

# Family Leave Policy

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# 1. Objectives and scope

1.1. The Family Leave Policy covers the following family related leave:

- Adoption Leave
- Foster Carer Support
- Maternity Leave
- Maternity Support Leave
- Parental Leave
- Paternity Leave
- Shared Parental Leave

# 2. Definitions

2.1 The following definitions are used in this policy:

- **"Adopter"** means the person with whom the child is, or is expected to be, placed for adoption, or, in a case where two people have been matched jointly, whoever has elected to be the child's adopter for the purposes of adoption leave.
- **"Matched for adoption"** means an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.
- **"Placed for adoption"** means placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").
- **"Official notification"** means written notification, issued by or on behalf of the relevant central authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of a child from overseas, or that it has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt, and has been assessed and approved as being a suitable adoptive parent.
- **"Mother"** means the mother or expectant mother of the child.
- **"Partner"** means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother or of the adopter at the date on which the child is placed for adoption (for adoptions from overseas, at the date on which the child enters Great Britain). This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who

is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

- **"Expected week of childbirth"** means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.
- **"Qualifying week"** relates to Statutory Maternity Pay and it is the 15th week before the week in which the baby is due.
- 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.
- **"Maternity Support Leave"** is an entitlement of up to five days (37 hours) paid leave granted to the child's father, the partner, or nominated carer of an expectant mother, to be taken at or around the time of the birth, paid at the employee's usual rate of pay. There is no qualifying period of service required. If paternity leave has been taken, then there is no entitlement to maternity support leave or vice versa.
- **"Paternity Leave"** is available to the mother's partner, and to parents of adopted children or those in surrogacy arrangements if they have not taken their entitlement to adoption leave. It must be taken within 56 days of the birth or placement date. Employees can choose to take one working week, or two consecutive working weeks. The maximum amount of paternity leave is 10 working days, or the pro rata equivalent for part time staff, paid at full pay. If maternity support leave has been taken, then there is no entitlement to paternity leave or vice versa. There is no qualifying service required.
- **"Ordinary Parental Leave"** is an entitlement to up to 18 weeks' unpaid leave per child, for qualifying employees, who are the birth or adoptive parent of a child under 18 years of age. Employees must have at least one year's service with Reading Borough Council to qualify.

### 3. Data Protection

- 3.1. When managing an employee's leave and pay under the Family Leave Policy, the Council processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs the Council that he/she plans to take leave under this policy is held securely and accessed by, and disclosed to, individuals only for the purposes of managing his/her leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a

disciplinary offence, which will be dealt with under the Council's disciplinary procedure.

## **4. Adoption Leave**

### **4.1 Introduction to adoption rights and benefits**

- 4.1.1. This section of the Family Leave Policy sets out the rights of employees to statutory adoption leave and pay.
- 4.1.2. An employee who adopts a child through an approved adoption agency is entitled to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The maximum entitlement is therefore up to 52 weeks' adoption leave.
- 4.1.3. All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to the correct notification procedures being followed, as set out below.

### **4.2. Adoption Pay Entitlement**

- 4.2.1. Employees with less than one year's continuous local government service are entitled to:
  - i. Full pay for six weeks
  - ii. 33 weeks at the current rate of Statutory Adoption Pay (SAP) or 90% of average weekly earnings if this is less.
- 4.2.2. Employees with over one year's continuous local government service are entitled to:
  - i. Full pay for six weeks
  - ii. Half pay for 12 weeks, plus SAP (providing the employee returns to work at the end of adoption leave for a minimum of three months)
  - iii. 21 weeks SAP

### **4.3. Timing of adoption leave**

- 4.3.1. Adoption leave can start on the day the child is placed for adoption or up to 14 days earlier. The employee should discuss the timing of their adoption leave with their line manager as early as possible.

### **4.4. Notice requirements**

- 4.4.1. The employee is required to give the Council written notification of their intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which must be in writing if the Council requests it, must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends their adoption leave to start. A parent in a surrogacy arrangement will need to inform their manager at least 15 weeks before the due

date. The employee should complete the Adoption Leave Request Form and pass it to their manager. The line manager should immediately update iTrent Managers Self Service with the adoption details (under the Absence section, select the employee's name and click on Adoption).

- 4.4.2. The employee is permitted to bring forward their adoption leave start date, provided that they advise the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their adoption leave start date, provided that they advise the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The employee must also, if the Council requests it, provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.
- 4.4.3. Within 28 days of receiving the employee's notice of intention to take adoption leave, the Council will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

#### **4.5. Time off to attend adoption appointments**

- 4.5.1. An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.
- 4.5.2. The purpose of the appointment is to enable the employee (and his/her partner) to have contact with the child (for example, to bond with him/her before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).
- 4.5.3. The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.
- 4.5.4. The Council will ask the employee for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).
- 4.5.5. In addition, if the employee is adopting jointly, the Council will ask the individual to sign a declaration, to be submitted alongside the documentary evidence, confirming that they have elected to exercise their right to take time off to attend an adoption appointment. The Council will ask for the declaration on the first occasion on which the individual asks for time off to attend an adoption appointment.

#### **4.6. Rights during adoption leave**



- 4.6.1. During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by SAP if the employee is eligible for it. This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, annual leave and Bank Holidays will continue to accrue.
- 4.6.2. Employees are entitled to take accrued annual leave during a period other than adoption leave. In many cases, employees 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 adoption leave is taken for the majority or all of a leave year (which runs from April to March), the employee and their 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.
- 4.6.3. Bank Holidays are also accrued and can be taken outside adoption leave and do not have to be taken by a certain date. Employees are entitled to a paid day's leave for each of the Bank Holidays as they occur.
- 4.6.4. The paid adoption leave period is treated as pensionable service and the Council will continue to make contributions on behalf of the employee into the Local Government Pension Scheme (if appropriate). Deductions will be made from adoption pay and will be based on the adoption pay received rather than the employee's usual salary.
- 4.6.5. During unpaid adoption leave, as employee contributions will have ceased, it is not counted as pensionable service. Employees can choose to pay contributions whilst absent or elect to make up the deductions on their return to work. The Payroll team will contact the employee to discuss their options for pension contributions while on unpaid adoption leave. Adoption leave counts as continuous service in the calculation of extra leave, redundancy and sick pay entitlement. Employees will be entitled to any pay awards and annual increments which they would have received if they had been at work.

#### **4.7. Contact during adoption leave**

- 4.7.1. The Council will maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

#### **4.8. Keeping-in-touch days**

- 4.8.1. Employees can agree to work for the Council (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a "keeping-in-touch" day. Employees will only be paid for the hours worked; this can be offset against any SAP claimed.

- 4.8.2. The Council has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave.

#### **4.9. Returning to work after adoption leave**

- 4.9.1. The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that they give the appropriate notification. Alternatively, the employee may take their full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, they must give at least eight weeks' notice in writing to the Council of the date on which they intend to return. No notification is required if the employee intends to return to work at the end of their adoption leave.
- 4.9.2. The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, they are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable. The employee's line manager should immediately update iTrent Managers Self Service with the return to work details (under the Absence section, select the employee's name and click on Adoption).
- 4.9.3. Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a medical certificate/self-certificate before the end of the adoption leave period. If an employee fails to return to work against expectations, the last day of service for payroll purposes is the last day of paid additional adoption leave to ensure that the employee receives all benefits they are entitled to receive.
- 4.9.4. If the employee decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to the Council as soon as possible and in accordance with the terms of their contract of employment.

#### **4.10. Transfer of adoption leave - Shared parental leave**

- 4.10.1 Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.
- 4.10.2 Employees can refer to the section on shared parental leave (section 10), where they will find full details of the eligibility requirements, as well as instructions as to how the adopter's adoption leave can be curtailed.

#### **4.11 Parental Leave**

4.11.1 All employees with parental responsibility for children are entitled to take up to 18 weeks' unpaid parental leave for each individual child before that child reaches the age of 18. For more information on parental leave please refer section 8.

#### **4.12 Paternity Leave**

4.12.1 An employee's 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 section (section 9) for more information.

## **5. Foster Carer Support**

### **5.1. Introduction**

- 5.1.1. This section of the Family Leave Policy sets out the Council's support for employees who are undertaking the care of a child/children under a foster-care arrangement with a local authority.
- 5.1.2. It is recognised that employees will have specific obligations towards the child/children in accordance with their arrangement with the local authority and that, in some cases, the child/children may require a high level of care.
- 5.1.3. This policy is intended to form part of the Council's overall family-friendly approach, and it attempts to strike a balance between the business needs of the Council and the needs of the employee to meet their care obligations.

### **5.2. Notification requirements**

- 5.2.1. Employees who are intending to foster a child/children should give their line manager not less than four weeks' notice of their intention to train as a foster carer. This is to ensure that their line manager and colleagues can provide them with support and encouragement. This also ensures that, should they wish to request any special leave to care for the child/children, their line manager has sufficient notice to make any necessary arrangements for cover. Requests made with less than four weeks' notice will not be unreasonably refused. Employees should complete the Foster Carer Leave Request Form.

### **5.3. Time off to care for new foster children**

- 5.3.1. Foster carers may need to take time off work to help the child/children to settle into the new environment. They may also need time off to attend training courses, meetings with professionals or appointments with the child/children.
- 5.3.2. Employees who require time off to attend training or meetings, or to care for the child/children at the start of the foster-care arrangement may request special leave to do so. The request must be in writing and the employee must specify the period of time off that they require. Employees will be allowed up to five days paid leave for each placement (this may be one or more child at a time). Paid leave will be allowed for up to two placements (i.e. up to ten days) each year. The leave is an individual entitlement.

### **5.4. Time off for dependants**

- 5.4.1. Foster carers are entitled to take reasonable time off during working hours under the Council's compassionate leave policy if caring for sick dependants (e.g. including where the child has been injured or assaulted) or following the breakdown of regular care arrangements (e.g. 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).

5.4.2. The employee may be required to provide their line manager with medical evidence from the regular carer's GP or a letter signed by the childminder or regular carer.

5.4.3. Further information can be found in the [Compassionate and Parental Bereavement Leave Policy](#) on the Council's intranet.

## **5.5. Parental leave**

5.5.1. All employees with parental responsibility for children are entitled to take up to 18 weeks' unpaid parental leave for each individual child before that child reaches the age of 18. For more information on parental leave please refer to section 8.

## **5.6. Flexible working**

5.6.1. 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. Further information on flexible working can be found in [Flexible Working Policy](#) on the Council's intranet.

## **6. Maternity Leave**

### **6.1. Introduction to maternity rights and benefits**

- 6.1.1. This section of the Family Leave Policy sets out the rights of employees to statutory maternity leave and pay.
- 6.1.2. The Council recognises that employees may have questions or concerns relating to their maternity rights. The Council's encourages open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant, she should clarify the relevant procedures with her manager to ensure they are followed correctly.

### **6.2 Maternity Leave Entitlement**

- 6.2.1 Pregnant employees are entitled to take up to 52 weeks maternity leave. This applies to all employees regardless of their length of service. This period of leave comprises of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). AML must be taken immediately after OML; there cannot be any gap between the two types of maternity leave.
- 6.2.2 Compulsory Maternity Leave - Employees may not work for the Council immediately after giving birth. Compulsory maternity leave lasts for two weeks following childbirth.

### **6.3 Notice of intention to take Maternity Leave**

- 6.3.1 Maternity leave can start anytime from the 11<sup>th</sup> week before the baby is due. It is the responsibility of the employee to notify their line manager at least 28 days before they intend to take maternity leave. The line manager should immediately update iTrent Managers Self Service with the maternity details (under the Absence section, select the employee's name and click on Maternity).
- 6.3.2 Should the employee wish to bring her maternity leave start date forward for any reason, she is required to give at least 28 days' notice of the revised start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided that she gives at least 28 days' notice before the original proposed start date or, if that is not possible, as soon as reasonably practicable.
- 6.3.3 In the event that the employee gives birth before the start date of their maternity leave, or before they have notified the council of a start date, their maternity leave period starts automatically on the date of birth. The employee must notify the Council as soon as is reasonably practicable of the date of birth.

### **6.4 Maternity Pay Entitlement**

- 6.4.1 Statutory Maternity Pay – Employees who have been continuously employed by Reading Borough Council for 26 weeks or more by the end of the qualifying week are entitled to receive 39 weeks Statutory Maternity Pay (SMP). The first six weeks are payable at 90% of the employee's average weekly earnings and the next 33 weeks are paid at SMP rate, which is revised in April each year.
- 6.4.2 Maternity Allowance - Employees with less than 26 weeks service by the end of the qualifying week are not entitled to receive SMP from the Council. Women who are not entitled to receive SMP may be entitled to claim up to 39 weeks Maternity Allowance (MA), which is available from the Jobcentre Plus office. Qualification for the Maternity Allowance is based on the individual's recent employment and national insurance records.
- 6.4.3 Occupational Maternity Pay - Employees who have more than one year's continuous local government service on the 11<sup>th</sup> week before the expected week of childbirth (EWC) will receive maternity pay of six weeks at 90% of the normal average weekly earnings followed by 33 weeks at the statutory rate (Statutory rate applicable if the employee has been continuously employed by Reading Borough Council for 26 weeks or more by the end of the qualifying week), plus 12 weeks half pay of the normal average weekly earnings. If the employee has not been continuously employed by Reading Borough Council for 26 weeks or more by the end of the qualifying week but has more than one year's continuous local government service on the 11<sup>th</sup> week before the expected week of childbirth (EWC), they will receive maternity pay of six weeks at 90% of the normal average weekly earnings, plus 12 weeks half pay of the normal average weekly earnings only, statutory payments will need to be claimed from the Job Centre using an SMP1 claim form completed by a member of the HR team. The 12 weeks half pay is due following the expiry of the first six weeks at 90% pay and is subject to the employee returning to work for three months at the end of the maternity leave period.

## **6.5 Maternity Pay Period (MPP)**

- 6.5.1 Employees are entitled to receive SMP for 39 whole weeks. SMP is calculated, due and payable for whole weeks; it cannot be broken down into individual days. Employees may start claiming SMP on any day of the week. Therefore, if the employee starts receiving her SMP on a Tuesday, "weeks" within the Maternity Pay Period (MPP) will run from Tuesday through to the following Monday, and so on through the MPP.

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

- 6.6.1 Once an employee has advised the Council that she is pregnant, she will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor.

- 6.6.2 To be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.
- 6.6.3 Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.
- 6.6.4 The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.
- 6.6.5 An individual who has a qualifying relationship with the employee, which includes the employee's husband or civil partner and the father of the expected child, is eligible to take unpaid time off to accompany the employee at up to two antenatal appointments. The individual with the qualifying relationship should ask their employer for more details of the right.

## **6.7 Health and safety**

- 6.7.1 Once an employee has notified their manager of their pregnancy, the 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 the HR Team or the Corporate Health and Safety Team.
- 6.7.2 Employees will continue to be employed in their existing jobs, unless the risk assessment identifies that the job is potentially unsuitable for them because it involves one or more risks either to the employee or the unborn child.
- 6.7.3 If risks are identified, then the following options apply:
- i. The manager needs to decide if the job can be altered to eliminate the risk
  - ii. 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.
  - iii. If these options are not possible, paid leave needs to be considered until the risks are eliminated or maternity leave starts, whichever happens first.
  - iv. If a suitable offer of alternative employment is refused, then the employee will be granted unpaid leave.
- 6.7.4 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.

## **6.8 Occupational Health – Pregnancy Assessments**



- 6.8.1 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, the employee should take with them the pregnancy risk assessment, which should have been completed by their manager. Managers should make appointments through Occupational Health. This does not replace any appointments with a GP or midwife.

## **6.9 Sickness absence**

- 6.9.1 If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun Ordinary Maternity Leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her EWC, her maternity leave will start automatically. This will begin on the day following notification of the sickness. 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.
- 6.9.2 If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the EWC, she must notify the Council in writing of this as soon as reasonably practicable.
- 6.9.3 A decision may be made not to trigger the start of maternity leave if an employee is only absent for a short period of time and wishes to continue working.

## **6.10 Rights during maternity leave**

- 6.10.1 During Ordinary Maternity Leave and Additional Maternity Leave, the terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by maternity pay if the employee is eligible for it. This means that, while sums payable by way of salary will cease, other benefits such as holiday entitlement will remain in place.
- 6.10.2 Paid maternity leave and authorised unpaid maternity leave are regarded as continuous service and annual leave is accrued during that period.
- 6.10.3 Employees are entitled to take this annual leave during a period other than maternity leave. In many cases, the employee 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 maternity leave is taken for the majority or all of a leave year, e.g. April to March, the employee and their 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.

6.10.4 Bank Holidays are also accrued and can be taken outside maternity leave and do not have to be taken by a certain date. Employees are entitled to a paid day's leave for each of the Bank Holidays as they occur.

6.10.5 The maternity leave period is treated as pensionable service and the Council will therefore continue to make contributions on behalf of the employee 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.

6.10.6 During unpaid maternity leave, as employee contributions have ceased, it is not counted as pensionable service. Employees can choose to pay contributions whilst absent or elect to make up the deductions on their return to work. The Payroll team will contact the employee to discuss their options for pension contributions while on unpaid maternity leave. Maternity leave counts as continuous service in the calculation of extra leave, redundancy and sick pay entitlement. Employees will be entitled to any pay awards and annual increments (see appraisal scheme) which they would have received if they had been at work. Employees do not have to achieve another year's service before going on maternity leave for a second time.

## **6.11 Contact during maternity leave**

6.11.1 The Council will maintain reasonable contact with employees during maternity leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

## **6.12 Keeping-in-touch days**

6.12.1 Employees can agree to work for the Council (or to attend training) for up to ten days during their maternity leave without that work bringing their maternity leave to an end and without loss of a week's statutory maternity pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a "keeping-in-touch" day. However, employees will only be paid for the hours worked; this can be offset against any SMP claimed.

6.12.2 The Council has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave.

## **6.13 Returning to work after maternity leave**

6.13.1 The employee may return to work at any time during Ordinary Maternity Leave or Additional Maternity Leave, provided that she gives the appropriate notification. Alternatively, the employee may take her full period of maternity leave entitlement and return to work at the end of this period. No notification is required if the employee intends to return to work at the end of her maternity leave. If the employee wishes to return before the full period of maternity leave

has elapsed, she must give 21 days' notice to return early, or if the original early return date is altered. Where the notice given is less than 21 days, the employee's manager may postpone the return to ensure 21 days' notice, but not beyond the end of maternity leave.

6.13.2 The employee's line manager should immediately update iTrent Managers Self Service with the return to work details (under the Absence section, select the employee's name and click on Maternity).

6.13.3 The employee has the right to resume working in the same job if returning to work from Ordinary Maternity Leave. If the employee returns to work after a period of Additional Maternity Leave, she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

6.13.4 Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the maternity leave period. If an employee fails to return to work against expectations, the last day of service for payroll purposes is the last day of her paid maternity leave, to ensure she receive all benefits she is entitled to receive.

6.13.5 If the employee decides during maternity leave that she does not wish to return to work, she should give written notice of resignation to the Council as soon as possible and in accordance with the terms of her contract of employment.

6.13.6 If the employee is a temporary or fixed term employee and their contract of employment expires during their maternity leave, this will end their employment as well as their maternity leave. They will continue to receive any Statutory Maternity Pay. The reason for the termination of the contract must not be related to the fact that the employee is pregnant or on maternity leave.

## **6.14 Parental Leave**

6.14.1 All employees with parental responsibility for children are entitled to take up to 18 weeks' unpaid parental leave for each individual child before that child reaches the age of 18. For more information on parental leave please refer section 8.

## **6.15 Flexible Working Arrangements**

6.15.1 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. Further information on flexible working can be found in [Flexible Working Policy](#) on the Council's intranet.

## **6.16 Transfer of maternity leave - Shared Parental Leave**

6.16.1 Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

6.16.2 To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave.

6.16.3 Please refer to section 11 on shared parental leave for full details of the eligibility requirements, as well as instructions on how the mother's maternity leave can be curtailed.

## 6.17 Maternity Countdown

As soon as the employee advises the line manager that she is pregnant	the line manager should carry out a risk assessment to ensure that any risks or hazards have been identified
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 by now. <u>Formal notification/Request for maternity leave and pay</u> form should be completed and returned to the employee's manager. The line manager must advise HR through iTrent Manager Self Service.
14 weeks before baby is due	A <b>copy</b> of the MAT B1 (confirming the certificate of expected childbirth) should be given to the employee's manager. The MAT B1 must not be dated earlier than 14 weeks before the baby is due. The line manager must update iTrent Manager Self Service if needed.
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 begin when it was intended to.

## **7. Maternity Support Leave**

7.1 The purpose of granting Maternity Support Leave is to help employees cope with the birth of a new child, Maternity Support Leave will be treated separately from annual leave and is over and above Parental Leave and Emergency/Compassionate Leave.

### **7.2 Maternity Support Leave Entitlement**

7.2.1 An entitlement of up to five days (37 hours) paid leave will be granted to the child's father, the partner, or nominated carer of an expectant mother to be taken at or around the time of the birth, paid at the employee's usual rate of pay. The equivalent proportion of paid time off will be calculated for part-time workers or those who do not work a standard five-day week work pattern.

7.2.2 There is no qualifying period of service to be eligible for Maternity Support Leave.

### **7.3 The nominated carer**

7.3.1 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 many 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.

### **7.4 Applying for Maternity Support Leave**

7.4.1 Anyone wishing to request maternity support leave should do so through their manager using the request form attached. As much notice as possible should be given to allow for any necessary cover to be provided.

7.4.2 When making a request for leave, a copy of the expectant mother's MAT B1 form (maternity certificate) and written notification from the mother declaring that the employee is the primary carer should be attached to the authorised request form.

7.4.3 If the employee is 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.

7.4.4 A maximum of up to ten days maternity support leave will be granted in any 12-month period. This would cover the support required by two expectant mothers.

7.4.5 It is for each employee to decide how much leave they take and when, but this must be agreed with their manager. No payment will be made for any untaken maternity support leave.

## **8. Parental Leave**

### **8.1. Introduction to "ordinary" parental leave**

- 8.1.1. Employees are entitled to up to 18 weeks' unpaid parental leave per child if they are the birth or adoptive parent of a child who is under 18 years of age. To qualify for ordinary parental leave, employees must have completed at least one year's continuous service with Reading Borough Council.
- 8.1.2. "Ordinary parental leave" should not be confused with shared parental leave. Shared parental leave enables employees to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. Please refer to section 10 and 11 of this policy for information regarding shared parental leave.

### **8.2. Rights during ordinary parental leave**

- 8.2.1. During ordinary parental leave, the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue annual leave and Bank Holidays will remain in place. Certain other terms of employment will also remain in force.
- 8.2.2. The parental leave period is unpaid and, as such, an employee's contributions have ceased into the pension scheme. An employee should contact the Payroll team if they wish to make up the contributions.
- 8.2.3. 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.
- 8.2.4. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:
- notice of termination;
  - redundancy compensation; and
  - disciplinary or grievance procedures.
- 8.2.5. Employees taking ordinary parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:
- notice of termination;
  - disclosure of confidential information;
  - the acceptance of gifts or other benefits; and
  - participation in any other business.

### **8.3. Conditions of ordinary parental leave**

8.3.1. An employee may not exercise any entitlement to ordinary parental leave unless they have complied with any request made by the Council to produce evidence of parenthood or parental responsibility. This could be in the form of a birth certificate or adoption papers.

8.3.2 The employee must give proper notice of the period of leave that they propose to take. This notice must be given to the Council at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end. An employee wishing to request parental leave should do so to their manager using the request form.

8.3.3 Parental leave may be taken:

- As a single block of up to 18 weeks
- As a minimum of 1 week's leave period unless the employee's 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

8.3.4 Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of their Assistant Director. This discretion will not be unreasonably withheld.

8.3.5 Where the employee is the father of the child in respect of whom the leave is to be taken and he requests ordinary parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 days before the expected week of childbirth.

8.3.6 Where the ordinary parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to the Council at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of ordinary parental leave requested.

### **8.4 Postponement**

8.4.1 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 three months, or more than three months in exceptional circumstances.

8.4.2 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 three month period.

8.4.3 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.

8.4.4 Postponement cannot be used where employees have requested that parental leave is taken:

- 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 at the same time
- 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.

## **8.5 Return from ordinary parental leave**

8.5.1 If an employees takes an isolated period of ordinary parental leave of four weeks or less, they are entitled to return to the same job they were doing before their absence.

8.5.2 They can also return to their previous job if they take a period of ordinary parental leave of four weeks or less following on immediately from a period (or consecutive periods) of maternity, adoption, paternity and/or shared parental leave (taken in relation to the same child) that did not last more than 26 weeks.

8.5.3 An employee is entitled to return to their previous job or, if that is not practical for the Council, to another job that is both suitable and appropriate in the circumstances, if they:

- take a period of ordinary parental leave of more than four weeks; or
- take a period of ordinary parental leave of four weeks or less following on immediately from a period (or consecutive periods) of maternity,



adoption, paternity and/or shared parental leave (taken in relation to the same child) that lasted more than 26 weeks.

## **9 Paternity Leave**

- 9.1 The Council's Paternity Scheme enables 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.
- 9.2 Paternity leave is available to parents (regardless of sex) of adopted children if they have not taken their entitlement to adoption leave (see section 4 of the Family Leave Policy).
- 9.3 Paternity leave is available to employees (regardless of sex) in surrogate arrangements if they have not taken their entitlement to adoption leave.
- 9.4 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.

### **9.5 Ordinary paternity leave entitlement**

- 9.5.1 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 ten working days; this is for those who work full-time on a standard five-day week work pattern. For part time staff, the working week will be the contracted hours e.g. if the employee works Monday to Wednesday this equates to their working week.
- 9.5.2 Ordinary paternity leave is paid at employee's full pay.

### **9.6 Timing of paternity leave**

- 9.6.1 The leave is to be taken by the employee after the birth of the baby or placement of child and can commence on either:
- The actual date of birth, date of placement or date child arrives in the UK (overseas adoptions)
  - An agreed number of days after the birth or after the date of placement
  - An agreed number of days after the expected week of childbirth
- 9.6.2 Leave must finish within 56 days of the birth (or due date if the baby is early) or placement date.
- 9.6.3 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.
- 9.6.4 No payment will be made for any untaken paternity leave.

9.6.5 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).

9.6.6 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.

## **9.7 Taking paternity leave**

9.7.1 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.

9.7.2 Paternity leave must be taken in blocks of at least one working week.

9.7.3 Where the employee is taking two working weeks of paternity leave there can be no break between the two weeks.

9.7.4 Leave can start on any day of the week.

9.7.5 Paternity leave must be taken before any period of shared parental leave can commence.

## **9.8 Applying for statutory paternity leave**

9.8.1 An employee who wishes to take paternity leave will be required to give at least 15 weeks' notice to their line manager to allow cover arrangements to be put in place. The employee should complete the Paternity Leave Request Form and give it to their manager. The paternity leave has not been agreed until the request has been authorised by the manager. Leave dates can be amended after the initial request – see 9.6.5 above.

9.8.2 An employee should request paternity leave by using the application form provided within this policy as soon as the mother receives her MATB1. A copy of the mother's form MATB1 or a copy of the matching certificate which confirms the expected placement date should be attached to the application. The line manager should immediately update iTrent Managers Self Service with the paternity leave details (under the Absence section, select the employee's name and click on Paternity).

9.8.3 In the case of a surrogacy arrangement, a parental statutory agreement which confirms that the employee has applied or intends to apply for a parental order in the 6 months after the baby's birth should be attached to the form.

## **9.9 Time off for Antenatal Appointments**

9.9.3 Employees will receive paid time off to accompany a pregnant woman attending up to two antenatal clinics if they are:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long term relationship with the expectant mother
- the intended parent (if they're having a baby through a surrogacy arrangement)

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#### **9.10 Time off for Adoption Appointments**

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

#### **9.11 Shared Parental Leave**

9.11.3 The employee and their partner may be eligible to take shared parental leave. Please refer to section 10 and 11 on Shared Parental Leave for more information.

## **10. Shared parental Leave – Adoption**

### **10.1 Introduction to shared parental leave**

- 10.1.1 This section of the Family Leave Policy sets out the rights of employees adopting a child to shared parental leave and pay. Shared parental leave is a type of leave that is available to employees having a child placed for adoption with them. It enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date. There is a separate section of the Family Leave Policy on shared parental leave for parents in a birth situation (section 12).
- 10.1.2 Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave. Please see the section on Parental Leave (section 8) for further information.
- 10.1.3 It is the Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, he/she should clarify the relevant procedures with their manager or HR to ensure they are followed correctly.

### **10.2 Definitions**

- 10.2.1 The following definitions are used in this section of the Family Leave Policy
- 10.2.2 "Adopter" means the person with whom the child is, or is expected to be, placed for adoption, or, in a case where two people have been matched jointly, whoever has elected to be the child's adopter for the purposes of adoption leave.
- 10.2.3 "Partner" means the person who is married to, or the civil partner or the partner of, the adopter at the date on which the child is placed for adoption (for adoptions from overseas, at the date on which the child enters Great Britain). This includes someone, of either sex, who lives with the adopter and the child in an enduring family relationship but who is not the adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.
- 10.2.4 "Matched for adoption" means an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.

10.2.5 "Placed for adoption" means placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").

10.2.6 "Official notification" means written notification, issued by or on behalf of the relevant central authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of a child from overseas, or that it has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt, and has been assessed and approved as being a suitable adoptive parent.

### **10.3 Scope of shared parental leave**

10.3.1 This section of the Family Leave Policy applies in relation to employees of the Council, whether they are the adopter or the partner.

10.3.2 The adopter and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

### **10.4 Amount of shared parental leave available**

10.4.1 The amount of shared parental leave entitlement will depend on when the adopter brings their leave period to an end and the amount of leave that the other adoptive parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the Council is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the Council's agreement). A maximum of three requests for leave per adoption placement (regardless of the number of children who are placed as part of that placement) can normally be made by each adoptive parent.

10.4.2 The employee can begin a period of shared parental leave at any time from the date on which the child is placed for adoption (for adoptions from overseas, at any time from the date on which the child enters Great Britain) or, where more than one child is placed for adoption through a single placement, the date of placement of the first child (for adoptions from overseas, at any time from the date on which the first child enters Great Britain). However, employees should bear in mind that the adopter's partner will lose their entitlement to take up to two weeks' paternity leave following the adoption of the child if shared parental leave is taken first. The employee must take any shared parental leave within 52 weeks of the date on which the child is placed for adoption (for adoptions from overseas, within 52 weeks of the date on which the child enters Great Britain).

### **10.5 Eligibility for shared parental leave**

10.5.1 For employees to be eligible to take shared parental leave, both adoptive parents must meet certain eligibility requirements.

## **10.6 Adopter's eligibility for shared parental leave**

10.6.1 The adopter is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which he/she receives official notification in relation to an adoption from overseas) and remains in continuous employment with the Council until the week before any period of shared parental leave that he/she takes;
- has, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory adoption leave in respect of the child; and
- complies with the relevant adoption leave curtailment requirements (or has returned to work before the end of statutory adoption leave), and shared parental leave notice and evidence requirements.

10.6.2 In addition, for the adopter to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which the child enters Great Britain in relation to an adoption from overseas);
- have average weekly earnings of at least the [maternity allowance](#) threshold for any 13 of those 66 weeks; and
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child.

## **10.7 Partner's eligibility for shared parental leave**

10.7.1 The partner is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which he/she receives official notification in relation to an adoption from overseas) and remains in continuous employment with the Council until the week before any period of shared parental leave that he/she takes;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child; and

- complies with the relevant shared parental leave notice and evidence requirements.

10.7.2 In addition, for the partner to be eligible for shared parental leave, the adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which the child enters Great Britain in relation to an adoption from overseas);
- have average weekly earnings of at least the [Maternity Allowance](#) threshold for any 13 of those 66 weeks;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory adoption leave or statutory adoption pay in respect of the child; and
- comply with the relevant adoption leave or pay curtailment requirements or have returned to work before the end of statutory adoption leave.

## **10.8 Notice requirements for shared parental leave**

10.8.1 The notices that the adoptive parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- an "adoption leave curtailment notice" from the adopter setting out when they propose to end their adoption leave (unless the adopter has already returned to work from adoption leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that they are requesting.

10.8.2 The notice periods set out below (see Adopter's notice curtailing adoption leave, Employee's notice of entitlement and intention and Employee's period of leave notice) are the minimum required by law. However, the earlier the employee informs the Council of his/her intentions, the more likely it is that the Council will be able to accommodate the employee's wishes, particularly if he/she wants to take periods of discontinuous leave.

10.8.3 Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the adopter could provide an adoption leave curtailment notice, notice of entitlement and intention and



period of leave notice at the same time. Similarly, the partner could provide his/her notice of entitlement and intention and period of leave notice at the same time.

## **10.9 Adopter's notice curtailing adoption leave**

10.9.1 Before the adopter or partner can take shared parental leave, the adopter must either return to work before the end of his/her adoption leave (by giving the required eight weeks' notice of his/her planned return) or provide their employer with an adoption leave curtailment notice. The adoption leave curtailment notice must be in writing and state the date on which adoption leave is to end. That date must be at least:

- two weeks after the first day of the adopter's ordinary adoption leave period;
- eight weeks after the date on which the adopter gave the adoption leave curtailment notice to their employer; and
- one week before what would be the end of the additional adoption leave period.

10.9.2 The adopter must provide their adoption leave curtailment notice at the same time they provide either his/her notice of entitlement and intention or a declaration of consent and entitlement signed by the adopter confirming that their partner has given their employer a notice of entitlement and intention (see Employee's notice of entitlement and intention below).

## **10.10 Revocation of adoption leave curtailment notice**

10.10.1 The adopter can withdraw their notice curtailing their adoption leave in limited circumstances. The withdrawal of an adoption leave curtailment notice must be in writing and can be given only if the adopter has not returned to work. The adopter can withdraw their adoption leave curtailment notice if:

- it is discovered that neither the adopter nor the partner are entitled to shared parental leave or statutory shared parental pay and the adopter withdraws their adoption leave curtailment notice within eight weeks of the date on which the notice was given; or
- the partner has died.

## **10.11 Employee's notice of entitlement and intention**

10.11.1 The employee, whether the adopter or the partner, must provide the Council with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee, must set out the following information.

10.11.2 If the employee is the adopter, the notice of entitlement and intention must set out:

- the adopter's name;
- the partner's name;
- the start and end dates of any statutory adoption leave taken or to be taken by the adopter;
- the total amount of shared parental leave available;
- the date on which the adopter was notified of having been matched for adoption with the child (or receives official notification in relation to an adoption from overseas);
- the date on which the child is expected to be placed for adoption with the adopter and the date of the placement, or the date on which the child is expected to enter Great Britain in relation to an adoption from overseas (although, if the child has not yet been placed for adoption or entered Great Britain, the date of placement for adoption or entry into Great Britain must be provided as soon as reasonably practicable after the placement or entry, and before the first period of shared parental leave to be taken by the adopter);
- how much shared parental leave the adopter and partner each intend to take; and
- a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

10.11.3 The adopter's notice of entitlement and intention must include a declaration signed by them that:

- they satisfy, or will satisfy, the eligibility requirements to take shared parental leave;
- the information they give in the notice of entitlement and intention is accurate; and
- they will immediately inform the Council if they cease to care for the child.

10.11.4 In addition, the adopter's notice of entitlement and intention must include a declaration signed by their partner:

- specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);
- declaring that the partner satisfies, or will satisfy, the conditions set out above (see Adopter's eligibility for shared parental leave);
- declaring that the partner is married to, the civil partner of, or the partner of, the adopter;
- declaring that the partner consents to the amount of leave that the adopter intends to take; and
- declaring that the partner consents to the adopter's employer processing the information in the partner's declaration.

10.11.5 If the employee is the partner, the partner's notice of entitlement and intention must set out:

- the partner's name;
- the adopter's name;
- the start and end dates of any periods of statutory adoption leave or statutory adoption pay taken or to be taken by the adopter;
- the total amount of shared parental leave available;
- the date on which the adopter was notified of having been matched for adoption with the child (or receives official notification in relation to an adoption from overseas);
- where statutory adoption leave was not taken, or is not to be taken, the start and end dates of any period in which statutory adoption pay is paid or payable;
- the date on which the child is expected to be placed for adoption with the adopter and the date of the placement, or the date on which the child is expected to enter Great Britain in relation to an adoption from overseas (although, if the child has not yet been placed for adoption or entered Great Britain, the date of placement for adoption or entry into Great Britain must be provided as soon as reasonably practicable after the placement or entry, and before the first period of shared parental leave to be taken by the adopter);
- how much shared parental leave the partner and adopter each intend to take; and
- a non-binding indication as to when the partner intends to take shared parental leave (including the start and end dates for each period of leave).

10.11.6 The partner's notice of entitlement and intention must include a declaration signed by them that:

- they satisfy, or will satisfy, the eligibility requirements to take shared parental leave;
- the information given by the partner in the notice of entitlement and intention is accurate;

- they are married to, or the civil partner or the partner of the adopter; and
- they will immediately inform the Council if they cease to care for the child or if the adopter informs them that they no longer meet the requirement to have curtailed their adoption leave or pay period.

10.11.7 In addition, the partner's notice of entitlement and intention must include a declaration signed by the adopter:

- specifying the adopter's name, address, and national insurance number (or declaring that the adopter does not have a national insurance number);
- declaring that the adopter satisfies, or will satisfy, the conditions set out above (see Partner's eligibility for shared parental leave);
- declaring that the adopter consents to the amount of leave that the partner intends to take;
- declaring that they will immediately inform the employee if he/she no longer meets the requirement to have curtailed his/her adoption leave or pay period; and
- declaring that the adopter consents to the partner's employer processing the information in the adopter's declaration.

10.11.8 Within 14 days of receiving a notice of entitlement and intention from the employee, whether the adopter or partner, the Council can request from the employee:

- in relation to adoptions within the UK, documentary evidence from the adoption agency of:
  - the name and address of the adoption agency;
  - the date on which the adopter was notified of having been matched for adoption with the child; and
  - the date on which the adoption agency expects the child to be placed for adoption with the adopter; and
- in relation to adoptions from overseas, a copy of the official notification; and
- whether a UK or overseas adoption, the name and address of the other adoptive parent's employer (or a declaration that the other adoptive parent has no employer).

10.11.9 The employee has 14 days from the date of the request to send the Council the required information.

## **10.12 Variation or cancellation of notice of entitlement and intention**

10.12.1 The employee can vary or cancel their proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that they provide the Council with a written notice. The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the adopter and the partner that they agree the variation.

10.12.2 Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until they provide a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

### **10.13 Employee's period of leave notice**

10.13.1 To take a period of shared parental leave, the employee must provide the Council with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

10.13.2 A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

### **10.14 Variation or cancellation of period of leave notice**

10.14.1 The employee can vary or cancel their proposed shared parental leave dates following the submission of a period of leave notice, provided that they provide their employer with a written notice not less than eight weeks before any period of leave varied by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

### **10.15 Limit on number of requests for leave**

10.15.1 The employee can provide a combined total of up to three “period of leave notices” or variations of period of leave notices per adoption, although the Council may waive this limit in some circumstances.

## **10.16 Continuous period of shared parental leave**

10.16.1 If the employee submits a period of leave notice requesting one continuous period of leave, they will be entitled to take that period of leave.

## **10.17 Discontinuous periods of shared parental leave**

10.17.1 The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the adopter and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

10.17.2 If the employee submits a period of leave notice requesting discontinuous periods of leave, the Council, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

10.17.3 If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

10.17.4 If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify the Council of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

10.17.5 Alternatively, if the Council has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

## **10.18 Amount of shared parental pay available**

10.18.1 Eligible employees will be entitled to receive occupational shared parental pay. The calculation of shared parental pay entitlement is based on the rest of maternity pay entitlement when maternity pay is curtailed. Whether occupational shared parental pay is payable will depend on the time maternity pay is curtailed.

10.18.2 Statutory Shared Parental Leave Pay (ShPP) is applicable to employees as follows:

10.18.3 Employees with less than one year's service:

For an employee who has worked continuously for the Council for 26 weeks, by the beginning of 15<sup>th</sup> week before the EWC, there is an entitlement to 37 weeks ShPP and their average weekly earnings will need to be not less than the lower earnings threshold as applicable.

For employees who qualify for ShPP, they will receive:

- i. Full pay for four weeks
- ii. Followed by 33 weeks at ShPP.

10.18.4 Employees with at least one year's continuous service:

Employees with over one year's Local Government service are entitled to 37 weeks ShPP as follows:

- i. Full pay for four weeks
- ii. Followed by 12 weeks at the lower rate of ShPP. If the employee has also declared their intention to return to work, he /she will also receive 50% of their pay in addition to the ShPP for the 12 week period.
- iii. For the remaining 21 weeks, ShPP will be paid.

Any payment made to an employee under (ii) is made on the understanding that the employee will return to work for a period of at least three months. This period will start from when the SPL period comes to an end (i.e. on the day before the child's first birthday / first anniversary of the placement for adoption) regardless of whether the employee returns sooner and subsequently takes another block of SPL at a later date.

If the employee changes their mind and does not return to work for three months, then the monies paid out under (ii) will have to be refunded by the employee minus the ShPP.

10.18.5 Statutory Shared Parental Leave Pay is available for a maximum of 37 weeks and is payable at the same lower rate of Statutory Maternity Pay (SMP), or 90% of the employee's average earnings, whichever is lower. ShPP can start on any day of the week.

10.18.6 Please note that in the event that both eligible partners are employees of the Council, the entitlement to occupational shared parental leave pay will be shared by the partners taking the leave depending on the timing of the weeks' leave taken by each partner.

## **10.19 Eligibility for statutory shared parental pay**

10.19.1 For employees to be eligible for statutory shared parental pay, both adoptive parents must meet certain eligibility requirements.

## **10.20 Adopter's eligibility for statutory shared parental pay**

10.20.1 The adopter is eligible for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which he/she receives official notification in relation to an adoption from overseas) and remains in continuous employment with their employer until the week before any period of shared parental leave that they take;
- have normal weekly earnings for a period of eight weeks ending with the week in which the adopter is notified of having been matched for adoption with the child (or by the week in which he/she receives official notification in relation to an adoption from overseas) of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child;
- are absent from work and intends to care for the child during each week in which they receive statutory shared parental pay; and
- are entitled to statutory adoption pay in respect of the child, but the adoption pay period has been reduced.

10.20.2 In addition, for the adopter to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which they receive official notification in relation to an adoption from overseas);
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child.

## **10.21 Partner's eligibility for statutory shared parental pay**

10.21.1 The partner is eligible for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption



with the child (or by the end of the week in which he/she receives official notification in relation to an adoption from overseas) and remains in continuous employment with his/her employer until the week before any period of shared parental leave that they take;

- have normal weekly earnings for a period of eight weeks ending with the week in which the adopter is notified of having been matched for adoption with the child (or by the week in which he/she receives official notification in relation to an adoption from overseas) of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child; and
- are absent from work and intends to care for the child during each week in which they receive statutory shared parental pay.

10.21.2 In addition, for the partner to be eligible, the adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which they receive official notification in relation to an adoption from overseas);
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory adoption pay in respect of the child, but the adoption pay period has been reduced.

## **10.22 Rights during shared parental leave**

10.22.1 During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by pay under the Council's enhanced shared parental pay scheme if the employee is eligible for it.

10.22.2 This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid during periods of paid shared parental leave.

## **10.23 Contact during shared parental leave**

10.23.1 The Council reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or

training to be given to ease their return to work or to update them on developments at work during their absence.

10.23.2 An employee can agree to work for the Council (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of their shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

10.23.3 The Council has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and the Council.

10.23.4 The employee will continue to receive pay under the Council's enhanced shared parental pay scheme for any week during which they attend work for SPLIT days. The Council will also pay the employee an additional payment for each hour that they work during a SPLIT day.

## **10.24 Returning to work following shared parental leave**

10.24.1 The employee has the right to resume working in the same job when returning to work from SPL where reasonably practicable (for instance due to organisational change it may not be) or to another job which is both suitable and appropriate and on terms and conditions no less favourable.

## **10.25 Returning to work early following shared parental leave**

10.25.1 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give at least eight weeks' notice of their date of early return.

10.25.2 The Council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so. Such requests will not be unreasonably refused.

## **11. Shared Parental Leave – Birth**

### **11.1 Introduction to shared parental leave**

- 11.1.1 This section of the Family Leave Policy sets out the rights of employees to shared parental leave and pay. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. There is a separate section of this policy on shared parental leave for employees who are adopting children (see section 10).
- 11.1.2 Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave. The Council provides a separate policy on ordinary parental leave.
- 11.1.3 It is the Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, they should clarify the relevant procedures with the HR team to ensure that they are followed correctly.

### **11.2 Scope of shared parental leave**

- 11.2.1 This section of the Family Leave Policy applies in relation to employees of the Council, whether they are the mother or the partner.
- 11.2.2 The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

### **11.3 Amount of shared parental leave available**

- 11.3.1 The amount of shared parental leave entitlement will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the Council is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the Council's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.
- 11.3.2 The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the

birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

- 11.3.3 The mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that they are entitled to take up to two weeks' paternity leave OR one week's maternity support leave following the birth of the child, which they will lose if shared parental leave is taken first). The mother and partner must take any shared parental leave within 52 weeks of birth.

#### **11.4 Eligibility for shared parental leave**

- 11.4.1 For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

#### **11.5 Mother's eligibility for shared parental leave**

- 11.5.1 The mother is eligible for shared parental leave if she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the Council until the week before any period of shared parental leave that she takes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity leave in respect of the child; and
- complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

- 11.5.2 In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

#### **11.6 Partner's eligibility for shared parental leave**

- 11.6.1 The partner is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous

employment with the Council until the week before any period of shared parental leave that he/she takes;

- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- comply with the relevant shared parental leave notice and evidence requirements.

11.6.2 In addition, for the partner to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the [Maternity Allowance](#) threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

## **11.7 Notice requirements for shared parental leave**

11.7.1 The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- a "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that they are requesting.

11.7.2 The notice periods set out below (see Mother's notice curtailing maternity leave, Employee's notice of entitlement and intention and Employee's period of leave notice) are the minimum required by law. However, the earlier the employee informs the Council of their intentions, the more likely it is that the Council will be able to accommodate the employee's wishes, particularly if they want to take periods of discontinuous leave.

11.7.3 Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and

period of leave notice at the same time. Similarly, the partner could provide their notice of entitlement and intention and period of leave notice at the same time.

## **11.8 Mother's notice curtailing maternity leave**

11.8.1 Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity leave (by giving the required eight weeks' notice of her planned return) or provide her employer with a maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

- after the compulsory maternity leave period, which is the two weeks (or four weeks for factory workers) after birth;
- at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity leave period.

11.8.2 The mother must provide her maternity leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention (see Employee's notice of entitlement and intention below).

## **11.9 Revocation of maternity leave curtailment notice**

11.9.1 The mother can withdraw her notice curtailing her maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her maternity leave curtailment notice if:

- it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died.

## **11.10 Employee's notice of entitlement and intention**

11.10.1 The employee, whether the mother or the partner, must provide the Council with a non-binding notice of entitlement and intention. This must be in writing and provided at least eight weeks before the start date of the first period of

shared parental leave to be taken by the employee. It must set out the following information.

11.10.2 If the employee is the mother, the notice of entitlement and intention must set out:

- the mother's name;
- the partner's name;
- the start and end dates of any statutory maternity leave taken or to be taken by the mother;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother);
- how much shared parental leave the mother and partner each intend to take; and
- a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

11.10.3 The mother's notice of entitlement and intention must include a declaration signed by her that:

- she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- the information she gives in the notice of entitlement and intention is accurate; and
- she will immediately inform the Council if she ceases to care for the child.

11.10.4 In addition, the mother's notice of entitlement and intention must include a declaration signed by her partner:

- specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);
- declaring that the partner satisfies, or will satisfy, the conditions set out above (see Mother's eligibility for shared parental leave);
- declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother;
- declaring that the partner consents to the amount of leave that the mother intends to take; and
- declaring that the partner consents to the mother's employer processing the information in the partner's declaration.

11.10.5 If the employee is the partner, the partner's notice of entitlement and intention must set out:



- the partner's name;
- the mother's name;
- the start and end dates of any periods of statutory maternity leave, statutory maternity pay or maternity allowance taken or to be taken by the mother;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the partner);
- how much shared parental leave the partner and mother each intend to take; and
- a non-binding indication as to when the partner intends to take shared parental leave (including the start and end dates for each period of leave).

11.10.6 The partner's notice of entitlement and intention must include a declaration signed by the partner that:

- they satisfy, or will satisfy, the eligibility requirements to take shared parental leave;
- the information given by the partner in the notice of entitlement and intention is accurate; and
- they will immediately inform the Council if they cease to care for the child or if the mother informs them that she no longer meets the requirement to have curtailed her maternity leave or pay period.

11.10.7 In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother:

- specifying the mother's name, address, and national insurance number (or declaring that the mother does not have a national insurance number);
- declaring that the mother satisfies, or will satisfy, the conditions set out above (see Partner's eligibility for shared parental leave) and she will notify the partner if she no longer qualifies for maternity leave, statutory maternity pay or maternity allowance;
- declaring that the mother consents to the amount of leave that the partner intends to take;
- declaring that she will immediately inform the employee if she no longer meets the requirement to have curtailed her maternity leave or pay period; and
- declaring that the mother consents to the partner's employer processing the information in the mother's declaration.

11.10.8 Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, the Council can request from the employee:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

11.10.9 The employee has 14 days from the date of the request to send the Council the required information.

## **11.11 Variation or cancellation of notice of entitlement and intention**

11.11.1 The employee can vary or cancel their proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that they provide the Council with a written notice. The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the mother and the partner that they agree to the variation.

11.11.2 Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until he/she provides a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

## **11.12 Employee's period of leave notice**

11.12.1 To take a period of shared parental leave, the employee must provide the Council with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

11.12.2 A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

## **11.13 Variation or cancellation of period of leave notice**

11.13.1 The employee can vary or cancel their proposed shared parental leave dates following the submission of a period of leave notice, provided that they provide

their employer with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

#### **11.14 Limit on number of requests for leave**

11.14.1 The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy, although the Council may waive this limit in some circumstances.

#### **11.15 Continuous period of shared parental leave**

11.15.1 If the employee submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave.

#### **11.16 Discontinuous periods of shared parental leave**

11.16.1 The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

11.16.2 If the employee submits a period of leave notice requesting discontinuous periods of leave, the Council, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

11.16.3 If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

11.16.4 If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify the Council of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the

period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

11.16.5 Alternatively, if the Council has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

## **11.17 Amount of shared parental pay available**

11.17.1 Eligible employees will be entitled to receive occupational shared parental pay. The calculation of shared parental pay entitlement is based on the rest of maternity pay entitlement when maternity pay is curtailed. Whether occupational shared parental pay is payable will depend on the time maternity pay is curtailed.

11.17.2 Statutory Shared Parental Leave Pay (ShPP) is applicable to employees as follows:

### **11.17.3 Employees with less than one year's service:**

For an employee who has worked continuously for the Council for 26 weeks, by the beginning of 15<sup>th</sup> week before the EWC, there is an entitlement to 37 weeks ShPP and their average weekly earnings will need to be not less than the lower earnings threshold as applicable.

For employees who qualify for ShPP, they will receive:

- i. Full pay for four weeks
- ii. Followed by 33 weeks at ShPP.

### **11.17.4 Employees with at least one year's continuous service:**

Employees with over one year's Local Government service are entitled to 37 weeks ShPP as follows:

- i. Full pay for four weeks
- ii. Followed by 12 weeks at the lower rate of ShPP. If the employee has also declared their intention to return to work, he /she will also receive 50% of their pay in addition to the ShPP for the 12 week period.
- iii. For the remaining 21 weeks, ShPP will be paid.

11.17.5 Any payment made to an employee under (ii) is made on the understanding that the employee will return to work for a period of at least three months. This period will start from when the SPL period comes to an end (i.e. on the day before the child's first birthday / first anniversary of the placement for adoption)

regardless of whether the employee returns sooner and subsequently takes another block of SPL at a later date.

11.17.6 If the employee changes their mind and does not return to work for three months, then the monies paid out under (ii) will have to be refunded by the employee minus the ShPP.

11.17.7 Statutory Shared Parental Leave Pay is available for a maximum of 37 weeks and is payable at the same lower rate of Statutory Maternity Pay (SMP), or 90% of the employee's average earnings, whichever is lower. ShPP can start on any day of the week.

11.17.8 Please note that in the event that both eligible partners are employees of the Council, the entitlement to occupational shared parental leave pay will be shared by the partners taking the leave depending on the timing of the weeks' leave taken by each partner.

## **11.18 Eligibility for statutory shared parental pay**

11.18.1 For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

### **11.18.2 Mother's eligibility for statutory shared parental pay**

11.18.3 The mother is eligible for statutory shared parental pay if she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with her employer until the week before any period of shared parental pay that she gets;
- has normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which she receives statutory shared parental pay; and
- is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

11.18.4 In addition, for the mother to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and

- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks.

### **11.19 Partner's eligibility for statutory shared parental pay**

11.19.1 The partner is eligible for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with their employer until the week before any period of shared parental pay that they get;
- have normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- are absent from work and intends to care for the child during each week in which they receive statutory shared parental pay.

11.19.2 In addition, for the partner to be eligible, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

### **11.20 Rights during shared parental leave**

11.20.1 During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced pay under the Council's enhanced shared parental pay scheme if the employee is eligible for it.

11.20.2 This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.

### **11.21 Contact during shared parental leave**

11.21.1 The Council reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or

training to be given to ease their return to work or to update them on developments at work during their absence.

11.21.2 An employee can agree to work for the Council (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

11.21.3 The Council has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and the Council.

11.21.4 The employee will continue to receive pay under the Council's enhanced shared parental pay scheme for any week during which they attend work for SPLIT days. The Council will also pay the employee an additional payment for each hour that they work during a SPLIT day.

## **11.22 Returning to work following shared parental leave**

11.22.1 The employee has the right to resume working in the same job when returning to work from SPL where reasonably practicable (for instance due to organisational change it may not be) or to another job which is both suitable and appropriate and on terms and conditions no less favourable.

## **11.23 Returning to work early following shared parental leave**

11.23.1 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give at least eight weeks' notice of their date of early return.

11.23.2 The Council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so. Such requests will not be unreasonably refused.

## 12 Childcare for Staff

### 12.1 Kennet Day Nursery

The Kennet Day Nursery is a day nursery situated in the Civic Offices of Reading Borough Council. The nursery is also open to other public sector workers.

The nursery is open from 8am through until 6pm. There are also half day sessions available from 8am until 1pm and 1pm until 6pm.

The nursery offers breakfast, a mid morning snack, hot lunch and a hot or cold tea. They provide all formula milks for babies and only ask that parents provide nappies for their child.

At the nursery the children are divided into 3 areas:

- Minnows - 3 months to 18 months,
- Dragonflies - 18 months to 30 months
- 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.

They 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. They go on outings to the market, the library or even the Hexagon to watch a show.

They 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. They will ease the transition for both parents and the child in order that both happy and ready for their exciting time with the nursery.

They 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.

### 12.2 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.





## ADOPTION LEAVE REQUEST FORM

Directorate: \_\_\_\_\_

Name: \_\_\_\_\_

Payroll reference no.: \_\_\_\_\_ Job title: \_\_\_\_\_

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

(\*delete as appropriate)

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: \_\_\_\_\_

**Please forward to your manager**

**Managers must immediately update iTrent Managers Self Service with the adoption leave details (under the Absence section, select the employee's name and click on Adoption).**



## 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: .....

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Authorised by:

.....

Signed: .....

Name: .....

Position: .....

(manager)

Dated:

.....

.....

**Please forward to your manager**



## NOTIFICATION OF MATERNITY LEAVE AND PAY

Directorate: \_\_\_\_\_

Name: \_\_\_\_\_

Payroll reference no.: \_\_\_\_\_ Job title: \_\_\_\_\_

Adoption leave dates: From \_\_\_\_\_ To \_\_\_\_\_

Length of continuous Local Government Service: \_\_\_\_\_

Date of commencement with Reading Borough Council: \_\_\_\_\_

Expected date of birth: \_\_\_\_\_

Form MATB1\* 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; **OR**
- ☐ 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; **OR**
- ☐ I wish to defer my 12 weeks half pay until I return to work and have the payment made to me once I have returned to work for a period of at least 3 months.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Please forward to your manager**

**Managers must immediately update iTrent Managers Self Service with the maternity leave details (under the Absence section, select the employee's name and click on Maternity).**



## MATERNITY SUPPORT LEAVE REQUEST FORM

Directorate: .....

Name: .....

Payroll reference no: .....

Position: .....

Location: .....

Maternity support leave dates: From: ..... To: .....

I hereby request paid maternity support leave of ..... days

I am the \*husband/partner/nominated carer of .....

whose MAT B1 maternity certificate is attached (*delete as appropriate*)

If you have been nominated as a carer, please include a letter from the mother authorising you to act as carer on her behalf.

Additional comments in support of your application:

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

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Authorised by:

Signed: .....

Name: .....

Position: .....

(*manager*)

Dated: .....

**Please forward to your manager**



## PARENTAL LEAVE REQUEST FORM

Directorate: .....

Name: .....

Payroll reference no.: .....

Position: .....

Location: .....

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

Additional comments in support of your application:

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

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Authorised by: .....

Signed: .....

Name: .....

Position: .....  
(manager)

Dated: .....

**Please forward to your manager**



## PATERNITY LEAVE REQUEST FORM

Directorate: \_\_\_\_\_

Name: \_\_\_\_\_

Payroll reference no.: \_\_\_\_\_ Job title: \_\_\_\_\_

Paternity leave dates: From \_\_\_\_\_ To \_\_\_\_\_

I request paid paternity 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: \_\_\_\_\_

**Please forward to your manager**

**Managers must immediately update iTrent Managers Self Service with the paternity leave details (under the Absence section, select the employee's name and click on Paternity).**



## SHARED PARENTAL LEAVE NOTICE REQUEST (SPL1 FORM)

### **Section A: To be completed by RBC employee, wishing to take Shared Parental Leave (SPL)**

Full Name \_\_\_\_\_

Employee no (on pay slip) \_\_\_\_\_

Directorate \_\_\_\_\_

Service / School \_\_\_\_\_

EWC date \_\_\_\_\_ Or baby's birth date \_\_\_\_\_

Matching date \_\_\_\_\_ Placement date \_\_\_\_\_

Start date of maternity / adoption leave \_\_\_\_\_

End date of maternity / adoption leave \_\_\_\_\_

Start date of maternity pay / maternity allowance / adoption pay \_\_\_\_\_

End date of maternity / maternity allowance / adoption pay \_\_\_\_\_

Number of weeks SPL available (50 max) \_\_\_\_\_

Number of weeks Shared Parental Leave Pay (ShPP) available (37 max) \_\_\_\_\_

My SPL will start on \_\_\_\_\_ and end on \_\_\_\_\_

I intend to take \_\_\_\_\_ weeks SPL and \_\_\_\_\_ weeks ShPP.

My partners SPL will start on \_\_\_\_\_ and end on \_\_\_\_\_

My partner intends to take \_\_\_\_\_ weeks SPL and \_\_\_\_\_ weeks ShPP.

Further information (if you are requesting discontinuous leave please specify the dates you wish to request below)

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This is my first / second / third SPL notice request (delete as appropriate)

***You have a right to submit three notifications specifying leave periods during the one year after the birth / placement of the child.***

***The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week***

**Section B: Declaration to be completed by the employee**

*I confirm that I am sharing the childcare responsibility with the above mentioned qualifying partner during the SPL period and that the information given above is accurate;*

*I wish to curtail my maternity / adoption leave and pay or I have returned to work before the end of my statutory maternity / adoption leave period (if the RBC employee is the mother or adopter);*

*I will immediately inform the organisation if I cease to care for the child or if the child's mother informs me that she has revoked the curtailment of her maternity leave or pay period.*

*I understand that a false declaration will be treated as a disciplinary matter.*

**Signed (employee)**\_\_\_\_\_ **Date**\_\_\_\_\_

**Section C: Declaration to be completed by the qualifying partner of the RBC employee**

Qualifying Partner's Full Name \_\_\_\_\_

NI Number \_\_\_\_\_

Address\_\_\_\_\_

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Employer's Name & Business Address \_\_\_\_\_

***I confirm that all the information given in the above sections is accurate and that:***

*I satisfy the qualifying requirements for taking Shared Parental Leave and Statutory Shared Parental Leave Pay;*

*I am the father/mother/adopter of the child or married to/the civil partner or partner of the above named RBC employee;*

*I agree to share with the above named RBC employee Shared Parental Leave and Statutory Shared Parental Leave Pay;*

*I have curtailed my maternity / adoption leave and pay or returned to work before the end of my statutory maternity / adoption leave period (if the qualifying partner is the mother or adopter);*

*If required by RBC I will supply a copy of the birth certificate / documentary evidence of the name and address of the adoption agency within 14 days of the request;*

*If required, RBC can contact my employer to check eligibility.*

*I agree to RBC processing my information in relation to the administration of Shared Parental Leave and Statutory Shared Parental Leave Pay;*

*I will immediately inform my partner if I no longer meet the requirements to curtail my maternity / adoption leave and pay, if applicable, (if the qualifying partner is the mother or adopter);*

**Signed (partner) \_\_\_\_\_ Date \_\_\_\_\_**

**Section D: To be completed by the Line Manager within 14 days of receiving this request**

Please tick as appropriate:

☐ I accept the SPL notice request (all continuous leave notifications must be accepted)

☐ I refuse the SPL notice request (discontinuous leave only). Please complete table below:

**I am unable to accommodate your discontinuous leave request for the following business ground(s):**

*Please refer to section 5.6 in the SPL policy in the event that discontinuous leave has been refused.*

☐ I confirm an agreed modification to the original discontinuous leave arrangement requested.

The modified SPL dates are as follows:

SPL will commence on \_\_\_\_\_ and end on \_\_\_\_\_

I intend to take \_\_\_\_\_ weeks SPL and \_\_\_\_\_ weeks ShPP

Further information (if required) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Manager name** \_\_\_\_\_ **Position** \_\_\_\_\_

**Manager signature** \_\_\_\_\_ **Date** \_\_\_\_\_

If the discontinuous shared parental leave request has been modified, the employee must sign below:

I agree to the modified SPL leave arrangement

Employee signature \_\_\_\_\_ Date \_\_\_\_\_

**Please return this form to your HR contact to process and provide a copy of this form to the employee for their records.**