AGENDA FOR THE MEETING OF COUNCIL MATTERS COMMITTEE
MONDAY 13TH JULY 2026 AT 6.30PM IN THE GUILDHALL

There are stairs to the Council Chamber but if any member of the public has mobility issues the Council can relocate to the lower Guildhall.

You are hereby SUMMONED to attend the **Council Matters Committee** on **Monday 13th July 2026 at 6.30pm** in the Guildhall for the purpose of transacting the following business:

Committee Members: Councillors L Auletta, C Beavis, T Bennett, J Chinnock, J Hannam, D Peters, E Price and M Trant.

1. WELCOME AND APOLOGIES FOR ABSENCE
The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 90 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

To receive apologies and to confirm that any absence has the approval of the Council.

The Committee will adjourn for the following items:

<u>PUBLIC QUESTION TIME</u>
A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.

The Committee will convene to consider the following items:

2. CONFIRMATION OF MINUTES
To approve the minutes of 8th June 2026 and update on any matters arising. Document attached [page 3].

3. STRATEGY DELIVERY WORKING GROUPS
To consider any budgetary recommendations from the following (document attached):

a. Community Working Group, 29th June 2026 [page 7].
b. All grant funding recommendations from the Working Group.

4. BUDGET MONITOR
To consider the Budget Monitor. Document attached.

5. MAYOR'S ENGAGEMENTS AND BUDGET
To consider the Mayor's engagements since April 2026 and the current budget. Document attached [page 10].

6. **STRATEGIC FUNDING**
To review the applications for Strategic Funding for 2026. Document to follow.

7. **FINANCIAL REGULATIONS**
To review the Financial Regulations. Document attached [page 11].

8. **HR POLICY REVIEW**
To review the following HR policies following SW Councils advice (documents attached):
   a. Working Time and Leave Policy [page 25]
   b. Maternity, Paternity, Adoption and Neonatal Leave and Pay Policy [page 57]

9. **INVESTMENT STRATEGY**
To review the Investment Strategy. Document attached [page 87].

10. **RESPONSIBLE AND SAFE USE OF ARTIFICIAL INTELLIGENCE POLICY**
To consider the updates to the Responsible and Safe Use of Artificial Intelligence Use Policy. Document attached [page 90].

11. **DATE OF NEXT MEETING**
To note the date of the next meeting of the Council Matters Committee – Monday 14th September 2026 at 6.30pm in the Guildhall. No document.

The Committee will be asked to ***RESOLVE*** *to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

12. **BANK STATEMENTS AND RECONCILIATIONS (Standing Item)**
To consider the bank statements and reconciliations for June (financial). Documents attached.

13. **COMMUNITY ASSET**
To note an update on Laura House (legal and financial). Verbal update.

14. **STAFF ATTENDANCE**
To note sickness and overtime balances (staffing). Verbal update

15. **STAFFING UPDATE**
For any general or urgent updates that required confidential sharing with Councillors (staffing). Verbal update.

Catherine Marlton
Town Clerk
8th July 2026

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS

The open proceedings of this Meeting will be audio and video recorded. If members of the public make a representation, they will be deemed to have consented to being recorded. By entering the Council Chamber or Zoom meeting, attendees are also consenting to being recorded.

Televised, vision and sound recordings or live broadcastings by members of the press or public at Council or Committee debates are permitted and anyone wishing to do so is asked to inform the Chairman of the respective Committee of their intention to record proceedings.

ITEM 2 – CONFIRMATION OF MINUTES

DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS
MONDAY 8TH JUNE 2026 AT 6.30PM IN THE GUILDHALL

Present: Councillors D Peters (Chair), L Auletta, C Beavis, T Bennett, J Chinnock, J Hannam, E Price and M Trant.
Apologies: None.
In Attendance: C Marlton (Town Clerk).

1. APOLOGIES FOR ABSENCE
The Chair read a statement about how the meeting would be conducted.

PUBLIC QUESTION TIME
There were no members of the public present.

2. CONFIRMATION OF MINUTES
To approve the minutes of 18th May 2026 and update on any matters arising.
The minutes were **AGREED** unanimously as an accurate record of the proceedings.

3. STRATEGY DELIVERY WORKING GROUPS
To consider any budgetary recommendations from the following (document attached):
a. Community Working Group, 20th May 2026.
It was **AGREED** to accept the proposed changes to the 2026 Christmas Window Competition with a total prize fund of £800.

b. Economy Working Group, 19th May 2026.
None.

c. Environment and Public Realm Working Group, 28th May 2026.
Signage – it was **AGREED** that a fingerpost is purchased for installation in the Civic Square directing to Leechwell Gardens.
Road Warden Scheme – it was **AGREED** that the Council signs up to the Community Protocol to enable training opportunities for the maintenance team; and that any work undertaken is addition to Devon County Council's statutory function, not in replacement of it.

d. All grant funding recommendations for the Working Groups.
The following grant funding recommendations were **AGREED**:

Applicant	Project	Grant Request (£)	Project Cost (£)	Policy Area	Grant awarded
Community					
Sharpham Estate Parkrun	Replacement parkrun sign	55	55	Health & Fitness	£55 awarded
Stepping Stones Totnes CIC	The Essential Project – healthier food provision	1000	5000	Residents' wellbeing	£1,000 awarded
Totnes Lantern Festival	Community lantern sessions and parade	1150	2300	Community & Economy	£2,300 awarded from Christmas Lights budget allocation
Tadpool	Commando Run Inflatable	500	5622	Health & Wellbeing of Young People	£500 awarded
Better Places Be Buckfastleigh CIC	Hello Summer Activities and Food for Families	1000	3120	Health & Wellbeing of Young People	£1,000 awarded
Jonathan Elliott (BA!)	Community Event	1000	4210	Community & Economy	£1,000 awarded
Shiatsu for Change CIC	Community Qigong sessions for people living with long-term health conditions	1000	1000	Health & Fitness	Not recommended
Economy					
Totnes Lantern Festival	Community lantern sessions and parade	1150	2300	Community & Economy	See above
Totnes Pride	Pride Festival	1125	10,000	Members of the LGBTQ+ community	£1,000 awarded
Environment and	**Public Realm**				
Leechwell Garden Association	Volunteer sessions and garden maintenance	3000	4095	Public realm	£1,000 awarded
#LoveCastleSt	Ongoing gardening and maintenance at two public Castle St locations.	300	586.56	Public realm	£300 awarded on the condition that: the gardening is carried out with the permission of the landowner; and that receipts for the £300 are presented to the Council.
Rewylding CIC	The creation of a medicine garden for community days.	800	1957	Community & wellbeing	Not recommended - main project is outside of the Totnes parish boundary.

4. BUDGET MONITOR

To consider the Budget Monitor.

The budget monitor was **AGREED** unanimously.

5. COMPLAINTS POLICY AND PROCEDURE

To review the Council's Complaints Policy and Procedure

To **RECOMMEND** to Full Council that the Complaints Policy and Procedure is adopted.

6. DEATH OF A SENIOR NATIONAL FIGURE PROTOCOL

To review the Death of a Senior National Figure Protocol.

To **RECOMMEND** to Full Council that the Death of a Senior National Figure Protocol is adopted.

7. WHISTLEBLOWING POLICY

To review the Whistleblowing Policy, updating following SW Councils advice.

To **RECOMMEND** to Full Council that the Whistleblowing Policy is adopted subject to minor amendment to include Councillors. [*Post-meeting Officer note: Advice from DALC has been received about the inclusion of Cllrs in the Whistleblowing policy. The important element of whistleblowing is ensuring that employees aren't discriminated against, where non-employees wouldn't have the same risks. As Members are not employees of the Councill, if they have any concerns over few member behaviour or a Council decision, the Code of Conduct complaints process, Monitoring Officer oversight or the Council Complaints procedure could be used in their capacity as a member of the public.]*

8. HMRC MILEAGE RATE

To note the confirmation of the new HMRC mileage rates for 2026.

Noted.

9. COUNCIL GRANT REPORTS

To note a summary of two reports on the Council Grants awarded in June 2025.

Noted.

10. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 13th July 2026 at 6.30pm in the Guildhall.

Noted.

*The Committee **RESOLVED** to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

11. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for May (financial).

These were reviewed and **AGREED** unanimously.

12. CHRISTMAS LATE NIGHT MARKETS

To consider the terms for any cancellations of the Christmas late night markets (commercial).

It was **AGREED** that the terms outlined in the report be adopted.

13. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (staffing).

Noted.

The meeting closed at 7.30pm

Catherine Marlton
Town Clerk
June 2026

ITEM 3 – STRATEGY DELIVERY WORKING GROUPS

a. Community Working Group Notes – Monday 29th June 2026 at 6pm in the Guildhall Offices Meeting Room

1. Attendance/apologies

Attendees: Cllrs Bennett, Collinson, Presswell and Robshaw
Present: Town Clerk, Cllr Beavis
Apologies: Cllrs Trant, Hannam and Chinnock

2. Matters arising from the notes of the last meeting

The budget was discussed. The original budget agreed at the start of the year included £10,000 for additional Christmas lighting. It was unanimously **RECOMMENDED** to Council Matters that this budget be reallocated to Community Grants and the Christmas Light Switch On event (£700 added to the CLSO budget, £7000 additional grants), considering oversubscription of grants and rising costs in event management. It was noted that £2300 of the £10,000 is already reallocated for the Christmas Lantern Parade.

It was **noted** that the process for smaller grants awards needs to be reviewed for the 2027/28 financial year onwards, in discussion with Devon Community Foundation and as part of the precept and budget setting process. The current process is unbalanced and taking significant staffing resources.

Community Budget Current	
Newsletter, publicity, Annual meeting	2500
Defibrillator Pads and batteries	500
New Town Lighting	7700
Christmas Lantern Parade	2300
Bunting	3000
Community Grants	5000
TOTAL	**21000**

Community Budget Proposed	
Newsletter, publicity, Annual meeting	2500
Defibrillator Pads and batteries	500
Christmas Light Switch On additional	700
Additional Community Grant allocation	7000
Christmas Lantern Parade	2300
Bunting	3000
Community Grants	5000
TOTAL	**21000**

3. Community Grant applications:

Submitted grant applications were discussed at length.

It was unanimously **RECOMMENDED** to Council Matters to award as follows:

Applicant	Details	Request	PROPOSED	Notes
United Free Church	Baby and Toddler equipment and toys for new play area	£500	£500	
Individual hosting at United Free Church	Pilot youth group, including development of youth council	£250	£250	
Jamming Station	Safe Sounds: Safeguarding, accessibility and SEND work	£1,000	£1,000	
Care in Community	*CQC registration fee*	*£1,000*	*£0*	*Clerk to engage with applicant*
Dartington Recreation Centre	To support the fundraising Extravaganza event	£500	£500	
The Mansion	Free events for families and children	£850	£850	
SASHA	Ongoing support for vulnerable women and children	£1,000	£1,000	
Playground Arts CiC (Mansion project)	Unwiped: intergenerational cultural/arts project - wellbeing and SEND support	£990	£660	Clerk to ask for budget breakdown
Totnes Bike Hub	Tea and Tinkering - mental health support	£1,000	£1,000	
Tony Gee (Telling Tales)	Story telling, arts and cultural project with heritage links	£600	£600	
		TOTAL	**£6,360**	

Please **note** that if the reallocation of budget and these awards are agreed, there is £2085 remaining in the Community Grants budget, to be held in reserve as a contingency for the remainder of the financial year. The total awards given this year under Community so far would be £9915.

ACTIONS: Clerk to engage with Care in Community on future opportunities and other external grant opportunities, and to get further budgetary information from Playground Arts CiC.

4. <u>To consider closing of and comms around Community Working Group grant applications.</u>

It was **AGREED** to close the Community Grants application process at this time given the huge oversubscription on the original budget and the want to retain a contingency for the remainder of the financial year.

ACTION: Clerk to issue email and social updates in relation to just Community based grants, Economy and Environment Working Groups still have unallocated budget for future awards.

5. <u>An update on the Devon Community Foundation work – verbal update</u>

Noted.

6. <u>An update on Strategic Funding – verbal update</u>

Noted.

7. <u>To note the three community assets/buildings/ACV's in town:</u>

a. Kingsbridge Inn
b. KEVICC Lower Field
c. Laura House

Noted.

8. <u>To consider the date of the next meeting</u>

Suggested Tuesday 1^{st} September at 6pm, Guildhall Offices Meeting Room.

ITEM 5 – MAYOR'S ENGAGEMENTS AND BUDGET

Date	**Event**
April	
17	Bob the Bus Awards Ceremony
19	Lord Mayor's of Exeter's Civic Service
May	
5	Elizabethan Market Opening
21	Mayor Making Ceremony
28	Annual Town Meeting (deputy)
June	
5	Annual River Inspection (Deputy Mayor Attended)
19	Meeting with Jamming Station
19	Meeting with Malcolm Curley to present award

Civic Events Budget 26/27	As at 30/06/26		**Mayoral travel Budget 26/27**	
Tim Bennett			Allocation	200.00
Allocation	3500.00		Expenditure	
Expenditure				
Mayoral Choosing catering	385.00			
Mayoral Choosing catering	70.20			
Medal engraving	36.00			0.00
			Balance remaining	
				200.00
Balance remaining	3008.80			
Event costs				
Mayoral Choosing	491.20			

Financial Regulations

TOTNES TOWN COUNCIL

AGREED JULY 2026

NEXT REVIEW JULY 2027

These Financial Regulations are produced in accordance with Governance and Accountability for Local Councils.

TOTNES TOWN COUNCIL FINANCIAL REGULATIONS

Contents

[Officer Note: the page numbers are not relevant/accurate in these meeting papers]

1. **General**
   1.1. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.

   1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.

   1.3. Wilful breach of these regulations by an employee may result in disciplinary proceedings.

   1.4. In these Financial Regulations:
   - 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
   - "Approve" refers to an online action, allowing an electronic transaction to take place.
   - "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
   - 'Proper practices' means those set out in *The Practitioners' Guide*
   - *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
   - 'Must' and **bold text** refer to a statutory obligation the council cannot change.
   - 'Shall' refers to a non-statutory instruction by the council to its members and staff.

   1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The Clerk has been appointed as RFO and these regulations apply accordingly. The RFO;
   - acts under the policy direction of the council;
   - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
   - determines on behalf of the council its accounting records and control systems;
   - ensures the accounting control systems are observed;
   - ensures the accounting records are kept up to date;
   - seeks economy, efficiency and effectiveness in the use of council resources; and
   - produces financial management information as required by the council.
   -

   1.6. **The council must not delegate any decision regarding:**
   - **setting the final budget or the precept (council tax requirement);**
   - **the outcome of a review of the effectiveness of its internal controls**
   - **approving accounting statements;**
   - **approving an annual governance statement;**
   - **borrowing;**
   - **declaring eligibility for the General Power of Competence; and**
   - **addressing recommendations from the internal or external auditors**

   1.7. In addition, the council shall:
   - determine and regularly review the bank mandate for all council bank accounts; and

- authorise any grant or single commitment in excess of £10,000.

2. **Risk management and internal control**
   2.1. **The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**

   2.2. The Clerk shall prepare, for approval by the council, a risk register covering all activities of the council. This register and consequential risk management arrangements shall be reviewed by the council at least annually.

   2.3. When considering any new activity, the Clerk shall complete a risk assessment including risk management proposals.

   2.4. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**

   2.5. **The accounting control systems determined by the CLERK must include measures to:**
   - **ensure that risk is appropriately managed;**
   - **ensure the prompt, accurate recording of financial transactions;**
   - **prevent and detect inaccuracy or fraud; and**
   - **allow the reconstitution of any lost records;**
   - **identify the duties of officers dealing with transactions and**
   - **ensure division of responsibilities.**
   -

   2.6. At least once in each quarter, and at each financial year end, a member who is a cheque signatory shall verify the bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this.

   2.7. Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

3. **Accounts and audit**
   3.1. All accounting procedures and financial records of the council shall be determined by the Clerk in accordance with the Accounts and Audit Regulations.

   3.2. The accounting records determined by the Clerk must be sufficient to explain the council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:
   - **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
   - **a record of the assets and liabilities of the council.**

   3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.

3.4. The Clerk shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the Clerk shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.

3.5. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices**.

3.6. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the Clerk, internal auditor, or external auditor with such information and explanation as the council considers necessary.

3.7. The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.

3.8 The council shall ensure that the internal auditor:

- is competent and independent of the financial operations of the council;
- reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
- can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the management or control of the council

3.9. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions;
- provide financial, legal or other advice including in relation to any future transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.

3.11. The Clerk shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.

3.12. The Clerk shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

4. Budget and precept

4.1. Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.

4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in December for the following financial.

4.3. No later than December each year, the Clerk shall prepare a draft budget with detailed estimates of all income and expenditure for the following financial year along with the reserves forecast for the following three financial years, taking account of the lifespan of assets and cost implications of repair or replacement.

4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward (by placing them in an earmarked reserve) with the formal approval of the full council.

4.5. The draft budget, including any recommendations for the use or accumulation of reserves, shall be considered by the Council Matters committee and a recommendation made to the council.

4.6. Having considered the proposed budget and three-year reserves forecast, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than the end of January for the ensuing financial year.

4.7. **Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must and must disclose at the start of the meeting that Section 106 applies to them.**

4.8. The Clerk shall **issue the precept to the billing authority no later than the end of February** and supply each member with a copy of the agreed annual budget.

4.9. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.

4.10. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the Council Matters Committee.

5. Procurement

5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.

5.2. The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.

5.3. Every contract shall comply with the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.

5.4. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Procurement Act 2023 and The Procurement Regulations 2024 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**

5.5. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 5.12) obtain prices as follows:

5.6. For contracts estimated to exceed £60,000 including VAT, the Clerk shall advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.

5.7. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation regarding the publication of invitations and notices.**

5.8. For contracts greater than £5,000 excluding VAT the Clerk shall seek at least 3 fixed-price quotes;

5.9. where the value is between £1000 and £5,000 excluding VAT, the Clerk shall try to obtain 3 estimates which might include evidence of online prices, or recent prices from regular suppliers.

5.10. For smaller purchases, the Clerk shall seek to achieve value for money.

5.11. **Contracts must not be split into smaller lots to avoid compliance with these rules.**

5.12. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:

i. specialist services, such as legal professionals acting in disputes;
ii. repairs to, or parts for, existing machinery or equipment;
iii. works, goods or services that constitute an extension of an existing contract;
iv. goods or services that are only available from one supplier or are sold at a fixed price.

5.13. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the council or Council Matters committee. Avoidance of competition is not a valid reason.

5.14. The council shall not be obliged to accept the lowest or any tender, quote or estimate.

5.15. Individual purchases within an agreed budget for that type of expenditure may be authorised by:

- Members of the Management Team for specific budget lines as decided by the Clerk for any items below £1000 excluding VAT .
- The Town Maintenance Officer for the TMO Tools & Consumables budget up to £100 excluding VAT.
- The Clerk, under delegated authority, for any items below £5,000 excluding VAT.
- The Council Matters committee for all items of expenditure over £5,000 excluding VAT.
- the council for all items over £10,000 excluding VAT.

Such authorisation must be supported by a minute in the case of council or committee decisions, or other auditable evidence trail.

5.16. No individual member, or informal group of members may issue an official order or make any contract on behalf of the council.

5.17. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council or a duly delegated committee acting within its Terms of Reference, except in an emergency.

5.18. In cases of serious risk to the delivery of council services or to public safety on council premises, the Clerk may authorise expenditure of up to £5,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the council as soon as practicable thereafter.

5.19. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.

6. Banking and payments

6.1. The council's banking arrangements shall be made by the Clerk and authorised by the council; banking arrangements shall not be delegated to a committee. All members shall be signatories on the bank mandate for the current account.

6.2. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.

6.3. All invoices for payment that do not have a supporting signed requisition form shall be examined, verified and certified by the Clerk or budget holder if under £1000, to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council. The Clerk shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading.

6.4. A schedule of the payments required shall be prepared by the Clerk and, together with the relevant invoices, be presented to a member who is a bank signatory to sign the schedule confirming the invoices match the schedule and approving them for payment.

6.5. All payments shall be made by online banking, unless the council resolves to use a different payment method.

6.6. The Clerk shall have delegated authority to authorise payments only in the following circumstances:

i. any payments of up to £5,000 excluding VAT, within an agreed budget.
ii. payments of up to £5,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998, where the due date for payment is before a member is able to review the invoice, where the Clerk certifies that there is no dispute or other reason to delay payment, provided that a member reviews the invoice retrospectively.
iv. Fund transfers within the councils banking arrangements up to the sum of £10,000.

v. A payment for an online/telephone order that is made by debit card in advance of receiving the goods and invoice provided that a member reviews the invoice retrospectively.

6.7. A record of regular fixed and variable Direct Debits made shall be drawn up and signed by one member annually or when new DDs are added to authorise the regular payments.

7. Electronic payments

7.1. Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. A minimum of two people will be involved in any online approval process.

7.2. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.

7.3. The Finance & HR Manager shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be signed by an authorised signatory.

7.4. In the prolonged absence of the Finance & HR Manager the Lettings & Finance Officer shall set up any payments due before the return of the Finance & HR Manager.

7.5. The Clerk shall check the payment details against the invoices before approving each payment using the online banking system. In the absence of the Clerk the Governance & Projects Manager shall approve the payments using the online banking system.

7.6. Evidence shall be retained showing which member of staff approved the payments online and a printout of the transaction confirming that the payment has been made shall be appended to the payment listing for audit purposes.

7.7. Regular payments (such as gas, electricity, and water) may be made by variable direct debit, provided that the instructions are signed by two authorised signatories.

7.8. Wages payments may be made by BACS provided that each payment is approved online by the Clerk and evidence is retained.

7.9. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed by two members and evidence of this is retained.

7.10. Account details for suppliers may only be changed upon written notification (including by e-mail) by the supplier verified by the Finance & HR Manager. This is a potential area for fraud and the individuals involved should ensure that any change is genuine.

7.11. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.

7.12. Remembered password facilities {other than secure password stores requiring separate identity verification} should not be used on any computer used for council banking.

8. **Payment cards**
   8.1. Any debit card issued for use will be in the name of the Clerk and will be restricted to a single transaction maximum value of £1000 unless authorised by the Full Council or the Council Matters Committee before any order is placed.

   8.2. The debit card shall not be used to make cash withdrawals.

   8.3. The debit card will be securely stored by the Finance & HR Manager and will only be provided to staff with the PIN on receipt of a signed requisition form detailing the proposed purchase. The card will be signed out and signed back in and the Finance & HR Manager will, within 24 hrs of the card use, confirm the amount on the requisition form matches the amount paid out of the bank.

   8.4. Proper VAT invoices must be obtained for all purchases made with the debit card and invoices must be signed retrospectively by a member.

9. **Petty Cash**
   9.1. The council will not maintain any form of cash float. All cash received must be banked intact.

10. **Payment of salaries and allowances**
   10.1. As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.

   10.2. Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.

   10.3. Salary rates shall be agreed by the council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the Council Matters committee.

   10.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.

   10.5. Deductions from salary shall be paid to the relevant bodies within the required timescales.

   10.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in confidential record, with the total of such payments each calendar month reported in the cashbook. Payroll reports will be reviewed by the Clerk to ensure that the correct payments have been made.

   10.7. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.

   10.8. Before employing interim staff, the council must consider a full business case.

11. **Loans and investments**

11.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.

11.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.

11.3. The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

11.4. All investment of money under the control of the council shall be in the name of the council.

11.5. All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk.

11.6. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

12. Income

12.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the Clerk.

12.2. The council will review all fees and charges for statutory work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The Clerk shall be responsible for the collection of all amounts due to the council.

12.3. Any sums found to be irrecoverable and any bad debts shall be reported to the council by the Clerk and shall be written off in the year. The council’s approval shall be shown in the accounting records.

12.4. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the Clerk considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.

12.5. Personal cheques shall not be cashed out of money held on behalf of the council.

12.6. The Clerk shall ensure that VAT is correctly recorded in the council’s accounting software software and that any VAT Return required is submitted from the software by the due date.

12.7. Where significant sums of cash are regularly received by the council, the Clerk shall ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control record such as ticket issues where possible, and that appropriate care is taken for the security and safety of individuals banking such cash.

12.8. Any income that is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting.

13. Payments under contracts for building or other construction works

13.1. Where contracts provide for payment by instalments the Clerk shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.

13.2. Any variation of, addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

14. Stores and equipment

14.1. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

15. Assets, properties and estates

15.1. The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.

15.2. The Clerk shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.

15.3. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15.4. No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).

No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £5000. In each case a written report shall be provided to council with a full business case.

16. Insurance

16.1. The Clerk shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.

16.2. The Clerk shall give prompt notification to the Council's Insurance Broker of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

16.3. The Clerk shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council at the next available meeting. The Clerk shall negotiate all claims on the council's insurers.

16.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

17. Suspension and revision of Financial Regulations

17.1. The council shall review these Financial Regulations annually and following any change of clerk or RFO. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.

17.2. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.

17.3. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

Appendix 1 - Tender process

1) Any invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
5) Any invitation to tender issued under this regulation shall be subject to Standing Order section 15 and shall refer to the terms of the Bribery Act 2010.
6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

ITEM 8 – HR POLICY REVIEW

a. Working Time and Leave Policy

WORKING TIME AND LEAVE POLICY

TOTNES TOWN COUNCIL
July 2026

INDEX

1 INTRODUCTION

Totnes Town Council is open to the public from 10am to 4pm Monday to Friday (excluding bank holidays and statutory holidays) and the office should be manned by at least two staff during these core hours under normal circumstances.

Whilst every effort will be made to achieve this, there will be times, such as during the Christmas recess, when it will not be possible. The Town Clerk has overall delegated responsibility to manage the staff and office cover. If the office has to close during core hours, then the Chair of Council Matters and/or the Mayor will be informed by the Clerk or in their absence a member of the management team.

2 WORKING TIME

2.1 HOURS OF WORK

Employees hours of work are set out in their contracts of employment and any subsequent change of contract letters.

2.2 OVERTIME

Overtime is time worked beyond the contracted hours. It is preferable for TOIL (time in lieu) to be used but where this is not practical all overtime will be authorized in advance by the Town Clerk. Overtime is paid at standard hourly rate unless the hours are before 7am or after 10pm (with the exclusion of the Town Clerk), and on Sunday or public bank holidays where a double rate is payable (all staff). Amendments to this arrangement may be made contractually, for example with the caretaking hours to ensure staff recruitment and retention.

Procedures relating to overtime are set out in the Staff Handbook.

2.3 TIME OFF IN LIEU (TOIL)

An employee is entitled to take time off in lieu of additional hours worked over and above his/her contracted hours. Any additional hours worked are subject to agreement and recognise the need to provide staff cover, to maintain the necessary deadlines, provide members of the public with the expected service levels and the attendance at Council meetings.

Procedures relating to TOIL are set out in the Staff Handbook.

2.4 FLEXIBLE WORKING

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly. As a good employer, Totnes Town Council has always had a positive view of flexible working. This policy sets out the framework in which variable working will be managed within the Council.

Eligibility

The right to request flexible working is available to employees from the first day of their employment.

A maximum of two flexible working requests can be made within any twelve month period. Only one request for flexible working may be live at any one time.

The legislation does not provide an automatic right to flexible working. There is an emphasis on the importance of both the employee and the employer considering the terms of the request and attempting to reach an outcome that suits both parties. The employee has a responsibility to think carefully about their desired working pattern when making an application, and the manager is required to follow a specific procedure to ensure requests are considered objectively.

Timescales

Requests will be considered in a timely manner. The entire process, including hearing an appeal will be completed within 2 months of the written request being received.

Roles and Responsibilities

Normally, the Town Clerk will consider flexible working requests and appeals will be heard by a Panel of the Personnel Sub-Committee.

If the request is being made by the Town Clerk, this should be referred to the Council Matters Committee, who will set up a panel to consider the request and a separate panel to consider any appeal.

Representation

Employees have the right to representation, either by a trade union representative or a work colleague, at the consultation meeting and appeal stages.

Representatives have the right to address the meeting or appeal. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf.

What is Flexible Working?

Flexible working can mean a change to the number of hours worked, the times worked or the place of work.

Some examples of flexible working are:

- Part-time working;
- Homeworking or hybrid working;
- Job sharing/Flexible working hours;
- Term time only working

How to apply

Anyone considering flexible working should first discuss with their manager the reasons for the request to change their working pattern and how they think it could work. A formal application can then be made in writing to the Town Clerk. It should set out clearly:

- the date of the request;
- the change the employee is requesting to the terms and conditions of their employment in relation to their hours, times or place of work;
- the date the employee would like the change to come into effect;
- if and when the employee has made a previous request for flexible working to the employer.

Considering the Request

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

All requests will be carefully considered by the Town Clerk (or a Panel of the Council Matters Committee if in relation to the Town Clerk), involving relevant managers where appropriate.

When considering a request, the Town Clerk should:

- Consider the request fairly;
- Consider the potential benefits and/or impacts that the change would have for the employee and the organisation;
- Consider any scope for compromise.

Flexible working requests will be agreed where possible. Requests may, however, be refused where there is a genuine business reason to do so.
Employers can reject an application for any of the following reasons:

- Burden of additional costs;
- Inability to reorganise work among other staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental effect on customer service;
- Detrimental impact on performance;
- Insufficient work available during the periods the employee proposes to work; or
- The proposal does not fit in with planned structural changes.

Consultation Meeting to Consider the Request
Where a request cannot be agreed in full without further information or discussion, the employee will be invited to a consultation meeting with the Town Clerk. The employee's Line Manager may also be asked to attend.

The purpose of this meeting will be to discuss the request, obtain additional information where needed and fully explore the benefits/impact of the requested changes. Where there are concerns that the request may not be able to be granted in full, alternative arrangements can be discussed with a view to securing some of the benefits of the application.

The employee will be given 5 working days' notice of the meeting and will have the right to representation . A written record will be made of the meeting.

Making the Decision
After the meeting, the Town Clerk (or Panel of the Council Matters Committee if in relation to the Town Clerk) will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Council against any adverse impact of implementing the changes.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting. The request may be granted in full or in part: for example, the Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not upheld or is only upheld in part.

If an application is refused, the employee will be notified of the reasons why the request cannot be accommodated at this time. The grounds on which a request may be refused are set out in the section above entitled 'Considering the Request'.

Regardless of whether or not an application is approved, a maximum of two flexible working requests can be made within any twelve month period. Only one request for flexible working may be live at any one time.

Right of Appeal
An employee has the right of appeal against the Council's decision. An Appeal should be submitted in writing to the Town Clerk who will arrange an appeal meeting.

The employee will be given 5 working days' notice of the meeting and will have the right to representation. A written record will be made of the meeting.

Appeals will be heard by a Panel of the Personnel Sub-Committee. Following the meeting the employee will be notified of the outcome in writing.

Review
If a trial period has been agreed, then the Town Clerk and the appropriate Manager will undertake this review. This is to ensure that the change in work pattern is working effectively and that there is no adverse impact on either the work of the Council or the efficient working of the team. If there appears to be a problem, a further meeting will be set up with the employee to consult them before a decision is made either to continue, to vary the working pattern further or to revert to the original working arrangement.

At the end of the review the Town Clerk will confirm in writing whether or not the change in working pattern will be made permanent. If it may not continue, notice will be given that the working pattern cannot be accommodated and will end on a specified date.

All flexible working will be reviewed periodically by management to ensure that the needs of the Council continue to be met.

3 PAID LEAVE

3.1 ANNUAL LEAVE

The Council takes a positive view on work/life balance issues and believes that employees should take responsibility for regularly taking annual leave to ensure their own health, safety, and wellbeing in accordance with the Working Time Regulations.

Annual leave must only be taken with Line Manager approval. Employees must give as much notice as possible when requesting annual leave. Such notice should be at least twice the number of days' leave that the employee wishes to take as annual leave.

The annual leave year runs from 1 April to 31 March.

Entitlement for Totnes Town Council employees is as follows

On appointment	23 days + 5 Statutory + Bank Hols

After 5 yrs continuous LG service	27 days + 5 Statutory + Bank Hols
After 10 yrs continuous LG service	29 days + 5 Statutory + Bank Hols

When an employee's entitlement changes during the leave year (e.g. a change in hours or completion of 5 or 10 years continuous service), the leave for that year will be re-calculated at the point of change.

Continuous service includes service with one or more of the employers covered by the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999, as amended (the Modification Order).

Employees who join and/or leave the Council during the annual leave year will receive a holiday entitlement proportionate to their completed service during the leave year.

In the event of the employee leaving the Council, payment for any leave which has been taken in excess of their accrued part year entitlement will be deducted from the final wage payment.

An employee leaving the Councils' employment should try to take all outstanding accrued annual leave before they leave. Where it has not been possible to take the outstanding accrued leave, a payment in lieu may be made with the agreement of the Council Matters Committee.

All part time and job share employees will have a pro rata entitlement to annual leave, bank holiday and statutory leave, calculated and expressed in hours. Less than 0.5 hours are rounded down and 0.5 or more are rounded up.

Carry Over of Annual Leave
Up to a maximum of 1 working week of annual leave (pro rata for part time employees), may be carried over from one leave year to the next with the agreement of the Clerk.

3.2 BANK/PUBLIC HOLIDAYS

All employees are entitled to paid bank/public holiday leave. The Council recognises eight bank holidays during the calendar year, although the dates of these may vary from year to year.

Part-time employees have a pro rata entitlement to bank/public holiday leave. This is calculated with reference to the annual entitlement of a full-time employee.

3.3 EXTRA STATUTORY LEAVE DAYS

In July 2020 the Town Councillors took the decision to increase employees' entitlement to extra statutory annual leave days from two to five days per year in addition to annual leave and public holidays.

The 5 extra statutory days will be taken over the Christmas period on dates set each year by the Town Clerk.

Part time and job share employees will receive a pro rata entitlement to the set extra statutory days' holidays.

3.4 MATERNITY, PATERNITY AND ADOPTION LEAVE

Please see the Council's Maternity, Paternity and Adoption Policy.

Totnes Town Council is committed to ensuring that all pregnant/adopting employees take the leave that they are entitled to and will follow the requirements of the NJC Green Book in relation to requests for maternity, paternity and adoption leave (National Joint Council Green Book (May 2018) reference: Part 2.11, Page 16)

If you are having or adopting a baby, you are entitled to up to 52 weeks' maternity/adoption leave. This comprises of 26 weeks' ordinary maternity/adoption leave immediately followed by up to a further 26 weeks' additional maternity/adoption leave. Maternity leave must commence no earlier than 11 weeks before the EWC, or from the day following childbirth if that is earlier. From the beginning of the fourth week before the EWC, an employee's maternity leave may be triggered if they are absent due to a pregnancy-related illness.

An employee will continue to accrue annual leave and bank holidays during her maternity/adoption leave. Staff on maternity/adoption leave who, as a result, are unable to take all their annual leave entitlement in a particular year are allowed to carry forward any untaken annual leave to the following leave year.

Annual leave cannot be taken during a period of maternity/adoption Leave. It must be taken either prior to, or following maternity/adoption leave. Any annual leave taken following the birth/placement of the baby will be deemed to be a 'return to work' for the purposes of maternity regulations. The employee will therefore be expected to resume her normal duties following the period of leave.

All sickness absence prior to starting leave will be administered under the normal sickness absence procedure. The employee will receive contractual or Statutory Sick Pay (SSP), as appropriate. In cases where pregnancy related sickness absence occurs, after the beginning of the fourth week before the EWC, maternity leave will start automatically from the first day of absence. An employee who is unable to return to work at the end of their maternity leave, due to sickness, will be treated as being on sick leave in accordance with the Town Council's Sickness Absence Policy.

Ante-natal care

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic. An expectant father or the partner (including same sex) 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. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. Employees who are adopting a child are entitled to take time off to attend adoption appointments.

Ordinary Paternity Leave (OPL)

An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 56 days of the birth or date of placement. If the child is born early, OPL may be taken between the date of birth and up to the 56th day after the EWC.
Ordinary Paternity Leave can be taken in a single two week block or as two seprate one week blocks and must be taken within eight weeks of the birth or adoption of the child. Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

You must inform the council in writing of your intention to take OPL by the end of the qualifying week, unless this is not reasonably practicable. You must tell us:

- The week the baby is due,
- Whether you wish to take one or two weeks' leave, and,
- When you want your leave to start.

In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

3.5 COMPASSIONATE LEAVE

Compassionate leave of up to five working days with full pay may be granted to an employee by the Town Clerk upon the death or serious illness of a partner, child, close relative or person of significant connection. In exceptional circumstances, this period may be extended by up to a further five working days with or without pay at the discretion of the Town Clerk. Any further leave will be considered by Council Matters under their delegated authority.

Supported leave of up to five working days **with pay** may be granted to an employee by the line manager in circumstances where a partner, child, close relative or person of a significant relationship has been diagnosed with a serious illness or undergoes a serious medical procedure. In exceptional circumstances, the period may be extended by up to a further five working days with or without pay at the discretion of the Town Clerk. Any further leave will be considered by Council Matters under their delegated authority.

3.6 PARENTAL BEREAVEMENT LEAVE AND PAY

Parental Bereavement Leave provides up to two weeks' leave for employees following the loss of a child who was under the age of 18 or a stillbirth after 24 weeks of pregnancy.

In order to qualitfy for parental beareavement leave and pay, the employee must be either:

- the child's legal parent; or
- a parent's partner, in an enduring family relationship with the child who has passed away and their parent; or
- an individual with a caring relationship to the child, such as a "parent in fact", who are defined as a person who for a continuous period of at least four weeks before the child's death has lived with the child in the person's home, and had day to day responsibility for the child's care (provided they are not paid for that role, foster payments excepted); or
- the "intended parent" of a child who has passed away, i.e. a parent using a surrogate; or
- the "natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent; or
- the adopter of a child who has passed away.

All employees, who are eligible as above, are entitled to 2 weeks' parental leave regardless of their length of service.

The two weeks' leave can be taken, either as one block or in two one-week blocks. The leave may be taken at any time within 56 weeks of the child's death.

Notification requirements
If the employee wishes the leave to start within 56 days of the child's death, notice must be given to the Town Clerk before the day the employee wishes the leave to start, or where that is not possible as soon as is reasonably practicable.

Employees must give the Town Clerk at least one week's notice if they wish the leave to start after the 56-day period.

When giving notice the employee must specify, ideally in writing, to the Town Clerk:

- the date of the child's death,
- the date on which the employee intends the leave to start, and
- whether the period of absence is for one week or two weeks.

Cancellation of Parental Bereavement Leave
If an employee has asked to begin parental bereavement leave within the first 56 days of the date of the child's death, they can cancel the parental bereavement leave, as long as they inform the Town Clerk prior to when they would have been due to start work.

If an employee has asked to begin parental bereavement leave more than 56 days after their child's death, then they can cancel their request for parental bereavement leave, as long as they inform the Town Clerk at least one week in advance.

Employees cannot cancel any week of parental bereavement leave that has already begun.

Parental Bereavement Pay eligibility
In order to qualify for parental bereavement pay employees must meet the eligibility criteria as above and also have:

- at least 26 weeks' continuous service by the week before the week in which their child passes away, and still be employed by the Council on the day on which the child passed away;
- weekly average earnings over the lower earnings limit for National Insurance contributions in the eight weeks prior to the week before the child's death.

Parental Bereavement Pay
Parental bereavement leave will be paid at the Statutory Parental Bereavement Pay (SPBP) rate or 90 per cent of the average weekly earnings, whichever is the lower.

In order to receive parental bereavement pay, an employee must notify the Town Clerk in writing within 28 days of the start of the week's (or weeks') leave or, if that is not reasonably practicable, as soon as is reasonably practicable.

Notice must include the parent's name and the date of the child's death. Furthermore, on the first occasion leave is taken, the employee must also provide a written declaration that they meet one of the qualifying conditions in terms of their relationship with the child.

Parental bereavement leave for employees who are not eligible for parental bereavement pay will be unpaid.

Continuous Service
Parental Bereavement Leave counts for the purpose of continuous service.

Returning to work following parental bereavement leave
Employees have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

Employees are entitled to return to an alternative job that is suitable and appropriate, rather than the same job, if:

- the period of leave taken is more than 26 weeks, when added to other statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child; and
- it is not reasonably practicable for them to return to the same job.

Pension
See the 'Pension' section of this policy regarding the pension implications of taking Parental Bereavement Leave.

3.7 PUBLIC DUTIES

Up to 5 days' leave with pay per year may be given with the permission of the Town/Parish Clerk for serving on public bodies or undertaking public duties, e.g. magistrate's service, school governing bodies, and political appointments for those employees whose posts are not politically restricted.

Where an allowance is claimable for loss of earnings, employees should claim and pay the allowance to the Council.

3.8 JURY SERVICE

When on jury service, employees are required to claim an allowance for loss of earnings, which is available from the court. Totnes Town Council will pay the difference between the amount of this allowance and the employee's normal contractual pay. Employees will receive a certificate of loss of earnings form along with their invitation to jury service, which the Town Clerk will arrange to complete for them in order to enable the allowance to be claimed.

The Council undertakes to make this 'top up' payment for a period of up to four weeks. If jury service is likely to extend beyond this time, consideration will be given on a case-by-case basis whether to extend the payment for an additional period.

If the employee's absence is likely to cause substantial damage to the business then the Town Clerk will discuss this with them. The employee can, if they choose to do so, ask the court to be excused, or to have their participation deferred. They are not obliged to request this, but if they do then the Town Clerk may write a letter in support of their application.

See the ‘Pension’ section of this policy regarding the implications of taking unpaid leave.

3.9 OTHER AUTHORISED PAID LEAVE

From time to time exceptional circumstances may arise where paid leave is necessary in addition to the types of leave already detailed above.

Totnes Town Council will follow government guidance in relation to circumstances outside the control of the Town Council. Where the NJC has issued guidance in such circumstances this will be applied.

4 UNPAID LEAVE

4.1 MEDICAL APPOINTMENTS

In general, routine medical, dental, optician or health appointments should be made outside working hours wherever possible.

The Council appreciates that it is not always possible to avoid appointments during the working day. Where this is the case, employees should make a request to their line manager to agree a convenient time, giving as much notice as possible. Requests will not be unreasonably refused. Employees will be required either to use Annual Leave/TOIL or take unpaid leave. See the ‘Pension’ section of this policy regarding the implications of taking unpaid leave.

Employees who have a serious or long-term medical condition which will require appointments during their working day should discuss their situation with their manager so that appropriate arrangements may be considered.

Employees may be required to provide evidence of any appointment for which time off is needed.

From 1st April 2026, necessary paid time off will be granted to attend hospital appointments and cancer screening. The paid time off will be given for the appointment, travel to and from the appointment and any recovery time required following a medical procedure at the appointment. Employees will be required to provide written evidence of the appointment booking.

4.2 ORDINARY PARENTAL LEAVE

Ordinary parental leave applies to all parents (birth or adoptive) and those people with parental responsibilities. It allows for them to take up to a total of 18 weeks’ unpaid leave for each child, using a maximum of 4 weeks per year per child. Each parent and person with parental responsibility are entitled to take this leave.

Ordinary parental leave may be particularly useful if you require time off to care for your child but have used up, or are not entitled to, other types of family-friendly leave.

Employees who are considering taking ordinary parental leave following the birth of a child or the placement of the child for adoption, should bear in mind that they may also be entitled to paid maternity / paternity /

adoption / shared parental leave. Further information can be found in the Councils Maternity, Paternity and Adoption Policy.

Ordinary parental leave is a day-one right; therefore, employees do not require any qualifying service.

The right to take up to 18 weeks' unpaid parental leave is subject to the following conditions:

- The employee must provide evidence of parenthood or parental responsibility where requested i.e. a birth certificate or adoption papers.
- The employee must give the Town Clerk at least 21 days' notice in writing to take leave. The notice must specify the dates on which the period of leave is to begin and end.
- Where an employee requests parental leave to begin when their child is born, their notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice to the Town Clerk at least 21 days before the expected week of childbirth. If the child is born earlier/later than expected, the employee should agree any changes to the start of the leave with the Town Clerk.
- Where the ordinary parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to the Town Clerk at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of ordinary parental leave requested.
- The employee can only take leave in blocks of one or more weeks except where the child is disabled, in which case it may be taken one day at a time.
- The employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to ordinary parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

The Town Clerk may postpone the leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) for a maximum of 6 months if there are sound business reasons for doing so. The Town Clerk should seek agreement with the employee over mutually acceptable arrangements and confirm the outcome in writing within 7 days of the request.

If an employee falls ill during parental leave, the absence will be treated as sick leave for those periods covered by a doctor's certificate.

Managers should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.

Continuous Service

Ordinary Parental leave counts for the purpose of continuous service.

Returning to work following parental leave

An employee who returns to work after a period of ordinary parental leave is entitled to return to the job in which they were employed prior to the absence if it was an isolated period of leave lasting four weeks or less.

If the period of ordinary parental leave followed on immediately from another period of statutory leave, the employee's right to return depends on the total length of leave taken.

Pension
See the ‘Pension’ section of this policy regarding the pension implications of taking Parental Leave.

4.3 EMERGENCY TIME OFF FOR DEPENDENTS

All employees (regardless of their length of service) have the right to take a reasonable amount of unpaid time off work in order to deal with particular unexpected emergencies affecting their dependants.

A dependant is:

- A spouse, civil partner, child or parent;
- A person who lives with the employee (other than as a lodger, tenant, boarder or employee);
- Any other person who would reasonably rely on the employee for assistance if they fell ill or were injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
- In relation to the disruption or termination of care for a dependant or any other person who reasonably relies on the employee to make arrangements for the provision of care.

Under this provision, an employee is entitled to take time off work:

- Where a dependant falls ill, gives birth, or is injured or assaulted;
- To provide assistance following the death of a dependant;
- Where there has been an unexpected disruption to, or termination of, the arrangements for the care of a dependant; and
- To deal with an emergency relating to a child of the employee that occurs unexpectedly at the child's school.

Although there is no requirement to give notice the employee must, as soon as possible, tell their line manager the reason for their absence and how long they expect to be away from work.

This leave is unpaid. All employment rights, including accrual of annual leave, continue during the period of leave.

Employees who are members of the Local Government Pension Scheme may ‘buy back’ pension lost during authorised unpaid leave, as set out in this policy. See the section entitled ‘Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service.

Pension
See the ‘Pension’ section of this policy regarding the pension implications of taking Emergency Time Off for a Dependant.

4.4 CARERS LEAVE

All employees (regardless of their length of service) have entitlement to unpaid leave to give or arrange care for a ‘dependant’ who has:

- a physical or mental illness or injury that means they’re expected to need care for more than 3 months
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

A dependant is:

- a spouse, civil partner, child or parent;
- A person who lives with the employee (other than as a lodger, tenant, boarder or employee); or
- any other person who would reasonably rely on you to provide or arrange care.

Employees are entitled to carer's leave from their first day of work for their employer.

Carer's leave is unpaid. All employment rights, including accrual of annual leave, continue during the period of leave.

Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

They can either take a whole week off or take individual days or half days throughout the year.

If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

Employees need to give their employer notice before they want their leave to start.

If the request is for half a day or a day, the notice period must be at least 3 days.
If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.

The notice period needs to be in full days, even if the request includes half day amounts.

Any request should be addressed to the Town Clerk.

Employees do not need to give evidence of their dependant's care needs.

If the absence would cause serious disruption to the Town Council, the employee can be asked to take the leave at a different time.

If they delay it, the employer must:
- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave

Pension
See the 'Pension' section of this policy regarding the pension implications of taking Carer's Leave.

4.5 BEREAVED PARTNER'S PATERNITY LEAVE

The Bereaved Partner's Paternity Leave Regulations 2026 provide entitlement for an extended period of leave for bereaved partners in a situation where the primary carer has died. They take effect on 6 April 2026 and apply where the primary carer (the mother or the child's primary adopter) dies on or after that date.

Other Contractual Leave Rights

During a period when they could take Bereaved Partner’s Paternity Leave, which is unpaid, an employee may also have a right to take other types of leave. They could, for example, be entitled to Paternity Leave, and/or Neonatal Care Leave.

These would be separate entitlements with separate eligibility requirements. Where they apply, the law does not specify in which order different types of leave should be taken.

However, regardless of the order in which different types of leave are taken, the Paternity Leave Eligibility period or PLEP (set out below) is not extended. Taking other types of leave during the PLEP will therefore reduce the total amount of Bereaved Partner’s Paternity Leave available.

Extent of Bereaved Partner’s Paternity Leave Entitlement

An eligible employee is entitled to a single period of up to 52 weeks’ leave.

The period during which leave can be taken, which is called the paternity leave eligibility period (PLEP), starts on the day after the child is born or placed for adoption and ends 52 weeks after that day. Leave cannot start until after the bereavement date.

If the bereavement occurs less than a fortnight before the end of the 52 weeks, the eligibility period ends 14 days after the bereavement date.

Pay During Bereaved Partner’s Paternity Leave

Bereaved Partner’s Paternity Leave is unpaid.

Eligibility Criteria for Bereaved Partner’s Paternity Leave

Bereaved Partner’s Paternity Leave is a ‘day one right’, which means that employees are eligible from the first day of their employment.

A person is entitled to a period of bereaved partner’s paternity leave (BPPL) for the purpose of caring for a child where the child’s primary carer (the mother or the child’s primary adopter) dies, if they have the main responsibility for the upbringing of the child and:

In a birth case:

- They are the child’s father

Or

- Immediately before the mother’s death, they were married to or were the civil partner or partner of the child’s mother.

In the case of an adoption from within the UK:

- They were married to, or were the civil partner or the partner of, the child’s adopter –

(i) on the date on which the child was placed for adoption, or

(ii) immediately before the death of the child’s adopter

In the case of an adoption from within the UK the child must be under the age of 18 when they were placed for adoption with the adopter.

The Regulations also apply to overseas adoption and parental order (surrogacy) cases.

Notice of Taking Bereaved Partner's Paternity Leave
Different notice requirements apply depending on when the employee intends to start their leave.

Starting Leave No More Than Eight Weeks After Bereavement
If leave is to start no more than eight weeks after the bereavement date, notice can be given either orally or in writing.

The employee must tell the employer:
• the bereavement date
• the date they intend to start their leave.
• the date of the child's birth or placement for adoption

The notice must be given before the employee is due to start work on the first day of their leave. This could allow, for example, an employee to phone their employer before they would be expected to start work to say that they are going to take bereavement leave.

Subsequently, the employee must provide the employer with a written notice setting out:
• the length of time for which they intend to be absent
• their intended return date, which can be no later than the day after the final day of the PLEP
• if the intended return date is more than eight weeks after the bereavement date, confirmation of the date the child was born or placed for adoption and a declaration that they are taking the leave to care for the child and that they satisfy the relationship conditions for taking leave.

This notice must be provided no more than eight weeks after the bereavement date and at least one week before the intended return date.

Starting Leave More Than Eight Weeks After Bereavement
If the employee wants to start their leave more than eight weeks after the bereavement they must give written notice at least one week before the first day of their absence on leave.

The notice must set out:
• the bereavement date
• the date they intend to start their leave
• the date of the child's birth or placement for adoption
• their intended return date, which can be no later than the day after the final day of the PLEP
• a declaration that they are taking the leave to care for the child and that they satisfy the relationship conditions for taking leave.

Varying the Start Date of Leave
An employee can vary the date on which they start their leave. The amount of notice required depends upon whether or not the last notified start date was no more than eight weeks after the bereavement date (BD), as follows:

Last notified start date is no more than eight weeks after bereavement date
If the new date remains within the eight weeks after the BD, notice can be given orally and the employer must be informed of the change before whichever is the earlier of the new or the last notified start date. If the employee subsequently wants to push their start date back so that it is more than eight weeks after the

BD, they must inform the employer in writing before the last notified date and at least one week before the new date.

Last notified start date is more than eight weeks after bereavement date
If the last notified start date is more than eight weeks after the BD, notice must be given in writing at least one week before whichever is the earlier of either the new or the last notified start date.

Varying the Intended Return Date
The employee can also vary the date they intend to return. If the last notified intended return date is no more than eight weeks after the BD, they must give written notice at least one week before whichever is the earlier of the new and the last notified return date.

If the last notified intended return date is more than eight weeks after the BD, they must give written notice at least eight weeks before whichever is the earlier of the new and the last notified return date.

If an employee attempts to return to work without having correctly notified their employer of their intended return date, or variation of that date, the employer can give them a written notice of postponement to ensure that it has the notice that it is entitled to as set out above. The return date cannot be postponed beyond the day immediately following the end of the PLEP. An employer who legitimately postpones an employee's return is under no contractual obligation to pay an employee who returns to work before the postponed return date.

Cancelling Leave
An employee can also cancel their leave. If it was due to start no more than eight weeks after the BD, they can cancel by giving notice before the last notified start date. Otherwise at least one week's notice before this date is required.

Where the Child Also Dies or (In the Case of Adoption) Is Returned
<u>Bereaved Partner's Paternity Leave in this situation</u>
If the child also dies, or in the case of adoption is returned, the employee will no longer be able to fulfil the purpose of the leave, which is to care for the child.

However, in these situations an employee will be able to take the greater of eight weeks' Bereaved Partner's Paternity Leave (starting with the Sunday following the week in which the child died or was returned) or to the end of the PLEP. This entitlement applies to the birth of a stillborn child after 24 weeks of pregnancy.

As well as complying with the notice provisions set out above, the employee must inform the employer of the date of the child's death or return; this notification must be given either orally or in writing before the first day of absence following this occurrence. An employee who has already returned to work from Bereaved Partner's Paternity Leave does not have a statutory entitlement to further leave under the Regulations due to the death or return of the child.

<u>Other Entitlements</u>
In addition to Bereaved Partners Paternity Leave, employees may also be entitled to Parental Bereavement Leave and, where eligible, pay. This leave must be taken within 56 weeks of the child dying. Details of this are set out in the [Leave Policy].

Employees may also still qualify for paternity leave and, where eligible, pay. This leave must be taken within 52 weeks of the child's birth. This includes if the baby it either stillborn from 24 weeks of pregnancy or is born alive at any point in the pregnancy but later dies. For details of this entitlement please refer to the [Paternity Leave Policy].

Keeping in Touch
An employee can work up to 10 days' during their Bereaved Partner's Paternity Leave, in agreement with their manager, without bringing their leave to an end. Working for part of a day will count as one day.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on Bereaved Partner's Paternity Leave. If the employee does not wish to be contacted, then they should notify their line manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on leave.

Continuous Service
Bereaved Partner's Paternity Leave counts as continuous service for statutory and contractual purposes.

Leave During Bereaved Partner's Paternity Leave
Annual leave continues to accrue during Bereaved Partner's Paternity Leave

Bank/public holidays continue to accrue during Bereaved Partner's Paternity Leave.

Carry Forward of Annual Leave:
Where circumstances allow, the employee and their manager should review annual leave arrangements before the start of Bereaved Partner's Paternity Leave and before the employee's return to work.
Where taking Bereaved Partner's Paternity Leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

Treatment of Leave Where an Employee Changes Their Hours after Bereaved Partner's Paternity Leave
If an employee changes their hours after taking Bereaved Partner's Paternity Leave maternity leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

Pension
The following information relates to employees who are members of the Local Government Pension Scheme and who take leave on or after 1 April 2026 (6 April 2026 for Bereaved Partner's Paternity Leave). Full details can be found on the Local Government Pension Scheme (LGPS) website or from your county's LGPS fund.

<u>Pension During Relevant Child-related Leave</u>
Relevant child-related leave in the Local Government Pension Scheme means:
- Maternity or adoption leave, both paid and unpaid*
- Shared parental leave, both paid and unpaid*
- Paternity leave, whether paid/unpaid
- Paid parental bereavement leave

- Paid neonatal care leave
- Bereaved partner's paternity leave, which is always unpaid

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

[*Note: Weeks 27-52 of maternity/adoption leave are classed as 'additional maternity/adoption leave'. If the unpaid period of additional maternity/adoption leave or the unpaid period of shared parental leave started before 1 April 2026, Assumed Pensionable pay would not apply during this period. Please see the LGPS website for details of the old rules.]

Pension When Assumed Pensionable Pay Does Not Apply
Assumed Pensionable Pay does not apply during:

- Unpaid parental bereavement leave
- Unpaid neonatal care leave

Where the period of unpaid leave started on or after 1 April 2026, it is treated as authorised unpaid leave. How pension is affected depends on how long it lasts.

Authorised Leave Without Pay (Less Than 15 Days)
If the unpaid leave lasts less than 15 days, the employee's pension will continue to build up in this period. The employee and employer both pay the pension contributions that would have been paid if the employee was at work receiving their normal pay.

Authorised Leave Without Pay (15 days or More)
If the unpaid leave lasts for 15 days or more, the break will not automatically count for pension purposes.

The employee can, if they wish, choose to pay extra contributions to buy the pension they 'lost' in the unpaid period.

If they elect to pay these extra contributions within a year of returning to work, the cost is split between the employee and their employer. The contributions can be paid by lump sum or regular deductions from the employee's pay. The employer will be able to provide information about the cost and the employee's payment options.

An arrangement to buy pension 'lost' in a period of unpaid leave that started 1 April 2026 or later is known as a Qualifying Additional Pension Arrangement or QAPA.

4.6 OTHER UNPAID LEAVE

In addition to annual leave staff are entitled to request up to a maximum of one working week off as unpaid leave. This must be taken as a minimum of half a day and will align with the annual leave year (April – March).

The Town Clerk will consider any requested for unpaid time off in relation to the business need and other pre-booked leave within the team.

Any unpaid time off taken to deal with emergencies involving a 'dependant' will be included in this unpaid leave entitlement.

See the following 'Pension' section regarding the implications of taking unpaid leave.

5 PENSION

The following information relates to employees who are members of the Local Government Pension Scheme and who take leave on or after 1 April 2026 (6 April 2026 for Bereaved Partner's Paternity Leave). Full details can be found on the Local Government Pension Scheme website or from your county's LGPS fund.

5.1 Paid Leave

During periods of paid leave such as annual leave, bank holidays and paid time off for public duties, the employer and employee pension contributions continue as if the employer was at work.

5.2 Relevant Child-Related Leave

Information regarding pension contributions during relevant child-related leave, both paid and unpaid, can be found in the Council's separate Maternity, Neonatal, Paternity and Adoption Policy

5.3 Parental Bereavement Leave

If the employee is eligible for pay during a period of Parental Bereavement Leave, their pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction.

If the employee does not meet the eligibility for pay during a period of Parental Bereavement Leave and the unpaid leave started on/after 1 April 2026, their pension would be calculated as 'Authorised Leave Without Pay'.

5.4 Authorised Leave Without Pay (Less Than 15 Days)

If the employer allows an employee to take unpaid leave that starts on/after 1 April 2026 and lasts less than 15 days, their pension will continue to build up in this period. The employee and employer both pay the pension contributions that would have been paid if the employee was at work receiving their normal pay.

5.5 Authorised Leave Without Pay (15 days or More)

If the employer allows an employee to take unpaid leave that that starts on/after 1 April 2026 and lasts for 15 days or more, the break will not automatically count for pension purposes.

The employee can, if they wish, choose to pay extra contributions to buy the pension they 'lost' in the unpaid period.

If they elect to pay these extra contributions within a year of returning to work, the cost is split between the employee and their employer. The contributions can be paid by lump sum or regular deductions from the employee's pay. The employer will be able to provide information about the cost and the employee's payment options.

An arrangement to buy pension 'lost' in a period of unpaid leave that started 1 April 2026 or later is known as a Qualifying Additional Pension Arrangement or QAPA.

5.6 Strike Action

If an employee is away from work for a day or more due to a trade dispute, the period will not count for pension purposes unless they elect to pay Additional Pension Contributions (APCs) to purchase the 'lost' pension. The employee would pay the full cost unless the employer chose to contribute.

The 'Buy lost pension calculator' on the LGPS member website can be used to find out more about this option. In order to use the calculator, the employer would need to provide the employee with information about the pay they 'lost' in the trade dispute.

6 SHARED PARENTAL LEAVE

6.1 Definitions

The following definitions are used in this policy:

- "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects them to give birth; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth
- "Primary adopter" refers to the nominated parent (when a couple is adopting) who is entitled to take the statutory adoption leave / pay.

6.2 Abbreviations

The following abbreviations are used within this policy:

- SPL Shared Parental Leave
- ShPP Shared Parental Pay
- SMP Statutory Maternity Pay
- SAP Statutory Adoption Pay
- MA Maternity Allowance

6.3 Overview

Shared Parental Leave enables mothers, fathers/partners and primary adopters to decide how to share the care of their child during the first year of birth or adoption.

The legislation enables mothers or primary adopters who wish to do so, to end their maternity or adoption leave/pay period early and share the remaining entitlement with their partner.

It is important to understand that there is a distinction between the entitlement to leave and pay.

It is also important to understand that each individual (i.e. the mother/primary adopter and the father/partner) wishing to take a period of Shared Parental Leave and/or receive Shared Parental Pay must be assessed separately to check whether they are eligible.

Depending upon whether they satisfy specific qualification criteria, individuals may be entitled to:

- Leave (SPL) and pay (ShPP)
- Pay (ShPP) but not leave (SPL)
- Leave (SPL) but not pay (ShPP)
- Neither leave (SPL) nor pay (ShPP)

SPL can only be used by two people:

- The mother/primary adopter and
- One of the following:
  - The father of the child (in the case of birth) or
  - The spouse, civil partner or the partner of the child's mother/primary adopter.

6.4 Shared Parental Leave

6.4.1 Entitlement to Shared Parental Leave

The total amount of leave to which employees may be entitled is calculated using the mother's/primary adopter's entitlement to maternity/adoption leave/pay.

A mother/primary adopter who is entitled to maternity/adoption leave must take a period of compulsory leave of two weeks immediately after the birth or placement of the child. Following this they can take a period of up to 50 weeks' maternity/adoption leave. This means that a mother/primary adopter who ends their maternity/adoption leave at the earliest opportunity could share up to 50 weeks' SPL with their partner.

A mother/primary adopter who is not entitled to Maternity Leave (e.g. an agency worker, casual worker or not in work) may still be entitled to pay. This could be Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA). These are paid for 39 weeks. As above, the mother/primary adopter will receive SMP/SAP/MA for a compulsory period of two weeks immediately after the birth or placement of the child. If the mother/primary adopter ends their period of pay before the 38th week of pay, the father/partner may then be entitled to Shared Parental Leave, some of which may be paid. The amount of Shared Parental Leave available to the father/partner is calculated by deducting from 52 weeks the number of weeks of SMP, SAP or MA taken by the mother/primary adopter.

The father/partner may begin Shared Parental Leave immediately following the birth or placement of the child. If they are entitled to Paternity Leave, Shared Parental Leave may be taken either before or after Paternity Leave has been taken.

Paternity Leave lasts for two weeks and must be taken within 52 weeks of the child's birth. See Section 6.2

6.4.2 Eligibility to Shared Parental Leave

It is the employee's responsibility to prove that they are eligible for SPL and ShPP. Employees can check their eligibility for SPL and ShPP via the Gov website: https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/overview

Eligibility for shared parental leave if you are the mother/primary adopter:

A mother/primary adopter is entitled to shared parental leave if they:

- have at least 26 weeks' continuous employment at the end of the qualifying week;
- remain in continuous employment until the week before any period of shared parental leave that they take;
- have main responsibility for the care of the child at the date of the child's birth (apart from the partner);
- are entitled to statutory maternity pay or leave, adoption pay or leave or maternity allowance in respect of the child;
- have brought their statutory maternity/adoption leave to an end by giving a maternity/adoption leave curtailment notice (or returned to work before the end of your statutory maternity/adoption leave period); and

- have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the partner must:
- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance* threshold in any 13 of those 66 weeks; and
- have main responsibility for the care of the child at the date of the child's birth (apart from the mother/primary adopter).

Eligibility for shared parental leave if you are the partner:
The partner is entitled to shared parental leave if they:
- have at least 26 weeks' continuous employment at the end of the qualifying week;
- remain in continuous employment until the week before any period of shared parental leave that they take;
- have main responsibility for the care of the child at the date of the child's birth (apart from the mother); and
- have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the mother/primary adopter must:
- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance* threshold in any 13 of those 66 weeks;
- have main responsibility for the care of the child at the date of the child's birth (apart from the partner);
- be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance in respect of the child; and
- have brought their statutory maternity/adoption leave to an end by giving a maternity/adoption leave curtailment notice (or returned to work before the end of their statutory maternity/adoption leave period).

*This is a statutory amount and is subject to annual review

6.5 Shared Parental Pay
6.5.1 Entitlement to Shared Parental Pay
The total amount of pay to which employees may be entitled will depend upon how much Statutory Maternity/Adoption Pay or Maternity Allowance the mother/primary adopter has been paid at the date when their maternity/adoption leave or maternity/adoption pay period ends. The principle is that any pay (SMP/SAP/MA) not taken can be converted into Shared Parental Pay as long as the person wanting to take this is eligible.

SMP/SAP/MA is paid for 39 weeks. A mother/primary adopter who is entitled to this must take two weeks' of pay during the compulsory two-week period immediately after the birth/placement. The mother/primary adopter may choose to end their maternity/adoption pay early at some point after this. In this case any paid weeks not taken as SMP/SAP/MA (as long as there are at least two weeks' pay remaining) may be taken as Shared Parental Pay (ShPP). If the mother/primary adopter took the minimum amount of SMP/SAP/MA, this would therefore enable 37 weeks of Shared Parental Pay to be taken.

Any Statutory Shared Parental Pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

6.5.2 Eligibility for statutory Shared Parental Pay (ShPP)

It is the employee's responsibility to prove that they are eligible for Shared Parental Leave (SPL) and Shared Parental Pay (ShPP). Employees can check their eligibility for SPL and ShPP via the Gov website: https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/overview

For employees to be eligible for ShPP, both parents must each meet certain eligibility requirements.

Eligibility for shared parental pay if you are the mother/primary adopter

A mother/primary adopter is entitled to shared parental pay if they:

- have at least 26 weeks' continuous employment at the end of the qualifying week;
- remain in continuous employment until the week before any period of shared parental pay begins;
- have average weekly earnings for a period of eight weeks ending with the qualifying week which are not less than the lower earnings limit for national insurance contributions;
- have main responsibility for the care of the child at the date of the child's birth (apart from the partner);
- are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay; and
- are entitled to statutory maternity/adoption pay in respect of the child, but the maternity/adoption pay period has been reduced; and
- have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the partner must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance* threshold in any 13 of those 66 weeks; and
- have main responsibility for the care of the child at the date of the child's birth (apart from the mother).

Eligibility for shared parental pay if you are the partner

The partner is entitled to shared parental pay if they:

- have at least 26 weeks' continuous employment at the end of the qualifying week;
- remain in continuous employment until the week before any period of shared parental pay begins;
- have average weekly earnings for a period of eight weeks ending with the qualifying week which are not less than the lower earnings limit for national insurance contributions;
- have main responsibility for the care of the child at the date of the child's birth (apart from the mother/primary adopter);
- are absent from work and intend to care for the child during each week in which you receive statutory shared parental pay; and
- have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the mother/primary adopter must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance* threshold in any 13 of those 66 weeks;

- have main responsibility for the care of the child at the date of the child's birth (apart from the partner); and
- be entitled to statutory maternity pay, statutory adoption pay or maternity allowance in respect of the child, but the maternity/adoption pay period or maternity allowance period has been reduced.

*This is a statutory amount and is subject to annual review

6.6 Requesting Shared Parental Leave

An employee considering taking SPL is encouraged to contact the Town Clerk to arrange an informal discussion as early as possible regarding their potential entitlement.

Once an employee has checked that they are eligible for SPL and/or ShPP, they should then complete a 'Notice of Entitlement and Intention' form (available on request from the Finance & HR Manager) which should then be given to the Town Clerk.

Before SPL can begin, the mother/primary adopter must end their maternity/adoption leave and/or pay entitlement. Therefore if the employee is the mother/primary adopter then they must also complete the 'Curtailment of Maternity/Adoption Leave and/or Pay' form (available on request from the Finance & HR Manager).

6.6.1 Requesting Further Evidence of Eligibility

The organisation may request, within 14 days of receiving the 'Notice of Entitlement and Intention' form being given:

- The name and business address of the partner's employer (or, where the employee's partner is no longer employed or is self-employed, their contact details must be given instead).
- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to Shared Parental Leave, the employee must produce this information within 14 days of the employer's request.

6.6.2 Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/ShPP via the 'Notice of Entitlement and Intention' form, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time.

Requests for leave should be made via the 'Period of Shared Parental Leave Notice' (available on request from the Finance & HR Manager).

The employee must book leave by giving the correct notification at least eight weeks before the date on which they wish to start the leave and, if applicable, receive ShPP.

Eligible employees have the right to submit up to three notifications specifying leave periods they are intending to take.

Each period of leave may consist of either a) a single period of weeks of leave; or b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

Leave must be taken in complete weeks but can start on any day of the week.

Periods of Shared Parental Leave can be taken either at the same as or at different times to leave taken by their partner.

The father/partner may begin Shared Parental Leave (SPL) immediately following the birth or placement of the child. This may be taken either before any period of paternity leave or after paternity leave has been taken.

SPL must be taken during the child's first year of birth/placement and must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption will be lost.

6.6.3 Continuous Periods of Shared Parental Leave

If the employee submits a 'Period of Shared Parental Leave Notice' requesting one continuous period of leave, they will be automatically entitled to take that period of leave.

6.6.4 Discontinuous Periods of Shared Parental Leave

The employee may submit a Period of Shared Parental Leave Notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a request for a period of discontinuous of leave, the organisation can, in the two weeks beginning with the date the period of leave notice was given:

- Consent to the pattern of leave requested;
- Propose an alternative pattern of leave; or
- Refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify the Town Clerk of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the Town Clerk has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave.

The employee can withdraw a Period of Shared Parental Leave Notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

6.6.5 Arranging a Meeting to Discuss Leave Requests

Any meetings arranged to discuss leave requests and/or entitlement to SPL should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.

At the meeting the employee may, if they wish, be accompanied by a work colleague or trade union representative.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Town Clerk, and what the outcome may be if no agreement is reached.

A response to the SPL request should be given no later than the 14^{th} day after the request was made.

6.6.6 Variations to Arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Town Clerk, in writing at least eight weeks before the date of the variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification and will reduce by one the employee's right to book/vary leave .

However a change as a result of a child being born early, or as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Town Clerk.

6.7 Fraudulent Claims

Where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, the organisation can investigate the matter further in accordance with their usual investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

6.8 Continuous Service

Any periods of Shared Parental Leave will count as continuous service for statutory and contractual purposes.

6.9 Leave During Shared Parental Leave

6.9.1 Annual Leave and Bank/Public Holidays

Annual leave and bank/public holidays continue to accrue during SPL. Where bank/public holidays fall during a period of SPL, the employee will be entitled to a day's holiday (pro rata if part-time) in lieu of each bank/public holiday.

6.9.2 Carry Forward of Annual Leave and Bank/Public Holidays

The employee and their line manager should review annual leave arrangements prior to SPL being taken. Where taking SPL means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

6.9.3 Treatment of Leave Where an Employee Changes Their Hours after Shared Parental Leave

If an employee changes their hours after taking SPL, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated based on their new hours.

6.10 Returning To Work

6.10.1 Shared Parental Leave In Touch Days (SPLIT)

Employees can work up to 20 days without bringing their Shared Parental Leave to an end. These are called Shared Parental Leave In Touch (SPLIT) days.

Working for part of a day will count as one day. An employee will not lose any SPL or ShPP for working up to 20 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

SPLIT days are optional - both the employee and your employer must agree to them.

Managers need to ensure that they keep in touch with their employees whilst they are on Shared Parental Leave. If you do not wish to be contacted, please notify your manager and/or the Town Clerk. Any relevant correspondence will be sent to all employees whilst they are on Shared Parental Leave.

6.11 Pension

The following information relates to employees who are members of the Local Government Pension Scheme and who take leave on or after 1 April 2026 (6 April 2026 for Bereaved Partner's Paternity Leave). Full details can be found on the Local Government Pension Scheme (LGPS) website or from your county's LGPS fund.

6.11.1 Pension During Relevant Child-related Leave

Relevant child-related leave in the Local Government Pension Scheme means:

- Maternity or adoption leave, both paid and unpaid*
- Shared parental leave, both paid and unpaid*
- Paternity leave, whether paid/unpaid
- Paid parental bereavement leave
- Paid neonatal care leave
- Bereaved partner's paternity leave, which is always unpaid

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

[*Note: Weeks 27-52 of maternity/adoption leave are classed as ‘additional maternity/adoption leave’. If the unpaid period of additional maternity/adoption leave or the unpaid period of shared parental leave started before 1 April 2026, Assumed Pensionable pay would not apply during this period. Please see the LGPS website for details of the old rules.]

6.11.2 Pension When Assumed Pensionable Pay Does Not Apply

Assumed Pensionable Pay does not apply during:

- Unpaid parental bereavement leave
- Unpaid neonatal care leave

Where the period of unpaid leave started on or after 1 April 2026, it is treated as authorised unpaid leave. How pension is affected depends on how long it lasts.

Authorised Leave Without Pay (Less Than 15 Days)

If the unpaid leave lasts less than 15 days, the employee’s pension will continue to build up in this period. The employee and employer both pay the pension contributions that would have been paid if the employee was at work receiving their normal pay.

Authorised Leave Without Pay (15 days or More)

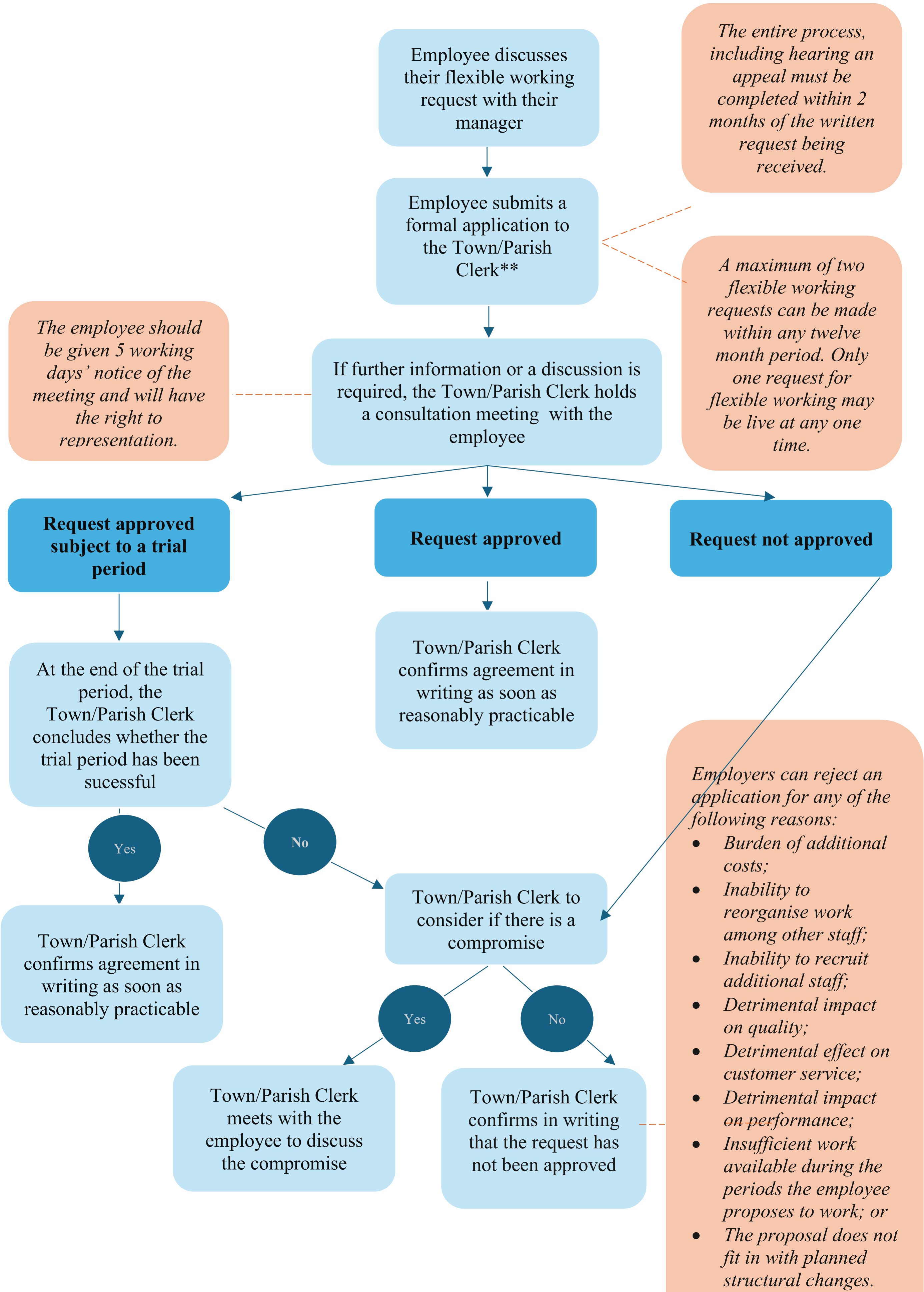
If the unpaid leave lasts for 15 days or more, the break will not automatically count for pension purposes.

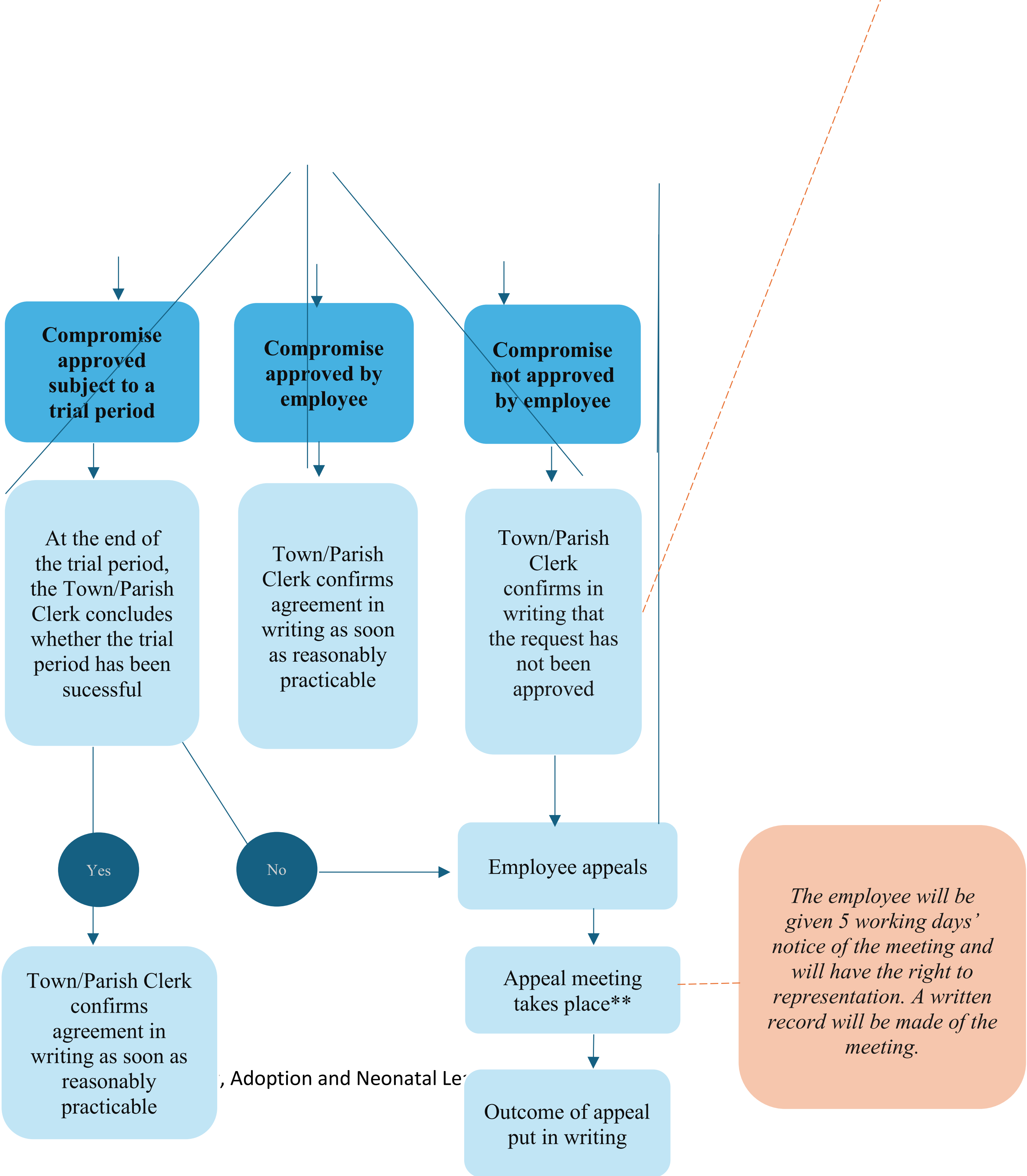
The employee can, if they wish, choose to pay extra contributions to buy the pension they ‘lost’ in the unpaid period.

If they elect to pay these extra contributions within a year of returning to work, the cost is split between the employee and their employer. The contributions can be paid by lump sum or regular deductions from the employee’s pay. The employer will be able to provide information about the cost and the employee’s payment options.

An arrangement to buy pension ‘lost’ in a period of unpaid leave that started 1 April 2026 or later is known as a Qualifying Additional Pension Arrangement or QAPA.

FLEXIBLE WORKING PROCESS





, Adoption and Neonatal Le

***Normally, the Town/Parish Clerk will consider flexible working requests and appeals will be heard by a Panel of the Personnel Sub-Committee.*

If the request is being made by the Town Clerk, this should be referred to the Council Matters Committee, who will set up a panel to consider the request and a separate panel to consider any appeal.

MATERNITY, NEONATAL, PATERNITY AND ADOPTION LEAVE AND PAY POLICY

TOTNES TOWN COUNCIL
July 2026

INDEX

Maternity Policy

1 To Whom This Policy Applies

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

2 Definitions

The following definitions are used in this policy:

- "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects them to give birth; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth.

3 Notification Requirements

An employee shall notify the Town Clerk in writing at least 28 days before their absence begins or as soon as is reasonably practical:

- That they are pregnant;
- Of the EWC, providing a copy of form MATB1 as supplied by a registered medical practitioner; and
- The date on which they intend to start their maternity leave.

The employee may vary the date on which they intend to start their maternity leave provided that they notify their employer of the revised start date. To start the leave sooner, the employee must tell the employer at least 28 days before the **new** start date. To start the leave later, the employee must tell the employer at least 28 days before the **old** start date. If either of these are not reasonably practicable, the employee must tell the employer as soon as is reasonably practicable.

4 Health and Safety

On receipt of written notification from an employee that they are pregnant, the Town Clerk should carry out a risk assessment. The employee and their line manager should be present at the risk assessment so that they are fully informed of any risks identified. The line manager and employee have an ongoing responsibility to monitor any potential risks that may be present.

5 Ante-Natal Care

Any pregnant employee has the right to a reasonable amount of paid time off to attend ante-natal appointments made on the advice of a registered medical practitioner, which may include relaxation classes and parent-craft classes. Where possible these should be arranged outside normal working hours. Employees must produce evidence of appointments if requested to do so.

6 Maternity Leave

6.1 Ordinary and Additional Maternity Leave

All pregnant employees, regardless of their length of service, are entitled to 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML) providing a right to one year's maternity leave in total.

Maternity leave shall commence no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier.

From the beginning of the fourth week before the EWC, an employee's maternity leave may be triggered if they are absent due to a pregnancy-related illness.

7 Maternity Pay

7.1 Less Than One Year's Continuous Service

Payments for employees who have less than 1 year's continuous service with a body listed on the Redundancy Modification Order (which includes local government) at the beginning of the eleventh week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA).

Statutory maternity pay (SMP) will be payable if the employee has been employed continuously for at least 26 weeks ending with the 15th week before the EWC, and has an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

SMP is payable for 39 weeks. For the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the lower SMP rate or 90 per cent of the average weekly earnings whichever is the lower.

Employees who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth. If employed, they must have met the current earnings threshold.

Details of this threshold and the current rates of Statutory Maternity Pay and Maternity Allowance may be found on the government's website www.gov.uk

7.2 More Than One Year's Continuous Service

Payments for employees who have completed 1 year's continuous service with a body listed on the Redundancy Modification Order (which includes local government) at the 11th week before the EWC shall be as follows:

First six weeks of absence:
The employee will be entitled to nine-tenths of a week's pay. This will be offset against payments made by way of SMP (or Maternity Allowance [MA] for employees not eligible for SMP). This means that any SMP or MA payments will not be paid in addition to the nine-tenths of a week's pay; instead the higher of these amounts will be paid.

Weeks 7 – 52 of absence:
An employee who declares in writing that they intend to return to work will, for the subsequent 12 weeks' absence, receive half a week's pay. They will also receive SMP (or MA and any dependent's allowances if the employee is not eligible for SMP), if eligible to do so. The only reason that any deduction will be made is if the combined pay and SMP (or MA and any dependent's allowances if the employee is not eligible for SMP) exceeds their contractual full pay.

As an alternative to the twelve weeks' half pay the equivalent amount (i.e. 6 weeks' pay) may be paid over any other mutually agreed distribution.

The twelve weeks' half pay (or equivalent payment) made by the employer during maternity leave is made on the understanding that the employee will return to local authority employment for a period of at least three months. In the event that they do not do so, they will be required to refund the monies paid. This may be varied at the discretion of the employer if there is good reason to do so. Payments made to the employee by way of SMP are not refundable.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (which currently ends after 39 weeks in total), where eligible. Once the SMP payments have ended any remaining maternity period will be unpaid.

For employees not intending to return to work, payments during their maternity leave period following the first 6 weeks will only be their entitlement to SMP (currently ending after week 39), where eligible.

8 Continuous Service

Maternity leave counts as continuous service for statutory and contractual purposes.

9 Leave During Maternity Leave

10.1 Annual Leave

Annual leave continues to accrue during maternity leave.

10.2 Bank/Public Holidays

Bank/public holidays continue to accrue during maternity leave.

10.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to maternity leave being taken. Where taking maternity leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

10.4 Treatment of Leave Where an Employee Changes Their Hours after Maternity Leave

If an employee changes their hours after taking maternity leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

10 Returning To Work

11.1 Notification requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of their maternity leave. Otherwise, the employee simply returns at the end of their maternity leave. However, as the return to work impacts on the half pay element of the Green Book maternity pay, a manager can ask the employee to inform them if they intend to return to work.

An employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

11.2 Early return

If an employee wishes to return early or on a different date than they had previously notified, they must give 21 days' notice.

11.3 Keeping In Touch

An employee can work up to 10 days' during their maternity leave, in agreement with their manager, without bringing their maternity leave to an end. Working for part of a day will count as one day and the employee will not lose any SMP (Statutory Maternity Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on maternity leave. If the employee does not wish to be contacted, then they should notify their line manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

11 Surrogacy and Maternity Leave

An employee who acts as a surrogate is entitled to maternity leave and maternity pay in accordance with this policy, as maternity entitlements are based on pregnancy and childbirth. This entitlement applies regardless of whether the employee intends to keep the child following the birth or enter into a surrogacy arrangement.

Employees acting as surrogates are encouraged to inform the organisation as early as reasonably practicable so that appropriate support and arrangements can be made. This may include health and safety risk assessments, time off for antenatal appointments, and planning for maternity leave. All information will be handled sensitively and confidentially.

An employee who is an intended parent in a surrogacy arrangement is not entitled to maternity leave. However, intended parents may be entitled to other forms of statutory leave and pay, such as adoption leave, paternity leave or shared parental leave, subject to eligibility.

12 Pension

The following information relates to employees who are members of the Local Government Pension Scheme and who take leave on or after 1 April 2026 (6 April 2026 for Bereaved Partner's Paternity Leave). Full details can be found on the Local Government Pension Scheme (LGPS) website or from your county's LGPS fund.

12.1 Pension During Relevant Child-related Leave

Relevant child-related leave in the Local Government Pension Scheme means:

- Maternity or adoption leave, both paid and unpaid*
- Shared parental leave, both paid and unpaid*
- Paternity leave, whether paid/unpaid
- Paid parental bereavement leave
- Paid neonatal care leave
- Bereaved partner's paternity leave, which is always unpaid

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

[*Note: Weeks 27-52 of maternity/adoption leave are classed as 'additional maternity/adoption leave'. If the unpaid period of additional maternity/adoption leave or the unpaid period of shared parental leave started before 1 April 2026, Assumed Pensionable pay would not apply during this period. Please see the LGPS website for details of the old rules.]

12.2 Pension When Assumed Pensionable Pay Does Not Apply

Assumed Pensionable Pay does not apply during:

- Unpaid parental bereavement leave
- Unpaid neonatal care leave

Where the period of unpaid leave started on or after 1 April 2026, it is treated as authorised unpaid leave. How pension is affected depends on how long it lasts.

Authorised Leave Without Pay (Less Than 15 Days)

If the unpaid leave lasts less than 15 days, the employee's pension will continue to build up in this period. The employee and employer both pay the pension contributions that would have been paid if the employee was at work receiving their normal pay.

Authorised Leave Without Pay (15 days or More)

If the unpaid leave lasts for 15 days or more, the break will not automatically count for pension purposes.

The employee can, if they wish, choose to pay extra contributions to buy the pension they 'lost' in the unpaid period.

If they elect to pay these extra contributions within a year of returning to work, the cost is split between the employee and their employer. The contributions can be paid by lump sum or regular deductions from the employee's pay. The employer will be able to provide information about the cost and the employee's payment options.

An arrangement to buy pension 'lost' in a period of unpaid leave that started 1 April 2026 or later is known as a Qualifying Additional Pension Arrangement or QAPA.

Neonatal Policy

13 What is Neonatal Care?

Babies may receive neonatal care for a variety of reasons. This can include because they have been born prematurely (before 37 weeks of pregnancy), they have a low birth weight, they are born with, or develop shortly after birth, a medical condition which needs treatment, or they experience a difficult birth.

14 Definitions

For the purposes of this policy, the term 'neonatal care' includes:

- medical care that a child receives in a hospital;
- medical care that a child receives in any other place providing:
  - the child was previously admitted to a hospital as an inpatient and needs continuing care after leaving the hospital;
  - the care is under the direction of a consultant; and
  - the care involves ongoing monitoring and visits from healthcare professionals arranged by the hospital where the child was an inpatient; or
- palliative or end-of-life care.

In this policy, the term ‘partner of the child’ can include someone, of whatever sex, who lives with the mother or the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

15 To Whom This Policy Applies

This policy applies to employees employed by Totnes Town Council. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

16 Neonatal Care Leave (NCL)

16.1 Entitlement to NCL (birth)

An employee has a statutory right from day one of their employment to take neonatal care leave if at the date of the child's birth:

- they are the child's parent and have responsibility for the upbringing of the child;
- they are the intended parent; or
- they are the partner of the child's mother and have main responsibility for the upbringing of the child (apart from the mother).

Additionally, the following conditions must be satisfied:

- the child was born on or after 6 April 2025;
- the child started receiving neonatal care within 28 days after the date on which they were born (the 28 days are counted from the day after the child is born);
- the neonatal care has lasted seven days or longer without interruption (the seven days are counted from the day after the neonatal care started);
- the employee is taking the leave to care for the child; and
- the employee has complied with the relevant notice and declaration requirements set out in this policy.

16.2 Entitlement to NCL (adoption)

In cases specifically related to adoption, an employee’s entitlement begins either after the child has been placed for adoption (for adoptions within the UK) or after the child has entered Great Britain (for adoptions from overseas).

An employee has a statutory right from day one of their employment to take neonatal care leave if at the date the child is placed for adoption:

- They are the child's adopter and have or expect to have responsibility for the upbringing of the child;
- They are the child's prospective adopter (in a ‘foster to adopt’ arrangement) and have, or expect to have, responsibility for the upbringing of the child; or

- They are the partner of the child's adopter or prospective adopter and have main responsibility for the upbringing of the child (apart from your partner).

For adoptions from overseas, employees are entitled to neonatal care leave if at the date the child enters Great Britain:

- They are the child's overseas adopter and have or expect to have responsibility for the upbringing of the child; or
- They are the partner of the child's overseas adopter and have or expect to have main responsibility for the upbringing of the child (apart from their partner).

If the employee is having a child through a surrogacy arrangement, they are entitled to neonatal care leave if at the date of the child's birth:

- they have applied or intend to apply for a parental order within a period of six months;
- they expect the parental order to be granted; and
- they have or expect to have responsibility for the upbringing of the child.

Additionally, the following conditions must be satisfied:

- the child was born on or after 6 April 2025;
- the child started receiving neonatal care within 28 days after the date on which they were born (the 28 days are counted from the day after the child is born);
- the neonatal care has lasted seven days or longer without interruption (the seven days are counted from the day after the neonatal care started);
- they are taking the leave to care for the child; and
- they have complied with the relevant notice and declaration requirements set out in this policy.

16.3 Amount of NCL

Employees are entitled to one week of neonatal care leave for each qualifying period of one week that a child spends in neonatal care without interruption.

A ‘week’ is defined as a period of seven days.

The first qualifying period starts the day after the day on which neonatal care begins. For example, if the child started receiving neonatal care on 7 April, the seven-day count begins on 8 April. This means that the employee can start their neonatal care leave on any day from 15 April.

Subsequent qualifying periods start the day after the end of the preceding qualifying period. For example, if a child went into neonatal care on day one, the first qualifying period would start on day two and end on day eight, and the next qualifying period would start on day nine.

The minimum number of weeks that an employee can take as neonatal care leave is one week and the maximum number of weeks that an employee can take as neonatal care leave is capped at 12 weeks.

Employees can take only up to 12 weeks' neonatal care leave, even if multiple children from the same pregnancy require neonatal care.

Both parents of a child are entitled to neonatal care leave, including if they both work for Totnes Town Council.

16.4 How and When NCL Can Be Taken

Neonatal care leave is available to take in two tiers:

Tier 1

The tier 1 period runs from when the child starts receiving neonatal care until the seventh day after the day the baby stops receiving neonatal care.
Tier 1 NCL can therefore be taken from any point after the first week that the child has been in neonatal care until the seventh day after the neonatal care ends.
Tier 1 NCL can be taken in one continuous block or a number of non-continuous blocks of a minimum of one week at a time during this period. A maximum of 12 weeks in total can be taken.

Tier 2

The tier 2 period starts from the eighth day after the neonatal care ends and must end within 68 weeks of the child's date of birth.
Tier 2 NCL, consists of any remaining NCL that was not taken during the tier 1 period.
Tier 2 NCL must be taken in one continuous block.
For examples of tier 1 and tier 2 leave, see Appendix C.

16.5 Notice to Take NCL

Totnes Town Council understands that having a child in neonatal care is an incredibly difficult time for parents. Please be assured that if it is not possible to meet the timeframes for giving or withdrawing notice as set out in this policy, the organisation will accept later notice than this and, in some cases, we may waive the requirement to give notice altogether.

16.5.1 Notice during the tier 1 period

The employee must notify the Town Clerk for each week of tier 1 NCL that they wish to take. This can be done verbally or in writing.

Preferably the Town Clerk should be notified before the first day of absence in that week or as soon as is reasonably practicable to do so.

Following the initial request, the employee should then complete the Intention and Entitlement to Take Neonatal Care Leave form, which can be found in Appendix A (birth) or Appendix B (adoption).

There is no expectation that an employee should complete this form straight away while the child is receiving neonatal care. However, the organisation does request that the form is sent to the Town Clerk within 28 days of the first day of neonatal care leave, or if this is not possible, as soon as reasonably practicable.

16.5.2 Notice during the tier 2 period

The employee must notify the Town Clerk if they wish to take any remaining NCL not taken during the tier 1 period. This must be done in writing, using the Neonatal Care Leave form, which can be found in Appendix A (birth) or Appendix B (adoption).

If the employee wishes to take only a single week of neonatal care leave, then their notice should be received by the Town Clerk at least 15 days before the first date that they have chosen for their leave to start, or if this is not possible, as soon as it is reasonably practicable.

If the employee wishes to take two or more consecutive weeks of neonatal care leave, their notice should be received by the Town Clerk at least 28 days before the first date that they have chosen for their leave to start, or if this is not possible, as soon as reasonably practicable.

16.5.3 Amending notice to take NCL

If an employee has submitted a notice of intention and entitlement to take neonatal care leave during the tier 2 period but wish to cancel their leave, they must inform the Town Clerk as soon as reasonably practicable.

17 Neonatal Care Leave and Other Types of Parental Leave

Parents will have 68 weeks to take their neonatal care leave entitlement from the baby's date of birth, which means that they will be able to take their full entitlement to neonatal care leave in addition to other types of parental leave.

If an employee has already started a period of statutory leave, but subsequently becomes eligible for neonatal care leave, they can take their neonatal care leave after completing the other statutory leave, provided that their neonatal care leave is taken within 68 weeks of the child's birth date.

If the employee has already started a period of neonatal care leave during the tier 1 period but needs to begin another type of statutory leave (e.g. shared parental leave), their neonatal care leave will be temporarily paused immediately before the other statutory leave begins. They can then resume the remaining weeks of their neonatal care leave in one of two ways:

- if they are still within the tier 1 period - immediately after the end of the other period of statutory leave; or
- if they have transitioned into the tier 2 period - immediately after any other neonatal care leave taken during the tier 2 period.

Employees cannot take neonatal care leave in the tier 2 period if, at the time of giving notice, they are aware that the leave will overlap with another type of statutory leave.

17.1 Maternity Leave

Employees who qualify for maternity leave will need to take their neonatal care leave after their maternity leave ends, as maternity leave will be automatically triggered by the birth of the baby or babies and cannot be paused and restarted.

17.2 Adoption Leave

Employees who quality for adoption leave will need to take their neonatal care leave once adoption leave has ended. Adoption Leave cannot be paused and restarted.

17.3 Shared Parental Leave

If an employee wishes to take shared parental leave then they can choose to take neonatal care leave either:

- straight after their maternity or adoption leave ends but before their shared parental leave starts; or
- in between/after periods of shared parental leave

provided that their neonatal care leave is taken within 68 weeks of the child's birth date.

17.4 Paternity Leave

Employees who qualify for paternity leave can be take their neonatal care leave either before or after their paternity leave, provided that their neonatal care leave is taken within 68 weeks of the child's birth date.

18 Adoption Placement Disrupted

Employees who have accrued entitlement to neonatal care leave may still be entitled to take their neonatal care leave if their adoption placement is disrupted.

A placement is disrupted where:

- the child is returned after having been placed for adoption,
- ceases to live with the overseas adopter, or
- in the case of a surrogacy arrangement, the parental order does not proceed.

Employees should refer to the Adoption Policy and seek advice from the Town Clerk regarding entitlement to leave and other support that may be available.

19 Bereavement

Employees who have accrued entitlement to neonatal care leave can still take the neonatal care leave that they have accrued if their child passes away.

Employees may also be entitled to parental bereavement leave in these circumstances as set out in the organisation's Working Toma and Leave Policy.

In such cases, employees should speak to the Town Clerk so that their entitlement to leave and other support can be discussed.

20 Neonatal Care Pay (NCP)

The maximum number of weeks for which an employee can receive neonatal care pay is capped at 12 weeks.

Any periods of NCL taken will be paid at the current Statutory Neonatal Care (SNC) rate or at 90% of the employee's average weekly earnings (whichever is lower).
Employees may be eligible to receive Statutory Neonatal Care Pay if:

- They are entitled to take neonatal care leave;
- They have at least 26 weeks' continuous employment with the organisation at the end of the relevant week;
-

They are still employed at the time of taking NCL

- Their average weekly earnings are not less than the lower earnings limit for national insurance contributions;
- they have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this policy; and
- they have confirmed when they wish to start receiving statutory neonatal care pay using the appropriate paperwork.
-

In this policy "relevant week" means the 15th week before the expected week of childbirth if you are entitled to statutory maternity or paternity pay. In all other cases, it means the week before the neonatal care begins.

21 Keeping In Touch and Returning To Work

Employees should refer to the relevant parental leave policy (maternity, paternity, shared parental, adoption, and parental bereavement leave) for further details on keeping in touch days and returning to work.

22 Continuous Service

Neonatal care leave counts as continuous service for statutory and contractual purposes.

23 Leave During Neonatal Care Leave

23.1 Annual Leave

Annual leave continues to accrue during neonatal care leave.

23.2 Bank/Public Holidays

Bank/public holidays continue to accrue during neonatal care leave.

24 Requesting Support

Employees finding it difficult to cope at work because their child is in neonatal care, are encouraged to speak to the Town Clerk.

Totnes Town Council realise that this may not be an easy subject to talk about. However, we urge you to be as open as possible about any particular issues that you are experiencing to ensure that you are provided with the right level of support.

Any information disclosed by you during discussions will be treated sensitively and in strict confidence.

25 Pension

The following information relates to employees who are members of the Local Government Pension Scheme and who take leave on or after 1 April 2026 (6 April 2026 for Bereaved Partner's Paternity Leave). Full details can be found on the Local Government Pension Scheme (LGPS) website or from your county's LGPS fund.

25.1 Pension During Relevant Child-related Leave

Relevant child-related leave in the Local Government Pension Scheme means:

- Maternity or adoption leave, both paid and unpaid*
- Shared parental leave, both paid and unpaid*
- Paternity leave, whether paid/unpaid
- Paid parental bereavement leave
- Paid neonatal care leave
- Bereaved partner's paternity leave, which is always unpaid

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

[*Note: Weeks 27-52 of maternity/adoption leave are classed as 'additional maternity/adoption leave'. If the unpaid period of additional maternity/adoption leave or the unpaid period of shared parental leave started before 1 April 2026, Assumed Pensionable pay would not apply during this period. Please see the LGPS website for details of the old rules.]

25.2 Pension When Assumed Pensionable Pay Does Not Apply

Assumed Pensionable Pay does not apply during:

- Unpaid parental bereavement leave
- Unpaid neonatal care leave

Where the period of unpaid leave started on or after 1 April 2026, it is treated as authorised unpaid leave. How pension is affected depends on how long it lasts.

Authorised Leave Without Pay (Less Than 15 Days)
If the unpaid leave lasts less than 15 days, the employee's pension will continue to build up in this period. The employee and employer both pay the pension contributions that would have been paid if the employee was at work receiving their normal pay.

Authorised Leave Without Pay (15 days or More)
If the unpaid leave lasts for 15 days or more, the break will not automatically count for pension purposes.

The employee can, if they wish, choose to pay extra contributions to buy the pension they 'lost' in the unpaid period.

If they elect to pay these extra contributions within a year of returning to work, the cost is split between the employee and their employer. The contributions can be paid by lump sum or regular deductions from the employee's pay. The employer will be able to provide information about the cost and the employee's payment options.

An arrangement to buy pension 'lost' in a period of unpaid leave that started 1 April 2026 or later is known as a Qualifying Additional Pension Arrangement or QAPA.

Paternity Policy

26 To Whom This Policy Applies

An employee has a statutory entitlement to take paternity leave for the purpose of caring for a child or supporting the child's mother.

27 Paternity Leave

27.1 Eligibility Criteria

To qualify for paternity leave an employee must satisfy the following:

- In the case of a birth child, the employee must be:
    - the biological father of the child; or
    - the mother's spouse, civil partner or partner.

- In the case of an adopted child, the employee must be:

    - the spouse, civil partner or partner of an individual who has adopted a child.
    - Where a couple adopt a child jointly, one may take adoption leave and the other paternity leave.

- The employee must have or expect to have responsibility for the upbringing of the child.

- The employee must have complied with the relevant notification requirements and, where requested, have produced evidence to support their claim for paternity leave.

27.2 Length of Paternity Leave

An employee who meets the qualifying criteria is entitled to two weeks' paternity leave. The entitlement is up to two weeks' leave even where more than one child is born.

An employee can take either two separate blocks of one week or two consecutive weeks. An employee cannot choose to take odd days of paternity leave and paternity leave cannot be used before the birth.

Paternity leave must be taken within 52 weeks of the birth or placement with their adoptive parent, or in the case of a child adopted from overseas, within the period of 52 weeks beginning with the date the child entered Great Britain.

If the child is born prematurely, paternity leave must be taken during the period that begins with the birth of the child and ends 52 weeks after the week in which the child was expected to be born.

Where the child is born late, the 52-week period runs from the date of the actual birth. An employee cannot start a period of paternity leave before the child is born.

27.1 If the Baby Dies

Employees still qualify for paternity leave and pay if the baby is either:

- Stillborn from 24 weeks of pregnancy
- Born alive at any point in the pregnancy but later dies

28 Paternity Pay

Any periods of Paternity Leave taken will be paid at the current Statutory Paternity Pay (SPP) rate.
Employees may be eligible to receive Statutory Paternity Pay if they:

- have 26 weeks' continuous service with their current employer by the end of the 15th week before the child is due. In the case of adoption, it is at least 26 weeks by the relevant or matching week;
- have average weekly earnings of over the lower limit for National Insurance contributions;
- are still employed at the time of taking paternity leave.

29 Notification Requirements for Paternity Leave

Before Paternity Leave starts

In the case of a birth child, the employee must provide the following in writing by the end of the fifteenth week before the expected week of childbirth. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child and/or the child’s birth parent (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- The expected week of childbirth (EWC);
- Confirmation that the employee is the biological father of the child or the mother's spouse, civil partner or partner;
- Confirmation that the employee will be responsible for the child’s upbringing and will take time off work to support the mother or care for the child;
- If requested, the employee must also provide a copy of the mother’s MATB1.

In the case of an adopted child from with the UK, the employee must provide the following in writing no more than seven days after the date on which the adopter is notified by an approved adoption agency. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- they have been matched with a child for adoption;
- the date on which the adopter was notified of having been matched with the child;
- the date when the child is expected to be placed with the adopter (or, if placement has already occurred, the date of the placement);
- a declaration that they are married to or the civil partner or partner of the child's adopter and that they expect to have main responsibility for the child's upbringing apart from any responsibility of the adopter.

In the case of an adopted child from with overseas, the employee must provide the following in writing no more than seven days after the date on which the adopter is notified by an approved adoption agency. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- the date on which the child's adopter received the "official notification";
- the date on which the child is expected to enter Great Britain (or the date on which the child entered Great Britain where this has already occurred); and
- a declaration that they are married to or the civil partner or partner of the child's adopter and have or expect to have main responsibility for the child's upbringing apart from any responsibility of the child's adopter.

In the case of a surrogacy arrangement, the employee must provide the following in writing by the end of the fifteenth week before the expected week of childbirth. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child and/or the child’s intended parent (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- The expected week of childbirth (EWC);
- Confirmation that they and the other intended parent are parental order parents of the child;

- Confirmation that the employee will be responsible for the child's upbringing and will take time off work to support the other intended parent or care for the child;
- If requested, the employee must also provide a copy of the mother's MATB1.

Notice to take Paternity Leave
An employee must give at least 28 days' notice before any period of paternity leave. If this is not possible, notice must be provided as soon as is reasonably practical.

An employee must put their notice to take paternity leave in writing, if requested.

After the birth or adoption
The employee must also inform the employer of the date the child was born or placed for adoption, as soon as is reasonably practical after the child's birth or placement.

Varying dates of Paternity Leave
If an employee wants to cancel a period of paternity leave or they change their mind about the date on which they intend to start a period of paternity leave, then they must inform the employer of the cancellation or revised start date at least 28 days before the earlier of the original or revised date (or as soon as is reasonably practicable, if not in a position to do so within the prescribed period, e.g. if the child is born prematurely).

If an employee wants to start their paternity leave on a predetermined date and the child has not been born or placed with the adopter by then, the employee must give their employer a notice of variation selecting a later date as soon as reasonably practicable.

An employee must put their notice of a cancellation or variation of leave in writing, if requested.

30 Maternity/Adoption Support Leave (MSL/ADL)

The Green Book sets out an entitlement to Maternity/Adoption Support Leave (MSL/ASL) of one week.

To be eligible for Maternity Support Leave the employee must be:

- The child's father; or
- The partner or nominated career of an expectant mother

To be eligible for Adoption Support Leave, the employee must be:

- The partner of the primary adopter; or
- The nominated carer of the primary adopter at/around the time of placement.

The purpose of this leave is to enable the employee to assist in the case of the child and to provide support to the mother/primary adopter.

There is no qualifying service requirement for this right.

Maternity/Adoption Support Leave replaces one week of Statutory Paternity Leave; during this time any SPP is topped up to full pay. Therefore, an employee who would otherwise have been entitled to two weeks' Statutory Paternity Leave will be entitled to one week's Maternity/Adoption Support Leave (during which Statutory Paternity Pay will be topped up to full pay) and one week's Statutory Paternity Leave (during which they will receive Statutory Paternity Pay).

An employee who wishes to request or vary a period of MSL/ASL must provide the same notification requirements as set out in section 4 above.

31 Attending Pregnancy-Related or Adoption Appointments

An employee who will be taking paternity leave has the right to unpaid time off to attend two pregnancy-related or adoption appointments, with a maximum statutory entitlement of 6 ½ hours' time off for each appointment. These can include attending pregnancy appointments with a surrogate.

The employee must produce evidence of appointments if requested to do so.

32 Continuous Service

Paternity leave and Maternity/Adoption Support Leave will count as continuous service for statutory and contractual purposes.

33 Annual Leave and Bank/Public Holidays

Annual leave and Bank/Public holidays will continue to accrue during paternity leave and Maternity/Adoption Support Leave.

34 Pension

The following information relates to employees who are members of the Local Government Pension Scheme and who take leave on or after 1 April 2026 (6 April 2026 for Bereaved Partner's Paternity Leave). Full details can be found on the Local Government Pension Scheme (LGPS) website or from your county's LGPS fund.

34.1 Pension During Relevant Child-related Leave

Relevant child-related leave in the Local Government Pension Scheme means:

- Maternity or adoption leave, both paid and unpaid*
- Shared parental leave, both paid and unpaid*
- Paternity leave, whether paid/unpaid
- Paid parental bereavement leave
- Paid neonatal care leave
- Bereaved partner's paternity leave, which is always unpaid

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

[*Note: Weeks 27-52 of maternity/adoption leave are classed as 'additional maternity/adoption leave'. If the unpaid period of additional maternity/adoption leave or the unpaid period of shared parental leave started before 1 April 2026, Assumed Pensionable pay would not apply during this period. Please see the LGPS website for details of the old rules.]

34.2 Pension When Assumed Pensionable Pay Does Not Apply

Assumed Pensionable Pay does not apply during:

- Unpaid parental bereavement leave
- Unpaid neonatal care leave

Where the period of unpaid leave started on or after 1 April 2026, it is treated as authorised unpaid leave. How pension is affected depends on how long it lasts.

Authorised Leave Without Pay (Less Than 15 Days)
If the unpaid leave lasts less than 15 days, the employee's pension will continue to build up in this period. The employee and employer both pay the pension contributions that would have been paid if the employee was at work receiving their normal pay.

Authorised Leave Without Pay (15 days or More)
If the unpaid leave lasts for 15 days or more, the break will not automatically count for pension purposes.

The employee can, if they wish, choose to pay extra contributions to buy the pension they 'lost' in the unpaid period.

If they elect to pay these extra contributions within a year of returning to work, the cost is split between the employee and their employer. The contributions can be paid by lump sum or regular deductions from the employee's pay. The employer will be able to provide information about the cost and the employee's payment options.

An arrangement to buy pension 'lost' in a period of unpaid leave that started 1 April 2026 or later is known as a Qualifying Additional Pension Arrangement or QAPA

Adoption Policy

35 To Whom This Policy Applies

This policy applies to all employees. It does not apply to workers, contractors, volunteers or interns working for the organisation.

36 Adoption Leave

36.1 Adoption from within the UK

Eligibility to Adoption Leave
There is no qualifying service requirement to be eligible for statutory adoption leave for employees who are adopting a child from within the UK.

Entitlement to Adoption Leave
Employees are entitled to 26 weeks' ordinary adoption leave followed immediately by 26 weeks' additional adoption leave, provided they have:

- been matched with a child for adoption (this includes the situation where a local authority places a child with the employee in a "foster to adopt" arrangement); and
- notified the adoption agency that they agree that the child should be placed with them for adoption and on the date of placement.

Notice of Adoption Leave
Employees must give the Town Clerk notice in writing within seven days of being matched with a child, or as soon as possible afterwards, of:

- their intention to take adoption leave;
- the date on which the child is expected to be placed with them;
- the date on which they wish their adoption leave to start; and
- if they don't intend to take the full 52 weeks of adoption leave, the date they intend to return to work.

The Town Clerk will normally write to the employee within 28 days of receipt of their notice confirming the date on which the employee is expected to return to work. If no return date has been given, it should be assumed that they will take the full 52 weeks of adoption leave.

The Town Clerk may ask the employee to provide evidence in the form of one or more documents issued by the adoption agency confirming:

- the name and address of the adoption agency;
- the date on which the employee was notified that they'd been matched with the child; and
- the expected date of placement.

Commencement of Adoption Leave
Employees can choose to start their adoption leave on the day the child is placed with them for adoption or on a fixed date up to 14 days before this date.

Changing Adoption Leave Start Date
Employees who wish to bring forward their adoption leave start date, must inform the Town Clerk in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.
Employees who wish to postpone their adoption leave start date, must inform the Town Clerk in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

If an employee changes their adoption leave start date, the Town Clerk will write to them within 28 days of the start of their adoption leave confirming the revised date on which they must return to work if they take the full 52-week entitlement to adoption leave.

36.2 Adoption from Overseas

Eligibility to Adoption Leave
There is no qualifying service requirement to be eligible for statutory adoption leave for employees who are adopting a child from overseas.

Entitlement to Adoption Leave
Employees who are adopting a child from overseas and have received official notification in respect of that child, are entitled to 26 weeks' ordinary adoption leave followed immediately by 26 weeks' additional adoption leave.

Notice of Adoption Leave
Employees will need to give the Town Clerk notice in writing within 28 days of receiving the official notification of:

- their intention to take adoption leave;
- the date on which the official notification was received by the employee;
- the date on which the child is expected to enter Great Britain;
- the date on which they intend to start their adoption leave; and
- if they don't intend to take the full 52 weeks of adoption leave, the date they intend to return to work.

The Town Clerk will normally write to the employee within 28 days of receipt of their notice confirming the date on which the employee is expected to return to work. If no return date has been given, it should be assumed that they will take the full 52 weeks of adoption leave.

Within 28 days of the child entry into Great Britain, the employee must inform the Town Clerk of the date of entry and provide evidence in the form of a plane ticket or copies of entry clearance documents. The Town Clerk may also ask the employee to provide a copy of the official notification.

Commencement of Adoption Leave
Employees can choose to start their adoption leave on the day on which:

- the child enters Great Britain or
- on a fixed date that is no later than 28 days after this date.

Changing Adoption Leave Start Date
Employees who wish to bring forward their adoption leave start date, must inform the Town Clerk in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

Employees who wish to postpone their adoption leave start date, must inform the Town Clerk in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

If an employee changes their adoption leave start date, the Town Clerk will write to them within 28 days of the start of their adoption leave confirming the revised date on which they must return to work if they take the full 52-week entitlement to adoption leave.

36.3 Surrogacy

In a surrogacy arrangement:

- The surrogate mother may be entitled to maternity leave and pay (see Maternity Policy)
- One intended/adoptive parent may be entitled to adoption leave and pay (as set out in this policy)
- The other intended/adoptive parent may be entitled to paternity leave and pay (see Paternity Policy)

Eligibility to Adoption Leave
There is no qualifying service requirement to be eligible for statutory adoption leave for employees who are having a child through a surrogacy arrangement.

Entitlement to Adoption Leave
Employees who are having a child through a surrogacy arrangement are entitled to 26 weeks' ordinary adoption leave followed immediately by 26 weeks' additional adoption leave, provided they:

- adopt the child; or
- intend to apply for a parental order within six months of the child's birth and expect the order to be granted.
-

Notice of Adoption Leave
In the case of a surrogacy arrangement, employees will need to give the Town Clerk notice in writing by no later than the 15th week before the expected week of childbirth, or as soon as possible afterwards, of:

- their intention to take adoption leave; and
- the expected week of childbirth.

The Town Clerk will normally write to the employee within 28 days of receipt of their notice confirming the date on which the employee is expected to return to work if they take the full 52-week entitlement to adoption leave.

The Town Clerk may ask the employee to provide a statutory declaration confirming that they intend to apply for a parental order within six months of the child's birth and expect the order to be granted.

Employees must give the Town Clerk further notice, as soon as reasonably practicable, of the child's date of birth.

Commencement of Adoption Leave
Employees having a child through a surrogacy arrangement, can start their adoption leave on the day on which the baby is born or the day after.

Changing adoption leave start date
Employees who are having a child through a surrogacy arrangement cannot change their adoption leave start date.

37 Adoption Pay

The following information applies to employees adopting a child within the UK, from overseas, or via surrogacy.

37.1 Entitlement

Payments for employees shall be the employee's entitlement to Statutory Adoption Pay (SAP), where eligible. Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of employees average weekly earnings for the first 6 weeks
- SAP or 90% of employees average weekly earnings (whichever is lower) for the next 33 weeks

This provision is the statutory entitlement. Details of the current rates of Adoption Pay may be found on the government's website www.gov.uk

37.2 Eligibility Criteria

Employees will qualify for statutory adoption pay if:

- they have been continuously employed for at least 26 weeks ending with the week in which they were notified of being matched with the child for adoption (or in a surrogacy arrangement, ending with the 15th week before the expected week of childbirth);
- they have chosen to receive statutory adoption pay rather than statutory paternity pay;
- they have given the correct notice;
- they have stopped working; and
- their average weekly earnings are not less than the lower earnings limit for national insurance contributions.

37.3 Evidence

To receive adoption pay, the employee must provide the Town Clerk with either a matching certificate and/or a letter from the adoption agency which shows the following:

the employee's name and address;
the name and address of the adoption agency;

- the date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement, and;
- the date the employee was informed that the child would be placed with them
- the date the foster carer was told that a child would be placed with them on a foster to adopt basis;
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only);
- the date the child arrived in the UK - for example a plane ticket (overseas adoptions only).

Employees will also be required to provide a 'matching certificate' from their adoption agency to enable the organisation to establish whether an entitlement to Statutory Adoption Pay exists.

Where an employee is entitled to Statutory Adoption Pay (SAP) they must provide a signed declaration that they have elected to receive SAP and not statutory paternity pay (SPP).

38 Adoption Appointments

The main adopter has the right to take paid time off for up to five adoption appointments.

The secondary adopter will be entitled to take unpaid time off for up to two appointments.
The purpose of the adoption appointments is to enable employees to have contact with the child and for any other reason connected with the adoption.
Totnes Town Council may ask employees to provide proof, such as a letter or email from the adoption agency confirming the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency.
Employees must give the Town Clerk as much notice as possible of their adoption appointments and, wherever possible, try to arrange them outside working hours or as near as possible to the start or end of the working day.

39 Leave During Adoption Leave

39.1 Annual Leave

Annual leave continues to accrue during adoption leave.

39.2 Bank/Public Holidays

Bank/public holidays continue to accrue during adoption leave.

39.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to adoption leave being taken. Where taking adoption leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

39.4 Treatment of Leave Where an Employee Changes Their Hours after Adoption Leave

If an employee changes their hours after taking adoption leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

40 Continuous Service

Adoption leave counts as continuous service for statutory and contractual purposes.

41 Foster Parents Who Adopt a Child

If an employee has been notified of a child's placement they may be able to take statutory adoption leave if they go on to adopt a child but only if:

- The child that the employee fostered is then matched with the employee for adoption by a UK adoption agency - adoption via a court order does not count.
- The child is then actually placed with the employee for adoption.
- The adoption leave relates to the actual placement for adoption - any period of foster caring does not qualify for adoption leave.

42 Returning to Work

42.1 Notification Requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of the adoption leave. Otherwise, the employee simply returns at the end of the adoption leave. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

42.2 Early Return

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

42.3 Keeping in Touch

An employee can do up to 10 days' work during their adoption leave, in agreement with their manager, without bringing their adoption leave to an end. Working for part of a day will count as one day. An employee will not lose any SAP (Statutory Adoption Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employee whilst they are on adoption leave. If the employee does not wish to be contacted then they should notify their Line Manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on adoption leave.

43 Pension

The following information relates to employees who are members of the Local Government Pension Scheme and who take leave on or after 1 April 2026 (6 April for Bereaved Partner's Paternity Leave). Full details can be found on the Local Government Pension Scheme (LGPS) website or from your county's LGPS fund.

43.1 Pension During Relevant Child-related Leave

Relevant child-related leave in the Local Government Pension Scheme means:

- Maternity or adoption leave, both paid and unpaid*
- Shared parental leave, both paid and unpaid*
- Paternity leave, whether paid/unpaid
- Paid parental bereavement leave

- Paid neonatal care leave
- Bereaved partner's paternity leave, which is always unpaid

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

[*Note: Weeks 27-52 of maternity/adoption leave are classed as 'additional maternity/adoption leave'. If the unpaid period of additional maternity/adoption leave or the unpaid period of shared parental leave started before 1 April 2026, Assumed Pensionable pay would not apply during this period. Please see the LGPS website for details of the 'old' rules.]

43.2 Pension When Assumed Pensionable Pay Does Not Apply

Assumed Pensionable Pay does not apply during:

- Unpaid parental bereavement leave
- Unpaid neonatal care leave

Where the period of unpaid leave started on or after 1 April 2026, it is treated as authorised unpaid leave. How pension is affected depends on how long it lasts.

Authorised Leave Without Pay (Less Than 15 Days)

If the unpaid leave lasts less than 15 days, the employee's pension will continue to build up in this period. The employee and employer both pay the pension contributions that would have been paid if the employee was at work receiving their normal pay.

Authorised Leave Without Pay (15 days or More)

If the unpaid leave lasts for 15 days or more, the break will not automatically count for pension purposes.

The employee can, if they wish, choose to pay extra contributions to buy the pension they 'lost' in the unpaid period.

If they elect to pay these extra contributions within a year of returning to work, the cost is split between the employee and their employer. The contributions can be paid by lump sum or regular deductions from the employee's pay. The employer will be able to provide information about the cost and the employee's payment options.

An arrangement to buy pension 'lost' in a period of unpaid leave that started 1 April 2026 or later is known as a Qualifying Additional Pension Arrangement or QAPA.

Appendix A

Neonatal care leave: notice of entitlement and intention (birth) This form is to confirm your notice and entitlement to take neonatal care leave (and pay, where applicable). Once you have completed the form, it should be submitted to the Town Clerk	
Name of employee:	
Job title:	
I hereby give notice of my intention and entitlement to take neonatal care leave as well as the required declarations.	
Section A: information to be provided by employee	
My child was born on:	
My child started receiving neonatal care on:	
My child's neonatal care has continued without interruption:	
My child's neonatal care ended on (if applicable):	
I choose to start and end my neonatal care leave on the following dates (leave in tier 1 may be taken in number of non-continuous blocks of a minimum of one week at a time and leave in tier 2 must be taken in one continuous block)	
I intend to take neonatal care pay on the following dates (if applicable):	
Section B: declaration to be completed by employee	
I [satisfy/will satisfy] the following eligibility requirements to take neonatal care leave:	
I am the child's parent and at the date of the child's birth [I have/expect to have] responsibility for the child's upbringing **OR**	
I am the partner of the child's mother and at the date of the child's birth [I have/expect to have] main	

responsibility for the child's upbringing (apart from the mother)			
AND			
I [am taking/have taken] the leave to care for my child			
I [satisfy/will satisfy] the following eligibility requirements for neonatal care pay (if applicable):			
I [have/will have] 26 weeks' continuous employment by the end of the week immediately before the one in which my neonatal care leave starts **OR**			
I am entitled to statutory maternity or paternity pay and have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth			
AND			
I remain in continuous employment from the end of that date (or from the child's date birth if they were born before that date)			
I will immediately inform the organisation of any changes affecting my entitlement to neonatal care leave and pay.			
Signed:		**Date:**	

Appendix B

Neonatal care leave: notice of entitlement and intention (adoption) This form is to confirm your notice and entitlement to take neonatal care leave (and pay, where applicable). Once you have completed the form, it should be submitted to the Town Clerk	
Name of employee:	
Job title:	
I hereby give notice of my intention and entitlement to take neonatal care leave as well as the required declarations.	
Section A: information to be provided by employee	
My child was born on:	
My child was placed for adoption on:	
My child started receiving neonatal care on:	
My child's neonatal care has continued without interruption:	
My child's neonatal care ended on (if applicable):	
I choose to start and end my neonatal care leave on the following dates (leave in tier 1 may be taken in number of non-continuous blocks of a minimum of one week at a time and leave in tier 2 must be taken in one continuous block)	
I intend to take neonatal care pay on the following dates (if applicable):	
Section B: declaration to be completed by employee	
I [satisfy/will satisfy] the following eligibility requirements to take neonatal care leave:	
I am the child's adopter and at the date the child was placed for adoption [I have/expect to have] responsibility for the child's upbringing **OR**	

I am the child's prospective adopter (in a "foster to adopt" arrangement) and at the date the child was placed for adoption [I have/expect to have] responsibility for the upbringing of the child **OR**			
I am the partner of the child's [adopter/prospective adopter] and at the date the child was placed for adoption [I have/expect to have] main responsibility for the child's upbringing (apart from the partner)			
AND			
I [am taking/have taken] the leave to care for my child			
I [satisfy/will satisfy] the following eligibility requirements for neonatal care pay (if applicable):			
I [have/will have] 26 weeks' continuous employment by the end of the week immediately before the one in which my neonatal care leave starts **OR**			
I am entitled to statutory adoption or paternity pay and have 26 weeks' continuous employment ending with the week in which [I/the adopter] was notified of having been matched for adoption with the child.			
AND			
I remain in continuous employment from the end of that date (or from the child's date birth if they were born before that date)			
I will immediately inform the organisation of any changes affecting my entitlement to neonatal care leave and pay.			
Signed:		**Date:**	

Appendix D

<u>Example 1: Consecutive leave (tier 1)</u>

A child is born on 12 April 2025 and needs three weeks of neonatal care. The child leaves hospital on 5 May. The child's father takes his first week of leave during week 2 of the child's neonatal care, his second week of leave during week 3 of the child's neonatal care and his third week of leave in the week immediately after the child's discharge.

He notifies his employer that he will be taking a week's leave before he is due to begin work at the start of each working week, on 21 and 28 April and 6 May (as 5 May is a bank holiday).

<u>Example 2: Non-consecutive leave (tier 1)</u>

A child is born on 12 April 2025 and needs four weeks of neonatal care. The child leaves hospital on 12 May. The child's father takes his first and second weeks of leave during weeks 2 and 3 of the child's neonatal care, then returns to work for a week. He takes his third week's leave in the week immediately after the child's discharge. He decides to use his fourth week of leave from 4 August 2025, in the tier 2 period.

He notifies his employer that he will be taking leave before he is due to begin work at the start of each working week in which he will be absent during the tier 1 period, on 21 April, 28 April and 12 May.
He will need to give his employer notice at least 15 days before the first day of his final week of neonatal leave in August, so by 20 July.

<u>Example 3: Consecutive leave (tier 2)</u>

A child is born on 12 April 2025 and needs four weeks of neonatal care. The child's mother is on maternity leave. She wants to take her neonatal care leave at the end of her additional maternity leave on 29 March 2026, before she returns to work.

She needs to give her employer at least 28 days' notice before the first day of her four-week neonatal care leave period, so by 1 March 2026.
If she took only two weeks' neonatal care leave at the end of her maternity leave, she would not be able to take a further two weeks' leave at a later date, because during the tier 2 period any remaining weeks of neonatal care leave must be taken consecutively.

ITEM 9 – INVESTMENT STRATEGY

INVESTMENT STRATEGY

TOTNES TOWN COUNCIL
AGREED JUNE 2025
NEXT REVIEW JUNE 2026

Totnes Town Council has adopted the following Investment Strategy, which establishes formal policies and practices for the effective management and control of the Council's investments, and the associated risks, and should be read in conjunction with the Council's Financial Regulations.

1. Introduction

In preparing its Investment Strategy the Council is required to comply with the guidance notes issued under Section 15(1) of the Local Government Act 2003 and guidance within 'Governance and Accountability for Smaller Authorities in England' Practitioner's Guide.

The legislation and associated guidance is optional for parish & town councils where investments are not expected to exceed £500,000 and no action is required below £10,000. However, for Councils where the sums involved exceed £500,000, the guidance is mandatory.

The Guidance recommends that a council produces an annual Investment Strategy which sets out its policy for managing the investments and giving priority to liquidity (ensuring the funds invested are available for expenditure when needed) and security (protecting the capital sum invested from loss). It is recommended that this Strategy be approved by the Full Council annually.

2. Definitions

Specified Investment - one which is made in sterling, is not long term (less than 12 months) not defined as capital expenditure and is placed with a body which has a high credit rating or made with the UK Government, a UK Local Authority or a parish or community council.

Non Specified Investment – any financial investment that does not meet the criteria to be treated as a specified investment and for which there can be greater risk and where professional investment advice might be required.

3. Investment Policy

Treasury Management Investments
Totnes Town Council acknowledges the importance of investing any temporary surplus funds held on behalf of the community in a prudent manner. The Council will aim to achieve, first and foremost, security and liquidity whilst seeking the optimum return on its investments commensurate with proper levels of security and liquidity.

In accordance with Section 15 (1) of the 2003 Act the Council will have regard to such guidance as the Department for Communities and Local Government (DCLG) may issue on behalf of the Secretary of State.

For prudent management of its treasury balances, Totnes Town Council will use:

- Deposits with banks, building societies, local authorities or other public authorities which are specified investments.
- Other recognised funds specifically targeted at the Public Sector which are specified investments.
- No investment in stocks or shares, or in non-specified investments.

The choice of institution and length of time which funds may prudently be committed so as not to compromise liquidity will be at the discretion of the Responsible Financial Officer, in consultation with the Chairman of the Council Matters Committee.

The contribution that these investments make to the objectives of the Town Council is to support effective treasury management activities.

Non-financial Investments
The DCLG maintains that the borrowing of monies purely to invest, or lend and make a return, is unlawful and this Council will not engage in such activity.

The Responsible Financial Officer will carry out a risk assessment for any new non-financial investment proposals which will be provided to the Council Matters Committee. The risk assessment will include

- Whether and, if so how, the Council uses external advisors be they treasury management advisors, property investment advisors or any other relevant persons.
- How the Council monitors and maintains the quality of advice provided by external advisors.
- What other sources of information are used to assess and monitor risk.
- Risks associated with the liquidity of the asset and any debt.
- Any risk associated with the investment failing to achieve any expected net profit and the contingency plans for this scenario.

Information about any proposed investment and borrowing will be provided to members by the Responsible Financial Officer setting out any risks and opportunities in terms that a layman would understand to avoid the risk that locally elected members may not always have the background and expertise to understand the risks associated with the decisions that they are being asked to make.

Totnes Town Council will only invest in non-financial investments where a professional assessment has been obtained to confirm that there are reasonable grounds to believe the realisable value of the asset, including the attributable costs of purchase, will exceed the purchase price within 12 months of the purchase.

Borrowing to purchase land and buildings by Totnes Town Council will only be obtained through the Public Works Loan Board.

Where the Council has borrowed to finance any non-financial investments the Responsible Financial Officer will report the following indicators to the Council Matters Committee annually:

- Loan to Value Ratio
- Investment Cover Ratio (the total net income from property investments compared to the interest expense)
- Gross and net income (The income received from the investment portfolio at a gross level and net level, less costs, over time)

Where there has been a significant change in year on year performance against any of the indicators presented the Responsible Financial Officer should include an explanation to the Committee.

In addition, the Responsible Financial Officer will report on any need to realise the capital tied up in the non-financial investments to ensure no capital loss arises.

The Council will review this Strategy annually and reserves the right to make variations to the Strategy at any time, subject to the approval of Full Council.

ITEM 10 – RESPONSIBLE AND SAFE USE OF ARTIFICIAL INTELLIGENCE POLICY

Responsible and Safe Use of AI Policy

TOTNES TOWN COUNCIL

AGREED JANUARY 2026

FOR REVIEW JULY 2026

Suggested minor updates in red

1. Purpose

Artificial Intelligence (AI) tools now play an increasing role in helping local authorities work more efficiently, support decision-making, and improve the quality of written information. When used properly, AI is a helpful assistant as it supports the work of officers and members, but it does not replace human judgement.

This policy sets out how Totnes Town Council will use AI safely, lawfully, and responsibly, ensuring that:

- Sensitive or confidential data is protected
- AI outputs are used with care and verification
- Only secure, approved systems are used
- Officers and members understand both the benefits and the risks

This policy applies to **all staff, officers, contractors, volunteers, and Councillors** when carrying out any Council business, whether on Council-owned devices or personal devices.

2. Approved AI Systems

The Council currently approves **one** **~~two~~ AI system~~s~~** for internal use:

Microsoft 365 Copilot

Where a Council licence is provided, Copilot may be used because:

- All data remains within the Council's Microsoft 365 tenant
- It uses the same secure permissions as Outlook, Teams, and SharePoint
- No data is used to train public AI models
- Microsoft meets UK GDPR and public sector security standards (ISO 27001; National Cyber Security Centre (NCSC) guidance)

~~**Gov Assist (Cloudy IT)**~~
~~Currently **used only by the Town Clerk**, this system:~~
- ~~Operates within UK-based, GDPR-compliant data centres~~
- ~~Retains all data as the Council's property~~
- ~~Does not send information to OpenAI's public systems~~
- ~~Provides an auditable, sealed environment designed for local government~~

[Officer Note: the Gov Assist licence has ended and is no longer considered necessary based on the performance of Microsoft 365 Copilot.]

AI Note-Taking in Meetings
The Council uses AI-supported transcription or summarisation tools through paid Zoom and Microsoft Teams accounts.

To maintain confidentiality:
- No confidential Full Council or committee sessions are recorded or summarised using AI.
- Any informal meetings dealing with sensitive matters must use Teams, which meets the same security standard as Copilot.

3. Permitted Uses of AI
AI is a practical tool to save time and improve clarity. Officers and members may use approved AI tools only to:
- Draft reports, letters, agendas, or meeting summaries
- Reformat or improve the tone and readability of written work
- Summarise long reports or transcripts
- Generate ideas, options, or structures for consultations or public engagement
- Clarify technical information in plain English

AI should be treated as **a thinking partner**, not an author or decision-maker.

All outputs must be checked and edited before use by the officer or member.

4. Prohibited Uses of AI
To protect data, reputation, and legal compliance, the following uses are strictly prohibited.

4.1 Shadow AI – Absolutely Forbidden
"Shadow AI" means any AI tool outside the Council's approved systems, including:
- Public ChatGPT
- Google Gemini / Bard
- AI features on personal Microsoft, Google, Apple accounts
- Free online writing, note-taking, translation, or image-generation tools
- Smartphone apps with embedded AI features
- Any AI product not licensed or approved by the Council or its IT providers

No officer or member may use shadow AI for any Council-related task whatsoever.
This includes copying or pasting text, uploading documents, or using personal accounts to draft or summarise material.

4.2 Handling of Sensitive or Confidential Information
You must **not** enter into AI systems:

- Personal data (names, addresses, HR information, staff matters, salaries, phone numbers, email addresses)
- Legally sensitive or confidential documents (staffing, legal disputes, tenders, disciplinary matters)
- Any unredacted data relating to individuals or commercially confidential material

If in doubt, **do not use AI**.

4.3 Prohibition on AI-Generated Images
To protect artistic integrity, avoid copyright risks, and support local creative professionals, the Council will not use AI to generate:

- Photographs
- Branding
- Logos
- Graphics or illustrations

5. Safeguards and Required Practices

To ensure safe and responsible AI use:

Use only approved tools
Copilot (with a Council licence), Teams, and Zoom AI (as described), ~~and Gov Assist (Clerk only)~~.
Redact or anonymise sensitive information
If a document contains personal or confidential information, remove identifiers before using AI or do not use AI at all.
Maintain human oversight
AI is advisory. Officers and members remain fully responsible for decisions, reports, and published material.
Verify all outputs
Check for accuracy, tone, relevance, and potential bias. AI may make errors or produce outdated or misleading information.
Store documents correctly
Misplaced SharePoint or Teams files can be surfaced by Copilot.
Always save documents in the correct Council folders and report any inappropriate access immediately.
Transparency
Where relevant, note that AI supported the drafting process (internal comment or note).
Report concerns
Raise any uncertainty with the Clerk or Data Protection Officer before proceeding.

6. Why This Approach Is Responsible

This policy ensures:

- **Compliance** with UK GDPR
- **Security**, as all information stays within approved, encrypted systems
- **Transparency and accountability** for all AI-generated content
- **Proportionate use**, supporting efficiency without handling sensitive data
- **Support for local creative industry**, by avoiding AI image generation

- **Confident, safe working practices**, reducing risk to the Council, its staff, and the public

AI assists our work, it does not drive it. Human judgement remains at the centre of Council operations.

7. Training and Building Confidence

The Council recognises that AI is a developing area. Confidence grows through practice and understanding.

To support this:

- Further training for staff and members will be sought on request.
- Officers and members will be able to ask questions and see practical examples
- Training will emphasise safe use, accuracy, and professional responsibility
- The aim is to empower users — *"You control it; it doesn't control you."*

8. Future Changes and Review of This Policy

The Council has ~~is actively considering~~:

- Upgrading all staff to Microsoft 365 Copilot licences, provided training, and operating within a sealed and secure tenant
- End~~ing~~ed the Gov Assist contract, now that ~~once~~ Copilot is fully adopted
- Strengthening tenant security with Business Premium ~~and Enforcer~~ licences for Confidential information
- ~~A trial of one Copilot licence prior to full rollout before the Gov Assist contract ends~~

~~If these changes are approved:~~

- ~~All staff AI use will move to a single, secure Copilot environment~~
- ~~Confidential information will remain protected under tenant permissions~~
- ~~A full revised AI Policy will be brought to members March/April 2026~~

~~Until then, this interim policy remains in force in full.~~

This AI policy will be reviewed every ~~3–6~~ 12 months, or sooner if required by legislative or technical change, to reflect the speed of change in this developing technology.