

To: Councillor Lovelock (Chair);  
Councillors Gavin, Page, Skeats and Terry.

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23 September 2015

Your contact is: Sally Poole - Committee Services

### NOTICE OF MEETING - PERSONNEL COMMITTEE - 1 OCTOBER 2015

A meeting of the Personnel Committee will be held on **Thursday 1 October 2015 at 6.30pm** in **Committee Room 1**, Civic Offices, Reading.

#### AGENDA

	ACTION	WARDS AFFECTED	PAGE NO
1. DECLARATIONS OF INTEREST			
2. MINUTES OF MEETING HELD ON 16 JULY 2015	INFORMATION	BOROUGHWIDE	1
3. PROCEEDINGS OF THE LOCAL JOINT FORUM HELD ON 15 SEPTEMBER 2015	INFORMATION	BOROUGHWIDE	To follow
4. FAMILY FRIENDLY POLICIES	DECISION	BOROUGHWIDE	6
5. REDUNDANCY OPTIONS	DECISION	BOROUGHWIDE	53

At this point, the following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following items on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant Paragraphs of Part 1 of Schedule 12A (as amended) of that Act”

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6.	EARLY RETIREMENTS AND REDUNDANCIES	DECISION	BOROUGHWIDE	61
7.	MANAGING DIRECTOR APPRAISAL	DECISION	BOROUGHWIDE	67

## PERSONNEL COMMITTEE MINUTES - 16 JULY 2015

**Present:** Councillor Page (Vice Chair in the Chair);  
Councillors Ayub (for Cllr Gavin), Khan (for Cllr Lovelock),  
McElligott (for Cllr Terry) and Skeats.

**Also Present:** J Boyd, R Hall and K Magee (for items 1 to 5), W King,  
R Morris, I Wardle and S Poole.

**Apologies:** Councillors Gavin, Lovelock and Terry.

### RESOLVED ITEMS

#### 1. MINUTES

The Minutes of the meeting held on 5 March 2015 were confirmed as a correct record and signed by the Chair.

#### 2. PROCEEDINGS OF THE LOCAL JOINT FORUM

The Managing Director submitted the proceedings of the Local Joint Forum meeting held on 25 June 2015.

**Resolved - That the proceedings of the Local Joint Forum meeting be received.**

#### 3. DISABILITY IN EMPLOYMENT PROGRAMME - GENERAL UPDATE & BUSINESS DISABILITY FORUM

The Interim HR/Payroll Services Manager submitted a report that updated the Committee on the work that was being undertaken to review and update the Council's policies, procedures and practical support to employees and prospective employees with a disability. This work was being undertaken by a working group led by Roger Morris and with the active support and engagement of members of the JTUC (Joint Trade Union Committee). The group had agreed a series of areas for development and the report outlined the planned work and progress against each area.

The report stated that in addition to the work of the employment group, the Council's recruitment and selection procedures (and related administrative processes) had been amended to ensure that managers, who were recruiting to posts, established at the outset the minimum requirements of the post prior to advertisement. This underpinned the Council's '2 Tick' commitment to ensuring that all candidates with a disability were interviewed if they met the minimum requirements.

#### Business Disability Forum

The report stated that the Business Disability Forum (BDF) was a not-for-profit member organisation that made it easier and more rewarding to work with and employ disabled people. BDF sought to remove the barriers between employers and disabled people and provided members with pragmatic support by sharing expertise and offering advice and training.

The report explained that BDF had also produced a 'Disability Standard' which provided organisations with examples, based on 10 criteria, of what 'Good' looked

## PERSONNEL COMMITTEE MINUTES - 16 JULY 2015

like across business functions including recruitment and retention, communications and facilities management.

The report outlined the benefits of the Council becoming a member of the BDF, including the opportunity of support to undertake a self-assessment and benchmark the Council's policies and procedures against the Disability Standard as well as the on-line and telephone support available from their Information and Advice Service.

**Resolved - That the report be noted and the proposal to become a member of the Business Disability Forum (BDF) endorsed.**

#### 4. EQUALITY AUDIT 2014/15

The Interim HR/Payroll Services Manager submitted a report that set out a statistical summary of the equal opportunities monitoring under the Council's Equality Monitoring Framework for the financial year 2014/15. The data tables were attached to the report at Appendix 1.

The report explained that the audit was a component of the Council's Equal Opportunity and Fair Treatment Policy and would be presented annually, in the form set out in the Equality Monitoring Framework, to provide background data that would assist and inform the work of the Committee as well as providing an equalities context and focus for ongoing discussions with internal and external stakeholders.

The report stated that the framework contained key employment profiles which the Council had to measure by law and also included other profile data based on previous national performance indicators (PIs) outturns where relevant. In addition, data from the report would assist each directorate in setting its own targets based on their clients, customers or service users.

The report explained that the agreed framework reporting heads were:

- All Council Staff by directorate, gender, ethnic origin and disability;
- All Council Staff by gender, ethnic origin and disability across salary bands;
- Proportion of female, BME and disabled job applicants;
- Female, BME and disabled applicants as a proportion of their relative cohorts, who progressed to shortlisting to appointment compared with male, white and non-disabled applicants;
- Proportion of female, BME and disabled employees accessing Council training by directorate, training type, compared to male, white and non-disabled employees;
- Proportion of female, BME and disabled employees involved in Council procedures, compared to male, white and non-disabled employees;
- Staff turnover data analysed by gender and ethnicity.

## PERSONNEL COMMITTEE MINUTES - 16 JULY 2015

The statistical summary for each of these areas was detailed in Appendix 1 and the report highlighted the following points:

- The proportion of women employed by the Council had remained static at 78.7%, with 92% in schools but only 50.1% in the Directorate of Environment and Neighbourhood Services (DENS);
- The proportion of black and minority ethnic (BME) staff had increased from 13.7% to 14.7%, but this was in comparison to a 23% BME economically active population within the Borough;
- The proportion of employees who had declared a disability had increased from 1.8% to 2.6% but this was in comparison to a 6% economically active population within the Borough;
- In 2014/15 there had been 5774 applications for 396 appointments, compared with 4420 applications for 306 appointments in 2013/14. Of the applications in 2014/15, 60% were from women, 27% from BME applicants and 4% from people with a declared disability.

The tables also showed comparisons of gender, ethnicity and disability across salary bands and this indicated that there were at least 55% female employees in all salary bands except for band 1 (which consisted mainly of apprentices). The overall number of employees who had declared a disability was relatively even across most of the bands with the exception of band 10. The level of BME employees in the higher earnings bands had remained static since 2011 and with only 5% in the highest band, which was lower than the proportion of BME employees in the Council as a whole.

**Resolved - That the report be noted.**

### **5. AMENDMENTS TO RECRUITMENT AND PRE-EMPLOYMENT CHECKS GUIDE - POSTS WITH ACCESS TO CHILDREN AND VULNERABLE ADULTS**

The Interim HR/Payroll Services Manager submitted a report to update the Committee on amendments that had been made to the Recruitment and Pre-Employment Checks Guide - Posts with Access to Children and Vulnerable Adults, to bring it into line with legal requirements and best practice within the Council. A copy of the revised Guide was attached to the report at Appendix 1.

The report stated that the Council's recruitment policy had been updated in 2007 following guidance from the Department for Education (DfE) on safer recruitment practices in schools and education settings. The principles contained within that guidance were adopted by the Council for recruitment across the wider range of posts with access to vulnerable groups. The policy had now being revised to address the application of the Childcare (Disqualification) Regulations 2009, and the inclusion of specific handling of references in Children's Services.

The report explained that the Childcare (Disqualification) Regulations required that anyone working in a childcare setting was asked to declare if they were disqualified from such work through having an order or other restriction against them in relation to childcare, having committed certain offences, and/or living with another person in

## PERSONNEL COMMITTEE MINUTES - 16 JULY 2015

their household to whom such a disqualification applied ('by association'). It was noted that since these new regulations had been applied, one member of staff had successfully applied for a waiver, five had been redeployed and one had resigned.

The other new procedure that had been added to the policy was that recruiting managers in Children's Services were required to confirm that references supplied for candidates were double checked by directly contacting the referee to ensure they were genuine.

In conclusion the report stated that the updated policy set out a recruitment procedure that met guidance from the DfE to support safer recruitment and would satisfy the expectations of external inspection bodies such as Ofsted.

**Resolved - That the report be noted.**

### **6. EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved -**

That pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following item, as it was likely that there would be disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A (as amended) to that Act.

### **7. EARLY RETIREMENTS AND REDUNDANCIES (INCLUDING VOLUNTARY RELEASE SCHEME APPLICATIONS)**

The Interim HR and Payroll Services Manager, the Monitoring Officer and the Head of Finance submitted a joint report, which set out six requests for dismissal on the grounds of redundancy, one request for flexible retirement and one request for retirement on the grounds of efficiency.

Proposals, together with the financial implications were set out in a schedule appended to the report on the following basis:

- Financial cases were given which represented the highest cost to the Council. In most cases this included discretionary added years on pension (where payable), as this represented a direct and ongoing cost to the Council. This was in accordance with the Council's current practice of considering redundancy and retirement terms up to the maximum limit of discretion, where applicable. The Committee was asked to approve individual proposals subject to a maximum ceiling on the exercise of discretion;
- Financial implications were costed on the basis of the estimated figures, which were subject to final confirmation. The figures might be affected by changes to final salary, pensionable service, age or date of leaving. The Committee was asked to approve the proposals on the basis of the estimated figures, subject to any individual proposal being brought back to Committee if the confirmed costs were more than 10% in excess of those reported;

## PERSONNEL COMMITTEE MINUTES - 16 JULY 2015

- The costs of early retirement on the grounds of ill health were met by the Local Government Pension Scheme or the Teachers' Pension Scheme.

The report sought approval for the payment of a compensation package in the case of proposed termination of employment or early retirement on grounds of redundancy, efficiency of the service or ill health subject to the conclusion of all outstanding matters in each case, including ongoing consultation with employees and their representatives, and efforts to secure alternative employment, where appropriate.

Resolved -

- (1) That the dismissal on grounds of redundancy of employees A, B, C, E, F and H, the early retirement on the grounds of efficiency of employee G, and the flexible retirement of employee D be approved on the terms set out in the schedules appended to the report subject to the conclusion of all outstanding matters in each case, including ongoing consultation with the employees and their representatives and efforts to secure alternative employment, where appropriate;
- (2) That the proposals set out in (1) and (2) above be approved on the basis of the financial implications set out in the report, and that authority to conclude the proposal be delegated to the Head of Finance, Monitoring Officer and HR and Payroll Services Manager (acting jointly) within that framework, and subject to the maximum ceiling identified for the proposal.
- (3) That the current terms for agreeing compensation packages in specific cases of early retirement or termination of employment on the grounds of redundancy or efficiency be confirmed.

(Exempt information as defined in Paragraphs 1 and 2).

(The meeting commenced at 6.30 pm and closed at 7.02 pm).

## READING BOROUGH COUNCIL

TO:	FAMILY FRIENDLY REPORT - PERSONNEL COMMITTEE		
DATE:	1 OCTOBER 2015		
TITLE:	AMENDMENTS TO FAMILY FRIENDLY POLICIES		
LEAD COUNCILLOR:	CLLR LOVELOCK	PORTFOLIO:	
SERVICE:	HR	WARDS:	BOROUGH WIDE
LEAD OFFICER:	WARREN KING	TEL:	Ext: 74500
JOB TITLE:	INTERIM HR AND PAYROLL SERVICES MANAGER	E-MAIL	Warren.king@reading.gov.uk

### 1. PURPOSE AND SUMMARY OF REPORT

To outline the amendments made to the Council's family friendly policies following statutory changes.

### 2. RECOMMENDED ACTION

2.1. That you approve adoption of the revised policies.

### 3. BACKGROUND

3.1 The HR department have reviewed the Council's family friendly policies as there have been a number of changes to parental statutory legislation which are outlined as follows:

- Introduction of Shared Parental Leave for parents for babies or children placed into adoption on or after 5 April 2015 and this has replaced Additional Paternity Leave
- Fathers and partners given the right to take time off to accompany expectant mothers to up to 2 antenatal appointments or in case of adoption to attend up to 2 adoption appointments (October 2014)
- Primary adopters are now entitled to paid time off to attend up to 5 adoption appointments (April 2015)
- Adoption leave extended to surrogate parents (April 2015)
- Introduction of paternity leave for parents using surrogacy arrangements (April 2015)



- Unpaid parental leave entitlement now allows parents of any child under the age of 18 (previously only for parents of disabled children) to take up to 18 weeks leave (April 2015)

3.2 The policies which have been reviewed are as follows:

- Paternity Leave Scheme
- Adoption Leave Scheme
- Parental Leave Scheme

Some minor changes to reflect changed terminology in the Foster Carer Policy and the Maternity Scheme are also attached for noting and approval.

## 4. SUMMARY OF AMENDMENTS

### 4.1 Paternity Leave Scheme amendments:

- Removal of Additional Paternity Leave and reference made to the Shared Parental Leave policy
- Included paternity leave now being available for parents using surrogacy arrangements
- Included paid time off to attend 2 antenatal clinics or adoption appointments as agreed by Personnel Committee on 5 March 2015
- Change to when paternity leave can be taken:
  - o RBC policy previously allowed leave to be taken 'during the period commencing when the mother of the child first attends antenatal clinic, until the time she ceases attending postnatal clinic.'
  - o Due to amendments to legislation which allows partners to attend 2 antenatal clinics, this has been amended to be in line with the statutory provisions of leave starting after the birth or placement of a child and finishes within 56 days of the birth / placement.
- Change to how paternity leave can be taken:
  - o We are unable to claim back Statutory Paternity Pay (SPP) when paternity leave is taken in odd days rather than whole weeks because SPP is a weekly entitlement. This consequently has a financial implication for the Council. The policy has been amended to ensure that paternity leave is taken in blocks of at least one working week and up to a maximum of two working weeks taken consecutively (as per statutory provisions) rather than it being staggered.
- Change to notice period:

- RBC policy previously did not specify a notice period
- The policy has been updated to ask employees to give 'reasonable' amount of notice to allow cover to be arranged if required.

-

#### **4.2 Adoption Leave Scheme amendments**

- Adoption leave and pay to be available to surrogate parents obtaining a parental order
- Paid time off to attend up to 5 adoption appointments
- Reference to Shared Parental Leave and removal of Additional Paternity leave

#### **4.3 Parental Leave Scheme amendments**

- Update to include the change of legislation in April 2013 which increased entitlement from 13 to 18 weeks unpaid leave for parents.
- Updated to include the change of legislation in April 2015 which now allows unpaid parental leave to be taken by parents of any child under the age of 18 (previously it was only for children with a disability).

### **5. CONTRIBUTION TO STRATEGIC AIMS**

- 5.1 Ensuring that our family friendly policies reflect legislation and best practice helps us to ensure that we attract and retain a motivated workforce..

### **5. LEGAL IMPLICATIONS**

- 6.1 The revised policies comply with recent legislative changes and allow the Council to recover monies paid during Paternity Leave.

### **6. FINANCIAL IMPLICATIONS**

None

### **7. BACKGROUND PAPERS**

None

# PATERNITY SCHEME



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## PATERNITY LEAVE SCHEME

1. The Council's Paternity Scheme is designed to enable the mother's partner (including those in same sex relationships) to assist at crucial times during pregnancy and childbirth. There is no qualifying service for this leave.
2. Paternity leave is available to parents (regardless of sex) of adopted children if they have not taken their entitlement to adoption leave (see adoption policy).
3. Paternity leave is available to employees (regardless of sex) in surrogate arrangements if the baby is due on or after 5 April 2015, if they have not taken their entitlement to adoption leave (see adoption policy).
4. This leave differs from maternity support leave and is not in addition to it. If maternity support leave has been taken, then there is no entitlement to paternity leave or vice versa.
5. What is ordinary paternity leave entitlement?
  - 5.1. Employees can choose to take one working week or two consecutive working weeks' paid ordinary paternity leave. Therefore the maximum amount of paid paternity leave is 10 working days; this is for those who work full-time on a standard 5-day week work pattern. For part time staff, the working week will be the contracted hours e.g. if you work Monday to Wednesday this equates to your working week.
  - 5.2. Ordinary paternity leave is paid at employee's full pay.
6. When can paternity leave be taken?
  - 6.1. The leave is to be taken by the employee after the birth of the baby or placement of child and can commence on either:
    - 6.1.1. The actual date of birth, date of placement or date child arrives in the UK (overseas adoptions)
    - 6.1.2. An agreed number of days after the birth or after the date of placement
    - 6.1.3. An agreed number of days after the expected week of childbirth
  - 6.2. Leave must finish within 56 days of the birth (or due date if the baby is early) or placement date.
  - 6.3. The employee can choose how much leave they wish to take, and when, but this must be agreed with the manager. While the requirements of the section must always be considered, a measure of flexibility should be applied, to ensure that the needs of both parties are met wherever possible.
  - 6.4. No payment will be made for any untaken paternity leave.

- 6.5. If an employee subsequently wishes to change the timing of the ordinary paternity leave, they must give 28 days' notice (unless this is not reasonably practicable).
- 6.6. If the baby is stillborn after 24 weeks of pregnancy or born alive at any time but then dies, the right to take paternity leave still exists.

## 7. How can paternity leave be taken?

- 7.1. Only one period of leave is available per pregnancy or adoption, irrespective of whether more than one child is born or adopted at a time.
- 7.2. Paternity leave must be taken in blocks of at least one working week.
- 7.3. Where the employee is taking two working weeks of paternity leave there can be no break between the two weeks.
- 7.4. Leave can start on any day of the week.

## 8. How do employees apply for statutory paternity leave?

- 8.1. An employee who wishes to take paternity leave will be required to give reasonable notice to their line manager to allow cover arrangements to be put in place. The paternity leave has not been agreed until the request has been authorised by the manager.
- 8.2. An employee should request paternity leave by using the application form provided within this policy. When this formal request is submitted, a copy of the mother's form MATB1 should be attached or a copy of the matching certificate which confirms the expected placement date.
- 8.3. In the case of a surrogacy arrangement, a parental statutory agreement which confirms that you have applied or intend to apply for a parental order in the 6 months after the baby's birth should be attached to the form.

## 9. Time off for Antenatal Appointments

- 9.1. Employees will receive paid time off to accompany a pregnant woman attending up to 2 antenatal clinics if they are:
  - 9.1.1. the baby's father
  - 9.1.2. the expectant mother's spouse or civil partner
  - 9.1.3. in a long term relationship with the expectant mother
  - 9.1.4. the intended parent (if they're having a baby through a surrogacy arrangement)

## 10. Time off for Adoption Appointments

- 10.1. Employees will receive paid time off to attend up to 2 adoption appointments after they have been matched with a child.

## 11. Shared Parental Leave

- 11.1. Shared Parental Leave (SPL) is a new legal entitlement for parents of babies due, or children placed for adoption, on or after 5<sup>th</sup> April 2015. It is also available to surrogate parents.
- 11.2. Shared Parental Leave and pay replaces additional paternity leave and pay. It enables mothers / adopters to end their maternity / adoption leave and pay and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.
- 11.3. You and your partner may be eligible to take shared parental leave. Please refer to the Council's Shared Parental Leave Scheme for more information.
- 11.4. Paternity leave must be taken before any period of shared parental leave can commence.

**PATERNITY LEAVE REQUEST FORM**

Name: .....

Directorate: .....

Payroll reference no: ..... Position:.....

Location: .....

Paternity leave dates: From: ..... To: .....

I request paid paternity leave of ..... working weeks

I am the \*husband/partner (*delete as appropriate*) of .....  
whose MATB1 maternity certificate is attached

Additional comments in support of your application:

Signed: ..... Date: .....

---

Authorised by:

Signed: .....

Name: .....

Position: .....  
(*manager*)

Dated: .....

**Please forward to your Directorate HR Team**



# ADOPTION LEAVE SCHEME



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## ADOPTION LEAVE SCHEME

The Council recognises that for employees who adopt a child, the need to be able to successfully complete the adoption process and spend time with the child is important.

Adoption leave is also available to parents who have a child through a surrogacy arrangement as of 1 April 2015.

### **1. Am I entitled to adoption leave?**

- 1.1. Every employee irrespective of length of service is entitled to 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL), giving a total of 52 weeks. The earliest you can start this leave is 4 weeks prior to the date of adoption.
- 1.2. Your adoption leave may start on any day of the week.

### **2. How do I apply for adoption leave?**

- 2.1. You should complete the attached [adoption leave request form](#), when you have been approved as a prospective adoptive parent. This should be submitted to your manager for authorisation. All relevant papers regarding the adoption should be enclosed. If you adopt a child from overseas, you must tell your manager when you expect the child to enter the UK or the date the child actually enters the UK within 28 days of entry.
- 2.2. If you are a parent in a surrogacy arrangement, you will need to submit a 'parental statutory declaration' which confirms you intend to apply for a parental order in the 6 months after the baby's birth.
- 2.3. As a prospective adopter, you will need to attend pre-adoption meetings, classes, interviews etc, and paid time off for up to five adoption appointments will be granted to attend these (as of April 2015). Employees who will become parents through a surrogacy arrangement will also be allowed reasonable paid time off to attend antenatal appointments, if they expect to satisfy the conditions for, and intend to apply for a Parental Order for the child.
- 2.4. Only one period of leave is available at a time, irrespective of whether more than one child at a time is adopted or born in respect of a surrogacy arrangement.

### **3. How much notice must I give to take adoption leave?**

- 3.1. You will need to inform your manager of your intention to take adoption leave within 7 days of receiving your notification of adoption from the adoption agency.

- 3.2. If you are a parent in a surrogacy arrangement, you will need to inform your manager at least 15 weeks before the due date.
- 3.3. You can change your mind about the date on which you want your leave to start, providing you tell your manager 28 days in advance.
- 3.4. Your manager will need to respond to you confirming leave dates and the date you will be returning etc.

#### **4. How much adoption pay will I get?**

##### **4.1. If you have less than one year's continuous local government service**

You are entitled to:

- i. Full pay for 6 weeks
- ii. 33 weeks at the current rate of Statutory Adoption Pay (SAP) (£136.78 in 2013 or 90% of average weekly earnings if this is less).

##### **4.2. If you have over one year's continuous local government service**

You are entitled to:

- i. Full pay for 6 weeks
- ii. Half pay for 12 weeks, plus SAP (providing you return to work at the end of your adoption leave for a minimum of 3 months)
- iii. 21 weeks SAP

#### **5. What happens to my pension?**

- 5.1. Your period of adoption leave is treated as pensionable service and the Council will, therefore, continue to make contributions on your behalf into the Local Government Scheme (if appropriate). Deductions will be made from adoption pay and will be based on the adoption pay received rather than the usual salary.
- 5.2. However, during unpaid adoption leave, as your contributions have ceased they are not counted as pensionable service. You can choose to pay contributions whilst absent or elect to make up the deductions on return to work. The Payroll section will contact you to discuss options for pension contributions while on unpaid adoption leave.

#### **6. What happens to my annual leave and Bank Holidays while I am on adoption leave?**

- 6.1. During Ordinary Adoption Leave and Additional Adoption Leave, you are entitled to all conditions, apart from pay, as if you are at work. This means that you will be able to accrue annual leave and Bank Holidays during this period. You and your manager should agree when accrued leave can be taken; this could be before or after adoption leave.

## 7. Keeping in Touch (KIT) Days

- 7.1. Keeping in touch days will allow you, if acceptable to your manager, to carry out up to 10 days work during adoption leave without it ending adoption leave or pay. This may include training days. You and your manager can decide how to manage these, whether individual days or in blocks.
- 7.2. Your manager cannot require this work to be carried out and you cannot demand that you carry it out.
- 7.3. Your adoption leave will not be extended if any work is carried out.
- 7.4. Working part of a day counts as one day from the 10 allowed. However, you will only be paid for the hours worked; this can be offset against any SAP claimed.
- 7.5. You are entitled to protection from detriment under the Employment Rights Act 1996 (sec 47c) in respect of undertaking, considering and not undertaking any keeping in touch days. If you are dismissed for undertaking, considering or not undertaking such work you will have been unfairly dismissed in accordance with the Act.

## 8. Right to return to work

- 8.1. You are entitled to return to the job which you were employed to do under your original contract, on the terms and conditions not less favourable than those which would have been applicable if you had not been absent.
- 8.2. Where it is not practicable, due to redundancy, to return to the job under your original contract, you are entitled to be offered a suitable alternative vacancy where one exists. The work to be done must be suitable and appropriate, and the terms and conditions of employment must not be substantially less favourable than the job in which she was originally employed.
- 8.3. Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (eg reorganisation), would have occurred if you had not been absent, and result in a change in the job in which you were employed prior to her absence.
- 8.4. No notification is required if you intend to return to work at the end of your adoption leave.
- 8.5. If you fail to return to work against expectations, the last day of service for payroll purposes is the last day of paid AAL to ensure that you receive all benefits you are entitled to receive.
- 8.6. If you are unable to return on the expected day of return, due to sickness, the absence is covered by the sickness scheme in the normal way.

- 8.7. If there is an interruption of work (eg due to industrial action), you may return when work resumes, or as soon as reasonably practicable afterwards.
- 8.8. Your manager should complete an [HRPRS1 form](#) confirming the return date, hours etc.

## 9. Shared Parental Leave

- 9.1. Shared Parental Leave (SPL) is a new legal entitlement for parents of babies due, or children placed for adoption, on or after 5<sup>th</sup> April 2015. It is also available to surrogate parents.
- 9.2. Shared Parental Leave and pay replaces additional paternity leave and pay. It enables mothers / adopters to end their maternity / adoption leave and pay and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.
- 9.3. You and your partner may be eligible to take shared parental leave. Please refer to the Council's Shared Parental Leave Scheme for more information.

## 10. Parental Leave

- 10.1. You may be entitled to unpaid parental leave, further information on this policy can be found on IRIS.

## 11. Paternity Leave

- 11.1. Your partner (regardless of sex) can take [paternity leave](#) if they are not responsible for immediate care and do not take adoption leave. Please see the Paternity Leave Scheme for more information.

## 12. Definitions

- 12.1. 'Matched' means the adoption agency has given the prospective parent the details of the child they think is suitable for the employee to adopt.
- 12.2. 'Placed' means living in the adopter's home

**ADOPTION LEAVE REQUEST FORM**

Directorate: .....

Name: .....

Payroll reference no: ..... Position: .....

Location: .....

Adoption leave dates: From: ..... To: .....

I wish to receive my \*12 weeks SAP rate/half pay rate which will be repayable if I do not return to work for a period of 12 weeks. Yes/No

I do not wish to receive my \*12 weeks at SAP rate/half pay rate until I return to work (contact Payments Section at that time). Yes/No

*(\*delete as appropriate)*

Additional comments in support of your application:

Signed: ..... Date: .....

---

Authorised by:

Signed: .....

Name: .....

Position: .....  
*(manager)*

Dated: .....

**Please forward to your HR Team**

# PARENTAL LEAVE SCHEME



[www.reading.gov.uk](http://www.reading.gov.uk)

Updated: August 2015



**Reading**  
Borough Council  
Working better with you



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## Parental Leave Scheme

This Parental Leave Scheme applies to all Reading Borough Council employees.

### 1. Introduction

- 1.1. The right to parental leave is contained in the Maternity and Parental Leave Regulations 1999. The regulations give parental leave rights to parents of a child born or adopted on or after 15<sup>th</sup> December 1999.
- 1.2. The leave is intended to be an important means of reconciling work and family life, and promoting equal opportunities and treatment between men and women.
- 1.3. Examples of where parental leave may be requested could be as follows:
  - Spend more time with the child in the early years
  - To accompany a child during a stay in hospital
  - Check out new schools
  - Settling a child into new childcare arrangements

### 2. Entitlement

- 2.1. Parental leave of 18 weeks will be granted to employees who have or are expecting to have responsibility for a child as defined in the Maternity and Parental Leave Regulations 13 (2) 1999.
- 2.2. Parental leave is unpaid.
- 2.3. Parental leave is available to those with parental responsibilities; this includes parents, parents adopting children and foster parents.
- 2.4. In the case of foster parents this leave is available for one foster placement per year. There is no entitlement to retrospective parental leave if a foster arrangement has ceased.
- 2.5. Parental leave will be granted up to the child's 18<sup>th</sup> birthday for any child (previously only for children with a disability).
- 2.6. One week parental leave is defined as equal to the length of time that an employee is required to work in a week, e.g. pro-rata. When an employee's working week is variable, then an average working week is calculated.
- 2.7. Parental leave is an individual entitlement and as such cannot be transferred between parents.

### 3. Qualifying Conditions

- 3.1. An employee has the right to parental leave if they have the following:
- They must be the parent named on the child's birth certificate, born after 15<sup>th</sup> December 1999 and under 18 years old
  - Have at least one year's continuous service
  - They must have adopted or fostered a child on or after 15 December 1999.
  - They must have "parental responsibility" under the law (as defined in S.3 Children's Act 1989 and S.1 (3) Children (Scotland) Act 1995)
- 3.2. Under original legislation, parents of children born or adopted before 15<sup>th</sup> December 1999 were not entitled to parental leave. The Maternity and Parental (Amendment) Regulations 2001 extend the right to these parents, but leave has to be taken before 31<sup>st</sup> March 2005.

### 4. Notice Periods

- 4.1. Employees need to give at least 21 calendar days notice of their intention to take parental leave; they must give dates for the start and finish of the leave period.
- 4.2. Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of their Head of Service. This discretion will not be unreasonably withheld.

### 5. Postponement

- 5.1. If it is considered that an employee's absence would unduly disrupt the service delivery or operation of the employee's work area, then the leave can be postponed for up to 3 months, or more than 3 months in exceptional circumstances.
- 5.2. Every attempt should be made to avoid postponement of parental leave. The postponement must be discussed with the employee with a view to coming to agreement over alternatives. These might include:
- A different pattern of leave - part-time rather than full-time.
  - Alternative dates within the 3 month period.
- 5.3. Following this consultation, and not more than 7 days after the employee's notice period was given to take leave, the employee will be given notice of the postponement, which states the reasons for it and specifies the date on which the agreed period of leave will begin and end.

5.4. Postponement cannot be used where employees have requested the following:

- Following Maternity Support Leave - the unpredictability of childbirth timing may have implications for notice. It is recommended that employees expecting to take maternity support leave should discuss likely requirements for parental leave.
- Following Maternity Leave - where a mother takes a period of parental leave following on from maternity leave, they will need to be informed that, where parental leave is taken as a block of leave, an employee does not have to refund the half-pay element of occupational maternity pay, unless she does not return to local authority employment for a period of at least three months after the end of the parental leave period.
- At the time of adoption - at times prior to adoption where the parent is required to be at home by the adoption process, or following adoption leave.

## 6. Flexibility

6.1. The council recognises an employee's entitlement to parental leave and will be sympathetic to leave arrangements requested by employees.

6.2. Parental leave may be taken:

- As a single block of up to 18 weeks
- As a minimum of 1 week's leave period unless your child is disabled in which case it can be taken in days
- In patterns which provide a part-time or reduced hours working arrangement for a period of time equivalent to taking 18 weeks leave as a single block

6.3. Parental leave should be documented for each requested employee.

6.4. An employee wishing to request parental leave should do so to their manager using the request form.

## 7. Return to work

7.1. An employee on parental leave shall have the same right to return to their job as provided to those on maternity leave under Part 2, Para 11.6 of the Green Book.

## 8. Terms and conditions during parental leave

- 8.1. Time treated as parental leave will be treated as continuous service for the purpose of Part 2, Para 14 of the Green Book, i.e. annual leave, sickness scheme and occupational maternity scheme.
- 8.2. The parental leave period is unpaid and, as such, an employee's contributions have ceased into the pension scheme. An employee should contact the Payments Section to see if contributions can be made up.
- 8.3. Employees who fall sick during a period of parental leave and who give the Council the relevant notification shall be entitled to pay under the sickness scheme for the period covered by a doctor's certificate. This period shall not count towards their parental leave entitlement.
- 8.4. Employees on parental leave will accrue annual leave and Bank Holidays. The employee and the manager will agree when accrued leave can be taken.

**PARENTAL LEAVE REQUEST FORM**

Directorate: .....

Name: .....

Payroll reference no.: .....

Position: .....

Location: .....

Parental leave dates: From: ..... To: .....

Additional comments in support of your applications:

Signed: .....

Date: .....

---

Authorised by: .....

Signed: .....

Name: .....

Position: .....  
(manager)

Dated: .....

Please forward to your Directorate HR Team

# FOSTER CARER POLICY



[www.reading.gov.uk](http://www.reading.gov.uk)



**Reading**  
Borough Council  
Working better with you

## FOSTER CARER POLICY

This policy sets out the support for employees who are responsible for the care of a child, or children, under a foster care arrangement. It attempts to strike a balance between the operational needs of the Council and the needs of the employee to meet his/her obligations as a foster carer.

Foster carers are responsible for the daily care of a child who is unable to live with his or her own parents. Foster care may be short-term or long-term.

- 1. What do I need to tell my manager if I intend to become a foster carer?**
  - 1.1. You are advised to tell your manager that you are to become a foster parent as soon as practicable. This is to ensure that your line manager and colleagues can provide support to you in this important role. Where paid release is requested under this policy for activities described in 2.1 below, you should give 4 weeks notice as this will ensure that your manager has sufficient notice to make any necessary arrangements for staff cover. Requests made with less than 4 weeks notice will not be unreasonably refused.
  
- 2. Will I get any time off to care for my new foster child/children?**
  - 2.1. You may need to take time off to help the child/children settle into the new environment. You may also need time off to attend training courses, meetings or appointments with the child/children. Time off should be requested in writing and the period of time must be specified.
  - 2.2. You will be allowed up to five days paid leave for each placement (this may be one or more child at a time) to enable you to manage the activities in 2.1.
  - 2.3. Paid leave will be allowed for up to two placements (ie up to ten days) each year.
  - 2.4. The leave is an individual entitlement.
  
- 3. What if my foster child is sick?**
  - 3.1. You are entitled to take reasonable time off during working hours under the Council's compassionate leave policy if caring for sick dependants (eg including where the child has been injured or assaulted) or following the breakdown of regular care arrangements (eg the regular childminder becomes ill or to deal with an incident in a period during which an educational establishment would have been responsible for the child).
  - 3.2. You may be required to provide the line manager or supervisor with medical evidence from the regular carer's GP or a letter signed by the childminder or regular carer.



3.3 Further information may be found in the [compassionate leave policy](#) documents on IRIS.

#### 4. Can I take any other time off?

Yes, you have the right to take parental leave and the right to apply to work flexibly.

4.1. Parental leave - for more information on parental leave please refer to the policy document on IRIS.

#### 4.2. Flexible Working

- i. Employees who have parental responsibility for a child under the age of 17 (under the age of 18 for a child with a disability) have a statutory right to apply to work flexibly.
- ii. In order to make a request for flexible working, an employee must:
  - Be an employee of Reading Borough Council
  - Have at least 26 weeks continuous employment with the council
  - Have a child under 17, or under 18 in the case of a child with a disability, the date the application is made (statutory provision)
  - Make an application no later than two weeks before the child's 17<sup>th</sup> or 18<sup>th</sup> birthday (statutory provision)
  - Have or expect to have responsibility for the child's upbringing (statutory provision)
  - Be making the application to enable the child to be cared for (statutory provision)
  - Not be an agency worker
  - Not have made another application to work flexibly under the right, in the last 12 months
- iii. The right to apply is designed to meet the needs of both parents and employers. It aims to facilitate discussion and encourage both employee and manager to consider flexible working patterns and to find a solution that suits both, enabling an effective work-life balance. The procedure is available on IRIS.
- iv. Further information on flexible working can be found in the policy documents on IRIS.

HR August 2015

**FOSTER CARER LEAVE REQUEST FORM**

Name: .....

Directorate: .....

Payroll reference no: .....

Position: .....

Location: .....

Foster leave dates: From: ..... To: .....

Additional comments in support of your application:

Signed: .....

Date: .....

---

Authorised by: .....

Signed: .....

Name: .....

Position: .....  
(*manager*)

Dated: .....

**Please forward to the Payroll & Employment Services Team  
ABSENCE SHOULD BE DECLARED ON MONTHLY ABSENCE REPORT FORM AS  
ADOPTION LEAVE UNDER 'OTHER'**



# MATERNITY SCHEME

Updated October 2013

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## MATERNITY SCHEME

### 1. PURPOSE

- 1.1. This document is designed to advise employees and managers about pregnancy and maternity related provisions, and about what should be done in order to claim benefits.

### 2. SCOPE

- 2.1. The entitlement outlined in this document applies to all employees of the Council, apart from teachers and lecturers who have separate provisions.

### 3. MATERNITY BENEFITS

- 3.1. The maternity benefits outlined in this scheme incorporate statutory maternity rights and the maternity provisions negotiated by National Joint Council for employees and legislative provision.
- 3.2. All pregnant employees are entitled to some form of maternity benefits regardless of their length of service. This includes permanent, part-time, temporary and casual staff. Individual elements will depend on the length and status of employment.
- 3.3. Details of maternity related provisions can also be found on IRIS.
- 3.4. As the regulations relating to maternity and other related provisions are complex and confusing, the employee should contact their respective HR team if they have any queries or require any more information.

### 4. DEFINITIONS OF KEY TERMS

Expected week of childbirth (confinement) (EWC)	The week that the baby is due to be born.
Qualifying week	This is for Statutory Maternity Pay; it is the 15 <sup>th</sup> week before the week in which the baby is due.
Statutory Maternity Pay	A weekly payment that is paid by the Council on behalf of the Department for Work and Pensions (DWP). There are two rates; the higher rate is 90% of average weekly earnings and is

	payable for the first 6 weeks of maternity leave; the lower rate, which is paid from week 7 to week 39, is a set rate which is reviewed every year by the Government.
Maternity Allowance	A weekly allowance which can be claimed from Department for Work and Pensions if there is no entitlement to SMP. Maternity Allowance is payable for a maximum of 39 weeks. Payroll will issue the relevant form.
Employment and Support Allowance	If there is no entitlement to either SMP or Maternity Allowance, it may be possible to claim for Employment and Support Allowance.  More information on these allowances may be found on the <a href="http://www.gov.uk">www.gov.uk</a> website.
A Week's Pay	A week's pay for working standard hours is the amount payable by the authority under a contract of employment.  Where there are no normal working hours, a week's pay is taken from the average pay in the 12 preceding weeks.  The calculation for other working patterns can be provided by Payroll.

## 5. EARLY STAGES OF PREGNANCY

- 5.1. In the early stages you may not want to tell everyone that you are pregnant. It would be helpful, however, if your manager is informed as early as possible to allow any cover arrangements to be discussed.
- 5.2. In any event, you must complete and return the maternity form ([Appendix 1](#)) to your manager at least 28 days before planned maternity leave. It gives details of the EWC and intentions regarding leave and returning to work. Your MAT B1 certificate must accompany this notification.

## 6. EMPLOYER'S NOTIFICATION

- 6.1. Once you have told your manager that you intend to take maternity leave, your manager must, within 28 days of receiving notice, tell you when your maternity leave period will end.
- 6.2. A model letter to assist your manager in compiling the letter to you is attached as [Appendix 2](#).

## 7. ASSESSMENTS

### 7.1. Health and Safety - Risk Assessment

- i. Once you have notified your manager of your pregnancy, your manager should carry out a risk assessment to ensure that any risks or hazards have been identified. There is a specific [risk assessment for pregnant workers](#). More information can be obtained from HR Teams or the Corporate Health and Safety Team.
- ii. You will continue to be employed in your existing job, unless the risk assessment identifies that the job is potentially unsuitable for you because it involves one or more risks either to the employee or the unborn child.
- iii. If risks are identified then the following options apply:
  - a. Your manager needs to decide if your job can be altered to eliminate the risk
  - b. If this is not possible then alternative employment may need to be considered. This would need to be a suitable alternative post at an equivalent grade and rate of pay.
  - c. If these options are not possible, paid leave needs to be considered until the risks are eliminated or maternity leave starts, whichever happens first.
  - d. If a suitable offer of alternative employment is refused, then you will be granted unpaid leave.
- iv. Consideration must be given to any health and safety implications for pregnant women, new mothers or breast-feeding mothers as identified in the [Workplace Risk Assessment](#).



## 7.2. Occupational Health - Pregnancy Assessments

The Occupational Health Service is available to provide pregnancy assessments if required. The assessment, following a referral from management, would normally be when the pregnancy reaches 18 weeks, although this can be earlier if there are concerns. Whenever possible, you should take with you the pregnancy risk assessment, which should have been completed by your manager. Managers should make appointments through the Occupational Health Administrator on ext. 72894. This **does not** replace any appointments with a GP or midwife.

## 8. TIME OFF

### 8.1. Antenatal Care

- i. You are entitled to take paid time off during working hours to attend antenatal appointments. These may be with a GP or midwife, hospital clinics or appointments for scans and tests, or antenatal (sometimes called parentcraft) classes recommended by a GP or midwife.
- ii. You should give as much notice as possible to attend appointments and, wherever possible, these should be made for the beginning or end of the working day.
- iii. You may be asked to produce appointment cards or some other confirmation of the appointment.
- iv. Time off for antenatal classes will be granted to fathers-to-be, partners or nominated carers, eg, to attend antenatal (parentcraft) classes or to accompany you when undergoing a medical examination. Evidence of the appointments may be requested. A nominated carer is the person nominated by you to assist in the care of the child and to provide support to you at or around the time of birth.

### 8.2. Sick Leave

- i. Maternity leave will not be treated as sick leave. However, if you are sick during your pregnancy before you start your maternity leave, the normal arrangements for sick notification (sick notes, sick leave and sick pay entitlements) will apply.
- ii. If you are sick as a result of a pregnancy related illness, at any time after the start of the fourth week before your baby is due, it will automatically trigger maternity leave and your entitlement to maternity pay. This will commence on the

day following notification of the birth. If sickness is not pregnancy related this will be classed as sick leave and the period of maternity leave will start when it was intended.

- iii. A decision may be made not to trigger the start of maternity leave if you are only absent for a short period of time and wish to continue working.
- iv. Maternity leave counts as continuous service in the calculation of extra leave, redundancy and sick pay entitlement. You will be entitled to any pay awards and annual increments (see [appraisal scheme](#)) which you would have received if you had been at work. You do not have to clock up another year's service before going on maternity leave for a second time.

### 8.3. Annual Leave

- i. Paid maternity leave and authorised unpaid maternity leave are regarded as continuous service and annual leave is accrued during that period.
- ii. You are entitled to take this annual leave during a period other than maternity leave. In many cases, you will still be able to take annual leave in the leave year in which it has been accrued and carry forward up to five days leave as normal. However, if you take maternity leave for the majority or all of a leave year, eg April to April, and so are not at work to take annual leave, you and your manager will need to discuss when this accrued annual leave is taken. This means that more than five days annual leave may be carried into the next leave year.
- iii. Bank Holidays are also accrued and can be taken outside maternity leave and do not have to be taken by a certain date. You are entitled to a paid day's leave for each of the Bank Holidays as they occur.

## 9. BENEFITS

### 9.1. Pension

- i. The maternity leave period is treated as pensionable service and the Council will therefore continue to make contributions on your behalf into the Local Government Pension Scheme (if appropriate). Deductions will be made from maternity pay and will be based on the maternity pay received rather than the usual salary.

- ii. However, during unpaid maternity leave, as your contributions have ceased they are not counted as pensionable service. You can choose to pay contributions whilst absent or elect to make up the deductions on her return to work. The Payroll section will contact you to discuss your options for pension contributions while on unpaid maternity leave.

## 9.2. Other Benefits

You should receive all non-pay related contractual benefits during their maternity leave, eg, childcare vouchers.

## 10. MATERNITY LEAVE

### a. How much maternity leave can I have?

- i. Irrespective of length of service, you are entitled to 26 weeks Ordinary Maternity Leave (OML) and 26 weeks of Additional Maternity Leave (AML), which gives a total of 52 weeks maternity leave.
- ii. You must be on maternity leave for at least 2 weeks after the birth of the baby (compulsory leave).

### b. When can I start my maternity leave?

- i. The earliest you can start your maternity leave is the 11<sup>th</sup> week before the Expected Week of Childbirth (Confinement) (EWC), or from the day after childbirth, if earlier.

### c. What happens if I start my maternity leave before this?

- i. You will have no entitlements to maternity leave and pay (unless your baby is born early). If your baby is born prematurely, your situation will be looked at on its merits and the appropriate action decided.
- ii. If your baby is born early, contact Payroll as this may affect maternity pay.
- iii. If your baby dies, or is stillborn, after 24 weeks of pregnancy, the occupational maternity scheme applies and you will be entitled to Statutory Maternity Pay.
- iv. If your baby dies, or is stillborn, before 24 weeks of pregnancy, sympathetic consideration will be given to the

circumstances and where necessary compassionate or sick leave will be granted, as appropriate, depending on the individual circumstances. You may be entitled to Statutory Sick Pay or Employment and Support Allowance.

- v. If your baby is born alive at any stage of the pregnancy, even if he or she dies an instant later, you will be entitled to Statutory Maternity pay.

More information on your rights may be found on various websites including the [Equality and Human Rights Commission](#) website, the [DWP](#) website and [www.gov.uk](http://www.gov.uk).

## 11. MATERNITY PAY

### 11.1 Less than one year's continuous service

- i. If you have worked continuously for the Council for 26 weeks, by the beginning of the 15<sup>th</sup> week before the Expected Week of Childbirth (Confinement), you are entitled to 39 weeks of SMP.
- ii. If you qualify for SMP, you will receive:
  - a. full pay for the first 6 weeks
  - b. followed by 33 weeks at the lower rate of SMP or the average weekly earnings, whichever is lower
- iii. This is set by the government each year and is £136.78 per week as at April 2013 (the current amount can be found [here](#) on the Department for Work and Pensions (DWP) website).

### 11.2 At least one year's continuous service

- i. If you have over one year's continuous local government service (ie one year before the 11<sup>th</sup> week before the baby is due) and meet the conditions of SMP, you are entitled to 39 weeks maternity pay as follows:
  - a. Full pay for the first 6 weeks of absence.
  - b. For the following 12 weeks the lower rate of SMP.
  - c. If you have declared your intention to return to work, you will also receive 50% of your contracted weekly pay in addition to the SMP for the 12-week period. This amount cannot exceed full pay.

- d. For the remaining 21 weeks, the lower rate of SMP will be paid.
- ii. SMP can start on any day of the week.
- iii. Any payment made to you under (i) (c) above is made on the understanding that you will return to work for a period of at least 3 months.
- iv. If you change your mind and do not return to work for 3 months, then the monies paid out under (i) (c) will have to be refunded by you minus the SMP.
- v. Alternatively, the 12 weeks half pay may be spread over any other mutually agreed distribution. For example, it may be agreed to pay 3/10<sup>th</sup> pay for the remaining 20 weeks of the OML period, or to pay the amount in full after the employee returns to work after the maternity leave period.
- vi. The distribution of the payment needs to be agreed between you and the Council.

### 11.3 What if I don't qualify for SMP?

#### i. Maternity Allowance

If you do not qualify for SMP, a [maternity allowance](#), which is a weekly allowance, can be claimed from Department for Work and Pensions (DWP). Payroll will issue the relevant form. It is payable for a maximum of 39 weeks. To claim this, you will need to have paid at least 26 weeks national insurance contributions in the 66 weeks before the baby is due. If insufficient contributions have been made, means tested benefits are available from the DWP.

#### ii. Employment and Support Allowance

- i. If there is no entitlement to either SMP or Maternity Allowance, you may be able to claim for Employment and Support Allowance.
- ii. More information on these allowances may be found on the [www.gov.uk](http://www.gov.uk) website.

## 12. RETURNING TO WORK

### 12.1 *What rights do I have if I want to return to work?*

- i. Subject to 12.1 (ii), you are entitled to return to the job which you were employed to do under your original contract, on terms and conditions not less favourable than those which would have been applicable if you had not been absent.
- ii. Where it is not practicable, due to redundancy, to return to the job under your original contract, you are entitled to be offered a suitable alternative vacancy where one exists. The work to be done must be suitable and appropriate, and the terms and conditions of employment must not be substantially less favourable than the job in which you were originally employed.
- iii. Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (eg reorganisation), which would have occurred if you had not been absent, result in a change to the job in which you were employed prior to your absence.
- iv. The work to be done must be suitable and appropriate, and the terms and conditions of employment must not be less favourable than the job in which you were originally employed.

### 12.2 *What if I want to return to work before the date I originally told my manager?*

- i. You must give 21 days notice to return early (para 11.7(a) (ii) Green Book). An additional 21 days will be required if the original early return date is altered.
- ii. Where the notice given is less than 21 days, your manager may postpone the return to ensure 21 days notice, but not beyond the end of maternity leave.

### 12.3 *What do I need to do if I am returning to work on the date I originally planned?*

- i. No notification is required if you intend to return to work at the end of your maternity leave.
- ii. Your manager should have completed an [HRPRS1 form](#) confirming the return from maternity leave, including date, hours etc.

#### 12.4 *What if I don't return to work on the date I originally told my manager?*

- i. If you fail to return to work against expectations, the last day of service for payroll purposes is the last day of your paid maternity leave, to ensure you receive all benefits you are entitled to receive.
- ii. If you are unable to return on the expected day of return, due to sickness, the absence is covered by the sickness scheme in the normal way (ie a self certification form/doctor's certificate should be submitted).
- iii. If there is an interruption of work (eg due to industrial action), you may return when work resumes, or as soon as reasonably practicable afterwards.

#### 12.5 Flexible Working Arrangements

- i. The full range of flexible working arrangements and support facilities should be considered when you return to work.
- ii. These include:
  - a. Flexitime - working certain core hours (10 am to 12 noon and 2pm to 4pm) but also choosing when to start and end within agreed limits
  - b. Job sharing - two people do one job and split the hours
  - c. Working from home - it may be possible to do some or all of the work from home
  - d. Working part time hours - working fewer than full time hours
  - e. Working compressed hours - working full time hours over fewer days
  - f. Annualised hours - working a certain number of hours over the year with some flexibility about when to work
  - g. Staggered hours - working different start, finish and break times from other employees
  - h. Term time hours - working during school terms only
  - i. Career break - this will be unpaid
- iii. Only some of these options may be appropriate for your service area.
- iv. The needs of breast-feeding employees should be taken into account. The Health & Safety Executive has produced [guidance](#) that should be referred to if a facility for breast-feeding is requested.

## 13. WHILE YOU ARE ON MATERNITY LEAVE

### 13.1 Reasonable contact

- i. Your manager has a legal right to initiate contact with you while you are on maternity leave, to reduce uncertainty regarding date of return to work and to discuss other aspects relating to your maternity leave or return to work.

### 13.2 Keeping in touch days

- i. Keeping in touch days will allow you, if it is acceptable to your manager, to carry out up to 10 days work during maternity leave without it ending maternity leave or pay. This may include training days or team meetings. You and your manager can decide how to manage these, whether individual days or in blocks.
- ii. Your manager cannot require this work to be carried out and you cannot demand that you carry it out.
- iii. These days cannot be taken during the 2 week compulsory maternity leave.
- iv. Your maternity leave will not be extended if any work is carried out.
- v. Working part of a day counts as one day from the 10 days allowed. However, you will only be paid for the hours worked; this will be offset against any SMP claimed.
- vi. You are entitled to protection from detriment under the Employment Rights Act 1996 (sec 47c) in respect of undertaking, considering and not undertaking any keeping in touch days. If you are dismissed for undertaking, considering or not undertaking such work you will have been unfairly dismissed in accordance with the Act.

13.3 You may consider it important to continue with a subscription to any journals relevant to the job and to keep up membership of any professional bodies to which you belong.

13.4 If you are a temporary or casual member of staff and your contract of employment expires during your maternity leave, this will end employment as well as your maternity leave. You will continue to receive any Statutory Maternity Pay. The termination of the contract will have nothing to do with the fact that you are pregnant.



## 14. OTHER MATERNITY RELATED ISSUES

14.1 Further information on the following types of leave can be found on IRIS:

- i.      Paternity leave and pay (~~including Additional Paternity Leave and Pay~~)
- ~~ii.~~ ii. Shared Parental Leave and pay
- ~~iii.~~ iii. Maternity Support Leave
- ~~iv.~~ iv.      Parental Leave
- ~~v.~~ v. Flexible Working

## MATERNITY COUNTDOWN

18 weeks	Occupational Health pregnancy assessment should be done, if required, unless this has been undertaken earlier due to concerns.
15 weeks before baby is due	Qualifying week for statutory maternity pay.  The employee must give at least 3 weeks notice of intention to be absent. If the employee intends to start maternity leave 11 weeks before the baby is due, the manager should be told now. <a href="#">Formal notification/Request for maternity leave and pay</a> form should be completed and returned to HR.
14 weeks before baby is due	A copy of the MAT B1 (certificate of expected childbirth (confinement)) should be given to the directorate HR team. The MAT B1 must not be dated earlier than 14 weeks before the baby is due.
11 weeks before baby is due	Maternity leave can start at any time from this week right up until the week before the baby is due (the employee should not go on maternity leave if she wishes to exercise her rights to maternity leave and pay). Statutory Maternity Pay may be payable from the beginning of this week, provided that the employee is not working.
4 weeks before baby is due	If the employee is ill for a reason related to pregnancy at any time after the start of the 4 <sup>th</sup> week before the baby is due, this will automatically trigger maternity leave. If the sickness is not pregnancy related this will be classed as sick leave and maternity leave will then start when it was intended to start.
28 days	The employee must have completed and returned the maternity form (Appendix 1) to her manager at least 28 days before planned maternity leave.  The manager should let the employee know when her maternity leave ends within 28 days of receiving notice of planned maternity leave.

## Childcare for Staff

### Kennet Day Nursery

The Kennet Day Nursery is a day nursery situated in the Civic Centre of Reading.

The nursery was previously a workplace day nursery for Reading Borough Council employees only, but we are now also open to other public sector workers.

The nursery is open from 08:00 am through until 6:00 pm. There are also half day sessions available from 08:00 am until 1:00 pm and 1:00 pm until 6:00 pm.

We offer breakfast, a mid morning snack, hot lunch and a hot or cold tea. We provide all formula milks for babies and only ask that you provide nappies for your child.

At the nursery the children are divided into 3 areas: Minnows 3 months to 18 months, Dragonflies 18 months to 30 months and the Kingfishers 30 months to 4 years old.

The staff at the nursery are very caring and committed. They have chosen to work with children as their vocation and are very passionate in ensuring that they deliver a high quality of care. The children each have a key person who forms a close bond with them and their family and will be responsible for feeding, changing and liaising with the parents.

We offer a fantastic range of activities and experiences for the children. This can range from painting, cooking, dressing up, sand and water, looking at the letters in our name and music and movement to name but a few. We go on outings to the market, the library or even the Hexagon to watch a show.

We work closely with the child and parents to settle the child into the nursery and offer home visits and lots of visits leading up to taking up a place. We will ease the transition for both parents and the child in order that you are both happy and ready for your exciting time with us.

We do a lot of preparation for school. Again, this will involve working with both the child and their parents to talk about this important transition to ensure it is a smooth and happy one.

For more information about the nursery, please contact the Under 5s Manager on (0118) 937 2509 or internal extension 72509.

### Other Childcare Providers

For information about other forms of childcare in Reading, please visit the Reading Borough Council website or contact the [Family Resource Centre UK](#).

APPENDIX 1



**FORMAL NOTIFICATION/REQUEST FOR MATERNITY LEAVE AND PAY**

Name: .....

Payroll reference no. ....

Directorate: ..... Service: .....

Length of continuous Local Government service: .....

Date of commencement with Reading Borough Council: .....

Home address: .....

.....

Expected date of childbirth (confinement): .....

Form MAT B1\* attached/to follow (\*delete as appropriate)

I wish to take advantage of my entitlement to maternity leave and pay under Reading Borough Council's provisions for maternity leave.

I expect to commence my maternity leave on: .....

*(give the date)*

*Please tick the appropriate box:*

I do not wish to return to work

I wish to reserve the right to return to work

<input type="checkbox"/>
<input type="checkbox"/>

Request for pay: *(tick box)*

I wish to receive my entitlement to SMP

I wish to receive my SMP plus 12 weeks half pay which will be repayable if I do not return to work for a period of 3 months or more

I do not wish to receive my 12 weeks half pay until I return to work (contact Payments Section at that time). I understand that payment will be made once I have returned to work for a period of at least 3 months.

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Signed: ..... Date: .....

Please return this form to your HR contact who will pass it to the Payroll  
Section

## APPENDIX 2

Model letter for employers to acknowledge notification of maternity leave

(Employer must respond within 28 days of receipt of employee's notification)

Date:

Dear (*name of employee*)

Congratulations and thank you for advising me that you intend to take maternity leave. I note that you intend to commence your maternity leave on (*insert date*). Under current legislation, you are entitled to 26 weeks of Ordinary Maternity Leave (OML) and a further 26 weeks of Additional Maternity Leave (AML). You are therefore entitled to remain absent for a total of up to fifty two weeks from (*insert date*) ending on (*insert date*).

You may also be eligible to receive 39 weeks Statutory Maternity Pay (SMP). Please refer to the Guide to the Maternity Scheme for more details or contact Human Resources. For employees who do not qualify for Statutory Maternity Pay, then maternity allowance may be payable by the Department for Work and Pensions.

You are not obliged to inform us if you are returning to work after your period of AML, as we will assume you intend to take the full period of leave. However, if you decide to return to work before (*insert date*), you must give at least 21 days notice. You may not return to work within two weeks of the birth of your child at the earliest. If you decide not to return to work you must still give appropriate notice, according to your employment contract. Your decision may affect your maternity pay entitlement.

Annual leave and leave in lieu of bank and public holidays accrue while you are on maternity leave. You will need to liaise with your manager about how and when you take the accrued leave. How long you take as maternity leave, how much annual leave you have already used in the leave year and when the bank/public holidays fall will all determine how many days you will need to take on your return.

You will already have seen the Guide to the Maternity Scheme and noted the principle of reasonable contact and opportunity for keeping in touch days. I hope this information is useful and will help you to make plans during your pregnancy. If you have any questions about any aspect of your maternity entitlement, please do not hesitate to contact me or any member of the Human Resources team on the telephone number above.

Please accept my best wishes for your pregnancy.

Yours sincerely

TO:	Personnel Committee		
DATE:	1 October 2015	AGENDA ITEM:	5
TITLE:	REDUNDANCY PAYMENT OPTIONS		
LEAD MEMBER SERVICE:	CLLR LOVELOCK		PERSONNEL COMMITTEE CHAIR
	CORPORATE SUPPORT SERVICES	WARDS:	BOROUGHWIDE
AUTHOR:	IAN WARDLE/DENISE BURSTON	TEL:	0118 937 2486
JOB TITLE:	MANAGING DIRECTOR/HR PARTNER	E-MAIL:	denise.buston@reading.gov.uk

## 1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek Committee approval to start formal consultation on a proposal to reduce the redundancy pay calculator because of the Council's financial position.

## 2. RECOMMENDATIONS

That you consider this report and approve commencement of formal consultation to reduce the payment calculator to X1 of the statutory calculator.

## 3. BACKGROUND

- 3.1 Salaries and other staffing costs represent a significant area of spend for the Council. Last financial year we spent about £75m on staff costs which was approximately 60% of the net budget. As a result of service reviews across the Council to deal with the impact in reductions in our Government grant and to also pay for service pressures, we have had to reduce the number of staff and this is likely to form part of future service and budget proposals to reduce overall budgets.
- 3.2 There will need to be a shift in staff resources, with a likely reduction in overall numbers. The need to retrain and reskill staff will be important and in particular in areas where the Council is struggling to recruit or retain staff. Programmes of work will be in

place to support this aspect of the changes but there will inevitably need to be an overall reduction in staff numbers and the costs and compensation relating to this will have an impact on budgets.

### Calculation

- 3.3 Redundancy compensation is made up of 4 elements:
- **Mandatory payment of compensation** equivalent to the statutory redundancy compensation scheme (age/years of service = weeks pay (up to a maximum of 30 weeks and a limit of currently £464 in 2013/14, £475 in 2015/16 per week's pay);
  - **Discretionary** enhancement of No of weeks compensation paid up to 104 weeks (the 'statutory weeks multiplier');
  - **Discretionary** enhancement of a week's pay from £464 in 2013/14 to £475 in 2015/16 (statutory maximum) to actual weeks' pay (AWP); and
  - For staff **55 years or older and members of a statutory pension scheme** there may be **mandatory** release of unreduced pension and associated 'capital costs' - the capital costs are paid by the Council.
- 3.4 In 2011 the Council agreed to set a framework where it pays X2 statutory weeks pay (up to a maximum of 52 weeks) and AWP. This was a reduction from the X3 statutory weeks paid up to that time.

### Costs

- 3.5 The full costs associated with **compensation** payments are met by the Council. In addition, where a member of staff is over 55 and a member of the local government scheme (LGPS), then they are statutorily entitled to release of their pension on an unreduced basis. There is an additional cost which the Council has to pay which is the 'capitalised cost' of early release of the pension. This payment is made to the Pension Fund.
- 3.6 The Local Government Pension Scheme (LGPS) have recently confirmed that although previously there had been a scheme to pay capitalised costs over 3 - 5 years, this has been removed and there is no longer a provision to offset these costs in an attempt to reduce them or defer over a longer period of time.

## 4. BENCHMARKING COMPENSATION FRAMEWORKS

### Nationally

- 4.1 From the most recent LGA survey 2013 'Early Retirement and Compensation Survey':



- 89% of Councils use **actual salary** to calculate compensation payments;
- 4% use the **statutory maximum** (where actual salary exceeds the statutory maximum)
- 28% of Councils use a **1.5 multiplier**; 23% use a **X2 multiplier**; 4% a **X2.5 multiplier** and 1% a **X3 multiplier**.
- 43% of Councils used a range of different frameworks - a mixture of different rates, tapers, caps or individual discretion.

## Locally

4.2 Comparison locally across Berkshire shows us that:

- Wokingham - actual weeks pay / statutory weeks
- Royal Borough of Windsor & Maidenhead - actual weeks pay / statutory weeks
- Bracknell - actual weeks pay and statutory redundancy for those who can access pension. If an individual cannot access pension - enhanced redundancy payment based on 1.75 times the number of weeks payable under statutory (up to a maximum of 52.5)
- Slough - actual weeks pay / 1.5 multiplier

## 5. OPTIONS & COSTS

### Total Costs for 14/15 Redundancies/efficiencies/VRS

5.1 The total Pension/capital costs for all retirements in 2014/2015 is £514,303.43. The following figures/tables **exclude** any pension costs as these are fixed and do not change irrespective of the redundancy compensation figures.

### Costs - Redundancy - 34 in 2014/15

X 2 multiplier	(a) X 1.5 multiplier	(b) X 1 multiplier	(c) X 2 using statutory weeks pay not AWP	Combination of (a) and (c)	Combination of (b) and (c)
£472,790	£367,209 a 22% reduction	£244,815 a 48% reduction	£368,706 a 22% reduction	£286,154 a 39% reduction	£190,778 a 60% reduction

5.2 The minimum total individual payment was £1,091.34 and the maximum was £52,771.16, with the average payment being £13,905.60.

## Costs - Efficiencies/VRS - 22 in 2014/15

X 2 multiplier	(a) X 1.5 multiplier	(b) X 1 multiplier	(c) X 2 using statutory weeks pay not AWP	Combination of (a) and (c)	Combination of (b) and (c)
£697,929	£561,113 a 20% reduction	£374,075 a 46% reduction	£450,207 a 35% reduction	£361,165 a 48% reduction	£240,776 a 65% reduction

5.3 The minimum total individual payment was £5,039.84 and the maximum was £59,046.52, with the average payment being £31,724.07

5.4 It is estimated that the proposed changes to the redundancy payments outlined within this report would help the council avoid costs of approximately £5m.

5.5 Officers have considered the following:

- The numbers of staff we forecast to lose (as outlined in the Corporate Plan and Budget Report to Policy Committee and Council in February 2015);
- The amount of money that is held in Organisational Change Reserve (which is approximately £5m); and
- A forecast of average redundancy costs based on our current multiplier.

5.6 Therefore, we forecast that based on our current multiplier we would need to significantly increase the Organisational Change Reserve to meet these potential liabilities. Considering the significant financial pressure the authority faces due to reductions in Government Grant and service pressures, as Members are aware, this means the council must save a further £30-40m over the next 3 years.

5.7 Based on this assessment and our financial context, our advice is that we should seek to consult to reduce the redundancy multiplier so that we have a better chance of paying for potential redundancy costs without the need to significantly increase the Organisational Change Reserve as this will divert resources way from service delivery.

## 6. OTHER IMPACTS

6.1 What cannot be measured accurately are the non-cost / indirect impacts of the above reduction options - in particular the affect that such reductions may place on employees volunteering for redundancy or efficiency releases in the course of change or other programmes.

6.2 Any change to existing redundancy compensation may create, depending on timing, issues of overlap between the start of one scheme and the ending of another.

## 7. TIMESCALE TO DELIVER

7.1 There are contractual and legal issues to be taken into account when considering the reduction in redundancy compensation:

- Terms and conditions of employment are incorporated into employment contracts. In Reading, these Ts&Cs include the provisions of the national conditions of service (e.g. the Green Book for NJC staff);
- There are two 'levels' of national conditions of service e.g. the NJC for Local Government Employees or Green Book (covering the majority of our workforce) defines these under **Part 2 'Key National Provisions'** (for application by all local authorities to all employees covered by the NJC - basic provisions and standard throughout the UK); and **Part 3 'Other National Provisions'** (which may be modified by local negotiation); and
- These national conditions are supplemented by **local RBC Ts&Cs** (including joint agreements) which have developed over time e.g. additional annual leave entitlements; maternity / paternity and adoption pay and leave; compassionate leave; severance terms etc.

7.2 A proposal to reduce the redundancy compensation can therefore be considered, and this will not impact on, or require a departure from the Council's decision to remain within the NJC national conditions.

7.3 In 2011 when the redundancy compensation was last reduced, this was as part of a package which included a car mileage allowance. Individual staff consultation was carried out followed by the issue of 3 months' notice of the change.

7.4 Any proposal to amend the existing provision will require some difficult decisions and challenging conversations and it could have a significantly negative effect on a workforce that may already feel under pressure and erode the good will which still exists with staff. But this needs to be considered alongside the difficult budgetary constraints the Council faces.

7.5 In terms of good practice there will need to be a period of staff consultation followed by a reasonable requirement of 3 months' notice.

## 8. INITIAL EQUALITY IMPACT ASSESSMENT

- See attached - Appendix A

Extract from EqIA:-

Although any reduction would have a greater effect on women than men this is a result of the percentage difference between the number of women and men in our employment, not as a result of women being selected/volunteering for redundancy compensation.

The reduction to x1.5 or x1 could have an impact/differential effect on lower paid, part-time female staff. Further feasibility work could be carried out.

**Appendix A                      Equality Impact Assessment -  
Redundancy Compensation**

Name of proposal/activity/policy to be assessed

Directorate:    Corporate Support Services

Service:        Human Resources

Name and job title of person doing the assessment

Name: Denise Burston

Job Title: HR Partner

Date of assessment: 19 May 2015

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**Scope your proposal**

**What is the aim of your policy or new service/what changes are you proposing?**

To consider the need for a reduction in redundancy compensation for staff, from a x2 multiplier to another option given the budgetary constraints and future budget pressures.

**Who will benefit from this proposal and how?**

No benefit to staff from the proposal but overall council reduction in compensation costs would be achieved.

**What outcomes does the change aim to achieve and for whom?**

The reduction in redundancy compensation costs to reduce council expenditure.

**Who are the main stakeholders and what do they want?**

Elected members, all staff at Reading Borough Council - likely to want to retain the existing level of compensation payments.

**Assess whether an EqlA is Relevant**

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc.)

No

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, and feedback.

No

If the answer is **Yes** to any of the above you need to do an Equality Impact Assessment.

If **No** you **MUST** complete this statement

An Equality Impact Assessment is not relevant because:

Although any reduction would have a greater effect on women than men this is a result of the percentage difference between the number of women and men in our employment, not as a result of women being selected/volunteering for redundancy compensation.

The reduction to x1.5 or x1 could have an impact/differential effect on lower paid, part-time female staff. Further feasibility work could be carried out.

Signed: Denise Burston

Date 19 May 2015

Signed (Lead Officer)

Date