



MEETING : LOCAL JOINT PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 17 JUNE, 2015
TIME : 2.30 PM

MEMBERS OF THE PANEL

EMPLOYER'S SIDE:

Councillors E Buckmaster, L Haysey, A Jackson and G McAndrew

Substitutes:

G Cutting

STAFF SIDE – UNISON (ONE VACANCY)

Ms F Brown, Mr S Ellis and Mr A Stevenson

Substitutes: S Gray and J Francis

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

CONTACT OFFICER: Lorraine Blackburn
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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.

2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.

3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Appointment of Chairman and Vice Chairman (Pages 7 - 10)

As this is the first meeting of the Local Joint Panel for the Civic Year and following the recent Local Elections, a copy of the Panel's Constitution, Duties and Powers' is attached for your information.

2. Apologies

To receive apologies for absence.

3. Minutes (Pages 11 - 16)

To confirm the Minutes of the meeting held on 11 March 2015

4. Chairman's Announcements

5. Declarations of Interest

To receive any Member's Declarations of Interest.

6. Policy for Handling Personal Data (Pages 17 - 30)

7. Report by Secretary to the Employer's Side

(A) Shared Parental Leave - Family Friendly Policies_(Pages 31 - 92)

8. Report by Secretary to the Staff Side

None.

9. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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(Extract From the Council's Constitution dated June 2014)

1 LOCAL JOINT PANEL

(Comprising 4 Members of the Council and 4 representatives of employees drawn from the constituent trade union (currently UNISON), with substitutes)

CONSTITUTION, POWERS AND DUTIES

1. Title

The Committee shall be called the "Local Joint Panel".

2. Representation

The Local Joint Panel shall comprise of the 4 Members of East Herts Council to be appointed annually by the Local Authority and an equal number of employee representatives.

Named substitute members may be appointed by the employee side, to attend meetings of the Local Joint Panel in the absence of a member thereof provided prior notice is given to the Head of Democratic and Legal Support Services.

If a member of the Local Joint Panel ceases to be a member or employee of the Local Authority he/she shall thereupon cease to be a member of the Local Joint Panel; any vacancy shall be filled by the Local Authority, the organisation or the combination of organisations concerned.

3. Chairman

A Chairman and a Vice-Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed be a member of the Local Authority, the Vice-Chairman shall be appointed from the employee side, and vice versa. The Chairman of a meeting may vote as a Panel member but shall not have a casting vote.

4. Officers

The Head of People and Organisational Development of the Local Authority shall act as Secretary to the Employer's Side.

5. Functions

The functions of the Local Joint Panel shall be:

- (a) To establish regular methods of consultation and negotiation between the Local Authority and its employees on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise. No question of an individual's discipline, promotion, or efficiency or conditions of employment shall be within the scope of the Joint Panel;
- (b) To consider any relevant matter referred to it by a Committee of the Local Authority, or by any of the employee organisations;
- (c) To make recommendations to Human Resources Committee and/or a suitable Committee of the Local Authority as to the application of the terms and conditions of service and the education and training of employees of the Authority;
- (d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;
- (e) To consider matters relating to Health and Safety at Work referred to the Local Joint Panel by the Employee Associations or by a Committee of the Local Authority.

6. Rules and Regulations

- (a) The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chairman or Vice-Chairman may direct the Secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two members of either side. The matters to be discussed at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.

(b) The quorum of the Local Joint Panel shall be two representatives of each side.

(c) Either side will have the right to co-opt, in a consultative capacity, representatives of particular sections affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.

(d) Either side shall arrange for the attendance in an advisory capacity of an Officer or Trade Union Official at any Panel meeting where it would be helpful to the business under discussion.

(e) Attendances at (c) and (d) shall be notified in advance to the Head of People and Organisational Development in their capacity as Secretary to the Employer's Side.

(f) No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant Council body disagreeing with the Panel's recommendations, then the matter in dispute should either be referred:

(i) to an independent arbitrator acceptable to both sides, such as ACAS, in order to secure an agreement, or

(ii) to the Joint Secretaries of the East of England Regional Council, should the dispute concern conditions of service, to advise/mediate.

The decisions of the bodies referred to above will be binding on both sides.

(g) The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council Meeting, but before submission, the Minutes shall be approved by the Head of Human Resources acting as Secretary to the Local Joint Panel and the person nominated by the staff side to act as its Secretary.

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MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 11 MARCH
2015, AT 2.30 PM

PRESENT: **Employer's Side**

Councillor Linda Haysey (Chairman)
Councillors M Alexander, A Jackson and
J Thornton

Staff Side (UNISON)

Mr S Ellis and Mr A Stevenson

ALSO PRESENT:

Councillor J Ranger

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Vicki David	- Human Resources Officer
Emma Freeman	- Head of People and Property Services

16 **JOB EVALUATION POLICY**

The Secretary to the Employer's Side submitted a report setting out changes to the Job Evaluation Policy, which had been last reviewed in July 2011. The policy had been reviewed following feedback gained from the Job Evaluation Panel, Unison and suggestions made via the Here to Help programme. A summary of the main findings of the review were set out in the report now submitted. The Secretary to the Employer's Side explained that revisions had been made to ensure transparency of decision making and a consistent

approach to the process.

The Secretary to the Staff Side acknowledged the importance of the Job Evaluation process and supported the need to keep the process “in house”. He expressed concern that last year, the process had been breached in that the Council had employed external evaluators in relation to a senior management structure involving the appointment of new Heads of Service and that Unison had been advised that the process had been externalised because of a “conflict of interest”. The Secretary to the Staff Side stated that the Council was recruiting new Heads of Service without consultation with Unison and that Unison should be consulted to evaluate why a Head of Service post was being recruited when lower graded jobs were not being filled.

The Secretary to the Employer’s Side explained that the Job Evaluation Panel would now decide whether posts needed to go out for external evaluation. Councillor J Ranger stated that sometimes, external evaluation was necessary in order to gain particular expertise which could not be provided “in house”. The current process whereby Directors or Heads of Service made a business case to Corporate Management Team (CMT) before recruiting was explained.

The Secretary to the Employer’s Side suggested that paragraph 3.2 be amended by the insertion of “by the Panel” after “evaluation”. This was supported.

The Chairman stated that the new policy would clarify the process, make it fairer and more transparent.

The Secretary to the Staff Side sought assurances that the policy would be adhered to. This was provided.

The Secretary to the Staff Side expressed concern regarding the wording of paragraph 4.5 of the policy regarding evaluators and suggested that the second sentence be deleted. This was supported.

The Secretary to the Staff Side referred to paragraph 5.10 and suggested that to support transparency of decision making, a form be adapted to reflect the Panel's decision when no unanimous agreement had been reached. This was supported.

The Panel recommended approval of the report, as amended.

RECOMMENDED – that the Job Evaluation Policy as now amended, be approved.

17 **FAMILY FRIENDLY POLICY**

The Secretary to the Employer's Side submitted a report on a revised Family Friendly Policy (formerly known as the Maternity, Paternity and Adoption Leave Policy) which had been updated to reflect changes in employment law legislation effective from 5 April 2015.

The Panel recommended approval of the report.

RECOMMENDED – that the Family Friendly Policy, as now submitted, be approved.

18 **SHARED PARENTAL LEAVE**

The Secretary to the Employer's Side submitted a report on a new policy on Shared Parental Leave which encompassed a number of changes to employment law effective from 5 April 2015. The Secretary to the Employer's Side summarised the key changes to the policy, the detail of which was set out in the report now submitted.

Councillor M Alexander commented that there was no reference in the policy to fostering arrangements. Councillor A Jackson stated that the policy should be all inclusive and referred to the County Council's "push" in relation to encouraging fostering. The Secretary to the Employer's Side stated that it was necessary to have a policy in place and undertook to review fostering

arrangements in other Authorities and report back to the Panel. This was supported.

The Panel recommended approval of the report and that the Secretary to the Employer's Side review fostering arrangements in other Authorities and report back to the Panel.

RECOMMENDED – (A) that the Shared Parental Leave Policy, as now submitted, be approved; and

(B) the Secretary to the Employer's Side review fostering arrangements in other Authorities and report back to the Local Joint Panel.

19 APOLOGIES

An apology for absence was submitted from Fiona Brown (Unison).

20 MINUTES

RESOLVED – that the Minutes of the meeting held on 3 December 2014 be approved as a correct record and signed by the Chairman.

21 CHAIRMAN'S ANNOUNCEMENTS

It was noted that there were no reports from the Secretary to the Staff Side to consider.

22 SMOKE FREE POLICY

The Secretary to the Employer's Side submitted a report on a revised Smoke-free Workplace Policy which had been last reviewed in 2007. She explained that the policy had been updated to support the Council's Health and Wellbeing Strategy 2013-2018 and feedback received through managers and the Here to Help programme. The Secretary to the Employer's Side outlined the key changes which effectively introduced a totally smoke-free environment.

The Chairman was pleased to see the policy encompassing the Council's health and wellbeing policies.

The Secretary to the Staff Side expressed concern that the policy had changed substantially to a proposed total ban on smoking following its submission to Corporate Management Team. He queried its enforceability and how this might, from a wider perspective, create problems for managers, i.e. managing people taking excessively long coffee breaks, etc. The Secretary to the Staff Side suggested that a more positive approach to encourage staff not to smoke was less adversarial and more supportive.

Members debated the potential problems of managing an outright ban within Council boundaries and its legal obligations and enforcement in relation to third parties and customers using its services and facilities.

The Chairman suggested that the matter be deferred to enable the Secretary to the Employer's Side to:-

- review the implications of a total no smoking ban;
- consider ways in which smokers could be encouraged not to smoke; and
- how the Council could influence service providers, i.e. contractors in enforcing a total ban.

RESOLVED – that the matter be deferred to enable the Secretary to the Employer's Side to:

- review the implications of a total no smoking ban;
- consider ways in which smokers could be encouraged not to smoke; and
- how the Council could influence service providers i.e. contractors in enforcing a total ban.

The Chairman, on behalf of the Panel, thanked Councillors J Ranger and M Alexander for their considerable contribution to the work of the Council and wished them well for the future.

The meeting closed at 3.40 pm

Chairman
Date

EAST HERTS COUNCIL

LOCAL JOINT PANEL - 17 JUNE 2015

HUMAN RESOURCES COMMITTEE - COMMITTEE 8 JULY 2015

REPORT BY: HEAD OF INFORMATION, CUSTOMER AND PARKING SERVICES

POLICY FOR HANDLING PERSONAL DATA

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To approve the new 'Policy for Handling Personal Data – Policy Statement No 10 (Issue No. 2)' which replaces 'Policy No 10 - Data Protection and Information Policy'.

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL:</u>	
That:	
(A)	The new Policy for Handling Personal Data be recommended for approval
<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:</u>	
That:	
(A)	The new Policy for Handling Personal Data is approved

1.0 Background

1.1 Following an external audit of the Council's data protection (DP) compliance, Corporate Management Team (CMT) adopted an Information Security Framework and agreed priorities for DP policy development and implementation 25 Sept 2012. This included the prioritised review of policies to ensure best practice in compliance with the Data Protection Act.

1.2 The Council's utilised the Data Protection and Information Policy

Statement – Policy Statement No. 10 (Issue No 1) which was established to ensure internal compliance with the Data Protection Act 1998 for Human resources purposes as applicable to all employees in relation to their obligations under the Data Protection Act when undertaking their duties.

1.3 This policy has been reviewed in the light of the Council's Data Protection Action Plan to ensure that it is re-written to be appropriate for all officers and their responsibilities whilst undertaking their duties.

2.0 Report

2.1 Data Protection and Information Policy Statement – Policy Statement No. 10 (Issue No 1) focussed largely on how the specific legal requirements of the Data Protection Act applied to the management of employee and perspective employee personal data. Whilst accurate and appropriate the policy did not therefore transfer across to all services and employees in the undertakings of their duties.

2.2 The **new** Policy for Handling Personal Data – Policy Statement No 10 (Issue No 2), presented in Essential Reference Paper B, is a policy applicable to all employees, services and functions of the Council to ensure the requirements of the Data Protection Act are met.

2.3 All services undertake an annual risk assessment process as part of the service and financial planning process. Data protection risk assessment is embedded within this process, with all services needing to consider their data protection risks and any mitigating actions that they may put in place associated with the operations of their service. These are reviewed annually by the Digital Media and Information Management team. These mitigating actions may include local policy and procedures with associated service based training as appropriate.

2.4 All staff will be made aware of the new policy following its adoption including Team Update and a staff briefing session. Guidance, computer based training and procedures are available on the intranet www.eastherts.gov.uk/intranet/dataprotection.

2.5 Support will be available from the Information team on all aspects of the policy. The council will provide a basic standard of training at the corporate level to introduce the Data Protection Principles

and the general responsibilities of all employees. Heads of Service, responsible for the Data Protection compliance within their services, will ensure their managers and team members complete the corporate training provided and have training about any specific service risks and the mitigating actions/processes in place in their services. The Information team will support this with team workshops when required.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

East Herts Council Data Protection and Information Policy Statement – Policy Statement No 10 (Issue No 1)

Data Protection Annual Review – Corporate Business Scrutiny 27th May 2014

Data Protection Update – Corporate Management team 16th December 2014

Contact Officer: Neil Sloper – Head of Information, Parking and Customer Services
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Report Author: As above

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	People – Fair and accessible services for those that use them and opportunities for everyone to contribute This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.
Consultation:	Human Resources, SMG and Unison have been consulted on the updating of the Handling Personal Data Policy – Policy Statement no 10 (Issue No. 2), formally covered by Policy No 10 Data Protection and Information Policy as this was primarily focussed on Human Resources considerations.
Legal:	The policy fulfils the organisational requirements set out in the Data Protection Act 1998 for a corporate policy covering all employees relating to the handling of personal data.
Financial:	None
Human Resource:	As detailed in the report.
Risk Management:	<p>The Council must have a clear policy for the handling of personal data that applies to all employees whilst undertaking their duties.</p> <p>The management of data protection risks within each service is embedded within the annual service planning process so that all heads of Service set out any mitigation in place to minimise any potential risks. This policy supports this by ensuring all employees understand their responsibilities in respect of compliance with the Data Protection Act.</p>
Health and wellbeing – issues and impacts:	None

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East Herts Council

Policy for Handling Personal Data

Policy Statement No 10 (Issue No. 2)

(This replaces Data Protection and Information Policy Statement No 10 (issue No 1))

Policy for Handling Personal Data Document Control

Document

Client	East Herts Council
Project	Data Protection
Document	Policy for Handling Personal Data
Author	Head of Information, Parking and Customer Services
Published date	09/02/15
Version	3.0 Final Draft

Change History

Issue	Date of Issue	Comments/Reason for Change
1.0		
2.0	09/02/15	Draft Update
2.1	24/03/15	Draft for Senior Management Group Consultation
3.0	22/04/15	Final Draft for Reporting

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1.0 Introduction

1.1 Background

1.1.1 East Herts Council needs to collect and use information about people with whom it deals in order to carry out its business and provide its services. Such people include council tax payers, benefits claimants, housing and other tenants, business owners, employees (past, present and prospective), suppliers, partners, contractors and other business contacts. The information may include name, address, email address, date of birth, private and confidential information, sensitive information including views, opinions and objections. We may occasionally be required by law to collect and use certain types of such personal information to comply with the requirements of law. The council also collects and holds a large amount of data regarding employees; this includes sensitive data as well as general personal data. No matter how it is collected, recorded and used (e.g. on computer or on paper) this personal data must be dealt with properly to ensure compliance with the Data Protection Act 1998 (the Act).

1.1.2 The lawful and proper treatment of personal information by East Herts Council (the Council) is extremely important to the success of our services and operations; and in order to maintain the confidence of our service users and employees. We ensure that the Council treats personal information lawfully and correctly.

1.2 Data Protection Principles

1.2.1 The Council will adhere to the Eight Principles of the Data Protection Act 1998 which are summarised as follows:

- 1) *Personal data shall be processed fairly and lawfully.*
- 2) *Personal data shall be obtained/processed for specific and lawful purposes*
- 3) *Personal data shall be adequate, relevant and not excessive.*
- 4) *Personal data shall be accurate and kept up to date.*
- 5) *Personal data shall not be kept for longer than is necessary.*
- 6) *Personal data shall be processed in accordance with the rights of data subjects.*
- 7) *Personal data must be kept secure.*
- 8) *Personal data shall not be transferred to a country or territory outside the EU unless there is an adequate level of protection.*

2.0 Scope

- 2.1 This policy applies to everyone engaged in the delivery of service on behalf of the Council. This will include all Council employees (permanent, fixed term, temporary employees, casual and agency workers), Councillors when engaged in undertaking the business of the Council and its Committees, and all people or organisations acting on behalf of the Council (any shared service arrangements, third party representatives, volunteers, agents, contractors and consultants).

3.0 Roles and Responsibilities

3.1 East Herts Council will:

- 3.1.1 Ensure there is one person with overall responsibility for data protection, in the role of Senior Information Risk Owner; this is currently the Director of Customer and Community Services.
- 3.1.2 Provide training to employees who handle personal data, at both a corporate and service level, such that areas of risk are identified and employees are able to understand the sources of risk and the appropriate measures to take to mitigate these.
- 3.1.3 Provide a clear procedure in the event of a near miss or actual data protection breach.
- 3.1.4 Undertake risk assessment at a service level to ensure risks are mitigated and removed wherever possible on an on-going basis.
- 3.1.5 Develop and maintain data protection procedures to include: governance, roles and responsibilities, notification, subject access, near miss/breach reporting, internal review of decisions, training and compliance review.

3.2 All employees will (through appropriate training and responsible management):

- 3.2.1 Observe all forms of guidance, codes of practice and procedures about the collection and use of personal information.
- 3.2.2 Understand fully the purposes for which East Herts Council uses personal information within their service area.
- 3.2.3 Collect and process appropriate information, and only in accordance with the purposes for which it is to be used by East Herts Council to meet its service needs or legal requirements.
- 3.2.4 Ensure information is correctly input into East Herts Council systems.

- 3.2.5 Ensure information is destroyed (in accordance with the provisions of the Act) when it is no longer required and with regard to East Herts Council's Document Retention Guidelines.
- 3.2.6 On receipt of a request from an individual for information held about them by or on behalf of immediately notify their line manager and follow the East Herts Council Subject Access request procedure.
- 3.2.7 Do not share any information with another party, internally or externally without the authority to do so by the data subject, the application of a specific exemption of the Data Protection Act with the approval of the Head of Service and a member of the Information management team or an authorised data sharing agreement which follows the East Herts Council Data Sharing protocol.
- 3.2.8 Understand that breaches of this policy may result in disciplinary action up to and including dismissal.

4.0 Training and Support

- 4.1 Support is available from the Information Team on all aspects of this policy.
- 4.2 All guidance, training and procedures for Data Protection at East Herts will be published on the staff intranet
www.eastherts.gov.uk/intranet/dataprotection
- 4.3 The council will provide a basic standard of training at the corporate level. This will introduce the Data Protection Principles and the general responsibilities of all employees.
- 4.4 Heads of Service, responsible for the Data Protection compliance within their services, will ensure their managers and team members complete the corporate training provided and have training about any specific service risks and the mitigating actions/processes in place in their services.
- 4.5 During the data protection risk assessment process a training needs analysis should be undertaken and discussed with Human Resources to identify any additional learning and development support required in order to follow this policy.

5.0 Compliance

- 5.1 Responsibility for compliance with this Policy and the requirements of the Data Protection Act rests with the employee whilst undertaking their duties and the Head of the Service under whose auspices any personal data processing is conducted.

6.0 Monitoring

6.1 Compliance with the policies and procedures in this document will be monitored by the Information Team; this will include an annual review of Data Protection Risk Assessment completed by each Head of Service and the mitigating actions put in place where potential risks have been identified.

6.2 External Audit will also undertake independent reviews.

7.0 Review

7.1 This Policy will be reviewed by the Council's Digital Media and Information team three years or sooner if there are any changes in legislation requiring amendments to be made.

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EAST HERTS COUNCIL

LOCAL JOINT PANEL - 17 JUNE 2015

HUMAN RESOURCES COMMITTEE - 8 JULY 2015

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

SHARED PARENTAL LEAVE AND FAMILY FRIENDLY POLICY
UPDATE

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Shared Parental Leave and Family Friendly Policies

RECOMMENDATIONS FOR LOCAL JOINT PANEL

That:

(A)	the revised Shared Parental Leave Policy and Family Friendly Policy be recommended for approval
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RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:

That:

(A)	The revised Shared Parental Leave Policy and Family Friendly Policy be approved
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1.0 Background

1.1 The Human Resources Committee on 25 March 2015 recommended that the Secretary to the Employer's Side review fostering arrangements in other Authorities and report back to the Local Joint Panel.

2.0 Report

2.1 **Key Changes**

2.2 The Policies have been updated to include the rights of employees who fall within the 'Foster to Adopt' Scheme.

2.3 The changes in the policies (highlighted) reflect the feedback gained from other Council's that employees who fall within the 'Foster to Adopt' scheme are entitled to Adoption Leave, Shared Parental Leave and Paternity Leave.

2.4 Other Council's also offer additional general leave for fostering this would be supported by the Council's General Leave Policy.

2.4 The revised Shared Parental Leave Policy can be found at **Essential Reference Paper 'B'**.

2.5 The revised Family Friendly Policy can be found at Essential Reference Paper 'C'

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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Report Author: Emma Freeman – Head of People and Organisational Development
01992 531 635
Emma.Freeman@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/Objectives (<i>delete as appropriate</i>):	People – Fair and accessible services for those that use them and opportunities for everyone to contribute This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.
Consultation:	The drafting of a Shared Parental Leave Policy has been created with a local council working group. Wider consultation on the draft Policy has taken place with SMG and Unison in January 2015.
Legal:	Employment law advice and seminars have been sought and attended to support the development of the new Shared Parental Leave Policy reflecting changes to Family Friendly regulations.
Financial:	None - No other payments other than those required by law
Human Resource:	As detailed in the report
Risk Management:	The regulations must be implemented and interpreted correctly to minimise risk to the Council.
Health and wellbeing – issues and impacts:	Shared Parental leave and Family Friendly policies supports the family friendly agenda of the Council; encourages flexible working and work life integration, combining career and life; supports the Health and Wellbeing agenda; gives parents the choice and attracts and retains employees.

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Essential Reference Paper "B"

East Herts Council

Shared Parental Leave

Policy Statement

**Policy Statement No 45 (Issue No 2) July
2015**

Contents

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Glossary

SPL	Shared Parental Leave
ShPP	Shared Parental Pay
SMP	Statutory Maternity Pay
SAP	Statutory Adoption Pay
MA	Maternity Allowance
OMP	Occupational Maternity Pay
HMRC	Her Majesty's Revenue and Customs
SPLIT	Shared Parental Leave in Touch days

1.0 Introduction

1.1 What is Shared Parental Leave?

- 1.2 Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for and bond with their child. All eligible employees have a statutory right to take Shared Parental Leave. For an employee to be eligible the mother must have curtailed her Maternity Leave.
- 1.3 This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).
- 1.4 This policy is compliant with The Shared Parental Leave Regulations 2014, The Shared Parental Pay (General) Regulations 2014, The Maternity and Adoptions Leave (curtailment of statutory rights to leave) Regulations 2014, Employment Rights Act 1996, Child and Families Act 2014 and Equality Act 2010

2.0 Who is eligible for Shared Parental Leave?

- 2.1 This policy applies to all employees of East Herts District Council.
- 2.2 SPL can only be used by two people:
- The mother/adopter/foster under the 'Foster for Adoption' scheme **and**
 - One of the following:
 - the father of the child (in the case of birth)or
 - the spouse, civil partner or partner of the child's mother/adopter/foster under the 'Foster for Adoption' Scheme, at the time of the birth/placement for adoption.
- 2.3 Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.
- 2.4 Additionally, an employee seeking to take SPL must satisfy each of the following criteria:
- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to

statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;

- the employee must still be working for the Council at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks as at 1 April 2015;
- the employee must correctly notify the Council of their entitlement and provide evidence as required.

3.0 The Shared Parental Leave entitlement

- 3.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.
- 3.2 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken or they may give notice to curtail their leave at a specified future date.
- 3.3 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.
- 3.4 SPL can commence as follows:
- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the

birth of the child but may choose to exhaust any maternity pay first.

- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

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

3.6 SPL will generally commence on the employee's chosen start date specified in their leave booking notice or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" paragraph 8.0 and 10.0 below).

3.7 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

4.0 Notifying the Council of an entitlement to Shared Parental Leave

4.1 An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL at least eight weeks before they can take any period of SPL.

4.2 Part of the eligibility criteria requires the employee to provide the Council with correct notification. Notification must be in writing using the **Notice of Entitlement – SPL and ShPP form** (Appendix 1) and requires each of the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;

- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take
- a non-binding indication of when the employee expects to take the leave.

4.3 The employee must provide the Council with a signed Notice of Entitlement – SPL and ShPP form (Appendix 1) stating:

- that they meet or will meet the eligibility conditions and are entitled to take SPL;
- that the information they have given is accurate;
- if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the Council.

4.5 The employee must provide the Council with a **Partner SPL Declaration form** (Appendix 2) signed by their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the 'employment and earnings test' (see "Who is eligible for Shared Parental Leave" paragraph 2.0 above), and had, at the date of the child's birth or placement for adoption, the main responsibility for the child, along with the employee;
- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the Council processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

5.0 Requesting further evidence of eligibility

5.1 The Council may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

5.2 In order to be entitled to SPL, the employee must produce this **information within 14 days of the employer's request.**

5.3 The Council will also provide the information above in 5.1 to other Council's/Companies/businesses when requested to do so.

6.0 Fraudulent claims

6.1 The Council will, where there is a suspicion that fraudulent information may have been provided or where the Council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Disciplinary and Conduct procedures.

7.0 Discussions regarding Shared Parental Leave

7.1 An employee considering/taking SPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the company to support the individual.

7.2 The line manager may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement. The notification should be signed by the employee and returned to Human Resources.

7.3 Upon receiving the Notice of Entitlement – SPL and ShPP form (Appendix 1) the line manager will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave or where a request for discontinuous leave can, without further discussion, be approved in the terms stated in the employee's Notice of Entitlement – SPL and ShPP form, a meeting may not be necessary.

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

8.0 Booking Shared Parental Leave

8.1 In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

8.2 The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

8.3 SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

8.4 The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

8.5 *Continuous leave notifications*

- 8.6 A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- 8.7 An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.
- 8.8 An employee may submit up to three separate notifications for continuous periods of leave.
- 8.9 ***Discontinuous leave notifications***
- 8.10 A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).
- 8.11 Where there is concern over accommodating the notification, the Council or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Council (see "Discussions regarding Shared Parental Leave" paragraph 7.0 above).
- 8.12 The Council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it or can take the leave in a single continuous block.
- 9.0 **Responding to a Shared Parental Leave notification**
- 9.1 Once the employee's line manager and Human Resources receive the Notification of Entitlement - SPL and ShPP form (Appendix 1), it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.
- 9.2 All notices for continuous leave will be confirmed in writing.

- 9.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Council against any adverse impact to the business.
- 9.4 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
- 9.5 The employee will be informed in writing of the decision as soon as is reasonably practicable but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the Council may propose a modified version of the request.
- 9.6 If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

10.0 Variations to arranged Shared Parental Leave

- 10.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Council in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 10.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early or as a result of the Council requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Council.

11.0 Statutory Shared Parental Pay (ShPP)

- 11.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
- 11.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 11.3 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
 - the employee must intend to care for the child during the week in which ShPP is payable;
 - the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
 - the employee must remain in continuous employment until the first week of ShPP has begun;
 - the employee must give proper notification in accordance with the rules set out below.
- 11.4 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL. (Use form Notice of Entitlement – SPL and ShPP form, Appendix 1)
- 11.5 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- the start and end dates of any maternity/adoption pay or maternity allowance;

- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the Council should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for the Council to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

11.6 Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

12.0 Terms and conditions during Shared Parental Leave

12.1 General

12.1.1 During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

12.2 Annual Leave

12.2.1 The entitlement to annual leave continues to accrue whilst on Shared Parental Leave. Where the leave period straddles two annual leave years, annual leave accrued up to the end of the first leave year should be taken before the commencement of the leave period in order that it is not lost.

12.2.2 An employee requesting to return to work on a part-time contract will normally take all annual leave accrued on the full-time contract before the new working arrangements commence.

12.2.3 Employees are entitled to paid leave for each of the bank holidays that fall during their maternity / adoption / additional paternity leave and these should be taken upon their return to work.

12.3 Pension

12.3.1 An employee who is a member of the Local Government Pension Scheme (LGPS) will continue to pay contributions; however this will be based on the employee's individual contribution rate of their actual earnings during Shared Parental Leave.

12.3.2 An employee wishing to maintain their contributions or make contributions during the unpaid period of Shared Parental Leave must contact Payroll before their leave commences.

12.3.3 An employee should contact Payroll or the London Pensions Fund Authority (LPFA) for further guidance.

12.3.4 An employee with a private pension should contact their pension provider for guidance.

12.4 Car Contributions

12.4.1 Payments towards a car loan will continue to be deducted from an employee's salary. An employee taking unpaid Shared Parental Leave must make arrangements with Payroll to continue to make payments during that period.

12.4.2 Employees in receipt of an essential user allowance will continue to receive this payment throughout their paid Shared Parental leave. If an employee moves onto unpaid Shared Parental Leave, the payments will cease until the employee returns to work.

12.4.3 An employee in possession of a council vehicle must ensure that it is left with East Herts District Council before they take Shared Parental Leave. The vehicle will be returned to the employee on their return to work.

12.5 Student Loans

12.5.1 Student loan repayments will continue throughout paid Shared Parental Leave until such point that monthly salary does not meet the income threshold set by the Student Loans Company. At this point, repayments will stop until the employee is earning above the income threshold. Employees should contact the Student Loans Company for more information.

12.6 Council Property

12.6.1 An employee will not be required to return Council property deemed to be a benefit in kind; in particular, any benefits in kind, such as use of a laptop, mobile phone and gym membership will continue. An employee will not be required to return items such as their security cards or uniforms.

12.6.2 An employee not returning to the Council's employ must ensure that all Council property is returned with their notice of resignation.

12.7 Childcare Vouchers

12.7.1 Employees requiring information about the effect on Childcare vouchers should refer to the Family Friendly Policy. For further assistance about Childcare vouchers employees should contact Human Resources.

13.0 Contact during Shared Parental Leave

13.1 Before an employee's SPL begins, the Council will discuss the arrangements for them to keep in touch during their leave. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

14.0 Shared Parental Leave in Touch days (SPLIT)

14.1 An employee can agree to work for the Council (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week.

These are known as "Shared Parental Leave in Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

- 14.2 The Council has no right to require the employee to carry out any work and is under no obligation to offer the employee any work during the employee's SPL. Any work undertaken is a matter for agreement between the Council and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.
- 14.3 An employee, with the agreement of the Council, may use SPLIT days to work part of a week during SPL. The Council and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.
- 14.4 The employee must make child care provision for all SPLIT days worked.

15.0 Returning to work after Shared Parental Leave

- 15.1 The employee will have been formally advised in writing by the Council of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the Council otherwise. If they are unable to attend work due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 15.2 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 the Council at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then 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.

- 15.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
- 15.4 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
- 15.5 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

16.0 Special Circumstances and further information

- 16.1 In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the Council will abide by any statutory obligations and an employee should speak to Human Resources for clarification.

17.0 Policy review and amendment

- 17.1 This policy shall be reviewed after three years or sooner in line with legislation and good practice to reflect the best level of support and management.

Appendix 1: Notification of Entitlement to SPL or/and ShPP

Date of Notification			
Line Manager			Department
Employee	Name	Payroll Number	
Name of Partner			
Maternity or Adoption Leave/Pay/Allowance			
Leave / Pay dates Start Date		End Date	
Expected DOB	Actual DOB	Matching Date	Placement Date
Total SPL available		Total ShPP Available	
SPL / ShPP to be taken by Employee		SPL / ShPP to be taken by Partner	
Planned dates of SPL From To		Planned dates of SPL From To	
Planned amount of ShPP for Employee		Planned amount of ShPP for Partner	
If different from SPL, dates when ShPP will be claimed by Employee		From To	
I confirm that I meet / will meet (<i>delete as appropriate</i>) the eligibility conditions and I am entitled to take SPL / ShPP.			
I confirm that I am the Mother / Adopter / Father of the child (<i>delete as appropriate</i>)			
I confirm that I am the Spouse / Civil Partner / Partner of the Mother / Adopter (<i>delete as appropriate</i>)			
I confirm that that all information provided above is accurate and will inform the council of any changes that affect my eligibility to SPL / ShPP.			
Signature			

Please return this form to the Human Resources Team

SPL Shared Parental Leave
DOB Date of Birth
Partner Father/Spouse/Civil Partner/Partner

Appendix 2 Partner Shared Parental Leave Declaration

- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Date of Declaration		
Name of Employee		
Partner's Name		Partner's Declaration: I do not have an NI number. (.....) tick to confirm
NI Number		
Address		
I confirm that I have at the birth of the child had main responsibility for care of the child (<i>delete as appropriate</i>)		
I confirm that I meet the conditions of the Earnings and Employment test.		
I confirm that I am the Mother / Adopter / Father of the child (<i>delete as appropriate</i>) and have reduced my maternity / adoption pay or maternity allowance.		
I confirm that I am the Spouse / Civil Partner / Partner of the Mother / Adopter (<i>delete as appropriate</i>)		
I confirm my consent to the amount of SPL that the employee intends to take.		
I confirm my consent to the claim of ShPP by the employee and that payments for ShPP should be made to the employee.		
I give consent to the Council to process the information contained in this declaration.		
I confirm that that all information provided above is accurate and will inform the council of any changes that affect my eligibility to SPL ShPP.		
Signature		

SPL Shared Parental Leave
NI National Insurance
Partner Father/Spouse/Civil Partner/Partner

APPENDIX 3: SPLIT DAY CLAIM FORM

Please complete this form to claim payment for SPLIT days worked during shared parental leave. Forms must be submitted to Payroll by the 6th of the month. **Please note a maximum of 20 full SPLIT days can be worked during shared parental leave.**

Name: _____

Payroll No.

--	--	--	--	--	--

Job title: _____

Department: _____

Date	Time (rounded to 15 mins)		Reason	Total Hours	Payroll Use	
	From	To			Code	Amount

Total Claimed:

--

I certify that the above hours were worked on the dates shown for the reason given

Signed: _____

Date: _____

This claim has been examined and verified for payment by

Signed: _____

Date: _____

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Essential Reference Paper "CE

East Herts Council

Family Friendly Policy

Policy Statement

Policy Statement No 16 (Issue No 4) July 2015

(This policy replace the Maternity, Paternity & Adoption Leave Policy No 16 (Issue No 2) dated, March 2013)

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GLOSSARY

OML	Ordinary Maternity Leave
AML	Additional Maternity Leave
OMP	Occupational Maternity Pay
SMP	Statutory Maternity Pay
SMA	Statutory Maternity Allowance
EWC	Expected Week of Childbirth (Sunday to Saturday)
EDC	Expected Date of Childbirth
QW	Qualifying Week for the payment of SMP / SAP
MATB1	Maternity Certificate
OPL	Ordinary Paternity leave
APL	Additional Paternity Leave
SPP	Statutory Paternity Pay
ASPP	Additional Statutory Paternity Pay
OAL	Ordinary Adoption Leave
AAL	Additional Adoption Leave
SAP	Statutory Adoption Pay
OAP	Occupational Adoption Pay
KIT	Keeping in Touch (KIT) days
SPL	Shared Parental Leave
ShPP	Shared Parental Pay

1.0 Introduction

- 1.1 This policy complies with all relevant employment legislation and provisions in the NJC Green Book. This policy reflects the recent legislative changes and is compliant with The Shared Parental Leave Regulations 2014, The Shared Parental Pay (General) Regulations 2014, The Maternity and Adoptions Leave (curtailment of statutory rights to leave) Regulations 2014, Employment Rights Act 1996, Child and Families Act 2014 and Equality Act 2010

2.0 Purpose and Scheme Coverage

- 2.1 The purpose of this document is to provide employees and managers with information on maternity, paternity, parental, surrogacy and adoption leave entitlement.
- 2.2 This scheme is applicable to all employees of East Herts Council. Casual employees may not be eligible for maternity pay, please see section 6.6 for more information.
- 2.3 The Council will endeavour to ensure that an employee does not suffer any detrimental treatment at work whilst exercising their rights to maternity, paternity, parental, surrogacy or adoption leave.

3.0 Notification of Pregnancy and Maternity Leave

- 3.1 Employees are encouraged to tell their manager about their pregnancy as soon as they feel able to, especially if they are feeling unwell or work in an area that may put them at risk.
- 3.2 Employees should also contact the Health and Safety Officer as soon as possible to arrange a work station assessment and maternity risk assessment.
- 3.3 Employees need to notify Human Resources of their pregnancy, the expected week of childbirth and the date they intend to start their maternity leave at least 28 days

before their maternity leave begins, or as soon as reasonably practicable, by completing the Maternity Leave Form (Appendix 1). This should be signed by the employee, their manager and returned to Human Resources. Human Resources will reply within 28 days of notification stating the expected date of return from maternity leave. Please see Appendix 2 for a maternity timeline and Appendix 3 for a maternity leave checklist that employees should complete with their managers.

- 3.4 The original MATB1 should also be forwarded to Human Resources. The MATB1 gives confirmation of the expected date of childbirth. This is usually available from the midwife from 21 weeks of pregnancy. The Council are unable to process maternity pay without the MATB1 form.

4.0 Antenatal Care

- 4.1 Any pregnant employee is entitled to take reasonable paid time off to attend antenatal care appointments. Antenatal appointments are those recommended by a registered medical practitioner, midwife or health visitor. These can include relaxation or parent craft classes as well as medical examinations, if recommended by a medical professional.
- 4.2 Employees must agree their time off arrangements with their manager in advance of the appointments and produce their appointment card where appropriate.
- 4.3 Employees on flexi-time should record time to attend appointments as described in the Flexi-Time Guidance in the section relating to hospital appointments.
- 4.4 Fathers/partners have a legal right to unpaid time off to attend up to two antenatal appointments. This also applies to agency workers after twelve (12) weeks on the same assignment. The Council encourages managers to allow employees to take time off to attend antenatal appointments with their partners by taking flexi or annual leave. All requests are subject to line manager approval and will need to be considered in the context of cover

available within the team during that period to ensure that the service provided is not disrupted.

5.0 Maternity Leave

5.1 Length of Maternity Leave

5.1.1 An employee is automatically entitled to a period of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML), regardless of hours of work or length of service, where the appropriate notice has been given. This means an employee can remain on maternity leave for a total period of up to 52 weeks. Employees may receive Statutory Maternity Allowance, Statutory Maternity Pay and/or Occupational Maternity Pay during this period; depending on their eligibility (see section 6 on maternity pay).

5.1.2 Women are required by law to take a minimum of two weeks leave after the birth of the child.

5.2 Conditions applying to Maternity Leave

5.2.1 Maternity leave may start on any day of the week and can commence no earlier than 11 weeks and any time up to the day before the expected date of childbirth (EDC) (except see 5.2.2 below). If the baby is born early (before the planned leave date) the maternity leave will begin from the day after the birth.

5.2.2 An employee who is absent from work due to a pregnancy related reason after the beginning of the fourth week before the expected week of childbirth (EWC) but before the date notified for maternity leave, the maternity leave begins automatically on the day after her first day of absence.

5.2.3 Employees have to be advised that if the baby dies or is still-born after 24 weeks pregnancy, the maternity scheme applies. Where this occurs before 24 weeks (miscarriage) or there is a termination, the needs of the employee and medical opinion will be considered in deciding the

appropriate leave (be it sick leave or bereavement leave), according to the circumstances.

6.0 Maternity Pay

6.1 The Council operates two maternity pay schemes:

- Statutory Maternity Pay, which is a legal entitlement to a set weekly payment (providing employees meet the eligibility criteria set out below)
- Occupational Maternity Pay, which is an enhanced payment made by the Council in accordance with their terms and conditions (eligibility for this payment depends on the criteria set out below).

Depending on the employee's length of service, they may have entitlement under one or both of these schemes.

6.2 Statutory Maternity Pay (SMP)

6.2.1 Eligibility for SMP

6.2.2 Statutory maternity pay is payable for up to 39 weeks during maternity leave. To qualify for SMP, employees must have been continuously employed in local government for at least 26 weeks, at the start of the 15th week before the EDC. This 15th week is known as the qualifying week (QW).

6.2.3 If an employee is not entitled to SMP, Payroll will issue them with a form SMP1, explaining why they are not entitled to SMP and how they can claim State Maternity Allowance (SMA). SMA is the same as lower rate SMP or 90% of average weekly earnings, whichever is less.

6.3 Rates of SMP

6.3.1 For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of average weekly earnings calculated over the period of eight weeks up to and including the qualifying week.

- 6.3.2 The standard rate of SMP is paid for the remaining 33 weeks (or less if they return to work sooner). This is paid at the lower of either the standard rate set by the Government or 90% of average gross weekly earnings. Standard rate SMP is currently £138.18 per week (correct as at 5 April 2014).
- 6.3.3 Payment of SMP cannot start prior to the 11th week before the EWC. SMP can start from any day of the week in accordance with the date the employee starts their maternity leave.
- 6.3.4 SMP is treated as earnings and is, therefore, subject to PAYE and national insurance deductions.
- 6.3.5 SMP is payable whether or not the employee intends to return to work after maternity leave.

6.4 Occupational Maternity Pay (OMP)

- 6.4.1 To qualify for OMP, employees must have completed at least one year's continuous local government service at the 11th week before the EWC. If an employee has less than one year's continuous local government service at the 15th week before the expected week of childbirth, they will not qualify for OMP, but will still get SMP or SMA as appropriate.
- 6.4.2 If an employee is eligible for OMP, they will receive 12 weeks half pay after the six weeks at 90%, on top of the standard rate SMP (unless half pay plus standard rate SMP exceeds normal pay, see section 6.4.5). The 12 weeks half pay is calculated using the employee's pay at the point of going on maternity leave. OMP can be paid in two ways:
- Paid as it falls due (i.e. in their regular pay)
 - As a lump sum on their return to work
- 6.4.3 The qualifying week for SMP is the 15th week before the week the baby is due but the qualifying week for OMP is the 11th week before the week the baby is due. If the baby is born early, before or during the qualifying week and the

employee would have completed 26 weeks employment but for the early birth, the continuous service rule for OMP is satisfied.

6.4.4 If an employee does not return to work following their maternity leave or leaves within 13 weeks of returning to work, they will need to repay their OMP.

6.4.5 If half pay plus standard rate SMP would exceed normal pay, the 12 weeks of 50% enhanced pay will be spread over 20 weeks to ensure that the employee is not paid over and above their normal salary whilst on maternity leave. SMP will be paid as normal.

6.5 Summary of Main Benefits

Length of Service	OML	AML	SMP	OMP
Less than 26 weeks at QW	✓	✓	X (may be entitled to SMA)	X (may be entitled to SMA)
At least 26 weeks at QW but less than 1 year at 11 weeks prior to EWC	✓	✓	6 weeks at 90% of pay plus 33 weeks standard rate SMP	X
More than 1 year at 11 weeks before EWC	✓	✓	6 weeks at 90% of pay plus 33 weeks standard rate SMP	12 weeks half pay (unless half pay plus standard rate SMP exceeds normal pay)

6.6 Casual workers

6.6.1 SMP

6.6.1.1 Casual workers are eligible for SMP as long as they meet the continuous service and earnings conditions. Employees are considered to have continuous service as long as they work for at least one day in every week, a week beginning on a Sunday and ending on a Saturday.

6.6.1.2 If there are weeks where a casual worker did not work, this will not break their continuous service if the reason they did not work was one of the following:

- They were unavailable to work because they were off sick
- They were taking annual leave
- The Council did not require them to work

6.6.1.3 If they did not work for the Council in the 15th week before the week the baby is due for one of these reasons, they will still be able to claim SMP as long as they did further work for the Council after that week.

6.6.1.4 Casual workers who are paid irregularly must find their last pay date before or in the 15th week before the week the baby is due, and count back eight weeks. This is their calculation period.

6.6.1.5 If casual workers do not qualify for SMP, they may be able to claim SMA.

6.6.1.6 Casual workers should seek advice from HR and Payroll if they think they are entitled to SMP.

6.6.2 OMP

6.6.2.1 Casual workers may also be eligible for OMP if they have at least one year's continuous local government service at the 11th week before the EWC (please see 6.6.1.2 for details of what constitutes continuous service).

6.6.2.2 Casual workers should seek advice from HR and Payroll if they think they are entitled to OMP.

7.0 Returning to Work after Maternity Leave

- 7.1 The Council will assume that the employee will return to work on the date specified on their maternity leave form. No written confirmation is required to return to work on that day, although they will receive a letter from Human Resources to remind them of their return to work date.
- 7.2 If the employee wants to return to work from maternity leave earlier than previously planned or later than the previously agreed date she must give eight weeks' notice. If the employee fails to provide sufficient notice the employer may postpone the return so eight weeks' notice is given but may not postpone beyond this.
- 7.3 If an employee decides not to return to work at all after their maternity leave, they must give written notice of their resignation in accordance with the notice period in their contract of employment.
- 7.4 Where an employee is unable to return to work on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.
- 7.5 For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes or as soon as reasonably practicable.

8.0 Paternity Leave

8.1 Eligibility for Paternity Leave

- 8.1.1 Employees will be eligible for Paternity Leave if they:
- Expect to have responsibility for bringing up the child **and**
 - Will be taking leave to care for the child and/or support the mother **and**

- Have been continuously employed for at least 26 weeks by either:
 - the end of the 15th week before the start of the week when the baby is due
 - the end of the week they are notified they are matched with their child **and**

- They must also be either the:
 - biological father of the child
 - mother's husband or partner (including same-sex relationships)
 - child's adopter or foster under the 'Fostering for adoption' Scheme
 - husband or partner (including same-sex relationships) of the child's adopter **and**

- Have been employed continuously from:
 - the end of the 15th week before the baby is due up until the actual date of birth
 - the end of the week they are notified they are matched with their child to the actual date of adoption.

8.2 Ordinary Paternity Leave

8.2.1 Employees who meet the criteria as set in 8.1.1 are entitled to two weeks paid Ordinary Paternity leave (OPL). OPL can be taken from the date of birth or up to eight weeks (56 days) from the birth and must be taken as one continuous period.

8.2.2 The Council pays the two weeks OPL at full pay.

8.2.3 Employees should give Human Resources and their manager notice of the EDC by the 15th week before the baby is due. Please see Appendix 4 for the Ordinary Paternity Leave form.

8.3 Additional Paternity Leave

8.3.1 **For parents of babies/children born/adopted on or after 5th April 2015 this section on Additional Paternity Leave is no longer relevant and employees**

should refer to the Shared Parental Leave Policy (SPL)

8.3.2 For parents of babies/children born/adopted before 5th April 2015 the following details referring to Additional Paternity Leave and returning to work after Additional Paternity Leave remain applicable.

8.3.3 For employees whose partners are returning or have returned to work, they may also be entitled to up to 26 weeks Additional Paternity Leave (APL), subject to them meeting the criteria in 8.1.1. APL must be taken as one continuous period.

8.3.4 APL can be taken any time from 20 weeks after the child is born, but it must have finished by the child's first birthday. In the case of adoption it can start anytime between 20 weeks and 52 weeks after the child starts living with the adopter.

8.3.5 Employees should give Human Resources and their manager eight weeks' notice before they intend to take APL. Please see Appendix 5 for the Additional Paternity Leave form.

8.3.6 Employees will also receive Additional Statutory Paternity Pay (ASPP) during their APL, providing that:

- the child's mother or adopter has been entitled to one or more of the following - Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Leave or Pay and has at least two (2) weeks of unexpired Statutory Pay period remaining (Human Resources will check this with the mother / adopter's employer)
- the child's mother or adopter has returned to work and ceased claiming any relevant pay (Human Resources will check this with the mother / adopter's employer)
- the employee intends to care for their child during the Additional Statutory Paternity Pay Period.

8.3.7 ASPP is only payable to the employee during the period of their partner's 39 week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period. ASPP is paid at the same rate as SMP, currently £138.18 per week or 90% of earnings, whichever is lesser (correct as at 5 April 2014).

8.3.8 Employees have the right to take unpaid Additional Paternity Leave if they meet the eligibility criteria for leave but not pay. All Additional Paternity Leave taken after the end of the Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period is unpaid.

8.4 Returning to Work after Additional Paternity Leave

8.4.1 The Council will assume that the employee will return to work on the date specified on their additional paternity leave form. No written confirmation is required to return to work on that day, although they will receive a letter from Human Resources to remind them of their return to work date.

8.4.2 If the employee wants to return to work from additional paternity leave earlier than previously planned or later than the previously agreed date they must give six (6) weeks' notice. If the employee fails to provide sufficient notice the employer may postpone the return so six weeks' notice is given, but may not postpone beyond this.

8.4.3 If an employee decides not to return to work at all after their additional paternity leave, they must give written notice of their resignation in accordance with the notice period in their contract of employment.

9.0 Adoption Leave

9.1 Entitlement to Adoption Leave

9.1.1 Employees can apply to take Adoption Leave if they are newly matched with a child by an adoption agency or they are fostering a child under the 'Fostering for adoption' scheme. There are no qualifying conditions for eligible

adopters and employees may apply for adoption leave from the first day of employment with the Council. Agency workers are eligible to this right at twelve (12) weeks in the same assignment.

9.1.2 Employees who have had an adoption match should complete the Adoption Match form and pass it to HR in order to secure their statutory entitlement. The adoption agency must be recognised in the UK.

9.1.3 Employees will not qualify for Statutory Adoption Leave or Pay if they:

- arrange a private adoption
- become a special guardian
- adopt a stepchild

9.2 Adoption Leave

9.2.1 As with maternity leave, employees are entitled to a period of 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL).

9.2.2 Adoption leave starts on the date the employee has specified or on the expected date of placement. Adoption Leave can start:

- up to 14 days before the child starts living with the employee (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)

9.2.3 Employees who are the primary adopter have a legal right to unpaid time off to attend up to five (5) adoption meetings. The secondary adopter has the right to unpaid time off to attend up to two (2) appointments. The Council encourages managers to allow employees to take time off to attend antenatal appointments with their partners by taking flexi or annual leave. All requests are subject to line manager approval and will need to be considered in the context of what cover is available within the team during that period to ensure that the service provided is not disrupted.

9.3 Adoption Pay

- 9.3.1 Adoption pay mirrors maternity pay; please see section 6 for more details.

9.4 Placement Disrupted

- 9.4.1 Where after starting the leave, an employee is notified that the child will not be placed, or after the child is placed, the child dies or is returned to the adoption agency, the employee will not be entitled to the full adoption leave period. In this situation the adoption leave will end eight weeks after the end of the week in which the disruption occurred. Additional discretionary or unpaid leave may also be granted in such instances, managers should contact HR for advice.

9.5 Notification of Adoption Leave

- 9.5.1 Applications for leave should be made to HR and the line manager within at least 28 days of the expected date of placement or if the employee wants the leave to start on a predetermined date, notice must be provided at least 28 days before that date. Please see Appendix 6 for the Adoption/Surrogacy Leave form.

9.6 Returning to Work after Adoption Leave

- 9.6.1 The Council will assume that the employee will return to work on the date specified on their adoption leave form. No written confirmation is required to return to work on that day, although they will receive a letter from Human Resources to remind them of their return to work date.
- 9.6.2 If the employee wants to return to work from adoption leave earlier than previously planned or later than the previously agreed date they must give eight weeks' notice. If the employee fails to provide sufficient notice the employer may postpone the return so eight weeks' notice is given, but may not postpone beyond

9.6.3 If disruption on the placement occurs during AAL, the employee should give eight weeks' notice, as soon as the disruption occurs.

9.6.4 Employees who fail to return to work after a period of adoption leave or resign before completing three months service on return from adoption leave will be required to repay their Occupational Adoption Pay (OAP).

10.0 Fostering Leave

10.1 Employees who have a fostering arrangement are entitled to take up to 5 days discretionary leave in accordance with the General Leave Policy. The purpose of the leave is to allow the employee to attend training or meetings related to the Foster Care arrangement.

10.2 Additionally, employees with a 'Fostering for Adoption' arrangement with a local authority will be entitled to Adoption leave, Paternity leave and Shared Parental leave in accordance with the Council's policies.

11.0 Keeping in Touch (KIT) days

11.1 An employee on maternity, adoption leave can do some work for the employer during their maternity / adoption leave pay period under their contract of service without losing their SMP / SAP for that week. They can work for up to 10 days, whether consecutive or not. This enables the employee to undertake odd days training or to go into work on occasion to 'Keep in Touch' (KIT). The employee would not lose their pay for the week in which the work is done or need to end their maternity/adoption leave. Whether the employee just goes in for one hour or a whole day, it will still be counted as one day for KIT purposes.

11.2 This provision is designed to help ease the employee's eventual return to work and to make it easier for them to keep in touch with their employer during their leave from work.

- 11.3 Employees will be paid a full day's pay for each KIT day worked, minus any statutory or occupational maternity pay to ensure it does not exceed a normal day's pay.
- 11.4 Employees should complete a KIT day claim form (Appendix 7) for each KIT day worked and forward to Payroll for payment by the 6th of the month. Claim forms must be signed by an authorised manager.

12.0 Contractual Relationship during Absence

- 12.1 Having granted a period of paid or unpaid leave, the contract of employment between both parties remains in existence and therefore a commitment to maintain confidence, trust and act in good faith during the period of leave.
- 12.2 Employees on periods of extended leave will be required to maintain regular contact with their manager and, if appropriate, inform them of any changes in circumstance which may affect their intention to return to work.
- 12.3 Managers should maintain reasonable contact with employees on maternity / adoption leave. The amount of contact that is reasonable depends on whether the employee prefers to have frequent or minimal contact with their manager. Managers should discuss how they will keep in touch with the employee before they begin their maternity / adoption leave. If the employee requests in writing not to be contacted whilst on leave, the manager should only contact the employee to advise them of situations which may affect the contractual relationship such as a restructure.
- 12.4 Employees can continue to access the intranet from home to view details of any permanent or temporary vacancies. If an employee does not have internet access they can contact HR to find out details of any vacancies.
- 12.5 Employees suspected of abusing the provisions of these procedures or fraudulently applying for leave will be subject to disciplinary investigation as detailed in the Disciplinary Procedure.

13.0 Surrogacy Parents

13.1 Where a child is born to a surrogate mother, the intended parents can become the child's legal parents by applying for a parental order. One of the intended parents must be genetically related to the child and the child must live with the intended parents. Please see Appendix 6 for the Adoption/Surrogacy Leave form.

13.2 Where a couple has a parental order in relation to a child, or is applying for one, one of the parents can be eligible for adoption leave and pay and the other can be eligible for paternity leave and pay. The couple must elect which of them will take adoption leave. An employee who takes adoption leave in these circumstances can curtail their adoption leave and take shared parental leave with the other parent, provided that the parents both meet the relevant eligibility requirements. Please see Shared Parental Leave Policy.

13.3 Adoption leave, paternity leave and shared parental leave are available to employees who are, or expect to be, the parents of a child under a parental order, where the child's expected week of birth begins on or after 5 April 2015.

13.4 Employees who intend to apply for a parental order and expect to become the child's legal parents in a surrogacy situation have the right to unpaid time off work to accompany the birth mother to up to two antenatal appointments.

14.0 Impact on Conditions of Service

14.1 Generally

14.1.1 An employee returning to local government following a break for maternity, paternity or adoption reasons will be entitled to have previous service recognised for the purpose of calculating:

- Annual Leave

- Periods of Notice
- Sickness Payments
- Redundancy Payments
- Maternity Leave

14.1.2 There may be implications on other conditions of service. These have been detailed below.

14.2 Annual Leave

14.2.1 The entitlement to annual leave continues to accrue whilst on maternity / adoption leave. Where the leave period straddles two annual leave years, annual leave accrued up to the end of the first leave year should be taken before the commencement of the leave period in order that it is not lost.

14.2.2 An employee requesting to return to work on a part-time contract will normally take all annual leave accrued on the full-time contract before the new working arrangements commence.

14.2.3 Employees are entitled to paid leave for each of the bank holidays that fall during their maternity / adoption leave and these should be taken upon their return to work.

14.3 Pension

14.3.1 An employee who is a member of the Local Government Pension Scheme (LGPS) will continue to pay contributions; however, this will be based on the employee's individual contribution rate of their actual earnings during maternity / adoption leave.

14.3.2 An employee wishing to maintain their contributions or make contributions during the unpaid period of maternity / adoption leave must contact Payroll before their leave commences.

14.3.3 For further guidance contact Payroll or the London Pensions Fund Authority (LPFA). An employee with a private pension should contact their pension provider for guidance.

14.4 Car Contributions

- 14.4.1 Payments towards a car loan will continue to be deducted from an employee's salary. An employee taking unpaid additional maternity / adoption leave must make arrangements with Payroll to continue to make payments during that period.
- 14.4.2 Employees in receipt of an essential user allowance will continue to receive this payment throughout their paid maternity / adoption leave. If an employee moves onto unpaid leave, the payments will cease until the employee returns to work.
- 14.4.3 An employee in possession of a council vehicle must ensure that it is left with East Herts District Council before they take maternity / adoption leave. The vehicle will be returned to the employee on their return to work.

14.5 Student Loans

- 14.5.1 Student loan repayments will continue throughout paid maternity / adoption leave until such point that monthly salary does not meet the income threshold set by the Student Loans Company. At this point, repayments will stop until the employee is earning above the income threshold. Employees should contact the Student Loans Company for more information.

14.6 Council Property

- 14.6.1 An employee will not be required to return items such as a mobile phone, laptop, security cards or uniforms throughout maternity / adoption / parental leave.
- 14.6.2 An employee not returning to the Council's employ must ensure that all Council property is returned with their notice of resignation.

14.7 Childcare Vouchers

14.7.1 Employees who become pregnant / are planning to adopt and are in the childcare voucher scheme must consider the implications of this before the period up to and including the qualifying week (weeks 17-25 weeks of pregnancy). This is because the salary sacrifice element of the scheme will have an impact on the calculation for the employee's Higher Rate SMP / SAP and Occupational Maternity / Adoption pay. The employee's average earnings calculation, which is used to assess this payment, will be on the employee's salary sacrifice earnings amount and **not** on the employee's full salary.

14.7.2 Employees have the choice of:

- **Continuing their childcare vouchers.** Higher rate SMP / SAP and Occupational Maternity / Adoption pay will be reduced but the Council will pay for the value of the childcare vouchers throughout the maternity leave period, including any unpaid maternity leave as childcare vouchers are classed as a non-cash benefit. The exception to this will be during the 12 weeks Occupational Maternity / Adoption pay when the employee will pay for the value of the vouchers. Employees should contact HR for advice if their Occupational Maternity / Adoption pay is not enough to cover the cost of the vouchers during this period. The employee will continue to receive their vouchers via the normal methods.
- **Ceasing their childcare vouchers before the 8 week period up to and including the qualifying week (weeks 17-25 weeks of pregnancy).** Employees can use the "lifestyle changes" clause to leave the scheme. Their SMP / SAP and OMP / OAP will not be reduced but they will be unable to re-join the scheme until their maternity / adoption leave has ended and they have returned to work.

14.7.3 Employees requiring further assistance on childcare vouchers and maternity / adoption leave should contact Human Resources for more information.

14.8 Rights upon Return to Work

- 14.8.1 An employee has the right to return to the job in which they were employed under their original contract of employment and terms and conditions not less favourable than those, which would have been applicable to them if they had not been absent. Where this is not practicable by reason of redundancy, an employee will be entitled to be offered suitable alternative employment where one exists.
- 14.8.2 Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a general re-organisation), which would have occurred if the employee were not absent.
- 14.8.3 The work to be done should be suitable to the employee and appropriate to the circumstances. The capacity and place in which the employee is to be employed and the terms and conditions of employment should not be less favourable to the employee if the employee had been able to return to the job in which they were originally employed.

15.0 Flexible Working

- 15.1 Please refer to the Flexible Working Policy for details on applying for Flexible Working.
- 15.2 Employees returning from maternity / adoption leave should make their request to work flexibly in sufficient time to enable arrangements to be looked at and considered. Therefore the request should be made at least 12 weeks before the anticipated return to work.

16.0 Parental Leave

- 16.1 There is a right for both parents to take up to 18 weeks unpaid parental leave per parent per child, up until your child's 18th birthday. This leave is also available to parents who adopt a baby/child..
- 16.2 Employees must have more than one year's continuous service in local government and must either be the parent

of the child, named on the child's birth/adoption certificate or have legal parental responsibility for the child.

- 16.3 The Council will endeavour to make parental leave available to those with parental responsibilities but who do not fall under the legal definition. This might include foster parents, adoptive parents prior to placement, grandparents with a significant parenting role and stepparents. Cases will be considered on an individual basis, employees should contact HR for more information.
- 16.4 Employees can take parental leave at the end of maternity/adoption /shared parental leave providing they give 21 days' notice.
- 16.5 To apply for parental leave employees should write to their Head of Service who will forward the request to Human Resources and take advice. Employees must give 21 days' notice before their intended start date.
- 16.6 The limit on how much parental leave can be taken a year is 4 weeks. Unless the child is disabled, leave should be taken in blocks of one week. A 'week' equals the length of time an employee normally works in a week.
- 16.7 Managers cannot turn down a request for parental leave, but can ask employees to postpone it if it would cause significant disruption to the business, e.g. if leave was requested:
- over a period of peak seasonal production
 - at the same time as other employees have requested leave
 - when the employee's absence would unduly harm the business
- 16.8 If a manager needs to postpone a request for parental leave, they must consult with the employee about a new date and must write to the employee within seven days of receiving the employee's notification explaining why the leave needs to be postponed and confirming the new start and end date. Managers must allow the employee to take the same amount of parental leave as they originally

applied for. If the postponement goes past the end of the entitlement period (e.g. after the child's fifth / eighteenth birthday), they must still be allowed to take the leave.

16.9 Any parental leave taken in previous employment is deducted from an employee's parental leave entitlement.

17.0 Review

17.1 This policy will be reviewed every three years or sooner if there are any changes in legislation requiring amendments to be made.



APPENDIX 1: MATERNITY LEAVE FORM

This form should be returned to HR no later than 28 days before you go on leave. Please ensure you have read the Maternity policy before completing this form.

To be completed by employee

<u>Personal Details</u>		
Title: _____	Name: _____	Surname: _____
Employee No. _____	Nat Ins No. _____	Section: _____
Address: _____		
_____	Post Code: _____	Tel No. _____

<u>Leave and Pay Details</u>	
I have attached my MATB1 <input type="checkbox"/>	My MATB1 is to follow <input type="checkbox"/>
Maternity Leave Start Date: _____	Maternity Leave Return Date: _____
(These dates should exclude any annual leave)	

Entitlement A	I have more than 1 year continuous local government service by the Expected Date of Childbirth (EDC).	<input type="checkbox"/>
Entitlement B	I have 26 weeks continuous local government service by the 15 th week before EDC, but less than 1 year continuous local government service by the EDC.	<input type="checkbox"/>
Entitlement C	I do not have 26 weeks continuous local government service by the 15 th week before EDC. (Please seek advice from the Job Centre Plus for SMP)	<input type="checkbox"/>

Pay Options – please indicate the number of weeks to be paid at each rate	Please specify the number of weeks		
	Entitlement A	Entitlement B	Entitlement C
Up to 6 weeks at 90% pay			Please seek advice from Job Centre Plus
Up to 12 weeks SMP	n/a		
Up to 12 weeks SMP & 50% enhanced pay	Select one option	n/a	
Up to 12 weeks SMP & 50% enhanced pay (deferred until 3 months after return to work)			
Up to 21 weeks SMP			
Up to 13 Additional Maternity Leave (Unpaid)			

<u>Agreement</u>	
<ul style="list-style-type: none"> I will make arrangements with payroll with regard to my pension & car contributions. I will give 12 weeks' notice if I wish to be considered for flexible working arrangements. I will give 8 weeks' notice should I wish to change my return date from maternity leave. I agree to refund any amounts owed to the Council should I decide not to return to work after receiving OMP (50% Enhanced Pay) or if an overpayment is made. I will return all Council property should I not return to work after maternity leave (including mobile phone, laptop, ID Badge, Uniform etc.) 	
Signed: _____ (Employee)	Date: _____
Signed: _____ (Authorised Officer)	Date: _____

To be completed by HR & Payroll

Received by HR _____
(Init.) _____ (Date)

Written to _____
(Date)

Received by Payroll _____



Guidance Notes

Please read below for guidance on how to complete the Maternity Leave Form.

Personal Details

Please ensure that every section is completed.

Leave & Pay Details

Maternity leave and pay are separate entities.

Maternity leave dates should exclude any annual leave taken before or after. If you give birth earlier than expected, maternity leave will start from this point and leave will be adjusted.

Maternity pay

Dependant on your continuous local government service, employees are entitled to different options regarding their maternity pay. Please select 1 statement that applies to you.

Pay options – the 3 columns correspond to the entitlements above. Please ensure you only complete the column that applies to you.

The rate that maternity leave is paid decreases after a given amount of weeks. You should indicate how many weeks you would like to be paid at the set rate in the relevant box. The number of weeks should all add up to the number of weeks you are on maternity leave.

Guidance for Entitlement A

- Up to 6 weeks at 90%.
- Up to 12 weeks of **either**; SMP + 50% enhanced pay **or** SMP + 50% enhanced pay (which will be deferred until 3 months after return from maternity leave).
- Up to 21 weeks of SMP.
- Up to 13 weeks of additional (unpaid) maternity leave.

Employees that fall into Entitlement A have the option of 12 weeks of 50% enhanced maternity pay; this must be repaid to the Council if they do not return to the Council after maternity leave. For employees unsure whether they will return, they can select the option which will pay the 50% enhanced maternity pay, 3 months after they return.

Guidance for Entitlement B

- Up to 6 weeks at 90%.
- Up to 12 weeks at SMP.
- Up to a further 21 weeks of SMP.
- Up to 13 weeks of additional (unpaid) maternity leave.

Guidance for Entitlement C

Job Centre Plus will pay your SMP; you should provide a copy of your MATB1 to HR and take the original to Job Centre Plus.

Agreement

Please read the agreement carefully before you sign this form. It should then be countersigned by your line manager (authorised officer) before you forward to HR.



APPENDIX 2: PREGNANCY AND MATERNITY LEAVE TIMELINE

Week	Pregnancy
1	
2	
3	
4	Employees must consider when they are going to notify their manager of their pregnancy
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	Employees currently in receipt of childcare vouchers who plan to stop them due to the impact on Higher Rate SMP and Occupational Maternity pay must do so this week.
18	
19	
20	
21	The midwife will usually issue the MATB1 form from the 21st week of pregnancy
22	
23	
24	If the baby dies or is still-born after 24 weeks pregnancy, the maternity scheme still applies
25	The 15 th week before the EDC is known as the qualifying week. To qualify for SMP, employees must have been continuously employed in local government for at least 26 weeks at the start of the qualifying week.
26	
27	
28	
29	The 11th week before the EDC is the earliest maternity pay can commence (except in cases of premature birth)
30	<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>Employees need to notify Human Resources of their pregnancy, the expected week of childbirth and the date they intend to start their maternity leave at least 28 days before their maternity leave begins, or as soon as reasonably practicable, by completing the Maternity Leave Form</p> </div> <div style="width: 35%; border-left: 1px solid black; padding-left: 5px;"> <p>If the employee is off sick for pregnancy related reasons during the 4 week period before the expected birth date maternity leave will automatically begin on the day after the first day of absence within the 4 week period (regardless of the length of absence)</p> </div> </div>
31	
32	
33	
34	
35	
36	
37	
38	
39	
40	Expected Week of Childbirth

Week	Maternity Leave			
1	Ordinary Maternity Leave	Compulsory Maternity leave (this is part of Ordinary Maternity Leave)		
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27	Additional Maternity Leave			
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41			Flexible working requests should be submitted at least 12 weeks before the anticipated return to work	If an employee decides not to return to work at all after their maternity leave, they must give written notice of their resignation in accordance with the notice period. This may be one to three months, depending on the contract of employment.
42				
43				
44				
45				
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52				



APPENDIX 3: MATERNITY LEAVE CHECKLIST

Action	You	Your Manager	HR
Inform your manager of your pregnancy.	✓		
Contact the Health and Safety Advisor to arrange a health and safety risk assessment.	✓		
If any risks are identified in the health and safety risk assessment, take action to mitigate these.	✓	✓	
Request time off for ante natal care (e.g. midwife appointments) with your manager.	✓		
Read the Maternity Policy.	✓		
If you currently have childcare vouchers, speak to HR about your options before you are 17 weeks pregnant because the salary sacrifice element of the scheme will have an impact on the calculation for Higher Rate SMP and Occupational Maternity pay.	✓		
Complete the maternity leave form, confirming when you want to start maternity leave and how long you want to take off. Get the form authorised by your manager and send to HR.	✓	✓	
Send your MATB1 to HR, either with the maternity leave form if you have it, or as soon as you receive it afterwards.	✓		
HR will send you a letter upon receipt of your maternity leave form, confirming your maternity leave dates, entitlements and date due back to work.			✓
Take the annual leave you have accrued to date before you start your maternity leave.	✓		
Agree communications required during maternity leave and provide as required.	✓	✓	
HR will send you a letter during your maternity leave, reminding of your return date.			✓
If appropriate, your line manager will contact you to ensure you are fully informed and consulted in the event of any organisational restructure.		✓	
Contact your Manager or Human Resources if you have any questions or concerns during your leave.	✓		
Inform your Manager in writing if you wish to return to work earlier or later than planned, giving at least 8 weeks' notice.	✓		

Inform your manager in writing if you wish to curtail Maternity leave and invoke Shared Parental leave	✓		
Attend voluntary keeping in touch days in agreement with your Manager.	✓	✓	
Complete the KIT day claim form and send to Payroll to ensure payment for any agreed keeping in touch days.	✓		
Complete a flexible working request if you want to apply to change your working pattern at least 12 weeks before planned return date.	✓		
Respond to flexible working request in writing, following the Flexible Working Policy.		✓	
Take any accrued annual leave before you return to work.	✓		
Hold welcome back 1-1 meeting with you during your first week back.		✓	
Carry out a further risk assessment if you are still breastfeeding or the baby is under 6 months old (during your first week back at work).		✓	



APPENDIX 4: ORDINARY PATERNITY LEAVE FORM

Please complete this form to claim your Statutory Paternity Pay (SPP) and forward to HR at least 15 weeks before the expected due date.

First Name: _____	Surname: _____
Payroll No: _____	Nat Ins. No: _____
Job Title: _____	Department: _____
The baby is due on: _____ OR The baby was born on: _____	

Please note that paternity leave must be taken in **weekly blocks**.

I would like my SPP / Paternity leave to start on: _____
I want to be away from work for _____ week(s)

You must be able to tick all three boxes below to get Statutory Paternity Pay and paternity leave.

I declare that:

I am:	
- the baby's biological father, or	
- the mother's husband or partner (including same-sex relationships), or	
- the child's adopter, or	
the husband or partner (including same-sex relationships) of the	<input type="checkbox"/>
child's adopter or foster under the 'Fostering for Adoption' Scheme	
I have responsibility for the child's upbringing	<input type="checkbox"/>
I will take time off work to support the mother or care for the child	<input type="checkbox"/>
I have provided a copy of my partner's MATB1 form	<input type="checkbox"/>

Signed: _____ Date: _____
(Employee)

Signed: _____ Date: _____
(Line Manager)

To be completed by HR & Payroll only

Received by (Init.) _____ Date: _____

Acknowledge: _____ Forward to payroll: _____



APPENDIX 5: ADDITIONAL PATERNITY LEAVE FORM

Please complete this form to claim your Additional Paternity Leave and pay and forward to HR at least 8 weeks before the intended start date. **NB To be used only for babies born or adopted before 5th April 2015**

First Name: _____	Surname: _____
Payroll No: _____	Nat Ins. No: _____
Job Title: _____	Department: _____
The baby is due on: _____ OR The baby was born on: _____	

I would like my Additional Paternity leave and pay to start on: _____
I want to be away from work for _____ weeks (up to 26 weeks)

I declare that:

I am:	
- the baby's biological father, or	
- the mother's husband or partner (including same-sex relationships), or	
- the child's adopter, or	
- the husband or partner (including same-sex relationships) of the child's adopter or foster under the 'Fostering for Adoption' Scheme	<input type="checkbox"/>
I have responsibility for the child's upbringing	<input type="checkbox"/>
I will take time off work to support the mother or care for the child	<input type="checkbox"/>

I attach in support of my application:

Birth Certificate or Adoption certificate	<input type="checkbox"/>	Copy of Mat B1 of expectant mother (if applicable)	<input type="checkbox"/>
Proof of employment details of mother or adopter of child	<input type="checkbox"/>		

Signed: _____ Date: _____
(Employee)

Signed: _____ Date: _____
(Line Manager)

To be completed by HR & Payroll only

Received by (Init.) _____ Date: _____
Acknowledge: _____ Forward to payroll: _____



APPENDIX 6: ADOPTION/SURROGACY LEAVE FORM

This form should be returned to HR no later than 28 days before you go on leave. Please ensure you have read the Maternity, Paternity, Adoption, Surrogacy and Parental Leave Policy before completing this form.

To be completed by employee

<u>Personal Details</u>		
Title: _____	Name: _____	Surname: _____
Employee No. _____	Nat Ins No. _____	Section: _____
Address: _____		
_____	Post Code: _____	Tel No. _____

<u>Leave and Pay Details</u>	
I have attached my Matching Certificate/Parental Order <input type="checkbox"/>	My Matching Certificate/Parental Order is to follow <input type="checkbox"/>
Adoption/Surrogacy Leave Start Date: _____	Adoption/Surrogacy Leave Return Date: _____
(These dates should exclude any annual leave)	

Entitlement	I have 26 weeks continuous local government service by the expected matching date of the adoption.	<input type="checkbox"/>
--------------------	--	--------------------------

Pay Options – please indicate the number of weeks to be paid at each rate	Please specify the number of weeks	
	Entitlement	
Up to 6 weeks at 90% pay		
Up to 12 weeks SAP & 50% enhanced pay	Select one option	
Up to 12 weeks SAP & 50% enhanced pay (deferred until 3 months after return to work)		
Up to 21 weeks SAP		
Up to 13 Additional adoption leave (Unpaid)		

<u>Agreement</u>	
<ul style="list-style-type: none"> I will make arrangements with payroll with regard to my pension & car contributions. I will give 12 weeks notice if I wish to be considered for flexible working arrangements. I will give 8 weeks notice should I wish to change my return date from adoption leave. I agree to refund any amounts owed to the Council should I decide not to return to work after receiving OAP (50% Enhanced Pay) or if an overpayment is made. I will return all Council property should I not return to work after adoption/surrogacy leave (including mobile phone, laptop, ID Badge, Uniform etc.) 	
Signed: _____ (Employee)	Date: _____
Signed: _____ (Authorised Officer)	Date: _____

To be completed by HR & Payroll

Received by HR _____ (Init.) _____ (Date) _____	Written to _____ (Date) _____
Received by Payroll _____	_____



Guidance Notes

Please read below for guidance on how to complete the Adoption/Surrogacy Leave Form.

Personal Details

Please ensure that every section is completed.

Leave & Pay Details

Adoption leave and pay are separate entities.

Adoption dates should exclude any annual leave taken before or after.

Adoption pay

The rate that adoption leave is paid decreases after a given amount of weeks; you should indicate how many weeks you would like to be paid at the set rate in the relevant box. The number of weeks should all add up to the number of weeks you are on adoption leave.

Guidance for Entitlement

- Up to 6 weeks at 90%.
- Up to 12 weeks of **either**; SAP + 50% enhanced pay **or** SAP + 50% enhanced pay (which will be deferred until 3 months after return from adoption leave).
- Up to 21 weeks of SAP.
- Up to 13 weeks of additional (unpaid) adoption leave.

Employees have the option of 12 weeks of 50% enhanced adoption; this must be repaid to the Council if they do not return to the Council after adoption leave. For employees unsure whether they will return, they can select the option which will pay the 50% enhanced adoption pay, 3 months after they return.

Agreement

Please read the agreement carefully before you sign this form. It should then be countersigned by your line manager (authorised officer) before you forward to HR.



APPENDIX 7: KEEPING IN TOUCH (KIT) DAY CLAIM FORM

Please complete this form to claim payment for KIT days worked during maternity / adoption / leave. Forms must be submitted to Payroll by the 6th of the month. **Please note a maximum of 10 full KIT days can be worked during maternity / adoption / leave.**

Name: _____

Payroll No.

--	--	--	--	--	--

Job title: _____

Department: _____

Date	Time (rounded to 15 mins)		Reason	Total Hours	Payroll Use	
	From	To			Code	Amount

Total Claimed:

--

I certify that the above hours were worked on the dates shown for the reason given

Signed: _____

Date: _____

This claim has been examined and verified for payment by

Signed: _____

Date: _____