

Notice of meeting and agenda

Corporate Policy and Strategy Committee

10.00am, Tuesday, 6 September 2016

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend

Contact

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1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 If any

4. Minutes

- 4.1 Minute of the Corporate Policy and Strategy Committee of 9 August 2016 (circulated) – submitted for approval as a correct record.

5. Forward planning

- 5.1 Corporate Policy and Strategy Committee Key Decisions Forward Plan October to December 2016 (circulated)
- 5.2 Corporate Policy and Strategy Committee Rolling Actions Log (circulated)

6. Business Bulletin

- 6.1 If any

7. Executive decisions

- 7.1 Transformation Programme Update – presentation by the Interim Head of Strategy and Insight
- 7.2 Recruitment and Selection Procedure – Senior Officers – report by the Acting Executive Director of Resources (circulated)
- 7.3 Open Data Programme – Update – report by the Chief Executive (circulated)
- 7.4 Meantime Use of Vacant Property – Response to Motion by Councillor Corbett - report by the Acting Executive Director of Resources (circulated)

Note: Councillor Corbett is called for this item
- 7.5 Maternity, Paternity, Adoption and Shared Parental Leave – report by the Acting Executive Director of Resources (circulated)

8. Routine decisions

If any

9. Motions

If any

Kirsty-Louise Campbell

Interim Head of Strategy and Insight

Committee Members

Councillors Burns (Convener), Ross (Vice-Convener), Aldridge, Barrie, Burgess, Child, Godzik, Ricky Henderson, Hinds, Lewis, Main, Mowat, Rankin, Rose and Rust.

Information about the Corporate Policy and Strategy Committee

The Corporate Policy and Strategy consists of 15 Councillors and is appointed by the City of Edinburgh Council. The Corporate Policy and Strategy Committee usually meets every four weeks.

The Corporate Policy and Strategy Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Louise Williamson, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4264, e-mail louise.p.williamson@edinburgh.gov.uk .

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

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Minutes

Corporate Policy and Strategy Committee

10.00 am, Tuesday, 9 August 2016

Present

Councillors Burns (Convener), Ross (Vice-Convener), Barrie, Burgess, Child, Day (substituting for Councillor Hinds), Griffiths (substituting for Councillor Godzik), Ricky Henderson, Lewis, Main, Mowat, Rankin, Rose and Rust.

1. Minute

Decision

To approve the minute of the Corporate Policy and Strategy Committee of 14 June 2016 as a correct record subject to, in respect of Item 1 - Business Case for the Management Transfer of Secondary School Sport Facilities to Edinburgh Leisure:-

- 1) noting that there had been a submission by ClubSportEdinburgh; and
- 2) instructing the Acting Executive Director of Communities and Families to ensure that consultation with all affected groups took place as soon as possible.

2. Corporate Policy and Strategy Committee Key Decisions Forward Plan September to November 2016

The Corporate Policy and Strategy Committee Key Decisions Forward Plan for September to November 2016 was presented.

Decision

To note the Key Decisions Forward Plan for September to November 2016.

(Reference – Key Decisions Forward Plan September to November 2016, submitted.)

3. Corporate Policy and Strategy Committee Rolling Actions Log

Details were provided of the outstanding actions arising from decisions taken by the Committee.

Decision

- 1) To ask for an update/completion date for the following action:
Action 3 - Follow-up Report 2014 Edinburgh People Survey
- 2) To agree to close the following action:
Action 2 - Welfare Reform – Further Update
- 3) To otherwise note the remaining outstanding actions.

(Reference – Rolling Actions Log, submitted.)

4. Welfare Reform - Update

An update was provided on the progress being made by the Council and partners to develop arrangements in regard to the UK Government's welfare reforms.

Decision

- 1) To note the ongoing work to support Universal Credit and Welfare Reform in Edinburgh.
- 2) To note the Welfare Reform Working Group's ongoing activities to support benefit take-up and financial inclusion.
- 3) To note the current spent projections for Discretionary Housing Payments, Council Tax Reduction Scheme and the Scottish Welfare Fund.
- 4) To welcome the advice-related initiatives for a targeted, benefit uptake campaign, awareness raising for maximisation and improved provision for financial capability.

(References – Corporate Policy and Strategy Committee 22 January 2013 (item 7); report by the Acting Executive Director of Resources, submitted.)

5. Policies – Assurance Statement

Details were given of a policy framework which had been developed to ensure that all current Council policies were easily accessible and were created, revised and renewed in a consistent manner and to an agreed standard. To ensure that the policies remained current and relevant, all Council directorates were required to review policies on an annual basis.

Decision

To note that the Council policies detailed in the report by the Acting Executive Director of Resources had been reviewed and were considered as being current, relevant and fit for purpose.

(References – Corporate Policy and Strategy Committee 3 September 2013 (item 4); Governance, Risk and Best Value Committee 22 May 2014 (item 7); report by the Acting Executive Director of Resources, submitted)

6. Chief Social Work Officer Annual Report 2015/2016

The Chief Social Work Officer's Annual Report for 2015/2016 was presented.

Decision

To note the Chief Social Work Officer's Annual Report for 2015/16.

(Reference – report by the Chief Social Work Officer, submitted.)

7. Public Protection in Edinburgh – Annual Reports 2015-16

Annual reports were presented for each of the five committees/partnerships that together oversaw the main multi-agency public protection activity in Edinburgh. These were:

- The Edinburgh Child Protection Committee
- The Edinburgh Adult Support and Protection Committee
- The Edinburgh Offender Management Committee
- The Edinburgh Alcohol and Drug Partnership
- The Violence Against Women Partnership

Decision

- 1) To note the annual reports from the public protection Committees.
- 2) To note the importance of ensuring an integrated approach across the Council and between the Council and its key partners NHS Lothian, Police Scotland, the Scottish Fire and Rescue Service, the Scottish Prison Service and voluntary sector organisations, to allow for effective, shared prioritisation and resource allocation.

(Reference – joint report by the Chief Executive and the Chief Social Work Officer, submitted.)

8 EUROCITIES AGM and Conference

The Committee was invited to nominate delegates to attend the Eurocities AGM and Conference to be held in Milan on 16-18 November 2016.

Decision

- 1) To approve the attendance of up to 2 members and one officer at the Eurocities AGM and Conference in Milan on 16-18 November 2016 and to submit Edinburgh's bid to host the 2018 EUROCITIES AGM and Conference.
- 2) To note that further information on the benefits of attendance and the decision regarding the 2018 bid would be provided following the event.
- 3) To instruct the Executive Director to explore the feasibility of land travel by the attendees to the Conference.

(Reference – report by the Executive Director of Place, submitted.)

Corporate Policy and Strategy Committee – 6 September 2016

October to December 2016

Item	Key decisions	Expected date of decision	Wards affected	Director and lead officer	Coalition pledges and Council outcomes
1.	Physical Activity for Health Pledge	4 October 2016		Chief Officer, Edinburgh Health and Social Care Partnership Lead officer: David Bruce, Senior Education Manager david.bruce2@edinburgh.gov.uk	CO24-26
2.	Information Governance Policies	4 October 2016		Chief Executive	CO24-26
3.	Transfer of Secondary School Sport Facilities to Edinburgh Leisure	4 October 2016		Acting Executive Director of Communities and Families Lead officer: David Bruce, Senior Education Manager david.bruce2@edinburgh.gov.uk	CO24-26
4.	Welfare Reform	8 November 2016		Acting Executive Director of Resources Lead officer: Sheila Haig, Acting Council Income	CO24-26

Item	Key decisions	Expected date of decision	Wards affected	Director and lead officer	Coalition pledges and Council outcomes
				Manager sheila.haig@edinburgh.gov.uk Gillian Ritchie, Welfare Reform Assistant gillian.ritchie@edinburgh.gov.uk	
5.	Festival and Events Core Programme 2017	8 November 2016		Executive Director of Place Lead officer: Lynne Halfpenny, Director of Culture lynne.halfpenny@edinburgh.gov.uk	CO24-26
6.	High Performance Working	8 November 2016		Acting Executive Director of Resources Lead Officer: Stewart Cassie, Employee Relations Officer stewart.cassie@edinburgh.gov.uk Jo Guz, Senior OD Leader jo.guz@edinburgh.gov.uk	CO 24-26
7.	E-cigarettes (vapourisers) - Update on Health Considerations	6 December 2016		Acting Executive Director of Resources Lead officer: Susan Tannahill, Council Health and Safety Manager susan.tannahill@edinburgh.gov.uk	CO24-26

Item	Key decisions	Expected date of decision	Wards affected	Director and lead officer	Coalition pledges and Council outcomes
8.	Thundering Hooves 2.0: Council Actions and 2nd Annual Health Check	6 December 2016		Executive Director of Place: Lead officer: Lynne Halfpenny, Director of Culture lynne.halfpenny@edinburgh.gov.uk	CO24-26
9.	Procurement Strategy	6 December 2016		Acting Executive Director of Resources Lead officer: Tammy Gillies, Delivery and Pipeline Manager tammy.gillies@edinburgh.gov.uk	CO24-26

Corporate Policy and Strategy Committee

6 September 2016

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	06.11.12	The Future Management and Ownership of Easter Craiglockhart Hill Local Nature Reserve (LNR) – motion by Councillor Burns (Agenda for 6 November 2012)	To provide information on the possibility of community ownership and management of the woodland and open space in the area in the longer term and how this might be achieved, with ownership transferring to the Council as an interim measure, with a view to the eventual transfer of ownership and management, to a community organisation.	Executive Director of Place	Spring 2017		The agreement was to transfer the land “once the Council was satisfied with the landscaping works in the woodland areas (within 12 months of the start of the site development)”. There has been some confusion regarding this, as some work commenced in 2015, however, it wasn’t enough work to fulfil the

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
							<p>“notice of initiation” which would kick start the “formal commencement of work”.</p> <p>In short, the contractors initial notice of initiation is now void and they will be required to submit another one. Once that has been submitted and approved then formal commencement of work can take place.</p>
2	12.05.15	Follow-up Report 2014 Edinburgh People Survey	To request that regular reports are made to the relevant Committees on each of the areas of concern detailing improvements and that	Chief Executive	30 August 2016	30 August 2016 (Transport and Environment committee)	<p>Recommended for closure</p> <p>The draft 2015 survey has been issued for consultation.</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>the Transport and Environment Committee considers how street cleanliness can be measured because current measures show a static or improving situation whilst the survey shows growing dissatisfaction with the cleanliness of streets.</p>				<p>Following an initial overview report to this Committee, specific reports will be submitted to the Executive committees. The one for the Transport and Environment Committee will address the issue of street cleanliness measurement.</p> <p>An annual report on Cleanliness in the city is prepared for Transport and Environment Committee. This issue will be addressed in the report on 30 August 2016.</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
3	12.05.15	Physical Activity for Health Pledge	To note that an update on progress will be presented to this Committee in May 2016.	Chief Officer, Edinburgh Health and Social Care Partnership	October 2016		
4	09.06.15 Minute of 9 June 2015 (items 6 and 16) 01.09.15	Safecall CEC 114 - Update Report on Management Action B Report	1) To note the report by the Chief Executive and to accept all the recommendations in Appendix 2 and that progress on their implementation be reported to the Education, Children and Families Committee. 2) To recognise that no further disciplinary action would be instigated in relation to these matters until all relevant information was	Chief Executive Chief Executive	 Date to be confirmed	1 March 2016 (Education, Children and Families Committee)	The Education, Children and Families Committee on 1 March 2016 agreed to close Action (1), having considered this Education Complaints Improvement Update report.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			available. 3) To agree that a further report would thereafter be considered by Committee advising of any further management action.	Chief Executive	Ongoing		
5	09.06.15	Sustainable Edinburgh 2020 Annual Report 2014-15	To acknowledge the work programme for SE2020 for the coming year 2015/16, and add a request to the Edinburgh Sustainable Development Partnership that a clear Action Plan setting out aims, objectives, targets, timescales and responsibilities from the present to 2020 be developed and presented as soon as possible.	Chief Executive	Autumn 2016		The Partnership's 2015/16 Action Plan can be found HERE . Future updates will be reported to Committee, in tandem with the development of the new Community Plan.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
6	04.08.15	Policies - Assurance Statement	To note that a further report on wider Council policies would be submitted to Committee in due course.	Acting Executive Director of Resources	Ongoing		Policies are reviewed on an ongoing basis. Policies Assurance Statements are produced when there are little or no changes proposed to a policy.
7	04.08.15	Common Good Assets Register	<p>1) To note that further reports would be brought to Committee:</p> <p>a) once Scottish Ministers' guidance about common good registers had been issued; and</p> <p>b) to consider the implications arising from</p>	Acting Executive Director of Resources	Autumn 2016		<p>Scottish Ministers guidance is not expected until summer 2016.</p> <p>Reports to Committee will not be able to be submitted until Q3 2016 earliest. Consequently, completion of the register itself will not take place until sometime 2017.</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>compliance with the Land Registration (Scotland) Act 2012.</p> <p>2) To note that the common good definition in Section 3 of the report by the Acting Director of Services for Communities was not intended to be exclusive and that there would be clarification of the definition with the next report to Committee.</p>				
8	29.09.15	Citywide Review of Council-owned Sports Facilities and Services - Key Findings and Recommendations	To request a progress report within six months, including a timeline for a phased changeover.	Acting Executive Director of Communities and Families	17 May 2016	17 May 2016	This action was closed on 17 May 2016

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
	17.05.16	Citywide Review of Council Owned Sports Facilities and Services	To instruct a further report to be presented to the Committee on 14 June 2016 detailing the proposed way forward and timetable.	Acting Executive Director of Communities and Families	14 June 2016	14 June 2016	This action was closed on 14 June 2016
	14.06.16	Business Case for the Management Transfer of Secondary School Sport Facilities to Edinburgh	To note the progress made by officers and Edinburgh Leisure in creating a joint detailed specification and business case as soon as finalised, as per the recommendations of the Committee on 28 September 2015, and agree that these and details of the change programme would be reported to Committee by Autumn 2016.	Acting Executive Director of Communities and Families	Autumn 2016		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
9	29.09.15	Managing Customer Contact in a Fair and Positive Way - Annual Review	To agree to receive an annual update.	Chief Executive	Ongoing		
10	29.09.15	Public Bodies Climate Change Duties Report 2014-15	To note the omission from the Council's Climate Change Duties Report of any carbon reduction projects and therefore request an update report on these projects once they were devised.	Chief Executive	Ongoing		
11	03.11.15	Carbon, Climate & Sustainability Policies - Assurance Statement	To agree to update the Fair Trade and Resource Use Policy for Committee consideration within 12 months	Chief Executive	November 2016		
12	03.11.15	ICT Acceptable Use Policy - Annual Review	To note that the next review should be undertaken with a view to reporting to Committee in November 2016.	Chief Executive	November 2016		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
13	01.12.15	E-cigarettes (Vapourisers) - Update on Health Considerations	<p>1) To note that any material changes which developed, such as Scottish or UK Government advice or significant public health research findings, would be reported to Committee, together with any implications for the Smoke Free Policy.</p> <p>2) To note that an annual report on the policy would be provided by the end of 2016 which should explicitly highlight any developments on e-cigarettes with regard to additional evidence on health issues.</p>	Acting Executive Director of Resources	6 December 2016		
				Acting Executive Director of Resources	6 December 2016		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
14	23.02.16	Avoidance of Bullying and Harassment at Work Policy - Review	To note that the next review should be undertaken with a view to reporting to Committee in February 2017.	Acting Executive Director of Resources	February 2017		
15	12.04.16	2015 Edinburgh People Survey Headline Results	To note that an update would be provided in 6 months as part of the Council's Business plan.	Chief Executive	October 2016		
16	17.05.16	Welfare Reform - Update	To request that the findings and recommendations of the review into welfare advice services be then reported to this Committee.	Acting Executive Director of Resources	Ongoing		
17	14.06.16	Locality Working - Progress Report	To call for a report back to the Corporate Policy and Strategy Committee at the appropriate time in consultation with Councillor Main and other elected members on the locality working governance issues raised	Executive Director of Place	Ongoing		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
18	09.08.16	Eurocities AGM and Conference	To note that further information on the benefits of attendance and the decision regarding the 2018 bid would be provided following the event.	Executive Director of Place			

Corporate Policy and Strategy Committee

10.00am, Tuesday, 6 September 2016

Recruitment and Selection Procedure – Senior Officers

Item number	7.2
Report number	
Executive/routine	
Wards	

Executive summary

Arrangements are being made to recruit and appoint to a number of Head of Service posts which report to the Chief Executive or Executive Director of Resources. A minor change to the Recruitment and Selection Procedure for the Appointment to Posts of Chief Executive Officer, Executive Director and Head of Service is proposed. This is to allow sufficient flexibility to assess multiple candidates, improve candidate experience, and increase overall validity and reliability of candidate selection.

Links

Coalition pledges
Council outcomes
Single Outcome Agreement

Recruitment and Selection Procedure – Senior Officers

Recommendations

- 1.1 To agree the minor adjustment to the Procedure for the Recruitment and Selection of Senior Officers set out in the appendix.

Main report

- 2.1 Arrangements are being made to recruit to up to six Heads of Service positions currently filled on an interim basis. The postholders report to the Chief Executive or the Executive Director of Resources.
- 2.2 Meetings of the Recruitment Committee have been scheduled during the Autumn, with a view to recommending permanent appointments to full Council by the year-end.
- 2.3 A minor adjustment to the short listed candidate process is recommended. This change will allow for a more robust assessment of short listed candidates, providing the Recruitment Committee with increased information on which to base their recommendation.
- 2.4 The updated procedure is attached as Appendix 1 and the adjusted paragraphs highlighted.
- 2.5 The candidate assessments will be scrutinised at a final selection meeting of the Recruitment Committee, prior to submitting appointment recommendations to full Council.
- 2.6 At its meeting on 23 August 2016 the Recruitment Committee agreed this approach, subject to this Committee's approval of the associated adjustment to the agreed Procedure.

Measures of success

- 3.1 Not applicable.

Financial impact

4.1 Not applicable.

Risk, policy, compliance and governance impact

5.1 Not applicable.

Equalities impact

6.1 Not applicable.

Sustainability impact

7.1 Not applicable.

Consultation and engagement

8.1 Not applicable.

Background reading / external references

None.

Hugh Dunn

Acting Executive Director of Resources

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Links

Coalition pledges

Council outcomes

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Appendices

Appendix 1 - Recruitment and Selection Procedure for the Appointment to Posts of Chief Executive Officer, Executive Director and Head of Service.

**RECRUITMENT AND SELECTION PROCEDURE
FOR THE APPOINTMENT TO POSTS OF
CHIEF EXECUTIVE OFFICER, EXECUTIVE DIRECTOR AND
HEAD OF SERVICE**

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Approved by Full Council: 11 February 2003
Last Updated: August 2016

RECRUITMENT AND SELECTION PROCEDURE FOR THE APPOINTMENT TO POSTS OF CHIEF EXECUTIVE OFFICER, EXECUTIVE DIRECTOR AND HEAD OF SERVICE

1. INTRODUCTION

1.1 The Council's Scheme of Delegation gives authority to Directors for appointing employees within agreed staffing levels up to but excluding Heads of Service. Therefore, the procedure detailed in this document aims to:

- a) ensure a fair and consistent corporate approach to the process of recruiting to Chief Executive Officer, Executive Director and Head of Service posts within the City of Edinburgh Council;
- b) assist Elected Members and officers to comply with the Council's Recruitment and Selection Policy and current employment legislation; and
- c) provide a guide to the stages of the recruitment and selection process.

1.2 The availability of this procedure does not remove the requirement for all Elected Members and officers involved in the process to be trained in the application of the Council's Recruitment and Selection Policy and procedures.

2. SCOPE

2.1 This procedure applies to the Chief Executive Officer, Executive Director and Head of Service posts, and applies equally to internal and external job applicants.

3. CONFIDENTIALITY

3.1 Given the sensitive nature of the data which is available to a number of individuals involved in the recruitment process, confidentiality will be maintained at all stages of the process, i.e. at meetings of panels; interviews; secure handling of application forms; committee reports/agendas etc.

4. STAGES OF THE RECRUITMENT AND SELECTION PROCEDURE

4.1 Notification of Vacancy

4.1.1 When a post falls vacant, the Chief Executive Officer or Executive Director will, supported by the Head of HR and OD, review the job specification, grade and person specification for the post, where necessary.

- 4.1.2 For Chief Executive Officer and Executive Director posts the Chief Executive will, supported by the Head of HR and OD, submit a report to Council regarding the vacancy. This will include any recommendations for a meeting of the Recruitment Committee to be convened to determine the recruitment and selection arrangements for filling the post. The report will normally set out the main stages of the recruitment and selection procedure together with a provisional timetable.
- 4.1.3 For Head of Service posts, the Executive Director will advise the relevant Executive Member about the vacancy and the need to fill. Contact will be made with the Governance Manager to set up a meeting of the Recruitment Committee.
- 4.1.4 External executive search firms may be engaged by the Council to help attract the highest calibre candidates and provide specialist support for the recruitment and selection process.

4.2 Nomination of Recruitment Committee

- 4.2.1 Where the Council decides to fill the post, a Recruitment Committee represented by all political parties will be established by the Council.
- 4.2.2 Normally, a Recruitment Committee Member will be expected to attend the short-listing meeting and participate in the interviews. However, where a substitute member attends the short-listing meeting, then the original member cannot attend the interviews, and the substitute member will continue to participate throughout the remainder of the process.
- 4.2.3 Recruitment Committee Members shall declare potential conflicts of interest regarding applicants, and stand down where advised to do so by the Head of HR and OD.
- 4.2.4 The Governance Manager will be responsible for arrangements concerning the meetings of the Recruitment Committee.

4.3 Job Specification

- 4.3.1 There will be a job specification for each vacant post. This will include details of the nature and requirements of the job and the main duties and responsibilities involved. In the creation/revision of a job specification, no wording should be used or duties specified which would unfairly and inappropriately exclude any person from applying.

4.4 Person Specification

- 4.4.1 For each vacancy there will be a person specification which will set out the qualifications, experience, knowledge and competencies required by an individual to undertake the duties and responsibilities of the post. The requirements of the person specification will usually be grouped into two categories, namely:

- a) **Essential criteria:** which the candidate must possess in order to undertake the duties of the post; and
- b) **Desirable criteria:** which would enhance the candidate's performance in the post.

4.4.2 The person specification will be written in such a way that does not unfairly and inappropriately exclude applicants from the process.

4.5 First Meeting of Recruitment Committee

4.5.1 The Governance Manager will arrange a meeting of the Recruitment Committee and issue the relevant papers within the required timescales before the date of the meeting. The Recruitment Committee will be asked to agree:

- a) the job specification;
- b) the person specification;
- c) the advert, choice of media and advertising schedules;
- d) the recruitment procedure for long list interviews, which are optional, and short list interviews;
- e) testing arrangements and the role of recruitment committee members in assessing short listed candidates; and
- f) the priority to be given to each element in the recruitment process.

4.5.2 The Recruitment Committee will be advised throughout the process as follows:

- a) in the case of a Chief Executive Officer vacancy – the Head of HR and OD will provide advice and personnel support;
- b) in the case of an Executive Director vacancy – the Chief Executive will provide advice along with the Head of HR and OD; and
- c) in the case of a Head of Service vacancy – the Executive Director will provide advice along with the Head of HR and OD.

4.6 Vacancy Advertising

4.6.1 Normally such vacancies will be advertised as appropriate in the national press and professional journals and any other media considered suitable. Adverts will be placed simultaneously on the local authority website.

4.7 Application Form and Information Pack

4.7.1 Applications for employment will be submitted online using the Council's standard application form. Applicants can submit a hard copy application form,

if required. Information provided by applicants for equality monitoring purposes is not made available to the Recruitment Committee.

4.7.2 The Chief Executive Officer or Executive Director, supported by the Head of HR and OD, will prepare an Information Pack for applicants. This will include the following:

- a) Job Description
- b) Person Specification
- c) Profile of the Council/service area
- d) Provisional Timetable for recruitment process
- e) Conditions of Employment
- f) Background documents appropriate for the post e.g. Annual Reports, Service Plans etc.

4.8 Application Long-listing (optional)

4.8.1 Where it is decided that there will be a long list stage, following the closing date for receipt of applications for a Chief Executive Officer appointment, the Recruitment Committee will undertake to conduct the long list process with support and advice from the Head of HR and OD.

4.8.2 Following the closing date for receipt of applications for an Executive Director or Head of Service post, a long list of candidates will be drawn up by the Chief Executive Officer, or Executive Director as appropriate, in conjunction with the Head of HR and OD.

4.8.3 Information obtained from the application form will be screened against the essential criteria identified in the Person Specification. Those applications that do not meet the essential requirements of the post will be rejected at this stage.

4.8.4 A record must be kept of the reason(s) for rejection of each applicant.

4.9 Guaranteed Job Interview Scheme for People with Disabilities

4.9.1 The Council operates a guaranteed job interview scheme for people with disabilities. Any job applicant who has a disability (as defined under the Disability Discrimination legislation) and who appears to meet the minimum essential criteria will be interviewed for the post for which they have applied.

4.9.2 Disability Discrimination legislation also places a duty on the employer to make reasonable adjustments to accommodate the needs of a disabled person. Therefore, it may be necessary to consider adjusting for example, the venue for interviews or the minimum essential job criteria to promote equality of opportunity to a specific disabled applicant. Guidance on this will be provided by the Head of HR and OD.

4.10 Notifying Long-listed Candidates of Interview Arrangements

4.10.1 For Chief Executive Officer or Executive Director posts, the Head of HR and OD will write to long-listed candidates normally giving at least seven days

written notice of the interview date. The letter will contain as much information as possible about the interview arrangements, e.g. the approximate time allocated for the interview and details of any tests, presentations or job exercises to be conducted as part of the selection process.

- 4.10.2 The Executive Director will conduct similar arrangements for a Head of Service post.

4.11 Long List Interviews

- 4.11.1 Long list interviews will be carried out by the Recruitment Committee in respect of a Chief Executive Officer post, supported by the Head of HR and OD.

- 4.11.2 In respect of an Executive Director post, long list interviews will be conducted by the Chief Executive Officer and Head of HR and OD. In respect of a Head of Service post, the long list interviews will be conducted by the Executive Director and Head of HR and OD.

- 4.11.3 A series of core questions asked at interview should relate to the criteria listed on the Person Specification.

- 4.11.4 Core questions will be agreed in advance to facilitate a comparison between candidates and to ascertain to what degree each candidate meets the criteria of the post.

- 4.11.5 In certain circumstances a candidate may require assistance in order to fully participate in the interview process and, where reasonably practicable, this will be provided. e.g. a signer; induction loop.

4.12 Additional Selection Methods

- 4.12.1 Additional testing and assessment methods will form part of the recruitment and selection process to assist in determining a candidate's suitability. Tests used will be in accordance with best practice guidelines, and test criteria will be directly relevant to criteria identified in the Person Specification.

- 4.12.2 Candidates will be given relevant information, in advance, about any tests that are to be used. At the first meeting of the Recruitment Committee the panel will have agreed the priority which will be given to the different selection elements used.

4.13 Long List Interviews - Candidate Assessment

- 4.13.1 The **Person Specification** will be the basis for recording candidate assessments and an individual record of assessment for each candidate will be completed immediately after each interview.

- 4.13.2 Records of this stage will also be kept of other key details such as Panel Members, interview schedule, core interview questions, who attended/failed to attend etc.

4.14 Meeting of the Recruitment Committee to Agree Short List

4.14.1 The Governance Manager will arrange a meeting of the Recruitment Committee and issue appropriate papers within the required timescales. This will include a copy of:

- a) application forms for all candidates;
- b) the person specification/assessment form;
- c) summary assessment of candidates who attended long list interview, including any test results; and
- d) recommended short list.

4.14.2 The Recruitment Committee will consider the papers and, from the recommended short list of candidates, agree the short list of candidates for interview. They will also agree the presentation topic and core questions for the short list interview stage.

4.15 Notifying Unsuccessful Long-Listed Candidates

4.15.1 The Head of HR and OD or Executive Director, as appropriate, will write to all candidates to advise them of the outcome of the long list interviews.

4.16 Calling Short-Listed Candidates for Interview

4.16.1 The Head of HR and OD or Executive Director, as appropriate, will write to short-listed candidates informing them of the interview arrangements and presentation topic and normally give seven days notice.

4.17 Pre-Employment Checks

PVG/Disclosure Checks

4.17.1 Where posts are subject to a PVG or disclosure check, short-listed candidates will be asked to complete a Criminal Convictions Self Declaration form.

References

4.17.2 The Head of HR and OD or Executive Director, as appropriate, will take up two written references from existing/former employers for short-listed candidates prior to interview by the Recruitment Committee. The information sought from referees will be factual, and will normally relate to a candidate's employment and/or educational history.

4.17.3 References will be used primarily as a means of verifying the information provided by candidates and reinforcing the selection panel's decision. Only the references for the candidate selected for appointment will be made available to members of the Recruitment Committee after a selection decision is made.

4.17.4 Where an employment reference or any other pre-employment check casts

doubt on the nominated candidate's suitability for the post, the Recruitment Committee will rigorously re-examine all the information available to them on the candidate and may revise their selection decision.

Evidence of Qualifications

- 4.17.5 The successful candidate will be required to provide evidence of his/her qualifications.

Evidence of Eligibility to Work in the UK

- 4.17.6 The successful candidate will be required to provide evidence of his/her eligibility to live/work in the UK.

4.18 Meeting of Recruitment Committee to Interview Short-Listed Candidates

- 4.18.1 Short listed candidates will be assessed for their suitability to undertake the role using the appropriate assessment tools agreed by the recruitment committee.

4.19 Selection Decision

- 4.19.1 Using the outputs from the assessments, the Recruitment Committee will make a decision on any candidate to be recommended for appointment, subject to satisfactory pre-employment checks being carried out on the nominated candidate. This decision will be recorded by the Governance manager.

- 4.19.2 All papers held by Members of the Recruitment Committee will be surrendered to the Governance Manager at the end of the meeting for confidential disposal.

- 4.19.3 The decision of the Recruitment Committee will be presented to the next Council Meeting in the form of a recommendation.

4.20 Offer of Appointment

- 4.20.1 The Head of HR and OD or Executive Director, as appropriate, will contact the successful candidate informing him/her of the decision of the Recruitment Committee to recommend his/her appointment, subject to satisfactory pre-employment checks, and to advise that a written offer of appointment will be issued following approval by Council.

- 4.20.2 The nominated candidate will require to participate in a pre-employment health assessment. To comply with equality legislation, questions about health, attendance and/or disability must not be asked before a conditional offer of employment has been made.

- 4.20.3 Where posts are subject to a PVG or Disclosure check, the nominated candidate will be asked to complete the appropriate Disclosure Scotland form.

- 4.20.4 Following approval by the Council, the Head of HR or Executive Director, as appropriate, will conclude the offer of appointment and acceptance arrangements.

4.21 Notifying Unsuccessful Short-Listed Candidates

- 4.21.1 Following the conclusion of the offer and acceptance of appointment, the Head of HR and OD or Executive Director, as appropriate will, where practicable, telephone the unsuccessful candidates informing them of the outcome and confirm the decision in writing.
- 4.21.2 The Head of HR or Executive Director, as appropriate, will give on request individual feedback on the interview process to unsuccessful candidates.

5. RECORD KEEPING

- 5.1 All confidential personnel records relating to the recruitment process for unsuccessful candidates will be retained by the Head of HR and OD or Executive Director, as appropriate, for a minimum period of six months from the date of the decision to appoint, before being securely destroyed.
- 5.2 The Governance Manager will also retain appropriate records of meetings by the Recruitment Committee.
- 5.3 All papers relating to the recruitment of the successful candidate will be transferred to an employee personal file which will be retained in accordance with the Council's records management arrangements.

6. COMPLAINTS

- 6.1 Any candidate who is dissatisfied with any aspect of their treatment during the recruitment process may raise a formal complaint in writing with the Chief Executive or Executive Director, as appropriate. Following examination of the matter a written response will be issued.

7. REVIEW OF PROCEDURE

- 7.1 The procedure will be revised by the Council in the light of experience or any changes which may affect the recruitment and selection process.
-

Corporate Policy and Strategy Committee

10.00am, Tuesday 6 September 2016

Open Data Programme: Update

Item number	7.3
Report number	
Executive/routine	
Wards	ALL

Executive summary

This report provides a progress update on the Open Data programme, and the actions agreed at the Corporate Policy and Strategy Committee, 23rd February 2016.

It outlines Open Data activities carried out to date, the progress made in achieving the actions from the February committee and seeks authority for the proposed next steps.

Links

[Coalition pledges](#)
[Council outcomes](#)
[Single Outcome Agreement](#)

Open Data Programme: Update

Recommendations

- 1.1. It is recommended that the Corporate Policy and Strategy Committee:
 - Note the activities that have taken place to support the Open Data programme;
 - Note the progress made on the actions from the Committee meeting on 23rd February 2016; and,
 - Approve the next steps outlined in this report.

Background

- 2.1 At its meeting on 23rd February 2016, the Corporate Policy and Strategy Committee approved the Future Cities and Open Data Strategy update, noting the progress on releasing data sets, with over 100 then available.
- 2.2 At that meeting it was agreed:
 - 2.2.1 To approve identification and delivery of a further 100 new data sets at level three of the agreed Open Data format hierarchy by September 2016 with timescales for each Directorate to deliver and publish a minimum of 20 data sets;
 - 2.2.2 To endorse the identification of open data champions from within the Council to progress data recommendations and publishing, and develop an open data publication plan to align with Scottish Government recommendations;
 - 2.2.3 To endorse the development of an API (Application Programming Interface) and integration with the Council's open data portal for Council online services where practical, to allow the flow of real-time data;
 - 2.2.4 To approve the Council entering into an Edinburgh Living Lab Framework agreement with the University of Edinburgh, enabling partnership working and providing more opportunities for joint funding bids and projects;
 - 2.2.5 To endorse the development of other Living Lab Framework agreements with Edinburgh's other Universities, enabling partnership working and providing more opportunities for joint funding bids and projects;
 - 2.2.6 To note the Council's membership of the Cities Standards Institute and the opportunities this afforded for the Council;

2.2.7 To note the expectation that 260 data sets would be available by September 2016.

Main report

Open Data

- 3.1 A plan to publish 260 new data sets was put in place in March 2016. This was impacted by resource availability. Delivery of 260 1 star data sets has been completed (see listing, Appendix 1). 100 3 star data sets are being packaged up for publication by the end of September.
- 3.2 To enable open data development and data set publication the Council agreed that existing Information Council members would become open data champions. Following re-structuring the terms of reference for the Information Council has been under review and new Governance is being put in place. Members of the new governance group will become by default open data champions.
- 3.3 The Scottish Government Open Data resource pack includes the publishing of an Open Data Publication Plan as an aim for local authorities. Work on this has begun but requires further stakeholder engagement to ensure we publish an achievable plan. The data publication plan will be published by December 2016.

Open Data and FOI Requests

- 3.4 Councillors requested a briefing on the impact of open data on FOI requests - thorough research was carried out and has been detailed in the final briefing (see the full briefing at Appendix 2).
- 3.5 The findings proved inconclusive, as no quantitative evidence could be found. Therefore ICT Solutions is now running a joint project with Strategy and Insight, using common FOI request data sets, to provide some evidence as to the impact of open data for the Council specifically. This project began in May 2016 and will run until the end of October 2016.
- 3.6 Work is continuing to expand engagement with relevant communities and stakeholders in the city to build strong interest and identify future collaboration and partner opportunities. The Edinburgh Partnership has expressed an interest in learning more about how open data could assist with community planning and a meeting is planned for autumn 2016 to progress.

EdinburghApps 2016

- 3.7 The Council has continued to support economic growth and encourage innovative solutions to city challenges through the delivery of EdinburghApps 2016¹. The Council partnered with NHS Lothian, NHS National Support Services and Sustrans Scotland, providing five health and wellbeing challenges. 50

¹ Further information about each stage of the Civic Challenge competition is available at <http://edinburghapps.tumblr.com>

participants attended two design and development weekends, and four teams presented at the final pitching event. These teams are now continuing their concept developments, with continuing support from the Council.

University open data engagement

- 3.8 A number of engagement activities using Council open data have been pursued with the University of Edinburgh and the Edinburgh Living Lab to determine the appetite of the University and its students to engage with the authority on joint partner projects. These have also provided insight into Council data and enabled service planning (see Appendix 3 for detail).

Wider Engagement

- 3.9 The Council is a member of the Eurocities Knowledge Society Forum and its open data working group. In April the Council showcased its open data strategy and development in a Eurocities Webinar presentation, with the aim of sharing its knowledge and experience to support other cities in the development of their open data work as well as seeking good practice validation on the development undertaken by the Council.
- 3.10 The Scottish Libraries and Information Council (SLIC) has recently agreed a National Strategy for Public Libraries 2015 – 20, which has highlighted six strategic aims. To progress the strategic aim of promoting digital inclusion a national hackathon is taking place in the autumn providing re-use and insight for libraries data. ICT has provided advice and support to SLIC, and is supporting Edinburgh Libraries to identify and prepare appropriate data and challenges, to deliver insight that will benefit future planning of service.
- 3.11 Work has been continuing on the development of the Scottish Cities Alliance 8th City programme data cluster project. This project will progress the cities data maturity by developing data platforms, agreeing common data standards, approaches to publishing and providing analytic case studies. The City of Edinburgh Council is an active partner, contributing to data standards and analytics work packages and leading on work package four, Community and Capacity Building.

Next Steps

- 3.12 As a vanguard authority that has pursued an open data strategy we are now looking at ways to make the most of partner opportunities. We are approaching this at two levels:
- The Council is a member of the Scottish Cities Alliance and is an active partner in the Data Cluster project which is within the 8th City Programme.
 - At City level, following the Framework Agreement with the University of Edinburgh and discussions with other Universities further project opportunities are being investigated.

- 3.13 The national objectives outlined in the Scottish Government’s open data resource pack, and the creation of open data as a category in the FOI Publication scheme, mean that open data has an increasing visibility and relevance for Council business.
- 3.14 The Council’s Open Data Strategy and programme has provided the impetus to build and populate a portal, and identify opportunities to demonstrate the value of sharing and opening up data.
- 3.15 The Council’s Open Data Portal has now been live for over a year. During this time, a number of new and developing projects² have been identified which could impact on the Council’s current publishing and presentation approach. Research will be carried out to identify the impact of these projects, producing recommendations on next steps to ensure the continued delivery of open data sets and their availability for public use.
- 3.16 Initial scoping discussions about the building of APIs have highlighted the importance of identifying where most benefit will be derived from use and to align any API development with this outcome. The Council is keen to identify where data can provide real value and benefit can be derived from open data to inform services and identify improvements. Two data projects will be carried out over the next six months to provide case studies evidencing value. API development will be considered as part of the scope, if this is found to be necessary for project delivery.
- 3.17 Training will be carried out for the Council’s data stewards to provide them with the knowledge to manage existing data sets and identify new ones for publication. Following training, a review of current data sets will be carried out to improve the data sets available, adding further meta data and data formats, and as part of this work identifying further data sets that can add a 3 star format³.
- 3.18 The Council has been invited to sit on the steering group for a new Data Festival to take place in Spring 2017. This is being led by The Data Lab⁴. The Council will provide advice on delivering the festival in the city, and identify data use opportunities that will deliver evidence of value in sharing and re-use of Council data.

² The Council’s BICC and ECM projects will change how Council data is created and managed; the Scottish Cities Alliance data cluster project may impact on how open data is accessed; the City Deal includes data as an element and may impact on how the Council shares and opens up its data; the Improvement Service has created a Scottish Spatial Hub to host all Scottish Council’s spatial open data and the Scottish Government is considering the appetite to build a Scotland-wide open data portal;

³ Tim Berners Lee devised the [open data 5 star deployment scheme](#) which is used to determine data accessibility and ability for re-use.

⁴ The Data Lab is an Innovation Centre funded by the Scottish Funding Council, Highlands and Islands Enterprise and Scottish Enterprise. Its main focus is to strengthen Scotland’s local industry and transfer world-leading research in informatics and computer science into the global marketplace.

Measures of success

- 4.1 The success of the Open Data programme will be measured in the publishing of new data sets, case studies and projects

Financial impact

- 5.1 Currently delivery has been managed through existing budgets identified in service areas.
- 5.2 This budget is coming to an end and a business case will be taken to the budget review for discussion.

Risk, policy, compliance and governance impact

- 6.1 This strategy seeks to address future risk relating to legislative and statutory requirements for data management and sharing.
- 6.2 The Open Data Strategy is part of the ICT & D Strategy Programme. Risks are monitored and managed at the project and ICT&D Board.

Equalities impact

- 7.1 The Open Data Strategy will promote equitable access to Council, and Partner services in line with Council equality standards.

Sustainability impact

- 8.1 The strategy will encourage the reuse of data when possible and promote the use of data to find innovative solutions in ways that reduce the carbon footprint of the Council supporting its Sustainability strategy.
- 8.2 A key requirement for the continuing publication and presentation of open data is to agree the best technical solution to provide this. As outlined in this report, work is being taken forward to ensure a sustainable option is identified.
- 8.3 A key element of the development of the Open Data strategy is wider engagement with staff, managers, elected members, relevant audiences and sectors to encourage a city-wide approach to the sharing and re-use of data. As outlined in this report, work is continuing on a number of fronts to ensure that this work continues.

Background reading / external references

[Scottish Information Commissioner: Model Publication Scheme March 2016](#)

[Scottish Government Open Data Resource Pack](#)

Andrew Kerr

Chief Executive

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Links

Coalition pledges	P15 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
Council outcomes	CO23 - Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community CO24 - The Council communicate effectively internally and externally and has an excellent reputation for customer care CO25 - The Council has efficient and effective services that deliver on objectives CO26 - The Council engages with stakeholders and works in partnership to improve services and deliver on agreed objectives
Single Outcome Agreement	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all SO2 - Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health SO3 - Edinburgh's children and young people enjoy their childhood and fulfil their potential SO4 - Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1 – List of published 1 star data sets Appendix 2 – Briefing on the impact of open data on FOI requests Appendix 3 – University activities

Appendix 1 – 1 star published open data sets (260)

2011 Census Transport and Travel Topic summary	Data Quality Policy	Hailes Quarry Park Management Plan	Maps of Edinburgh Constituencies May 2016 - Pentland	Records Management Policy	Union Canal strategy
Access to Supermarkets and Food Shops in Edinburgh	Delivering Capital Growth 2010, action plan update 2012, post adoption statement, environmental report	Harrison Park Management Plan	Maps of Edinburgh Constituencies May 2016 - Southern	Reports – Air Quality	Waste Action Grant Guidelines
Active Travel action plan 2016	Development Activity Bulletin (Planning)	Health and Social Care Innovation Fund information sheet	Maps of Edinburgh Constituencies May 2016 - Western	Resilient Edinburgh Climate Change Adaptation framework	Waste and Recycling Strategy
Active Travel action plan review	Early Years Strategy and action plan	Health and Social Care Innovation funding awards	Model Constitution for Community Council	River Almond Walkway Management Plan	Waste Factsheets 1 - 20
Active Travel Plan 2013 - 2020	Easter Craiglockhart Hill local Nature Reserve Management Plan	Hermitage of Braid Local Nature Reserve Management Plan	Morningside Park Management Plan	Road Safety Plan for Edinburgh to 2020	Waste Prevention Strategy
Allotment Strategy	Economic Development Service operational plan 2012 - 2015 (operational update)	Home Education Policy	Moving Image Strategy	Road works and events	West cycle and walking route
Annual auditor charitable trusts ISA260 report 2014 - 2015	Economy Watch	Hopetoun Crescent Garden Management Plan	Muir Wood Park Management Plan	Route 61 cycle and walking route	Whole city catchment maps

Annual auditor report 2014 - 2015	Edible Edinburgh A Sustainable Food City Plan	How to recycle guides - how to use your blue box	Music Strategy	Royal Mile Action plan	Woodland Habitat Action Plan
Antisocial Behaviour Policy	Edinburgh Biodiversity Action Plan 2016 - 2018	How to recycle guides - how to use your garden waste bin	Natural Conservation Report 2013, 2014	Scheme for Community Councils	World Heritage action plan
Antisocial Behaviour Strategy 2013 - 2016	Edinburgh Built Heritage Strategy plan	How to recycle guides - how to use your kerbside food waste bin	North cycle and walking route	School Term dates 2016 - 17	World Heritage management plan 2011-2016
Air Quality reports	Edinburgh by Numbers 2015	How to recycle guides - how to use your red box	North east cycle and walking route	School Term dates 2017 - 18	
Area development frameworks (Waterfront and South part of the city)	Edinburgh catering menu for secondary schools	How to recycle guides - how to use your shared mixed glass point	North west cycle and walking route	Scottish Parliamentary Election results 2007	
Audited Annual accounts 2009 - 2010	Edinburgh catering menu for secondary schools (Amey)	How to recycle guides - How to use your shared packaging point	Notable rare species in Edinburgh	Scottish Parliamentary Election results 2011	
Audited Annual accounts 2010 - 2011	Edinburgh catering menu for secondary schools (Mitie)	How to set up a 'bag for life' project and case study	One Door Approach to Development Consents Charter	Scottish Parliamentary Election results 2016	
Audited Annual accounts 2011 - 2012	Edinburgh City Archives collections guides	How to set up a 'bring and buy' event and case study	Open Space audit	Skyline study - Central Edinburgh	
Audited Annual accounts 2012 - 2013	Edinburgh City Archives names guides	How to set up a 'Community Composting Project' and	Open Space strategy	Skyline study - East Edinburgh	

		case study			
Audited Annual accounts 2013 - 2014	Edinburgh City Archives subject guides	How to set up a 'scrap art event' and case study	Open Space Strategy - Almond action plan	Skyline study - North Edinburgh	
Audited Annual Accounts 2014 - 2015	Edinburgh Compact Strategy 2015 - 2020	How to set up a 'toy library' and case study	Open Space Strategy - City Centre action plan	Skyline study - South Edinburgh	
Biodiversity action plan	Edinburgh Core Paths	ICT and Digital Strategy	Open Space Strategy - Craightinny and Duddingston action plan	Skyline study - West Edinburgh	
Burdiehouse Burn Valley Local Nature Reserve Management Plan	Edinburgh Fair Trade Schools	Integrated action plan to tackle health inequalities	Open Space Strategy - Forth action plan	South east cycle and walking route	
Buttercup Park Farm development plan	Edinburgh Gardens and Designed Landscapes summary report and map	Integrated framework to tackle health inequalities	Open Space Strategy - Inverleith action plan	South west cycle and walking route	
Calton Hill Conservation Plan	Edinburgh Joint Carers Strategy	Integrated plan for children and young people 2015 - 2018	Open Space Strategy - Leith action plan	Strategy for Open Data	
Cammo Estate Management Plan	Edinburgh Landscape Character Assessments	Invasive non-native plant species	Open Space Strategy - Liberton and Gilmerton action plan	Street Naming Charter	
Capital Facts	Edinburgh Living Landscape Education Resource Pack	Inverleith Conservation Area Management Plan	Open Space Strategy - Pentlands action plan	Street Naming Guidelines	

Carbon Management Plan 2015/16 - 2020/21	Edinburgh Living Landscape executive summary	Inverleith Park Management Plan	Open Space Strategy - Portobello and Craigmillar action plan	Sustainable Edinburgh 2020 action plan 2012 - 2014	
Care Providers performance stats April - June 2015	Edinburgh Living Landscape FAQs	Key facts and figures booklet 2010 - 11	Open Space Strategy - South Central action plan	Sustainable Edinburgh 2020 annual report 2014 - 2015	
Census 2011 - the results for Edinburgh	Edinburgh Living Landscape Floral Meadows fact sheet	Key facts and figures booklet 2011 - 12	Open Space Strategy - South West action plan	Sustainable Edinburgh 2020 text version	
Children and Families Service Plan 2014 - 2017	Edinburgh Living Landscape herbaceous perennials fact sheet	Key facts and figures booklet 2012 - 13	Open Space Strategy - Western action plan	Sustainable Edinburgh Achievements 2014 - 15	
Children and Families Service Plan 2015 - 2018	Edinburgh Living Landscape naturalised grass fact sheet	Key facts and figures booklet 2013 - 14	Parental engagement report	Sustainable Energy action plan	
City Cultural Venues study	Edinburgh Living Landscape noticeboard fact sheet	Key facts and figures booklet 2014 - 15	Parental engagement strategy and action plan 2013	Sustainable Energy action plan (Easy Read version)	
Climate Change declaration 6th annual report	Edinburgh Local Biodiversity Action Plan	Key facts and figures booklet 2015 - 16	Parks Quality reports 2013 - 15	Sustainable lighting strategy for Edinburgh	
Code of Conduct for Professional Dog Walkers	Edinburgh Public Parks and Green Spaces Strategy	Learning Publications catalogue	Planning applications	Sustainable Procurement Policy	
Committees, sub committees, joint boards	Edinburgh Standards for Streets	Leith Conservation Area Management	Planning and Building Standards Customer	Sustainable Timber Policy	

membership and dates update Aug 2015		Plan	Services Charter		
Communal Recycling Guide	Edinburgh Vacant and Derelict Land Survey (5) 2015	Leith Programme updates	Planning Decisions	Tenant Participation Strategy	
Community Councils and the Planning System	Edinburgh Vintage trail 2016	Leith to Portobello cycle route	Planning Enforcement Charter	The City of Edinburgh Council's Economic Strategy 2012 - 2017	
Community Councils established and non established Sept 2015	Edinburgh Visitor Strategy 2012	Licensed taxi ranks in Edinburgh April 2015	Planning performance framework 2011 - 12	The Edinburgh Partnership Community Plan	
Conservation thematic studies - pre 1750s buildings in Edinburgh Old Town Conservation Area	Edinburgh World Heritage lighting project	List of Motorcycle bays 2014	Planning performance framework 2012 - 13	The Estuary Local Flood Risk Management Plan	
Conservation thematic studies – Edinburgh's post war listed buildings	Edinburgh's Heritage strategy	List of Nurseries June 2016	Planning performance framework 2013 - 14	The Lord Provost's Fair Trade Award winners 2013 - 2014	
Cooperative Capital case studies	Edinburgh's Retail Survey 2015	Listed Buildings and Conservation Areas 2016	Planning performance framework 2014 - 15	Theatre Strategy	
Cooperative Capital Framework	Energy Advice Guide for Tenants	Loanhead to Gilmerton cycling route	Play space survey results	Thundering Hooves	

Corstorphine Hill Local Nature Reserve Management Plan	Energy Policy for Council buildings	Local Flood Risk Management Plan	Portobello Community Garden Management Plan	Thundering Hooves 2.0	
Council Business Plan 2016 - 2020	European Election results 2014	Local Transport Strategy 2014 - 19	Poverty and Inequality in Edinburgh Sept 2015	Town Centre strategy	
Council Election Results 2012	Exemplar green businesses in Edinburgh	Locality Profiles	Prestonfield Park Management Plan	Trade Waste Pilots - update report March 2014	
Council Strategic Plan 2012 - 2017	Ferniehill Management Plan	Lochend Park Management Plan	Primary and Secondary school catchment maps	Transport 2030 Vision	
Cruise Tourism action plan	Festival Strategy	Management rules for parks and green spaces	Princes Street Gardens Management Plan	Tree Protection Charter 2015	
Cultural Policy	Figgate Park Management Plan	Map of Landscape character types	Public and Accessible Transport action plan	Tree works list	
Cycle Tourism action plan	Future demographic change in Edinburgh 2012	Maps of Air Quality management areas	Public Roads in Edinburgh (A-C)	Trees in the City Action Plan	
Dance Strategy	Gaelic Arts Strategy	Maps of Edinburgh Constituencies May 2016 - Central Edinburgh	Public Roads in Edinburgh (D-K)	UK Parliamentary election results 2005	
Darker Skies - sustainable lighting strategy for Edinburgh	Gardens and designed landscapes site reports	Maps of Edinburgh Constituencies May 2016 - Eastern Edinburgh	Public Roads in Edinburgh (L-Q)	UK Parliamentary election results 2010	

Data Protection Policy	Guidelines for managing Edinburgh's built heritage	Maps of Edinburgh Constituencies May 2016 - Northern and Leith	Public Roads in Edinburgh (R-Z)	UK Parliamentary election results 2015	
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Appendix 2 – Briefing on the impact of Open Data on FOI request

Introduction

1.1. A request was raised at the Corporate Policy & Strategy Committee on 23rd February 2016 to investigate the current impact of open data on FOI enquiries.

1.2. It was noted that this required wider investigation for a response and a briefing note would be produced for Councillors.

Research process

2.1. Online research and engagement was carried out using a number of sources, including:

- The Open Data Institute
- The Knowledge Hub (open data, FOI and other groups)
- The Open Knowledge Forum

2.2. Further research was carried out through local and national open data contacts, Scottish Cities Alliance colleagues and other local authority contacts.

2.3. A meeting took place with the Scottish Information Commissioner to discuss the topic, and identify any relevant evidence.

Research detail

3.1. It has been challenging to find any specific project or research to inform this response. This suggests that this question is not being investigated in any detail at this time.

3.2. The drive for transparency in England and Wales originally considered that FOI enquiries would reduce as a result of releasing data but this has not proved to be the case.

3.3. The Local Government Transparency Survey (2012) identified that reduction in FOI enquiries was recognised as a benefit by 58% of those who responded as was a resultant reduction in time to process. However, this is cancelled out in a later survey question by respondents commenting that they had not seen FOI requests reduce and in fact 3 Councils commented on a rise due to the data they had published.

3.4. There was very little response to the query circulated to SCA members and on the wider KHub and LinkedIn networks. Glasgow City Council provided feedback that

they had looked into this as part of their Future City open data development project. Their findings were that they could not provide evidence to support their hypotheses that Open Data was reducing FOI enquiries.

3.5. Leeds Data Mill has been cited in an LGA case study as finding that releasing data did reduce FOI enquiries. Their evaluation report goes further in saying that any data released for FOI requests is published on their portal. Further insight was given by the Senior Information Governance Officer at Leeds City Council, (see Appendix A), suggesting that publishing the data is certainly stabilising and possibly reducing FOI enquiries.

3.6. Cambridgeshire Insight, managed by Cambridgeshire County Council, states that releasing Open Data will contribute to the provision of a sustainable process as part of their FOI responsibilities, allowing them to understand the types of information people are interested in, and formed a starting point for releasing open data.

3.7. The City of York Council has identified a number of drivers for their data publication including an opportunity to reduce their Contact Centre calls, publishing open data sets as the method.

3.8. The Scottish Information Commissioner, Rosemary Agnew, noted that open data is shortly to be added to the Publication Scheme as a category, and is recommending that Councils consider open data within the Publication Scheme. The example given from her own office in terms of reducing FOI enquiries was publishing their costs of appeals, which had been generating repeat requests. There have been no further requests.

3.9. The Commissioner believes Open Data can help FOI in two ways:

- In monitoring information requests, identifying low hanging fruit (data sets) which might be related to the query. (E.g. Data in a more general subject area which could be published that covers the subject). An example would be an enquiry about pot holes in a specific street, publish the broader data set for road works;
- Encourage data to be collated in a different way (format) so it is easier to publish as Open Data;

She further stated that though it may not reduce enquiries initially, it may change the nature of enquiries it would:

- Make some easier to deal with as the data will be available, and may answer a request;
- If the data published is broader, allows Section 15 (providing advice and assistance) to be used in a different way; and
- May solve requests or narrow down the request, and if the Council publishes the broader data thought will already have been given about possible or actual requests and be more ready to assist.

Findings

5.1. The findings do not suggest that there is enough direct evidence to conclusively report that releasing data reduces FOI requests. Instead other drivers or specific approaches align open data and FOI requests.

5.2. The research does suggest that a pilot study could be carried out to ascertain if any of the above findings would provide benefit for the City of Edinburgh Council:

- Reduce the number of FOI requests
- Reduce time required to process requests (data is quickly and easily available)
- Change the nature of the requests
- Generate requests for data to be published

Next Steps

6.1. In order to identify any real impact Information Governance and ICT Solutions recommend running a pilot project for six months (May – October 2016). The outcomes of the pilot outcomes would be to evidence whether releasing data sets do provide any of the benefits noted at 4.2.

6.2 Four (4) FOI common requests have been identified with data sets that can be shared, and the chosen enquiry themes and related data sets will provide the basis for this pilot. These are:

- Council funded funerals (number and cost)
- Fixed Penalty Notices (number and monetary value)
- Self Directed Support (options and choices collated)
- Waste Service requests (data and topics to be confirmed)

6.3. This will be reviewed at the end of September, and findings will be reported to CP&S Committee in October 2016

References

[Open Data Institute](#)

[Local Government Transparency Survey 2012](#)

[Local Government Transparency Code 2015](#)

[Leeds Data Mill case study](#)

Appendix A

Stephen Blackburn Senior Information Governance officer Leeds City Council
(29/02/16 LinkedIn discussion):

'FOI (requests) have stabilised and we have seen a reduction in the past year or so. Other local authorities in the region are continuing to see increases. One of the areas where we have definitely seen an impact is on the publication of business rates data. This generated quite a few requests which have now all but dried up. In fact the business rates team have not only added to the original dataset but published a second dataset as they have seen the benefits of publication. We received a compliment from a customer last week stating that our business rates dataset is the best he has seen from any LA which is good to hear.

We have done some analysis here where we worked out that each FOI request takes on average 3 hours to complete. We use this figure when promoting open data to colleagues who are then able to work out the savings in terms of officer time and costs with being proactive rather than reactive.'

Appendix 3 – University activities

1. SICSA⁵ Mobility workshop in May – Council data was shared to enable discussions on future mobility and inform transport thinking;
2. Cityscope⁶ workshop – Council open data was re-used to map out examples of the range of data available in the city.
3. Edinburgh Libraries shared baseline borrowing data to gain further insight into usage patterns and produce catchment visualisations;
4. The Council Cycle Team provided cycle counter data for an analysis project which identified trends across the counter data, clusters of usage and some research into combining data sets to discover more about journeys;
5. Edinburgh Living Lab held a workshop in June with a number of service areas to present approaches they can deliver such as data analysis and research or in the field research, and knowledge exchange, all to offer further insight into business challenges or enable decision making. Further meetings have been arranged to progress proposals raised in the workshop.

⁵ SICSA is the Scottish Informatics and Computer Science Alliance and is a Scottish Funding Council Research Pool, comprising 14 of Scotland's Universities

⁶ Cityscope is a University of Edinburgh project at the Centre for Science Education with the aim of making Edinburgh the first City of Learning

Corporate Policy and Strategy Committee

10.00am, Tuesday, 6 September 2016

Meantime Use of Vacant Property

Item number	7.4
Report number	
Executive/routine	Routine
Wards	All

Executive summary

On 19 November 2015, the Council, having considered a motion from Councillor Corbett regarding the success of “meantime” use of vacant Council property, called for a report to Corporate Policy and Strategy Committee on options for embedding meantime use as a routine option for long term empty property.

This report responds to that request.

Links

Coalition pledges	P23
Council priorities	CP5
Single Outcome Agreement	SO1

Meantime Use of Vacant Property

Recommendations

- 1.1 That Committee:
- 1.1.1 Notes that the Council has successfully attracted a number of temporary uses to vacant land and buildings.
 - 1.1.2 Notes that the Council will continue to routinely consider the opportunity to secure temporary uses, where appropriate, on land and buildings which become vacant in the future.
 - 1.1.3 Notes that Council will keep a register of requests received for temporary users.
 - 1.1.4 Notes that an annual summary of licences agreed for temporary uses on Council property will be reported to the Finance and Resources Committee.
 - 1.1.5 Agrees to discharge the motion by Councillor Corbett.

Background

- 2.1 In November 2015, Council considered the following motion by Councillor Corbett:
- “Council:
- 1 Notes and commends the considerable success of the “meantime” land uses on the former brewery sites at Fountainbridge, led by community groups Fountainbridge Canalside Initiative and the Grove Community Garden;
 - 2 Notes that in its own asset management, in its economic development role and in its land use planning role, the Council has considerable scope to influence greater meantime use of long term empty land or property; and
 - 3 And therefore instructs a report to Corporate Property and Strategy Committee within 3 cycles on the options for embedding meantime use as a routine option for long term empty property”.
- 2.2 The Council resolved:

- 1 To note and commend the considerable success of the “meantime” land uses on the former brewery sites at Fountainbridge, led by community groups Fountainbridge Canalside Initiative and the Grove Community Garden;
- 2 To acknowledge that, while the strategic goal of encouraging both public and private landowners and developers to bring forward sites to accelerate house building for people on low to moderate incomes should be maintained, in its own asset management, in its own economic development role and in its land use planning role, the Council had considerable scope to influence greater “meantime” use of long term empty land or property; and
- 3 And therefore instructs a report to Corporate Policy and Strategy Committee within 3 cycles on the options for embedding meantime use as a routine option for long term empty property.

Main report

- 3.1 The Council has a large portfolio of properties which are held for non operational purposes. The majority of the portfolio is occupied but when a property does become vacant, every effort is made to ensure that it is brought back into use as soon as possible.
- 3.2 In addition, the Council has a number of buildings and areas of land that have been identified as being surplus to requirements and earmarked for disposal. Every effort is made to ensure that such properties are advertised for disposal as soon as possible. However, as the sale of such properties is often subject to planning permission, there can be, in some circumstances, a considerable period of time until the disposal completes.
- 3.3 Both of the above scenarios provide the opportunity for the consideration of temporary occupation.
- 3.4 The Council has completed a considerable number of successful temporary occupation agreements on vacant land and buildings. These include:-
 - The creation of the Grove Community Garden, Community Forge and Community pavilion on development land at Fountainbridge.
 - Use of the former Royal High School as a venue for Edinburgh Arts Festival on an annual basis from 2014.
 - Hidden Door Festival use of the former depot at King’s Stables Road in 2015 and 2016.
 - Lease of industrial unit at Peffermill for construction of “pop-up” market stalls.
 - Lease of former Royal High School for a number of film projects.

- 3.5 Each of the above examples has activated long standing vacant land and property and it has been possible for these periods of occupation to fit with the priority of the Council to maximise income and capital receipts from the Estate.
- 3.6 The success of the short term uses has been regularly reported to Council as part of the update reports on the delivery of the Capital Coalition Pledges, particularly Pledge 23 “Identify unused council premises to offer on short low-cost lets to small businesses, community groups and other interested parties.”
- 3.7 With an improving property market, fewer properties have become available and vacancy periods have tended to become much shorter. Furthermore, the intention is for properties identified as surplus to be marketed prior to closure in order to minimise the holding costs associated with vacant property.
- 3.8 However it is anticipated that future opportunities will arise and therefore, consideration will be given by the Council, as a matter of routine, to land and buildings which become vacant in the future, being made available for temporary uses.
- 3.9 The Council frequently receive requests from parties seeking to occupy land or buildings on a temporary basis. These requests will be collated in a register to be referred to as a matter of course when an opportunity for a temporary use arises.
- 3.10 On an annual basis, a summary of the temporary uses put in place on Council property will be reported to the Finance and Resources Committee within the Summary Report on Property Transactions Concluded under Delegated Authority.

Measures of success

- 4.1 Vacant properties and land are brought in to beneficial economic use prior to long term occupation and/or disposal.

Financial impact

- 5.1 Occupation of properties can relieve the Council from vacant property holding costs.

Risk, policy, compliance and governance impact

- 6.1 Prior to the use of any vacant property, the relevant statutory compliance tests will need to be undertaken to ensure safe occupation.

Equalities impact

- 7.1 The standard of living in a local community can be improved as vacant land and buildings are brought back into beneficial use.
- 7.2 Temporary use will also lead to improved security in areas where vacant land and buildings attract anti social behaviour.
- 7.3 The temporary use of land and properties will provide opportunities for the local community to engage in productive and valued activities.
- 7.4 Each individual letting would be subject to its own Equalities Impact Assessment

Sustainability impact

- 8.1 There are no sustainability issues arising from the recommendations of this report.

Consultation and engagement

- 9.1 The appropriate level of consultation will be undertaken for each individual temporary occupation.

Background reading/external references

[Minute of Council on 19 November 2015](#)

Hugh Dunn

Acting Executive Director of Resources

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Links

Coalition pledges	P23 – Identify unused council premises to offer on short low-cost lets to small businesses, community groups and other interested parties.
Council priorities	CP5 – Business growth and investment.
Single Outcome Agreement	SO1 – Edinburgh’s economy delivers increased investment, jobs

and opportunities for all.

Appendices

None.

Corporate Policy and Strategy Committee

10.00am, Tuesday 6 September 2016

Maternity, Paternity, Adoption and Shared Parental Leave

Item number	7.5
Report number	
Executive/routine	
Wards	

Executive summary

The Parental Leave Policy on the Birth or Adoption of a Child was approved by the Corporate Policy and Strategy Committee on 24 February 2015. It covers the Council's provisions for leave relating to Maternity, Adoption and Shared Parental Leave. At that time, Shared Parental leave was a new statutory right, coming into effect from 5 April 2015, which was available to all mothers, fathers, main adopters and partners of main adopters in the first year following a child being born or placed for adoption.

When the policy was introduced, employees taking Shared Parental Leave were paid the statutory minimum. Having considered the low uptake, and in line with the Council's public sector duty on equalities, it has been agreed that Shared Parental Leave for all eligible employees should match the enhanced maternity schemes currently available for female employees.

We have also taken the opportunity to refresh the policy, as well as the associated toolkits and factsheets, though changes were minimal. We also chose to simplify the title to Maternity, Paternity and Adoption.

Links

Coalition pledges	P27
Council outcomes	CO27
Single Outcome Agreement	SO1

Maternity, Paternity, Adoption and Shared Parental Leave

Recommendations

- 1.1 The Committee is asked to note the report.

Background

- 2.1 Shared Parental Leave (SPL) was a new statutory right that came into effect on 5 April 2015. It allows the mother/main adopter to end their maternity/adoption leave early and share the remainder of their entitlement with their partners, if they wish.
- 2.2 SPL is currently paid at the statutory minimum. If a female employee wants to share her maternity pay and leave, she has to give up her right to enhanced maternity pay and move on to shared parental pay and leave.
- 2.3 The uptake of SPL has been very low. However, we have had some queries from male employees who are due to become parents, querying why they were not entitled to an enhanced paternity scheme, in the same way female employees have access to an enhanced maternity scheme.
- 2.4 Having considered this, it has been agreed that employees whose partners wish to take SPL can themselves have up to 14 weeks of paid SPL. Employees on teachers' terms and conditions will be entitled to 13 weeks at full pay, in line with the teachers' enhanced maternity scheme.

Main report

- 3.1 Currently, employees whose partners wish to take SPL are paid the statutory weekly rate (£139.58 per week). The Council's enhanced maternity scheme pays 14 weeks at full pay (13 weeks for teachers) with a further 25 weeks of statutory maternity pay.
- 3.2 There is an argument that this is indirect sex discrimination. While this argument is defensible to an extent, it is felt that the Council should be an exemplar in equalities. The Council should not be putting barriers in the way of employees who want to support their partners and be with their children in the first few months of their lives.

- 3.3 With this in mind, it has been agreed that employees who meet the criteria for shared parental pay and leave, will receive full pay in line with our enhanced maternity schemes. This means that Council employees who meet the criteria for SPL will be entitled to up to 14 weeks shared parental pay at full pay (13 weeks for employees on teachers' terms and conditions) followed by 25 weeks at the statutory. The total number of weeks will depend on how many weeks have been left to share, once the mother or main adopter has taken their maternity or adoption leave.
- 3.4 If parents decide to choose to go down the shared parental leave route, the mother or main adopter must end their maternity leave or adoption leave early. The balance of maternity or adoption leave remaining can then be shared between both parents. The mother or main adopter must take the first two weeks after the birth of the child as compulsory maternity leave but can return to work immediately after that, allowing the partner to have the rest.
- 3.6 As is now the case, managers will discuss SPL as part of their normal discussions about maternity or adoption leave when employees announce they are expecting a child or about to have a child placed with them for adoption.
- 3.7 There will be appropriate staff communications and supporting material for managers and staff about his change in policy.

Measures of Success

- 4.1 Reduced risk of claims of indirect sex discrimination, as the Council will be offering all employees enhanced pay for shared parental leave, in line with our scheme of enhanced maternity pay.
- 4.2 Improved recruitment and retention, as this policy adds to the overall recruitment package offered to employees.
- 4.3 Improved work/life balance for employees.
- 4.4 Greater productivity from more motivated employees.

Financial impact

- 5.1 Where employees take Shared Parental Leave, the costs and the period of absence from work will be no greater than under normal maternity leave arrangements. Any such absences will have to be covered in the same way as a normal maternity leave absence would be covered e.g. by reallocation of work or by recruiting on a temporary basis which may incur additional costs.

Risk, policy, compliance and governance impact

- 6.1 This policy covers the Council's obligation to offer staff the right to various types of statutory leave, as listed at 3.1 above.

Equalities impact

- 7.1 There are no adverse equality issues arising from this report which will impact on employee groups with protected characteristics as defined by the Equality Act 2010. The equality relevance assessment score is 0.

Sustainability impact

- 8.1 No impact.

Consultation and engagement

- 9.1 The Policy is a local collective agreement and discussions with the Trades Unions are ongoing at our regular engagement meetings. The policy and associated documents will be placed on the Orb.
- 9.2 Consultation and approval has been sought with the Corporate Leadership Team (CLT).

Background reading/external references

[Parental Leave Policy on the Birth or Adoption of a Child – report to Corporate, Policy and Strategy Committee – 24 February 2015](#)

Hugh Dunn

Acting Executive Director of Resources

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Links

Coalition pledges	P27: Seek to work in full partnership with Council staff and their representatives
Council outcomes	CO27: The Council supports, invests in and develops our people.
Single Outcome Agreement	SO1: Edinburgh's economy delivers increased investment, jobs and opportunities for all.
Appendices	Appendix 1 – Maternity and Adoption Leave Policy

Maternity, Paternity and Adoption

Implementation date:

Control schedule

Approved by

Approval date

Senior Responsible Officer Katy Miller

Author Stewart Cassie

Scheduled for review Annually

Version control

Version	Date	Author	Comment
0.1	3 February 2015	Linda Holden	Committee Version
0.2	27 July 2016	Stewart Cassie	Committee Version

Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
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Maternity, Paternity and Adoption

Policy statement

- 1.1 We recognise that some of our employees will want to take time off either to have children or to adopt. Our aim is to support them through this change in their lives and to help make the transition for them as easy as possible, while still taking the needs of the business into consideration.
- 1.2 This policy sets out the support we offer, noting what is statutory and what we offer on top of that. It also reflects any terms contained in the various National Schemes of Pay and Conditions of Service that apply. Naturally, any employee who exercises their statutory right to take any of the leave covered in this policy will be protected against dismissal or detriment.

Scope

- 2.1 This policy applies to all Council employees.

Definitions

- 3.1 Definitions covering all policy provisions can be found at Appendix 1.

How the policy applies to you

- 4.1 This policy applies to employees on an individual basis unless it says otherwise. If you are a part-time employee, the amounts of leave will be applied on a pro-rata basis.
- 4.2 You will only be entitled to Statutory Maternity Pay, Shared Parental Pay, Adoption Pay and Paternity Pay if you have earned more than the Lower Earnings Limit for National Insurance Contributions.
- 4.3 Our aim is support employees through the change that having and adopting children brings. However, we also need to consider the needs of the business. As part of this, we really need our employees to give us as much notice as they can before they ask for any of the types of leave covered by this policy. You should also be prepared to work with us and be as flexible as you can around appointment dates and times to help meet the needs of the service.

Policy content

MATERNITY LEAVE AND PAY

5.1 This section applies to all employees, unless stated otherwise.

Antenatal Care

5.2 If you are pregnant, you have the right to reasonable, paid time off to attend ante-natal care. When you ask for time off, your manager will ask you for your appointment card. They will not be able to approve any time off for until they have seen your appointment card.

Maternity Leave and Pay

5.3 We have set out the amount of leave and pay you will get if you are a teacher in Appendix 3. For everyone else, leave and pay is set out in Appendix 2.

5.4 If you have **less than 26 weeks' continuous service** at the beginning of the 15th week before the EWC, you have no entitlement to maternity pay. However, you might be entitled to Maternity Allowance through the Department of Work and Pensions.

Paying Back Maternity Pay

5.5 We pay enhanced maternity pay because we want you to return to work when your maternity leave ends. If you do not return for a minimum of three months, we will ask you pay back some of your maternity pay. If you are sick during the three-month period, that will not count towards the total we need.

5.6 If you let us know that you do not intend to return to work after your maternity leave, we will only pay you 8 weeks maternity pay at your normal rate of pay plus any SMP you are entitled to.

5.7 If you are not sure if you are going to return to work, you can choose to receive 8 weeks normal pay and then make your mind up after that. If you then do decide to come back, we can pay you the remainder of your enhanced pay at a later date.

5.8 If you had intended to return to work and then change your mind, we will ask you to pay back the equivalent of 6 weeks' maternity pay. This will be your normal weekly pay less any SMP paid.

5.9 If you are a teacher, you will not have to pay back any maternity pay you get if you do not return to work after your maternity leave.

Confirming Your Maternity Leave Dates

- 5.10 When you find out when your EWC is, you should let your manager know. You should also discuss your plans for maternity leave with them as soon as you are able to do so and **at least 15* weeks before your EWC**.
- 5.11 Once you have discussed it with your manager, we need you to confirm what you have agreed in writing **at least 15* weeks before your EWC**. In your letter, you need to confirm your EWC and the date that you want to start your maternity leave.
- 5.12 You will also need to give your manager the certificate you got from your doctor or midwife, confirming your EWC. This is called a **Mat B1 form**.
- 5.13 If you are a teacher, you need to give the same information to your line manager at least 21 days before your maternity leave starts.
- 5.14 After you have given your manager your Mat B1 form and your letter confirming your leave dates, they will reply to you in writing within 28 days, confirming the latest date that you must return to work by, if you take your full entitlement.
- 5.15 If you change your mind about the date you want to start your leave, you will need to give your line manager 28 days notice of your new start date, in writing, where this is reasonably practicable.

Start of Maternity Leave

- 5.16 Maternity leave can start on any day of the week but it cannot start earlier than 11 weeks before the EWC or from the date your child was born.
- 5.17 If you are absent from work with a pregnancy-related illness during the 4 weeks before the EWC, your maternity leave will start automatically.

Compulsory Maternity Leave

- 5.18 You must take maternity leave for a minimum of two weeks, starting on the date your child is born.

Changing Jobs or Suspension on Health and Safety Grounds

- 5.19 If you are pregnant (or have recently given birth or are breastfeeding), you can ask for a health and safety risk assessment to be carried out, to make sure you are able to continue to do your normal job safely. If the risk assessment shows that you cannot do your normal job, we will try to offer you suitable alternative work. If we are not able to find you suitable alternative work, then we will suspend you and continue to pay you as normal. You will be suspended until we can find suitable alternative work or until you go on maternity leave.

Return to Work

5.20 We have set out your rights about returning to work after maternity leave in Appendix 4.

If You Lose Your Baby

5.21 We understand that while you can make plans, things may not always work out. We appreciate that losing a baby is one of the most traumatic events that employees can go through. We can offer you help and support through our [Employee Assistance Programme](#). They are able provide counselling and discuss other forms of help free of charge.

5.22 In these circumstances, if you had decided not to return to work after your maternity leave ended, then we will try to find you another job with us, if we can. We will do our best to help and we may not be able to offer you the same post or a post at the same grade and salary.

5.23 We may have to ask for a note from your doctor, saying you are fit to return. This is for your own health and safety, as we have a duty of care towards you. We also ask that you give us the normal notice period for return to work after maternity leave, as set out in Appendix 4. If we are able to offer you a post, we would hope that you would return to work on the date that your maternity leave entitlement would have ended.

Contact With Work When You Are On Maternity Leave

5.24 You and your line manager should maintain reasonable contact during your maternity leave. This gives you both the opportunity to discuss your return to work plans, any job vacancies, development opportunities or significant workplace developments that happen during your absence.

5.25 You and your manager need to agree contact arrangements before you start your maternity leave. You need to agree how often you will be in touch and how the contact will happen (e.g. office visits, home visits, by telephone, letter, e-mail etc.). If your circumstances change, you can agree changes with your manager.

5.26 This sort of contact during maternity leave is not considered to be work and does not count towards your 10 Keeping In Touch (KIT) Days.

Breastfeeding at Work

5.27 If you are breastfeeding your child, you can continue to do so when you return to work. We can provide the following up to your child's first birthday:

- (a) paid time off and access to a private room or area so that you can express breast milk – by private room we do not mean a toilet;
- (b) a refrigerator to store your expressed milk; and/or
- (c) unpaid time-off during your normal working hours to breastfeed your baby, if it is being cared for somewhere close to your normal place of work.

5.28 We have an online Maternity Information Pack. Your manager can download it for you, if you do not have access to the Orb.

ADOPTION LEAVE AND PAY

- 5.29 This section applies to all employees, unless stated otherwise.
- 5.30 If you adopt a child, you may be entitled to Adoption Leave. If you are part of a couple who are adopting a child together, one of you may be entitled to Adoption Leave and the other may be entitled to Adoption Support Leave. You will have to decide which of you takes which type of leave.
- 5.31 We appreciate that the selection process for becoming adoptive parents involves a number of assessment visits at home, which you have to attend. We will give you reasonable paid leave to attend these meetings. We ask that you give your manager reasonable notice before the meeting takes and place. You will also have to give your manager your appointment letters from the adoption agency, confirming the meetings are taking place

Summary of Arrangements

- 5.32 We have set out the amount of leave and pay you will get if you are a teacher in Appendix 3. For everyone else, leave and pay is set out in Appendix 2.

Paying Back Adoption Pay

- 5.33 We pay enhanced adoption pay because we want you to return to work when your adoption leave ends. If you do not return for a minimum of three months, we will ask you pay back some of your adoption pay. If you are sick during the three-month period, that will not count towards the total we need.
- 5.34 If you had intended to return to work and then change your mind, we will ask you to pay back the equivalent of 6 weeks' adoption pay. This will be your normal weekly pay less any SAP paid.
- 5.35 If you are adopting more than one child at the same time (e.g. siblings) you will only get one period of adoption leave.
- 5.36 You will **not** get adoption leave if the child is already living with you, for instance, if you are adopting your partner's child or children.
- 5.37 If the child's placement ends for any reason while you are on adoption leave, then you can continue your adoption leave for up to 8 weeks after the placement ends.

Confirming Your Adoption Leave

- 5.38 When you find out that you have been matched with a child, you should let your manager know as soon as you can and certainly **within 7 days of being told by the adoption agency**.
- 5.39 Once you have spoken to our manager, we need you to confirm in writing that you have been matched with a child **within 7 days of being told by the adoption agency**. In your letter, you need to tell us the date that the child is being placed with you and the date that you want your adoption leave to start.
- 5.40 You will also need to give your manager the adoption certificate the adoption agency gives you. We know that this may not happen immediately but please provide it as soon as you get it.
- 5.41 When you have given your manager your letter, they will write back to you within 28 days. In their letter, they will confirm the latest date when you can return to work, if you take your full entitlement to adoption leave.
- 5.42 If you change your mind about the date you want to start your adoption leave, you will need to give your line manager 28 days' notice in writing, where that is reasonably practicable.

Returning to Work

- 5.43 We have set out your rights about returning to work after adoption leave in Appendix 4.

Contact With Work

- 5.44 You and your manager should maintain reasonable contact during your adoption leave. This gives you both the opportunity to discuss your return to work plans, any job vacancies, development opportunities or significant workplace developments and changes during your absence.
- 5.45 You and your manager need to agree contact arrangements before you start your adoption leave. You need to agree how often you will be in touch and how the contact will happen (e.g. office visits, home visits, by telephone, letter, e-mail etc.). If your circumstances change, you can agree changes with your manager.
- 5.46 This sort of contact during Adoption Leave does not constitute work and does not count towards your 10 Keeping In Touch Days (see below).

PARTNER SUPPORT LEAVE AND PAY

- 5.47 This used to be called Paternity Leave and Pay. We have changed the name to because the definition of those eligible for this leave has changed. You can take partner support leave and pay if you are taking time off to look after a child if you are:
- the father of a child due to be born;
 - the husband or partner of a child due to be born;

- the husband or partner of a child due to be placed for adoption;
- adopting a child.

Before birth

5.48 If you are the child's father or the partner or nominated carer of a woman expecting a baby (see Definitions – Appendix 1), you are entitled to paid time off to accompany the mother-to-be to up to three ante-natal appointments. You need to give reasonable notice of when you want to take leave. When you ask for leave, your manager will ask you for your appointment card. They will not be able to approve any time off for you until they have seen your appointment card. They will also have to consider the needs of the service, so you should be prepared to be as flexible as you can around dates and times.

Before adoption

5.49 If you are adopting a child, you are entitled to a maximum of 3 working days' paid leave to allow you to attend the meetings that are part of the adoption process. You need to give your manager reasonable notice of when the meetings are due to take place. Your manager will also ask you for a copy of the letter telling you when the meeting is taking place. They will not be able to give you any time off if you cannot give them some proof that the meetings are taking place. Your manager will also have to consider the needs of the service, so you should be prepared to be as flexible as you can around dates and times.

Partner Support Leave

5.50 You can take Partner Support Leave if you meet any of the definitions at 5.47.

5.51 If you are matched with more than one child at a time or if there is a multiple birth, you will still only get one period of leave.

5.52 You can take either one whole week or a single two-week block of Partner Support Leave. You cannot take two separate weeks. You have to take the leave within 56 days (8 weeks) of the baby's birth or placement. If the baby is born or placed early, you have to take the leave with 56 days of the start of the EWC.

5.53 We have set out the amount of leave and pay you will get if you are a teacher in Appendix 3. For everyone else, leave and pay is set out in Appendix 2. You will not get Partner Support Leave or Pay if you are already getting maternity leave and pay or adoption leave and pay or shared parental leave and pay.

5.54 When you have decided that you want to take Partner Support Leave, you should speak to your manager as soon as you can, so that you can discuss when you want to take your leave.

5.55 Once you have agreed dates with your manager, you need to confirm your leave in writing as soon as you can. In the case of birth, you must send us your letter **by the 15th week before the child is expected**. In your letter, you need to confirm the following:

- (a) the week the child is expected to be born or placed;
- (b) whether you are going to take 1 week or 2 weeks' leave;

- (c) the date you are going to start your leave;
- (d) that you will be supporting the mother or main adopter;
- (e) that the child is under 18, in the case of adoptions.

5.56 If you change your mind about the dates you want to take, you will need to give your manager 28 days notice, in writing, where this is reasonably practicable. You will also need to confirm again whether you are taking one week or two weeks.

SHARED PARENTAL LEAVE

5.57 Shared Parental Leave (SPL) is where the mother or main adopter agrees to end their maternity or adoption leave and share the remainder of their entitlement with their partner or with the child's father. If you are eligible for SPL, it is up to you how you want to share the leave. You may also be entitled to Shared Parental Pay (ShPP). All Council staff who meet the criteria can take SPL and ShPP.

5.58 You do not have to take Shared Parental Leave if you do not want to. You can still choose to take maternity or adoption leave. The choice is up to you.

5.59 You can take shared parental leave (SPL) if:

- (i) you are the mother or main adopter of a child; or
- (ii) you are either:
 - the father of the child (in the case of birth); or
 - the spouse, civil partner or partner of the child's mother or the child's main adopter.

Eligibility

5.60 To be eligible for SPL **both** you and your partner must meet the following criteria:

- you must both have been continuously employed for at least 26 weeks by the end of the 15th week before the EWC;
- You must still be employed until the week before any period of SPL starts;
- You are both responsible for caring for the child;
- The mother is entitled to statutory maternity leave, in the case of births;
- The main adopter is entitled to statutory adoption leave, in the case of adoptions;
- The mother has stopped her entitlement to maternity leave or has returned to work, the case of births;
- The main adopter has stopped their entitlement to adoption leave or has returned to work, in the case of adoptions;
- You have both given your employers written notice that you are entitled to SPL and that you intend to take SPL;
- You have provided evidence of the birth or adoption within 14 days of being asked;
- You have given the Council the correct period of leave notice.

Agreeing Your SPL

- 5.61 If you are considering taking SPL, you should speak to your line manager as soon as you can to talk about your plans for leave, in case there are any difficulties in trying to accommodate them.
- 5.62 When you give your line manager notification of your entitlement to take SPL, they will arrange an informal discussion with you at that point, to talk about your intentions, especially if you have not talked to them about your plans before.
- 5.63 This meeting is informal. However, you can choose to be accompanied to the meeting by a work colleague or a trade union representative, if you want.
- Note:** This right is applicable where one or both partners sharing the leave are employed by the Council. This means that partners of women who are not Council employees may make a request for SPL. See sections 5.65 to 5.70 for further information.
- 5.64 If you are a father or the partner of the mother or main adopter, you can still take SPL if the mother or main adopter works but does not qualify for statutory maternity leave or statutory adoption leave. This may be the case if the mother or main adopter is self-employed.

Shared Parental Leave Arrangements

- 5.65 The conditions relating to SPL and ShPP are set out in Appendix 5.
- 5.66 The mother or main adopter must take the first two weeks after a birth as compulsory maternity leave. Periods of SPL can overlap so parents can take SPL at the same time. The partner can take SPL at any time, including during the first two weeks after the child's birth.

Shared Parental Pay (ShPP)

- 5.67 The number of weeks that you can receive ShPP will depend on the number of weeks the mother takes as maternity leave or the main adopter takes as adoption leave. It can be paid for a maximum of 37 weeks. To be eligible for ShPP you must:
- have an average weekly wage for the eight weeks up to and including the 15th week before the EWC/matching date that is not less than the lower earnings limit for national insurance contributions;
 - be employed by the Council until at least the first week of ShPP;
 - give proper notice as set out below.

Continuous SPL

- 5.68 Continuous SPL is where you plan to take only one period of SPL. We cannot refuse a request for continuous SPL, provided you meet the eligibility criteria stated above.
- 5.69 The total number of weeks you can take as continuous SPL is the total number of weeks still available, once the mother has ended her maternity leave or the main

adopter has ended their adoption leave. The total will be noted in your notice of entitlement.

Discontinuous SPL

5.70 You do not have to take all your SPL at once. You can choose to take up to three separate periods of SPL. This is called Discontinuous SPL. If you ask for Discontinuous SPL, your manager can turn your request down. This is at your manager's discretion and they will take the needs of the service into consideration when making their decision.

5.71 If you ask for discontinuous SPL, your manager will do one of the following within two weeks of getting your written request:

- agree to your request and confirm that in writing to you; or
- meet with you to propose alternative dates; or
- refuse the leave without proposing alternative dates.

5.72 If you and your manager cannot agree on alternative dates, then you have two choices:

- (i) you can withdraw your request for SPL; or
- (ii) you can take the total amount of leave you asked for as a single period of shared parental leave.

5.73 If you choose the latter, your SPL will start on the date you asked the discontinuous leave to start, provided you have given at least eight weeks' notice to your line manager.

Requesting SPL and Notice Periods

5.74 If you want to take SPL, three things need to happen:

- (i) the mother needs to bring her maternity leave to an end, in the case of births;
- (ii) the main adopter needs to bring their adoption leave to an end, in the case of adoptions;
- (iii) you need to let your line manager know that you are entitled to SPL, how much you are entitled to and how much you intend to take;
- (iv) you and your line manager need to agree your SPL dates.

5.75 To do these three things, you need to complete an SPL form, which is available online or from your manager. In it, you will:

- (i) give notice that you have ended or will end your maternity or adoption leave (or that the mother or main adopter has done so or will do so);
- (ii) tell us what your entitlement is;
- (iii) tell us the dates that you would like to take SPL.

You should send this form to your line manager as soon as possible and **at least 8 weeks before the date you want to start SPL.**

5.76 The form asks you for the following information:

- the names and national insurance numbers of both parents;
- the start and end dates of the mother's statutory maternity leave and pay (either contractual, SMP or MA), in the case of births;
- the start and end dates of the main adopter's statutory adoption leave and pay (either contractual or SAP), in the case of adoptions;
- how much SMP or MA the mother will have received before SPL starts (if they are entitled to any), in the case of births;
- how much SAP the main adopter will have received before SPL starts (if they are entitled to any), in the case of adoptions;
- the EWC or the child's date of birth, if you are giving notice after the birth;
- the total amount of SPL and ShPP available;
- confirmation that the leave is being shared with someone who has joint childcare responsibilities with the person applying;
- confirmation that, if they are not the mother or main adopter, they are either the father of the child or the spouse, civil partner or partner of the mother or main adopter,
- an indication of how much SPL and ShPP each partner intends to take with the proposed start and end dates;
- confirmation that:
 - both parents satisfy the eligibility criteria;
 - that the information given is accurate;
 - that you will notify your manager if either you or your partner stops meeting the eligibility criteria for SPL and ShPP.

5.77 If you give notice before the birth, you can change that any time **before the end of the sixth week after the date of birth**. This allows you to change your plans if there are any complications or changes in your circumstances after the birth of the child. If you are giving notice before your child is born or placed, then you can ask for a start date any number of days after the child is born.

5.78 You can vary or cancel an agreed and booked period of SPL, provided you give your line manager at least eight weeks notice before you want the change to start. **Up to 8 weeks or more before the date you intend to start SPL** there is no limit on the number of times you can vary your SPL arrangements. However, once you are **within 8 weeks of starting SPL, you can only request a maximum of three variations** and these must be given at least 8 weeks before start date of the requested change.

5.79 A variation will not count towards the total of three if:

- (i) the child is born early; or
- (ii) the Council asks you to change your dates and you agree.

If your variations are agreed, your line manager will confirm that to you in writing within 14 days of receipt.

Contact during SPL

5.80 You and your manager should maintain reasonable contact during your SPL. This gives you both the opportunity to discuss your return to work plans, any job vacancies, development opportunities or significant workplace developments and changes during your absence.

- 5.81 You and your manager need to agree contact arrangements before you start your SPL. You need to agree how often you will be in touch and how the contact will happen (e.g. office visits, home visits, by telephone, letter, e-mail etc.). If your circumstances change, you can agree changes with your manager.
- 5.82 This sort of contact during SPL does not constitute work and does not count towards your 10 Shared Parental Leave In Touch (SPLIT) Days (see below).

Return to Work Arrangements

- 5.83 We have set out your rights about returning to work after adoption leave in Appendix 6.
- 5.84 If you change your mind and want to return to work earlier than agreed, you will need to agree this with your manager and give at least eight weeks' notice of your proposed return date. This will count as one of your three notifications. If you have already used your three notifications to book or vary leave, then we do not have to accept your notice to return early. However, if your line manager feels that it is reasonably practicable to do so, they can agree.

KEEPING IN TOUCH (KIT) & SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS

- 5.85 You can work up to 10 KIT days if you decide to take maternity or adoption leave.
- 5.86 You can take up to 20 SPLIT days if you decide to take Shared Parental Leave (SPL). This means that if you are the mother of the child, or the main adopter, can take up to 10 KIT days **plus** 20 SPLIT days. You have to take your KIT days during your maternity leave i.e. before you take any SPL.
- 5.87 Taking KIT or SPLIT days does not bring maternity, adoption or shared parental leave to an end and it does not extend it. You can use the days in a single block of 10 days (or 20 for SPL) or use them separately for any work-related activity that helps keep you informed and involved with the workplace. This could be coming in to do your normal job, working on a project, shadowing a colleague, attending team meetings or taking part in training or development.
- 5.88 You do not have to take any KIT or SPLIT days. Your line manager cannot insist you do any work during maternity, adoption or shared parental leave and you cannot insist on being given work to do. You and your line manager should discuss and agree whether you are going to take any KIT or SPLIT days, what you will do on those days and agree the dates before you start your maternity, adoption or shared parental leave.
- 5.89 You will be paid at your normal rate for any KIT or SPLIT days you work, pro-rata for any part days worked. Pay for KIT and SPLIT days is inclusive of any Statutory Maternity Pay or Statutory Adoption Pay.
- 5.90 If your manager agrees, you can use SPLIT days to work part of a week during SPL. You can also use SPLIT days as a phased return to work towards the end of a period of SPL or to trial a possible flexible working pattern.

CONTRACTUAL ISSUES

Maternity Leave - Employees other than Teaching staff

- 5.91 Maternity Leave is not treated as sick leave and will not be counted towards sickness absence.

- 5.92 Your time on maternity leave counts towards continuous service with the Council.
- 5.93 Your contractual terms and conditions of service are preserved, with the exception of pay i.e. you are paid whatever you are entitled to under the Council's Maternity Pay scheme rather than your normal salary.
- 5.94 You will continue to accrue contractual annual leave and public holidays during your maternity leave. You must agree with your manager how you want to use the leave you have accrued. If you are going on an employment break after your maternity leave, you will have to use all your accrued leave before you start your employment break.

Maternity Leave - Teaching Staff

- 5.95 If you are off sick before you start your maternity leave, your absence will be treated as sick leave unless:
- (i) the reason for absence is pregnancy related illness; **and**
 - (ii) there are fewer than 4 weeks before your EWC.

If you meet these criteria, then you will be deemed to have started your maternity leave on the date that you went off sick.

- 5.96 Maternity Leave is not treated as sick leave when calculating your sick leave entitlement except in the case of miscarriage (i.e. prior to the 24th week of pregnancy).
- 5.97 If you are entitled to Ordinary Maternity Leave with pay, you will also be entitled to receive payment in lieu of accrued leave while you are on maternity leave. This will be calculated in accordance with the provisions of Teachers' Scheme of Conditions of Service. It covers the period up to the day before you start Ordinary Maternity Leave, less the number of days leave and public holidays you have already received.
- 5.98 Your contractual terms and conditions of service continue while you are on maternity leave, with the exception of pay. If you give notice that you are not going to return to work after your maternity leave, we will make you a payment in lieu of the annual leave you accrued during the first 26 weeks of your maternity leave.
- 5.99 If you tell us that you are not going to come back to work after your maternity leave, you will be paid in lieu for the annual leave you accrued during your maternity leave.

Note: If you are a temporary teacher and claim your salary on a monthly basis, paragraphs 5.87 to 5.89 do not apply because holiday pay is included in the pay you get for each working day.

- 5.100 Your maternity leave counts as credited service in the determination of your scale placing in accordance with the salary placement regulations. If you return to work under the provisions of the Teachers' Scheme of Conditions of Service, the period from the end of paid maternity leave to the date of return to work will also be credited in full.

Adoption Leave

5.101 The above advice will similarly apply to employees who take adoption leave.

Shared Parental Leave

5.102 The above advice also applies to employees who take sharing parental leave.

PENSIONS ISSUES

Employees other than teaching staff

5.103 If you are a member of the Local Government Pension Scheme (the Council's scheme is Lothian Pension Fund) and you qualify for occupational maternity/adoption pay or Statutory Maternity Pay, you will continue making pension contributions from whatever pay you get. If you then go to a period of unpaid maternity/adoption/shared parental leave, then you will have to decide if you want to continue to pay pension contributions. When you return to work, you have 30 days from the date of your return to decide if you want pay the extra contributions.

5.104 If you tell us that you are not returning to work, you also have 30 days from the date that you let us know to decide if you want to make the extra payments.

5.105 If you do not pay pension contributions for the unpaid period of your maternity leave, then that period will not count as membership of the Local Government Pension Scheme.

5.106 If your unpaid period of leave is for 30 days or less, both you and the Council have to pay the normal pension contributions due. This happens automatically and it means that a period of leave of that length will count as a period of Pension Scheme membership.

Teaching staff

5.107 If you are a member of the Teachers Superannuation Scheme, you should contact [Scottish Public Pension Agency](#) to find out how periods of unpaid leave will affect your pension.

LOCAL AGREEMENT

5.108 This document is a local collective agreement between the Council and the recognised Trade Unions. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of failure to reach agreement, both parties reserve the right to terminate this local agreement by giving four months notice in writing. In such circumstances, the terms of the local agreement will cease to apply to existing and future employees.

Implementation

6.1 For details of the completed [Implementation and Monitoring form](#), contact the named author of the policy.

Roles and responsibilities

7.1 The roles and responsibilities for employees and managers are set out in the appendices to this document, which set out the various types of leave, how the employee accesses that leave and how that leave is approved.

Related documents

8.1 See attached appendices.

- Appendix 1 – Definitions
- Appendix 2 - Maternity and Adoption Benefits, All Staff Except Teaching staff
- Appendix 3 – Maternity and Adoption Benefits, Teaching Staff only
- Appendix 4 – Returning From Maternity and Adoption Leave, All Staff
- Appendix 5 – Shared Parental Leave and Pay Benefits, All staff
- Appendix 6 – Returning from Shared Parental Leave

Equalities and impact assessment

9.1 For details of the completed [Record of Equality and Rights Impact Assessment \(ERIA\)](#) form, contact the named author of the policy.

Strategic environmental assessment

10.1 It has been assessed that this policy will have no environmental impact.

Risk assessment

11.1 This policy sets out the Council's response to various statutory requirements to offer parental leave on the birth or adoption of a child. The Council either offers the statutory minimum or enhancing them on the base of agreed contractual entitlement/local agreement. As we are meeting our statutory requirements and, in the most part, exceeding them, it is felt that there is no risk involved with this policy.

Review

12.1 This policy will be reviewed annually.

Definitions

TERM	MEANING
Adoption	Formal adoption of a child newly matched for adoption by an employee who is named on the approved adoption agency's matching certificate.
Childbirth	Means the birth of a living child or, after 24 weeks of pregnancy, the birth of a child whether living or dead.
Continuous Service	<p>Means continuous service with the City of Edinburgh Council (or its predecessors) or any local authority or employer to which the <i>Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended)</i> applies.</p> <p>Note: Certain exceptions apply for "Red Book" employees returning to local government service following a break for maternity reasons provided the break does not exceed 8 years and that no paid employment has intervened.</p>
Expected week of childbirth (EWC)	"Week" in this context means the period of 7 days, beginning at 0000 hours on Sunday, in which the birth is expected to take place.
Maternity Allowance (MA)	A benefit paid to pregnant women who usually work but do not qualify for SMP.
Nominated Carer	A person nominated by the mother or adopter to assist in

TERM	MEANING
	the care of the child and to provide support to the mother or adopter at or around the time of the birth or adoption placement.
Parent	Is a child's mother, father, guardian, foster carer or some other person with parental responsibility.
Qualifying week	The 15 th week before the week in which the maternity certificate indicates that the baby is due.
Shared Parental Leave (SPL)	Leave which entitles eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. It can be taken once the mother or main adopter has given notice that they are bringing their maternity or adoption leave to an end.
Shared Parental Pay (ShPP)	A legal entitlement to an amount of pay set annually by the Government that is made to parents who take shared parental leave. It is available for a maximum of 39 weeks, offset against the number of weeks of maternity or adoption leave taken.
Statutory Adoption Pay (SAP)	A legal entitlement to an amount of pay set annually by the Government that is made to employees or former employees who adopt a child.
Statutory Maternity Pay (SMP)	A legal entitlement to an amount of pay set annually by the Government that is made to female employees or former employees who have had or are about to have a baby.
Statutory Paternity Pay (SPP)	A legal entitlement to an amount of pay set annually by the Government that is made to male employees or former employees who are absent on paternity leave.
Week's pay	If your pay does not change with the amount of work done over the period, a week's pay is the amount the Council

TERM	MEANING
	<p>pays the employee under their contract of employment for working their normal hours in a week.</p> <p>Where there are no normal working hours, a week's pay is the average pay over the 12 weeks before the date on which the last complete week ended, excluding any week where the employee did not get any pay.</p>

Maternity, Adoption and Partner Support Benefits: All Staff Except Teaching Staff

	Statutory Entitlement	Eligibility Requirement	CEC Enhancement	Eligibility Requirement
Maternity Leave	Up to 52 weeks – can start 11 weeks before EWC	No minimum service but must be in employment	Up to 63 weeks – can start 11 weeks before EWC	Employed for 26 weeks continuously up to 15 weeks before EWC
Maternity Pay	6 weeks @ 90% of normal pay plus up to 33 weeks pay at SMP rate or 90% of normal salary whichever is lowest Total 39 weeks pay	Employed for 26 weeks continuously up to 15 weeks before EWC	14 weeks* @ normal pay plus up to 25 weeks @ SMP rate or 90% of normal salary whichever is lowest Total 39 weeks pay *reduced to 8 weeks if you do not return to work for at least 3 months after end of maternity leave period	Employed for 26 weeks continuously up to 15 weeks before EWC
Adoption Leave	Up to 52 weeks – can start 11 weeks before EWC	No minimum but must be in employment	No enhancement to statutory entitlement	N/A
Adoption Pay	39 weeks pay at SMP rate	Employed for 26 weeks	14 weeks* @ normal pay	Employed for 26 weeks

	or 90% of normal salary whichever is lowest	continuously up to date notified of match	plus up to 25 weeks @ SMP rate or 90% of normal salary whichever is lowest Total 39 weeks pay *reduced to 8 weeks if you do not return to work for at least 3 months after end of maternity leave period	continuously up to 15 weeks before EWC
Maternity/Adoption Support Leave and Pay	1 or 2 weeks @ SMP rate or 90% of normal salary whichever is lowest	<ol style="list-style-type: none"> Employed for 26 weeks continuously up to 15 weeks before EWC; or date notified of match. You must be the father, the husband or partner of the mother or adopter or the child's adopter. 	1 week @ normal pay plus 1 week @ SMP rate	<ol style="list-style-type: none"> Employed for 26 weeks continuously up to 15 weeks before EWC; or date notified of match. You are child's father or the mother's partner; and You have or expect to have responsibility for the upbringing of the child.
			1 week @ normal pay plus up to 1 week unpaid leave	Employed for less than 26 weeks

Maternity, Adoption and Partner Support Benefits: Teaching Staff only

	Statutory Entitlement	Eligibility Requirement	CEC Enhancement	Eligibility Requirement
Maternity Leave	Up to 52 weeks – can start 11 weeks before EWC	No minimum service but must be in employment	None	N/A
Maternity Pay	6 weeks @ 90% of normal pay plus up to 33 weeks pay at SMP rate or 90% of normal salary whichever is lowest Total 39 weeks pay	Employed for 26 weeks continuously up to 15 weeks before EWC	13 weeks @ normal pay plus up to 26 weeks @ SMP rate or 90% of normal salary whichever is lowest Total 39 weeks pay	Employed for 26 weeks continuously up to 15 weeks before EWC
Adoption Leave	Up to 52 weeks – can start 11 weeks before EWC	No minimum but must be in employment	No enhancement to statutory entitlement	N/A
Adoption Pay	39 weeks pay at SMP rate or 90% of normal salary whichever is lowest	Employed for 26 weeks continuously up to date notified of match	No enhancement to statutory entitlement	N/A

Maternity/Adoption Support Leave and Pay	1 or 2 weeks @ SMP rate or 90% of normal salary whichever is lowest	<ol style="list-style-type: none"> 1. Employed for 26 weeks continuously up to 15 weeks before EWC; or date notified of match. 2. You must be the father, the husband or partner of the mother or adopter or the child's adopter. 	1 week @ normal pay plus 1 week @ SMP rate	<ol style="list-style-type: none"> 1. Employed for 26 weeks continuously up to 15 weeks before EWC; or date notified of match. 2. You are child's father or the mother's partner; and 3. You have or expect to have responsibility for the upbringing of the child.
			1 week @ normal pay plus an additional week unpaid leave.	Employed for less than 26 weeks

Returning From Maternity and Adoption Leave: All staff

	Statutory Entitlement	Eligibility	Council Enhancement	Eligibility
Return from Maternity Leave	<p>NOTICE</p> <p>1. If you return on the date you were told was the latest date you could after taking your full entitlement to maternity leave, you do not need to give notice of your return.</p> <p>2. If you want to return to work before the end of your full entitlement, you need to give your manager 28 days' notice. If you do not, your return may be postponed by your manager as follows:</p> <ul style="list-style-type: none"> - By up to 7 days If you were entitled to 52 weeks leave 	Employed for 26 weeks continuously up to 15 weeks before EWC	<p>1. You have the right to return to the same job you were doing before you went on maternity leave. This means on the same contract of employment and on terms that are no less favourable. "Job" also covers the nature of work you are employed to do and the capacity and place you are employed</p> <p>2. If your job has changed /does not exist on your return, you are entitled to be offered a suitable alternative post, if one exists.</p>	As for statutory entitlement –see column 2.

	Statutory Entitlement	Eligibility	Council Enhancement	Eligibility
	<ul style="list-style-type: none"> - By up to 21 days, if you were entitled to 63 weeks leave. 3. If you take up to 26 weeks' leave you can return to the same job; 4. If you take more than 26 weeks' leave, you have the right to return to the same or a similar job. 			
	<p>Teachers If you are unable to give 28 days' notice the minimum you are required to give is 7 days.</p>	Employed for 26 weeks continuously up to 15 weeks before EWC.		

	Statutory Entitlement	Eligibility	Council Enhancement	Eligibility
Return from Adoption Leave	<ol style="list-style-type: none"> 1. If you return after taking your full entitlement to maternity leave, you do not need to give notice. 2. If you want to return to work before the end of your full entitlement, you need to give your manager 28 days' notice. 3. If you do not, your return may be postponed by you by up to 21 days. 4. If you take up to 26 weeks' leave you can return to the same job; 5. If you take more than 26 weeks' leave, you have the right to return to the same or a similar job 	Employed for 26 weeks continuously up to 15 weeks before EWC	<ol style="list-style-type: none"> 1. You have the right to return to the same job you were doing before you went on maternity leave. 2. If your job has changed/does not exist on your return, you are entitled to be offered a suitable alternative post if one exists. 3. You must give your line manager at least 28 day' notice before the date you want to return. If you do not, your line manager can postpone your return to work for up to 21 days. However, they cannot postpone your return to a date later than the end of your full adoption leave period. 	

Shared Parental Leave and Pay Benefits: All Staff

	Statutory Entitlement	Council Enhancement	Eligibility
Shared Parental Leave	<ol style="list-style-type: none"> Up to 50 weeks to be taken before the child's first birthday OR before the first anniversary of the child's placement; Minimum period is one week; Can be taken in one single block or up to three separate blocks; Can start on any day of the week. 	<ol style="list-style-type: none"> As statutory 	<ol style="list-style-type: none"> Both parents to have been continuously employed for at least 26 weeks by the end of the 15th week before EWC; Mother must be entitled to statutory maternity leave OR the main adopter must be entitled to statutory adoption leave; Mother must have stopped her maternity leave or agreed to end it OR the main adopter must have stopped their adoption leave or agreed to end it; Employee must have given at least 8 weeks' notice that they want to take SPL.
Shared Parental Pay	<ol style="list-style-type: none"> Up to 37 weeks at the statutory Shared Parental Pay (ShPP) rate. 	<p>Teachers Up to 13 weeks full pay followed by 25 weeks at the statutory Shared Parental Pay (ShPP) rate</p> <p>All Other Staff Up to 14 weeks full pay followed by</p>	<p>As above plus:</p> <ol style="list-style-type: none"> The mother must be entitled to statutory maternity pay OR the main adopter is entitled to statutory adoption pay; The mother must have agreed to end her entitlement to

	Statutory Entitlement	Council Enhancement	Eligibility
		25 weeks at the statutory Shared Parental Pay (ShPP) rate	<p>maternity pay early OR the main adopter must have agreed to end their entitlement to adoption pay early;</p> <p>3. You must be looking after the child during the weeks you're getting ShPP;</p> <p>4. You must continue to be employed by the Council until at least the first week you get ShPP.</p>

Returning from Shared Parental Leave – All Staff

	Statutory Entitlement	Eligibility	Council Enhancement	Eligibility
Return From Shared Parental Leave	<ol style="list-style-type: none"> 1. If you take 26 weeks or less leave (including maternity/ adoption/ paternity and SPL) you have the right to return to the same job. 2. If you take more than 26 weeks leave (including maternity/ adoption/ paternity and SPL) you have the right to return to the same job unless it is not reasonably practicable to do so. 	<ol style="list-style-type: none"> 1. Both parents to have been continuously employed for at least 26 weeks by the end of the 15th week before EWC; 2. Mother must be entitled to statutory maternity leave OR the main adopter must be entitled to statutory adoption leave; 3. Mother must have stopped her maternity leave or agreed to end it OR the main adopter must have stopped their adoption leave or agreed to end it; 4. Employee must have given at least 8 weeks' notice that they want to take SPL. 	<ol style="list-style-type: none"> 1. You have the right to return to the same job you were doing before you went on SPL regardless of the length of leave, unless it is not reasonably practicable to do so. 2. If you cannot return to your previous post, then you are entitled to be offered a suitable alternative post, where a vacancy exists. 	As for statutory entitlement –see column 2.