



# **Family Friendly Policies, Support & Guidance**

	<b>Page</b>
<b>INTRODUCTION</b>	<b>5</b>
<b>SECTION 1 - Maternity</b>	<b>5</b>
1.1 Introduction - General Guidelines	5
1.2 Protection against Detriment or Dismissal on Grounds of Pregnancy or Childbirth	7
1.3 Maternity Leave	9
1.4 Statutory Maternity Pay	10
1.5 Occupational Maternity Pay	12
1.6 Notice of Return to Work After Maternity Leave	13
1.7 Rights during Maternity Leave and upon Returning to Work	14
<b>SECTION 2 - Adoption Leave</b>	<b>16</b>
2.1 Introduction - General Guidelines	16
2.2 Length of Adoption Leave	16
2.3 Time off to attend Adoption Meetings	16
2.4 Evidence of Entitlement	16
2.5 Notice of Intention to Take Adoption Leave	17
2.6 Sickness Absence before and during Adoption Leave	17
2.7 End of Child Placement during Adoption Leave	17
2.8 Statutory Adoption Pay	17
2.9 Occupational Adoption Pay	19
2.10 Protection against Detriment or Dismissal on Grounds of Taking or Seeking to Take Adoption Leave	20
2.11 Return to Work after Adoption Leave	21
<b>Frequently Asked Questions</b>	<b>21</b>
<b>SECTION 3 - Paternity Leave</b>	<b>24</b>
3.1 Introduction - General Guidelines	24
3.2 Entitlement to Paternity Leave and Pay	24
<b>SECTION 4 - Shared Parental Leave</b>	<b>26</b>
4.1 Introduction - General Guidelines	26
4.2 What is Shared Parental Leave?	26
4.3 Who is Entitled to Shared Parental Leave?	27
4.4 Entitlement	27
4.5 Keeping in Touch Days – KIT Days	28
4.6 Curtailment Notice	28
4.7 Request Blocks of Leave	28

4.8	Declaration	28
4.9	Fraudulent Claims	29
	<b>Frequently Asked Questions</b>	<b>29</b>
	<b>SECTION 5 - Parental Leave</b>	<b>32</b>
5.1	Introduction - General Guidelines	32
5.2	Exceptions to the parental leave provisions for parents with disabled children	32
5.3	Definition of a Week	32
5.4	Request for Evidence	33
5.5	Postponement of Leave Period	33
5.6	Rights during and after Parental Leave	33
5.7	Stand-By and On-Call Duty	33
5.8	Local Government Pension Scheme	33
5.9	Multiple Contracts	33
	<b>SECTION 6 - TIME OFF FOR DEPENDENTS</b>	
6.1	The Definition of Dependents	34
6.2	The Purpose of the absence	34
6.3	The frequency of absences	36
6.4	The needs of the organisation	36
6.6	Terms and Conditions	36
	<b>GLOSSARY OF TERMS AND ABBREVIATIONS USED</b>	<b>37</b>
	<b>USEFUL CONTACTS / NUMBERS</b>	<b>38</b>
	<b>APPENDICES</b>	<b>39</b>

## **INTRODUCTION**

The Councils are fully committed to helping working parents balance the needs of work and family life, and appreciate the importance of providing greater choice for parents in how they arrange parental care during the first year of a child's life.

This booklet is designed to help answer any questions you may have working at one of the Councils, and outlines what you are entitled to as an employee.

Each section of the booklet will tell you the essential information you will need on notification, leave and pay plus a section of frequently asked questions. If you need further information please contact your HR Business Partner or another member of the HR team.

At the end of the booklet you will find a full suite of the relevant forms in addition to detailed flow charts.

The following areas are covered in this guide:-

### **Maternity Leave**

Maternity Leave is a statutory requirement that all pregnant employees are entitled to. It enables them to take time off to care for their child.

### **Paternity Leave**

Paternity Leave enables a father or partner to take up to 2 weeks leave to help care for the new born baby or newly adopted child.

### **Parental Leave**

Parental Leave enables employees to take time off work to look after a child's welfare. The leave can be taken up to the child's 18<sup>th</sup> birthday and in blocks of a week, up to four weeks a year. The leave is unpaid and up to 18 weeks in total.

### **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 the child.

### **Time off for Dependants Leave**

This enables eligible employees to take a minimum amount of unpaid time off to deal with an emergency relating to a dependant e.g. spouse; child; parent etc.



=

## SECTION 1 – Maternity

### 1.1 INTRODUCTION – General Guidelines

#### Who the scheme applies to

The Maternity Scheme applies to employees as confirmed by their MAT B1.

You will find a helpful flow chart detailing important events and dates to remember for Maternity Leave (*Appendix 1*)

#### Maternity Rights

All pregnant employees are entitled to:-

- *special consideration with regard to health and safety*
- *paid time off for antenatal care*
- *protection against unfair treatment or dismissal*
- *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*

#### Health and Safety

Whilst you are not obliged to notify your manager of your pregnancy until the qualifying week, the Council's Health and Safety 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 at the very earliest opportunity to enable your manager or the Health Safety Manager to complete a risk assessment (*Appendix 2*) 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 will be altered*
- *if it is not reasonable to make such alterations, or if the risk cannot be avoided in this*

*way, you will be offered suitable alternative work*

- *if no suitable alternative work is available, you will be suspended from work - that is given paid leave - for as long as necessary to protect your safety or health*

If you are offered suitable alternative work but you are not prepared to do it, you will lose the right to be paid during suspension.

The need to undertake risk assessments and alter working practices etc. apply if you are pregnant, have given birth within the previous 6 months or if you are breastfeeding. It is particularly important to conduct regular assessments in the lead up to the maternity leave, as the potential risks may change throughout the different stages of pregnancy. Therefore, where appropriate, 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 or our Health and Safety Manager immediately.

### **Time off for antenatal care**

You are entitled to take paid time off, at your normal rate of pay, during your normal working hours to receive antenatal care appointments made on the advice of your doctor, midwife or health visitor.

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. When possible you should try to make the appointment outside of work hours.

From 1 October 2014 fathers to be, partners or nominated carers are entitled to unpaid time off to attend two antenatal appointments (See Paternity Leave section).

### **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 4<sup>th</sup> week before the week in which your baby is due, you will normally transfer at that point to the maternity scheme. Non pregnancy related illness during this 4 week period will be treated as normal sickness absence.

Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.

## **1.2 PROTECTION AGAINST DETRIMENT OR DISMISSAL ON GROUNDS OF PREGNANCY OR CHILDBIRTH**

Regardless of your length of service, you have significant protection to ensure that you do not suffer detriment or dismissal for a reason connected to your pregnancy or recent childbirth.

### **Detrimental treatment**

Your right not to suffer detrimental treatment at work begins as soon as you have told your manager that you are pregnant and lasts up to the end of your ordinary or additional maternity leave. Detrimental treatment in this context does not include dismissal or unfair selection for redundancy on grounds of pregnancy or maternity, as this is a separate right.

You must not be subjected to unfair treatment at work because you:

- ***are pregnant***
- ***have given birth***
- ***have taken, or sought to take, ordinary or additional maternity leave***
- ***have taken, or sought to take, any of the benefits of ordinary maternity leave***
- ***have been suspended from work for health & safety reasons connected to your maternity***

You may seek redress through an employment tribunal if you believe that you have been unfairly treated at work for these reasons.

### **Protection from unfair dismissal during pregnancy or maternity leave**

It is unlawful for an employer to dismiss you, or select you for redundancy in preference to other comparable employees, for reasons connected with:

- ***your pregnancy***
- ***childbirth***
- ***maternity suspension on health & safety grounds***
- ***taking, or seeking to take, ordinary or additional maternity leave***
- ***taking, or seeking to take, any of the benefits of ordinary maternity leave***

You are entitled to make a complaint of unfair dismissal to an employment tribunal if you are dismissed or selected for redundancy in these circumstances. You may also be able to claim unlawful discrimination on grounds of sex or marriage.

If you are dismissed you are entitled to your normal notice or pay in lieu of notice.

An employee dismissed on the grounds of redundancy may also be entitled to a redundancy payment. In addition, a woman absent on ordinary or additional maternity leave has the right, in the event of redundancy, to be offered a suitable alternative vacancy where one is available.

### **Written statement of reasons for dismissal**

If you are dismissed at any time during pregnancy or ordinary or additional maternity leave, you are entitled to receive an accurate written statement of the reasons for your dismissal.

- ***You do not have to request the statement***
- ***This right applies regardless of your length of service***

You may make a complaint to an employment tribunal if you are not provided with a statement, or you receive a statement that you consider to be inadequate or untrue.

## 1.3 MATERNITY LEAVE

### Timing of maternity leave

You can choose to start your maternity leave at any time after the start of the 11<sup>th</sup> week before the week in which your baby is due (EWC) and your maternity leave will start on the day that you have notified.

However, in the last 4 weeks prior to the EWC your maternity leave will begin on the day after you are absent from work wholly or partly due to pregnancy related illness or suspension from work for pregnancy related health and safety reasons.

### Early birth

Your leave will start on the day 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.

### Death of your baby or still-birth

If your baby dies or is stillborn after 24 weeks of pregnancy this scheme applies. Where this occurs before 24 weeks (miscarriage) the Council will give sympathetic consideration to the circumstances and will, where necessary, grant special leave or sick leave, as appropriate to your individual circumstances. This decision will be based upon medical advice and your own individual needs. Where either scenario has sadly taken place it is recommended especially when it is likely you may be returning to work sooner than expected you seek support / ask to be seen by the Council's Occupational Health Advisor via your HR Team. When an early return has taken place, especially after the death of a baby (where appropriate) HR will meet with the you to ensure you have settled back into work.

### Entitlement to ordinary maternity leave

All pregnant employees are entitled to a period of 26 weeks' **ordinary maternity leave**. To take advantage of this maternity leave, you must give your manager proper notification (*Appendix 3*).

At the discretion of the Council, you may be allowed leave without pay after the ordinary maternity leave period.

### Entitlement to additional maternity leave

All pregnant employees are entitled to a period of 26 weeks' **additional maternity leave**. This runs from the day after the last day of the ordinary maternity leave period and continues for a further 26 weeks. To take advantage of this maternity leave, you must give your manager proper notification.

### Compulsory maternity leave

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

### Notification requirements

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



leave by the qualifying week unless this is not reasonably practicable. You will need to tell your manager:

- *that you are pregnant*
- *the date your baby is expected to be born (attach MAT B1 if available)*
- *when you want your maternity leave to commence*

If you wish to change the date of commencement of your maternity 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).

**Note:** Medical evidence usually in the form of a maternity certificate (known as a MAT B1) will be required for SMP purposes. The earliest this can be obtained from your general practitioner or registered midwife is the 20<sup>th</sup> week of pregnancy (an example of a MAT B1 can be found at *Appendix 4*). You can give your manager your notification on any day of the week and your leave can start on any day of the week.

### **The contract of employment during maternity leave**

The contract of employment continues throughout ordinary and additional maternity leave unless you or the Council expressly end it or it expires (for example, temporary contracts).

### **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. The mode of contact is to 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', and would not therefore count towards the 10 days.

### **Working during maternity leave - Keeping In Touch Days (KIT)**

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 agree with your Line Manager to come to work for up to 10 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. NB. You cannot work during the compulsory maternity leave period i.e. the first 2 weeks' of childbirth. There is no statutory entitlement to these work days. Your manager cannot insist that you carry out any work and you have the right to refuse to work. Equally, you cannot insist on being given any work to do. 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 and you will be entitled to receive your salary pro-rated for the days worked. The payment will be in addition to your SMP entitlement. To claim for hours worked you will need to submit a Payment Claim Form directly to payroll for processing. (*Appendix 5*).

## **1.4 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 paid to you by the Council on behalf of the HMRC.

## **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 the Council for at least 26 weeks continuing into the qualifying week (the 15<sup>th</sup> week before your expected week of childbirth);*
- *have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions which applies at the end of the qualifying week;*
- *still be pregnant at the 11<sup>th</sup> week before the baby is due or have had your baby by that time;*
- *have provided medical evidence of the date your baby is due/born within 3 weeks of the start of the maternity pay period. In exceptional cases, this can be extended to 13 weeks if your reason for not providing it earlier is acceptable;*
- *have stopped working for the Council wholly or partly because of pregnancy or confinement;*
- *have notified your manager of the date of commencement of your maternity leave.*

If you satisfy all of these conditions, you qualify for SMP whether or not you intend to return to work after your baby is born, or even if you leave the Council's employment before you want your SMP to start.

## **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 will also be given back any maternity certificate you have provided.

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).

If you are not paid SMP for any reason and you do not agree with the Council's decision about your SMP entitlement, you should ask for a written statement about your Statutory Maternity Pay position. You can then ask the Adjudication Officer for a formal decision. Please contact the Department for Work and Pensions for further information.

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.

## **Changes in circumstances**

You cannot continue to receive SMP if, during the maternity pay period:

- *you start work or return to work after your baby is born, for an employer 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.

SMP will not cease if you return to work for the Council after the maternity pay period has started, either before or after the birth, but you will not be paid SMP for any week or part week in which you work. The maternity pay period is not extended to make up for any such weeks but any SMP lost in this way is always at the lower rate first.

### **The rate of SMP**

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 11<sup>th</sup> week before the expected week of confinement and,*
- *can continue for up to 39 weeks.*

There are two weekly rates of SMP:-

**Earnings Related Rate:** *This is equivalent to 9/10<sup>ths</sup> of your average weekly earnings 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 a flat rate which is reviewed each year and paid for the remaining 33 weeks of the maternity pay period. Human Resources can confirm the current rate on request.*

### **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.

### **Death of your baby**

Even if your baby survives for only an instant, it is considered to be a live birth; not a still-birth. Consequently, you will be entitled to SMP.

If your baby is stillborn after 24 weeks of pregnancy you will receive your entitlement to SMP. Otherwise, Statutory Sick pay may be applicable.

It is advisable that all mum's who experience this sad situation should be referred to Occupational Health before returning to work.

### **Multiple Births**

There is no entitlement to additional SMP for multiple births.

## **1.5 OCCUPATIONAL MATERNITY PAY**

### **Entitlement to occupational maternity pay**

You qualify for occupational maternity pay if you have completed not less than 1 year's continuous local government service at the beginning of the 11<sup>th</sup> week before the week in which your baby is due.

## **The rate of occupational maternity pay**

For the first 6 weeks of your maternity leave you will be entitled to 9/10<sup>ths</sup> of a week's pay offset against payments made by way of Statutory Maternity Pay or Maternity Allowance 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 and half pay followed by a further 21 weeks of flat rate SMP only.

If your half pay plus SMP (or MA and any dependants' allowances if you are not eligible for SMP) comes to more than full pay, it will be reduced accordingly.

## **Conditions attached to receiving half pay**

You will receive 12 weeks' half pay on the understanding that you will return to work for the Council for **at least 3 months**. Should you not do so, you may be required to refund all or part of the 12 weeks' half pay. You do not have to refund 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, providing that you inform Human Resources of your request *before* you start your maternity leave.

## **Calculation of a week's 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.

## **Payment of occupational maternity pay**

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

If you have certain regular deductions 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.

## **1.6 NOTICE OF RETURN TO WORK AFTER MATERNITY LEAVE**

### **Notice required for return to work**

If you intend to return immediately after the end of your additional maternity leave period (52

weeks), you do not need to give advance notice of your return. Your 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 53<sup>rd</sup> week).

However, if you wish to return to work earlier than the end of your entitled maternity leave period, you must give your manager at least 8 weeks' notice of your return date. If you do not provide this notice, the Council may postpone your return for a period of up to 8 weeks, or until the end of the maternity leave period, if this is sooner.

At the very least you must take 2 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 general practitioner which states that you are fit to work. The Council will pay for this certificate.

### **Notice required if the return to work date is changed**

If you wish to change the date of return from maternity leave, you are required to give 8 weeks' notice.

### **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 ordinary or additional maternity leave period, you must provide your manager with a written statement of your resignation giving the notice required by your contract of employment (usually 1 or 2 months which ever applicable). If you had opted to receive half pay for 12 weeks and then choose either not to return to work, or to return to work for less than 3 months, you will be required to refund all or part of this payment.

### **Sickness at the end of ordinary or additional maternity leave**

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

## **1.7 RIGHTS ON AND AFTER RETURN TO WORK AFTER MATERNITY LEAVE**

### **Return to work after ordinary maternity leave**

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

### **Return to work after ordinary maternity leave followed by parental leave**

If you have completed 1 years' service with the Council, either before or during a period of maternity leave, you may be entitled to parental leave which may be taken immediately after ordinary maternity leave (subject to the notice requirements for taking parental leave). Where the period of parental leave taken is 4 weeks or less, you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

Should you take a period of parental leave of over 4 weeks immediately after the end of your ordinary maternity leave, you will have the right to return to the same job on the same terms and conditions as if you had not been absent, unless that is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work which has the same or better status and terms and conditions as your old job.

### **Return to work after additional maternity leave**

After additional maternity leave you will have the right to return to the same job on the same

terms and conditions as if you had not been absent, unless that is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work which has the same or better status and terms and conditions as your old job.

**Return to work after additional maternity leave followed by parental leave**

If you take a period of parental leave immediately after your period of additional maternity leave, you will have the right to return to the same job on the same terms and conditions as if you had not been absent, unless that is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work which has the same or better status and terms and conditions as your old job.



## Section 2 - Adoption Leave

### 2.1 INTRODUCTION – General Guidelines

In order to show a commitment to helping working parents, the Government has approved The Paternity and Adoption Leave Regulations 2002, as part of the Employment Act 2002. This gives a legal right to the provision of adoption leave and pay to eligible employees wishing to adopt in the UK.

#### Who the scheme applies to

The adoption scheme applies to employees who:

- *comply with any request by the Council to produce evidence of the adoption;*
- *give the required notice.*

NB: adoption leave and pay is not available in circumstances where a child is not newly matched for adoption i.e. by a step or foster parent.

### 2.2 LENGTH OF ADOPTION LEAVE

Eligible employees will be entitled to up to 39 weeks' paid ordinary adoption leave (called the Adoption Pay Period - APP), followed immediately by a further 13 weeks' unpaid additional adoption leave.

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).

Adoption leave can commence on any day of the week, but leave can only be taken in whole weeks.

### 2.3 TIME OFF TO ATTEND ADOPTION MEETINGS

Prior to adoption you are entitled to reasonable paid time off, at the normal rate of pay, during normal working hours to attend essential meetings although wherever possible they should be scheduled outside core hours.

### 2.4 EVIDENCE OF ENTITLEMENT

The employee is required to produce a matching certificate as evidence of their entitlement to adoption leave and for Statutory Adoption Pay (SAP) purposes. This 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.*

## **2.5 NOTICE OF INTENTION TO TAKE ADOPTION LEAVE**

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 of the match with a child for adoption unless this is not 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 Application Form (*Appendix 6*) 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).

Ordinary adoption leave 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 date of placement.*

## **2.6 SICKNESS ABSENCE BEFORE AND DURING ADOPTION LEAVE**

If you are sick prior to the date of commencement of your adoption leave you will remain on sickness absence until you inform your line manager that you are well, when your adoption leave will recommence. However, there will be no extension to the agreed adoption leave period as a result of the sickness absence.

## **2.7 END OF CHILD PLACEMENT DURING ADOPTION LEAVE**

If the child placement ends during adoption leave or the child dies during adoption leave, and more than eight weeks adoption leave remains, you will be entitled to eight weeks adoption leave following the date you were notified of the placement ending or the date of the child's death. If you commence adoption leave and the proposed placement is terminated then adoption leave (and pay if applicable) will be available for eight weeks following notification that the child will not be placed.

## **2.8 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. SAP is paid to you by the authority on behalf of the HMRC.

### **The right to SAP**

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

- *produce 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 of not less than the lower earnings limit for the payment of National Insurance contributions which applies at the end of the qualifying week;*
- *have stopped working for the Council wholly or partly because of the adoption.*

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

### **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.

If you are not paid SAP for any reason and you do not agree with the Council's decision about your SAP entitlement, you should ask for a written statement about your SAP position. You can then ask the Adjudication Officer for a formal decision. Please contact the Department for Work and Pensions for further information.

### **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 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.

### **The rate of SAP**

SAP is payable for a maximum of 39 weeks. The rate of SAP will be the statutory amount or 90% of weekly average earnings, whichever is lower.

*If you return to work your SAP will cease, and you will not be paid for part weeks.*

### **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.

## **2.9 OCCUPATIONAL ADOPTION PAY**

### **Entitlement to occupational adoption pay**

You qualify for occupational adoption pay if you have completed not less than one year's continuous local government service at the beginning of the 11th week before the week of

placement.

### **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 flat rate SAP and half pay followed by a further 21 weeks of flat rate SAP only.

If your half pay plus SAP comes to more than full pay, it will be reduced accordingly.

### **Conditions attached to receiving half pay**

You will receive 12 weeks' half pay on the understanding that you will return to work for the Council for at least three months. Should you not do so, you may be required to refund all or part of the 12 weeks' half pay. You do not have to refund 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, providing that you inform payroll of your request before you start your adoption leave.

### **Calculation of a week's 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.

### **Payment of occupational adoption pay**

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

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

Human Resources 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.

### **The contract of employment during adoption leave**

The contract of employment continues throughout ordinary and additional adoption leave unless you or the Council expressly end it or it expires (for example, temporary contracts).

### **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 is to 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 days.

### **Working during adoption leave - Keeping In Touch Days (KIT)**

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 agree with your line manager to come to work for up to 10 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. There is no statutory entitlement to these work days. Your manager cannot insist that you carry out any work and you have the right to refuse to work. Equally, you cannot insist on being given any work to do. 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 and you will be entitled to receive your salary pro-rated for the days worked. The payment will be in addition to your SMP entitlement. To claim for hours worked you will need to submit a Payment Claim Form directly to payroll for processing (*Appendix 5*).

## **2.10 PROTECTION AGAINST DETRIMENT OR DISMISSAL ON GROUNDS OF TAKING OR SEEKING TO TAKE ADOPTION LEAVE**

Regardless of your length of service, you have significant protection to ensure that you do not suffer detriment or are dismissed for reasons relating to taking, or seeking to take, adoption leave.

Detrimental treatment in this context does not include dismissal or unfair selection for redundancy on grounds of taking, or seeking to take, adoption leave, as this is a separate right. Employees who believe they have been unfairly treated are entitled to make a complaint to an employment tribunal.

### **Redundancy during Adoption leave**

It is unlawful for an employer to dismiss you, or select you for redundancy in preference to other comparable employees, for reasons connected with your request to seek to take or take adoption leave.

If a redundancy situation has arisen either during your adoption leave or upon your return to work, you have the right to be offered a suitable and appropriate alternative vacancy, where there is one, with employment rights that are not substantially less favourable than you had before your adoption leave.

If you are dismissed you are entitled to your normal notice or pay in lieu of notice and where you are dismissed on the grounds of redundancy you may also be entitled to a redundancy payment.

## **2.11 RETURN TO WORK AFTER ADOPTION LEAVE**

### **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 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, 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 for a period of up to eight weeks, or until the end of the adoption leave period, if this is sooner.

### **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 (usually one or two months).

### **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.

### **Rights on return to work after ordinary adoption leave**

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

### **Rights on return to work after additional adoption leave**

After additional adoption leave you will have the right to return to the same job on the same terms and conditions as if you had not been absent, unless that is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work which has the same or better status and terms and conditions as your old job.

### **Rights on return to work after adoption leave and parental leave**

If you take a period of parental leave immediately after your period of ordinary adoption leave, you will have the right to return to the same job on the same terms and conditions as if you had not been absent, unless that is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work which has the same or better status and terms and conditions as your old job.

## **FREQUENTLY ASKED QUESTIONS**

### **Does my Maternity / Adoption leave count towards continuous service?**

If you return to local government service following a break for maternity / adoption reasons, you will be entitled to have previous service taken into account in respect of the provisions relating to sickness payments and maternity / adoption leave provided that your break in service does not exceed 8 years and also provided that no permanent full-time paid employment has intervened.

For the purposes of the calculation of annual leave entitlement, the 8 years' time limit does not apply, provided that no permanent full-time paid employment has intervened.

### **What happens to about my holiday entitlement?**

Your entitlement to annual leave remains unaffected by maternity / adoption leave. The amount of annual leave that you have accrued in the current leave year will be dependent upon the timing of your maternity leave.

Subject to agreement by your manager, you should ensure that you take your accrued annual leave prior to the commencement of your maternity leave. The balance of annual leave can be taken following your return to work.

Should you resign during, or at the end of your maternity leave, you may be entitled to payment for the balance outstanding (calculated as 1/12th of your annual leave entitlement for each completed month of service up to the date of your resignation).

If you have chosen not to take the annual leave you have accrued prior to commencing your maternity leave then there is no facility to provide payment to you for that proportion of leave not taken.

### **Am I entitled to any pay increases whilst I'm on maternity leave?**

You will benefit from any pay increases or improvements to your terms and conditions which happen whilst you are have been on maternity / adoption leave.

On your return for maternity / adoption leave, once the final appraisal has taken place for the year in question, your increment can be awarded (If applicable) and backdated to April. Please see Incremental Pay Progression Policy for more detail.

### **Local Government Pension Scheme**

If you are a member of the Local Government Pension Scheme you will continue to make contributions on the pay received. As your employer we protect your pension if there is a period of reduced pay by way of Assumed Pensionable Pay. This means your pension in the CARE scheme will based on the Assumed Pensionable Pay, rather than on your reduced earnings.

For a period of no pay, you will have the opportunity to make Additional Pension Contributions (APCs) to reinstate your own 'lost pension' and if this option is taken up within 30 days of your return to work, as your employer, we will pay 2/3rds of the cost by way of a Shared Cost APC.

### **Will I continue to receive or have to pay any allowance agreements?**

#### **Assisted car (or cycle) purchase scheme**

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

#### **Standby duty payments**

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

**Essential user car allowance**

Employees entitled to essential car user allowance will continue to receive essential user car allowance (pro rata for part time employees) throughout the period of maternity / adoption leave.

**Will I have to return any electronic devices while on maternity leave?**

Yes, all electronic devices (e.g. mobile phones, ipads etc.) will be handed over to the person providing cover or your line manager at the start of your maternity / adoption leave.

**What happens if I am on a secondment?**

If the secondment is due to end whilst you are on maternity leave then at that point your pay will reflect any changes in salary due as a result (if applicable) and you will return from your maternity leave to your substantive post. Alternatively, if the secondment is due to continue or is renewed, you will return to that role.



## SECTION 3 – Paternity Leave

### 3.1 INTRODUCTION – General Guidelines

Paternity leave is available to all employees to assist in the care of a child and to provide support to the mother at or around the time of the birth.

The eligibility criteria are:

- the man is the baby's biological father or the partner / husband of the mother
- the man has (or expects to have) responsibility for the baby's upbringing
- Appropriate notice has been given by completion of the self-certificate form

The qualification is that you have or expect to have responsibility for the upbringing of the child and you are the baby's biological father or the husband or partner (including same sex or civil partners) of the mother.

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

### 3.2 ENTITLEMENT TO PATERNITY LEAVE AND PAY

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

Employees who have completed 26 week's 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 week's 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.

#### Notification Requirements

The employee has an obligation to inform their line manager of the intention to take ordinary paternity leave by the end of the qualifying week. The employee must provide the following details, by completing and submitting the ordinary paternity leave notification form, you will need to submit a Payment Claim Form directly to payroll for processing (Appendix 7):

- the week the baby is expected
- the start date of the leave to be taken
- the duration of leave to be taken

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 ordinary 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. A new form should be completed as soon as possible, specifying the new date, and further approval sought.

### **Sickness Absence**

If you are on sickness absence prior to starting a period of paternity leave, then the paternity leave should be postponed until you are well, and a new Paternity Leave Application Form should be completed. The 56-day period in which paternity leave should be taken will not be extended under these circumstances.

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

### **Standby Allowance**

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

### **Rights during and after paternity leave**

A male employee who qualifies for paternity leave is entitled to:

- return to the same job
- return to the same terms and conditions of employment
- not be subjected to a disadvantage, unfair treatment or dismissal.

Continuous service is unaffected by Paternity Leave.





## SECTION 4 – Shared Parental Leave

### 4.1 INTRODUCTION – General Guidelines

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 on or after 5 April 2015. 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 52 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. Eligible employees are entitled to submit up to three 'period of leave' notices and are entitled to take SPL on those dates if a continuous period of leave is requested.

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.

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

### 4.2 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.

### 4.3 WHO IS ELIGIBLE FOR SHARED PARENTAL LEAVE?

To qualify for SPL:

- *be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (each will be referred to in this policy as a parent).*
- *have (or share with the other parent) the main responsibility for the care of the child.*
- *have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant*

*week*’).

- *still be in continuous employment until the week before any SPL is taken.*
- *have curtailed, or given notice to reduce, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave).*

A parent intending to take SPL must:

- *be an employee.*
- *share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption.*
- *have properly notified their employer of their entitlement and have provided the necessary declarations and evidence.*

In addition, a parent wanting to take SPL is required to satisfy the ‘continuity of employment test’ and their partner must meet the ‘employment and earnings test’.

- *have at least 26 weeks’ employment (employed or self-employed) out of the 66 weeks prior to the relevant week*
- *have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week.*

#### **4.4 ENTITLEMENT**

Eligible parents will be able to share a maximum of 50 weeks leave and 39 weeks statutory pay, for the purpose of caring for a child within the first year of the child’s life or in the year after the child is placed for adoption.

Shared parental leave cannot be taken until after the birth/placing of the child and only applies to babies born or children placed on or after 5th April 2015.

Partners do not have to work for the councils 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.

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.

##### **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. If due to organisational change your role no longer exists you would be managed in accordance with the

organisational change policy.

#### **4.5 KEEPING IN TOUCH DAYS – KIT 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 SPP 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.

#### **4.6 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 (*Appendix 9*).

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 leave.

##### **Notice of Entitlement**

Before taking leave, a notice of entitlement and intention to take shared parental leave, must be submitted (*Appendices 10 and 11*). 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.

#### **4.7 REQUEST BLOCKS OF LEAVE**

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 Councils 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.

#### **4.8 DECLARATION**

Each **parent** must submit a signed declaration (*Appendices 10 and 11*) to their line manager with the notice of entitlement and intention, stating:

- *their full name;*
- *their partners 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).*

#### **4.9 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.

## **Frequently Asked Questions – Shared Parental Leave**

### **How will Shared Parental Leave operate?**

Parents will be able to take it in turns to have periods of leave to care for the child, and/or take leave at the same time as each other.

### **Can employees on Shared Parental Leave take KIT days?**

Yes, employers and employees can agree up to 20 KIT days during SPL without bringing the leave to an end. These can be used either to undertake work or, for instance, to attend meetings, team events or training. Both parents have up to 20 keeping-in-touch days each, which can be taken as single days or in blocks of days. This is in addition to the 10 keeping-in-touch days available to the mother or primary adopter during maternity leave or adoption leave.

### **Can employees be made redundant while on SPL and do they have any special rights?**

Yes, an employee whose role becomes redundant while he or she is on SPL must be offered any suitable alternative vacancy. Where an appropriate vacancy exists the employer must offer the employee the alternative employment under a new contract that begins on the day immediately following the day on which the previous contract comes to an end. The new role must be suitable in relation to the employee and appropriate for the employee to do in the circumstances, and the terms of the new contract must not be substantially less favourable than those of the previous contract.

Where a suitable vacancy exists and the employer fails to offer it, an employee's dismissal will be automatically unfair. However, where the employee rejects the alternative employment, or no suitable vacancy exists, the employer will be entitled to dismiss by reason of redundancy.

### **Does an employee have the right to return to the same job after taking a period of SPL?**

An employee has the right to return to the same job after taking a period of SPL if the period of leave, when added to any period of statutory maternity, paternity or adoption leave taken by the employee in relation to the same child, is 26 weeks or less.

In these circumstances, the employee has the right to return to the job in which he or she was employed immediately before the absence. The job must be the same in terms of the nature of the work, the capacity in which he or she is employed and the place of work. The

employee is entitled to no less favourable terms and conditions, with similar seniority and pension rights and as if he or she had not been absent.

An employee's right to return to the same job is qualified if returning after taking SPL that:

- *totals more than 26 weeks when added to any period of statutory maternity, paternity or adoption leave taken by the employee in relation to the same child; or*
- *was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, a period of additional maternity leave or a period of additional adoption leave.*

In these circumstances, the employee has the right to return to the same job unless it is not reasonably practicable for the employer to permit this, in which case the employee has the right to return to another job that is both suitable for him or her and appropriate for him or her to do in the circumstances.

### **Can an employee take SPL if his or her partner is self-employed?**

Yes, an employee can be eligible to take shared parental leave if his or her partner is self-employed, as long as the partner meets the relevant requirements relating to employment and earnings.

The employee's partner must have:

- *been engaged in employment either as an employed or self-employed earner for any part of the week in at least 26 of the 66 weeks immediately before the expected week of birth (or the week of notification of matching for adoption); and*
- *average weekly earnings of at least £30 in at least 13 of those 66 weeks.*

### **Can employees still take ordinary paternity leave once SPL is in force?**

Yes, eligible employees will still be able to take one or two weeks' ordinary paternity leave within the first 56 days following the child's birth, once shared parental leave is in force. However, reg.4 of the draft Paternity and Adoption Leave (Amendment) Regulations 2014 provides that an employee cannot take ordinary paternity leave if he or she has already taken a period of SPL in relation to the same child. Therefore, an employee can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first.

### **Can both parents take SPL at the same time?**

Yes, both parents can be absent from work on SPL at the same time.

The amount of SPL that the parents can share is 50 weeks, minus the amount of maternity leave taken by the mother, or adoption leave taken by the primary adopter. All leave must be taken before the child's first birthday, or before the first anniversary of the day on which the child was placed for adoption.

### **Can an employer refuse an employee's request to take SPL or require him or her to take it at a different time? What is "discontinuous leave" under the SPL scheme?**

An employee who is eligible for SPL can request to take discontinuous periods of leave, i.e. he or she can take a period of SPL, then return to work, then take a further period of SPL.

SPL must be taken in blocks of at least one week. All leave must be taken before the child's first birthday, or before the first anniversary of the adoption placement.

When an employee gives the employer a period of leave notice, he or she can request either a single block of leave or discontinuous periods of leave. If the employee requests **discontinuous** leave, the employer **can refuse the request** and require the employee to withdraw the request or take the leave in a continuous block. The employer has 14 days in which to agree the pattern of leave request, or negotiate alternative dates.

However, if an employee requests a **continuous** period of leave, the employer **must agree to it**.

Employees can submit up to three separate leave notices. Therefore, an employee can take three separate blocks of leave, provided that he or she gives his or her employer a separate notice of each period of leave, at least eight weeks before it starts.

### **Do employees continue to accrue annual leave during a period of SPL?**

Yes. Entitlement to 5.6 weeks' statutory annual holiday continues to accrue during shared parental leave. Any contractual holiday in excess of this also continues to accrue, as employees are entitled to benefit from all of their contractual terms and conditions (with the exception of remuneration) for the duration of any period of shared parental leave.

### **Local Government Pension Scheme**

If you are a member of the Local Government Pension Scheme you will continue to make contributions on the pay received. As your employer we protect your pension if there is a period of reduced pay by way of Assumed Pensionable Pay. This means your pension in the CARE scheme will be based on the Assumed Pensionable Pay, rather than on your reduced earnings.

For a period of no pay, you will have the opportunity to make Additional Pension Contributions (APCs) to reinstate your own 'lost pension' and if this option is taken up within 30 days of your return to work, as your employer, we will pay 2/3rds of the cost by way of a Shared Cost APC.



## SECTION 5 – Parental Leave

### 5.1 INTRODUCTION – General Guidelines

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 leave.*
- *The leave must be taken before the child's 18th birthday or the 18th anniversary of the adoption of the child.*
- *The leave is in respect of each child for whom the employee has parental responsibility. For example, parents of triplets are entitled to 54 weeks (if they can afford to take the time off without payment).*
- *The leave can be for any purpose connected with the care of the child.*
- *No more than four weeks parental leave can be taken in any one year.*
- *In default of any agreement to the contrary parental leave may only be taken in blocks of one week or multiples of a week.*
- *21 days' notice must be given of the intention to take leave, and of when the leave begins and ends by using the Parental Leave Request (Appendix 12).*

### 5.2 EXCEPTIONS TO THE PARENTAL LEAVE PROVISIONS FOR PARENTS WITH DISABLED CHILDREN

The following principles apply to parents of disabled children (disability is defined as being entitled to disability living allowance).

- *they are not required to take leave in blocks of full weeks.*
- *the maximum leave entitlement of four weeks is not imposed.*

### 5.3 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.

Where an employee takes leave in periods shorter than what constitutes for them a week's leave under either of the above, then a week's leave is completed when the total of the shorter periods are equal to what does in fact constitute one week.

#### **5.4 REQUEST FOR EVIDENCE**

On applying for parental leave, the employee must provide evidence of the child's date of birth, the employee's responsibility or expected responsibility of the child, and if applicable the child's entitlement to a disability living allowance. This evidence should be attached to the parental leave application form.

#### **5.5 POSTPONEMENT OF LEAVE PERIOD**

The 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 the request for leave, stating the reason for the postponement, and specifying the new dates the leave may be taken with the agreement of the employee. (This should be done within six months of the original parental leave dates).

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.

#### **5.6 RIGHTS DURING AND AFTER PARENTAL LEAVE**

An employee who qualifies for parental leave is entitled to:

- *return to the same job if reasonably practicable, otherwise to another job that is suitable.*
- *return to the same terms and conditions of employment.*
- *not be subjected to a disadvantage, unfair treatment or dismissal.*

Annual leave entitlement and continuous services are unaffected during parental leave.

#### **5.7 STAND-BY AND ON-CALL DUTY**

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

#### **5.8 LOCAL GOVERNMENT PENSION SCHEME**

Pension contributions will be deducted in the normal way from any payment you receive during your parental leave period.

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.

#### **5.9 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.





## SECTION 6 - TIME OFF FOR DEPENDENTS

### 6.1 THE DEFINITION OF DEPENDENTS

Employees have the right to take a reasonable amount of time off work for their dependants. Dependants in respect of whom an employee can take time off are:

- the employee's spouse or civil partner
- the employee's child
- the employee's parent
- a person who lives in the employees household (excluding tenants, lodgers and employees)
- a person who reasonably relies on the employee for assistance in the event of an accident or for care in the event of an illness or injury, for example an elderly neighbour
- in relation to the disruption or termination of care for a dependant, a person who reasonably relies on the employee to make arrangements for the provision of care.

### 6.2 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 care to a dependant who is ill or injured
- deal with the death of a dependant
- deal with the unexpected disruption or termination of arrangements for the care of a dependant
- deal with an incident involving the employee's child during school hours.

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.

- **Providing assistance if a dependant falls ill, gives birth or is injured or assaulted:** Providing assistance includes, for example, providing immediate care to a dependant to deal with an unexpected incident, or seeking medical attention for the dependant. However, it does not include taking a dependant to a planned medical

appointment or providing care beyond the reasonable amount necessary in an immediate crisis. Illness includes physical and mental conditions, and the employee's dependant does not need to have a serious or life-threatening condition. An employee who is the parent of a pregnant woman, or who is an expectant father who has chosen to take paternity leave several weeks after the birth of the child, may be entitled to accompany the expectant mother when she attends hospital for the purpose of giving birth, for example.

- **Making arrangements to provide care to a dependant who is ill or injured:** If, for example, an employee's partner has an accident, the employee is entitled to take time off work to make arrangements for someone to care for the dependant at home while he or she recovers. However, the employee would not be entitled to take, say, two weeks off work to care for the individual until he or she has fully recovered.
- **To deal with the death of a dependant:** This includes making logistical arrangements following the death of a dependant, for example making funeral arrangements and attending the funeral. It does not include, for example, time off for bereavement counselling.
- **To deal with the unexpected disruption or termination of arrangements for the care of a dependant:** This includes providing immediate care or making arrangements for long-term care following a breakdown of the dependant's care arrangements. For example, an employee may be able to take a day off work to look after his or her child or to arrange alternative care for the child if the child's nanny is sick. It does not include providing long-term care for the child.
- **To deal with an incident involving the employees' child during school hours:** This includes, for example, where a parent needs to attend his or her child's school because the child has been involved in a fight or accident.

Examples of absences permitted under the right to time off for dependants	Examples of absences not permitted under the right to time off for dependants
Taking a spouse to hospital after he or she has had an accident.	Attending planned surgery with a spouse.
Emergency assistance to an elderly neighbour who has broken his or her leg.	Doing the weekly shopping for an elderly neighbour.
Dealing with probate following the death of a spouse.	Grieving for a spouse.
Taking a child to a relative's house when the child's nanny is sick.	The long-term care of a child where the child's nanny has left the employees employment.
Looking after a child because of school closure following flooding.	Looking after a child during half term.

### **6.3 FREQUENCY OF THE ABSENCE**

The legislation permitting employees to take time off for dependants does not place a limit on the number of times that employees can take time off work. For example, where an employee has a young son who, over the course of a year, is unable to attend school on several separate occasions due to sickness (because he has chicken pox, then an ear infection, then a sore throat) the employee will be entitled to take time off on each occasion.

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.

### **6.4 THE NEED OF THE ORGANISATION**

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.

#### **The Procedure**

All line managers should familiarise themselves with this policy. The policy includes an application form which an employee should complete on their return to work and forward to directly to payroll for processing once authorised by their line manager. All time off for dependents is unpaid payroll will arrange for payroll to adjust the employees' salary accordingly. (*Appendix 13*).

### **6.5 TERMS AND CONDITIONS**

Employees are not entitled to be paid while they are taking time off for dependants. However, all of the other terms and conditions of employment are preserved. For example, annual leave continues to accrue while the employee is absent.

## **GLOSSARY OF TERMS AND ABBREVIATIONS USED**

**The following terms and abbreviations are used in this booklet:**

<b>CONFINEMENT</b>	The birth of a living child, or the birth of a child whether living or dead, after 24 weeks of pregnancy.
<b>EWC</b>	Expected Week of Confinement - the week in which the baby's birth is expected to fall.
<b>ORDINARY MATERNITY LEAVE</b>	The first 26 weeks of leave
<b>ADDITIONAL MATERNITY LEAVE</b>	The last 26 weeks of leave (52 weeks in total)
<b>SMP</b>	Statutory Maternity Pay
<b>SPL</b>	Shared Parental leave
<b>MPP</b>	Maternity Pay Period (the period during which SMP is payable; a maximum of 39 weeks).
<b>EARNINGS RELATED RATE SMP</b>	9/10 <sup>ths</sup> of average weekly earnings payable for the first 6 weeks of the MPP.
<b>FLAT RATE SMP</b>	A set rate per week or 90% of earnings if this is less than the set rate which is reviewed each year and which is payable for the remaining weeks of the MPP (up to 33).
<b>LOWER EARNINGS LIMIT</b>	Lower Earnings Limit for National Insurance contribution purposes.
<b>MAT B1</b>	Maternity Certificate showing the expected date of the baby's birth.
<b>QW</b>	Qualifying Week (the 15 <sup>th</sup> week before the EWC).

## USEFUL CONTACTS

For all general queries, in the first instance contact your line manager, or your HR Business Partner.

**Family and Childcare Trust** – aims to make the UK a better place for families, through research, campaigning and information provision, and working with government, employers and parents to reduce pressures on family life.

t: 020 7940 7510

e: [info@familyandchildcaretrust.org](mailto:info@familyandchildcaretrust.org)

**The Miscarriage Association** – Information and support on miscarriage and ectopic pregnancies.

t: 01924 20000799

e: [www.miscarriageassociation.org.uk](http://www.miscarriageassociation.org.uk)

**Tommy's** – Information aimed at understanding and preventing premature birth, miscarriage and still births.

t: 0207 398 3400

e: [www.tommys.org](http://www.tommys.org)

**Adoption UK** – Support, during and after adoption.

t: 0844 848 7900

e: [www.adoptionuk.org](http://www.adoptionuk.org)

**Sands** - supports anyone who has been affected by the death of a baby before, during or shortly after birth. We offer emotional support and information for parents, grandparents, siblings, children, families and friends, health professionals and others.

t: 0808 8020925

e: [www.uk-sands.org](http://www.uk-sands.org)

**Gingerbread** – Providing free advice, training, and practical support for single parents and campaigns to improve the lives of all single parent families.

t: 0808 8020925

e: [www.gingerbread.org.uk](http://www.gingerbread.org.uk)

**Age Concern** – Is the largest charitable movement in the UK concerned with the needs of older people.

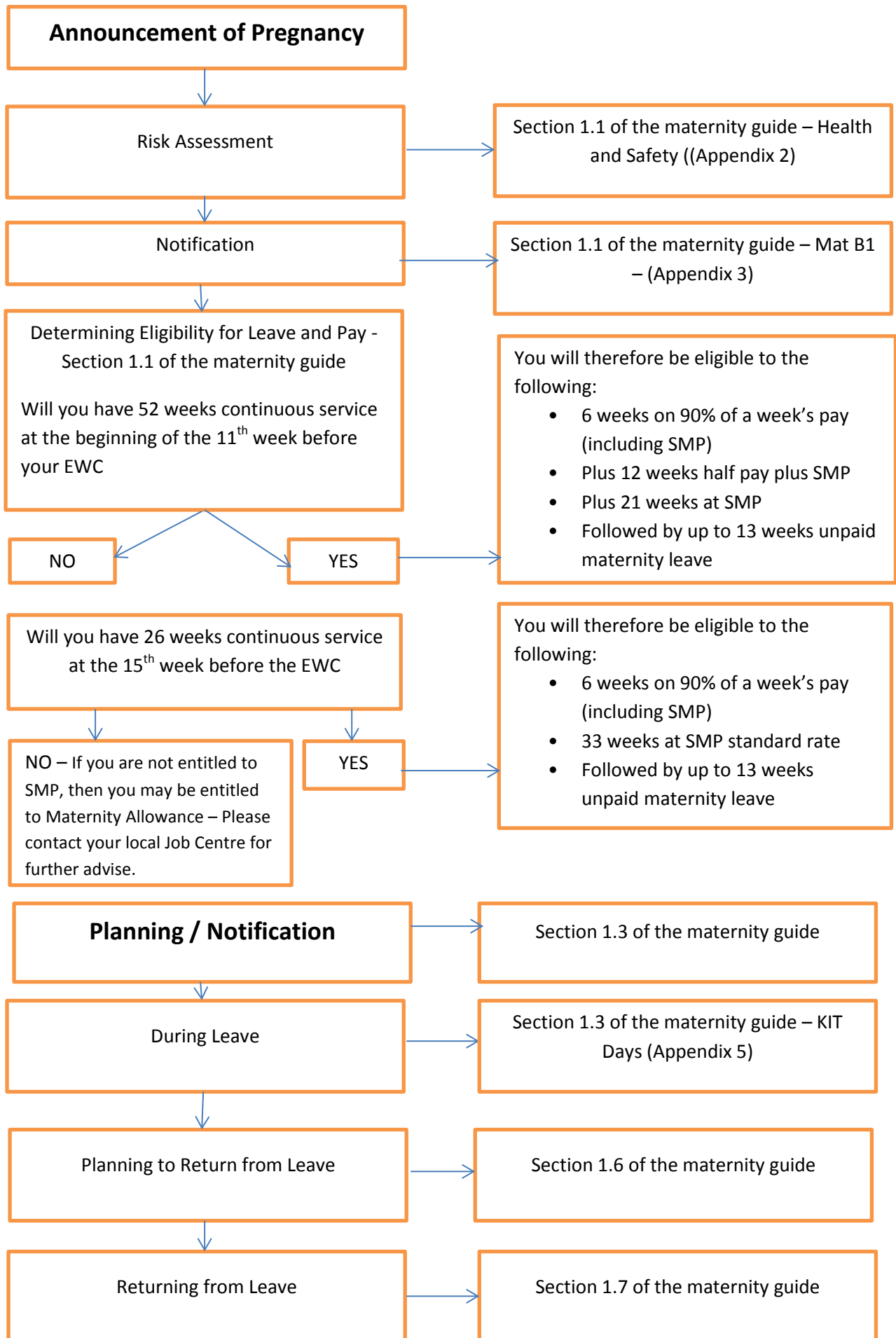
t: 0800 1696565

e: [www.ageuk.org.uk](http://www.ageuk.org.uk)

## **APPENDICES**

Appendix 1	Maternity Flow Chart
Appendix 2	Risk Assessment Record Sheet for New or Expectant Mothers
Appendix 3	Maternity Leave Notification Form
Appendix 4	Example MAT B1 Form
Appendix 5	Payment Claim Form
Appendix 6	Adoption Leave Application Form
Appendix 7	Ordinary Paternity Leave Request Form
Appendix 8	Flow Chart for Shared Parental Leave
Appendix 9	Maternity Leave Curtailment Notice
Appendix 10	Shared Parental Leave Notice of Entitlement and Intention (mother)
Appendix 11	Shared Parental Leave And Paternity Request
Appendix 12	Parental Leave Application Form
Appendix 13	Time off for Dependants

## Maternity Leave Overview





**RISK ASSESSMENT RECORD SHEET FOR NEW OR EXPECTANT MOTHER**

The Management of Health and Safety at Work Regulations (1999) include specific regulations that protect this group. The regulations cover those women who are pregnant, given birth within the last 6 months and those who are breastfeeding. Once a worker advises their employer they are pregnant they are required to conduct a risk assessment and take any appropriate measures to ensure health and safety.

Hazard		To Whom	See Overleaf for Guidance					Existing Control Measures	Additional Measures to Reduce Risk	Actions Required / Remarks
Process	Harm		(S)	(L)	Risk Rating					
					H	M	L			
Manual Handling Operations					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Workstation					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
General Working Environment					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Mental and Physical Fatigue					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Working Alone					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
General Health and Well-being					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Name of Assessor (Please print)		Assessor's Signature			Position			Date of Next Review		
Employee (Please print)		Employee's Signature			Date					



**APPENDIX 3**



South Northamptonshire Council



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**MATERNITY LEAVE NOTIFICATION FORM**

Name of employee	
Council	<input type="checkbox"/> CDC <input type="checkbox"/> SNC
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 15<sup>th</sup> week before the Expected Week of Childbirth.**

**The earliest date for the commencement of maternity leave is at the beginning of the 11<sup>th</sup> week before the week in which your baby is due.**

My expected date of childbirth is:	
The date of the 11 <sup>th</sup> 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"/>
<b>If Yes:</b> 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	
--------------------------------	--

### APPENDIX 3

<input type="checkbox"/> E-mail			
<b>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:</b>			
<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.		
<b>HR will need your MAT B1, please select the option that applies to you:</b>			
<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 4

EXAMPLE OF A MATERNITY CERTIFICATE

This is your MATERNITY CERTIFICATE

Use this certificate if you want to claim

Statutory Maternity Pay (SMP) or Maternity Benefits

Before you use the certificate, please fill in your name and address below

Your full name \_\_\_\_\_
Your address \_\_\_\_\_
and postcode \_\_\_\_\_

More information

There is more information about Statutory Maternity Pay and Maternity Allowance in leaflet NI17A A Guide to Maternity Benefits. You can get this leaflet from any Social Security office.

For advice about Statutory Maternity Pay contact your Inland Revenue (NI Contribution) Office. For advice about Maternity Allowance contact your local Social Security office. There are time limits for claiming. You may lose money if your claim is late.

Statutory Maternity Pay (SMP)

You may be entitled to payments from your employer if you have worked for the same employer from the beginning of your pregnancy into the 15th week before the week when you expect to have your baby (your 26th week of pregnancy).

Ask your employer if you can get SMP. Do this now.

Maternity Allowance

This is a benefit you may be entitled to if you are self-employed, you do not have an employer, or your employer cannot pay you SMP.

If you think you may be entitled to Maternity Allowance get form MA1 from a Social Security office, a maternity clinic or child health clinic.

Sure Start Maternity Grant from the Social Fund

You may be able to get this payment if you or your partner are getting Income Support, income based Jobseekers Allowance, Working Families Tax Credit or Disabled Persons Tax Credit, or you get one of the above named benefits within 3 months of the birth of your baby.

For advice contact your local Social Security office.

Child Benefit

Claim Child Benefit when your baby is born. Use the claim form in your hospital bounty pack, or if you did not get a bounty pack you can get a claim form from a Social Security office.

Claim as soon as you can after the baby is born - benefit can only be backdated for up to 3 months.

MAT B1

Please fill in this form in ink

Name of patient

Part A

Fill in this part if you are giving the certificate before the confinement.

Do not fill this in more than 20 weeks before the week when the baby is expected.

I certify that I examined you on the date given below. In my opinion you can expect to have your baby in the week that includes .../.../...

Week means a period of 7 days starting on a Sunday and ending on a Saturday.

Date of examination .../.../...

Date of signing .../.../...

Signature

TO THE PATIENT

Please read the notes on the back of this form

Part B

Fill in this part if you are giving the certificate after the confinement.

I certify that I attended you in connection with the birth which took place on .../.../... when you were delivered of a child [ ] children.

In my opinion your baby was expected in the week that includes .../.../...

Registered midwives

Please give your UKCC Personal Identification Number and the expiry date of your registration with the UKCC

Doctors

Please stamp your name and address here if the form has not been stamped by the Health Authority in whose medical list you are included.

[Empty box for doctor stamp]

## APPENDIX 5



South Northamptonshire Council



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

### MATERNITY/ ADOPTION/ SHARED PARENTAL LEAVE PAYMENT CLAIM FORM – KIT DAYS

Name of employee	
Council	<input type="checkbox"/> CDC <input type="checkbox"/> SNC
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	

## APPENDIX 6



South Northamptonshire Council



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

### ADOPTION LEAVE APPLICATION FORM

Name of employee		
Council	<input type="checkbox"/> CDC	<input type="checkbox"/> SNC
Department		
Job Title		
I am adopting a child and wish to apply for statutory adoption pay and statutory adoption leave.		

#### You must be able to tick all the boxes below to get Statutory Adoption Pay.

I declare that:-

- I enclose the matching certificate as evidence of the adoption.
- I have given 28 days notice of when I wish my Statutory Adoption Pay to commence (or where this is not reasonably practicable then as soon as possible).
- I have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions which applies at the end of the qualifying week
- 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 given the matching certificate on	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		
Signed Head of Service	Date		
Distribution	Payroll <input type="checkbox"/>	Human Resources <input type="checkbox"/>	Line Manager <input type="checkbox"/>

## APPENDIX 7



South Northamptonshire Council



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

### PATERNITY LEAVE APPLICATION FORM

Name of employee

Council

CDC

SNC

Department

Job Title

You must be able to tick all boxes below to qualify for Paternity Leave

**I declare that:-**

I am the baby's biological father, **or**  
I am married to the mother, **or**  
I am in an enduring family relationship with the mother / adopter **but am not an immediate relative**

I have responsibility for the child's upbringing

The purpose of this period of leave will be to care for the child

I understand that making a false claim for Paternity Leave could constitute gross misconduct

The baby was born/started living with us on:

I want to be away from work for one  / two  weeks and I would like my paternity leave and pay to commence on:

Signed Employee

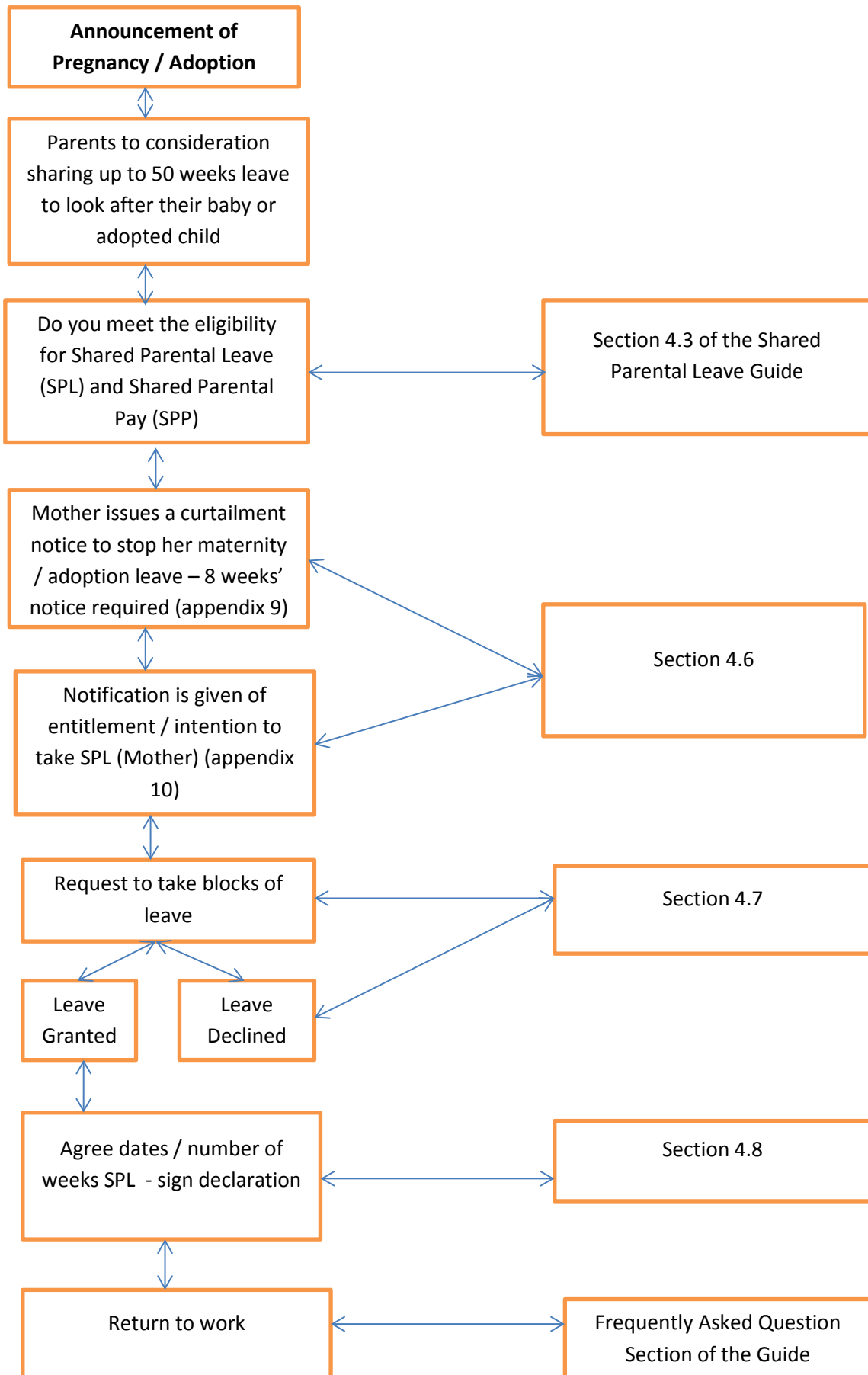
Date

Signed Head of Service



Date

**This form should be returned to HR together with a copy of the MatB1 Certificate or Adoption Matching Certificate.**

# Shared Parental Leave



## APPENDIX 9

 <b>South Northamptonshire Council</b>		 <b>Cherwell</b>		<b>DISTRICT COUNCIL NORTH OXFORDSHIRE</b>	
<b>SHARED PARENTAL LEAVE CURTAILMENT NOTICE</b>					
Name of employee					
Council		<input type="checkbox"/> CDC		<input type="checkbox"/> SNC	
Department					
Job title					
<p>I wish to bring my <b>[ordinary/additional]</b> maternity/adoption leave <b>[and statutory maternity/adoption pay]</b> to an end to be able to take shared parental leave.</p>					
<p><b>The date on which you end your maternity/adoption leave must be at least:</b>  <i>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></p>					
I wish to end my leave on:					
I wish my statutory pay period to end on:					
<input type="checkbox"/> I have also completed a form providing a notice of entitlement and intention to take shared parental leave.					
<input type="checkbox"/> My partner has provided a notice of entitlement and intention to take shared parental leave to his/her employer.					
<input type="checkbox"/> I consent to the amount of leave that my partner intends to take.					
Signed Employee				Date	

### Note

Please think very carefully before you submit this form. Once the form is submitted, you can withdraw your maternity/adoption leave curtailment notice only in limited circumstances.



**APPENDIX 10**



South Northamptonshire Council



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**SHARED PARENTAL LEAVE: NOTICE OF ENTITLEMENT AND INTENTION  
(MOTHER)**

Name of employee	
Council	<input type="checkbox"/> CDC <input type="checkbox"/> SNC
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.	
<b>Section A: Information to be provided by employee</b>	
My partner's name is:	
My maternity/adoption leave [started/is expected to start] on:	
My maternity/adoption leave [ended/is expected to end] on:	
My [child's expected week of birth is/child was born on]:	
The total amount of shared parental leave my partner and I have available is:	
I intend to take the following number of weeks shared parental leave:	
My partner intends to take the following number of weeks shared parental leave:	
I intend to take shared parental leave on the following dates (please include the	



## APPENDIX 10

start and end dates for each period of leave that you intend to take):	
I intend to take the following number of weeks' shared parental pay:	
<b>Section B: Declaration to be completed by employee</b>	
I satisfy/will satisfy the following eligibility requirements to take shared parental leave:	
<input type="checkbox"/>	I [have/will have] 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation
<input type="checkbox"/>	At the date of the child's birth, I [have/will have] the main responsibility, apart from my partner, for the care of the child
<input type="checkbox"/>	I am entitled to statutory maternity/adoption leave in respect of the child
<input type="checkbox"/>	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
<input type="checkbox"/>	The information that I have provided is accurate
<input type="checkbox"/>	I will immediately inform the organisation if I cease to care for the child
<b>Section C: Declaration to be completed by employee's partner</b>	
My name is:	
My address is:	
My National Insurance number is:	
I satisfy the following eligibility requirements to enable the mother to take shared parental leave:	
<input type="checkbox"/>	I have been employed or been a self-employed earner in at least 26 of the 66

## APPENDIX 10

weeks immediately preceding the expected week of childbirth			
<input type="checkbox"/> I have average weekly earnings of at least £30 for any 13 of those 66 weeks			
<input type="checkbox"/> At the date of the child's birth, I have the main responsibility, apart from the mother, for the care of the child			
<input type="checkbox"/> I am the father of the child, or am married to, the civil partner of, or the partner of, the mother			
<input type="checkbox"/> I consent to the amount of shared parental leave that the mother intends to take			
<input type="checkbox"/> I consent to your organisation processing the information provided in this form			
<b>Section D: Signatures</b>			
Signed (mother)		Date	
Signed (partner)		Date	
<p><b>Notes</b></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 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>			

**APPENDIX 11**

 <b>South Northamptonshire Council</b>		 <b>DISTRICT COUNCIL NORTH OXFORDSHIRE</b>	
<b>SHARED PARENTAL LEAVE AND PATERNITY REQUEST</b>			
Name of employee			
Council	<input type="checkbox"/> CDC	<input type="checkbox"/> SNC	
Department			
Job Title			
<p>You must be able to tick all boxes below to qualify for Shared Parental Leave and Statutory Paternity Pay.</p> <p><b>I declare that:-</b></p>			
<input type="checkbox"/> I am the baby's biological father, <b>or</b> I am married to the mother, <b>or</b> I am in an enduring family relationship with the mother / adopter <b>but am not an immediate relative</b>			
<input type="checkbox"/> I have responsibility for the child's upbringing			
<input type="checkbox"/> The purpose of this period of leave will be to care for the child			
<input type="checkbox"/> I understand that making a false claim for shared parental leave could constitute gross misconduct			
The baby was born/started living with us on:			
I would like my shared parental leave to start on:			
I would like my shared parental leave to finish on:			
Signed Employee		Date	
<b>MOTHER'S DECLARATION</b>			
Surname			
First Name(s)			
Address			
NI Number			

**APPENDIX 11**

You must be able to tick all boxes below to qualify for Shared Parental Leave and Pay.

**I declare that:-**

The employee:  
is the baby's biological father, **or**  
is my spouse, **or**  
and I are in an enduring family relationship **but they are not an immediate relative of mine**

The employee has responsibility for the child's upbringing

I am entitled to statutory maternity pay or maternity allowance

<input type="checkbox"/> I intend to return to work on:	Date	
---	------	--

Signed (mother)		Date	
-----------------	--	------	--



**AUTHORISATION**

Signed Head of Service		Date	
------------------------	--	------	--

Signed HR		Date	
-----------	--	------	--

**This form should be returned to Human Resources together with a copy of the child's birth certificate**

APPENDIX 12

 <b>South Northamptonshire Council</b>				<b>DISTRICT COUNCIL NORTH OXFORDSHIRE</b>	
<b>PARENTAL LEAVE REQUEST FORM</b>					
Name of employee					
Council		<input type="checkbox"/> CDC		<input type="checkbox"/> SNC	
Department					
Job Title					
I have		Child(ren) who is/are under the age of eighteen years (enter number of children) <b>or</b>			
I have		Disabled child(ren) who is/are under the age of eighteen years (enter number of children)			
Please attach a copy of the birth certificate(s) to this form. If your child is in receipt of disability allowance proof should also be attached. <b>If you are not named on the birth certificate please confirm which of the categories set out below you fall into:</b>					
<input type="checkbox"/>		A father who was married to the mother at the time of birth			
<input type="checkbox"/>		A parent who has acquired parental responsibility under the Children Act 1989			
<input type="checkbox"/>		A guardian appointed under Section 5 of the Children Act 1989			
<input type="checkbox"/>		An adoptive parent			
<input type="checkbox"/>		A spouse or partner of any of the above who is living with the child or parent			
From (date)				To (date)	
Total hours that would normally be worked during this period					
I have taken		days/weeks parental leave with previous/current employers			
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 Service Head:				Date:	

**This form should be returned to Human Resources**

Appendix 13



South Northamptonshire Council



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**TIME OFF FOR DEPENDANTS APPLICATION FORM**

Name of employee	
Council	<input type="checkbox"/> CDC <input type="checkbox"/> SNC
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, as amended by the Employment Relations Act 1999.

**The dependant I request to take the time off for is:-**

- My child.
- My partner / spouse.
- My parent / step-parent.
- Someone who lives with me as part of the family (this excludes lodgers and live in employees).
- 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:-**

- To provide assistance on an occasion when this dependant fell ill or was injured or assaulted.
- To provide assistance on an occasion when this dependant gave birth.
- To make longer term care arrangements for this dependant who was ill or injured (this includes mental illness or injury).
- In consequence of the death of the dependant.
- To deal with an unexpected disruption or termination of arrangements for the care of the dependant.
- 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 Head of Service  
OR Director:

Date:

**This form should be returned to Human Resources**