

PERSONNEL COMMITTEE – 13TH OCTOBER 2020

Report of the Head of Strategic Support

Part A

ITEM 10 PARENTAL BEREAVEMENT LEAVE

Purpose of Report

Personnel Committee to agree the proposed changes to the Council's Family Leave and Pay Policy and Leave Arrangements Policy in relation to parental bereavement leave.

Recommendation

That the Personnel Committee agree the changes to the Family Leave and Pay Policy and Leave Arrangements Policy.

Reason

It is necessary to update the documents to reflect a legislative change regarding parental bereavement leave.

Policy Justification and Previous Decisions

The Parental Bereavement Leave and Pay Act 2018 now gives all employed parents the right to 2 weeks' paid leave if their child aged under 18 dies, or if they have a stillbirth at 24 weeks or later. This legislative change came into force from Monday 6 April 2020.

The current Family Leave and Pay Policy and Leave Arrangements Policy were agreed on 20th January 2015 and 5th November 2013 respectively.

Implementation Timetable including Future Decisions

It is recommended that the amended Travel, Subsistence and Other Allowances Policy be published on the intranet, following the Personnel Committee meeting.

Financial Implications

There are no immediate financial implications arising from this decision.

Risk Management

There are no specific risks associated with this decision.

Annexes: Annex A - Family Leave and Pay Policy
 Annex B - Leave Arrangements Policy

Officer to contact: Adrian Ward
 Head of Strategic Support
 Telephone: (01509) 634573
 Email: adrian.ward@charnwood.gov.uk

Part B

Background

1. The current Family Leave and Pay Policy and Leave Arrangements Policy were agreed on 20th January 2015 and 5th November 2013 respectively.
2. The Parental Bereavement Leave and Pay Act 2018 now gives all employed parents the right to 2 weeks' paid leave if their child aged under 18 dies, or if they have a stillbirth at 24 weeks or later. This legislative change came into force from Monday 6th April 2020.
3. To ensure compliance the Family Leave and Pay Policy and the Leave Arrangements Policy have been reviewed and updated.
4. In Family Leave and Pay Policy Under the heading Miscarriage, Stillbirth or Neo-Natal Death, the following wording has been added to direct employees to the relevant information.:
 - Please refer to the leave arrangements policy for further information regarding bereavement leave entitlement.
5. In Leave Arrangements Policy Under the heading Bereavement Leave the following text has been added:
 - In circumstances where an employee loses a child under the age of 18, or suffers a stillbirth from the 24th week of pregnancy, on or after this date, they will have the right to two weeks' paid bereavement leave. The two weeks' leave may be taken as one block, or as two non-consecutive one-week blocks, at any time during the 56 weeks following the child's death.
6. The proposed amendments to the Family Leave and Pay Policy and Leave Arrangements Policy were considered by SLT on 26th February 2020 and JMTUM on 27th August 2020.

Family Leave and Pay Policy
 (Maternity and Adoption Leave and Pay, Maternity and Adoption Support Leave and Pay, Shared Parental Leave and Parental Leave and Pay)

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Scope

This document applies to all employees of Charnwood Borough Council employed under the Joint Negotiating Committee for Local Government Services (JNC), National Joint Council for Local Government Services (NJC) and Joint Negotiating Committee for Local Authority Craft and Associated Employees (Craft).

It does not apply to casual workers.

Purpose

The purpose of this policy and procedure is to provide information around family friendly policies including Maternity, Adoption and Support (Paternity) Leave and Pay, Parental Leave and Shared Parental Leave and Pay.

Employees are advised to refer to the relevant section of the policy for their situation but also the section entitled 'General Information for All Employees'.

MATERNITY LEAVE AND PAY

Health and Safety during Pregnancy

The employee should inform her manager as soon as her pregnancy is confirmed so that a workplace risk assessment/review can be carried out as soon as possible.

If the duties of the job are likely to cause an employee harm, steps must be taken to remove or reduce the risk. Specifically, consideration should be given to:

- Removing the employee from any duties that might pose a risk to her health and safety;
- Temporarily adjusting her working hours if it is reasonable to do so to avoid exposure to a risk or reduce the effects of a risk;
- Adjusting the employee's working hours if she is a night worker and her medical practitioner certifies that it would be detrimental to her health to continue working nights;
- Transferring the employee to an alternative job on comparable terms and conditions;
- As a last resort "suspending" the employee on medical grounds from work on normal pay until the commencement of her maternity leave if no suitable alternative work or steps to remove or reduce the risk are available to her.

Where it is necessary to make adjustments, these should be discussed with the employee.

If you consider it may be necessary to suspend an employee in order to avoid exposing her to hazards and their associated risks, advice should be sought from Human Resources.

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Time Off for Antenatal Appointments

The employee is entitled to reasonable **paid** time off during working hours to attend antenatal appointments made on the advice of her doctor, midwife or health visitor, regardless of her length of service or the hours she works. Antenatal appointments can include medical examinations, appointments with the employee's midwife, antenatal classes, relaxation and parent craft classes.

The employee should inform her manager as soon as possible that she will be absent. At the employee's first antenatal appointment, she should be given an appointment card (or similar) which she should show to her manager in order to receive time off for subsequent appointments. A request for time off may be refused however advice should be sought from Human Resources if this is being considered.

In addition, an employee who is the husband or partner of a pregnant woman is entitled to **paid** time off to attend two antenatal appointments with the expectant mother. These appointments must have been made on the advice of a doctor, midwife or health visitor. An employee may be asked to provide supporting evidence of the appointment.

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Maternity Leave

Maternity leave is made up of three main elements:

- 26 weeks' Ordinary Maternity Leave (OML);
- 26 weeks' Additional Maternity Leave (AML); and
- Compulsory Maternity Leave (CML).

CML comprises the 2 weeks immediately after the birth of a baby when, by law, an employee is not permitted to work. This 2 week period is included in the 26 weeks of OML.

All pregnant employees have the right to 26 weeks of OML and 26 weeks of AML, regardless of whether a multiple birth is expected, providing the notification requirements set out below have been complied with. They are also entitled to resume work following their maternity leave irrespective of their length of service or whether they are full-time, part-time, permanent or temporary (although for temporary employees, the opportunity to resume work afterwards will depend upon the timescale of their contract). If the employee returns during a period of AML, suitable alternative employment may be offered if the same job is no longer

available. Further information on fixed term contracts can be found in the [Fixed-Term Contracts Guidance](#).

Requesting Maternity Leave

The employee can start her maternity leave on any day of the week and at any time from the beginning of the 11th week before her expected week of childbirth (EWC) unless:

- The baby is born prematurely before she has commenced maternity leave, in which case maternity leave will commence on the day after the baby is born; or
- The employee is absent due to a pregnancy-related illness during the 4 weeks up to her EWC. In these circumstances, her maternity leave will normally commence on the day after the first day of absence. However, odd days of pregnancy-related sickness during this period may be disregarded at the manager's discretion if the employee requests to continue working until her planned maternity leave start date. When considering whether to allow this discretion, managers should ensure that they have considered the relevant risks (e.g. duration and reason for absence, advice from the individual's GP / midwife, etc.). Any absence of this nature will be classed as sickness. If the employee is unwell and her absence is not related to the pregnancy, it will be recorded as ordinary sickness absence and will not affect her intended maternity leave start date.

The employee may wish to take some of her outstanding annual leave immediately prior to starting maternity leave. However, if the baby is born during the period of annual leave, maternity leave will start and the employee will be credited with the appropriate balance of annual leave that she has not taken.

To be eligible for maternity leave, the employee must formally notify her manager of the following, in writing, no later than the 15th week before her EWC using the [MAT01 form](#):

- The fact she is pregnant;
- Her expected week of childbirth; and
- The date she would like to start her maternity leave (which cannot be earlier than the 11th week before the EWC).

The employee must also submit her MATB1 certificate to her manager as soon as possible, ideally at the same time as her MAT01 form. This certificate will usually be available from the 20th week before the EWC.

The manager should forward the completed MAT01 form (and MATB1 certificate) to Human Resources as soon as possible. Human Resources will then write to the employee, within 28 days of the employee submitting their request, to confirm their maternity leave start date and the date on which the employee is expected to return to work if the full entitlement to maternity leave is taken. The employee may

however choose to [return to work](#) at an earlier date. Return to work details are set out below in the policy.

If the employee fails to notify her manager within the required timescale without a reasonable excuse, it may be necessary to delay her maternity leave start date. Further advice is available from Strategic Human Resources.

Change of Maternity Leave Start Date

The employee can change their mind about the date on which they want their maternity leave to begin, provided they give at least 28 days' written notice of the new date. Failure to comply with these notification requirements may result in it not being possible to change the maternity leave start date.

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Maternity Pay

Employees are encouraged to give notice in relation to Statutory Maternity Pay (SMP) at the same time as giving notice of maternity leave (i.e. by the end of the 15th week before the expected week of childbirth). A pregnant employee is required to give at least 28 days' notice of the date she wants her SMP to start and should do this by completing the MAT01 form and submitting this to her manager.

Most of the employee's contractual terms and conditions, with the exception of those relating to pay, will remain unchanged and in force during the period of maternity leave. Depending on the employee's length of service, she may be eligible for one or a combination of:

- Statutory Maternity Pay or Maternity Allowance;
- Occupational Maternity Pay.

Once the employee returns to work, her salary will be paid according to the contract of employment that is in place at that time. If the employee requests to return to work on reduced hours, and this is agreed by the manager, her salary and other relevant terms and conditions will be pro rata to full-time hours from the date of her return. It is not an automatic right to return to work on reduced hours.

Statutory Maternity Pay

The employee will be eligible for Statutory Maternity Pay (SMP) for a total of 39 weeks (known as the Maternity Pay Period) if she has given the required notification and:

- She has 26 weeks' continuous service with the Council by the end of the 15th week before the expected week of childbirth (EWC). This is known as the "qualifying week" and at least one day must be worked in it to count;
- She has not resigned or been dismissed before the beginning of the "qualifying week";
- Her average weekly earnings are equal to, or greater than, the lower earnings limit for national insurance contributions.

The diagram below shows how to identify the “qualifying week”.



Diagram showing the qualifying week

SMP can only be paid once the employee has commenced maternity leave.

If the employee returns to work before the end of her Maternity Pay Period (i.e. before the 39 weeks have elapsed), she will forfeit any outstanding SMP that would otherwise have been due.

SMP is not normally affected by [‘Keeping in Touch’ \(KIT\) days](#). KIT days are explained in more detail later in this policy.

Once the qualifying criteria have been met, SMP will be paid during maternity leave regardless of whether the employee returns to work or not after her maternity leave, or leaves work prior to commencing maternity leave.

SMP is treated as earnings and is subject to income tax and national insurance contributions. There are two rates of SMP:

- **Higher Rate SMP**
Higher rate SMP is paid for the first 6 weeks of maternity leave. This is 90% of the employee’s average gross weekly earnings during at least the 8 weeks up to and including her last pay day before the end of her “qualifying week”.
- **Standard (or Lower) Rate SMP**
Standard (or lower) rate SMP is payable for 33 weeks following the first 6 weeks of maternity leave. This is paid at a rate set by the government for the relevant tax year and will be whichever is the lower of SMP or 90% of the employee’s weekly earnings.

Maternity Allowance

If the employee does not have 26 weeks’ continuous service with the Council by the end of the 15th week before her EWC, she is not entitled to receive SMP. However, she may be entitled to claim [Maternity Allowance](#) and, in these circumstances, the employee will be sent the appropriate claim form.

Occupational Maternity Pay

Occupational Maternity Pay (OMP) is an additional payment of 12 weeks’ half pay , to be paid after the first 6 weeks of SMP or MA for employees not eligible for SMP, The employee is entitled to receive OMP provided that she:

- Has at least one year's continuous service with a local authority or other body contained within the [Redundancy Modifications Order](#) at the beginning of the 11th week before the expected week of childbirth; and
- Confirm in writing that she intends to return to work and completes 3 months' service immediately following the end of their maternity leave (regardless of whether she returns on a full-time or part-time basis).

If the employee qualifies for OMP, this can either be paid over 12 weeks alongside the standard (or lower) rate of SMP or as a lump sum in the first available payroll after she returns to work. The combined SMP and OMP must not exceed the amount that the employee would normally earn. If the employee has indicated from the outset that she does not intend to return to work, OMP will not be paid.

Where the employee does not return to work but has received OMP, she will be required to repay it in full. If the employee returns to work but fails to complete 3 months' service, she will be required to repay a proportion of her OMP. Please contact payroll for the calculation of any amount owed.

If an employee is made compulsory redundant having already received OMP and is unable to return to work for the 3 months' as a result, they will not be required to repay any OMP received during maternity leave unless they unreasonably refuse an offer of suitable alternative employment.

Withholding Maternity Pay

Maternity pay can be withheld if the employee:

- Is taken into police custody or sent to prison;
- Continues working after childbirth;
- Dies;
- Works for another employer after childbirth or within the maternity pay period;
- Does not provide a MATB1 certificate (or doctor's letter);
- Gives late or no notification of her pregnancy and her intention to take maternity leave (unless there are mitigating circumstances such as hospitalisation).

The employee must notify her manager of any change in circumstances that affects her right to receive maternity pay.

A quick reference guide for maternity pay can be found at [Appendix B](#).

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Miscarriage, Stillbirth or Neo-Natal Death

In the event that the employee has a miscarriage (i.e. before the 24th week of pregnancy), she will not be entitled to maternity leave or maternity pay. Her absence will be treated as sickness absence and normal sick pay provisions will apply.

If the employee has a stillbirth (i.e. after the beginning of the 24th week of pregnancy), she is entitled to receive full maternity leave and pay, which will commence on the day after the stillbirth occurred. [The employee in this instance will also have the right to two weeks' paid bereavement leave.](#)

If the baby is born alive but dies later, the employee is entitled to full maternity leave and pay.

[Please refer to the leave arrangements policy for further information regarding bereavement leave entitlement.](#)

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Breastfeeding

The Council is committed to supporting mothers who wish to continue breastfeeding their baby or expressing milk following their return to work. Whilst there is no statutory requirement to provide facilities for this purpose, the Council is required to provide somewhere for breastfeeding mothers to rest and, where necessary, this should include somewhere to lie down.

Employees who wish to continue to breastfeed following their return to work should advise their manager of this in writing, ideally giving at least 28 days' notice so that steps can be taken to ensure that the employee returns to a safe and suitable working environment. Managers may wish to seek advice from a Health and Safety Advisor regarding any appropriate assistance that can be offered to the employee.

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ADOPTION LEAVE AND PAY

Pre-Adoption Leave

The Council allows the principle adopter up to 5 paid adoption appointments, and co-adopters up to 2 paid adoption appointments, for the purpose of attending pre-adoption appointments including meetings, assessments, training, etc. The leave may be taken in whole or part days.

The manager should complete the [Application for Pre-Adoption Leave Form](#) and return this to the Human Resources for inclusion on the employee's personal file.

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UK Adoptions

Adoption Leave

Statutory Adoption Leave is made up of 26 weeks' Ordinary Adoption Leave (OAL) followed by 26 weeks' Additional Adoption Leave (AAL).

An employee who adopts a child through an approved UK adoption agency is entitled to 52 weeks' Statutory Adoption Leave (SAL) provided they:

- Are the adopter of the child;
- Have notified the adoption agency of their agreement that the child should be placed with them;
- Notify their manager of their intention to take SAL within the required timescales; and
- Submit proof of the adoption (i.e. the matching certificate).

An employee is entitled to AAL provided that they meet criteria above, the period of OAL has not been disrupted and they have not been dismissed.

Requesting Adoption Leave

An employee may start their Statutory Adoption Leave (SAL) on the day that the child is placed with them for adoption or up to 14 days earlier. SAL can start on any day of the week. Only one person in a couple can request adoption leave.

The employee is asked to discuss the timing of the adoption leave with their manager as early as possible in order to facilitate any cover arrangements that may be required during their absence.

The employee must provide their manager with written notification of their intention to take SAL using [form ADOPT01](#) no later than 7 days after the date on which notification of the match with the child was given by the adoption agency or, where that is not possible, as soon as reasonably practicable thereafter. The employee must specify:

- The date the child is to be placed with them for adoption; and
- The date they want the adoption leave to start.

The employee must also provide a matching certificate from the adoption agency as documentary evidence of their entitlement to adoption leave and pay.

If the employee fails to notify their manager within the required timescale without a reasonable excuse, it may be necessary to delay their SAL start date. Further advice is available from Human Resources.

The manager should forward the completed [ADOPT01](#) form and matching certificate to Human Resources as soon as possible. Human Resources will then write to the employee, within 28 days of the employee submitting their request, to confirm their SAL start date and the date on which the employee is expected to return to work if the full entitlement to SAL is taken. The employee may however choose to [return to work](#) at an earlier date.

The employee can change their mind about the date on which they want their SAL to begin, provided they give at least 28 days' written notice of the new date or, if that is not possible, they give notice as soon as reasonably practical. The Council will write to confirm the new arrangements within 28 days. Failure to comply with these notification requirements may result in it not being possible to change the SAL start date.

Adoption Pay

The employee is entitled to Statutory Adoption Pay provided:

- They have at least 26 weeks' continuous service with the Council ending with the week in which they are notified of being matched with a child for adoption;
- Their average weekly earnings are not less than the lower earnings limit for national insurance contributions;
- They have submitted the necessary paperwork (i.e. form ADOPT01 and the matching certificate) within the required timescales;
- Another person is not already in receipt of SAP in relation to the adoption. In such circumstances, the employee may be entitled to [Statutory Paternity Pay](#) or [Additional Paternity Pay](#);
- They have elected to have SAP.

The employee will also be entitled to 12 weeks half pay (i.e. Occupational Adoption Pay) provided they:

- Have completed one year's continuous service with a local authority or other body contained within the Redundancy Modifications Order at the date of matching;
- Confirm in writing that they intend to return to work and subsequently complete three months service post return.

The Occupational Adoption Pay (OAP) can either be paid over 12 weeks during the Statutory Adoption Leave, after the first 6 weeks of SAP, or as a lump sum in the first available payroll after the employee returns to work. If the employee has indicated from the outset that they do not intend to return to work, OAP will not be paid. Failure to complete three months service will require repayment of all or a proportion of the 12 weeks half pay depending on the service completed. Please contact payroll for a calculation of any amount owed.

If an employee is made compulsory redundant, having already received OAP and is unable to return to work for the 3 months', as a result they will not be required to repay any OAP received during their adoption leave, unless they unreasonably refuse an offer of suitable alternative employment.

A quick reference guide showing the pay arrangements applicable throughout the adoption leave period is attached at [Appendix D](#).

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Overseas Adoptions

Adoption Leave

An employee who adopts a child from overseas qualifies for 52 weeks' Statutory Adoption Leave (SAL) provided they:

- Have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad;
- Have given the necessary notification to the Council within the required timescales; and
- Are the child's primary adopter.

Official Notification

Official notification is written confirmation issued by or on behalf of the relevant UK authority stating that the authority is either prepared to issue a certificate to the overseas authority dealing with the adoption of the child or has issued a certificate and sent it to that authority. In either case, the certificate confirms that the adopter has been approved by them as being a suitable adoptive parent to adopt a child from overseas.

Requesting Statutory Adoption Leave

An employee adopting a child from overseas must give written notification that they wish to take Statutory Adoption Leave (SAL) to their manager in three stages:

Stage 1

The employee must inform their manager of:

- The date on which they received official notification; and
- The date on which the child is expected to enter Great Britain.

Only one person in a couple can request adoption leave.

Stage 2

The employee must give their manager at least 28 days' notice of the actual date they want their SAL to begin. This notice can be given at Stage 1 if the employee knows the date.

The employee can change their SAL start date provided they give at least 28 days' written notice of the new date or, if that is not possible, they give notice as soon as reasonably practical. If the employee fails to comply with these notification requirements it may not be possible to accommodate their request.

Stage 3 (after the child has entered Great Britain)

The employee must inform their manager, using [form ADOPT01](#), of the date the child entered Great Britain within 28 days of the child's date of entry. If the employee is also claiming Statutory Adoption Pay (SAP), they will also need to provide evidence of the date of entry.

The manager should forward the completed ADOPT01 form and supporting evidence to Human Resources as soon as possible. Human Resources will then write to the employee, within 28 days of the employee submitting their request, to confirm their SAL start date and the date on which the employee is expected to return to work if the full entitlement to SAL is taken. The employee may however choose to return to work at an earlier date.

If the child does not enter Great Britain on the expected date, the employee must inform their manager as soon as reasonably practical as they will not be entitled to SAL or SAP.

Starting Adoption Leave

The employee may start Statutory Adoption Leave (SAL) from either the date the child enters Great Britain or a fixed date (as notified to them by the relevant UK authority) no later than 28 days after the date on which the child enters Great Britain. SAL can start on any day of the week.

SAL cannot be used to cover the period the employee spends travelling overseas to arrange the adoption/visit the child. The employee should request annual leave or unpaid leave for these purposes.

The employee is asked to discuss the timing of the adoption leave with their manager as early as possible in order to facilitate any cover arrangements that may be required during their absence.

If the employee does not have an acceptable reason for failing to comply with the above notification requirements, the SAL start date can be delayed. Further advice should be sought from Human Resources.

Changing the Start Date of Statutory Adoption Leave

The employee can change their intended SAL start date provided they notify their manager in writing of the new start date on whichever is the earlier of:

- 28 days before their original SAL start date; or
- 28 days before their new SAL start date.

If it is not possible to give this much notice, the employee should give as much notice as reasonably practical. If an employee fails to comply with the relevant notification requirements it may not be possible to accommodate their request. The Council will write to confirm the new arrangements within 28 days.

Adoption Pay

When adopting a child from overseas the employee is entitled to receive Statutory Adoption Pay (SAP) provided they:

- Have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad;

- Have at least 26 weeks' continuous service with the Council either ending with the week they receive the official notification or the time they want their SAP to begin, whichever is the later;
- Have given at least 28 days' notice (or as much as is reasonably practical) of the date from which they want payment of SAP to begin;
- Their average weekly earnings are at or above the lower earnings limit for national insurance contribution that applies at the later of either the end of the week in which they receive official notification or the end of the week in which they complete 26 weeks' service; and
- Are the child's primary adopter.

If an employee fails to comply with the relevant notification requirements they may not be entitled to SAP or its payment may be delayed.

The employee must provide the following evidence to demonstrate their entitlement to SAP:

- A copy of the official notification at least 28 days before they want their SAP to start;
- A declaration that they are claiming SAP and not Statutory Paternity Pay; and
- Evidence of the child's date of entry into Great Britain, such as a plane ticket, passport stamp or copies of entry clearance documents. The manager must take a copy of the evidence provided and forward it to Human Resources for retention on the employee's personal file.

The employee will also be entitled to 12 weeks half pay (i.e. Occupational Adoption Pay) provided they:

- Have completed one year's continuous service with a local authority or other body contained within the Redundancy Modifications Order at the date of matching;
- Intend to return to work and complete three months' service post return.

The Occupational Adoption Pay (OAP) can either be paid over 12 weeks during the Statutory Adoption Leave or as a lump sum in the first available payroll after the employee returns to work. If the employee has indicated from the outset that they do not intend to return to work, OAP will not be paid. Failure to complete three months service will require repayment of all or a proportion of the 12 weeks half pay depending on the service completed. Further information is available from payroll services.

If an employee is made compulsory redundant, having already received OAP and is unable to return to work for the 3 months', as a result they will not be required to repay any OAP received during their adoption leave, unless they unreasonably refuse an offer of suitable alternative employment.

A quick reference guide showing the pay arrangements applicable throughout the adoption leave period is attached at [Appendix C](#).

Employees Not Eligible for Statutory Adoption Leave and Pay

An employee will not be eligible for Statutory Adoption Leave (SAL) or Statutory Adoption Pay (SAP) if they have:

- Arranged a private adoption;
- Become a special guardian;
- Adopted a stepchild.

However, an employee who is adopting a child who does not qualify for SAL or SAP may, if they wish:

- Apply for unpaid leave; or
- Request annual leave for a short period of unpaid leave, in which case the normal procedure for requesting leave should be followed.

Surrogacy

An employee who becomes a parent through surrogacy arrangements is not entitled to Maternity Leave and Pay.

From 5 April 2015, parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008 will be able to take adoption leave and pay and paternity leave and pay (birth or adoption), if each parent meets the normal qualifying conditions.

For babies due on or after 5 April 2015, qualifying parents will also be entitled to take shared parental leave for a year from the birth.

Employees will be entitled to shared parental leave upon becoming a parent, providing that:

- They intend to apply for a parental order when the child is living with them (where one parent is genetically related) or adopt the child (where there is no genetic relationship).
- They meet the qualifying criteria shown in the Shared Parental Leave section below.

An employee acting as a surrogate would have an entitlement to full maternity leave, pay and provisions as any other pregnant employees.

MATERNITY / ADOPTION SUPPORT LEAVE (PATERNITY LEAVE)

The legal provisions relating to Ordinary Paternity Leave and Pay co-exist with the Council's provisions for Maternity/Adoption Support Leave.

Ordinary Paternity Leave

A maximum of two consecutive calendar weeks may be taken by the biological father or the spouse/partner/civil partner of a mother/primary adopter within 56 days of the birth of the child or adoption placement (NB inclusive of school holidays).

To qualify for Ordinary Paternity Leave (OPL), the employee must:

- Have at least 26 weeks' continuous service with the Council by the end of the 15th week before the expected week of childbirth or the week in which the child is placed for adoption;
- Be either the child's father, the mother's spouse/partner/civil partner, or one of a couple jointly adopting a child;
- Have the main responsibility (apart from the responsibility of the mother/primary adopter) for the upbringing of the child; and
- Be taking time off work to help care for the child or to support the child's mother/primary adopter.
- Not have taken shared parental leave prior to ordinary paternity leave.

The employee is entitled to receive 2 weeks' at full pay provided the leave is taken consecutively within the first 56 days' of the birth/adoption placement. Pay will be offset against their entitlement to SPP.

Requesting Ordinary Paternity Leave

An employee wishing to apply for Maternity/Adoption Support Leave must complete the [e-form](#) Notice of Paternity Leave. This informs Human Resources of their intention to take paternity leave and the proposed date. Human Resources will forward a copy of this form to payroll and write to the employee enclosing a copy of the Application for Maternity/Adoption Support [OPL01](#) and HMRC SC3 form. The e-form and OPL01 should be completed at least 15 weeks before the expected week of birth or 7 days after the date of adoption matching notification.

The OPL01 form should be completed by the employee upon receipt and returned to Human Resources. Human Resources will send a copy to payroll.

The SC3 form should be completed as soon as the baby is born; stating the actual dates the employee requires leave from the child's actual date of birth/original

expected date of birth if the child is born early/date of adoption placement. This form should be returned to payroll.

Variation to start date ([Back to Top](#))

The employee can change their mind about the date on which they want the OPL to start provided they give at least 28 days' written notice of the new date or, if that is not possible, they give notice as soon as reasonably practicable.

An employee who is intending to take Shared Parental Leave **must** ensure that any period of OPL is taken before any period of Shared Parental Leave; otherwise they will lose their entitlement to OPL.

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SHARED PARENTAL LEAVE

Shared Parental Leave (SPL) is a period of up to 50 weeks' leave and 37 weeks statutory pay. This can be shared between the spouse/partner/civil partner of a mother/primary adopter once the mother/primary adopter has given notice to curtail their maternity leave and pay or adoption leave and pay to create the entitlement to shared parental leave and pay. This is provided that the maximum period of maternity or adoption leave has not been taken by the mother/primary adopter.

A mother must take at least 2 weeks of maternity leave after the birth of her child before maternity leave can be curtailed or she can return to work. An adopter, or the parental order parent in surrogacy, must take at least 2 weeks of adoption leave before it can be curtailed. Similarly, a mother or adopter must take at least 2 weeks of statutory maternity or adoption pay.

Once an employee has notified you of their entitlement to take shared parental leave, they will also have to submit a notice to entitlement and intention to take SPL/SPP at least 8 weeks before the leave can be taken by completing form [SPL01](#). Additionally a notice to book leave ([form SPL02](#)) must also be given at least 8 weeks before the leave can be taken. Both forms can be submitted at the same time.

SPL does not have to be taken in one continuous period but must be taken within the first 52 weeks of the child's birth or adoption placement, ending the day before:

- the child's first birthday or
- the first anniversary of the date on which the child was placed for adoption (or entered Great Britain in the case of overseas adoptions).

The leave can be taken consecutively or concurrently, but the total time taken by both parents cannot exceed 52 weeks. This includes the 2 weeks of maternity or adoption leave that must be taken by the mother/primary adopter.

Example: A mother could end her maternity leave after 12 weeks, leaving 40 weeks of the total 52 week entitlement available for SPL. If both the mother and her partner are eligible, they can share the 40 weeks. They can take the leave at the same time or separately.

Provided that SPL is taken within the required period, there can be a gap between the end of the Maternity Leave and the beginning of Shared Parental Leave.

Leave can be taken in a minimum of one week blocks. If an employee chooses to take part of a week, this should be treated as a whole week.

For the purposes of shared parental leave a “partner” is defined as the father of the child, the mother’s spouse, civil partner or partner.

Eligibility for Shared Parental Leave

For a mother/primary adopter of a child to be eligible to take SPL they must:

- Have at least 26 weeks’ continuous service with their employer by the end of the 15th week before the expected week of childbirth or the week in which notification is given for the child to be placed for adoption;
- Remain in this employment until the week before any period of SPL commences;
- Have the main responsibility (apart from the responsibility of their partner) for the care of the child at the date of birth or adoption placement;
- Are entitled to Statutory Maternity Leave or Statutory Adoption Leave in respect of the child;
- Have curtailed their Statutory Maternity Leave or Statutory Adoption Leave by returning to work or providing a curtailment notice not less than 8 weeks before or returned to work; and
- Notified their manager of their intention and entitlement to take SPL within the required timescales and provided the necessary evidence.

The partner must also satisfy the following requirements for the mother to be entitled to SPL:

- Their partner must have been employed or self-employed during at least 26 of the 66 weeks before the expected week of childbirth or the week in which the child is placed for adoption (or enters Great Britain in the case of overseas adoptions);
- Their partner must have average weekly earnings of at least £30 for any 13 of those 66 weeks (i.e. at least £30 per week average in the highest earning 13 weeks); and
- Their partner must have the main responsibility (apart from the responsibility of the mother/primary adopter) for the care of the child at the date of birth or adoption placement.

For the partner of the mother/primary adopter to be eligible to take SPL they must:

- Have at least 26 weeks' continuous service with their employer by the end of the 15th week before the expected week of childbirth or the week in which notification is given for the child to be placed for adoption;;
- Remain in this employment until the week before any period of SPL commences;
- Have the main responsibility (apart from the responsibility of mother/primary adopter) for the care of the child at the date of birth or adoption placement;
- Notified their manager of their intention and entitlement to take SPL within the required timescales and provided the necessary evidence.

The mother/primary adopter must also satisfy the following requirements for the partner to be entitled to SPL:

- The mother/primary adopter must have been employed or self-employed during at least 26 of the 66 weeks before the expected week of childbirth or the week in which the child is placed for adoption;
- The mother/primary adopter must have average weekly earnings of at least £30 for any 13 of those 66 weeks;
- The mother/primary adopter must have the main responsibility (apart from the responsibility of their partner) for the care of the child at the date of birth or adoption placement;
- The mother/primary adopter must be entitled to Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance, Statutory Adoption Leave or Statutory Adoption Pay, in respect of the child; and
- The mother/primary adopter must have curtailed their Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance, Statutory Adoption Leave or Statutory Adoption Pay or returned to work.

For both parents to qualify to share the leave both sets of criteria must be fulfilled. It is not necessary for the mother/primary adopter and their partner to both be employed by the Council in order to qualify for SPL.

In certain circumstances, only one parent may be eligible for SPL. If so, they cannot share the leave with their partner however they would be able to use SPL to book leave that they do take in separate blocks.

There is no additional entitlement to SPL where more than one child is born as a result of the same pregnancy or more than one child is placed for adoption at the same time.

Curtailing Maternity or Adoption Leave and Pay

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption leave entitlements.

An eligible employee who wants to take SPL or enable their eligible partner to take SPL, should end the maternity or adoption leave as outlined below:

- End the maternity or adoption leave period by returning to work before the leave period ends by giving 8 weeks' notice in writing; or
- Give notice to end the maternity or adoption leave on a date in the future that is specified by the mother/primary adopter. This notice must be given in writing at least 9 weeks before her 52 weeks of maternity/adoption leave is due to end.

Notification of Entitlement to Shared Parental Leave

It is for the employee to opt in to the Shared Parental Leave scheme. The timing and periods of leave must be agreed with the employee's line manager. The employee must complete form [SPL01](#) to give their notification of entitlement and intention to take SPL, and submit it to their manager at least 8 weeks (except if the child is born early) before they would like their Shared Parental Leave to start, along with:

- The name and address of their partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead), and

Within 14 days of the Notice of Entitlement and Intention to Take Shared Parental Leave (SPL01) form being submitted, the employee should provide the following as evidence of their entitlement to SPL:

- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the date and location of the birth and statement that the birth certificate has not been issued yet).
- If the child has not been born, a copy of the child's birth certificate must be provided within 14 days of the birth (or, where one has not been issued, a declaration as to the date and location of the birth and statement that the birth certificate has not been issued yet).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

The manager should forward the completed [SPL01](#) form and birth certificate / adoption document to Human Resources as soon as possible. Human Resources will then write to the employee, within 14 days of the employee submitting their evidence, to confirm their entitlement to SPL and SSPP. If an employee fails to comply with the relevant notification requirements they may not be entitled to SPL or its payment may be delayed.

SPL can start for the partner while the mother or adopter is still on maternity or adoption leave. They must have given binding notice to end the leave.

Booking Shared Parental Leave

In addition to the Notice of Entitlement and Intention to Take Shared Parental Leave ([SPL01](#)), an employee must also give Notice to Take or Vary a Period of Shared Parental Leave ([SPL02](#)). This can be given at the same time as form SPL01. Form SPL02 must be submitted at least 8 weeks before any period of leave would begin.

If the child has not yet been born then a booking can specify that it will commence after a period of time following birth. For example, an employee could book 2 weeks' leave to begin "2 weeks after the child's birth".

The employee has the right to submit 3 notifications specifying leave periods they are intending to take. These can be for continuous or discontinuous periods of leave. Additional requests to change a period of leave may only be made at the agreement of the line manager.

Human Resources will write to confirm the arrangements within 28 days.

Continuous Leave Notifications

A notification can be for a period of continuous leave, which is notification of a number of weeks to be taken in a single unbroken period (for example, 8 weeks in a row). A continuous block of leave must not exceed the total number of weeks of SPL available to the employee. The employer must have been given at least the required 8 weeks' notice.

A request for a continuous block of leave must be granted providing that notice requirements have been complied with.

An employee can submit up to 3 separate notifications for continuous periods of leave.

The manager should forward the completed [SPL02](#) form and supporting documentation to Human Resources as soon as possible. Human Resources will then write to the employee, within 14 days of the employee submitting their request, to confirm their SPL start date and the date on which the employee is expected to return to work.

Discontinuous Leave Notifications

The employee can request a single notification for 2 or more periods of discontinuous leave. (example, an employee may take 6 weeks of SPL and work every other week for a 3 month period.)

If an employee submits an application to take SPL in discontinuous blocks of leave, this request can be refused if there are valid operational reasons (e.g. a number of other employees are already scheduled to be absent). The manager must meet with the employee to discuss further and if agreement cannot be reached the employee

must be advised of this within 14 days of receiving the initial request. The Manager should notify Human Resources who will write to confirm if a period of discontinuous leave is refused. In these circumstances the employee can withdraw their request, agree alternative dates with their manager, or take the leave requested in one block. The manager may also suggest alternative arrangements in respect of the requested period of SPL.

If the manager and employee cannot reach agreement over periods of shared parental leave, the leave will default to a single block of leave, to commence on a date specified by the employee, or the employee can withdraw the request within 15 days of giving it.

Variation of Notice of Intention to take Shared Parental Leave

An employee may give written notice to request a variation on the period of leave requested. The process for this is the same manner in which a request should ordinarily be made. Eight weeks' notice should be given for a variation request, unless there is a clear and justifiable reason why eight weeks' notice cannot be given. A request for a variation to a continuous block of leave must be granted providing that notice requirements have been complied with.

Meeting to Discuss a Shared Parental Leave Request

Upon receiving a leave booking notice the manager may arrange a meeting to discuss it further. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can be approved without the need for further discussion and in line with the employee's intentions, a meeting may not be necessary.

Where a meeting is arranged it should take place between the manager and the employee. The employee may be represented by a work colleague or Trade Union representative.

The purpose of the meeting is to discuss the leave proposed in detail and what will happen whilst the employee is away from work on SPL. Where the request is for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Council, and what the outcome may be if no agreement is reached in accordance with the section on Discontinuous Leave outlined above.

Cancelling the Decision to end Maternity or Adoption Leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- The planned end date hasn't passed
- They haven't already returned to work

One of the following must also apply:

- The parent discovers during the 8 week notice period that they do not qualify for SPL;
- The mother gave notice before the birth of the child – she can change her mind up to 6 weeks after the birth;
- The employee's partner has died.

Human Resources will confirm any agreed change(s) of date in writing within 28 days of receiving the employee's request.

Withdrawal of Shared Parental Leave Request

The employee must advise the Council in writing if their circumstances change and they:

- Are the mother/primary adopter and no longer wish to take SPL;
- Are a partner who no longer has the main responsibility for the child's upbringing (apart from the responsibility of the mother/primary adopter).

Where either of these applies the employee will not be entitled to SPL.

Death of the Mother/Partner/Civil Partner, Primary Adopter or Child before maternity/adoption leave and pay is curtailed

In the event of the death of the mother/primary adopter before the end of their maternity/adoption pay or allowance period, an eligible partner will be able to share the remaining amount of 52 weeks SSPL and 39 weeks SSPP not taken by the mother.

If the mother/primary adopter dies without having taken any maternity/adoption leave or pay/maternity allowance, the eligible partner will then be entitled to the full 52 weeks of leave and 39 weeks of shared parental leave and pay.

If the mother/primary adopter has given notice and then withdrawn it before her death, any shared parental leave and pay the partner has taken would need to be deducted.

Where the mother/primary adopter's partner or the child's father dies before the mother/primary adopter has ended their maternity/adoption leave period and pay/allowance, the mother/primary adopter will remain on maternity/adoption leave and pay/allowance. The mother/adopter will not be eligible to take shared parental leave in this circumstance.

If the child dies before the mother/adopter has brought forward the date on which their maternity/adoption leave period ends, the mother/adopter and their partner will not be allowed to opt into shared parental leave and pay. The mother/primary adopter will retain their entitlement to maternity leave and pay/allowance and the partner will retain any entitlement to paternity leave and pay.

Death of the Mother/Partner/Civil Partner, Primary Adopter or Child after maternity/adoption leave and pay is curtailed

If the mother/primary adopter has given notice to end maternity leave and pay/allowance, but has not returned to work and the curtailment date has not passed, the mother/primary adopter may withdraw the curtailment notice in the event of the mother/primary adopter's partners or child's father's death. In this circumstance the mother/primary adopter will continue on maternity/adoption leave.

Alternatively, the mother/primary adopter can choose to retain the right to shared parental leave and pay. Any untaken leave and pay that was available to the couple will default to the mother/primary adopter. The mother/primary adopter will need to notify the Council of the additional weeks of shared parental leave added to their entitlement.

If the mother/primary adopter dies after bringing forward the end date of maternity/adoption leave, the available shared parental leave and pay will default to the mother/primary adopter's or child's father if they meet the eligibility criteria.

The partner will be entitled to the mother/primary adopter's untaken shared parental leave and pay, where the mother/primary adopter has notified their employer of this entitlement. In this circumstance the partner will need to notify the Council of the additional weeks of shared parental leave and/or pay transferring by variation notice to their original entitlement.

If the child dies after the parents have opted into shared parental leave and/or pay, they will be entitled to take the leave and pay that they had booked before the child's death. Any remaining shared parental leave and pay that has not been booked will be no longer available to the parents.

Where the mother/primary adopter has died, the requirement for the partner to give 8 weeks' notice of entitlement to shared parental leave and pay and 8 weeks' notice to book leave does not apply. The Council should be notified as soon as is reasonably practicable that the employee is entitled to and would like to book the first period of leave. If the leave is taken in discontinuous blocks, subsequent notices to take shared parental leave will remain subject to 8 weeks' notice.

In addition, where the mother/primary adopter or partner has already used the 3 notices to book or vary a period of leave, they acquire a statutory right to make a 4th notification.

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Statutory Shared Parental Pay

Employees are eligible to receive Statutory Shared Parental Pay (SSPP) provided:

- They are eligible for shared parental leave by fulfilling the relevant criteria,

- The employee receiving the SSPP has earnings that are above the lower earnings limit for national insurance purposes for the 8 weeks before the 15th week before the expected week of child birth or the week in which the adopter is matched with the child for adoption.

There is no entitlement to occupational pay for any period of Shared Parental Leave (SPL).

Entitlement to SSPP ceases 39 weeks from the date on which the mother/primary adopter commenced ordinary maternity/adoption leave regardless of when SPL commenced. Any leave taken after this date is therefore unpaid.

SSPP is payable whether or not the employee intends to return to work after their period of SPL and will be paid at the rate set by Government at that time. If an employee fails to comply with the relevant notification requirements they may not be entitled to SSPP or its payment may be delayed.

Fraudulent Claims for Shared Parental Leave and Pay

The Council can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Council's disciplinary procedure.

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Parental Leave

Parental Leave

Parental leave is the right for employees to take **unpaid** time off to look after a child or make arrangements for the child's welfare. Examples of why an employee may wish to take parental leave include:

- Spending more time with the child;
- being with the child whilst he/she settles into new childcare arrangements;
- remaining with the child during a period of hospitalisation.

Length of Parental Leave Entitlement

An employee is entitled to 18 weeks unpaid parental leave for each child born or adopted. The leave can be taken up to the child's 18th birthday. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later.

Parental leave should be taken in blocks of one week, and should not be taken as individual days, unless agreed by management or where the child is disabled. A maximum of 4 weeks leave can be taken for each child in any one year.

A year is defined as being 12 months from the date the employee first becomes eligible to take parental leave for the child in question. Each successive 12 months runs from the anniversary of this date.

A week is defined as a normal working week based on an employee's working pattern.

Eligibility for Parental Leave

Under the legislation, to be eligible for parental leave, employees must have one year's continuous service. They should have, or expect to have, parental responsibility for the child and must be named on the child's birth or adoption certificate.

However, the Council has taken the decision to extend parental leave to any employee who can demonstrate that they are, or will be, the main carer of the child. Further advice should be taken from Human Resources.

Employers are entitled to see evidence to confirm that the employee is the parent or the person who is legally responsible for the child. Employees may be asked to provide evidence of their eligibility to take parental leave, which could include:

- Child's birth certificate;
- Documents confirming the child's adoption or date of commencement for the adoption placement;
- Child's entitlement to Disability Living Allowance.

The above list is not exhaustive but gives examples of evidence that may be used to prove an employee's eligibility to take parental leave. Failure to provide such proof on request may lead to parental leave being refused.

What if there is more than one child?

Parental leave is for each child. If there is more than one child, each parent is entitled to 18 weeks for each child.

Period of Notice

All employees

Employees are required to give at least 21 days' notice in writing of their request to take parental leave specifying the dates on which the leave is to start and end. Managers should give sympathetic consideration to requests for parental leave without full notice.

Expectant fathers

If the employee is the father of the child and wishes to take the leave to coincide with the birth of the child he must give 21 days' written notice of the expected week of the birth and of the duration of any period of leave requested. Managers should give sympathetic consideration to requests for parental leave without full notice.

Adoptive parents

If the child is being adopted, written notice must be given 21 days before the week in which the placement is expected to take place or as soon as reasonably practicable thereafter, specifying the expected date of placement and the duration of the period of leave being requested. Managers should give sympathetic consideration to requests for parental leave without full notice.

Can the leave be postponed?

The Council can postpone the leave if there are significant operational reasons why it cannot be taken at the time requested (except where the leave has been requested by the father or partner to start immediately after the birth or adoption placement). Where this is the case the manager should discuss alternatives with the employee.

The manager will write to the employee outlining the reasons for the postponement in writing within 7 days of the request and suggest alternative dates when the leave may be taken. Where it is necessary to defer the leave request the manager will suggest dates within 6 months of the original commencement date subject to this being prior to the child's 18th birthday. Any leave can only be postponed once.

Potential reasons for postponing a request for parental leave are:

- The work is at a seasonal peak
- A significant proportion of the workforce requests leave at the same time
- The employee's role is one where his/her absence at a particular time would be detrimental to service provision

Carryover of Parental Leave from previous employer

Employees can carry over the untaken parental leave from a previous employer, but not until they have one year's continuous service. Parental leave does not re-start if an employee obtains alternative employment within the Council.

Contract of Employment

The employee remains in the employment of the Council regardless of the duration of parental leave.

Payment of salary and other contractual benefits (e.g. sickness pay and any contractual allowances) are suspended during the period of the parental leave.

If an employee be entitled to a salary increment during the period of parental leave this will be reflected in the first salary payment after parental leave. The employee will not be entitled to back pay for the period of unpaid parental leave.

Employees' continuous service is not affected by any period of parental leave.

If a restructure occurs during the period of parental leave, the employee should receive equal consideration with regard to communication and consultation as affected employees who are at work. The Organisational Change Policy will be applicable in this circumstance.

Employees will normally return to the same job on no less favourable terms and conditions of employment except where a restructure has taken place which precludes that.

Parental leave is in addition to entitlements under maternity, paternity and adoption leave provisions.

Notification of parental leave

The manager should notify Human Resources when unpaid leave is taken to ensure that the appropriate amount is deducted from the employee's salary.

Other types of working and leave arrangements

Please consult the Flexible Working Time (NJC) and Flexible Working Hours (Flexitime) (JNC) Policy for alternative types of working arrangements and leave arrangements provisions.

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GENERAL INFORMATION

Returning to Work

Returning from Maternity Leave or Adoption Leave

An employee may take the full 52 weeks Statutory Maternity Leave (SML) or Statutory Adoption Leave (SAL) and if so must return to work on the date stated in the letter acknowledging their leave request. The employee need not therefore give notice of their date of return.

If they do not return at the end of SML/SAL, this will be treated as unauthorised absence (unless they are ill and provide a medical certificate before the end of the SML/SAL period).

If an employee returns to work at the end of their Ordinary Maternity Leave or Ordinary Adoption Leave, they are entitled to return to the same job on the same terms and conditions.

If an employee returns to work at the end of their Additional Maternity Leave or Additional Adoption Leave, they are entitled to return to the same job, but if that is not reasonably practicable, to another suitable job on comparable terms and conditions.

Returning Before the End of Maternity Leave

An employee may return to work earlier than the end of their maternity leave period. The Council encourages employees to give 8 weeks written notice. However, as a minimum she must inform her manager in writing at least 21 days before the intended return date. Where the notice given is less than 21 days the employer may

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postpone the return to ensure 21 days' notice, but not beyond the end of the maternity leave period.

Returning Before the End of Statutory Adoption Leave

An employee may return to work earlier than the end of their SAL, at any time during their Ordinary Adoption Leave or Additional Adoption Leave, provided they give their manager 8 weeks' written notice of the date they intend to return.

Changing the Return Date during Maternity/Adoption Leave

If the employee has already notified their manager of their intended date of return and then changes their mind, the Council asks that the employee gives 8 weeks' notice of the change of date. However, as a minimum the employee must give 21 days' notice of the new date, if this is **earlier** than the original return to work date that the employee notified the Council of. If the employee proposes to return **later** than the original date, they must give notice of the new return date 21 days before the original return date. The employee may change their mind more than once, but must give the relevant notice each time.

The employee can delay the return to work by taking any outstanding annual leave they may already have earned but not taken prior to commencing maternity or adoption leave, together with the annual leave which has accrued during their absence. Normal annual leave approval and booking arrangements apply.

Deferring the Decision to Return

The employee may defer their decision about returning to work until after the birth/adoption of their baby. In these circumstances, the employee's 12 weeks' Occupational Maternity or Adoption Pay will be withheld until after they return to work. If the employee confirms that they do not intend to return to work they will not be eligible for the 12 weeks' Occupational Maternity or Adoption Pay.

If the Adoption Placement Fails

If after the employee's Statutory Adoption Leave (SAL) has begun, the expected placement does not occur, or once the placement has started, the child dies or returns to the adoption agency, the employee is entitled to SAL and Statutory Adoption Pay for up to 8 weeks after the placement ends. The employee is also required to give 8 weeks' written notice that they will be returning to work earlier than intended.

Early Return to Work from Additional Paternity Leave

If an employee wishes to return to work earlier than the date specified in their [APL01 form](#), they must give at least 8 weeks' notice of their new return date. If less than 8 weeks' notice is given, and the new date cannot reasonably be accommodated, the Council has the right to delay the return date to ensure that 8 weeks' notice has been given.

Early Return to Work from Shared Parental Leave

If an employee wishes to return to work earlier than the date specified in their [SPL01 form](#), they must give at least 8 weeks' notice of their new return date. If less than 8 weeks' notice is given, and the new date cannot reasonably be accommodated, the

Council has the right to delay the return date to ensure that 8 weeks' notice has been given.

Delayed Return Due to Sickness

If the employee is unable to return to work at the end of their maternity, adoption or shared parental leave owing to sickness, they must provide a medical certificate. Normal sickness absence reporting arrangements will apply.

This provision applies whether or not the employee has taken their full entitlement to leave or has notified their manager of the date of return.

IMPORTANT NOTE: Since arrangements may have been made to cover the employee's absence on maternity, adoption, additional paternity leave or shared parental leave the employee is requested to give as much notice as possible.

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If the Employee Does Not Return to Work

If the employee decides that they will not be returning to work at the end of their maternity leave, adoption leave or shared parental leave, they must notify their manager in writing of their decision to resign. The resignation will take effect on the date the maternity leave, adoption leave or shared parental leave would otherwise have ended. Normal contractual notice periods will apply.

Pension Contributions

For an employee who is a member of the Local Government Pension Scheme, pension contributions will continue to be deducted each month from their salary during the **paid** period of their maternity leave, adoption leave, additional parental leave or shared parental leave. Contributions will be based on the levels of pay applicable at the various stages of their leave. When an employee enters a period of **unpaid** leave (applies to maternity leave, adoption leave, parental leave and shared parental leave), it will not be possible to collect pension contributions.

Local Government Pension Scheme Members

Members of the Local Government Pension Scheme are able to make up "missing" contributions on their return to work so that the period of service concerned can be counted for pension purposes. An employee wishing to make up their contributions must notify the Pension Section and Payroll Section of their decision by completing and returning the relevant [Additional Pension Contributions Form](#) **within 30 days of their return to work**. The outstanding contributions can be paid either as a lump sum or, by agreement, in instalments.

Where a member who is paying into the 50/50 scheme enters a period of unpaid maternity leave, ordinary adoption leave or paternity leave they will be automatically

moved back into the main LGPS scheme. Any questions should be raised directly with the Pension Section.

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Continuous Service

For employees employed under the conditions of service of the National Joint Council for Local Government Services, where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants, they will be entitled to have previous service taken into account in respect of occupational sickness and maternity schemes provided that the break in service does not exceed 8 years and that no permanent paid full-time employment has intervened. For the purpose of the calculation of entitlement to annual leave, the 8 years' time limit does not apply provided that no permanent full-time employment has intervened.

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Keeping in Touch (KIT) and Shared Parental Leave in Touch (SPLIT) Days

Keeping-in-touch (KIT) days are intended to help the employee keep in touch with their workplace during statutory maternity leave (SML) or statutory adoption leave (SAL).

An employee may undertake up to, but not exceeding, 10 KIT days during SML or SAL without bringing their leave to an end or affecting their statutory maternity pay (SMP) or statutory adoption pay (SAP) - see note below. KIT days can be worked separately or in a block, and either as full or part days, by agreement between the employee and their manager. Any part day working will count as a full day for the purposes of KIT AND SPLIT days.

When an employee has shared parental leave they can undertake up to 20 shared parental leave-in-touch days (SPLIT) during shared parental leave (SPL) without bringing the leave to an end. Both parents have up to 20 SPLIT days each, which can be taken as single days or in blocks of days. This is in addition to the 10 keeping-in-touch (KIT) days available to the mother or primary adopter during maternity leave or adoption leave. The right to the 10 KIT days will end when the maternity or adoption leave ends and cannot be used during SPL.

KIT and SPLIT days cannot be taken during the Compulsory Maternity Leave (CML) period. KIT and SPLIT days can be used, for example, to undertake work, attend a training course, team meeting or Personal Development Review meeting, or to participate as a member of an interview panel.

The employee is paid at their normal rate of pay for the hours/days worked as KIT or SPLIT days and this will be offset against any statutory payments and any occupational maternity or adoption scheme payments due to the employee at the

time the KIT or SPLIT day is undertaken. The hours worked should not exceed the employee's normal weekly contracted hours. The manager is responsible for completing and certifying a [KIT/SPLIT form](#) for payment of the hours/days worked.

Important Note: If an employee has worked 10 KIT and 20 SPLIT days and then does further work for the Council during their SML, SAL or SPL, they will lose SMP, SAP or SSPP for each week in which they work. For example, if an employee works their 10th KIT day and then does a further day's work in the same week, they will lose SMP, SAP for that week. In this context, a week means any period of 7 days (e.g. if the employee's SMP, SAP or SSPP started on a Thursday, a week will run from Thursday to Wednesday).

The Council cannot require an employee to undertake KIT or SPLIT days and an employee does not have any entitlement to be offered them. The amount and type of work that is to be done should be mutually agreed between the employee and their manager, subject to the above provisions.

Contact during Maternity Leave, Adoption Leave, Additional Paternity Leave or Shared Parental Leave

A manager is entitled to make reasonable contact with the employee during their leave (e.g. to discuss plans for returning to work or whether the employee might be seeking to change their hours of work or pattern of working). **The employee will also need to be kept up-to-date about any changes that may be taking place in the Council.**

Details of job vacancies are available on the Council's website. If there are vacancies within the employees service area that may be suitable for the employee on maternity leave, managers should notify the employee. If an employee is unable to access the website and would like to receive information on vacancies, managers can arrange this on request.

Casual Employment

The employee should not undertake casual employment with another employer or through an agency during their maternity leave, adoption leave, additional paternity leave or shared parental leave as their earnings could affect their entitlement to maternity pay, adoption pay or shared parental pay.

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Statutory Right to Request Flexible Working

The employee has a statutory right to request flexible working, which could be returning on reduced hours, on a different working pattern or to a different work location.

Detailed information about the Statutory Right to Request Flexible Working is available on the intranet by clicking [here](#).

Annual Leave and Public Holidays

Employees are encouraged to take any outstanding annual leave they have accrued but not yet taken before starting their maternity leave, adoption leave, additional paternity leave or shared parental leave.

During their leave, the employee will continue to accrue annual leave together with any public holidays that fall during this period.

The employee may take in full the leave that has accrued during the period of maternity leave, adoption leave or shared parental leave. However, the employee is not permitted to carry forward excess leave beyond the first year after their return into subsequent annual leave years outside of the policy for carrying forward leave.

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Essential Car User Allowance

An employee with essential car user status will continue to receive the essential car user lump sum throughout their maternity, adoption or shared parental leave period.

Child Care Vouchers

The Government has introduced tax-free childcare as its long-term replacement for the childcare voucher scheme.

Employees who are currently receiving childcare vouchers will be able to continue to do so for as long as the Council runs the scheme. Further information on the scheme is available from Computershare Voucher Services at www.computersharevoucherservices.com.

If an employee already participates in the Council's child care vouchers scheme, they will continue to be eligible to receive child care vouchers during their maternity, adoption or shared parental leave, including the unpaid period.

Employees who are not able to access childcare vouchers may be eligible for tax free childcare. Further information on the scheme and details on how to apply are available at [tax free childcare](#).

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APPENDIX A - Glossary of Terms and Abbreviations

AAL	Additional Adoption Leave
Additional Maternity Leave	26 weeks' leave following the period of Ordinary Maternity Leave
ADOPT01	Adoption leave and pay request form
AML	Additional Maternity Leave
Childbirth	The live birth of a child or a stillbirth after a pregnancy lasting at least 24 weeks
CML	Compulsory Maternity Leave
Compulsory Maternity Leave	The 2 weeks immediately following the birth when the employee is not permitted to work (included in the Ordinary Maternity Leave period)
EWC	Expected week of childbirth
Expected week of childbirth	The week beginning at midnight between Saturday and Sunday in which the baby is due to be born
MATB1 Certificate	The certificate issued by a doctor or midwife showing the date that the baby is due (available from the 20 th week before the expected week of childbirth)
KIT days	Keeping-in-touch days
MA	Maternity Allowance
Maternity Allowance	Women who do not qualify for SMP may be entitled to claim Maternity Allowance
MAT01	Maternity leave and pay request form
Maternity Pay Period	39 week period during which either SMP or Maternity Allowance is paid
MPP	Maternity Pay Period
OAL	Ordinary Adoption Leave

Occupational Maternity Pay	Maternity pay paid under the employer's maternity pay provisions
OML	Ordinary Maternity Leave
OMP	Occupational Maternity Pay
OPL	Ordinary Paternity Leave
Ordinary Maternity Leave	The first 26 weeks of maternity leave
SAL	Statutory Adoption Leave
SAP	Statutory Adoption Pay
SPL	Shared Parental Leave
SPP	Shared Paternity Pay
SMP	Statutory Maternity Pay
SPL	Statutory Paternity Leave (comprising Ordinary Paternity Leave and Additional Paternity Leave)
SSPP	Statutory Shared Parental Pay
Statutory Maternity Pay	The employee's statutory entitlement to maternity pay

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APPENDIX B - Local Government Services Maternity Pay

Maternity Pay - Quick Reference Guide			
Maternity Pay Period	Type of Leave	Type of Pay and Pay Entitlement	
		26 weeks' or more continuous service with the current employer by the end of the 15th week before the expected week of childbirth	Less than 26 weeks' continuous service with the current employer by the end of the 15th week before the expected week of childbirth
Weeks 1 - 6	Ordinary Maternity Leave	90% of your average weekly earnings inclusive of higher rate SMP	Maternity Allowance
Weeks 7 - 18	Ordinary Maternity Leave	Standard (i.e. <i>lower</i>) rate SMP plus 12 weeks half pay* (OMP) where entitled and providing total does not exceed full pay	Maternity Allowance plus 12 weeks' half pay* (OMP) where entitled and providing total does not exceed full pay
		<i>*To qualify for OMP the employee must have one year's continuous service with a local authority or body contained within the Redundancy Modifications Order) at the beginning of 11th week before her EWC OMP is repayable in full or a proportion if the employee does not return/complete 3 months' service.</i>	
Weeks 19 - 39	Ordinary Maternity Leave / Additional Maternity Leave	Standard rate Statutory Maternity Pay	Maternity Allowance
Weeks 40 - 52	Additional Maternity Leave	Unpaid	Unpaid

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APPENDIX C – Adoption Pay Quick Reference Guide

Weeks	Level of Pay
1 - 6	90% of pay inclusive of Statutory Adoption Pay <i>(payable if the employee has 26 weeks' continuous service with the Council by the week of matching notification)</i>
7 - 18	Statutory Adoption Pay plus 12 weeks' half pay* (i.e. Occupational Adoption Pay), where entitled and providing total does not exceed full pay <i>(*Occupational Adoption Pay is only payable if the employee has one year's continuous service with a Local Authority or other body contained within the Redundancy Modifications Order by the week of matching notification)</i>
19 - 39	Statutory Adoption Pay only <i>(payable if the employee has 26 weeks' continuous service with the Council by the week of matching notification)</i>
39 - 52	Unpaid

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Leave Arrangements (Annual, Public Holidays and Other Leave Entitlements) Policy

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Scope

This policy applies to all employees of Charnwood Borough Council employed under the following conditions of service:

- Joint Negotiating Committee for Local Government Services (JNC);
- National Joint Council for Local Government Services (NJC);
- Joint Negotiating Committee for Local Authority Craft and Associated Employees (Craft).

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Principles

- The Council is committed to ensuring the health and wellbeing of its employees and, in addition to promoting health and wellbeing initiatives, will ensure that employees use their leave entitlement to take regular breaks from work.
- The arrangements described below apply to employees who are contracted to work on any of the 7 days of the week, including those required to work on a public/extra statutory or concessionary day.
- Paid leave can only be granted subject to service demands.

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Roles and Responsibilities

<p>Line managers</p>	<ul style="list-style-type: none"> • To ensure that all requests for leave are appropriately considered and dealt with fairly and managed accordingly. • To notify payroll when unpaid leave is taken to ensure that the appropriate amount is deducted from the employee's salary.
<p>Employees</p>	<ul style="list-style-type: none"> • To make leave requests as soon as possible in advance to their line manager. • Liaising with their line manager about the requirement either to make up time lost or take annual or unpaid leave (i.e. severe weather). • To record leave requested and taken. Employees with access to Trent self service are required to use Trent to submit leave requests for agreement. Employees without access to Trent self service will have a designated annual

	leave administrator to input annual leave on to the Trent self service system.
HR Services	<ul style="list-style-type: none"> To advise and support managers in the application of the Policy and Procedure.
Payroll Services	<ul style="list-style-type: none"> To advise and support managers on any relevant payroll issues.

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Employees with more than one contract

Where an employee has more than one part-time contract of employment, each contract stands alone and the employee will receive separate annual leave entitlement and public holiday entitlements under each contract.

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Annual Leave Entitlement - Full and Part Time Permanent and Fixed Term Contract Employees

The annual leave year for all NJC and JNC employees runs from 1st June to 31st May inclusive. Some groups of employees, including Craft and Associated Employees have different leave years outlined within their contracts which either fall from 1st April to 31st March or 1st January to 31st December.

If an employee commences employment part way through a leave year, pro-rata entitlement will be calculated on each day of completed service based on a full years' annual entitlement rounded down to the nearest half hour for part time employees.

For full time employees (those who work 37 hours per week) annual leave is calculated in days.

For part time employees and employees whose contracted hours are more than 37 hours per week annual leave entitlement is calculated in hours.

The number of days' annual leave entitlement is as follows:

Grade	Below 5 years' service	*Above 5 years' service
Grades 1 to PO4 (including Skills Group 1 – 4)	22	27
JNC	27	32

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*Employees completing 5 years' service will receive their additional pro rata entitlement in the leave year in which they attain the requisite service.

Part-time employees are entitled to annual leave pro rata to hours worked.

Protected Annual Leave

Some employees who worked for Charnwood Borough Council prior to January 2000 have their annual leave entitlement protected at 28 days for NJC employees and 33 days for JNC employees as those employees will have over 5 years service. Part time employees who fall into this category will receive a pro rata entitlement based on the protected entitlement.

Employees on older contracts will continue to receive annual leave and public, extra statutory, and locally agreed days in accordance with their contracts, where entitlements specified are different to the current procedure.

Annualised Hours (including term-time working) only

For employees on annualised hours (including term-time) contracts, their holiday entitlement (public holidays and annual leave), is based on the contractual holiday entitlement for Council full time employees and is accrued throughout the contractual year. Further guidance is available on the intranet by following this link [click here](#).

The pattern of an employee's working and non-working periods will be agreed with the employee and then confirmed in writing by their line manager.

Annual leave for full and part time employees who wish to work annualised hours will be divided into hours, including annual leave and bank holiday entitlement, as detailed in the authority's leave policy. Actual working hours will be deducted on each working day for leave.

An employee may, from time to time, be required to work on any public holiday. If they are required to work on a public holiday, the employee will be reimbursed in accordance with the relevant conditions of service.

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Part Time Employees Annual Leave and Public Holidays

For part time employees the annual leave and bank holiday entitlements are added together to give a total leave entitlement (in hours) for the year. When employees take annual leave they must deduct from their entitlement the hours they would normally work on the day or days they are absent from work due to annual leave. If a public holiday, extra statutory or locally agreed day falls on a day when they should be at work then they must also deduct from their entitlement the hours they would have worked on that day.

Part time employees who work the same number of hours each day can convert their leave entitlement to days by dividing their number of hours leave entitlement by the number of hours per day that they work.

Employees whose contractual hours of work are at the beginning of the week may find that they have to utilise annual leave to cover time taken for bank holidays. In such cases employees may wish to negotiate with their manager to recover this time by working on a day they would not normally work. Both parties must mutually agree this agreement.

For example an employee who normally works on a Monday, Tuesday and Wednesday may agree to work on a Tuesday, Wednesday and Thursday where the Monday is a Bank Holiday, they would therefore not need to deduct any time from their leave entitlement.

Part time employees who receive their annual leave entitlement in hours may take any odd hours they have left after taking their annual leave in full or half days as they wish. To make any surplus hours left after taking full or half days, part time employees can add hours banked as flexi to the remaining annual leave hours.

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Annual Leave Entitlement - Casual Workers

Casual workers are entitled to statutory annual leave (28 days a year). Due to the nature of the work it is difficult for casual workers to take their leave so therefore casual workers automatically receive payment for this, by Trent enhancing the hours worked by 12.07%.

Casual workers' payslips identify the payment made for the hours worked and a separate amount showing holiday pay entitlement for those hours.

However, employment law gives casual workers the right to take leave during any period they have agreed to work. It is recognised that this usually isn't practical, but as this is a requirement of the law it is necessary to include this as an option in the contract for services. In reality it is anticipated that casual workers will only request to take leave on very rare occasions. On the rare occasion that a casual worker will request to take their leave, they may decline to work on a particular day or request not to work on a particular day and managers just need to ensure that the casual worker does not receive pay for the hours that they do not work.

During a period of an assignment, in agreement with their Manager, a casual worker will be entitled to take the annual leave accrued during that assignment. When a request is agreed for annual leave to be taken during an assignment, managers must ensure that the following is recorded on the employee's time sheet 'Leave taken – no hours worked'. Similarly when a casual worker is assigned to work during

a period when a public holiday or the concessionary day falls and they are not required to work managers must ensure that no hours are recorded on that day(s).

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Taking of Annual Leave

Annual leave may be taken by mutual agreement between the manager and the employee, other than in those services where employees are required to take holidays at particular times. Annual leave must be taken in periods of not less than half a day.

All requests for annual leave must be approved in advance.

Employees must not present their manager with a 'fait accompli' by booking a holiday and then requesting leave as this may lead to disappointment if the leave cannot be granted.

Other team members may also wish to take leave at the same time or may already have approved leave arrangements. Managers must ensure fairness and be able to maintain adequate staffing cover (and appropriate skills) so it may not always be possible for managers to grant leave requests in line with an employees request.

It is appreciated that it may not always be possible to give advance notice in the case of short term, unexpected events, and managers need to be sensitive to individual circumstances. For further information, go to the Unplanned Leave section in this policy by [Unplanned Leave](#).

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Public Holidays

In addition to the 8 bank holidays, 2 extra statutory and 2 locally agreed days are granted each year, to be taken as follows:

Christmas and New Year	
Christmas Day	25 December (Public Holiday)
Boxing Day	26 December (Public Holiday)
New Year's Day	1 January (Public Holiday)
One Extra Statutory and Two Locally Agreed Days to allow for closure of office between Christmas and New Year	Variable dates
Easter	

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Good Friday	Variable date (Public Holiday)
Easter Monday	Variable date (Public Holiday)
<i>NB Easter Sunday is not a public holiday; it is classed as a normal working day</i>	
Other	
May Day	First Monday in May (Public Holiday)
Spring Bank Holiday	Last Monday in May (Public Holiday)
Summer Bank Holiday	Last Monday in August and Tuesday (Extra Statutory Day) after August Bank Holiday Monday
TOTAL NUMBER OF PUBLIC, EXTRA STATUTORY AND LOCALLY AGREED DAYS = 12	

The locally agreed days are to enable a week's closedown over the Christmas and New Year period. Employees required to work on these days will be paid at the appropriate rate and granted time off in lieu in full recompense.

The date of the Christmas extra statutory and two locally agreed days may vary each year according to how the Christmas dates fall. The date of the concessionary day is determined each year by the Chief Executive.

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Employees who are rostered to work on a Public Holiday

Employees required to work on a rota basis will be given an entitlement to annual leave and bank holiday allowance in hours.

If an employee is rostered to work on a public holiday, they will be paid in accordance with the relevant conditions of service.

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Day off Coinciding with a Public Holiday

Where seven-day working operates, during which the employee will work on a rota a public holiday may coincide with an employee's scheduled day off. In order to compensate for the public holiday the entitlement will have been given to the employee along with the annual leave entitlement.

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Pay arrangements for employees who are called into work on a Public Holiday

Pay arrangements for employees who are called into work on a public holiday are set out in the Pay Arrangements policy.

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Requesting Leave

Leave must not be taken without prior approval. Any alterations to leave arrangements must also be approved by the employee's line manager.

Employees who have access to Trent self service should use this for requesting and booking annual leave.

Employees without access to Trent will have a designated annual leave administrator to input leave on to the Trent self service system.

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Annual Leave Calculator (excluding casual workers and employees on annualised hour's contracts (including term time only))

Annual leave for employees commencing or leaving part way through the leave year should be apportioned.

Leave should not be granted in excess of an employee's entitlement, where it is known that the employee is leaving.

The [annual leave calculator](#) works out annual leave for part time staff for the full year, part time staff for part of the year, part time staff with a change of hours, full time staff for the full year and full time staff for part of the year.

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Carry Over of Annual Leave

Employees may carry forward up to a maximum of 5 working days* of their contracted weekly working hours from one leave year to the next.

In exceptional circumstances, the Head of Service may at their discretion approve a further 5 working days* paid leave to be carried over. *(Pro-rata for part time employees).

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Request to bring forward annual leave from the next leave year

A request may be made by an employee to use some of their leave entitlement from the next year's annual leave entitlement as they have insufficient leave remaining in the current leave year to accommodate a commitment they wish to fulfil e.g. extended holiday. Where a request is granted managers should ensure the

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employee will have an entitlement remaining in the following leave year that allows at least the entitlement to statutory leave.

There is no general entitlement to bring forward annual leave from the next leave year into the current leave year and other options should be explored in the first instance such as unpaid leave. Following advice from HR, managers and the Head of Service, may approve individual requests in exceptional circumstances.

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Untaken Leave - At the End of the Leave Year

There is no entitlement to be paid for any annual leave that remains untaken at the end of the leave year. Where such leave cannot be carried forward, as per previous section, an employee will lose the entitlement to that leave.

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Untaken Leave - Notice of Termination of Employment

Where notice is worked

The line manager will notify the employee of the proportionate amount of leave to which they are entitled up to the date of leaving. This amount will include any leave remaining from the previous leave year if applicable (up to 5 days) and any leave accrued up to the last day of employment, but not taken for the leave year in which the termination of employment takes place.

Employees are required to take any outstanding annual leave before leaving. If it is not possible to take the outstanding leave before leaving for operational reasons, or if the case is deemed one of special hardship by the Strategic Director, payment will be made for the amount of leave remaining.

Where Notice is Not Worked - Ill Health Retirement and Other Terminations of Employment

The line manager must inform HR Services of any annual leave adjustments via the [leavers' checklist e-form](#).

The amount of contractual leave accrued but not taken for the leave year in which employment terminates will be calculated and paid in lieu. This will include any annual leave which has been carried forward from a previous leave year.

Leave Taken in Excess of Entitlement

Employees who are leaving the service of the Council and have taken leave in excess of their entitlement will have the appropriate amount deducted from their final salary payment.

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Accrual of Annual Leave during a Period of Unpaid Leave

In accordance with the Working Time Regulations employees' should accrue 28 days annual leave (pro rata for part time employees) per leave year. Paid public holidays can be included as part of this statutory leave entitlement. The contractual leave entitlement given to an employee is in excess of the statutory leave entitlement.

An employee would not ordinarily accrue annual leave during a period of unpaid leave. However, where an employee will be having an extended period of unpaid leave, the manager will need to ensure the employee receives the minimum statutory leave entitlement for that leave year. Managers will need to take into account any leave already taken during the leave year as this will count towards the statutory leave entitlement. Where the employee is unable to take the minimum statutory leave entitlement, managers can arrange payment in lieu.

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Planned Leave (pre-arranged appointments)

With the exception of ante-natal and disability related appointments, employees should make every effort to book medical appointments and other absences for personal/domestic matters outside of their normal working arrangements.

There are separate provisions in the [Maternity Leave and Pay Policy and Procedure](#) and [Special Leave for Disability-Related Absence](#) documents.

However, it is recognised that this is not always practicable and employees may need time off from work to accommodate this. It is expected that many of these can be accommodated by utilising the flexibility available under the Flexible Working Time (NJC) and Flexible Working Hours (Flexitime) (JNC) Policy where applicable. If this cannot be possible then the employee should discuss this with their manager at the earliest opportunity so that agreement can be made on the best arrangements to be put in place to ensure service provision is not affected. This could include utilising already accrued TOIL or swapping working days with a colleague.

Should it not be possible to find an alternative arrangement that enables the employee to be absent then the absence may be taken as annual leave. If the employee has insufficient leave remaining, or prefers, the absence should be treated as unpaid leave.

Leave for Carers

Employees who need to attend a medical appointment of a person they are providing care support for, should request appropriate leave arrangements with their manager. This can include using; TOIL, making up the hours at another time, swapping a working day with a colleague, taking flexi time, annual leave or unpaid leave.

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Unpaid Leave for Carers

Employees can request unpaid leave to undertake a caring responsibility for a period of up to one month. Any request for leave in excess of one month should be requested in line with the Career Breaks policy.

Medical Appointments

Where it is necessary to take time off to visit the doctor, dentist, hospital etc. employees should endeavour to make appointments outside core time. Core time is 9:30 – 11:15 (JNC)/11:45(NJC) and 14:15 – 16:00 (15:30 on a Friday). Where this is not possible, employees should credit the hours absent during core time. Any absence during flexitime should not be credited. It may be necessary to record more than one starting and finishing time on such occasions.

The cost of unpaid leave will be calculated as follows:

Hours taken as unpaid leave X hourly rate of pay

Example

A full time employee on Scale 6 - pay point 26 (£22221 per annum)

$\frac{£22221}{52/5} = £85.46p$ for the day's leave

Please Note that the employees' pension contribution will be deducted from the normal monthly salary.

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Unplanned/Compassionate Leave

Most employees are likely to experience an event or events when their immediate attention is required. In these circumstances managers should, as far as reasonably practicable, enable an employee to make up the time taken away from work, by using any existing TOIL or flexi time that they may have, or by them making up the time taken within a set period of time. Where it is not practicable to accommodate all or part of the time taken in this way, the time lost must be taken as annual or unpaid leave. The exception to this is in relation to leave required to deal with bereavement leave and the emergency hospitalisation, emergency situation or the breakdown in care arrangements of a dependant.

Bereavement Leave, Emergency Hospitalisation, Emergency Situation or the Breakdown in Care of a Dependent

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A maximum of 10 days' paid leave (pro-rata for part-time) may be granted in any ~~12 month~~12-month rolling period for the purpose of dealing with bereavement and the emergency hospitalisation, emergency situation or the breakdown in care arrangements of a dependant. The provisions for each of these specific circumstances are set out below however when combined should not exceed a maximum of 10 days' paid leave (pro-rata for part-time) in any ~~12 month~~12-month rolling period. This period commences on the first day when compassionate leave is granted. Ordinarily where an employee has already been granted the maximum number of days available managers should seek to accommodate requests using the provisions of the Planned Leave Section ([see above](#)). In exceptional circumstances a manager may agree a period in excess of 10 days' paid leave (pro-rata) in any ~~12 month~~12-month rolling period. Managers should contact HR Services for specific advice in these circumstances.

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Bereavement Leave

A maximum of 5 days' paid leave may be granted in the event of the death of a family member or close friend.

In circumstances where an employee loses a child under the age of 18, or suffers a stillbirth from the 24th week of pregnancy, on or after this date, they will have the right to two weeks' paid bereavement leave. The two weeks' leave may be taken as one block, or as two non-consecutive one week blocks, at any time during the 56 weeks following the child's death.

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The definition of a family member or close friend ([see below](#)) is not exhaustive as it is recognised that the nature of relationships is complex. Therefore, when determining the number of days to authorise, managers will need to consider the individual circumstances facing the employee including:

- Taking account of the circumstances surrounding the bereavement;
- Being sensitive to cultural and religious observances which may affect the obligations placed upon the employee within the family unit. The Religious Observance section within this policy gives further guidance ([click here](#));
- Taking account of whether the employee has responsibility for making arrangements for the funeral;
- Whether the employee has a practical role to play afterwards (e.g. executor to the estate).

~~In exceptional and unusual circumstances (e.g. if the child of an employee passes away) it may be appropriate to grant up to a further 5 days paid leave.~~

Definition of a family member or close friend

For the purpose of Bereavement Leave, a family member or close friend is defined as:

- Own child/step child;

- Partner (including same-sex partner);
- Parents/step parents;
- Siblings/siblings of partner;
- Grandparents or In-laws;
- Next-of-kin or nominated next-of-kin;
- Other family members living long term in the employee's household (not temporary visitors or lodgers, etc);
- Other dependents where an employee has provided care;
- Where an employee has a close personal relationship which may include having responsibility for making any necessary arrangements.

Managers must consider each case on its own basis. Approval for paid time off for bereavement under this scheme is subject to the closeness of the relative/dependent that has passed away. It is therefore necessary for the employee to indicate their relationship with the deceased, if they were the sole carer, the date of the death and the location of the funeral to ensure that the Manager is able to authorise leave as appropriate.

Sickness following bereavement

Where the employee is not well enough to attend work following the bereavement, or other difficult situation that has occurred, due to the effects of stress, anxiety, and reactive depression etc. normal sickness reporting and certification procedures will apply.

Emergency Hospitalisation, Emergency Situation or the Breakdown in Care of a Dependent In the event of the emergency hospitalisation of a dependent where an employee is required to provide care, or in circumstances where care arrangements for a dependent break down or an emergency situation occurs, up to 2 days' paid leave in any one (rolling) year may be granted to enable the employee to make alternative arrangements and manage immediate domestic affairs. It may be applicable in some circumstances (e.g. a life threatening condition) to allow up to a further five days' leave with pay. Ordinarily additional time off will be subject of the provision of the planned leave section above.

The Council interprets the term emergency to mean an unexpected and serious situation requiring immediate attention, affecting him/herself or a close relative or dependant. The time required to address the emergency will be for a finite period. Once the need for immediate action has been addressed, the emergency will be considered to be over.

Managers must consider each case on its own basis. Compassionate leave does not cover minor or common health problems within the family, for instance childhood ailments or planned surgery. In such cases flexi-leave, annual leave or unpaid leave should be requested until such time as arrangement for care can be made. Leave granted under these arrangements is not intended for long term family or domestic

needs where other arrangements must be made by the employee. For example, a relative's routine medical appointment or arrangements related to domestic issues.

Requesting Compassionate Leave

To request compassionate leave employees' must apply to their line manager and complete the Application for Compassionate Leave e-form, which will then need to be authorised by their manager. It is accepted that for emergencies and unforeseen circumstances the form can be completed after the leave has been taken, provided that prior agreement to the leave has been received from the manager. In addition to completing the e-form, employees must also request the leave through i-Trent employee self service.

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Severe Weather Conditions

The Council recognises that adverse weather conditions will, from time to time, make travel to and from work difficult. However, employees are expected to make all reasonable efforts to reach their workplace to help fulfil the stated objectives. If it is not possible to reach the workplace, requests for working from home will be considered by the manager.

In circumstances where an employee on a permanent or fixed term contract fails to attend work, or where the employee arrives late and the manager is not satisfied that the arrival time is reasonable, the time lost will be made up by using any existing TOIL that they may have, or by them making up the time taken within a set period of time. Where it is not practicable to accommodate all or part of the time taken in this way, the time lost must be taken as flexi time, annual or unpaid leave. Casual employees who fail to attend work will not be paid for the day(s) in question.

Where employees arrive late and the Manager is satisfied that their arrival time is reasonable the employee will not lose pay and will be credited with their normal contracted hours for that day. The Manager must take account of the following factors when reaching their decision:

- The distance they live from their workplace, and
- The prevailing weather conditions.

Casual employees will be paid for the actual hours of attendance at work.

If weather conditions are particularly severe and employees request to leave work early, the Manager may allow those who are not required to provide essential cover to do so taking account of:

- The distance the employee(s) lives from their workplace; and
- The prevailing weather conditions.

Employees will generally continue working until their normal finishing time.

Permanent and temporary employees granted permission to leave early under managerial discretion will not lose pay and will be credited with their normal contracted hours for that day.

Where the Council is unable to provide employment at the employee's normal workplace, e.g. due to heating breakdown, full closure of an establishment etc, and/or a suitable alternative work location cannot be provided, including working at home, the employee will receive normal pay for any time lost up to a maximum of the employee's normal contracted hours for that day.

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Fertility Treatment

There is no statutory entitlement to time off for IVF treatment. However, the Council recognises the potential emotional pressure employees may experience during the process. By way of alleviating some of the associated anxiety the Council has agreed that time off to attend appointments and treatment will be subject to the planned leave provisions of this policy [click here](#). Time off due to any side effects of the treatment will be dealt with under the Attendance Management policy. Sickness absence associated with the treatment will not be classed as pregnancy related absence.

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Religious Observance

The Council recognises the diversity of its workforce. Any requests for time off for the purpose of religious observance including religious festivals should be granted unless there are exceptional circumstances which make it impossible for the employee to be released.

Employees may wish to offer prayers whilst at work in accordance with their religious customs. Where religious observance needs to take place during working hour's line management approval must be sought in advance and the time must be made up by the employee.

Leave requests may be:

- either accommodated through the provisions of the Flexible Working Hours (NJC) or Flexible Working Time (JNC) Policy or,
- met from the employee's annual leave; or,
- unpaid leave.

Further guidance on [Religion and Religious Beliefs](#) is available.

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Blood and Platelet Donors

Paid time off will normally be granted to employees who wish to donate blood or platelets. Employees donating blood are expected to visit the mobile transfusion unit when it is in their work locality. It is recognised that donation of platelets can only be done at a hospital and where it is not possible to arrange the appointment outside of working hours, reasonable time off may be allowed, with the agreement of the manager, to attend the appointment subject to service needs.

Examination Leave

For post entry training where financial assistance and paid release has been granted by the council, in accordance with the [scheme for financial support assistance policy](#), examination leave will be granted as paid leave (first attempt only). Sufficient notice of examinations must be given. Leave may also be granted for revision on the basis of ½ day per examination (final examinations only). Other revision time should be taken using annual leave or flexitime. When a course of study and/or examinations have been completed a copy of the results achieved should be sent to the Learning and Development Division.

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Job Interviews

For employees who are eligible for [redeployment](#), the provisions for time off are explained in the Council's [Organisational Change Policy](#).

Managers will grant paid leave to employees attending interviews for posts with other local authorities and public sector organisations only.

No paid leave for interviews at other employers will be allowed. Time off for an employee attending an interview, other than in the above circumstances, will be subject to the planned leave provisions of this policy [click here](#).

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Lectures etc

Employees who are invited to give lectures, presentations and radio talks etc as part of their normal duties may do so within their contractual hours, subject to prior line management approval.

Employees must ensure that any fees received from the organising body are paid directly to the Council.

Employees who participate in such activities outside their normal working hours will not be compensated by the Council for the time spent or any travel or subsistence attached to the event.

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Professional Bodies – Attendance at Meetings

Office Holders

Employees who serve on a committee or council of a professional body may be granted paid leave to attend such meetings in working hours, where operational needs permit at the discretion of the manager. Managers may approve travel and subsistence expenses where these are not met by the professional body concerned.

General

Where employees are not serving members of committees or councils of professional bodies, but it is considered of some benefit to the Council to attend meetings, managers may approve paid time to attend in addition to travel and subsistence, where appropriate.

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Public Service Leave

Subject to operational needs up to 15 days' leave with pay per year may be granted to employees who are members or officials of the public bodies listed below or to attend meetings concerned with National or Provincial Council affairs:

- local authority
- statutory tribunal (e.g. employment tribunal)
- police authority
- service authority for the National Criminal Intelligence Service
- service authority for the National Crime Squad
- board of prison visitors or prison visiting committee
- probation boards
- members of court boards
- relevant health authority
- relevant education body (i.e. school/college governors)
- Environment Agency
- Youth Offending Panels
- Justices of the Peace
- School/College Governors.

Where applicable, employees should claim the financial loss allowance directly and this will be deducted from full pay. An employee must provide evidence to their manager and payroll.

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Jury Service and Court Attendance as a Witness

Paid leave will be granted to employees undertaking jury service or required to attend Court, or a Tribunal, as a witness on behalf of the Crown, Police or Defence, or for either side in a civil case. Employees must claim the attendance allowance for loss of earnings paid by the Court. The amount received for such allowance will be deducted from the employee's pay. The employee must provide confirmation of the amount received to their manager and payroll.

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Voluntary Service

Employees who provide voluntary services to relevant charities or voluntary sector bodies are supported in their participation as part of our social responsibility for the work of these bodies within communities. Individual requests will be considered taking account of service needs and the nature of the work, the time commitment being sought and the availability of staffing cover. Employees will be required to make up the time taken, take annual or unpaid leave.

Cadet Corps (Army, Air Force and Sea Cadets)

Cadet level

Membership of the army, air force or sea cadets is purely voluntary and activities normally take place in the evenings and at weekends, i.e. in the employee's own time.

However, employees may be granted up to 5 days' paid leave from their Council employment to attend an annual training camp.

The maximum age limit for cadets is normally 18. They have an opportunity to participate in activities such as the Duke of Edinburgh Award Scheme or undertake a BTec qualification and other activities designed to release and enhance their physical, intellectual and social potential. They often gain skills therefore that assist them in their day to day work activities.

Adult Instructors

Once the maximum age limit for cadet level has been reached some may decide to continue as adult instructors.

Adult instructors are also voluntary roles which are undertaken in the employee's own time. They normally participate in activities for a minimum of one or two evenings per week and attend approximately four weekend training events per year.

Adult instructors receive payment for attendance at training courses and the annual training camp for which paid leave from their Council employment will not be granted. Requests from employees, who are adult instructors wishing to attend these activities should be considered as planned leave.

Other Types of Leave

For Family Leave (including Maternity, Adoption and Shared Parental Leave) - [click here](#).

For Parental Leave [click here.](#)

For Reserve Forces Leave [click here](#)