



PETERLEE TOWN COUNCIL

Date of Issue: 28<sup>th</sup> May 2019

**A MEETING OF THE RESOURCES COMMITTEE WILL BE HELD ON MONDAY 3<sup>rd</sup> JUNE 2019 IN THE COUNCIL CHAMBER SHOTTON HALL, PETERLEE, SR8 2PH at 6.30pm**

Mr I Morris M.C.I.H., P.S.L.C.C.

Town Clerk

### **A G E N D A**

**Members of the Committee and members of the public are reminded that the public part of the meeting may be recorded in both audio and video, and photographs may be taken.**

1. Apologies for Absence

Members are cordially invited to inform the Deputy Town Clerk of their apologies as soon as practicable.

2. Internal Audit

(i) Internal Audit Progress Report

(ii) Internal Audit Annual report 2018/19

To welcome Mr Stephen Carter Audit & Fraud Manager, DCC to the meeting to present his reports (attached)

3. To receive declarations of interest

Members are reminded of the need to disclose any interests in items on this agenda,

whether pecuniary or otherwise. Please seek advice from the Town Clerk or Deputy Town Clerk prior to the meeting if in doubt.

Members are reminded that they can check their published declaration of interests here: <https://bit.ly/2wVyeLA>

4. To approve the minutes of the previous meeting

Members are recommended to approve the minutes of the previous meeting of the Resources Committee on Monday 1<sup>st</sup> April 2019 as a true and correct record, subject to the following amendments being made:-

Minute Number 86 – Twinning Visit July 2019

Councillor had asked that it be recorded in the minutes that she did not support guests being accommodated in a unit at Whitehouse Court and was concerned at the safeguarding arrangements. **RESOLVED this be included in the minute.**

(Minutes of previous meeting, copy attached)

5. Audit 2018/19

Members will be presented with a copy of the final accounts and Annual Governance & Accountability Return, and Annual Governance Statement prior to submission to Council in June 2019

(report of the Town Clerk, copy to follow)

6. 2018/19 Outturn budget

Report of the Town Clerk (copy to follow)

7. Report of the Finance Sub Committee of the 23<sup>rd</sup> May 2019

Members are requested to note the payments approved at the meeting of this sub committee.

(Minutes of the Finance Sub Committee attached)

8. Neighbourhood Engagement Project

(i) **Application for funding:-**

Peterlee Martial arts, Karate Club requesting £300.00

**Powers used:- Under the power of GPC, The Localism Act 2018, as 1-8.**

**(ii) concessionary use**

- Alice House, Fund Raising Event to be held on 8<sup>th</sup> November 2019, Shotton Hall Banqueting Suites
- Apollo Birthday Party Celebrations, 16<sup>th</sup> July 2019, Shotton Hall Banqueting Suites (contingency plan)

9. Bogey Derby at Woodhouse Park

Members will be presented with proposals to host a Bogey Derby at Woodhouse Park in September 2019 and agree suitable budget provision  
(verbal report/presentation of the Chair of Resources and Town Clerk)

10. Land on Essington Way, to the rear of Easington Tyre & Auto

Members will receive an update on the proposed sale of Town Council land to the rear of Easington Tyre and Auto Centre  
(Report of the Deputy Town Clerk, attached)

11. Youth Council

Councillor K Hawley has submitted the following notice of motion “if the Council will consider the establishment of a Youth council partnership with the local schools”.

12. Members Training

Councillor Hawley has submitted the following notice of motion for consideration “food hygiene training be provided for volunteers where they may be working with food at Town Council activities”.

13. Maternity, Paternity, Adoption & Surrogacy Policy

To consider and approve for adoption the maternity, paternity, adoption and surrogacy policy.  
(Report of the Corporate Services Manager attached)



## RESOURCES COMMITTEE

03 June 2019

## INTERNAL AUDIT PROGRESS REPORT

### REPORT OF THE HEAD OF INTERNAL AUDIT

#### Purpose of the Report

1. The purpose of this report is to advise Members on work undertaken by Internal Audit between 01 April 2018 and 31 March 2019 with coverage provided in accordance with our agreed SLA. The report aims to:
  - Provide a high level of assurance, or otherwise, on internal controls operating across the Authority that have been subject to audit.
  - Advise the Committee of significant issues where controls need to improve to effectively manage risks.
  - Advise the Committee of any amendments to the approved Internal Audit plan.
  - Advise the Committee of changes to audit processes and terminology.
  - Track progress on the response to internal audit reports and the implementation of agreed internal audit recommendations.
  - Provide an update on our performance indicators comparing actual performance against planned.
  
2. The appendices attached to this report are summarised below. Those marked with an asterisk are considered as being not for publication (Exempt information under Part 3 of Schedule 12a to the Local Government Act 1972, paragraph 3).
 

Appendix 1	Risks and Implications
Appendix 2	Progress against the Internal Audit Plan
Appendix 3	Internal Audit Performance Indicators
Appendix 4*	Overdue Actions

#### Progress against planned work

3. A summary of the agreed plan showing the status of each audit as at 31 March 2019 is attached at Appendix 2.
4. The Appendix shows that eight reviews are scheduled to be completed in 2018/19, of these:
  - Seven assurance reviews are complete (final report); and
  - One advice and consultancy review is complete.
5. Assurance reviews incorporate a consideration of the Council's Risk and Governance arrangements within each activity inspected.
6. The assurance level, if applicable, for each piece of work where a final report has been issued is shown in Appendix 2.

## Advice and Consultancy

7. In addition to the Assurance work undertaken, Internal Audit has provided Advice and Consultancy support to the Council on an ad-hoc basis during the financial year which included a review of Safe and Cash arrangements in place at Shotton Hall and the Pavilion and a response to a query from the Town Clerk in relation to the Council's debt write off arrangements.

## Amendments to Annual Audit Plan

8. No amendments to the annual audit plan have been agreed this period.

## Outstanding management response to draft reports

9. There are no management responses to outstanding Draft Reports overdue.

## Response to Audit Recommendations

10. To provide independent assurance that adequate progress is made in the implementation of agreed recommendations at the appropriate service operational level, all high and medium recommendations contained within the action plans of individual audit reports are followed up by internal audit. In addition, listings of all recommendations outstanding at the end of each quarter are produced and issued to the Town Clerk to assist the Council in its own internal monitoring processes.
11. To allow the progress made at an operational level to be tracked and monitored, the numbers of all recommendations made arising from each audit complete, and evidenced as implemented, are shown in Appendix 2. It should be noted that Internal Audit will not follow up Best Practice matters raised.
12. A summary of outstanding audit recommendations i.e. those not implemented within original agreed or revised target dates, as evidenced through Internal Audit follow up, is given in the table below:

Risk	Actions	Total	Implemented			Overdue	Target	Overdue
Category	Raised	Due	(Due)	(Not due)	Total	Original	Revised	Revised
<b>2017/18</b>								
High	0	0	0	0	0	0	0	0
Medium	20	20	18	0	18	2	0	0
<b>Total</b>	<b>20</b>	<b>20</b>	<b>18</b>	<b>0</b>	<b>18</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>2018/19</b>								
High	3	3	3	0	3	0	0	0
Medium	26	20	20	0	20	0	0	0
<b>Total</b>	<b>29</b>	<b>23</b>	<b>23</b>	<b>0</b>	<b>23</b>	<b>0</b>	<b>0</b>	<b>0</b>

13. There are two Medium priority recommendations overdue against original target implementation dates. Revised target dates have been agreed in both cases with no recommendations overdue. Details of the two overdue recommendations are shown in Appendix 4.

***Unplanned work carried out this quarter***

14. There has been no unplanned activity carried out during the period.

***Reports issued with a Limited Assurance Opinion***

15. There were no reports issued in the period that resulted in a Limited Assurance Opinion.

**Performance Indicators**

16. A summary of target performance indicators is given in Appendix 3.

**Recommendation**

17. Members are asked, when deliberating over the content of the report, to:
- consider the outturn position on progress made in delivering the internal audit plan for 2018/19 together with that made by managers in responding to the work of internal audit to gain assurance on the adequacy and effectiveness of the internal control environment.

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**Stephen Carter, Audit and Fraud Manager, Tel: 03000 269665**

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## **Appendix 1: Risks and Implications**

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### **Finance -**

The programme of work undertaken by Internal Audit supports the Council in maintaining safe and efficient arrangements for the proper administration of its financial affairs

### **Staffing –**

None

### **Risk -**

None

### **Equality and Diversity / Public Sector Equality Duty -**

None

### **Accommodation -**

None

### **Crime and Disorder -**

None

### **Human Rights -**

None

### **Consultation -**

None

### **Procurement -**

None

### **Disability Issues -**

None

### **Legal Implications -**

None

### **Other Risks**

Control risks identified / considered in relation to reviews undertaken

## Appendix 2: Summary of the status of work undertaken and recommendations made and implemented

INTERNAL AUDIT SERVICES				High		Medium		Best Practice
Reviews	Schedule	Status	Opinion	M	I	M	I	M
<b>Corporate Governance Risks</b>								
Corporate Governance Arrangements	Q1-4	Complete	N/A					
Risk Management Arrangements	Q1-4	Complete	N/A					
<b>Financial Management</b>								
Core Financial Systems	Q2	Final Report	Moderate			4	4	
Pavilion – Income Collection and Banking	Q4	Final Report	Moderate			7	1	3
Parks	Q3	Final Report	Limited	3	3	1	1	1
Cemetery Management	Q2	Final Report	Substantial			2	2	1
Leisure Gardens – Follow Up	Q1	Final Report	Moderate			1	1	
<b>Unplanned Activities</b>								
Shotton Hall and Pavilion Safe and Cash Arrangements (Advice & Consultancy)	Q1	Final Report	N/A			11	11	
<b>Management</b>								
Audit Planning and Reporting	Q1-4	Complete	N/A					
<b>Total</b>				<b>3</b>	<b>3</b>	<b>26</b>	<b>20</b>	<b>5</b>

Note: For the purposes of performance reporting, the revised action raised in relation to the Leisure Gardens – Follow Up review is being tracked as issued in 2018/19.



## Appendix 3 Performance Indicators for 2018/19

<b>Efficiency</b>			
<b>Objective: To provide maximum assurance to inform the annual audit opinion</b>			
<b>KPI</b>	<b>Measure of Assessment</b>	<b>Target &amp; (Frequency of Measurement)</b>	<b>Actual</b>
Planned audits completed	% of planned assurance work from original approved plan complete to draft report stage as at 31 March 2019	90% (Quarterly)	100% (8 out of 8 reviews completed)
Timeliness of Draft Reports	% of draft reports issued within 30 calendar days of end of fieldwork/closure interview Average time taken is also reported for information	90% (Quarterly)	100% (6 reports issued) 4 days
Timeliness of Final Reports	% of final reports issued within 14 calendar days of receipt of management response Average time taken is also to be reported for information	95% (Quarterly)	100% (6 reports issued) 1 day
Terms of Reference	% of TOR's agreed with key contact in advance of fieldwork commencing	95% (Quarterly)	100% (6 TORs issued)
<b>Quality</b>			
<b>Objective: To ensure that the service is effective and adding value</b>			
<b>KPI</b>	<b>Measure of Assessment</b>	<b>Target &amp; (Frequency of Measurement)</b>	<b>Actual</b>
Recommendations agreed	% of Recommendations made compared with recommendations accepted	95% (Quarterly)	100% (34 accepted out of 34 made)
Post Audit Customer Satisfaction Survey Feedback	% of customers scoring audit service good or above (3 out of 5) where 1 is poor and 5 is very good Average score is also reported for information	100% (Quarterly)	100% (6 out of 6 returned) Overall average score 4.82
Customers providing feedback Response	% of Customer returning satisfaction returns	70% (Quarterly)	100% (6 returns from 6 surveys issued in 2018/19)

## RESOURCES COMMITTEE

03 June 2019

### INTERNAL AUDIT ANNUAL REPORT 2018/19



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## REPORT OF THE HEAD OF INTERNAL AUDIT

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### Purpose of the Report

1. The purpose of this report is to present the Annual Internal Audit Report for 2018/19, which is attached as Appendix 2.

### Background

2. This report fulfils the requirements of Public Sector Internal Audit Standards (PSIAS) and the CIPFA Local Government Application note for the Chief Internal Auditor and Corporate Fraud Manager to deliver an annual audit opinion and report that can be used by the Committee to inform its Annual Governance Statement.
3. The Annual Opinion makes conclusions on the overall adequacy and effectiveness of the Council's Framework of governance, risk management and control.
4. Based on work undertaken the Chief Internal Auditor and Corporate Fraud Manager is able to provide a Moderate overall assurance opinion on the adequacy and effectiveness of internal control operating across the Council in 2018/19.
5. This Moderate opinion identifies that whilst there is basically a sound system of control, there are some weaknesses, which expose objectives to risk.
6. There are no adverse implications for the Annual Governance Statement arising from any of the work that Internal Audit has undertaken in 2018/19. All of the risks raised within Internal Audit reports have been accepted. Internal Audit's recommendations, or alternative proposed actions made by Management in response to the risk issues, have been agreed to be implemented. Full implementation of the agreed actions will realise the benefits of the control improvements detailed in each individual audit report. Internal Audit will follow up the implementation of its recommendations, or any agreed alternative actions, with the relevant responsible officers, as soon as is practically possible, after the target implementation dates. Progress on the implementation of audit recommendations will be reported through to this Committee in future reports on Internal Audit work.

### Recommendation

7. Members consider the content of the Annual Internal Audit Report and the overall 'Moderate' opinion provided on the adequacy and effectiveness of the Council's control environment for 2018/19.

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## **Appendix 1: Risks and Implications**

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### **Finance**

The broad programme of work undertaken by Internal Audit supports the Council in maintaining safe and efficient arrangements for the proper administration of its financial affairs.

### **Staffing**

None

### **Equality and Diversity**

None

### **Accommodation**

None

### **Crime and Disorder**

None

### **Children's Act 2004**

None

### **Stakeholder/Community Engagement**

None

### **Environment**

None

### **Collaboration and Partnerships**

None

### **Value for Money and Productivity**

None

### **Potential Impact on Police and Crime Plan Priorities**

Compliance with Public Sector Internal Audit Standards

### **Other risks**

Control risks identified / considered in relation to reviews undertaken

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## **Internal Audit Annual Report 2018-2019**

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### **Appendices**

Appendix A	Performance Indicators
Appendix B	Key Advice and Consultancy Work Undertaken
Appendix C	Assurance Opinion Methodology
Appendix D	Summary of Assurance Work

## **Introduction**

1. This report summarises work carried out by Durham County Council Internal Audit and Risk Service during 2018/19, as part of the three year Service Level Agreement covering the provision of Internal Audit Services up to 31 March 2019.
2. The report provides assurance on the effectiveness of the Council's control environment, risk management and corporate governance arrangements in place during the year.
3. The requirement for an internal audit function is implied by Section 151 of the Local Government Act 1972 which requires all relevant bodies to, "make arrangements for the proper administration of their financial affairs and ensure that one of its officers has responsibility for the administration of those affairs".
4. The Accounts and Audit Regulations 2015 require those bodies to "undertake an adequate and effective system of internal audit of its accounting records and its system of internal control in accordance with the proper practices in relation to internal control".
5. All Internal Audit work carried out in 2018/19 was in accordance with proper internal audit practices as described within the Public Sector Internal Audit Standards (PSIAS) as revised from 01 April 2017.
6. This report fulfils the requirements of PSIAS and the CIPFA Local Government Application Note for the Chief Internal Auditor and Corporate Fraud Manager to deliver an annual audit opinion and a report that can be used by the Committee to inform its Annual Governance Statement.
7. The report sets out:
  - The annual internal audit opinion on the overall adequacy and effectiveness of the governance, risk and control framework (the control environment).
  - A summary of the audit work carried out from which the opinion is derived.
  - Details of the quality assurance arrangements in place during 2018/19.

## **Service Provided and Audit Methodology**

8. Internal Audit is an independent, objective assurance and consultancy activity designed to add value and improve an organisation's operations.
9. The primary objective of Internal Audit is to provide an independent and objective opinion on the Council's control environment which is comprised of the systems of governance, risk management and internal control.
10. The audit strategy to provide independent assurance, is summarised as follows:
  - To carry out planned assurance reviews of the effectiveness of the management of operational risks in all key service activities/systems.
  - To carry out assurance reviews of the management of strategic risks where the effective management of risk is heavily dependent on identified controls.
  - To carry out annual reviews of key risks where a high level of assurance is required to demonstrate the continuous effectiveness of internal controls, for example those associated with key financial and non-financial systems.
  - To use a Control Risk Assessment (CRA) methodology to focus audit resources on providing assurance on key controls where there is little or no other independent assurance on their adequacy or effectiveness.

## **Types of Audit Work Carried Out in 2018/19**

### **Assurance Reviews**

11. Assurance reviews are those incorporated into annual audit plans where the CRA methodology is to be applied. They also include service requests to provide assurance on more specific risks within a particular service activity.
12. On completion of each assurance review an opinion on the adequacy and / or the effectiveness of the control framework in place is provided to inform the annual audit opinion.
13. The audit methodology for arriving at audit opinions on individual assurance reviews is attached at **Appendix C**.

### **Advice and Consultancy Work**

14. In addition to planned assurance reviews, provision may also be made in annual audit plans to support service managers by undertaking advice and consultancy type work. The outcomes from this work can also provide assurance on the control framework even though an assurance opinion is not provided on the completion of this work.

### **Counter Fraud Work**

15. Provision is made within audit reviews undertaken to support service managers at an operational level to mitigate the strategic risk of fraud and corruption. Control weaknesses identified when fraud is suspected or proven also impacts on the overall opinion on the adequacy and effectiveness of the internal control system.

## Audit Quality Assurance framework

16. The Internal Audit performance and quality framework reflects the requirements of the PSIAS.
17. Key elements of the quality assurance framework operating during 2018/19 include:
  - Independent quality reviews undertaken by Audit and Fraud Managers as a matter of routine and periodically by the Chief Internal Auditor and Corporate Fraud Manager to ensure consistent application of agreed processes and procedures and to ensure expected quality standards are maintained.
  - Key contacts, determined by the Council, agree the Terms of Reference for each audit review and are able to challenge the findings and content of draft reports prior to them being finalised.
18. A summary of performance against agreed indicators is given in **Appendix A**.
19. As at the 31 March 2019, the % of planned work completed indicated that the service achieved 100% of the audit plan against a 90% target.
20. The Accounts and Audit Regulations 2015 requires that an annual review of the effectiveness of Internal Audit is carried out. The outcome of the review is reported to Committee.
21. The County Council's Audit Committee at its meeting on 29 June 2018 received an evaluation, in the form of a self-assessment carried out by the Chief Internal Auditor and Corporate Fraud Manager, with regards to compliance with the key elements of the PSIAS that considered the following matters:
  - The structure and resourcing level, including qualifications and experience of the audit team;
  - The extent of conformance with the PSIAS in producing quality work;
  - Ensuring audit work was successfully delivered in the most appropriate areas on a prioritised (risk) basis;
  - The overall performance of the Internal Audit team.
22. For 2017/18, this demonstrated that the Section was conforming to the Code's requirements.
23. A self-assessment for 2018/19 is currently being undertaken against the PSIAS and whilst no issues have been identified at the time of writing this report, the final outcome of the review will be reported to County Council's Audit Committee at its meeting on 28 June 2019.



## **Summary of audit work carried out**

### ***Assurance Work***

24. Our work programme for the year was determined by the approved Internal Audit Plan. The assurance opinion takes in account the individual opinions provided across all reviews undertaken in year, together with the most recent opinion for those activities not included in the plan in order to provide a better informed opinion on the entire control environment, a summary of which is attached at **Appendix D**.

### ***Advice and Consultancy Work***

25. All planned reviews are designed to add value as they provide independent assurance, through evaluation and challenge, on the adequacy and effectiveness of arrangements in place to manage risks. This evaluation and challenge supports the effective and efficient use of resources and VFM.
26. Through our advice and consultancy work we are able to add value pro-actively and reactively.
27. Reactive work involves responding to ad-hoc requests for advice and reviews added to the plan to address new or emerging risks. It also includes responding to potential fraud or irregularities and we ensure that all such incidents are properly investigated and that appropriate action is taken by managers, whether or not fraud or malpractice is proven.
28. A summary of key advice and consultancy work completed during the year is attached at **Appendix B**

### **Key Areas for Opinion**

29. The key areas of the control environment where assurance is required to inform our overall opinion are:
  - Financial Management
  - Risk Management
  - Corporate Governance
30. Assurance has been provided on some aspects of key financial systems during the year. Reviews undertaken considered creditors, debtors, income collection and banking, payroll, main accounting and budgetary control. A review of financial arrangements for bar and catering activities at Shotton Hall was also undertaken.
31. Assurance reviews incorporate a consideration of the Council's Risk and Governance arrangements within each activity inspected.

## **Audit Opinion Statement**

32. The Council has responsibility for maintaining a sound system of internal control that supports the achievement of its objectives.
33. Internal Audit is required to provide an opinion on the Council's risk management, control and governance process.
34. In giving this opinion it should be noted that assurance can never be absolute and therefore only reasonable assurance can be provided that there are no major weaknesses in these processes.
35. In assessing the level of assurance to be given, we based our opinion on:
  - All audits undertaken during the year
  - Follow up action on audit recommendations
  - Any significant recommendations not accepted by management and the consequent risk
  - Limitations which may have been placed on the scope of the internal audit
  - Reliability of other sources of assurance when determining the scope of audit reviews.
36. We are satisfied that sufficient Internal Audit work has been undertaken to allow us to draw a reasonable conclusion as to the adequacy and effectiveness of the Council's system of internal control.
37. Based on work undertaken the Chief Internal Auditor and Corporate Fraud Manager is able to provide a Moderate overall assurance opinion on the adequacy and effectiveness of internal control operating across the Council in 2018/19.
38. This Moderate opinion identifies that whilst there is basically a sound system of control, there are some weaknesses, which expose objectives to risk.
39. Where Internal Audit has identified areas for improvement, recommendations are made to minimise the level of risk, and action plans for their implementation were drawn up and agreed by management. Whilst the % of actions implemented within target dates is high, in many cases there is a time gap between a control weakness being reported and the date determined by management for when the action can practically and realistically be implemented. Consequently, the added assurance provided on implementation cannot always be recognised and evidenced in arriving at our overall annual assurance opinion. Work is ongoing with management with regard to timely and realistic implementation dates for actions being agreed.

## PERFORMANCE INDICATORS

<b>Efficiency</b>		<b>Objective: To provide maximum assurance to inform the annual audit opinion</b>	
<b>KPI</b>	<b>Measure of Assessment</b>	<b>Target &amp; (Frequency of Measurement)</b>	<b>Q4 Actual</b>
Planned audits completed	% of planned assurance work from original approved plan complete to draft report stage as at 31 March 2019.	90% annually	100% (8 out of 8 reviews complete)
Timeliness of Draft Reports	% of draft reports issued within 30 Calendar days of end of fieldwork/closure interview Average time taken is also reported for information	90% (Quarterly)	100% (6 out of 6 reports issued) 4 days average
Timeliness of Final Reports	% of final reports issued within 14 calendar days of receipt of management response Average time taken is also reported for information	95% (Quarterly)	100% (6 out of 6 reports issued) 1 day average
Terms of Reference	% of TOR's agreed with key contact in advance of fieldwork commencing	95% (Quarterly)	100% (6 out of 6 TOR's issued)
<b>Quality</b>		<b>Objective: To ensure that the service is effective and adding value</b>	
<b>KPI</b>	<b>Measure of Assessment</b>	<b>Target &amp; (Frequency of Measurement)</b>	
Recommendations agreed	% of Recommendations made compared with recommendations accepted	95% (Quarterly)	100% (34 out of 34 recommendations accepted)
Post Audit Customer Satisfaction Survey Feedback	% of customers scoring audit service good or above (3 out of 5) where 1 is poor and 5 is very good Average score is also reported for information	100% (Quarterly)	100% (6 out of 6 returns) Average score 4.82
Customers providing feedback Response	% of Customer returning satisfaction returns	70% (Quarterly)	100% (6 returns from 6 surveys issued in 2018/19)

**ADVICE AND CONSULTANCY WORK UNDERTAKEN IN 2018/2019**

**Shotton Hall and Pavilion Safe and Cash Arrangements**

At the request of the Town Clerk an advice and consultancy audit was added to the 2018/19 Audit Plan in order to evaluate the Safe and Cash arrangements in place at Shotton Hall and the Pavilion. The audit focused on the arrangements within the following areas:

- Pavilion Reception
- Pavilion Bistro
- Pavilion Bar
- Shotton Hall Bar
- Shotton Hall Finance Office

**Debt Collection**

Internal Audit provided a response to a query from the Town Clerk in relation to the Council's debt write off arrangements.

## ASSURANCE OPINION METHODOLOGY

### Findings

Individual findings are assessed on their impact and likelihood based on the assessment rationale in the tables below:

Impact Rating	Assessment Rationale
<b>Critical</b>	<b>A finding that could have a:</b>
	<b>Critical</b> impact on operational performance (Significant disruption to service delivery)
	<b>Critical</b> monetary or financial statement impact (In excess of 5% of service income or expenditure budget )
	<b>Critical</b> breach in laws and regulations that could result in significant fine and consequences (Intervention by regulatory body or failure to maintain existing status under inspection regime)
	<b>Critical</b> impact on the reputation of the Council (Significant reputational damage with partners/central government and/or significant number of complaints from service users)
	<b>Critical</b> impact on the wellbeing of employees or the public (Loss of life/serious injury to employees or the public)
<b>Major</b>	<b>A finding that could have a:</b>
	<b>Major</b> impact on operational performance (Disruption to service delivery)
	<b>Major</b> monetary or financial statement impact (1-5% of service income or expenditure budget )
	<b>Major</b> breach in laws, regulations or internal policies and procedures (non compliance will have major impact on operational performance, monetary or financial statement impact or reputation of the service)
	<b>Major</b> impact on the reputation of the service within the Council and/or complaints from service users
<b>Minor</b>	<b>A finding that could have a:</b>
	<b>Minor</b> impact on operational performance (Very little or no disruption to service delivery)
	<b>Minor</b> monetary or financial statement impact (less than 1% of service income or expenditure budget )
	<b>Minor</b> breach in internal policies and procedures (non compliance will have very little or no impact on operational performance, monetary of financial statement impact or reputation of the service)

Likelihood	Assessment criteria
<b>Probable</b>	Highly likely that the event will occur (>50% chance of occurring)
<b>Possible</b>	Reasonable likelihood that the event will occur (10% - 50% chance of occurring)
<b>Unlikely</b>	The event is not expected to occur (<10% chance of occurring)

## Overall Finding Rating

This grid is used to determine the overall finding rating.

LIKELIHOOD			
Probable	M	H	H
Possible	L	M	H
Unlikely	L	L	M
	Minor	Major	Critical
	<b>IMPACT</b>		

## Priority of our recommendations

We define the priority of our recommendations arising from each overall finding as follows;

<b>High</b>	Action required, that is considered <b>imperative</b> , to improve the control environment so that objectives are not exposed to unacceptable risks through lack of or weaknesses in critical or key controls.
<b>Medium</b>	Action required to improve the control environment so that objectives are not exposed to risks through weaknesses in controls.
<b>Best Practice</b>	The issue merits attention and its implementation will enhance the control environment.

## Overall Assurance Opinion

Based upon the ratings of findings and recommendations arising during the audit as summarised in the risk matrix above we define the overall conclusion of the audit through the following assurance opinions:

<b>Substantial Assurance</b>	There is a sound system of control. Any weaknesses identified expose some of the system objectives to minor risk.
<b>Moderate Assurance</b>	Whilst there is basically a sound system of control, there are some weaknesses, which expose objectives to risk.
<b>Limited Assurance</b>	There are weaknesses in key areas in the system of control, which expose objectives to unacceptable levels of risk.

				APPENDIX D
SUMMARY OF ASSURANCE WORK CARRIED OUT				
Audit Area				Latest Opinion
<b>Core Financial Systems</b>				2018/19
Creditors				
Debtors				
Income collection and banking				
Payroll				
Main accounting and budgetary control				
Pavilion - Income Collection and Banking				2018/19
Parks				2018/19
Leisure Gardens (Follow Up)				2018/19
Shotton Hall Bar and Catering				2017/18
Capital				2017/18
Activities and Events				2017/18
Cemetery				2018/19
Assurance Opinion	Substantial	Moderate	Limited	
Key				

**THE MINUTES OF THE MEETING OF THE  
RESOURCES COMMITTEE HELD IN THE COUNCIL CHAMBER, SHOTTON HALL,  
PETERLEE ON MONDAY 1<sup>st</sup> APRIL 2019 AT 6.30PM**

**PRESENT:-** COUN A WATSON (CHAIR)

**Mesdames:-** L Fenwick, K Liddell, K Hawley, S Simpson,  
K J Duffy, S McDonnell & M A Cartwright

**Messrs:-** C Watkins, G Carne, S Miles, A Wilkinson & S Meikle

78. Apologies for Absence  
Apologies had been submitted and accepted from Councillors A C Long, T Duffy, S McGlen & R Moore. **RESOLVED the Council approve the reasons submitted at the meeting for absence received from the Councillors listed, and their apologies for absence be recorded.**
79. To receive declarations of interest  
Members were reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. No declaration of interests were received.
80. The Minutes of the Last Meeting  
Members approved the content of the draft minutes as a true and correct record of the last meeting of this Committee held on 4<sup>th</sup> March 2019.
81. Report of the Finance Sub Committee of the 27th March 2019, a copy of which had been circulated to each Member, was agreed.
82. The Minutes of the Consultative Joint Health & Safety Committee held on 18<sup>th</sup> March 2019  
Members noted the content of the draft minutes of the last meeting of this Committee held on 18<sup>th</sup> March 2019.
83. Notice of Motion received from Councillor A Watson  
In the spirit of April Fool's Day, members were presented with alternative ideas for the PTC crest.



84. Neighbourhood Engagement Project – Updated grant funding policy:-

The Town Clerk reported on the changes made to the Neighbourhood Engagement Project form and the addition of a second form, which would be issued to successful candidates after 6 months of receiving funding, along with the new information leaflet detailing the timescales candidates could expect when applying for funding.

Members were pleased with the changes and provided feedback to the Democratic Services Assistant for additional improvements and an Office-use section which included checks on information received, previous applications, etc. It was also suggested that a list of successful grant applications for 2018/19 be listed on the website to show who PTC has supported.

**RESOLVED an updated grant information leaflet and an office-use form be submitted for approval with these suggestions incorporated. FURTHER RESOLVED when a grant is awarded, pledges exceeding the candidates request will not normally be given. Should more than the requested amount be pledged, then only the requested amount will be given and the total will be divided between the pledging members.**

85. Outdoor & Adventurous Activities days, Request the use of Shotton Hall grounds – Easington School Sport Partnership, 21/22 & 23<sup>rd</sup> May 2019

Members approved the concessionary use of Shotton Hall grounds and expressed concerns regarding the safety of the children when arriving and departing due to the volume of traffic.

**RESOLVED Concessionary use be granted to Easington School Sport Partnership for the use of Shotton Hall Grounds on 21<sup>st</sup>, 22<sup>nd</sup> & 23<sup>rd</sup> May 2019. FURTHER RESOLVED The Town Clerk is to discuss arriving and departing arrangements with the Partnership Development Manager/School Games Organiser.**

**Powers used:- Under the power of GPC, The Localism Act 2018, as 1-8.**

86. Twining Visit – July 2019

Councillor M A Cartwright distributed a floor plan to members of her unit at Whitehouse Court and reported on the provisions she was able to provide. She also clarified that the financial support offered to hosts would not be made to her and instead, would be given to Peterlee & Nordenham Friendship Association. Members requested that the friendship association confirm in writing they would be the hosts responsible for the visitors. The Town Clerk also read aloud a letter from the Peterlee & Nordenham Friendship Association confirming they were happy with the Whitehouse Court unit and they were awaiting their visitors confirming they were happy with the arrangements.

Councillor K Hawley requested it be known that she objected to the Twinning visit going ahead due to alternative arrangements having to be made, as a result of a lack of hosts and would like PTC to cease financial support. Councillor Hawley commented that she did not support guests being accommodated in a unit at Whitehouse Court and was concerned at the safeguarding arrangements.

Members discussed this opinion at length and a vote was then requested to decide if 2019 closes the financial support PTC offers from its budget for the annual Twinning Visits:-

For – 9

Against - 2

**RESOLVED** The Peterlee & Nordenham Friendship Association are to confirm in writing that they are the hosts responsible for the visitors staying at Whitehouse Court unit. **FURTHER RESOLVED** the Town Clerk is to contact Peterlee & Nordenham Friendship Association to confirm that 2019 will be the last year of financial support from Peterlee Town Council's budget.

87. Peterlee show – Catering Tenders

Members were asked to consider and approve the recommendations in the report which had been previously circulated regarding tender quotes for the catering for the 2019 Peterlee Show.

Coffee

**RESOLVED** Company A, The Coffee Box Van tender be accepted for the amount of **£101.00**

General Food

**RESOLVED** Company A, Lily's Coffee Kitchen tender be accepted for the amount of **£640.00**

Ice-Cream

**RESOLVED** Company A, Super Whippy Ice's tender be accepted for the amount of **£1,250.00**

Sweets Unit

**RESOLVED** Company A, Sweets of Yesteryear tender be accepted for the amount of **£355.00**

Speciality food

**RESOLVED** The following tenders be accepted:-

**Company A, Ronnie's Plaice for the amount of £300.00**

**Company B, Memories of the Blackforest for the amount of £200.00**

**Company C, mobile catering for the amount of £501.00**

**Company D, mobile catering for the amount of £360.00**

**Company E, DDC Event Catering for the amount of £350.00**

**Company F, J'aime Crepes for the amount of £200.00**

**Company G, Spread from the Med for the amount of £200.00**

Other food

**RESOLVED** Company A - Lily's Coffee & Donuts be accepted for the amount of £385.00 and Company B - Sweets of Yesteryear be accepted for the amount of £355.00.

88. Proposed Stopping up of Highway at Helford Road, Peterlee, SR8 1EN

Councillor A Watson reported he had personally objected to the stopping up of the carpark opposite The Pavilion junction on Helford Road and informed members this was rejected.

89. Pony Fields, Eden Lane

Councillor A Watson suggested this site could be made into a woodland burial site for both humans and pets and/or a recreational park. He explained the woodland burial ground would prevent flooding, reduce winds and reduce anti-social behaviour. The Town Clerk reported he had met with the Cemetery Officer and the Parks Manager to discuss the idea and it was welcomed. The Town Clerk stated he had arranged meetings with appropriate authorities and companies to discuss the possible changes to the land and recommended a Pony Fields Working Party be created.

**RESOLVED** The Town Clerk is to investigate options for a woodland burial and/or a recreational park. **FURTHER RESOLVED** a 'Pony Fields Working Party' be created to monitor the progress of the project.

PETERLEE TOWN COUNCIL

FINANCE SUB-COMMITTEE

HELD IN THE COUNCIL CHAMBER,

SHOTTON HALL, PETERLEE

ON THURSDAY 23<sup>RD</sup> MAY 2019

Present:-

Councillor L Fenwick

T Duffy & R Moore (on 24<sup>th</sup> May 2019)

1. DIRECT DEBIT AND CARD PAYMENTS

**RECOMMENDED the payments listed for April 2019, be accepted.**

2. ACCOUNTS FOR PAYMENT

The accounts for payments for May 2019 amounting to £104,340.28, a copy of which had been circulated to each Member, were considered.

**RECOMMENDED the payments as listed, be made.**

**Report to:** Resources Committee

**Date:** 3<sup>rd</sup> June 2019

**Report of:** Deputy Town Clerk/Democratic Services Manager

**Subject:** **Land on Essington Way, to the rear of Easington Tyre & Auto Centre**

**Report Purpose:** To seek Members consideration of an amendment to the proposal to sell a parcel of land to the operators of the garage on Essington Way, Peterlee.

**Background:** In July 2015 the Town Council agreed in principle to approve the sale of this land to the Essington Tyre Centre (the purchaser) with certain restrictions in terms of future use of the site.

At the time of the original proposal the purchaser had stated that the land would be used for car parking only and there were no plans to build on the site or to expand the petrol station retail business.

The Council originally considered and approved the proposal for sale of the site as car parking to allow an extension of the garage workshop. The area of land was agreed and a valuation obtained.

**Update:** Since the original agreement By Council in 2015 there has been ongoing conversations between the purchaser and the conveyer acting for the Town Council around the definition of "Permitted Use" in the schedule to the Transfer. Under the original agreement, any use outside of the 'permitted use' could trigger the clawback clause on the purchase price. The buyers have requested that the definition of permitted use be widened. After some negotiation we had this wording in the document which clearly restricts them to commercial garage and filling station only:

*"Permitted Use" means the use of the Relevant Property as a commercial garage and filling station. For the avoidance of doubt the Transferor may be permitted to extend their business premises to adjoin their existing retail premises providing the use of the whole of the extension is for the purpose of a commercial garage and filling station.*

The purchaser has now asked for an amendment to extend to 'ancillary use':

2.9 "Permitted Use" means the use of the relevant property as a commercial garage filing station and uses ancillary thereto

This basically means a primary use of commercial garage and filling station and any other uses that support the primary use so potentially an unlimited number of other uses that support the garage use, for instance a Shop or Café, etc

They have then requested further amends to reinforce that if they apply for planning within the Permitted ancillary use we couldn't enforce the clawback.

**Recommendation:**

Members are requested to consider these changes to the proposal and advise of how they wish for the Council to proceed. It is Officers' recommendation that the requested extension of terms of sale to include 'ancillary use' is agreed.

# Peterlee Town Council



## Maternity / Paternity/Adoption & Surrogacy Policy

<b>Author of Policy:</b>	<b>HR – Janet Hugill</b>
<b>Policy Effective from:</b>	<b>June 2019</b>
<b>Revision date;</b>	<b>June 2020</b>

## **Introduction**

1. Peterlee Town Council recognises the need to balance family responsibilities with paid work. We recognise the need for adequate maternity provision to provide pregnant employees with peace of mind and to ensure their and the child's health and welfare during the maternity period.

## **What is the policy about?**

2. The Council is committed to ensuring that working parents have a greater choice in balancing work and family life.

3. This policy provides guidance on the Council's Maternity, Paternity, Adoption and Surrogacy provisions. This includes risk assessment, leave and pay arrangements and provisions for return to work.

## **Who does the policy apply to?**

4. This policy covers all employees.

## **MATERNITY, PATERNITY, ADOPTION & SURROGACY**

5. Frequently used terms/abbreviations

AML/AAL	Additional maternity/adoption leave - the last 26 weeks of a maximum of 52 weeks maternity/adoption leave
EWC	Expected week of childbirth - the week beginning on a Sunday, in which the doctor or midwife expects your child to be born
KIT Days	Up to a maximum of 10 days during maternity leave where an employee, by mutual agreement with their manager, carries out work or attends work related events, without bringing their maternity leave to an end (paragraphs 63-67)
LEL	Lower Earnings Limit - £148.68 per week tax year 2019-2020. To be entitled to statutory payments (SMP or SAP) the employee must have earnings of not less than the LEL. This is calculated based on the average normal pay prior to the 15th week before the baby's birth date.
MATB1	A form given to a woman by their doctor or midwife after the 20th week of pregnancy that provides medical evidence of pregnancy and shows the expected date of childbirth.
MA	Maternity Allowance – an allowance usually paid to mothers who don't qualify for statutory maternity pay (SMP) A claim



	form is available at the UK Government website ( <a href="http://www.gov.uk">www.gov.uk</a> ) or Job Centre Plus.
OML/OAL	Ordinary maternity/adoption leave – the first 26 weeks of a maximum of 52 weeks maternity/adoption leave.
Partner	Your spouse, civil partner or someone living with you in an enduring family relationship but who is not a relative of the mother/primary adopter (sibling, child, parent, grandparent, aunt, uncle, niece or nephew)
Primary Adopter	A person who has been matched with a child for adoption and who has elected to be the main carer for the child
Primary Parental Order Parent	A person in a legal surrogacy arrangement who is entitled to and intends to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008, and who has elected to be the main carer for the child.
SMP/SAP	Statutory Maternity/Adoption Pay – a legal entitlement to a certain amount of statutory pay to qualifying employees which lasts for up to 39 weeks. As at 6 April 2019 the statutory SMP/SAP rate is £148.68 per week (paragraphs 14-19) Qualifying week
Qualifying week	The 15th week before the EWC

### **Leave entitlement**

6. All pregnant employees and primary adopters (the parent who has elected to be the main carer of the child, usually the child’s adoptive mother) have the right to 52 weeks leave, regardless of the number of hours they work or their length of service. This period of leave is made up of 26 weeks Ordinary Maternity/Adoption Leave (OML/OAL) and 26 weeks Additional Maternity/Adoption Leave (AML/AAL). Where a couple are adopting; only one parent, the primary adopter (main carer), can request adoption leave.

7. Adoption leave is also available to the primary carer in a legal surrogacy arrangement (primary Parental Order parent) for babies due on or after 5 April 2015 who has applied for, or intends to apply for, a Parental Order in respect of the child under the Human Embryology and Fertilisation Act 2008.

8. Employees starting maternity or adoption leave may also wish to consider Shared Parental Leave. Further details can be found in the separate policy on Shared Parental Leave.

### **Maternity**

9. It is up to each employee to choose when to start maternity leave and how long to stay off work, subject to the following restrictions:

- Maternity leave can start no earlier than 11 weeks before the Expected Week of Childbirth (EWC), as confirmed by the employee's MATB1 certificate;
- An employee cannot return to work during the 2 weeks after giving birth, this is compulsory maternity leave;
- If an employee has not started their maternity leave, it can be automatically triggered by either childbirth or pregnancy related absence during the 4 weeks before the EWC.

### **Adoption and Surrogacy**

10. Only one person in an adopting or surrogate couple is entitled to take adoption leave. The other partner may be entitled to take paternity leave and/or maternity support leave/shared parental leave if they meet the qualifying criteria (see paragraphs 19 and 20).

11. Adoption leave can be taken by the primary adopter for any child placed for adoption up to the age of 18 via an official adoption agency; however, only one period of adoption leave can be taken at any time, regardless of the number of children being adopted. Adoption leave is not available in circumstances where the child is not newly placed for adoption i.e. a stepparent adopting a partner's child. Leave can also be taken by the primary parent in a legal surrogacy arrangement.

12. It is up to each employee to choose when to start adoption leave and how long to stay off work, subject to the following restrictions:

- For UK adoptions, adoption leave can start no earlier than 14 days before the date the child is expected to be placed and up to the date the child is placed with the family;

- For Overseas adoptions, adoption leave can start when the child arrives in the UK or within 28 days of this date;
- For surrogacy arrangements it can start no earlier than 14 days before the expected date of birth of the surrogate child and up to the date the child is born;
- An employee cannot return to work during the first 2 weeks of adoption leave.

13. Dual approved prospective adopters (sometimes referred to as fostering to adopt) may be eligible for adoption leave and pay where they have agreed to have a child placed with them in accordance with section 22C of the Children Act 1989 with a view to them adopting that child.

### **Pay entitlement**

Statutory maternity/adoption pay (SMP/SAP)

14. The Council pays SMP/SAP to employees on behalf of the Government, where certain qualifying conditions are met. SMP is paid for up to 39 weeks during an employee's maternity or adoption leave as follows:

- 90% of average weekly earnings for the first 6 weeks;
- SMP/SAP minimum rate or 90% of average weekly earnings, whichever is the lower for the following 33 weeks.

15. As at 6 April 2019 the statutory SMP/SAP rate is £148.68 per week. Details of the current SMP/SAP rate can be found by visiting [www.gov.uk/maternitypay-leave](http://www.gov.uk/maternitypay-leave) or [www.gov.uk/adoption-pay-leave](http://www.gov.uk/adoption-pay-leave).

16. To qualify for SMP/SAP the employee must have:

- Average weekly earnings (before tax and NI) at least equal to the Lower Earnings Limit (£148.68 per week as at 6 April 2019);
- Given the appropriate notice.

17. In addition the following qualifying conditions apply depending on the particular situation:

## **Maternity**

- 26 weeks' continuous service by the 15th week before the EWC;
- Provided proof of pregnancy including EWC (MATB1 certificate).

18. If an employee does not qualify for SMP then her original MATB1 form will be returned to her along with an SMP1 form which explains why she can't receive SMP within 7 days of the Council making their decision. If an employee does not qualify for SMP, they may qualify for Maternity Allowance (MA) which can be accessed via Job Centre Plus or via a claim form on the UK Government website ([www.gov.uk](http://www.gov.uk)).

## **19. Adoption**

- 26 weeks continuous service by the week the adopter is notified of being matched with a child;
- provided official proof of the date of placement e.g. letter from the adoption agency;
- provided a copy of the matching certificate provided by the adoption agency;
- for overseas adoptions only, provided proof of the date the child arrives in the UK.

## **20. Surrogacy**

- 26 weeks' continuous service by the 15th week before the EWC;
- provided proof of pregnancy including EWC (copy of birth mother's MATB1 certificate);
- the intended parents must have applied for, or intend to apply for, a Parental Order and expect to obtain this;
- provided a copy of the parental order within 6 months of the child's birth;
- If requested must provide a 'statutory declaration' (written statement signed in the presence of a legal professional) confirming you have applied or will apply for a parental order in the 6 months after the child's birth.

## **21. Maternity and Surrogacy**

- more than one year of continuous service at the start of the 11th week before the Expected Week of Childbirth (EWC).

## **Adoption**

- more than one year of continuous service by the date notice is given that they are matched with a child.

## **Notification requirements**

22. If the employee does not give the required notification, they lose their right to start maternity/adoption leave on their chosen date. The only exception to this is where it is not reasonably practicable for the employee to give notice any earlier e.g. if the baby is born much earlier than expected.

23. If the employee changes their mind and wishes to change the start date of their leave, they must give 28 days' notice.

24. Written confirmation of the end date of their maternity/adoption leave will be sent to the employee within 28 days of their notification form being received. It will be assumed that the employee is taking 52 weeks leave unless they have given a different end date in their notification.

## **Maternity**

25. Pregnant employees are advised to notify their manager of their pregnancy as soon as possible, however, as a minimum employees are asked to notify their manager, in writing, no later than 28 days before they want to commence their maternity leave. This form includes the following information:

- Confirmation of the pregnancy and the EWC. This is usually via a MAT B1 certificate;
- The date they wish to commence maternity leave.

26. As soon as is practicable after the birth, the employee should notify their manager of the baby's date of birth in writing.

27. If maternity leave is triggered by the birth of the child or pregnancy related absence during the 4 weeks prior to the EWC the maternity leave will start on the day following the first day of sickness absence or the day of childbirth. The employee must inform their manager of the date of birth as soon as reasonably practicable and any absence should be reported to their manager in line with the sickness reporting procedures.

## **Adoption**

28. The primary adopter should advise their manager as soon as possible; however, as a minimum, employees should notify their manager, in writing, within 7 days of being told that they have been matched with a child, which includes the following information:

- Confirmation of the adoption i.e. through the provision of a matching certificate;
- The date the child is to be placed with the employee;
- The date they wish to commence adoption leave.

## **Surrogacy**

29. The primary surrogate parent is advised to notify their manager of the surrogate's pregnancy as soon as possible, however, as a minimum, employees are asked to notify their manager, in writing, no later than 28 days before they want to commence their adoption leave. This form includes the following information:

- Confirmation of the birth mother's pregnancy and the EWC. This is usually via a copy of the birth mother's MATB1 certificate;
- The date they wish to commence adoption leave.

30. A Parental Order parent is also required to provide a copy of the Parental Order within 6 months of the adoption leave/pay commencing. The Council reserve the right to reclaim any payment made and to be compensated for leave taken, if the employee fails to provide a copy of the Parental Order within 6 months of the start of the adoption leave/pay.

31. Adoption leave would be triggered for parents in a surrogacy arrangement if the child was born earlier than the adoption leave start date.

32. As soon as is practicable after the birth, the employee should notify their manager of the baby's date of birth in writing.

## **Other time off**

33. This section details entitlement to time off for pregnant employees, primary adopters and primary parental order parents.

34. Employees must produce evidence of all appointments if requested to do so.

### **Antenatal care/appointments**

35. All pregnant employees, regardless of hours worked, pay or length of service are entitled to reasonable paid time off for antenatal appointments.

36. Antenatal appointments may include any of the following, provided they have been recommended by a doctor or midwife:

- medical appointments
- parent craft
- relaxation classes

37. All time off will be paid at the employee's normal hourly rate of pay. Where an employee does not have normal working hours, the rate of pay during any time off should be the average rate in the last 12 complete weeks prior to the time off.

### **Pre-adoption leave**

38. The primary adopter is entitled to paid time off to attend up to 5 pre-adoption appointments after they have been matched with a child.

39. A maximum of up to 6.5 hours is allowed per appointment.

### **Pre-surrogacy leave**

40. Employees in a legal surrogacy arrangement have the right to unpaid time off to attend 2 antenatal appointments with the surrogate mother.

41. A maximum of up to 6.5 hours is allowed per appointment.

### **Sickness**

42. If an employee has not started their maternity leave, it can be automatically triggered by a pregnancy related absence during the 4 weeks before the EWC, however, before this time, a pregnancy related absence would not automatically trigger maternity leave to start. Occupational sick pay or SSP may still be allowable during the 4 weeks before the EWC if the absence is due to anything other than a pregnancy related condition.

43. Employees who are sick during their maternity/adoption leave period are not entitled to sick pay as they will be receiving SMP/SAP, unless they end their maternity leave. Where an employee cannot attend work at the end of their maternity/adoption leave due to sickness, the normal contractual arrangements for sickness absence will apply.

### **Risk assessments**

44. The Council's responsibility for the health and safety of our employees comes into sharp focus when considering the requirements for an expectant or new mother and therefore it is important that the manager carries out a formal risk assessment for an employee when she declares her pregnancy. A New and Expectant Mothers Risk Assessment form is attached.

45. The risk assessment should be reviewed on a regular basis throughout the pregnancy and upon her return to work to ensure the operating environment is considered. Where risks that may adversely affect the health and safety of the employee or their baby are identified, the manager should consider temporary adjustments to the employee's working conditions and/or hours or offer suitable alternative work, if available.

46. The employee's normal rate of pay continues during any period of adjustment. Managers should be aware that if adjustments are not deemed to be feasible, the employee is entitled to paid leave for as long as necessary to protect her and/or the child's health and safety.

47. The following are examples of the type of risks that can arise in the workplace:

- For pregnant women or women who have had a caesarean section, lifting heavy items can lead to injury therefore the amount of physical work should be reduced, or suitable aids supplied
- Physical fatigue from standing or poor posture position for long periods of times can lead to miscarriage, premature birth and low birth weight. Potential remedies include avoiding excessive volume and hours of work, seating being made available, longer rest breaks or workstations being adjusted



- Work involving substantial vibration or movement may lead to miscarriage, therefore tasks should be avoided if they risk whole body vibration or jolts to the abdomen
- Exposure to radiation, chemical and biological agents, lead, infectious diseases, work related stress or extremes of cold and heat should also be avoided.

48. The following table gives some examples of the aspects of pregnancy that may lead to changes in the work environment:

<b>Aspect of Pregnancy</b>	<b>Work Factor to Consider</b>
Morning sickness	Early shift work, exposure to nauseating smells
Backache	Standing, manual handling, posture
Varicose veins	Standing, manual handling, posture
Haemorrhoids	Working in hot conditions
Frequent visits to toilets	Difficulty in leaving work area
Increasing size	Use of protective clothing, work in confined spaces, manual handling, speed of movement and reach
Tiredness	Overtime, evening work
Balance	Working on uneven, wet or slippery surfaces

### **Breastfeeding**

49. Should you be continuing to breastfeed your child when you return to work, you should notify your Manager in writing prior to your return. A risk assessment can then be carried out, prior to your return to work.

50. The Council has limited suitable rest facilities for breastfeeding mothers. However; employees are not entitled to take time off to breastfeed.

51. Employees should arrange for childcare close to work, and/or enable breastfeeding to take place before and after work.

52. The Council does not provide facilities for breastfeeding employees to express and store milk.

### **Special Circumstances**

#### **Premature Births**

53. If an employee has their baby prematurely, the Council will consider each case on an individual basis as to what assistance may be relevant. For example, it may be appropriate to extend the maternity leave arrangements.

#### **Stillbirth and miscarriage**

54. In the unfortunate event that the baby is stillborn or lost through miscarriage after 24 weeks, the employee is entitled to take maternity leave.

55. Where a miscarriage or termination takes place before 24 weeks the Council will give sympathetic consideration to the individual circumstances. Where necessary, sick leave or other leave may be appropriate, depending on the needs of the employee and any medical opinion.

#### **Adoption placement ends**

56. Adoption leave will end where the adoption placement does not take place or breaks down or where the child dies. The adoption leave will end 8 weeks after such an event.

#### **Parental Order is refused**

57. Where the intended parents' application for a Parental Order is refused by the court, the employee's entitlement to adoption leave will end 8 weeks later or at the end of the adoption leave, whichever is earlier.

58. For surrogacy arrangements the Council reserves the right to reclaim any payment made and to be compensated for leave taken, if the employee fails to provide a copy of the Parental Order within 6 months of the adoption leave/pay commencing.

#### **Keeping in touch (KIT) days**

59. All employees on maternity or adoption leave can participate in up to 10 KIT days where an employee can work without bringing their leave to an end. KIT days are not limited to the employee's normal job and can include attending training events, appraisals, meetings, as well as enabling an employee to return to work gradually at the end of their leave.

60. Any KIT days must be mutually agreed, therefore just as an employer cannot insist that work is carried out during a maternity or adoption leave period, an employee cannot insist on working during the period.

61. Working any part of a day will count as one full day for the purpose of calculating the number of KIT days taken or pay received. The employee's normal rate of pay offset against any SMP or SAP received will be paid for such days. Payment per day will be based on the number of days in the month the KIT day is worked i.e. 1/28th, 1/29th, 1/30th or 1/31st of the person's monthly full-time equivalent salary.

62. Payment arrangements should be discussed and clearly understood and agreed before any work is undertaken and efforts should be made to ensure both the employee and manager are fully aware of the work to be carried out on the day.

63. Where an employee has multiple posts within the Council only 10 KIT days can be taken in total as they are allocated per person, not per job. In addition, in the case of employees on maternity leave, KIT days cannot be taken during the first two weeks following the birth.

#### **Returning to work following maternity/adoption leave**

64. It will be assumed that an employee will take their full 52 weeks of maternity or adoption entitlement and will return to work at the end of their AML/AAL, unless they have stated otherwise on their notification form. If the employee intends to return to work sooner than this, they must notify their manager at least 21 days before the date they intend to return. If less than 21 days' notice is given, the Council can postpone the return to ensure there is 21 days' notice, although any postponement cannot go beyond the end of the 52-week maternity or adoption leave period.

65. If the employee does not want to return to work after their maternity/adoption leave, they are required to give the Council notice in line with their contract of employment.

66. The manager should ensure they meet with the employee either prior to their return or immediately upon their return to aid their smooth return to the workplace and discuss any particular needs or wishes they may have e.g. changes to the working environment to assist with breastfeeding (see above).

## Maternity /Adoption leave flowchart/ timeline

### Maternity timeline

68. This timeline provides a helpful summary of the main times to be aware of where a maternity situation occurs within the workplace.

#### Employee completes Notification of Maternity Leave form advising their manager of the forthcoming absence:

- No later than 28 days before a maternity absence begins
- Notification includes details of the pregnancy and the expected absence



#### Formal advice to the employee:

- Within 28 days, the Manager / HR Adviser advises the employee about her return to work date



#### Starting maternity leave:

- The earliest starting point is 11 weeks before the EWC.
- Leave is triggered by childbirth or if a pregnancy related absence occurs from the start of the 4th week before EWC



**Pay Entitlement** (subject to qualifying conditions being met): **52 weeks** leave and payment as follows: 6 weeks at 90%, SMP/SAP minimum rate or 90% of average weekly earning, whichever is lower for the following 33 weeks.



#### Returning to work early:

Employee to provide **21 days'** notice before they intend to return to work.

## Adoption /Surrogacy flowchart/ timeline

69. This timeline provides a helpful summary of the main times to be aware of where an adoption situation occurs within the workplace.

### Employee completes Notification of Adoption Leave form advising their manager of the forthcoming absence:

- No later than 7 days after being notified of being matched with a child or for surrogacy, within 28 days before adoption absence begins.
- Notification includes details of the adoption matching certificate and expected absence



### Formal advice to the employee:

- Within 28 days, the Manager/HR Adviser advises the employee about her return to work date



### Starting Adoption leave:

- For adoption, on the date the child is placed or another predetermined date which should be no more than 14 days before the date the child is expected to be placed <sup>2</sup>
- For surrogacy, on the date the child is born or no earlier than 14 days before the birth



**Pay Entitlement** (subject to qualifying conditions being met): **52 weeks** leave and payment as follows: 6 weeks at 90%, SMP/SAP minimum rate or 90% of average weekly earning, whichever is lower for the following 33 weeks.



### Returning to work early:

Employee to provide **21 days'** notice before they intend to return to work.

# Peterlee Town Council

## Risk Assessment for New and Expectant Mothers

Name of New/Expectant Mother:	Department, Division:	Location:
Job Title:	Details of work activities:	
Date of initial assessment:	Review 1 (between 14 & 26 weeks):	Assessment carried out by:
Review 2 (after 27 weeks):	Return to work review:	

Review the Hazard Profile for the Worker Type (job title above) and consider whether the controls in place are adequate to protect new & expectant mothers. Work through the table below, which highlights some particular risks to consider.

**NB in all cases where it is not possible to adequately reduce risks by making changes to the working conditions or hours of a new or expectant mother, she must be suspended from work on full pay for as long as necessary to protect her health & safety and that of her baby.**

**Has the new or expectant mother's Doctor or Midwife identified any health issues that may affect her work?  
If yes, please detail below.**

THE HAZARDS (to Mother/Baby/Foetus)	CONTROLS	Please Indicate Y/N or N/A	PLEASE DETAIL ACTION TAKEN/ NEEDED TO CONTROL THE RISK
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**PHYSICAL RISKS**

**Movement and Posture**

<b>How will you reduce the risks to a new &amp; expectant mothers due to standing or sitting for long periods of time? e.g. dizziness/faintness/fatigue/thrombosis/embolism</b>	Allow regular rest breaks		
	Allow changes in activities, ie. alternating between standing and sitting		
	Adjust workstation		
	Arrange alternative work		

<b>What adjustments can you make to the New &amp; expectant mothers workstation to take into account of increased size?</b>	Redesign layout of office/workstation to allow sufficient room		
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**Manual Handling**

<b>How will you eliminate the need for the new/expectant mother to carry out manual handling tasks with risk of injury?</b>	Review Manual Handling Assessments		
	Provide lifting/handling equipment		
	Eliminate the need for MH – allocate tasks to others		
	Arrange alternative work		

THE HAZARDS (to Mother/Baby/Foetus)	CONTROLS	Please Indicate Y/N or N/A	PLEASE DETAIL ACTION TAKEN/ NEEDED TO CONTROL THE RISK
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<b>Working at Heights</b>			
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<b>How will you eliminate the need for the new/expectant mother to work at heights e.g. ladders, MEWPS?</b>	Eliminate the need to work at height – allocate jobs to others		
	Arrange alternative work		

<b>Extremes of Heat/Cold</b>			
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<b>What will you do to control any exposure to extremes of temperature?</b>	Ensure sufficient rest/refreshment breaks are possible		
	Ensure there is an unrestricted supply of drinking water		
	Arrange alternative work		

<b>RISK OF INFECTION</b>			
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	Many biological agents can affect the unborn child during pregnancy or pass from mother to child during childbirth or breastfeeding.		
<b>How will any risk of infection be eliminated? e.g. Hepatitis B, HIV, Herpes, Syphilis, Chickenpox, Typhoid, Rubella (German measles) &amp; Toxoplasma</b>	Review Infection Control Risk Assessment		
	Additional hygiene controls		
	Arrange alternative work		



THE HAZARDS (to Mother/Baby/Foetus)	CONTROLS	Please Indicate Y/N or N/A	PLEASE DETAIL ACTION TAKEN/ NEEDED TO CONTROL THE RISK
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<b>CHEMICAL AGENTS</b>			
<b>Hazardous Substances</b>	A number of substances have hazardous properties indicated by Risk Phrases (cancer risk, genetic risks, harm to the unborn child etc.)		
<b>How will you eliminate the risk from exposure to substances hazardous to health?</b> Those labelled R40 (limited evidence of carcinogenic effect), R45 (may cause cancer), R46 (may cause heritable genetic damage), R49 (may cause cancer by inhalation), R61 (may cause harm to the unborn child), R64 (may cause harm to breastfed babies) & R68 (possible risk of irreversible effects) e.g. mercury; lead; carbon monoxide, and those listed 'Sk' – absorbed through the skin.	Review COSHH assessments		
	Eliminate risk by substituting substances		
	Arrange alternative work		
	<b>Once pregnancy is confirmed, women must be suspended from the work that exposes them significantly to lead.</b> The ACOP Control of Lead at Work sets out exposure limits for women of reproductive capacity, to prevent harm to a foetus before a pregnancy is confirmed.		

THE HAZARDS (to Mother/Baby/Foetus)	CONTROLS	Please Indicate Y/N or N/A	PLEASE DETAIL ACTION TAKEN/ NEEDED TO CONTROL THE RISK
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WORKING CONDITIONS			
<b>Facilities</b>			
<b>What facilities are there for new &amp; expectant mothers to rest?</b>	Somewhere for new & expectant mothers to sit or lie down		
	Adequate access to drinking water		
	Some flexibility in frequency & timings of breaks		
<b>How will you provide adequate hygiene facilities for new &amp; expectant mothers?</b>	Easy access to toilets (& associated hygiene facilities)		
	Facilities for breastfeeding mothers to express & safely store milk		
<b>Working hours</b>			
<b>How will the risk to new/expectant mothers from working long hours or night shifts be controlled?</b>	Rearrange shift patterns		
	Shorter shifts		
	Arrange alternative work		
	<b>If a medical certificate is received from the employee's doctor/midwife stating night work is affecting her H&amp;S or that of her unborn child, alternative day work must be organised.</b>		

THE HAZARDS (to Mother/Baby/Foetus)	CONTROLS	Please Indicate Y/N or N/A	PLEASE DETAIL ACTION TAKEN/ NEEDED TO CONTROL THE RISK
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<b>Lone Working</b>	Pregnant women are more likely to need urgent medical attention.		
<b>How will lone working be eliminated for the expectant mother?</b>	Review Lone Working Risk Assessment		
	Arrange alternative work		
<b>Violence &amp; Aggression</b>			
<b>How will any risk of violence or aggression at work be eliminated?</b>	Review Personal Safety Risk Assessment		
	If the risk of violence cannot be <b>Significantly</b> reduced, new or expectant mothers should be offered suitable alternative work		
<b>Work Equipment</b>	Some work equipment may be uncomfortable or unsafe for use e.g. where mobility, dexterity or co-ordination is impeded by pregnancy		
<b>Have you considered any potential problems with the new/expectant mother's use of work equipment?</b>	Review your work Equipment Risk Assessments, taking into account changes in risks as pregnancy progresses		
	Arrange alternative work		

THE HAZARDS (to Mother/Baby/Foetus)	CONTROLS	Please Indicate Y/N or N/A	PLEASE DETAIL ACTION TAKEN/ NEEDED TO CONTROL THE RISK
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Other Hazards			
Please indicate which other hazards are applicable and how they are controlled	Significant exposure to noise		
	Shocks/vibration		
	Radiation (ionising or non-ionising)		
	Occupational Stress		
	Passive smoking		
	Personal Protective Equipment (suitability)		
	Travelling for work		
	Other (please list)		

**ACTION PLAN**

Summary of steps to be taken, if any, as a result of this risk assessment, to reduce level of risk for the mother, foetus or baby  
(continue on a separate sheet if required)

Ref.	Action	Responsibility	Completion Date

Have the controls implemented, reduced the risk to an acceptable level? (please indicate)

If 'no', please seek further advice from the departmental H&S function or the Corporate H&S unit.

Action plan completed by:

Position:

Date:

# Paternity Leave Policy

## 1. Introduction

1.1. Peterlee Town Council recognises that employees may wish to take time off work to support the mother of a baby or look after the baby.

## 2. Scope

2..1 The scheme applies to all Town Council employees.

## 3. Authority

3.1. The Town Clerk is accountable for the proper application of the Paternity Leave Scheme.

## 4. Legal Framework

4.1 These provisions take account of the framework of statutory rights as set out in the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the Employment Act 2002. The details of these rights are set out in supporting regulations: The Paternity and Adoption Leave Regulations 2002, as amended by the Paternity and Adoption Leave (Amendment) Regulations 2006, The Children and Families Act 2014 and The Paternity and Adoption Leave (Amendment) (no 2) Regulations 2014.

## 5. Provisions

5.1. The Council provides one type of paternity leave, Ordinary Paternity Leave

## 6. Ordinary Paternity Leave

6.1 To be eligible for Ordinary Paternity Leave an employee must:

- Have, or expect to have responsibility for the child's upbringing;
- Be the biological father of the child or the mother's husband or partner;
- Have worked continuously for the Council for 26 weeks leading into the 15th week before the baby is due and be employed continuously during the pregnancy up to the actual date the baby is born.

6.2 Employees may choose to take leave (as outlined below) any time up to 8 weeks after the date of birth. The leave is based on the employee's normal working week, pro rata for part time employees.

- one or two whole weeks

## **7. Process**

7.1. Employees must complete the Application for Ordinary Paternity Leave Form (Appendix 1), arrange for it to be authorised by their line manager and return it to: Finance Section by the 15th week before the Expected Week of Childbirth (EWC). The Line Manager will confirm authorisation of leave.

7.2. If the baby is born early the employee can choose to take their leave any time between the actual date of birth and the end of an 8 week period running from the Sunday of the week the baby was originally due.

7.3. Where the employee has chosen to start his/her leave on the date the child is born and he/she is at work on this date, his/her leave will begin on the following day.

7.4. The employee must notify the Line Manager of the date the child was born, as soon as is reasonably practicable.

7.5. The employee may change the proposed date providing he/she gives 28 days' notice.

## **8. Payment**

8.1 Employees will receive Statutory Paternity Pay for each week of their Paternity Leave. This will be the lower of 90% of average weekly earnings or the current SPP rate. The employee must have average weekly earnings which are no less than the current National Insurance lower earnings limit in the 8 weeks prior to the qualifying week.

## **9. Shared Parental Leave**

9.1 Shared Parental Leave (SPL) is a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year. The amount of leave available is calculated using the mother's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement, then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

9.2. More details on shared parental leave can be obtained by reading the Shared Parental Leave Policy.

## **10. Time Off for Ante-Natal Appointments**

10.1 An expectant father or partner of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments.

10.2 Employees and qualifying Agency Workers (workers are required to have been doing the same kind of job for the Council for at least 12 weeks) are entitled to time off to accompany an expectant mother to her ante-natal appointments if they are:

- The baby's father
- The expectant mother's spouse, her civil partner, or partner (of either sex) in an enduring relationship; or
- Intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child.

10.3. Employees are entitled to unpaid leave for 1 or 2 appointments. The time off is capped at 6.5 hours for each appointment.

10.4. The employee is not required to provide evidence of such appointments, as they are considered the property of the expectant mother attending the appointment. However, the employee should complete the attached declaration (Appendix 2) stating the date and time of the appointment, that they qualify for the unpaid time through their relationship with the mother or child and that the time off is for the purpose of attending the ante-natal appointment.

10.5. There is no qualifying period for employees – they are entitled to receive this entitlement from day one, providing they meet the qualifying criteria in paragraph 10.2.

## **11. Contractual benefits**

11.1. You are entitled to the benefit of your normal terms and conditions of employment, except for terms relating to wages or salary throughout your paternity leave. You may however be entitled to SPP for this period.

11.2. You will continue to remain bound by any obligations arising under your contract of employment.

## **12. Return to work after paternity leave**

12.1. You are entitled to return to the same job following no more than two weeks' paternity leave. If, however, you take two or more consecutive periods of statutory leave (which could include additional adoption leave or parental



leave of more than four weeks), you will be entitled to return to the job in which you were employed before your absence or, if that is not reasonably practicable for the Council, then to return to another job which is both suitable and appropriate in the circumstances.

12.2. You have the right to return:

- with your seniority, and similar rights
- on terms and conditions not less favourable than those which would have applied if you had not been absent.

12.3. You will not be subject to any detriment by the Council because you took or sought to take paternity leave.

**PETERLEE TOWN COUNCIL**  
**Application for Ordinary Paternity Leave**

Part A to be completed by the member of staff - Please complete the form in BLOCK CAPITALS.

Title: Mr / Mrs / Miss / Ms	
First Name	
Surname	
Job Title	
Department/Section	
Home Address	
Tel Number (Work)	
Tel Number (Home)	Mobile:

I wish to inform you that I intend to take Ordinary Paternity Leave as follows:

Expected date paternity leave period to commence\* \_\_\_\_\_

Expected return to work date \*\* \_\_\_\_\_

Partner's Expected Week of Childbirth (EWC) or expected date of placement for adoption:

\*Your paternity leave cannot begin prior to the baby's birth/date of placement for adoption, but you can state that you wish your paternity leave to start on the day your child is born.

\*\*Ordinary paternity leave must be taken in blocks of either one or two weeks

**PTO**

**I declare that I:**

- am the baby's biological father / married to the mother / living with the mother in an enduring family relationship, but am not an immediate relative (please delete as applicable)
- will have responsibility for the child's upbringing <sup>2</sup>
- will take time off work to support the mother or care for the child.
- have provided a copy of my partner's MAT B1/matching certificate with this form

**Signed:**

**Date:**

Please ensure you have discussed this application with your Line Manager and provided them with a copy of this form.

**This form must be returned to the Corporate Services Department 15 weeks before your baby's due date, or within 7 days of receiving a matching certificate for adoption.**

**Section to be completed by Line Manager**

**Approved by: Manager Signature:**

**Date:**

**Employee informed of approval by:**

**Date:**

**PETERLEE TOWN COUNCIL****Request for time off to accompany a pregnant woman at an antenatal appointment**

Title: Mr / Mrs / Miss / Ms	
First Name	
Surname	
Job Title	
Department/Section	
Home Address	
Tel Number (Work)	
Tel Number (Home)	Mobile:

Date of appointment: ..... Time of appointment: .....

**I have the following relationship with the pregnant woman I am accompanying to an antenatal appointment or her expected child (please tick as appropriate)**

- I am the husband/Civil partner
- I live with the pregnant woman in an enduring family relationship
- I am the father of the expected child
- I am the intended parent in a surrogacy situation

**PTO**

**Section B:** I declare the following to be true (please tick each box)

- My purpose in taking time off is to accompany the above pregnant woman at an antenatal appointment
- The ante-natal appointment has been made on the advice of a medical practitioner, midwife or nurse

Employee Signature:

Date:

**Section to be completed by Line Manager**

Approved by:

Manager Signature:

Date:

Employee informed of approval by:

Date: