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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Personnel Committee
Date: Monday 17 October 2022
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Jason Slaymaker (Chairman)

Councillor Andrew Beere
Councillor Gemma Coton
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Douglas Webb

Councillor Simon Holland (Vice-Chairman)

Councillor Ian Corkin
Councillor Fiona Mawson
Councillor Chris Pruden
Councillor Amanda Watkins
Councillor Barry Wood

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3. Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

4. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. Minutes (Pages 5 - 8)

To confirm as a correct record the Minutes of the meeting of the Committee held on 30 May 2022.

6. Chairman's Announcements

To receive communications from the Chairman.

7. Policy Updates (Pages 9 - 98)

Report of Chief Executive

Purpose of report

In line with the Terms of Reference of the Personnel Committee, all policy changes should be reviewed and authorised by the committee prior to implementation.

Recommendations

The meeting is recommended:

1.1 To review the following policies and approve for implementation:

- Family Friendly Policies as follows:
 - Maternity
 - Paternity
 - Adoption Leave
 - Shared Parental Leave
 - Parental Leave
 - Time Off for Dependents

- Pension and Retirement Policy Statement

8. Exclusion of the Public and Press

The following reports contain exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

1 - Information relating to any individual.

2 – Information which is likely to reveal the identity of an individual

3– Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4 – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Members are reminded that whilst the following items have been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Schedule 12A of that Act.”

9. Workforce Profile Statistics (Pages 99 - 112)

Exempt Report of Chief Executive

10. Permanent Senior Management Team Structure (Pages 113 - 126)

Exempt Report of Chief Executive

11. Proposed Restructure of the Growth & Economy Service (Pages 127 - 170)

Exempt Report of Director of Communities

12. Proposed Restructure of the Property Service (Pages 171 - 214)

Exempt Report of Corporate Director Resources

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Natasha Clark / Aaron Hetherington, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Yvonne Rees
Chief Executive

Published on Friday 7 October 2022

Cherwell District Council

Personnel Committee

Minutes of a meeting of the Personnel Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 30 May 2022 at 10.00 am

Present:

Councillor Jason Slaymaker (Chairman)
Councillor Simon Holland (Vice-Chairman)
Councillor Andrew Beere
Councillor Ian Corkin
Councillor Gemma Coton
Councillor Fiona Mawson
Councillor Lynn Pratt
Councillor Chris Pruden
Councillor Les Sibley
Councillor Amanda Watkins
Councillor Douglas Webb
Councillor Barry Wood

Also Present:

Ben Cox, Director, Public Sector Executive Search

Officers:

Yvonne Rees, Chief Executive
Claire Cox, Assistant Director Human Resources & Organisational Development Interim
Natasha Clark, Governance and Elections Manager (for items 3 – 8 only)

3 Declarations of Interest

There were no declarations of interests.

4 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

5 Urgent Business

There were no items of urgent business.

6 **Minutes**

The Minutes of the meetings of the Committee held on 7 April 2022 and 18 May 2022 were agreed as correct records and signed by the Chairman.

7 **Chairman's Announcements**

There were no Chairman's announcements.

8 **Exclusion of the Public and Press**

Resolved

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 4 of Schedule 12A of that Act.

9 **Interviews for Corporate Directors**

The Committee considered the applications that had been received for the Corporate Director Resources and Corporate Director Communities posts.

The Committee interviewed the applicants supported by the Chief Executive, Interim Assistant Director Human Resources and Organisational Development and Director, Public Sector Executive Search.

Following the interviews the Committee evaluated the applications and considered the supporting information from the Director, Public Sector Executive Search.

Resolved

- (1) That an appointment to the post of Corporate Director Communities be made subject to all necessary procedural steps having been complied with.
- (2) That an appointment to the post of Corporate Director Resources be made subject to all necessary procedural steps having been complied with.

The meeting ended at 5.00 pm

Chairman:

Date:

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Cherwell District Council

Personnel Committee

17 October 2022

Policy Updates

Report of Chief Executive

This report is public

Purpose of report

In line with the Terms of Reference of the Personnel Committee, all policy changes should be reviewed and authorised by the committee prior to implementation.

1.0 Recommendations

The meeting is recommended:

1.1 To review the following policies and approve for implementation:

- Family Friendly Policies as follows:
 - Maternity
 - Paternity
 - Adoption Leave
 - Shared Parental Leave
 - Parental Leave
 - Time Off for Dependents
- Pension and Retirement Policy Statement

2.0 Introduction

2.1 It is essential that the Council keeps up-to-date its HR policies to ensure the Council remains a great place to work and which supports modern employment practices. These policies also ensure legislative compliance in order to mitigate risks to the organisation. Prior to decoupling, policies were due to be updated by a joint Policy Officer who was to be employed by Oxfordshire County Council. This has not happened and CDC policies have not been updated for some time but are now on a rolling programme to ensure regular review.

- 2.2 In accordance with the Constitution, all new policies and changes to policies affecting staff need to be approved by Personnel Committee prior to implementation. Policies presented at the meeting today are the first tranche and further policies will be presented for approval as they are reviewed.

3.0 Report Details

- 3.1 As part of the policy review process being undertaken, policies for review have been prioritised based on changes in legislation and or work practices.

Family friendly policies

- 3.2 The suite of family friendly policies has been reviewed by an external firm of specialist employment law solicitors to ensure they are up to date with recent legislative changes. The six family friendly policies are included at appendices 1 - 6.
- 3.3 Policy content has been simplified, made more user friendly, and eliminated ambiguity.
- 3.3 No changes have been made to contractual terms such as entitlement or payments linked to these policies. As part of the national pay deal for 2022, following a proposal from Unions to review family friendly leave; the National Employers have proposed to enter into discussions on broader family leave and pay but to date at the point of this report, nothing has been agreed. Should changes be made to the national schemes, of which CDC currently mirrors; and CDC decide to implement these changes, in liaison with Unions as part of local pay award agreements, then the relevant sections in these policies will be updated.

Pension and Retirement Policy Statement

- 3.4 The Local Government Pension Scheme stipulate that all employers accessing the scheme should have a policy in place in relation to their position on flexible retirement. To date, CDC have not had this. A copy of the proposed Pension and Retirement Policy Statement is at appendix 7.
- 3.5 The Pension and Retirement Policy Statement sets out CDC's stance in relation to requests for flexible retirement with the main points to note being:
- Employees can request flexible retirement whereby they continue to work for the Council but can also access their pension.
 - In order to request flexible retirement, employees must reduce their income by 20% either by a reduction in hours or grade, or a combination of both.
 - There must be mutual agreement between the employee and management that the change in hours and/or grade can be accommodated and will be in place for at least a year.
 - The Council will not agree to enhance pensions and applications will not succeed where there are costs to the Council and the benefits to the service are not explicit.
- 3.6 The policy proposes that approvals of flexible retirement for employees up to Assistant Director grade level are made by Corporate Directors or the Head of Paid

Service; and approvals for Statutory Officers, Corporate Directors and the Head of Paid Service are made by Personnel Committee.

- 3.7 This policy does require a change to the Terms of Reference of the Personnel Committee and a report detailing this change and requesting approval for it has been submitted to Full Council for approval at its meeting on 17 October 2022.

4.0 Conclusion and Reasons for Recommendations

- 4.1 In order to ensure employees are kept up to date with legislation and entitlements relevant to them it is essential that Council policies are regularly reviewed and updated. A thorough review is being completed of existing HR policies for CDC and where changes are required, these will be provided to Unison for consultation and presented to Personnel Committee for approval.
- 4.2 The family friendly policies are compliant and up to date with legislative changes and have been reviewed to ensure they are easier to follow.
- 4.3 The Pension and Retirement Policy Statement is a requirement of the LGPS in order to provide clarity to scheme members around CDC's stipulations regarding flexible retirement.

5.0 Consultation

Unions are being consulted on the policies.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not review HR policies – this option is rejected as policies would be out of date with current legislation and not reflective of the Council's HR objectives of being an attractive, modern employer.

7.0 Implications

Financial and Resource Implications

- 7.1 In order to mitigate risk it is important that the Council operate with up-to-date policies. The update to the family friendly policies and introduction of the Pension and Retirement Policy Statement are anticipated to be minor and will be managed within existing budgets, as is currently the case.

Comments checked by:

Joanne Kaye, Deputy S151 and Strategic Finance Business Partner,
Joanne.kaye@cherwell-dc.gov.uk, 01295 221545

Legal Implications

- 7.2 Regular reviews of Council policy documentation is essential in order to ensure legal compliance with employment law.

Comments checked by:

Shahin Ismail, Interim Monitoring Officer, Shahin.Ismail@cherwell-dc.gov.uk

Risk Implications

- 7.3 There are no risk management implications arising directly from this report. Any arising risks will be managed by the relevant service operational risk register and escalated to the leadership risk register as and when necessary.

Comments checked by:

Celia Prado-Teeling, Interim Assistant Director – Customer Focus, 01295 221556
celia.prado-teeling@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.4 All proposals are developed in line with the commitments set in our Equalities and Inclusion Framework, including a screening for relevance against our statutory duties to promote equality and an impact assessment (ECIA) has been completed.

Comments checked by:

Celia Prado-Teeling, Interim Assistant Director – Customer Focus, 01295 221556
celia.prado-teeling@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

N/A

Links to Corporate Plan and Policy Framework

N/A

Document Information

- Appendix 1 – Maternity Policy
- Appendix 2 – Paternity Policy
- Appendix 3 – Adoption Leave Policy
- Appendix 4 – Shared Parental Leave Policy
- Appendix 5 – Parental Leave Policy
- Appendix 6 – Time Off for Dependents Leave Policy
- Appendix 7 – Pension and Retirement Policy Statement

Background papers

None

Report Author and contact details

Claire Cox, Assistant Director of Human Resources (Interim)

Claire.cox@cherwell-dc.gov.uk

01295 221549

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Maternity Policy

DOCUMENT CONTROL

Organisation(s)	Cherwell District Council (CDC)
Policy title	Maternity Policy
Owner	Human Resources
Version	1.0
Date of implementation	1 November 2022

DOCUMENT APPROVALS

This document requires the following committee approvals:

Committee	Date of meeting pending approval
CDC Personnel Committee	17 October 2022 (16:00)

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District Council.

DATE FOR REVIEW

No later than 1st November 2025 but sooner if impacted by legislative changes.

REVISION HISTORY

Version	Revision date	Summary of revision

MATERNITY POLICY A Guide for Employees

This booklet contains information on maternity leave, maternity pay and other issues relating to pregnancy and maternity.

If you any queries which are not answered or wish to make an appointment to discuss your own personal situation in more detail, please contact Human Resources.

Contents

1	Introduction – General guidelines	
1.1	Who the scheme applies to	6
1.2	Maternity rights	6
1.3	Health and safety	6
1.4	Time off for antenatal care	6
1.5	Sickness during pregnancy	7
2	Maternity leave	
2.1	Timing of maternity leave	7
2.2	Early birth	7
2.3	Death of your baby or still birth	7
2.4	Entitlement to ordinary maternity leave	7
2.5	Entitlement to additional maternity leave	7
2.6	Compulsory maternity leave	7
2.7	Notification requirements	7
2.8	The contract of employment during maternity leave	8
2.9	Contact with work during maternity leave	8
2.10	Working during maternity leave	8
2.11	Terms and conditions:	8
	<ul style="list-style-type: none"> • Annual leave • Local government pension scheme 	9
2.12	Allowances:	9
	<ul style="list-style-type: none"> • Assisted car or cycle purchase scheme • Standby duty payments 	9
2.13	Flexible working arrangements	9
2.14	Other leave arrangements	9
3	Statutory Maternity Pay	

3.1	The right to SMP		10
3.2	Non entitlement to SMP		10
3.3	Changes in circumstances		10
3.4	The rate of SMP		10
3.5	Payment of SMP		11
3.6	Multiple births		11
4	Occupational Maternity Pay		
4.1	Entitlement to occupational maternity pay		11
4.2	The rate of occupational maternity pay		11
4.3	Conditions attached to receiving half pay		11
4.4	Calculation of a week's pay		11
4.5	Payment of occupational maternity pay		12
5	Notice of return to work after maternity leave		
5.1	Notice required for return to work		12
5.2	Employees who do not wish to return to work after maternity leave		12
5.3	Sickness at the end of ordinary or additional maternity leave		12
6	Rights on and after return to work after maternity leave		
6.1	Return to work after ordinary maternity leave		12
6.2	Return to work after additional maternity leave / parental leave		12
6.3	Return to work and redundancy		12
	Risk assessment	Appendix 1	13
	Maternity leave notification form	Appendix 2	15
	Kit day payment request form	Appendix 3	17

1 INTRODUCTION - General Guidelines

1.1 Who the scheme applies to

Cherwell District Council's Maternity Scheme applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

This policy does not form part of any contract of employment or other contract to provide services, and the Council may amend it at any time.

1.2 Maternity rights

All pregnant employees are entitled to:-

- special consideration with regard to health and safety
- paid time off for antenatal care
- 26 weeks' ordinary maternity leave
- 26 weeks' additional maternity leave

Qualifying employees are also entitled to:-

- maternity benefit (Statutory Maternity Pay or Maternity Allowance)
- occupational maternity pay

1.3 Health and safety

The Council's Health, Safety and Welfare Policy requires you to inform your manager if you are unable to carry out any working activity in a safe manner or without risk to your health and safety.

Therefore, you are strongly advised to inform your manager of your pregnancy as soon as possible. This is important as there may be health and safety considerations. This will also enable him/her to arrange for a risk assessment to be carried out relating to your working activities and environment. This will establish what, if any, action is required to safeguard your health and well-being and/or that of your unborn child.

Where an unacceptable risk is identified, the Council will take protective or preventative measures to eliminate it. Where this will not avoid the risk, you may find that one of the following steps is taken:-

- *if it is reasonable to do so, your working conditions or hours of work may be altered;*
- *if it is not reasonable to make such alterations, or if the risk cannot be avoided in this way, you may be offered suitable alternative work;*
- *if no suitable alternative work is available, you may be suspended from duties, that is given paid leave, for as long as necessary to protect your safety or health (unless you have unreasonably refused suitable alternative work).*

Another risk assessment will be undertaken upon your return to work, and if, for health and safety reasons, you are still considered to be at risk, alternative arrangements may be put in place.

If you have any further concerns or queries about the effects of your work on your own or your unborn baby's health, you should consult your manager immediately.

1.4 Time off for antenatal care

If you are pregnant, you are entitled to take paid time off, at your normal rate of pay, during your normal working hours to attend antenatal appointments. This may include relaxation and parentcraft classes as recommended by your GP on a clinical basis, as well as medical examinations.

You should advise your manager that you will be absent as far in advance of your appointment as possible. With the exception of your first appointment, you must provide evidence of your appointments if requested to do so by your manager, which could include providing a certificate from the doctor, midwife or health visitor stating that you are pregnant; and an appointment card.

1.5 **Sickness during pregnancy**

If you become ill while you are pregnant you will receive your normal entitlement to sick pay, whether or not your illness is pregnancy related. You must not remain at work if you have been certified medically unfit to do so.

If you are absent from work because of a pregnancy related illness and your illness continues or starts after the beginning of the 4th week before the week in which your baby is due, your maternity leave will usually start automatically. Non pregnancy related illness during this 4-week period will be treated as normal sickness absence.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

2 **MATERNITY LEAVE**

2.1 **Timing of maternity leave**

You can choose to start your maternity leave at any time after the start of the 11th week before the week in which your baby is due (unless your baby is born prematurely before that date) and your maternity leave will start on the day that you have notified the organisation.

However, in the last 4 weeks prior to the week, starting on a Sunday, in which your doctor or midwife expects you to give birth (**Expected Week of Childbirth**) your maternity leave will begin on the day after any day on which you are absent from work wholly or partly due to pregnancy related illness or suspension from work for a pregnancy related health and safety reason.

2.2 **Early birth**

Your leave will start on the day after your baby is born if this is earlier than your notified leave date.

If your baby is born before a maternity certificate has been issued, one should be completed by your general practitioner or registered midwife showing the date your baby was born as well as the date the baby was expected. You must, if reasonably practicable, provide your manager with this certificate within 28 days.

2.3 **Death of your baby or still-birth**

If your baby dies or is stillborn after 24 weeks of pregnancy you will still be entitled to leave in accordance with this policy and SMP. You will also be entitled to parental bereavement leave which can be one week, two consecutive weeks, or two separate weeks and can be taken at any time during the first 56 weeks after the child's death.

2.4 **Entitlement to ordinary maternity leave**

All pregnant employees are entitled to a period of 26 weeks' **ordinary maternity leave (OML)**, provided the notification requirements have been complied with (see section 2.7).

2.5 **Entitlement to additional maternity leave**

All pregnant employees are entitled to a period of 26 weeks' **additional maternity leave (AML)**. This runs from the day after the last day of the OML period and continues for a further 26 weeks, provided the notification requirements have been complied with (see section 2.7).

2.6 Compulsory maternity leave

You must take 2 weeks' **compulsory maternity leave** beginning on the day that your child is born.

2.7 Notification requirements

You are required to notify your manager in writing of your intention to take maternity leave before the end of the fifteenth week before the week that you expect to give birth (**Qualifying Week**) or as soon as reasonably practicable afterwards. You will need to tell your manager:

- that you are pregnant
- the week, starting on a Sunday, in which your doctor or midwife expects you to give birth (**Expected Week of Childbirth**)
- the date on which you would like your maternity leave to commence (**Intended Start Date**)

If you wish to change the Intended Start Date you will need to tell your manager at least 28 days in advance of the new commencement date (unless this is not reasonably practicable).

Note: Medical evidence usually in the form of a maternity certificate (known as a MAT B1 form) will need to be provided for SMP purposes and to confirm your Expected Week of Childbirth. The earliest this can be obtained from your general practitioner or registered midwife is the 20th week of pregnancy.

You can notify your manager of the above on any day of the week and your maternity leave can start on any day of the week.

2.8 The contract of employment during maternity leave

Your contract of employment continues throughout OML and AML and all of the terms and conditions of your employment remain in force during OML and AML except for the terms relating to pay (unless your employment terminates during this period of time).

2.9 Contact with work during maternity leave

You and your employer are entitled to have reasonable contact with each other to ensure that you are kept up to date with departmental changes, vacancies and any other matters relevant to the employees of CDC. The mode of contact should be confirmed and agreed prior to the commencement of maternity leave. Contact during maternity leave does not bring that period to an end. Reasonable contact does not constitute 'work' as described in 2.10 below, and would not therefore count towards the 10 days.

2.10 Working during maternity leave

For the purposes of this provision, 'work' is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. You may ask or be asked to come to work for up to 10 keeping in touch (KIT) days during the maternity leave period without bringing that period to an end as a result of carrying out the work. Working for part of a day will count as one day. This is not compulsory and must be discussed and agreed with your line manager.

In any case, you cannot work during the compulsory maternity leave period i.e. the first two weeks' following childbirth. The maternity leave will not be extended due to the fact that you have carried out some work in this period.

You will not lose your right to SMP as a result of working up to 10 days. You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any maternity pay entitlement. To claim for hours worked you will need to submit a maternity kit day payment claim form (Appendix 4).

2.11 Terms and Conditions

i) Annual leave

Your entitlement to annual leave remains unaffected by maternity leave.

Subject to agreement by your manager, you should take your accrued annual leave prior to the commencement of your maternity leave. Any holiday entitlement for the year that is not taken **OR** cannot reasonably be taken before starting your maternity leave can be carried over to the next holiday year. This must be taken immediately before returning to work **OR** within three months of returning to work (unless your line manager agrees otherwise).

ii) Local Government Pension Scheme

Pension contributions will be deducted in the normal way from any payment you receive during your Maternity Pay Period. Any employee contributions you make will be based on the amount of any maternity pay you are receiving.

Any maternity absence which is unpaid will be treated as a break in service for occupational pension purposes unless you choose to pay voluntary contributions. These contributions will be based on the reduced remuneration that you were entitled to receive immediately before the unpaid period (this means that even if you defer receipt of your half pay until your return to work, you will pay the same contributions as someone who actually receives it during maternity leave).

You must write to Payroll and state your intention to pay voluntary contributions no later than 30 days after your return to work. You may pay these contributions as a lump sum or in instalments. For further advice please contact Payroll.

2.12 Allowances

i) Assisted car or cycle purchase scheme

The terms and conditions contained in your car or cycle loan agreement apply throughout the period of your maternity leave. Therefore, you are required to continue to make the appropriate repayments throughout your maternity leave period.

During the period of your leave where you are receiving payment, your repayment will be deducted as usual. Where there is a shortfall, you must make arrangements for the Council to receive the outstanding amount before the end of each calendar month. During any period of your maternity leave in which you are receiving no payment, you must ensure that the Council receives the full monthly amount due before the end of each calendar month.

ii) Standby duty payments

During the period of your maternity absence you will not be required to undertake standby duty and therefore you will not receive any standby payments.

2.13 Flexible working arrangements

The Council will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is recommended that you review the flexible working policy before any formal request for flexible working is made. You may wish to explore this with your manager either before or during your maternity leave, however, it is helpful if requests are made as early as possible.

2.14 Other leave arrangements

Please refer to the following Council policies for further information including Parental Leave, Paternity Leave, Time off for Dependents and Special Leave arrangements.

3 STATUTORY MATERNITY PAY (SMP)

Entitlement to maternity pay is determined by various factors, including length of service and earnings, and therefore Human Resources (in conjunction with Payroll) will assess your eligibility and

entitlements on an individual basis.

SMP is payable for a maximum of 39 weeks. This is called the “**Maternity Pay Period**” and it may start at any time from the start of the 11th week before the Expected Week of Childbirth.

SMP is paid to you by the Council on behalf of the Inland Revenue.

3.1 The right to SMP

If you are pregnant or have just given birth, you are entitled to a maximum of 39 weeks’ SMP providing that you:-

- *have been continuously employed by this Council for at least 26 weeks at the end of the Qualifying Week (the 15th week before your Expected Week of Childbirth);*
- *have average weekly earnings of not less than the lower earnings limit for National Insurance contributions purposes set by the government during the eight weeks ending with the Qualifying Week;*
- *still be pregnant at the 11th week before the Expected Week of Childbirth or have had your baby by that time;*
- *have provided medical evidence (usually a MAT B1) confirming the Expected Week of Childbirth either before the birth or no more than 3 weeks after the birth (or if you have good cause for delay, as soon as reasonably practicable);*
- *have stopped working for the Council wholly or partly because of pregnancy or confinement (either a live birth (at any time), or a stillbirth after 24 weeks of pregnancy);*
- *have given at least 28 days’ notice (or, if that is not possible, as much notice as you can) to your manager of your intention to take maternity leave.*

3.2 Non entitlement to SMP

If you are not entitled to SMP or if your circumstances change and you stop getting SMP, Payroll will provide you with form SMP1 which states the reasons why the Council cannot pay you SMP.

You may be entitled to receive Maternity Allowance (**MA**) if you do not qualify for SMP. You will need form SMP1 and your maternity certificate to claim MA. This benefit is paid to you directly by the Department for Work and Pensions (for more information contact your local Social Security office or Job Centre Plus office).

You must claim MA if you are entitled to receive occupational maternity pay but are not eligible to receive SMP. You should inform your manager immediately if you receive MA as this allowance will be offset against any occupational maternity payments made to you.

3.3 Changes in circumstances

You cannot continue to receive SMP if, during the Maternity Pay Period:

- *you return to work after your baby is born or you work for a new employer after the child is born who did not employ you in the Qualifying Week; or*
- *you are taken into legal custody (this means that you have been detained, usually arrested or in prison) or;*
- *you die.*

You (or a person acting for you, if applicable) are responsible for informing your manager if your circumstances change in any of the ways described above.

3.4 The rate of SMP

There are two weekly rates of SMP:-

“Earnings Related Rate”: *This is equivalent to 9/10^{ths} of your average weekly earnings before tax and is payable during the first 6 weeks of the Maternity Pay Period. As a general rule, your gross earnings will be averaged over the 8 weeks up to and including the last payday before the end of the Qualifying Week.*

“Flat Rate”:

This is paid at the prescribed rate which is set by the government and reviewed each year, or at the Earnings-Related Rate if this is lower, and paid for the remaining 33 weeks of the Maternity Pay Period. Human Resources can confirm the current rate on request.

3.5 Payment of SMP

You will receive SMP at the same time and in the same way as your normal salary would be paid. SMP is subject to income tax and National Insurance contributions. Any deductions which are lawfully made from pay, for example pension contributions, trade union subscriptions etc, will also be made from SMP, if applicable.

3.6 Multiple Births

There is no entitlement to additional SMP for multiple births.

4 OCCUPATIONAL MATERNITY PAY

4.1 Entitlement to occupational maternity pay

You qualify for occupational maternity pay if you have completed a minimum of one year's continuous local government service at the beginning of the 11th week before the week in which your baby is due.

4.2 The rate of occupational maternity pay

For the first 6 weeks of your maternity leave you will be entitled to 90% of your average weekly earnings which will be offset against payments made by way of SMP or MA if you are not eligible for SMP (this means that you will not receive two lots of payments).

For the next 12 weeks you will receive your entitlement to the Flat Rate SMP (or MA if you are not entitled to SMP), as well as half pay. However, if your half pay plus SMP (or MA and any dependants' allowances if you are not eligible for SMP) comes to more than your full pay, it will be reduced accordingly.

You will then receive the Flat Rate SMP for the remainder of your maternity leave period (up to a maximum of 21 weeks).

4.3 Conditions attached to receiving half pay

You will receive 12 weeks' half pay (as set out at [5.2] above) on the understanding that you will return to work for the Council for **at least three months following your period of maternity leave**. Should you not do so, you may be required to pay back all, or part, of the 12 weeks' half pay. You do not have to pay back any payments made to you by way of SMP.

If you are unsure about your intention to return to work after your maternity leave, the Council will retain your half pay until you do return, provided that you inform Human Resources of your request for half pay to be withheld until your return *before* you start your maternity leave.

4.4 Calculation of a week's pay

For the purposes of occupational maternity pay, a week's pay is calculated in one of the following ways depending upon your working hours:-

Normal working hours:

where your normal working hours do not vary with the amount of work done in the period, a week's pay is the amount payable to you by the Council under your current contract of employment for working your normal working hours in a week.

Variable working hours: *where there are no normal working hours, a week's pay is your average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.*

As the amount of maternity pay is based upon your contract of employment in force during your maternity leave, it would consequently change if, for instance, a pay award was implemented during this period.

4.5 Payment of occupational maternity pay

During your maternity absence, the payments due to you will be paid in exactly the same way as you normally receive your salary.

If you have certain payments deducted from your salary, for example, car loan, Council Tax, rent, etc, these will continue to be deducted from any payments made to you.

Payroll will inform you if you need to make alternative arrangements at any time during your maternity leave to ensure that you do not fall into arrears.

5 NOTICE OF RETURN TO WORK AFTER MATERNITY LEAVE

5.1 Notice required for return to work

If you intend to return immediately after the end of your AML period (52 weeks), you do not need to give advance notice of your return. Your expected date of return will be your next normal working day after the end of your 52 weeks maternity leave period (i.e. your first normal working day of the 53rd week).

However, if you wish to return to work earlier than the end of your entitled maternity leave period or if you wish to change your date of return from maternity leave, you must give your manager at least eight week's notice of your return date. If you do not provide this notice, the Council may postpone your return date for a period of up to eight weeks after you gave notice, or until the end of the maternity leave period, if this is sooner.

At the very least you must take two weeks' compulsory maternity leave beginning on the day that your baby is born. Should you decide to return immediately after the compulsory leave period, you may be required to provide your manager with a certificate from your doctor which states that you are fit to work.

5.2 Employees who do not wish to return to work after maternity leave

If you decide that you do not wish to return to work after your OML or AML period, you must provide your manager with a written statement of your resignation giving the notice required by your contract of employment.

5.3 Sickness at the end of OML or AML

If you are unable to attend work at the end of your OML or AML period due to sickness, the normal contractual arrangements for sickness absence will apply.

6 RIGHTS ON AND AFTER RETURN TO WORK AFTER MATERNITY LEAVE

6.1 Return to work after OML

You are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

6.2 Return to work after AML / parental leave

If you have taken any period of AML, or more than 4 weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

6.3 Return to work and redundancy

If a redundancy situation has arisen either during your maternity leave or upon your return to work, you have the right to be offered a suitable and appropriate alternative vacancy, where there is one.

Appendix 1

**New and Expectant Mothers
Risk Assessment**

Name:	Job Title:
-------	------------

1. Physical Job Demands	Yes	No
<p>Does your role involve:</p> <ul style="list-style-type: none"> • Lifting or pushing of heavy objects, e.g. lifting boxes? • Standing or squatting for long periods? • Lots of walking? • Working at height or climbing steep steps? • The need to access areas with limited space, e.g. store rooms? <p>If yes, will the task become more hazardous to your changing shape and size?</p> <p>Does your role involve shift work?</p> <p>If yes, does it involve working in the evening or at night?</p>		

2. Mental Job Demands	Yes	No
<p>Does your role involve meeting challenging deadlines?</p> <p>Does your role involve rapidly changing priorities and demands?</p> <p>Does your role require a high degree of concentration?</p> <p>Can you control the pace of your work?</p>		

3. Working Conditions	Yes	No
<p>Does your role involve any lone working or working in remote locations?</p> <p>Does your role involve any home working?</p> <p>Are there any risks of violence at work?</p> <p>Does any part of your role involve dealing with members of the public?</p> <p>If yes, do you have:</p> <ul style="list-style-type: none"> • Contact with young children? • Contact with sick people? 		

- To deal with distressed people?

Does your role involve dealing with emergencies?

--	--

Appendix 2

MATERNITY LEAVE NOTIFICATION FORM	
Name of employee	
Department	
Job Title	
Line Manager	

Please complete this form and return it to the HR Department with your MAT B1 (if not already forwarded) before the 15th week before the Expected Week of Childbirth.

The earliest date for the commencement of maternity leave is at the beginning of the 11th week before the week in which your baby is due.	
My expected date of childbirth is:	
The date of the 11 th week before the week in which my baby is due is:	
I intend to commence my maternity leave on:	
I intend my maternity leave to end on:	
Following my maternity leave, I intend to take Annual Leave	Yes <input type="checkbox"/> No <input type="checkbox"/>
If Yes , after I have taken Annual Leave, I intend to be back in the office on:	
During your maternity leave your line manager will keep you up to date and informed of changes, vacancies and any other matters that are of relevance to you. You may also wish to discuss the opportunities for returning on reduced hours or with a change to your pattern of work. Please tell us how you wish to be contacted during your Maternity Leave, and give details:	
<input type="checkbox"/> Phone	
<input type="checkbox"/> E-mail	
After the first 6 weeks of your maternity leave you will receive 12 weeks' half pay on the understanding that you will return to work for the Council for at least 3 months. This payment is in addition to Statutory Maternity Pay. You will have to pay back the 50% salary that you receive if you do not return to work for the Council for at least 3 months after your baby is born. Please select the option you wish to be applied to you:	
<input type="checkbox"/>	I wish to receive the 50% salary whilst on Maternity Leave

<input type="checkbox"/>	I wish to receive the 50% salary in a lump sum after I have completed the 3 months back at work.		
<input type="checkbox"/>	I do not wish to receive the 50% salary payment.		
HR will need your MAT B1, please select the option that applies to you:			
<input type="checkbox"/>	I enclose my MAT B1		
<input type="checkbox"/>	I have previously forwarded my MAT B1		
<input type="checkbox"/>	I will forward my MAT B1 as soon as I receive it		
Signed Employee			Date

Appendix 3

MATERNITY KIT DAY PAYMENT CLAIM FORM

Name of employee	
Department	
Job Title	
Line Manager	

I wish to claim for _____ hours worked on _____
These hours represent one day of the ten maximum that I can take without bringing my maternity leave to an end.
I understand that working for part of a day will count as one day. This payment is made in addition to any SMP owed.

I have now worked _____ days during my maternity leave
--

Signed Employee		Date	
Signed Line Manager		Date	

PAYROLL USE ONLY			
Date Received		By	
Date System Updated		By	



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Paternity Policy

DOCUMENT CONTROL

Organisation(s)	Cherwell District Council (CDC)
Policy title	Paternity Policy
Owner	Human Resources
Version	1.0
Date of implementation	1 November 2022

DOCUMENT APPROVALS

This document requires the following committee approvals:

Committee	Date of meeting pending approval
CDC Personnel Committee	17 October 2022 (16:00)

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District

DATE FOR REVIEW

No later than 1st November 2025 but sooner if impacted by legislative changes.

REVISION HISTORY

Version	Revision date	Summary of revision

This policy covers:

1	Who the scheme applies to	4
2	Entitlement to paternity leave	4
3	Notification requirements	5
4	The contract of employment during paternity leave	5
5	Pay	5
6	Annual leave	6
7	Local Government Pension Scheme	6
	Appendix 1 – Paternity Leave Application Form	7

1 Who the scheme applies to

Cherwell District Council's paternity scheme applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

This policy does not form part of any contract of employment or other contract to provide services, and the Council may amend it at any time

2 Entitlement to paternity leave

Paternity leave is available to employees of either gender for the purpose of caring for a child, or supporting the child's other parent, in the following cases:

(a) on the birth of a child are:

- you are the baby's biological father, and you expect to have some responsibility for the child's upbringing; or
- you are the Partner (that is, spouse, civil partner or or someone (of either sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle) of the mother and will have the main responsibility with the mother for the child's upbringing

(b) on the birth of a child to a surrogate mother where you are, or your Partner is, one of the child's biological parents, and you expect to obtain a parental order giving you and your Partner responsibility for the child.

(c) Where an adoption agency places a child with you and/or your Partner for adoption and you expect to have main responsibility (with your Partner) for the child's upbringing.

(d) Where a local authority places a child with you and/or your Partner under a fostering for adoption arrangement and you expect to have main responsibility (with your Partner) for the child's upbringing.

To qualify for paternity leave, you must have been continuously employed by us for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth (the week, beginning on a Sunday, in which your Partner's doctor or midwife expects your child to be born) or the week in which you or your Partner are notified by the adoption agency or local authority that you or they have been matched with a child.

In adoption, fostering for adoption or surrogacy cases you may be entitled to take adoption leave instead. However, adoption leave may only be taken by one parent. Paternity leave is available to the other parent (of either sex).

You cannot take paternity leave if you have already taken shared parental leave in respect of the same child. You may be eligible to take shared

parental leave after paternity leave

Please contact Human Resources if you require further clarification regarding your eligibility.

All employees who meet the eligibility criteria are entitled to 1 or 2 week's consecutive leave.

Paternity leave can start from the date of the baby's birth or placement but must be taken within eight weeks (56 days) of the date of birth, or the date of placement.

If the baby is born earlier than expected, then the leave must be taken within the period from the actual date of birth up to 56 days after the first day of the expected week of childbirth.

3 Notification Requirements

The employee has an obligation to inform their line manager of the intention to take paternity leave by the end of the 15th week before the Expected Week of Childbirth (or no more than seven days after the adoption agency notified you of being matched with a child), or as soon as the employee reasonably can providing the following details, by completing and submitting the paternity leave notification form (Appendix 1):

- the Expected Week of Childbirth the start date of the leave to be taken
- the duration of leave to be taken (one or two weeks).

You can change the intended start date by giving us 28 days' notice or, if this is not possible, as much notice as you can.

You cannot commence paternity leave or receive paternity pay before the baby is born. Therefore, if the baby is not born by the approved date on the paternity leave application form then the date has to be changed to a new agreed date either after or on the date of the child's birth. Please confirm your paternity leave commencement date to Payroll as soon as reasonably practical.

4 The contract of employment during paternity leave

All the usual terms and conditions of your employment remain in force during paternity leave, except for the terms relating to pay.

5 Pay

All employees who meet the eligibility criteria are entitled to 1 week's paternity leave. Paternity pay will be paid at a normal week's pay rate.

Employees who have completed 26 weeks' continuous service by the 15th week before the baby is expected (Qualifying Week), or within 7 days of the issue of the adoption matching certificate, are entitled to 2 weeks' consecutive paternity leave which will be paid at a normal week's pay rate.

Paternity leave can start from the date of the baby's birth or any day of the following week but must be taken within 56 days of the date of birth, or in the case of adoption 56 days from the date of placement.

If the baby is born earlier than expected, then the leave must be taken within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

6 Annual leave

Holiday entitlement will continue to accrue during paternity leave. If your paternity leave continues into the next holiday year, any remaining holiday that cannot reasonably be taken before your paternity leave can be carried over to the next holiday year must be taken within three months of returning to work unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry over of more than one week is at your manager's discretion

This includes the accrual of bank and public holidays.

7 Local Government Pension Scheme

Pension contributions will be deducted in the normal way from any payment you receive during your paternity pay period. Any employee contributions you make will be based on the amount of any paternity pay you are receiving.

**PATERNITY LEAVE
APPLICATION FORM**

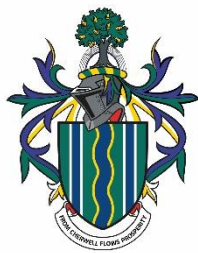
DECLARATION			
Surname			
First Name(s)			
Job Title			
Employer	CDC <input type="checkbox"/>	Department	

I declare that:-	
<input type="checkbox"/>	<p>I am the baby's biological father, or I am the Partner of the mother and will have the main responsibility with the mother for the child's upbringing; or I expect to obtain a parental order giving me and my partner responsibility for a child born to a surrogate mother where I or my Partner are the child's biological parent; or I expect to have main responsibility (with my Partner) for the child's upbringing who was placed with me and/or my Partner for adoption by an adoption agency or where a local authority placed a child with me and/or my Partner under a fostering for adoption arrangement.</p> <p style="margin-left: 20px;">*Partner means spouse, civil partner or someone (of either sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle.</p>
<input type="checkbox"/>	<p>I have/will have been continuously employed by the Council for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth (the week, beginning on a Sunday, in which your Partner's doctor or midwife expects your child to be born) or the week in which I or my Partner were notified by the adoption agency or local authority that my Partner or I had been matched with a child</p>
<input type="checkbox"/>	<p>I will take time off work to support the child's other parent or to care for the child</p>

DATES FOR PAY AND LEAVE	
The baby is due on, or The child is expected to start living with us on:	
I want to be away from work for one <input type="checkbox"/> / two <input type="checkbox"/> weeks and I would like my paternity leave and pay to commence on:	

Signed Employee:		
Signed Assistant Director		

This form should be returned to Human Resources together with a copy of the MatB1 Certificate or Adoption Matching Certificate



Adoption Policy

DOCUMENT CONTROL

Organisation(s)	Cherwell District Council (CDC)
Policy title	Adoption Policy
Owner	Human Resources
Version	1.0
Date of implementation	1 November 2022

DOCUMENT APPROVALS

This document requires the following committee approvals:

Committee	Date of meeting pending approval
CDC Personnel Committee	17 October 2022 (16:00)

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District Council.

DATE FOR REVIEW

No later than 1st November 2025 but sooner if impacted by legislative changes.

REVISION HISTORY

Version	Revision date	Summary of revision

ADOPTION POLICY A Guide for Employees

This policy contains information on adoption leave and adoption pay for UK adoption only.

If you have any queries which are not answered or wish to make an appointment to discuss your own personal situation in more detail, please contact Human Resources.

Contents		Page
1	Introduction	6
1.1	Who the scheme applies to	6
2.	Length of adoption leave	6
3	Time off to attend adoption meetings	6
4	Evidence of entitlement	7
5	Notice of intention to take adoption leave	7
5.1	Adoption or fostering for adoption cases	7
5.2	Surrogacy cases	8
6	End of child placement during adoption leave	8
7	Statutory Adoption Pay (SAP)	8
7.1	The right to SAP	9
7.2	Non entitlement to SAP	9
7.3	Change in circumstances	9
7.4	The rate of SAP	9
7.5	Payment of SAP	9
8	Occupational Adoption Pay	10
8.1	Entitlement to occupational adoption pay	10
8.2	The rate of occupational adoption pay	10
8.3	Conditions attached to receiving half pay	10
8.4	Calculation of a week's pay	10
8.5	Payment of occupational adoption pay	10
9	The contract of employment during adoption leave	11
9.1	Terms and conditions: Annual leave	11
9.2	Terms and conditions: Local Government Pension Scheme	11
9.3	Contact with work during adoption leave	11

1 Introduction

The purpose of this policy is to set out the arrangements for adoption leave and pay for employees who are adopting a child through a UK adoption agency, fostering a child with a view to possible adoption or having a child through a surrogate mother.

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

This policy does not form part of any contract of employment or other contract to provide services and the Council may amend it at any time.

1.1 Who the scheme applies to

In adoption cases or fostering for adoption cases you are entitled to adoption leave if you meet all the following conditions:

(a) You are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter.

(b) The adoption agency or local authority has given you written notice that it has matched you with a child for adoption, or that it will be placing a child with you under a fostering for adoption arrangement, and tells you the date the child is expected to be placed into your care (**Expected Placement Date**).

(c) You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.

In a surrogacy case, you are entitled to adoption leave if all the following conditions are met:

(a) A surrogate mother gives birth to a child who is biologically your child, the child of your spouse or partner, or the child of both of you.

(b) You expect to be given parental responsibility for the child under a parental order from the court. The child must live with you and you must apply for the parental order within six months of the child's birth.

2 Length of adoption leave

The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (**OAL**) and 26 weeks' Additional Adoption Leave (**AAL**). Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

Where a couple adopts jointly, only one partner can take adoption leave in respect of each adoption. The other partner may be eligible to take paternity leave (please refer to the paternity leave policy) and/or shared parental leave.

3 Time off to attend adoption appointments

An adoption appointment is an appointment arranged by an adoption agency (or at the agency's request) for you to have contact with a child who is to be placed with you for adoption, or for any other purpose related to the adoption.

You may take time off to attend an adoption appointment once the agency has notified you that a child is to be placed with you for adoption but before the child is actually placed with you.

Where you and your partner are adopting a child, you must decide between you who will be treated as the primary adopter and who will be treated as the secondary adopter for the purposes of time off. You must tell us your decision the first time you request time off for an adoption appointment. This will affect how much time you can take off.

You would usually choose to be the primary adopter if you intend to take adoption leave when the child is placed with you. You would not be able to take paternity leave if you have elected to be the primary adopter.

You would usually choose to be the secondary adopter if you intend to take paternity leave when the child is placed with you, although you may be able to take adoption leave if your partner is not taking it.

If you are adopting on your own or have elected to be the primary adopter, you may take paid time off to attend an adoption appointment on up to five occasions in relation to any particular adoption. If you are the secondary adopter, you may take paid time off to attend an adoption appointment on up to two occasions only. You must not take more than six and a half hours off for each appointment, including travel and waiting time.

Please give us as much notice of the appointment as possible. You must provide your line manager with a signed statement or an email confirming:

- (a) The date and time of the appointment.
- (b) That the appointment has been arranged or requested by the adoption agency.

We may sometimes ask you to try and rearrange an appointment where it is reasonable to do so. In exceptional circumstances we reserve the right to refuse a request for a particular appointment but we will not do so without good reason.

4 Evidence of entitlement

You are required to produce a matching certificate as evidence of your entitlement to adoption leave and for Statutory Adoption Pay (**SAP**) purposes. You must provide a copy of this once you have been provided with a copy. It will be issued by the approved adoption agency stating the:

- name and address of the agency;
- name and address of the employee;
- date on which the employee was notified that he/she had been matched with the child;
- date on which the agency expects to place the child with the employee and, if the placement has already occurred, the date of the placement.

5 Notice of intention to take adoption leave

5.1 Adoption or fostering for adoption cases

You will be required to notify your manager in writing of your intention to take

adoption leave within seven days of being notified by the adoption agency or local authority of the match with a child for adoption or where this is not reasonably practicable, as soon as reasonably practicable. You will need to tell your manager:

- when the child is expected to be placed;
- when you want your adoption leave to commence.

The Adoption Leave Notification Form (Appendix 1) should be utilised for this purpose. If you wish to change the date of commencement of your adoption leave you will need to tell your manager at least 28 days in advance of the new commencement date (unless this is not reasonably practicable).

OAL can start on any day of the week, this can either be:

- the date on which the child is placed for adoption; or
- a predetermined date which can be up to 14 days prior to the Expected Placement Date.

We will then write to you within 28 days to inform you of the date you would be due to return to work (**Expected Return Date**) assuming you take your full entitlement to adoption leave.

5.2 Surrogacy cases

In a surrogacy case, you must tell us in writing of your intention to take adoption leave and give the expected week of childbirth (**EWC**). You must give this information by the end of the 15th week before the EWC, or if that is not reasonably practicable, as soon as is reasonably practicable.

We will write to you within 28 days of receiving your notification, to confirm your Expected Return Date assuming you take your full entitlement to adoption leave.

When the child is born you must tell us the date of birth.

In a surrogacy case, OAL will start on the day the child is born, unless you are at work, in which case it will start on the following day. You cannot change the start date.

6 End of child placement during adoption leave

If adoption leave has started and you are notified that the placement will not take place, or the child placement ends during adoption leave or the child dies during adoption leave, your entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which you were notified of the placement not taking place, or the date of the child's death, or the child is returned to the adoption agency after placement unless your entitlement to leave or pay would have ended earlier in the normal course of events.

In a surrogacy case, adoption leave is disrupted where you do not apply for a parental order within the relevant time, or the court does not grant a parental order and the time limit for appeal or further application has expired, or where the child dies. In such circumstances adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to leave or pay would have ended earlier in the normal course of events.

7 Statutory Adoption Pay (SAP)

Entitlement to adoption pay is determined by various factors, including length of

service and earnings, and therefore Human Resources in conjunction with payroll will assess your eligibility and entitlements on an individual basis.

7.1 **The right To SAP**

You are entitled to a maximum of 39 weeks' SAP providing that you:-

- have been continuously employed for at least 26 weeks ending with the week in which the agency notified you that you had been matched with the child (**Qualifying Week**) and are still employed by us during that week;
- comply with the notice requirements at paragraph 5 above, including producing evidence of the adoption in the form of a matching certificate;
- give 28 days notice of when you wish the SAP to commence (unless this is not reasonably practicable);
- have average weekly earnings during the eight weeks ending with the Qualifying Week of not less than the lower earnings limit for the payment of National Insurance contributions set by the government; and
- have stopped working for the Council.

If you satisfy all of these conditions, you qualify for SAP.

7.2 **Non entitlement to SAP**

If you are not entitled to SAP or if your circumstances change and you stop getting SAP, payroll will inform you that the Council cannot pay you SAP. You should then contact your local Social Security office or JobCentre Plus office for further information about entitlements to alternative benefits.

7.3 **Changes in circumstances**

You cannot continue to receive SAP if:

- the child placed for adoption becomes 18 years of age;
- you start work for an employer who did not employ you prior to the commencement of adoption leave;
- you return to work;
- you are taken into legal custody (this means that you have been detained, usually arrested or in prison); or
- you are ill or die.

You (or a person acting for you, if applicable) are responsible for informing your manager if your circumstances change in any of the ways described above.

7.4 **The rate of SAP**

SAP is payable for a maximum of 39 weeks. The rate of SAP will be:

- a) First six weeks: SAP is paid at the **Earnings-related Rate** of 90% of your average earnings over the Relevant Period.
- b) Remaining 33 weeks: SAP is paid at the **Prescribed Rate** which is set by the government for the relevant tax year, or the Earnings-related Rate if this is lower.

7.5 **Payment of SAP**

You will receive SAP at the same time and in the same way as your normal salary would be paid. SAP is subject to income tax and National Insurance contributions. Any deductions which are lawfully made from pay, for example pension contributions, trade union subscriptions etc, will also be made from SAP, if applicable.

8 Occupational Adoption Pay

8.1 Entitlement to occupational adoption pay

You qualify for occupational adoption pay if you have completed a minimum of one year's continuous local government service at the beginning of the 11th week before the week of placement.

8.2 The rate of occupational adoption pay

For the first six weeks of your adoption leave you will be entitled to 9/10ths of a week's pay offset against payments made by way of SAP.

For the next 12 weeks you will receive your entitlement to the Prescribed Rate SAP and half pay. However, if your half pay plus SAP comes to more than your full pay, it will be reduced accordingly.

You will then receive the Prescribed Rate SMP for the remainder of your period of adoption leave (up to a maximum of 21 weeks).

8.3 Conditions attached to receiving half pay

You will receive 12 weeks' half pay (as set out at [8.2] above) on the understanding that you will return to work for the Council **for at least three months following your period of adoption leave**. Should you not do so, you may be required to pay back all or part of the 12 weeks' half pay. You do not have to pay back any payments made to you by way of SAP.

If you are unsure about your intention to return to work after your adoption leave, the Council will retain your half pay until you do return, provided that you inform Human Resources of your request for half pay to be withheld until your return before you start your adoption leave.

8.4 Calculation of a week's pay

For the purposes of occupational adoption pay, a week's pay is calculated in one of the following ways depending upon your working hours:

- Normal working hours - where your normal working hours do not vary with the amount of work done in the period, a week's pay is the amount payable to you by the Council under your current contract of employment for working your normal working hours in a week.
- Variable working hours - where there are no normal working hours, a week's pay is your average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

As the amount of adoption pay is based upon your contract of employment in force during your adoption leave, it would consequently change if, for instance, a pay award was implemented during this period.

8.5 Payment of occupational adoption pay

During your adoption absence, the payments due to you will be paid in exactly the same way as you normally receive your salary.

If you have certain payments deducted from your salary, for example, car loan, Council Tax, rent, etc, these will continue to be deducted from any payments made to you.

Payroll will inform you if you need to make alternative arrangements at any time during your adoption leave to ensure that you do not fall into arrears.

9 The contract of employment during adoption leave

Employees are entitled to benefit from their normal terms and conditions of employment, except for the terms relating to salaries and wages, throughout adoption leave.

9.1 Terms and Conditions: Annual Leave

Your entitlement to annual leave remains unaffected by adoption leave.

Subject to agreement by your manager, you should take your accrued annual leave prior to the commencement of your adoption leave. Any holiday entitlement for the year that cannot reasonably be taken before starting your adoption leave can be carried over to the next holiday year and must be taken within three months of returning to work unless your line manager agrees otherwise.

9.2 Terms and Conditions: Local Government Pension Scheme

Pension contributions will be deducted in the normal way from any payment you receive during your adoption leave. Any employee contributions you make will be based on the amount of any adoption pay you are receiving.

Any absence, which is unpaid as a result of adoption leave, will be treated as a break in service for occupational pension purposes unless you choose to pay voluntary contributions. These contributions will be based on the reduced remuneration that you were entitled to receive immediately before the unpaid period.

You must write to Payroll and state your intention to pay voluntary contributions no later than 30 days after your return to work. You may pay these contributions as a lump sum or in instalments. For further advice please contact Payroll.

9.3 Contact with work during adoption leave

You and your employer are entitled to have reasonable contact with each other to ensure that you are kept up to date with departmental changes, vacancies and any other matters relevant to the employees. The mode of contact should be confirmed and agreed prior to the commencement of adoption leave. Contact during adoption leave does not bring that period to an end. Reasonable contact does not constitute 'work', and would not therefore count towards the 10 "keeping in touch" days.

9.4 Working during adoption leave

For the purposes of this provision, 'work' is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. You may ask or be asked to come to work for up to 10 "keeping in touch" days during the adoption leave period without bringing that period to an end as a result of carrying out the work.

Working for part of a day will count as one day. This is not compulsory and must be discussed and agreed with your line manager. The adoption leave will not be extended due to the fact that you have carried out some work in this period.

You will not lose your right to SAP as a result of working up to 10 days. You will be paid at your normal basic rate of pay for time spent working on a “keeping in touch” day and this will be inclusive of any adoption pay entitlement. To claim for hours worked you will need to submit a Payment Claim Form (*Appendix 2*)

10 Flexible working arrangements

The Council will deal with any requests by employees to change their working patterns (such as working part-time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is recommended that you review the flexible working policy before any formal request for flexible working is made. You may wish to explore this with your line manager either before or during your adoption leave, however, it is helpful if requests are made as early as possible.

11 Return to work after adoption leave

11.1 Notice required for return to work

If you intend to return immediately after the end of your full adoption leave entitlement, you do not need to give advance notice of your return. Your expected date of return will be your next normal working day after the end of your 52 week adoption leave (i.e. your first normal working day of the 53rd week).

However, should you wish to return to work earlier than the end of your entitled adoption leave or if you wish to change your date of return from adoption leave, you must give your manager at least eight weeks' notice of your return date. If you do not provide this notice, the Council may postpone your return date for a period of up to eight weeks after you gave notice, or until the end of the adoption leave period, if this is sooner.

11.2 Employees who do not wish to return to work after adoption leave

Should you decide that you do not wish to return to work after your adoption leave, you must provide your line manager with a written statement of your resignation giving the notice required by your contract of employment.

11.3 Sickness at the end of adoption leave

If you are unable to attend work at the end of your adoption leave due to sickness, the normal contractual arrangements for sickness absence will apply.

11.4 Rights on return to work after OAL

You are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

11.5 Rights on return to work after AAL / parental leave

If you have taken any period of AAL, or have combined your adoption leave with more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

ADOPTION LEAVE NOTIFICATION FORM

Name of employee	
Department	
Job Title	
Line Manager	
I am adopting a child and wish to apply for statutory adoption pay and statutory adoption leave.	

I declare that:-

<input type="checkbox"/>	I enclose the matching certificate as evidence of the adoption;
<input type="checkbox"/>	I intend to apply for a parental order and expect the order to be granted (in surrogacy cases)
<input type="checkbox"/>	I have given 28 days notice of when I wish my Statutory Adoption Pay to commence (or where this is not reasonably practicable as much notice as possible); and
<input type="checkbox"/>	<p>I will have been continuously employed by Cherwell District Council for at least 26 weeks ending with the week in which the agency notified me that I had been matched with the child</p> <p style="text-align: center;">or</p> <p>I will have been continuously employed by Cherwell District Council for at least 26 weeks by the 15th week before the baby is due (in surrogacy cases)</p>
<input type="checkbox"/>	I will have stopped working for the Council wholly or partly because of the adoption.

Dates for Pay and Leave

I am adopting a child and was provided with the matching certificate on:	Date:	
The baby is due to be born on (relevant to surrogacy cases):	Date:	
The adoptive child is expected to/did actually start living with me on:	Date:	
I would like my adoption pay and adoption leave to commence on:	Date:	

Signed Employee:		Date:	
------------------	--	-------	--

Appendix 2

ADOPTION KIT DAY PAYMENT CLAIM FORM

Name of employee	
Department	
Job Title	
Line Manager	

I wish to claim for _____ hours worked on _____

These hours represent **one day** of the **ten** maximum that I can take without bringing my adoption leave to an end.

I understand that working for part of a day will count as one day. This payment is made in addition to any SAP owed.

I have now worked _____ days during my adoption leave

Signed Employee		Date	
Signed Line Manager		Date	

PAYROLL USE ONLY			
Date Received		By	
Date System Updated		By	

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Shared Parental Leave Policy

DOCUMENT CONTROL

Organisation(s)	Cherwell District Council (CDC)
Policy title	Shared Parental Leave Policy
Owner	Human Resources
Version	1.0
Date of implementation	1 November 2022

DOCUMENT APPROVALS

This document requires the following committee approvals:

Committee	Date of meeting pending approval
CDC Personnel Committee	17 October 2022 (16:00)

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District

DATE FOR REVIEW

No later than 1 November 2025 but sooner if impacted by legislative changes

REVISION HISTORY

Version	Revision date	Summary of revision

SHARED PARENTAL LEAVE

This policy covers

1	Entitlement to Shared Parental Leave	4
2	What is shared parental leave?	4
3	Who is eligible for shared parental leave?	4
4	Shared Parental Leave and Pay Details	6
5	Keeping in Touch Days	8
6	Booking your SPL dates and request for blocks of leave	9
7	Declaration	10
8	Fraudulent Claims	10
9	Frequently Asked Questions	10
10	Local Government Pension Scheme	11
Appendix 1	Shared Parental Leave Curtailment Notice	
Appendix 2	Shared Parental Leave Notice of Entitlement and Intention to take Shared Parental leave	

1 Entitlement to Shared Parental Leave

This policy does not form part of any employee's contract of employment or other contract to provide services and the Council may amend it at any time.

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

This policy outlines the statutory right to take Shared Parental Leave (**SPL**) to care for a child due to be born or placed for adoption by a UK adoption agency or where fostering a child with a view to possible adoption. It also outlines the arrangements and notification requirements before a period of SPL and the entitlement to pay during SPL.

SPL gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 50 weeks' leave should they wish to do so. Parents taking SPL can take leave in separate blocks, returning to work in between blocks, and can be on leave at the same time.

Employees and managers should where possible have an informal discussion prior to employees giving formal notification of intention to take SPL so that statutory entitlements to other types of leave and pay can be discussed, and to ensure that plans for any discontinuous periods of leave can be considered as early as possible.

Requests for SPL which are not made in accordance with the statutory notification requirements will be given reasonable consideration but may not be granted.

You will find a helpful flow chart detailing important events and dates to remember for SPL requests at Appendix 1.

Please seek further guidance from your HR Business Partner or another member of the HR team.

2 What is Shared Parental Leave?

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave.

3 Who is eligible for Shared Parental Leave?

To qualify for SPL in relation to the birth of a child you must:

- be the child's mother and share the main responsibility for the care of the child with the child's father or with your partner, or
- be the child's father and share the main responsibility for the care of the child with the child's mother; or
- be the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The following conditions must also be fulfilled in relation to the birth of a child:

- you must have at least 26 weeks continuous employment with Cherwell District Council (previous continuous service from another employer will not be counted) by the end of the **Qualifying Week** (i.e. the fifteenth week before the expected week of childbirth, ("**EWC**"). The EWC is the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.). You must also still be employed by CDC in the week before the leave is to be taken;
- the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (**SMP**) or maternity allowance (**MA**) periods.

You may be entitled to SPL in relation to the adoption of a child if:

- a UK adoption agency places a child with you and/or your partner for adoption, or
- a child in local authority care is placed with you and/or your partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme, or

The following conditions must also be fulfilled in relation to the adoption of a child:

- You and your partner must intend to share the main responsibility for the care of the child.
- You must have at least 26 weeks continuous employment with Cherwell District Council by the end of the week the adoption agency notifies you that you have been matched with a child for adoption and still be employed by CDC in the week before the leave is to be taken.
- Your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the week the adoption agency notifies you that you have been matched with a child for adoption and had average weekly earnings of at least £30 during 13 of those weeks.
- Either you or your partner must qualify for statutory adoption leave and/or statutory adoption pay (**SAP**) and must take at least two weeks of adoption leave and/or SAP.
- You and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or SAP.

Partner means your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is born or placed with you

for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

4 Shared Paternity Leave and Pay Details

Birth cases

The total amount of SPL available in birth cases is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave). If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth. If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

You may be able to claim Statutory Shared Parental Pay (**ShPP**) of up to 39 weeks (less any weeks of SMP, MA or SAP) if you have at least 26 weeks' continuous employment with CDC at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year. If you intend to claim ShPP during your leave, you should tell us in writing at least eight weeks before you want ShPP to start.

Adoption cases

The total amount of SPL available in adoption cases is 52 weeks, less the weeks of adoption leave taken by either you or partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave). If your partner is taking adoption leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay (see our Paternity Leave Policy). You should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement you may have, but you will lose any untaken paternity leave entitlement once you start a period of SPL.

You may be able to claim ShPP of up to 39 weeks (less any weeks of SAP claimed by you or your partner) provided you have at least 26 weeks' continuous employment with us at the end of the week the adoption agency notifies you that you have been matched with a child for adoption and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year. If you intend to claim ShPP during your leave, you should tell us in writing at least eight weeks before you want ShPP to start.

Shared parental leave cannot be taken until after the birth/placing of the child.

Partners do not have to work for the Council, but they must satisfy minimum employment and earnings criteria.

How can periods of leave be taken?

SPL must be taken in complete weeks, it can be taken:

- *as one continuous block, or;*
- *in multiples of complete weeks.*

The minimum SPL that can be taken is one week and, as you can give up to three period of leave notices, this may enable you to take up to three separate blocks of SPL.

Provided that both parents qualify for SPL you can choose to take leave at the same time as your partner or you can take your leave separately.

You may take one or more periods of shared parental leave per pregnancy or adoption.

Notice of Entitlement

Not less than eight weeks before the date you intend your SPL to start, a notice of entitlement and intention to take shared parental leave, must be submitted (Appendix 3). This may be submitted at the same time as the maternity/adoption curtailment notice or at a later date, but it cannot be later than 8 weeks before the date of the first period of shared parental leave.

Curtailment Notice

Anyone eligible and intending to take shared parental leave must submit a maternity/adoption leave curtailment notice, giving at least 8 weeks' notice stating that they wish to end their maternity or adoption leave early. This form is at Appendix 2. You must also give us a notice to opt into the SPL scheme (see above) or a written declaration that your partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice. In adoption cases, if your partner is eligible to take SPL from their employer they cannot start it until you have given us your curtailment notice. In birth cases, the other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.

Once you have ended your maternity/adoption leave and have returned to work you will only be entitled to statutory pay during periods of shared parental leave and at that point you cannot revert back onto maternity or adoption leave.

The curtailment notice is binding and cannot usually be revoked. You can only revoke a curtailment notice if maternity or adoption leave has not yet ended and one of the following applies:

- (a) if you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given;
- (b) if you gave the curtailment notice before giving birth, you can revoke it in writing up to six weeks after birth; or
- (c) if the other parent has died.

Ending your partner's maternity/adoption leave or pay

In birth cases, if you are not the mother, but the mother is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once she has either:

- (a) returned to work;
- (b) given her employer a curtailment notice to end her maternity leave;
- (c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- (d) given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

In adoption cases, if your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either:

- (a) returned to work;
- (b) given their employer a curtailment notice to end adoption leave; or
- (c) given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

Right to return to work after a period of SPL

You have the right to return to the same job if you have been on shared parental leave plus any other type of leave for 26 weeks or less.

If you have been on leave for more than 26 weeks you have the right to return to the same job unless this is not reasonably practicable and we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

5 Keeping in Touch Days

You may be asked to attend work on occasional days during your SPL period. These days could be for training, to attend department meetings, or just for keeping in touch (KIT). You may work for up to 20 days without bringing the SPL to an end but work during SPL will not have the effect of extending your SPL period. If you do work, you will be paid your normal rate of pay inclusive of any ShPP entitlement. You are under no obligation to work during SPL, and the Council is under no obligation to offer work.

The 20 KIT days available during SPL are in addition to the 10 KIT days available during maternity and adoption leave.

6 Booking your SPL dates and request for Blocks of Leave

Having opted into the SPL system, you must book your leave by giving us a

period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.

The period of leave notice can either give the dates you want to take SPL or, if the child has not yet been placed with you or not yet been born, it can state the number of days after the placement or birth that you want the SPL to start and end. This may be useful if you intend to take paternity leave or adoption leave starting on the date of placement or birth and wish to take SPL straight afterwards.

Where the child is born early (before the beginning of the EWC), you may be able to start SPL in the eight weeks following birth even though you cannot give eight weeks' notice. In such circumstances particular rules apply – please speak to a member of HR.

Requests for a single block of leave must be agreed by the Council and will need to meet the needs of the business.

If a request is for more than a single block the Council may:

- *agree to your request*
- *decline your request due to organisational need or propose alternative dates*

Up to three separate requests for periods of shared parental leave and three withdrawal notices may be submitted. Any periods of leave that have been declined do not count towards these totals.

You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice. You can change the start date for a period of leave by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier. You can also change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date or the new end date, whichever is earlier.

A notice to change or cancel a period of leave will count as one of your three period of leave notices, unless:

- (a) it is a result of your child being born earlier or later than the EWC or the variation is a result of the child being placed with you earlier or later than the expected placement date; ;
- (b) you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period (as referred to below);
- (c) it is at our request; or
- (d) we agree otherwise.

7 Declaration

Each **parent** must submit a signed declaration (*Appendix 2*) to their line

manager with the notice of entitlement and intention, stating:

- *their full name;*
- *their partner's full name*
- *the name and address of their partner's employer*
- *confirmation that they are eligible for SPL*
- *a statement that the information contained within the declarations is accurate.*
- *details of the amount of leave each partner is to take (this is nonbinding and*
- *the amount of shared parental leave each partner is to take (start/end date).*

8 Fraudulent Claims

The Councils can, where there is a suspicion that fraudulent information may have been provided or where the council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual disciplinary procedures, and may lead to gross misconduct if the allegations are found to be true.

9 Annual leave during a period of SPL?

Your entitlement to annual leave remains unaffected by SPL leave.

Subject to agreement by your manager, you should take your accrued annual leave prior to the commencement of your SPL. Any holiday entitlement for the year that cannot reasonably be taken before starting your SPL can be carried over to the next holiday year and must be taken within three months of returning to work unless your line manager agrees otherwise.

Please discuss your holiday plans with your line manager in good time before starting SPL. All holiday dates are subject to approval by your line manager.

10 Local Government Pension Scheme

Any absence, which is unpaid, will be treated as a break in service for occupational pension purposes unless you choose to pay voluntary contributions.

You must write to Payroll and state your intention to pay voluntary contributions no later than 30 days after your return to work. You may pay these contributions as a lump sum or in instalments. For further advice, please contact Payroll.

Appendix 1

Please think very carefully before you submit this form. Once the form is submitted,

SHARED PARENTAL LEAVE CURTAILMENT NOTICE	
Name of employee	
Department	
Job title	

you can withdraw your maternity/adoption leave curtailment notice only in limited circumstances.

I wish to bring my **[ordinary/additional]** maternity/adoption leave **[and statutory maternity/adoption pay]** to an end to be able to take shared parental leave.

The date on which you end your maternity/adoption leave must be at least:

eight weeks after the date on which you provide this notice to the organisation;

two weeks after you give birth; and

one week before what would have been the end of your additional maternity/adoption leave

I wish to end my leave on:

I wish my statutory pay period to end on:

I have also completed a form providing a notice of entitlement and intention to take shared parental leave.

My partner has provided a notice of entitlement and intention to take shared parental leave to his/her employer.

I consent to the amount of leave that my partner intends to take.

Signed Employee

Date

Appendix 2

SHARED PARENTAL LEAVE: NOTICE OF ENTITLEMENT AND INTENTION TO TAKE SHARED PARENTAL LEAVE

Name of employee

Department

Job title

I wish to provide the organisation with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner.

(* indicates to delete as appropriate throughout the form)

Section A: Information to be provided by employee

<p>I am the child's mother*/child's father*/mother's partner*</p> <p>"Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>	
<p>My partner's name is:</p>	
<p>My maternity*/adoption leave* started/is expected to start on:</p>	
<p>My maternity*/adoption leave* ended/is expected to end on:</p>	
<p>My statutory maternity pay*, maternity allowance* or statutory adoption pay* start date:</p>	
<p>My statutory maternity pay*, maternity allowance* or statutory adoption pay* end date:</p>	
<p>My partner is taking maternity leave*/adoption leave* which started/is expected to start on and ended/is expected to end on:</p>	
<p>My partner is not entitled to statutory maternity leave*/statutory adoption leave* but is receiving or will receive statutory maternity pay or maternity allowance* or statutory adoption pay* from and to the following dates:</p>	
<p>My child's expected week of birth is/child was born on*</p> <p>or</p> <p>The date the adoption agency notified me of being matched with the child, the expected date of placement and the actual date of placement. If your child</p>	

<p>has not yet been placed with you please give the date of placement as soon as possible after placement and before starting SPL)*</p>	
<p>Shared parental leave</p> <p>The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this opt-in notice and a period of leave notice. Shared parental leave must be taken in blocks of at least one week.</p> <p>This notice is to allow the organisation to check that you are entitled to shared parental leave and to provide the organisation with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the organisation a period of leave notice at least eight weeks before the first period of shared parental leave that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the organisation a variation notice.</p>	
<p>The total amount of shared parental leave my partner and I have available is:</p>	
<p>I intend to take the following number of weeks shared parental leave:</p>	
<p>My partner intends to take the following number of weeks shared parental leave:</p>	
<p>I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):</p>	
<p>I intend to take the following number of weeks' shared parental pay:</p>	
<p>Section B: Declaration to be completed by employee</p>	
<p>I satisfy/will satisfy the following eligibility requirements to take shared parental leave:</p>	
<p>I am the child's mother and I am entitled to statutory maternity leave. I have submitted a curtailment of maternity leave notice (or will submit it before my partner takes SPL and at least eight weeks before the first date on which I intend to take SPL).*</p> <p>or</p> <p>I am the child's father or the child's mother's partner.*</p> <p>or</p>	

A child has been placed or will be placed with me for adoption and I am entitled to statutory adoption leave. I have submitted a curtailment of adoption leave notice (or will submit it before my partner takes SPL and at least eight weeks before the first date on which I intend to take SPL).*

or

My partner is entitled to statutory adoption leave because of the placement of a child with us/him/her* for adoption.*

I have/will have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth* or at the end of the week in which we were notified that we had been matched with the child*, and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation

I expect to share the main responsibility for the care of the child with the person who has completed the declaration in Section C.

I intend to care for the child during each week that I am on shared parental leave

I have complied with the organisation's maternity/adoption leave curtailment requirements/returned to work before the end of my statutory maternity/adoption leave period, and will comply with the organisation's shared parental leave notice and evidence requirements

The information that I have provided in this notice is accurate

I will immediately inform the organisation if I cease to care for the child or if I no longer satisfy the other conditions for entitlement to SPL

I have given no less than 8 weeks' notice of my intention to take SPL

Section C: Declaration to be completed by employee's partner

My name is:

My address is:

My National Insurance number is:

My employer's name and address (if employed) or business address (if self-employed).

I have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth or the week we were

notified that we had been matched with a child.			
<input type="checkbox"/> I have average weekly earnings of at least £30 for any 13 of those 66 weeks			
<input type="checkbox"/> I expect to share the main responsibility for the care of the child with the employee			
<p>I am the father of the child*,</p> <p>or</p> <p>I am the partner of the child's mother*</p> <p>or</p> <p><input type="checkbox"/> I am the mother of the child and I am (or was) entitled to maternity leave, statutory maternity pay or maternity allowance. I have curtailed my maternity leave, statutory maternity pay or maternity allowance or will have done so by the time your employee starts parental leave.*</p> <p>or</p> <p>The employee is my partner</p>			
<input type="checkbox"/> I am (or was) entitled to statutory adoption leave and/or statutory adoption pay. I have curtailed my statutory adoption leave or pay, or will have done so by the time the employee starts parental leave. <i>(Delete if not applicable.)</i>			
<input type="checkbox"/> I consent to the employee taking shared parental leave as set out in this notice			
<input type="checkbox"/> I consent to your organisation processing the information provided in this form and to the information in this declaration being used for the purposes of administering shared parental leave			
<input type="checkbox"/> I will immediately inform the employee if I cease to satisfy any of the conditions in this declaration.			
Section D: Signatures			
Signed (employee)		Date	
Signed (employee's partner)		Date	

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Parental Leave Policy

DOCUMENT CONTROL

Organisation(s)	Cherwell District Council (CDC)
Policy title	Parental Leave Policy
Owner	Human Resources
Version	1.0
Date of implementation	1 November 2022

DOCUMENT APPROVALS

This document requires the following committee approvals:

Committee	Date of meeting pending approval
CDC Personnel Committee	17 October 2022 (16:00)

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District

DATE FOR REVIEW

No later than 1st November 2025 but sooner if impacted by legislative changes.

REVISION HISTORY

Version	Revision date	Summary of revision

This policy covers

1	Entitlement to parental leave	4
2	Exceptions to the parental leave provisions for parents with disabled children	4
3	Definition of a week	5
4	Request for evidence	5
5	Postponement of leave period	5
6	Right during and after parental leave	5
7	Standby and on call duty	5
8	Local government pension scheme	6
9	Multiple contracts	6

Appendix 1 - Parental Leave Application Form

1 Entitlement to parental leave

This policy does not form part of any employee's contract of employment and the Council may amend it at any time.

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

Parental leave is unpaid, and the principles are as follows:

- An employee must have a minimum of one year's continuous service.
- Employees are entitled to take up to 18 weeks' unpaid parental leave in respect of each child.
- The leave must be taken before the child's 18th birthday.
- The leave is in respect of each child for whom the employee has responsibility. An employee has responsibility for a child if they are the child's biological mother or father (whether or not they are living with the child); the child's adoptive parent; or otherwise have legal parental responsibility for the child, for example, if they are the child's guardian, or a step-parent who has a parental responsibility agreement or parental responsibility order.
- The leave can be for any purpose connected with spending time with or otherwise caring for the child.
- No more than four weeks parental leave can be taken in any one year in relation to each child. A year for this purpose begins on the date when the employee became entitled to take parental leave in relation to the child in question.
- In default of any agreement to the contrary parental leave may only be taken in blocks of one week or multiples of a week unless the leave is to be taken in respect of a disabled child.

Notification requirements

- You must give your line manager at least 21 days' notice of the intention to take parental leave, and of when the leave begins and ends by using the parental leave application form (Appendix A).
- If you wish to start parental leave immediately on the birth of a child, you must give notice at least 21 days before the expected week of childbirth.
- If you wish to start parental leave immediately on having a child placed with you for adoption, you should give notice at least 21 days before the expected week of placement, or if this is not possible, give as much notice as you can.

2 Exceptions to the parental leave provisions for parents with disabled children

Special rules apply to parents of disabled children (for these purposes disability means being entitled to disability living allowance, armed forces independence allowance or personal independence payment). They are not required to take leave in respect of that child in blocks of full weeks. However, there is still a limit of four weeks a year for each child and 18 weeks in total for each child.

3 Definition of a week

Where an employee's working pattern does not vary, under the contract of employment, a week is the period the employee normally works.

Where the working pattern normally varies from week to week or over a longer period, or if the employee is normally required to work in some weeks and not other weeks, then a week is the total of all periods worked over one year divided by 52.

4 Request for evidence

On applying for parental leave, the employee must provide evidence of the child's date of birth or date of adoption placement, the employee's responsibility or expected responsibility of the child (for example, a birth certificate, adoption or matching certificate parental responsibility agreement or court order), and if applicable the child's entitlement to a disability living allowance. This evidence should be attached to the parental leave application form.

5 Postponement of leave period

Although we will try to accommodate any request for parental leave, an employer can postpone leave if business operation would be unduly disrupted by the leave being taken. This postponement will be done, in writing, within seven days of receiving the request for parental leave, stating the reason for the postponement, and specifying the new dates the leave may be taken with the agreement of the employee.

If the employer and employee cannot agree on new dates then the employer must determine the most appropriate dates. Parental leave cannot be postponed if it is to be taken immediately after the child is born or placed for adoption. Parental leave also cannot be postponed for more than six months or beyond the child's 18th birthday (if sooner).

6 Rights during and after parental leave

Parental leave under this policy is unpaid. Your contractual provisions relating to pay and benefits are suspended during parental leave.

However, annual leave entitlement and continuous services are unaffected during parental leave. You will remain bound by your duties of good faith and confidentiality, and any contractual restrictions on accepting gifts and benefits, or working for another business.

7 Standby and on call duty

During the period of your parental leave you will not be required to undertake standby or on call duty and therefore you will not receive payment for these tasks.

8 Local government pension scheme

Any absence, which is unpaid, will be treated as a break in service for occupational pension purposes unless you choose to pay voluntary contributions.

You must write to Payroll and state your intention to pay voluntary contributions no later than 30 days after your return to work. You may pay these contributions as a lump sum or in instalments. For further advice, please contact Payroll.

9 Multiple Contracts

Where an employee works in more than one Department of the Council this will not affect the total leave entitlement. If the manager of one of the jobs wishes to postpone leave this will have the effect of postponing leave for both jobs. It is up to the line managers and the employee concerned to agree a convenient time for parental leave to be taken, as long as this is within six months of the original request.

**PARENTAL LEAVE
APPLICATION FORM**

Surname			
First Name(s)			
Job Title			
Department			
I have		Child(ren) who is/are under the age of eighteen years (enter number of children) in respect of whom you are applying for parental leave <u>or</u>	
I have		Disabled child(ren) who is/are under the age of eighteen years (enter number of children) in respect of whom you are applying for parental leave	
<p>Please attach a copy of the child's/children's birth certificate(s), adoption or matching certificate, parental responsibility agreement or court order to this form.</p> <p>If your child is in receipt of disability living allowance proof should also be attached.</p>			

Date parental leave requested to start from:		Date parental leave requested to end on:	
If your hours of work do not vary each week: total hours that would be worked each week			
If your hours of work vary each week: please specify the arrangement regarding your working hours			
I have taken		weeks parental leave with previous/current employers in relation to this child/children	

I confirm that my purpose in requesting unpaid parental leave is for caring for my child(ren) and I understand that any false information that I give on this form may result in disciplinary proceedings being taken against me.

Signed Employee:		Date:	
Signed Assistant Director:		Date:	
This form should be returned to Human Resources			



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Time Off for Dependents Leave Policy

DOCUMENT CONTROL

Organisation(s)	Cherwell District Council (CDC)
Policy title	Time Off for Dependents Policy
Owner	Human Resources
Version	1.0
Date of implementation	1 November 2022

DOCUMENT APPROVALS

This document requires the following committee approvals:

Committee	Date of meeting pending approval
CDC Personnel Committee	17 October 2022 (16:00)

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District

DATE FOR REVIEW

No later than 1 November 2025 but sooner if impacted by legislative changes

REVISION HISTORY

Version	Revision date	Summary of revision

TIME OFF FOR DEPENDENTS POLICY

This policy covers

1	Entitlement to time off for dependents leave	4
2	Purpose of the absence	4
3	Exercising the right to time off	4
4	The needs of the organisation	5
5	The procedure	5
6	Local government pension scheme	6
Appendix 1	Time off for dependents application form	

1 Entitlement to time off for dependents leave

This policy does not form part of any employee's contract of employment and the Council may amend it at any time.

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

Time off for dependents leave is unpaid but provide you with the right to take a reasonable amount of time off work in particular circumstances relating to your dependents. Dependents in respect of whom you can take time off are:

- your spouse or civil partner
- your child
- your parent
- a person who lives in your household (excluding tenants, lodgers and employees)
- a person who reasonably relies on you for assistance, to make arrangements or take action of the kind referred to within the bullet points set out below at (2).

2 The purpose of the absence

The right to time off work for dependants is limited to dealing with an unexpected event involving a dependant.

The circumstances in which employees may take time off for dependants are specified in legislation. These are to:

- provide assistance when a dependant falls ill, gives birth or is injured or assaulted
- make arrangements to provide longer-term care to a dependant who is ill or injured
- deal with the death of a dependant
- deal with the unexpected disruption, breakdown or termination of arrangements for the care of a dependant
- deal with an incident involving the employee's child while a school or another educational establishment is responsible for them.

The right to time off is limited to taking action that is necessary to deal with one of the above unexpected events. Its purpose is to allow an employee a short period of breathing space to deal with a dependant.

This policy does not apply where an employee needs to take planned time off or provide longer-term care for a dependant. If the right to time off for dependants does not give the employee, the scope / time off needed to look after a dependant then they should refer to other Council policies such as Flexi-Time or Compassionate leave.

3 Exercising the right to time off

Whether the action the employee is taking because of an immediate or unexpected crisis will be considered necessary will depend on the circumstances, including the nature of the problem, the closeness of the relationship between them and the dependant, and whether anyone else is

available to assist. Action is unlikely to be considered necessary if the employee knew of a problem in advance but did not try to make alternative care arrangements.

The manager should take into account the circumstances and treat each situation on the basis of whether or not the time off is reasonable and necessary.

4 The needs of the organisation

Reasonable time off in relation to a particular problem will not normally be more than one or two days. However, we will always consider each set of circumstances on their facts.

Line managers cannot take into account the operational needs of their organisation when assessing whether or not an employee is entitled to take time off for dependants, or whether or not the amount of time off that the employee needs to take is reasonable and necessary to deal with the particular circumstances. Even where the employee has an important deadline to meet, this should not prevent the line manager from permitting the employee to take time off.

All employees are entitled to take time off for dependants, and they do not need to have accrued a minimum period of continuous service to be eligible.

5 The procedure

An employee will only be entitled to time off under this policy if, as soon as is reasonably practicable, they tell your line manager:

- (a) the reason for their absence; and
- (b) how long they expect to be away from work.

If the employee fails to notify us as set out above, they may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off.

We may in some cases ask the employee to provide evidence for their reasons for taking the time off, either in advance or on their return to work. Suspected abuse of this policy will be dealt with as a disciplinary issue under our Disciplinary Procedure.

All line managers should familiarise themselves with this policy.

Provided that the correct process has been followed in line with this policy, an employee should complete a copy of the form at Appendix 1 on their return to work and forward directly to payroll for processing once the form has been authorised by their line manager. As all time off for dependents is unpaid, payroll will arrange for the employees' salary to be adjusted accordingly in light of the time off.

6 Local government pension scheme

Any absence, which is unpaid, will be treated as a break in service for occupational pension purposes unless you choose to pay voluntary contributions.

You must write to Payroll and state your intention to pay voluntary contributions no later than 30 days after your return to work. You may pay these contributions as a lump sum or in instalments. For further advice, please contact Payroll.

TIME OFF FOR DEPENDANTS' NOTIFICATION FORM			
Name of employee			
Department			
Job Title			
I declare that I am requesting to take unpaid time off for a dependant, in accordance with my rights under the Employment Rights Act 1996.			
The dependant I request to take the time off for is:-			
<input type="checkbox"/> My child			
<input type="checkbox"/> My partner / spouse			
<input type="checkbox"/> My parent / step-parent			
<input type="checkbox"/> Someone who lives with me as part of the family (this excludes lodgers, tenants, boarders and live in employees)			
<input type="checkbox"/> Someone who reasonably relies on me for assistance in the absence of someone who has a closer relationship with them			
And the reason for this time off is / was:-			
<input type="checkbox"/> To provide assistance on an occasion when this dependant fell ill or was injured or assaulted.			
<input type="checkbox"/> To provide assistance on an occasion when this dependant gave birth.			
<input type="checkbox"/> To make longer term care arrangements for this dependant who was ill or injured (this includes mental illness or injury).			
<input type="checkbox"/> To take action required in consequence of the death of the dependant.			
<input type="checkbox"/> To deal with an unexpected disruption, breakdown or termination of arrangements for the care of the dependant.			
<input type="checkbox"/> To deal with an incident which involved/involves my child and which occurred unexpectedly in a period which an educational establishment which my child attends was responsible for him or her.			
When did / will this absence take place:-			
From (date):		To	

		(date):	
Total missed hours that would normally be working during this period:			
Signed Employee:		Date:	
Signed Assistant Director:		Date:	
This form should be returned to Human Resources			



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Pension and Retirement Policy Statement

DOCUMENT CONTROL

Organisation(s)	Cherwell District Council (CDC)
Policy title	Pension and Retirement Policy Statement
Owner	Human Resources
Version	1.0
Date of implementation	1 November 2022

DOCUMENT APPROVALS

This document requires the following committee approvals:

Committee	Date of meeting pending approval
CDC Personnel Committee	17 October 2022 (16:00)

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District

DATE FOR REVIEW

No later than 1 November 2025 but sooner if impacted by legislative changes

REVISION HISTORY

Version	Revision date	Summary of revision

This policy statement covers:

- Preamble
- 1** Pensions
- 2** Retirement
- 3** Special Retirements
- 4** Redundancy with no entitlement to immediate payment of pension benefits
- 5** Disputes Procedure

Preamble

This policy sets out Cherwell District Council's approach to the administration and management of pensions and retirement for employees who are members of the Local Government Pension Scheme (LGPS) or are eligible to join. It incorporates the requirements of the LGPS regulations 2014.

The provision of a contributory pension scheme is an important employee benefit which is valued by both employees and the Council as an employer. Employees are encouraged to join a pension scheme in order to make adequate provision for themselves and their dependents in their retirement or the event of misfortune such as permanent injury or illness or death¹.

Employees are no longer subject to a general retirement date. Employment will therefore continue until it is ended by either the employee giving notice or action by the employer for a specified reason such as redundancy or dismissal for conduct or capability reasons.

The Council acknowledges the importance for employees who are planning to retire to achieve a balance between work and other interests. Managers are encouraged to seriously consider requests for flexible working arrangements which are desired as a variation to the existing contract of employment. However, managers reserve the right to refuse requests where there are sound business reasons which require that the job under consideration can only be carried out effectively on its present basis.

1 To assist with the costs of making pension provision, from April 2014 employees can choose to pay half rate contributions to build up half the standard benefits which may be a more affordable option for some.

1 Pensions

- 1.1 This policy applies to all employees who are members of the LGPS or are eligible to join. Employees with a contract for at least three months; and aged between 16 and 75 will be brought into the LGPS automatically from their first day of employment. Those with a contract of less than three months, and casual employees, have a right to join and will need to opt in (also see para 4 below).
- 1.2 From the first day of employment employees will be able to elect not to be a member of the LGPS. It is not permitted to complete and return an opt-out form until after commencing employment.
- 1.3 Cherwell District Council is legally required to auto-enrol certain employees into a pension scheme once every three years and those affected will be informed in writing on enrolment. Casual employees will be postponed auto-enrolment into the pension scheme for three months. From this point on they will be auto-enrolled if eligible and will need to opt out if they wish to do so.
- 1.4 In order to determine correct pension contribution rates for employees; from 1 April 2014 a continual assessment will be made each pay period using the annual rate of pensionable pay together with any pensionable allowances.
- 1.5 If an employee feels that their contribution rate has not been assessed correctly, they must contact the Payroll Team to ask for a breakdown of the assessment no later than three months following any change. Where it is confirmed that the assessment has been made in accordance with this policy statement and appropriate LGPS Regulations but the employee is challenging the assessment, then the complaint will be referred to the Assistant Director of Human Resources. If a complaint cannot be resolved satisfactorily then employees can use the Adjudicator as in paragraph 5 below.
- 1.6 Employees with more than one job with the Council will be assessed separately for each individual contract of employment.
- 1.7 An employee who has chosen not to contribute to the Local Government Pension Scheme will receive no pension benefits from the Fund under this scheme upon retirement. Redundancy compensation will be paid where appropriate as set out in Paragraph 3.4 below.
- 1.8 The Council will not at any time augment the pension or membership of employees nor award or fund additional pension to employees unless required to do so by the LGPS Regulations

2 Retirement

- 2.1 An employee who is aged 55 or older may choose to leave and draw their pension by giving the appropriate notice. Those employees who have a sufficient period of membership in the pension scheme may choose to receive immediate payment of pension, in accordance with Pension regulations.
- 2.2 From April 2014 members choosing to leave aged between 55 and under age 60 may request immediate payment of their pension. In these circumstances all pension payable (whether built up in the scheme before or after April 2014) will be subject to a full reduction. This means there will be early payment reductions due to the employee not being of full pensionable age. The District Council will not, in any circumstance use its option to waive any or part reduction that may apply in the early payment of a pension under this section. Employees are advised to contact Pension Services for information about any pension entitlement and the arrangements for payment options.
- 2.3 An employee who is aged between 55 and 75 may request “flexible retirement” under the LGPS Regulations. This involves continuing to work and either reducing his/her hours of work or accepting a lower paid job within the Council while receiving an immediate payment of pension benefits. These pension benefits may be reduced or unreduced depending on entitlement. The council will not, in any circumstance use its option to waive any reduction that may apply in the early payment of a pension under this section. Requests for payment of part benefits will not be agreed. This flexible retirement arrangement will only be available where all of the following apply:
- Approval is obtained from the Personnel Committee for statutory officers, Corporate Directors and the Chief Executive and from Corporate Directors for all employees that are Assistant Director level and below. Each case will be considered on its merits, although an application is unlikely to succeed where there are costs to the Council and the benefits to the service are not explicit.
 - There is a mutual agreement between the employee and management that the change in hours or grade can be accommodated and the arrangement is expected to continue for a period of no less than one year.
 - The changes to employment result in a reduction in income of 20 per cent or more of the normal pay of the current contracted employment, either by a reduction in hours or a reduction in grade or a combination of both.
- 2.4 Retirement with an immediate payment of pension before normal pension age may also arise for the reasons set down in paragraphs 3.3 and 3.4 below and is subject to the conditions stated.
- 2.5 An ex-employee who has retired and is receiving a Local Government Pension will not normally be re-employed by the Council unless he/she has been selected by a full recruitment process. However, retired employees may register for short-term casual work without further process by requesting to join the staff bank. All re-employed pensioners and employees who commence employment are required to advise the Authority who pays his/her pension of any new employment as his/her pension may be reduced in accordance with Pension Scheme Regulations and Compensation Regulations.

- 2.6 Employees are advised to seek guidance about the financial implications of continuing to work and starting to draw a LGPS or personal pensions.

3 Special Retirements

- 3.1 In the case of the retirements referred to in paragraphs 3.3 and 3.4 below re- deployment to other appropriate employment will be considered and offered as an alternative to retirement where appropriate and available.

Ill Health Retirements

- 3.2 Where an employee with at least two years' membership of the LGPS has been certified by an independent Occupational Health Advisor as being permanently incapable of discharging his/her duties or other comparable duties due to ill health or infirmity of body or mind, the Council will consider awarding early retirement with immediate payment of a pension in accordance with Pension regulations. Ill health retirement may occur at any age.
- 3.3 Where the ill-health pension is for a limited period and is subsequently suspended, the ex-employee may request early payment of benefits before age 60 in accordance with paragraph 3.4 (b) below.

Other Retirements requiring the Approval of the Pensions Benefits Sub- Committee

- 3.4 Early retirement may be granted for employees aged 55 years and over with at least two years' membership in the LGPS in the circumstances set out in a) to (c) below, taking into consideration the full cost of the retirement and the best interest of the Council.

- a) Redundancy, after the Council's Redundancy Procedure has been followed. In this case employees will receive immediate payment of their pension entitlement and redundancy compensation will be paid where appropriate in accordance with the Cherwell District Council's Redundancy Policy which is the statutory calculation based on actual pay and is not subject to age restrictions.
- b) Where an employee has continuing health problems and it is in the interests of the efficiency of the Council's operations.

In this case immediate payment of pension will be granted to an employee who does not satisfy the Local Government Pension Scheme criteria for retirement on the grounds of ill health, but who is suffering from a substantial medical or psychiatric condition and whose retirement is recommended by the Council's Occupational Health physician because he/she is likely to be significantly less efficient for the foreseeable future due to health reasons.

- c) Where an employee has requested flexible retirement and satisfies the criteria in Paragraph 2.3 above.

4 Redundancy with no entitlement to immediate payment of pension benefits

Where a redundant employee has contributed to the LGPS but has no entitlement to immediate payment of pension, which from April 2014 will include over age 55 with under two years' membership, he/she will receive redundancy compensation, where appropriate, in accordance with the Cherwell District Council's Redundancy Policy which is the statutory calculation based on actual pay and is not subject to age restrictions.

5 Disputes Procedure

Where a member of the LGPS has a dispute regarding his/her pension he/she may refer this as appropriate through the Council's Grievance Procedure or through the process laid down in the Pension Regulations to the Adjudicator.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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