

**READING BOROUGH COUNCIL
REPORT BY HEAD OF HR**

TO:	PERSONNEL COMMITTEE		
DATE:	24 th September 2013	AGENDA ITEM:	4
TITLE:	HR POLICIES AND PROCEDURES UPDATE		
LEAD MEMBER	CLLR LOVELOCK	PERSONNEL COMMITTEE CHAIR	
SERVICE:	CORPORATE RESOURCES	WARDS:	BOROUGHWIDE
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1. PURPOSE AND SUMMARY OF REPORT

1.1. To update the Committee on revisions to specific HR policies and procedures.

2. RECOMMENDED ACTION

2.1. That you note the report and approve the revised 'family friendly' policy framework.

3. UPDATE

3.1. FAMILY FRIENDLY POLICIES

- Maternity and related benefits and provisions for Reading Borough Council staff are governed by legislation and by national and local conditions of service. They are an important strand of the Council's approach to developing 'family friendly' policies and supporting flexible working, for the benefit of the service as well as individuals.
- There have been a number of changes to these provisions in recent times, and we are taking this opportunity to update and refresh these policies / guides to incorporate the changes.
- A copy of the proposed revised policies / guides can be found as appendices to this report. Since you first saw these revised documents earlier this year, we have undertaken some further work on the structure and presentation of these documents in order to ensure that they are as clear and concise as possible for staff and managers, as this area of benefit / provision is complex and can be confusing. This Committee is asked to note the key changes and agree the revised documents, subject to a few further 'cosmetic' changes.
- The main changes / sources are as follows (these have been discussed with the joint trades unions):

MATERNITY SCHEME

All the maternity documents (Guide for Employees, Guide for Managers and the Maternity Scheme guide) have been amalgamated into one document. This removes duplication.

The following points are amended in the proposed maternity scheme document:

Expected week of confinement changed to 'Expected week of childbirth (confinement)' throughout the document.

Paragraph

- 3.4 '...the higher rate is 100% of weekly...' changed to '...the higher rate is 90% of weekly...' - 90% is the rate paid on behalf of the DWP;
- 3.6 Employment and Support Allowance information added
- 8.4 ' Time off for antenatal classes for fathers-to-be...' (Green Book, Part 4.5, para 1.2)
- 9.3 Added - concurs with HMRC
- 10.2 Annual leave - European Court of Justice (Gomez)
- 10.3 Bank Holidays - European Court of Justice (Gomez)
- 11.2 Payroll contact - already happens, but not clear in current policy
- 16.5 Clarifying the flexible element of maternity pay
- 21.1 Outline of types of flexible working arrangements
- 22.4 In current policy - will receive Statutory Maternity Pay, not leave
- Appendix 2 The current letter which is sent out is included here

PATERNITY LEAVE

- Inclusion of information about additional paternity leave (APL):
 - Can be taken from 20 weeks after birth and must have ended by 12 months after the child is born
 - Up to 26 weeks can be transferred from the mother's maternity leave to the father's/partner's paternity leave
 - Can only taken when the mother goes back to work
 - Required to self-certify by providing details such as confirmation of responsibility for upbringing of child, details of date for start of leave
 - Mirrors some maternity leave rights eg returning to work, keeping in touch days, accrual of annual leave

ADOPTION LEAVE

- Mirrors maternity leave rights eg returning to work, keeping in touch days, accrual of leave
- Includes information such as parental leave and paternity leave for partner

PARENTAL LEAVE

Parental leave increased to 18 weeks (in total) from 8 March 2013.

4. LEGAL IMPLICATIONS

4.1. Included in the report, where applicable.

5. FINANCIAL IMPLICATIONS

5.1. None arising directly from the report.

6. BACKGROUND PAPERS

6.1. None

READING BOROUGH COUNCIL

FAMILY FRIENDLY POLICIES UPDATE

DRAFT 2 - FOR CONSULTATION WITH JTUC / LJF

PARENTAL LEAVE SCHEME

ADOPTION LEAVE SCHEME

MATERNITY LEAVE POLICY

PATERNITY LEAVE

MATERNITY SUPPORT LEAVE

ADOPTION LEAVE SCHEME

1. 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.
2. Am I entitled to adoption leave?
 - 2.1. Every employee irrespective of length of service will be entitled to 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave, giving a total of 52 weeks. The earliest you can start this leave is 4 weeks prior to the date of adoption.
 - 2.2. Adoption leave may start on any day of the week.
3. How do I apply for adoption leave?
 - 3.1. 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 you manager when you expect the child to enter the UK or the date the child actually enters the UK within 28 days of entry.
 - 3.2. As a prospective adopter, you will need to attend pre-adoption meetings, classes, interviews etc, so reasonable paid time off should be granted to attend these.
 - 3.3. Only one period of leave is available at a time, irrespective of whether more than one child at a time is adopted.
4. How much notice must I give to take adoption leave?
 - 4.1. 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.
 - 4.2. 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.
 - 4.3. Your manager will need to respond to you confirming leave dates and the date you will be returning etc.
5. How much adoption pay will I get?
 - 5.1. 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).

5.2. 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 at half pay, plus SAP (providing you return to work at the end of your adoption leave for a minimum of 3 months)
- iii. 21 weeks SAP

6. What happens to my pension?

- 6.1. 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.
- 6.2. 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.

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

- 7.1. 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.

8. Keeping in Touch (KIT) Days

- 8.1. 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. Managers and employees can decide how to manage these, whether individual days or in blocks.
- 8.2. Your manager cannot require this work to be carried out and you cannot demand that you carry it out.
- 8.3. Adoption leave will not be extended if any work is carried out.
- 8.4. 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.
- 8.5. 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.

8.6. Right to return to work

- i. 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.
- 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 she was originally employed.
- iii. 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.

8.7. No notification is required if you intend to return to work at the end of your adoption leave.

9. 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.
10. 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.
11. 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. Your manager should complete an HRPRS1 form confirming the return date, hours etc.

13. Parental Leave

- 13.1. Parental leave of 18 weeks will be granted up to 8 years following being placed for adoption or up to age 18, whichever is sooner; being placed means when the child begins to live in the new home. This leave applies to each child who is adopted. Parental leave is unpaid.

14. Paternity Leave

- 14.1. Your partner (regardless of sex) can take paternity leave and additional paternity leave, if they are not responsible for immediate care and do not take adoption leave.

15. Additional Paternity Leave

- 15.1. Your partner has the right to take up to 26 weeks additional paternity leave, if eligible. This is in addition to the Statutory Paternity Leave.
- 15.2. An employee is eligible for Additional Paternity Leave if they have been employed for 26 weeks by the week they are matched with the child for adoption.
- 15.3. Only service with Reading Borough Council counts, subject to the provisions on TUPE and special provisions where an employee has moved between certain schools within the authority.
- 15.4. An employee can take Additional Paternity Leave from 20 weeks after the adoption. It must have ended by the end of the 52nd week after the child is adopted.

16. Additional Paternity Pay

- 16.1. To be eligible for Additional Paternity Pay, the adoptive parent must have started work again and any relevant payment must have stopped, with at least two weeks of the 39 week payment period remaining.
- 16.2. Additional Statutory Paternity Pay is only payable during the 39 week adoption payment period.
- 16.3. The rate of additional paternity pay is the same rate of statutory adoption pay as the adoptive parent would have received.

17. More information on parental leave and paternity leave can be found on IRIS.

18. Definitions

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

MATERNITY LEAVE POLICY

1. PURPOSE

1.1. The 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. As the regulations relating to maternity and other related provisions are complex and confusing, if you are in doubt or have any queries or require any more information, please contact your HR Team.

3.4. Details of maternity related provisions can also be found on IRIS.

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 th 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

	<p>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 to you.</p>
<p>Employment and Support Allowance</p>	<p>If there is no entitlement to either SMP or Maternity Allowance, you may be able to claim for Employment and Support Allowance.</p> <p>More information on these allowances may be found on the www.gov.uk website.</p>
<p>A Week's Pay</p>	<p>A week's pay for your working standard hours is the amount payable by the authority to you under your contract of employment.</p> <p>Where there are no normal working hours, a week's pay is taken from the average pay in the 12 preceding weeks.</p> <p>The calculation for other working patterns can be provided by Payroll.</p>

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. A decision needs to be made on whether the 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 an employee 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. As much notice as possible should be given about the 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 parentcraft classes or accompany the expectant mother when undergoing a medical examination. Evidence of the appointments may be requested. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother 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 following day from notification of the sickness or 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. Employers may decide not to trigger the start of maternity leave if the employee is only absent for a short period of time and wishes 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?

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.

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?

The earliest you can start your maternity leave is the 11th 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?**

You will have no entitlements to maternity leave and pay (unless the baby is born early). Where a baby is born prematurely each case will be looked at on its merits and the appropriate action decided.

If the baby is born early, contact Payroll as this may affect maternity pay.

If the baby dies, or is stillborn, after 24 weeks of pregnancy, the occupational maternity scheme applies and you will be entitled to Statutory Maternity Pay.

When this occurs before 24 weeks, 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.

If a 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.

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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 15th 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 11th 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. If the employee has declared her intention to return to work, she will also receive 50% of her contracted weekly pay in addition to the SMP for the 12-week period.
 - c. 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) 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) will have to be refunded by you minus the SMP.
- v. Alternatively, the six weeks full pay may be spread over any other mutually agreed distribution. For example, it may be agreed to pay 3/10th 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 website.

12. RETURNING TO WORK

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

- i. Subject to 15.1 (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 if 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 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 for employees returning 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. Some of these options may be appropriate for some service areas and not for others.
- 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. 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. Maternity Support Leave
- iii. Parental Leave
- iv. 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	<p>Qualifying week for statutory maternity pay.</p> <p>You must give at least 3 weeks notice of intention to be absent. If you intend to start maternity leave 11 weeks before the baby is due, your manager should be told now. Complete and return this form to HR: <u>Formal notification/Request for maternity leave and pay</u></p>
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 (you should not go on maternity leave if you wish to exercise your rights to maternity leave and pay). Statutory Maternity Pay may be payable from the beginning of this week, provided that you are not working.
4 weeks before baby is due	If you are ill for a reason related to pregnancy at any time after the start of the 4 th 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	<p>You must have completed and returned the maternity form (Appendix 1) to your manager at least 28 days before planned maternity leave.</p> <p>Your manager should let you know when your maternity leave ends within 28 days of receiving notice of planned maternity leave.</p>

4 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](#).

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

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.

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

1. The purpose of granting Maternity Support Leave is to help employees cope with the problems relating to maternity, which may have a bearing on their wellbeing and ability to perform their duties. This leave is available to all staff.
2. This leave differs from paternity leave and is not in addition to it.
3. What maternity support leave can I have?
 - 3.1. You have an entitlement of up to 5 days paid leave if you are the child's father, the partner, or nominated carer of an expectant mother at or around the time of the birth. The equivalent proportion of paid time off will need to be calculated for part-time workers or those who do not work a standard 5-day week work pattern.
4. What is a nominated carer?
 - 4.1. A nominated carer is someone nominated by the expectant mother as her primary provider of support at or around the time of the birth. In most cases, such care and support would be provided by the father; however, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother and/or child.
5. How do I apply for Maternity Support Leave?
 - 5.1. Anyone wishing to request maternity support leave should do so by completing the attached request form and returning it to his or her manager. Once completed and authorised, it should be forwarded to the directorate HR contact. As much notice as possible should be given to allow for any necessary cover to be provided as with any other leave.
 - 5.2. When making a request for leave, a copy of the expectant mother's form MATB1 (maternity certificate) and written notification from the mother declaring that the employee is the primary carer should be attached to the authorised request form.
6. If you are not the primary carer or another employee has applied for paternity leave for the same expectant mother, then a request for this leave will be refused.
7. A maximum of up to 10 days maternity support leave will be granted in any 12 month period. (This would cover the support required by two expectant mothers).
8. It is for you to decide how much leave you take and when, but this must be agreed with your manager. NO payment will be made for any untaken maternity support leave.

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 (as amended). The regulations give parental leave rights to parents of a child born or adopted on or after 15th 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. How much parental leave am I entitled to take?

- 2.1. Parental leave of 18 weeks (in total) will be granted to all employees who have or are expecting to have responsibility for a child as defined in the Maternity and Parental Leave Regulations 13 (2) 1999 (as amended).
- 2.2. Parental leave will be granted up to the child's 8th birthday.
- 2.3. If you have responsibility for a child for whom Disability Living Allowance has been awarded, you have leave entitlement of 18 weeks (in total) up to the child's 18th birthday.
- 2.4. Parental leave is **unpaid**.
- 2.5. Parental leave is available to those with parental responsibilities; this includes parents, parents adopting children and foster parents.
- 2.6. 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.
- 2.7. One week's 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 your working week is variable, then an average working week is calculated.
- 2.8. Parental leave is an individual entitlement and, therefore, cannot be transferred between parents.
- 2.9. The right to parental leave is available to each parent and for each child.

3. How do I qualify for parental leave?

3.1. You have the right to parental leave if you:

- Are the parent named on the birth certificate of a child born after 15th December 1999 who is under 8 years old
- Have at least one year's continuous service
- Have adopted or fostered a child on or after 15 December 1999.
- Have "parental responsibility" under the law (as defined in S.3 Children's Act 1989 and S.1 (3) Children (Scotland) Act 1995)

4. How much notice do I need to give?

4.1. You 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, eg due to premature birth or an adoption placement, at the discretion of their Head of Service. This discretion will not be unreasonably withheld.

5. Can my manager postpone my parental leave?

5.1. If it is considered that an your 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. It should not be postponed if it means that you would no longer be eligible (ie after the child's 8th or 18th birthday - whichever is applicable).

5.2. Every attempt should be made to avoid postponement of parental leave. Your manager must discuss the postponement with you with a view to coming to agreement over alternatives. These might include:

- A different pattern of leave - part-time rather than full-time.
- A shorter or longer period of leave.
- Alternative dates within the 3 month period.

5.3. Following this consultation, and not more than 7 days after your notice period was given to take leave, you 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 you 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, she will need to be informed that, where parental leave is taken as a block of leave, she 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
 - In patterns which provide a part-time or reduced hours working arrangement for a period of time equivalent to taking 13 weeks leave (increasing to 18 weeks from 8 March 2013) as a single block
- 6.3. Parental leave should be documented for each requested employee.
- 6.4. If you wish to request parental leave, you should complete the request form and send it to your manager.

7. Return to work

- 7.1. If you are on parental leave you have the same right to return to your 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, your contributions have ceased into the pension scheme. You should contact the Payroll Section to see if contributions can be made up.
- 8.3. If you fall sick during a period of parental leave and give the Council the relevant notification, you shall be entitled to pay under the sickness scheme for the period covered by a doctor's certificate. This period shall not count towards your parental leave entitlement.

PATERNITY LEAVE SCHEME

1. Paternity leave 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. 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.
4. What is ordinary paternity leave entitlement?
 - 4.1. 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. The equivalent proportion of paid time off will need to be calculated for part time workers or those who do not work a standard 5-day week work pattern.
5. When can paternity leave be taken?
 - 5.1. The leave is to be taken by the employee, during the period commencing when the mother of the child first attends antenatal clinic, until the time she ceases attending postnatal clinic.
 - 5.2. It is for each employee to decide how much leave should be taken, and when, but this must be agreed with the manager. No payment will be made for any untaken paternity leave. 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.
 - 5.3. 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.
 - 5.4. 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.
6. How do employees apply for statutory paternity leave?
 - 6.1. 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. The paternity leave has not been agreed until the request has been authorised by the manager.
7. How do employees qualify for statutory paternity pay?
 - 7.1. If they have sufficient qualifying service of 26 weeks continuous service and have sufficient earnings at the end of the 15th week before the start of the week when the baby is due they can claim statutory paternity pay.

7.2. If average weekly earnings are £109 or more (before tax), statutory paternity pay is paid for one or two consecutive weeks at £136.78 (April 2013) or 90% of average weekly earning if this is less.

7.3. Payroll can provide further information on statutory paternity pay.

8. Additional Paternity Leave

8.1. Additional paternity leave is available to employees (regardless of sex) who are eligible for ordinary paternity leave; this includes parents of adopted children.

9. Who qualifies?

9.1. Employees must have been continuously employed by Reading Borough Council for at least 26 weeks by the 15th week before the baby is due and still be employed until the week before additional paternity leave starts.

9.2. Only service with Reading Borough Council counts, subject to the provisions on TUPE and special provisions where an employee has moved between certain schools within the authority.

10. What is the additional paternity leave entitlement?

10.1. Up to 26 weeks leave can be transferred from the mother's maternity leave to the father (or partner's) paternity leave, which can be taken by the father once the mother has returned to work.

11. When is additional paternity leave taken?

11.1. The leave can be taken from 20 weeks after the birth (or adoption) and must have ended by 12 months after the child is born.

11.2. Some of the leave may be paid if it is taken during what would have been the mother's 39 week statutory pay period. Fathers will receive the same rate of statutory maternity/adoption pay as the mother would have received.

12. How do employees qualify?

12.1. The partner taking additional paternity leave must be eligible for ordinary paternity leave and be in the same employment until the week before additional paternity leave starts.

12.2. The mother must have been eligible for:

- i. Maternity/adoption leave
- ii. Statutory Maternity Pay (SMP)/Statutory Adoption Pay (SAP) or Maternity Allowance (MA)

- 12.3. The mother must also have signed a declaration and returned to work; any entitlement to statutory maternity pay or maternity allowance is stopped and any maternity leave she is entitled to is ended.
- 12.4. The mother's declaration will confirm:
- i. The mother's name, address and National Insurance number
 - ii. The date the mother intends to return to work
 - iii. That the partner taking paternity leave is the only person taking additional paternity leave and that the information can be processed by the respective partner's employer
- 12.5. Parents will be required to 'self-certify' by providing details of their eligibility.
- 12.6 Self-certification means that not less than eight weeks before the date chosen for additional paternity leave, the father must provide:
- i. Details of the expected week of the child's birth
 - ii. Actual date of the child's birth
 - iii. Dates chosen for additional paternity leave to start and end
 - iv. Confirmation of responsibility for the upbringing of the child (must be the father to, the partner or civil partner of the child's mother) and confirmation that leave will be taken for the purpose of caring for the child
 - v. A signed declaration from the mother (see above)
- 12.7 Only one period of leave is available at a time, irrespective of whether more than one child is born at the same time.

13. Returning to work

- 13.1. The employee has the right to return to either the same job on the same terms and conditions before taking Additional Paternity Leave or to a suitable alternative work on terms no less favourable. There is protection from detriment for any reason connected with the fact that additional paternity leave has been requested or taken and protection from dismissal if the fact that Additional Paternity Leave has been requested or taken was the reason, or principal reason, for dismissal (including selection for redundancy).
- 13.2. If, having given notice of a period of additional paternity leave, the employee changes his mind about the timing of the leave, he may write to his employer to give notice that he wishes to change the start and/or finish date of the period of leave. Such notice must be given at least six weeks before either the original start/finish date or the new date, whichever falls first.

13.3. If the employee wishes to return to work early, the manager must be informed at least 6 weeks before the return. If that does not happen, the manager can refuse the employee's return until 6 weeks after the requested return date or the original return date (whichever is earlier).

13.4. If an employee's job becomes redundant during additional paternity leave, he will be entitled to be offered any available suitable vacancy with his employer, or an associated employer, on terms that are not substantially less favourable to him. Where a suitable vacancy exists, this must be offered before the employee's current contract comes to an end and must be effective immediately, irrespective of whether the employee is ready, at that point in time, to return to work.

14. Keeping in touch days

14.1 Employees on additional paternity leave may work up to 10 keeping-in-touch days during the leave period, regardless of the length of the leave period and regardless of how many keeping-in-touch days the mother or main adopter has taken during maternity or adoption leave. There is no obligation on employers to offer keeping-in-touch days and no obligation on employees to work them.

14.2 During additional paternity leave, employees may, by agreement, work for up to 10 days (either separately or in a block) without losing entitlement to additional statutory paternity pay or triggering the end of the period of additional paternity leave.

15. What if the child dies?

15.1. If the employee's child dies during additional paternity leave (or during the period of notice that the employee has given with respect to taking additional paternity leave), the period of additional paternity leave will terminate at the end of the week that falls eight weeks after the death of the child. If the notified return date is less than eight weeks after the death of the child, additional paternity leave will end on the date it was due to end.

16. Annual leave

16.1 Annual leave continues to accrue during additional paternity leave.

Additional Paternity Pay

15.2. To be eligible for Additional Paternity Pay, the mother must have started work again and any relevant payment must have stopped, with at least two weeks of the 39 week payment period remaining.

15.3. Additional Statutory Paternity Pay is only payable during the 39 week maternity payment period.

15.4. The rate of additional paternity pay is the same rate of statutory maternity pay as the mother would have received.