some courses, a certificate. The e-learning platforms allow employees to access high-quality content and enables self-paced learning which can be incorporated into their working day. This is also a cost-effective way to deliver a high number of courses in varying subject areas, to meet the needs of our services across the organisation. This method of training also allows us to monitor and analyse employee engagement and access.

The courses available are easily accessible and support the continuous professional development of our workforce. The iHasco e-learning platform specialises in offering training relating to health, safety and wellbeing, whereas the Skillgate e-learning platform is more focused on improving skills and knowledge.

Skillgate and iHasco are used to deliver our mandatory training courses to our employees, allowing us to ensure we maintain a compliant workforce, remaining up to date with ever-changing legislation and best practice. Employees receive regular email reminders from the e-learning systems until the mandatory courses have been completed.

iHasco E-Learning Data	
Total number of courses completed during this period:	2,635
Total number of different types of courses accessed:	67
Of those, number of mandatory training courses completed: • Sexual Harassment Awareness	606

• Fire Awareness • Essential Health and Safety Training • Environmental Awareness	205 195 138

Skillgate E-Learning Data	
Total number of courses completed during this period:	2,379
Total number of different types of courses accessed:	345
Of those, number of mandatory training courses completed: • Understanding the Safeguarding of Children, Young People and Adults Level 1 and 2 • Equality, Diversity and Inclusivity • Environmental Awareness at Work • Lone Working Safety for Home and Remote Workers	 405 376 369 364

Sponsored Qualification Training

As a Council we actively sponsor our staff to gain professional qualifications aligned with their roles, personal development and aspirations. Through structured training programmes, funding support, and dedicated time for learning, we are able to support our employees in developing their expertise and progress their careers. We are keen to nurture our existing staff through the use of targeted training to enable them to progress within career progression pathways, support succession planning and encourage staff retention.

Sponsored qualification training courses which have either completed in the past year, or are within a current period of study include:

- Msc Environmental Health x 2
- Msc Town and Country Planning x 2
- Access to HE Diploma
- AEA Foundation Course x 3
- Higher Certificate in Food Control
- AAT Level 3
- Level 3 Certificate in Housing x 2
- Level 4 Certificate in Housing
- Msc Emergency Planning
- CIH Housing Certificate in Practice
- Data Protection
- Bsc Access Module x 2
- Level 7 Total Leadership
- PACE Interviewing

All staff have the opportunity to apply to undertake a qualification sponsored by the Council. A Qualification Sponsorship Application Form must be completed and submitted outlining why the qualification is essential for their role, and how undertaking the course will support the strategic and operational priorities. Section A of the application is completed by the employee, outlining how the qualification will support the competencies for their role and benefit their service area.

Section B is completed by the employees Senior Manager or Assistant Director, endorsing how the requested qualification will meet the development needs of the employee and the service objectives.

All requests are considered on the merit of their application, the business need of the Council and the training budget available. Those that are successful enter into a legally binding Training Agreement with the Council. The agreement states that an employee will be asked to reimburse the Council for the training costs should they fail to complete the course, or terminate their employment within 2 years of completion of their qualification. This agreement acts as incentive to gain commitment from the employee whilst protecting public funds.

The Council's current training and development programme plays a vital role in supporting Principle E of the Annual Governance Statement 2023–24: 'Developing the Council's entity, including the capacity of its leadership and the individuals within it'. Through the use of a planned and structured training programme and continuous professional development, the Council ensures that our staff are equipped with the skills, knowledge, and capabilities needed to deliver a high standard of service. This investment in our workforce strengthens the Council's resilience, supports succession planning, and underpins good governance practices across the Council.

Workforce Development

The Council is firmly committed to investing in the growth, capability, and career progression of our workforce. We recognise that empowering staff through continuous training and development is fundamental to continuing to deliver high-quality services and fostering a resilient workforce who feel confident as we prepare for LGR. In addition to e-learning and apprenticeships, the following training courses have been delivered between 1st July 2024 and 30th June 2025:

- Mental Health First Aid Training
- Mental Health First Aid Refresher Training
- Strategic Emergency Management Course
- PLPO Training
- Professional Boundaries Training
- Customer Care Excellence
- Freedom of Information Practical Training
- CSAS Training
- Vehicle Examination Training
- MBTI Team Development for Sports and Leisure
- Effective Complaint Handling
- Mediation Training
- Sexual Harassment Training for Managers

People Strategy Priorities

The Council's People Strategy 2024 – 2029 sets out the Council's aims for the support and development of its staff for the 5-year period. The Strategy aims to compliment the Corporate Plan and the organisations key objectives and priorities.

Workforce Planning

The People Development Manager is currently undertaking one-to-one meetings with Assistant Directors to review their structures, teams, identify critical roles and undertake skills gaps analysis. This review also ensures that career grades are being monitored whilst considering succession planning.

As LGR will be guiding our organisation into a unitary authority over the next 3 years, consideration is being given to this timescale when considering the length of qualification training courses and career progressions.

In response to ongoing recruitment challenges in key service areas such as Planning and Environmental Health, the Council is committed to a 'grow our own' approach to reduce our dependency on agency staff. The use of external agencies can be a drain on corporate budgets, and by investing in our people, we aim to build a more stable, skilled, and cost-effective workforce that can meet the longer-term needs of the organisation. It is therefore essential that where Career Grade Schemes are linked to a specific job role, that the employee in post is encouraged through their performance appraisals, to develop their skills and qualifications to progress through the grade range.

Career Grade Schemes are widely used through the organisation, empowering our staff to grow within their roles whilst increasing their contribution to their service. There are currently 389 posts across the Council which have Career Grades Schemes attached to the job description and grade range. The schemes link clear criteria, through either gaining additional competencies and skills or by gaining qualifications, to motivate staff to continuously improve and progress. Offering clear pathways of career advancement, encourages staff to work towards their own progression within their roles, and encourages staff retention. This approach not only motivates and retains talent, but also helps to cultivate the next generation of local government officers and leaders.

Future Initiatives

It is essential that over the next 3 years, we continue to work closely with senior management to create a skilled and resilient workforce, who are able to react positively to the impending changes in Local Government. By promoting continuous learning and development, we aim to prepare employees for the evolving roles and opportunities ahead, ensuring that as an organisation, our workforce are able to adapt to the changes, whilst being attentive to staff welfare as we support them through any transitional challenges.

Through the use of Career Grade Schemes and continued investment in skills and qualifications, we aim to improve staff retention, reduce turnover, retain talent and increase loyalty. We aim to ensure that staff, with the potential to progress, are given those opportunities, within our financial parameters.

RECOMMENDATION(S)

It is recommended that:

(a) The content of this People Development Update report be noted.

REASON(S) FOR THE RECOMMENDATION(S)

To ensure the Human Resources and Council Tax Committee remain updated on the corporate training and development of our workforce. Providing regular updates will allow Members to gain a greater understanding of career progression, training available, succession planning and preparation for LGR.

ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options to be considered as this report provides an update for Members.

It is good practice to ensure Members of the Human Resources and Council Tax Committee remain updated on our corporate staff training and development, to assist them in making informed decisions regarding the Council's workforce.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

A revised Corporate Plan and Vision was approved by Full Council at its meeting on 28 November 2023. One of the six included themes is Financial Sustainability and Openness, with a commitment to continue to deliver effective services and get things done whilst looking after the public purse; that means carefully planning what we do, managing capacity and prioritising what we focus our time, money and assets on.

The Council's People Strategy 2024-2029 underpins the Council's priorities by ensuring that:

- the organisation complies with the legislative and best practice requirements for employment;
- managers are appropriately knowledgeable and skilled in people management in addition to their professional expertise;
- Human Resources and Organisational Development practitioners are appropriately skilled and qualified to provide professional advice and guidance on operational and strategic development and practice;
- the behaviours valued by the organisation are clear and demonstrated in practice. These behaviours include acting with integrity, honesty, respect, professionalism, inclusion, collaboration, innovation, personal, and mutual accountability.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The Human Resources & Council Tax Committee has responsibility for the discharge of Part II – miscellaneous functions as set out in Schedule 1 to the Local Authorities (*Functions and Responsibilities)* (*England*) Regulations 2000 (*as amended*) and as detailed in Appendix 1 to Part 3 of the Constitution; including the 'decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers'.

It is therefore important that the Committee are provided with regular updates regarding the training and development of the Council's workforce, to assist Members in making informed decisions regarding the Council's workforce.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Any training courses requested and delivered will be approved in line with the allocated Organisational and Development annual budget. The People Development team will ensure that the Council continues to utilise the funding available via the Government Levy to fund the delivery of relevant apprenticeship courses.

USE OF RESOURCES AND VALUE FOR MONEY

The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 ("the 1999 Act") to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services and secure value for money in all spending decisions.

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	To support financial sustainability, the Council manages resources efficiently to ensure safe, effective service delivery. Any training requests are carefully considered and monitored to ensure delivery and costs sit within the allocated budget framework.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Council ensures strong governance through informed decision-making, effective risk management, and alignment with legal requirements. Legally binding Training Agreements are in place where qualification training has been sponsored by the Council. This minimises the financial risk, and allows the Council to claim back training costs should the employee fail to complete the qualification or terminate their employment with the Council within 2 years of completion of the qualification.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Council uses data and performance insights to enhance service delivery. The People Development function works to ensure that 100% of the available Government Levy is utilised to deliver apprentices to the Council's workforce.

MILESTONES AND DELIVERY

The Workforce Data Report will follow the timeline below:

- Management Team – 15 July 2025
- Human Resources and Council Tax Committee – 28 July 2025

ASSOCIATED RISKS AND MITIGATION

This report provides an update on the training and development of our staff. Part of that delivery is through the use of sponsored qualification training, which requires a financial investment by the Council over a period of up to 4 years. This poses a risk through providing a financial investment where the employee may either fail to complete the course, or might terminate their employment within 2 years after the qualification has been gained. This risk is mitigated through the use of a legally binding Training Agreement that the employee enters into with the organisation, prior to funding being committed. This allows the Council to reclaim funds which have been paid to cover the qualification training costs.

Mitigating such risks supports the Council's legal compliance, employee retention, and operational resilience.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The People Development team work closely with the local UNISON Branch Executive to ensure staff are afforded equal access to training, development and career progression.

EQUALITIES

Section 149 of the Equality Act 2010 establishes the Public Sector Equality Duty (PSED), which requires public authorities, including the Council, to have due regard to the need to:

(a) Eliminate unlawful discrimination, harassment, victimisation, and other conduct prohibited by the Act.
(b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
(c) Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

The protected characteristics under the Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Marriage and civil partnership is also a protected characteristic, but it is only relevant to the duty to eliminate unlawful discrimination.

The Council is committed to being an inclusive and supportive employer in all its people practices, and raising awareness within its workforce with 376 employees undertaking Equality, Diversity and Inclusivity training, and 606 completing the Sexual Harassment Awareness training in the past year.

SOCIAL VALUE CONSIDERATIONS

Social Value is defined through the Public Services (Social Value) Act 2012 and requires all public sector organisations (and their suppliers) to look beyond the financial cost of a contract

and consider how the services they commission and procure might improve the economic, social and environmental well-being of an area.

The People Development Update report outlines how the organisation works positively to promote growth and development opportunities within our workforce, whilst ensuring staff have access to opportunities to improve and develop their knowledge and skills.

IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

By undertaking skills gaps analysis, monitoring career grade progressions and promoting training and development, the People Development team are working closely with Assistant Directors to ensure their teams are in the best possible position, as we transition through the implementation of LGR in Greater Essex.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

Consideration has been given to the Councils aim to be net zero by 2050, and there is no direct implication related to the content of this report.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	Not applicable
Health Inequalities	By encouraging staff development and employee retention using inclusive practices, this report supports fairness across the workforce.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	This report does not involve the provision of financial assistance or confer any economic advantage to external organisations; therefore, subsidy control considerations are not applicable in this instance.
Area or Ward affected	Not Applicable

ANY OTHER RELEVANT INFORMATION

None.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

In line with the Council's People Strategy and the corporate objectives, this People Development Update report aims to provide transparency, foster accountability, and ensure

alignment between workforce development initiatives and the Council's service delivery priorities.

As we navigate a period of organisational change and transformation approaching LGR, it is essential that Members are fully informed of how staff development, training investment, and talent management strategies are being implemented. This report updates Members on the training and development delivery over the past year, being the period of the 1st July 2024 to 30th June 2025, including:

- e-learning courses
- mandatory compliance training courses
- sponsored qualification training
- development training courses
- apprenticeships

The focus of people development is to strengthen the Council's capacity, retain critical skills, and support staff wellbeing.

The Committee's oversight ensures that people development remains a strategic priority and is responsive to both internal workforce needs, and the broader challenges facing the Council over the next 3 years.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Workforce Update Reports have been previously submitted to the Human Resources and Council Tax Committee, and further People Development Update reports will be provided on a regular basis to ensure Members remain updated and informed.

A Workforce Update Report was submitted at the meeting of the Human Resources and Council Tax Committee on 24th February 2025, which outlined the Councils current workforce statistics compared to National averages and those within the Tendring District. This report provided a detailed breakdown of the Council's employee profile, and as a result this data has not been included within the People Development Update report.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

APPENDICES

None.

REPORT CONTACT OFFICER(S)	
Name	**Marcia Fuller**
Job Title	**People Development Manager**
Email/Telephone	**mfuller@tendringdc.gov.uk**