



Public Document Pack

Jeff Hughes
*Head of Democratic and Legal
Support Services*

MEETING : LOCAL JOINT PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 11 MARCH, 2015
TIME : 2.30 PM

MEMBERS OF THE PANEL

EMPLOYER'S SIDE:

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

Substitutes:

Conservative

J Ranger

Group of Independents:

STAFF SIDE – UNISON (One Vacancy)

Ms F Brown, Mr S Ellis and Mr A Stevenson (Vice-Chairman)

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
Lorraine.blackburn@eastherts.gov.uk
01279 502172

This agenda has been printed using 100% recycled paper

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. Apologies

To receive apologies for absence.

2. Minutes (Pages 5 - 10)

To confirm the Minutes of the meeting held on 3 December 2014.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Member's Declarations of Interest.

5. Reports by Secretary to the Employer's Side

(A) Job Evaluation Policy (Pages 11 - 32)

(B) Family Friendly Policy (Pages 33 - 72)

(C) Shared Parental Leave (Pages 73 - 100)

(D) Smoke Free Policy_(Pages 101 - 116)

6. Reports by Secretary to the Staff Side

7. 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.

MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 3
DECEMBER 2014, AT 2.30 PM

PRESENT: **Employer's Side**

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

Staff Side (UNISON)

Ms F Brown, Mr S Ellis and Mr A Stevenson

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Emma Freeman	- Head of People and Property Services
Adele Taylor	- Director of Finance and Support Services

9 **GENERAL LEAVE POLICY**

The Secretary to the Employer's Side submitted a report following a refresh of the General Leave Policy which had been last reviewed in 2007.

The Secretary to the Employer's Side stated that there were no changes in terms of entitlements but that the report now referred to the introduction of a Carers Policy (see Minute 11).

In response to a query from Councillor J Thornton regarding how many staff had taken career breaks, the

Secretary to the Employer's Side stated that not many had taken the opportunity. She stated that any staff applying for a career break needed to advise Human Resources what they would be doing in that time. A Unison representative who had taken a career break stated that he did not have to justify how he would spend the time when he had applied.

The Secretary to the Employer's Side explained the position regarding part time employment and bank holidays and how this was applied on a pro rata basis. A Unison representative stated that because she worked compressed hours, she lost the benefit of a bank holiday credit to her hours. The Secretary to the Employer's Side agreed to look into this.

The Panel recommended approval of the report.

RECOMMENDED – that the General Leave Policy, as now submitted, be approved.

10 REVISED FLEXIBLE WORKING POLICY

The Secretary to the Employer's Side submitted a report setting out the key changes to the Council's Flexible Working Policy which had been amended to reflect new statutory rights.

Councillor J Ranger suggested that paragraph 5.1.1 should be clarified by the inclusion of "37 hours a week". This was supported. In response to a further query regarding the flexitime scheme and "banking" time, the Secretary to the Employer's Side explained how this worked. She further explained that this did not include everyone, such as those working shift patterns and casual staff working at Hertford Theatre.

The Panel recommended approval of the report as now amended.

RECOMMENDED – that the Flexible Working Policy, as now amended, be approved.

11 CARERS POLICY

The Secretary to the Employer's Side submitted a report detailing the new Carers Policy which had been developed as a result of recommendations from the Council's Health and Wellbeing Panel. She stated that the policy mirrored that of Hertfordshire County Council.

In response to a query from Councillor A Jackson regarding Bereavement Leave, the Secretary to the Employer's Side confirmed that this incorrectly stated "should not exceed 5 days in a leave year" and should match the wording in the general leave policy

Councillor J Thornton raised the issue of an informal caring arrangement of a friend. The Director of Finance and Support Services reminded Members about the duty of care the employer had to its employees and suggested that the definition of the caring role, could be specified further. This was supported. The Director of Finance and Support Services stated that it was for the employee to declare if they had a caring role and that a member of staff should not feel under pressure to have to declare this, although we would encourage staff to, so that we can support them better.

In response to a query from the Chairman, regarding the process of fairness or resolving a problem, the Secretary to the Employer's explained that the first step would be to discuss the issue with their line manager and then, if this was not satisfactorily resolved, to use the Grievance Procedure. The Secretary to the Employer's Side explained that the spirit of the policy was to help staff in supporting their caring role.

Councillor A Jackson agreed that the policy was about identifying and recognising the challenges and in trying to provide support. He welcomed the fact that the Council now had a separate policy rather than it being embedded within other policies.

The Panel, recommended approval of the report as now amended.

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

12 **RETIREMENT POLICY**

The Secretary to the Employer's Side submitted a revised Retirement Policy which had last been reviewed in 2012. The Secretary to the Employer's Side stated that the policy had been updated to remove the statutory default retirement age and the need to comply with a duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which applied to the Local Government Pension Scheme (LGPS).

In response to a query from Councillor J Ranger regarding the move into retirement over a two year period, the Secretary to the Employer's Side explained that this was to ensure that people actually retired at the end of the period and reminded Members that the Council had other policies to enable staff to work flexibly. The Director of Finance and Support Services explained that flexible retirement allowed the Council to retain key skills and knowledge and allowed for better succession planning.

The Panel recommended approval of the report.

RECOMMENDED – that the Retirement Policy, be approved.

13 **APOLOGIES**

An apology for absence was received from Councillor M Alexander. It was noted that Councillor J Ranger was substituting for him.

14 MINUTES

RESOLVED - that the Minutes of the meeting held on 18 August 2014 be approved as a correct record and signed by the Chairman.

15 CHAIRMAN'S ANNOUNCEMENTS

As this was the last meeting before Christmas, the Chairman wished everyone a Happy Christmas.

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

The meeting closed at 3.10 pm

Chairman
Date

This page is intentionally left blank

EAST HERTS COUNCIL

LOCAL JOINT PANEL - 11 MARCH 2015

HUMAN RESOURCES COMMITTEE - 25 MARCH 2015

REPORT BY THE SECRETARY TO THE EMPLOYER'S SIDE

JOB EVALUATION REVIEW

WARD(S) AFFECTED: NONE

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To review the Job Evaluation process and Policy

<u>RECOMMENDATION FOR LOCAL JOINT PANEL</u>	
That:	
(A)	the Job Evaluation Policy be recommended for approval.
<u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE</u>	
That:	
(A)	the Job Evaluation Policy be approved.

1.0 Background

1.1 The Job Evaluation Policy was last reviewed in July 2011.

1.2 A review of the job evaluation process was completed in November/December 2014 following feedback gained from the Job Evaluation Panel, Unison and ideas/suggestions raised through the Here to Help programme. Consultation was completed with Evaluators of the Job Evaluation Panel, Unison, managers and employees with recent experience of using the job evaluation process and HR.

1.2 The Job Evaluation Policy outlines the structure of the Job Evaluation process and the elements required for a Panel to be able to evaluate a post with consistency, fairness and integrity.

2.0 Report

2.1 Findings

The main findings from the job evaluation review are summarised below and can be found in **Essential Reference Paper B**.

Process

- The process is not as transparent as it could be which leads to the belief that the process is not fair or consistent in approach.
- Issue with confidentiality in that Evaluators have been approached by employees and line managers in order to lobby their position.
- Evaluators need to meet quarterly to discuss issues arising, share evaluations and best practice.
- Evaluators' website to be resurrected so that the results of recent Job evaluations can be posted on the website so the Panel have an overview of past and recent job evaluation outcomes - a moderating forum.
- Comparisons with similar posts across other departments/service were not always made. Inconsistency of approach.
- The establishment list was not readily available and therefore it wasn't easy to complete a sense check and moderation. Establishment list to be sent monthly to Evaluators.
- On rare occasions the Panel have not agreed on the grade of a post. A process to be developed on how to handle this outcome. Suggestions were in this case to go with a majority decision and detail in the rationale or convene another Panel if necessary and both Panels to talk to each other.

- The correct paperwork is not always submitted by the employee/line manager. Check list for paperwork needed.
- The Panel did not always read the paperwork before the meeting or bring the paperwork with them.
- The job description was not always agreed between the line manager and employee before it came to the Panel, therefore causing the process to be invalid. Line manager/employee to present the case as an option.
- The Appeal process worked well when the employee/line manager attended the Appeal meeting. The process should be changed to ensure attendance is required at all appeals. One idea was to have a lead from the original panel and lead from appeal panel to discuss and agree differences.
- There was conflict of opinion as to whether some posts should be sent to Hay to be evaluated but the overriding opinion was that the Panel were fully trained and therefore there was no need to send any post to be evaluated by Hay, unless the Panel recommended it.
- There were varying views around the makeup of the Panel such as Evaluators for the Panel should be chosen; evaluation should be made by a higher graded person than the post being evaluated; a Head of Service should be present. However, the overriding view is that each Assessor is fully trained in the evaluation process and therefore who the Assessor is and the grade of the Assessor, is irrelevant.
- Feedback was received on the number of Evaluators, training of Evaluators, notice of meetings and a need for a rota. It was felt that the administration of the job evaluation process could be improved.

Training/Support

- More support should be given to employees that request a review of their job. Evaluation is about the post not the person. People will always assume a post will come out a certain level and therefore believe there is a bias.
- Some job descriptions were not well written and therefore

raised issues in the evaluation process. Training in writing a job description.

- The Hay Evaluation Handbooks were current but the Panel could have refreshed versions.

3.0 Recommendations

3.1 To support the outcomes of the review the following recommendations are made.

1. The Job Evaluation Policy is reviewed to take into consideration recommendations made. The Policy is followed so that there can be no accusation of misuse and a lack of integrity and confidence is restored in the process.
2. The correct paperwork is sent to the Panel in advance; the paperwork is read by the Panel and the Panel bring the paperwork to the evaluation meeting.
3. That all Evaluators have the most up to date Hay Evaluation Handbooks.
4. Private invitations are sent to the Panel to ensure confidentiality of the Panel so there can be no approach by the employee or line manager, prior to the meeting.
5. The correct channels of communication are used to inform employees/line managers of the outcome of the evaluation process.
6. The line manager/employee should attend the Evaluation meeting to present their case and give greater context to the job description.
7. The Evaluators website on the intranet is re-established for Evaluators to store the master file and the establishment list; this will allow for the moderation process, outlined in the policy, to take place ensuring that the process is seen to be fair, consistent and transparent.
8. That a review of the process takes place quarterly to ensure consistency across departments/services and Council.
9. That line managers are trained/retrained to write effective

job descriptions, as necessary.

10. Hay evaluation retraining takes place every three years or as needed.

11. SMG to be trained in Hay Evaluation process to allow senior management to support and understand the process. This will also develop SMG skills and knowledge in job formulation.

4.0 Job Evaluation Policy

4.1 The revised Job Evaluation Policy can be found in **Essential Reference paper 'B'**.

4.2 The Job Evaluation Policy has been revised to take into account the findings from the Panel, Unison, HR and employees whose roles have recently been evaluated.

5.0 Implications/Consultations

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

Background Papers

None

Contact Officer: Emma Freeman – Head of People and Organisational Development
01992 531635
Emma.Freeman@eastherts.gov.uk

Report Author: Allyson Williams – HR Officer
01992 531630
Allyson.Williams@eastherts.gov.uk

This page is intentionally left blank

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:	The drafting of an updated Job Evaluation Policy has taken account of the views of Unison, managers, employees and the Job Evaluation panel. Further consultation with Unison and SMG has taken place through January/February 2015.
Legal:	None
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	The Job Evaluation Policy should be followed to maintain fairness, consistency and integrity in the process.
Health and wellbeing – issues and impacts:	None

This page is intentionally left blank



East Herts Council

Job Evaluation Policy

Policy Statement

Policy Statement No 24 (Issue No. 3)

March 2015

Contents

1.0 Introduction

2.0 Scope

3.0 Situations requiring posts to be evaluated

4.0 Constitution and Role of the Panel

5.0 Evaluation process

6.0 Moderation process within the evaluation process

7.0 Effective date

8.0 Appeal process

9.0 Protection

10.0 Policy review and amendment

Appendix 1

Appendix 2

Appendix 3

1.0 Introduction

- 1.1 The Council uses the Hay Job Evaluation Scheme to determine a fair, open and equitable method for evaluating all posts across the organisation.
- 1.2 It is not possible to measure scientifically the importance of one post relative to another. Therefore, trained evaluators are required to apply judgement to identify and measure differences between posts. The Hay Profile Method of Job Evaluation provides a framework in which consistent judgements can be made. The evaluators, as a Panel, will review the post (not the post holder) and its contribution to the organisation taking into account the job purpose; dimensions; accountabilities; skills; knowledge; experience; main challenges and structure and within the wider context of the Council's purpose, the financial structure, the Governance structure and the culture and history.
- 1.3 Responsibility for administering and coordinating the scheme will rest with the Head of Human Resources and Organisational Development.
- 1.4 Human Resources will be responsible for ensuring that a masterfile of all posts, their Hay score and grade within East Herts District Council is maintained and updated.

2.0 Scope

- 2.1 This procedure applies to all employees of East Herts District Council, except for Chief Officer level and above, where procedures set out in the Constitution are used.

3.0 Situations requiring posts to be evaluated

- 3.1 The particular duties and responsibilities attached to posts are sometimes difficult to define and may vary from time to time without changing the general character of the duties or the level of responsibility. Such variations are a common occurrence and cannot, themselves, justify reconsideration of grading. However, it is recognised that posts may change significantly and new posts be created. The purpose of this policy is to cover such situations.

- 3.2 **New posts:** where new posts are formally added to the approved structure of the council, the appropriate Head of Service will be responsible for submitting the job description and person specification for evaluation prior to advertising the post.
- 3.3 **Significant changes to job description:** re-evaluation will only be carried out in situations where there has been a permanent, significant/substantial increase or decrease in duties and responsibilities; the evaluation will take place six months after the change and only in situations where evaluation or re-evaluation has not occurred in the preceding six months.
- 3.4 This change in an employee's duty may have resulted from the gradual addition of a new feature over a period of time or as a result of restructuring or following the introduction of a new type of work at a higher level of responsibility. The employee and the line manager must agree that there has been a permanent and significant change in the post, which must then be approved by the Head of Service. In the event that the employee, his manager and the Head of Service fail to agree there has been a significant change, the employee may wish to raise this matter with Human Resources for further advice.
- 3.5 **Post created or changed as part of a restructure:** will be evaluated in accordance with the Redundancy Policy. If new job descriptions are required, these will need to be drafted by Heads of Service/line managers, with support and advice from HR. The new job descriptions will be evaluated and an indicative grade given.

4.0 Constitution and Role of the Panel

- 4.1 The Panel will consist of three members; one Human Resources representative, one Unison representative and one person from Human Resources, Unison or an independent evaluator. The Panel members will have been trained in the Hay evaluation methodology and are provided with the most up to date copies of the methodology. The Head of Human Resources and Organisational Development is responsible for ensuring there are sufficient numbers of trained evaluators, drawn from across all Directorates. Evaluators will receive refresher training every three years, if required.

- 4.2 It will be the responsibility of all evaluators to treat information provided to them confidentially both prior to and after the Panel has met. A private invitation will be sent to the Panel to ensure anonymity and confidentiality. Evaluators on the Panel will not discuss the outcome of the Panel with anyone (the employee, the line manager or the Head of Service). All enquiries regarding the outcome of an evaluation panel should be directed to Human Resources for response. Human Resources will communicate the results of the Panel to the Head of Service/line manager who has requested the evaluation. It is then the Head of Service/line manager's responsibility to communicate it to all relevant parties.
- 4.3 It will be the responsibility of the Panel to read all the information before attending the evaluation meeting and to bring the relevant documentation, as listed below, to the meeting:-
- Old Job description
 - New Job description
 - Organisation/structure chart/Establishment list
 - Background information/Rationale
 - Supporting statement from Head of Service/line manager/employee
 - Job Evaluation submission form

The Panel may request further information if they believe the documents provided are not adequate.

- 4.4 There may be occasions when the Panel may take the option to ask for posts to be evaluated externally.
- 4.5 Evaluators will not be permitted to evaluate posts within their own section or where they have a close relationship e.g. they are related to the post holder or have a close personal relationship outside work with them. In the case of posts within Human Resources three non HR evaluators should attend or in the case of a Unison officer post being evaluated the panel will consist of non Unison members.

5.0 Evaluation process

- 5.1 Head of Service/line manager/ employee will identify the changes to the post holder's role. Head of Service agreement must be

obtained before submission of the new or amended job description.

- 5.2 The Head of Service/line manager will produce a job description and person specification in conjunction, where appropriate, with the employee to identify and agree the changes to the role. The line manager will need to discuss this with the employee holding the post, in advance of the evaluation meeting, to ensure that it reflects the job content. If training to write a job description is required the line manager should contact Human Resources.
- 5.3 The employee may consult with their union, employee representative or Human Resources on the preparation of this document. Where a number of employees are in a post which is to be evaluated only one document needs to be completed.
- 5.4 The Head of Service/line manager will email Human Resources with the following, referring also to Appendix 1, 2 and 3:-
 - Job Evaluation submission form
 - Old job description and specification
 - New job description and specification
 - Current organisation structure chart identifying posts and grades (names are not required)
 - Proposed organisation chart identifying new post(s)
- 5.5 On receipt of the completed documentation, Human Resources will convene the Panel to evaluate the post(s).
- 5.6 The line manager/employee can attend the evaluation meeting to present their case and give greater context to the job description.
- 5.7 The Panel should evaluate the post as it is presented in the job description. It is intended to deal with the evaluation with the written evidence as presented in the job description.
- 5.8 The Panel should compare and contrast the old and the new job description and make reference to the old and proposed structure charts, where applicable. Comparisons with similar posts across other departments/service should be made using the Establishment list.

- 5.9 At the end of the evaluation meeting, the Panel will produce a Rationale document detailing the outcome of the job evaluation.
- 5.10 The Panel will reach a decision where all are agreed. However, if there is no unanimous agreement then the majority consensus will be taken and detailed in the rationale. Once agreed or a consensus reached, the Panel will moderate the evaluation, as in 6.1 below, to ensure that the evaluation scheme has been applied fairly and consistently.
- 5.11 Substantial change will not automatically lead to a higher grade and it is possible that the post maintains the same grade or may even be allocated a lower grade.
- 5.12 Human Resources will notify the Head of Service/line manager of the result. The Head of Service/line manager will email Human Resources to confirm agreement of the new grade.
- 5.13 HR will draft the letters for managers to sign and give to their employees informing them of their new grade, remuneration and any other changes effected by the evaluation, if applicable.
- 5.14 The panel members will not discuss an evaluation outside a panel meeting with either the post holder or manager before or after an evaluation. Any lobbying of panel members will result in cancellation of the scheduled Panel and a new Panel being drawn together.

6.0 Restructure evaluations only

- 6.1 In the case of a restructure it is advisable for the Panel to evaluate all the posts in the proposed structure at the same time.

7.0 Moderation process within the evaluation process

- 7.1 At the end of each evaluation the Panel should make comparisons between the proposed post score and existing council posts within the department/service organisation and within the Council's overall structure, for all posts evaluated i.e. compare the grade to other posts in the team and the service; compare grade to other posts in the Council with the same or similar job titles or

specification across departments/services. The use of structure charts and/or the Establishment list will aid this.

- 7.2 Evaluators will meet quarterly to discuss issues arising, to ensure the evaluation process is consistent and fair and to preserve the integrity of the scheme.

8.0 Effective date

- 8.1 Any impact on grade will be effective from the date that the request for evaluation and all the supporting documents, agreed by the post holder and signed by the Head of Service/line manager, are received by the Human Resources department.

9.0 Appeal process

- 9.1 The appeals process applies to all posts, with the exception of new posts.
- 9.2 If the employee/line manager is dissatisfied with the outcome, they have the right to lodge an appeal.
- 9.3 The appeal must be submitted in writing to the Head of Service and a copy given to the Head of Human Resources and Organisational Development within 10 working days of the date the result notification was given. Should the employee request an extension to this timeframe, this will be reviewed by the Head of Human Resources and Organisational Development.
- 9.4 The appeal should clearly state the reason for the appeal and identify any comparator posts if applicable. If appropriate, the appeal must also identify where the employee considers the scheme was incorrectly applied to their post and what factors do not accurately reflect the demands of the job. The appeal can only be based on the information available at the time of submitting the original job evaluation request. Employees may also appeal on the grounds that another employee is carrying out work of equal value on a higher grade. The employee should put forward the case for the band they consider most appropriate for their post.
- 9.5 Unison members should seek a view from their Branch officers before submitting an appeal.

- 9.6 Appeals will be heard by the Panel, none of whom will have been involved in the evaluation, where possible. It is intended to deal with appeals on written evidence. The employee/line manager can attend the Appeal meeting to represent their appeal. They have the right to be represented by a work colleague, union or employee representative, should they wish.
- 9.7 In the case of a group appeal, the group may nominate two people to address the hearing, with a work colleague, union or employee representative, if requested.
- 9.8 The Panel will receive a copy of the written submission and comments at least 5 working days before the appeal hearing.
- 9.9 The Panel will consider the reasons for the appeal and whether factors which the employee has identified have been incorrectly evaluated. The appropriate manager/ Head of Service may then be consulted for their comments on the factors concerned. The Panel may seek clarity about content of the job description and the requirements of the post being looked at from the employee/line manager/Head of Service. The Panel may also wish to discuss the outcome with previous Panel to understand their rationale. These consultations should take place during the appeal hearing. If this is not possible, the appeal hearing may be adjourned to enable further consultation. A report will be available from the Panel as to why they recommend any changes to the scores.
- 9.10 Appeals will normally be heard within 15 working days of receipt of the notice of the appeal.
- 9.11 The result of the hearing, with the rationale behind it, will be issued to the employee within 5 working days after the conclusion of the hearing.
- 9.12 Where appropriate, the evaluation assessment form will be amended and the new score will be notified to relevant parties. Any change in grade/remuneration will take effect from the date of the original submission of information.
- 9.13 The chair of the Panel will notify the Head of Service/line manager of the result. HR department will draft the letter, confirming the outcome, for the manager to sign and give to the employee

informing them of their new grade, remuneration and any other changes effected by the evaluation, if applicable.

9.14 There is no further line of appeal after this process.

10.0 Protection

10.1 Where a post is graded at a higher grade the post holder will be placed at the lowest SCP of the new grade band, unless the grade overlaps and then the post holder will move to the next SCP.

10.2 Where an evaluation results in the post being downgraded, the post holder's salary will be protected in accordance with the Council's Redeployment Policy.

11.0 Policy review and amendment

11.1 This policy shall be reviewed after three years or sooner in line with legislation or best practice.



JOB EVALUATION SUBMISSION **FORM**

This form should be completed by the line manager requesting to have a job evaluated, & submitted with the documents detailed in the Checklist (Appendix 2)

Job Title: _____

Job No. _____

Reports To: _____

Service: _____

The following bullet points should be used as a guide and are not an exhaustive list.

Why does this post need evaluating?

- Recruiting to a vacant post
- The post holder requested evaluation
- There has been a substantial change in place for at least 6 months
- The service is being restructured

What is the history of this post?

- It is a new post
- It is a combination of posts
- The service requirements have changed since it was last evaluated

What are the substantial changes to this post?

- Additional / fewer duties or responsibilities

When should the substantial change take effect from?

- Include explanation

Does this post have any managerial responsibilities?

Does this post have any budget responsibilities? Evidence the budget from discussion with Finance

Date:

Signed:

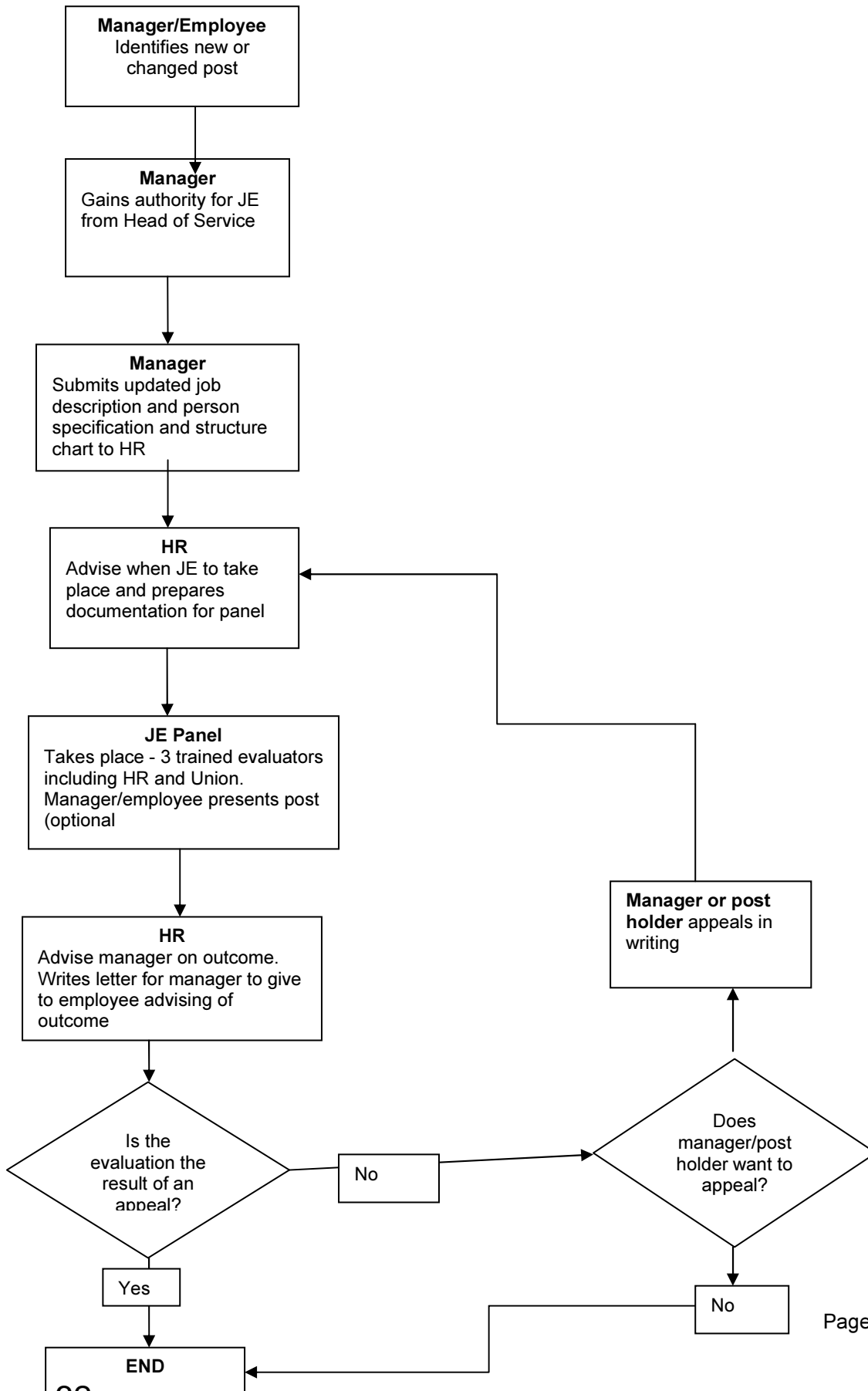


JOB EVALUATION SCHEME CHECKLIST

This form should be completed by the Head of Service/line manager and /or employee requesting a post should be evaluated. The checklist must be submitted with the Job description & person specification, the organisation structure chart and the Job Evaluation Submission form

Checklist	Tick box
Old Job description and person specification	
New job description and person specification	
Old Organisation/Structure chart (with grades)	
New/Proposed Organisation/Structure chart	
Background/Rationale	
Supporting statement from line manager/ employee	
Job evaluation submission form	

Job Evaluation Flow Chart



EAST HERTS COUNCIL

LOCAL JOINT PANEL - 11 MARCH 2015

HUMAN RESOURCES COMMITTEE - 25 MARCH 2015

REPORT BY THE SECRETARY TO THE EMPLOYER'S SIDE

FAMILY FRIENDLY POLICY (FORMERLY KNOWN AS MATERNITY,
PATERNITY AND ADOPTION LEAVE POLICY)

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Family Friendly Policy (formerly known as the Maternity, Paternity and Adoption Leave Policy)

RECOMMENDATION FOR LOCAL JOINT PANEL:

That:

(A)	the revised Family Friendly Policy be recommended for approval.
-----	-----------------------------------------------------------------

RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE

That:

(A)	the revised Family Friendly Policy be approved
-----	------------------------------------------------

1.0 Background

1.1 The Council's Family Friendly Policy (formerly Maternity, Paternity and Adoption Leave Policy (No 16 Issue No 2) was last reviewed in March 2013. The Council's programme of policy review is after three years or sooner in line with legislation and best practice.

- 2.0 Report
- 2.1 **Key Changes**
- 2.2 The Family Friendly Policy has been updated in line with employment law legislation which comes into effect on 5 April 2015.
- 2.3 This policy complies with all relevant employment legislation and provisions in the NJC Green Book.
- 2.4 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
- 2.5 The revised Family Friendly Policy can be found at **Essential Reference Paper 'B'**
- 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

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

Report Author: Allyson Williams – HR Officer
01992 531 630
Allyson.Williams@eastherts.gov.uk

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:	SMG and Unison Have been consulted on the updating of the Family Friendly Policy, formerly known as the Maternity, Paternity, Adoption and Parental Leave Policy.
Legal:	The policy has been updated in line with the changes in Employment law and family friendly regulations which come into effect from April 2015.
Financial:	None
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:	The policy supports the family friendly agenda of the Council; encourages flexible working and work life integration; combining career and life; support the Health and Wellbeing agenda; gives parents the choice and attracts and retains employees.

This page is intentionally left blank



East Herts Council

Family Friendly Policy

Policy Statement

Policy Statement No 16 (Issue No 3) April 2015

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

Contents

1.0	Introduction	4
2.0	Purpose and Scheme Coverage	4
3.0	Notification of Pregnancy and Maternity Leave	4
4.0	Antenatal Care	5
5.0	Maternity Leave	6
6.0	Maternity Pay	7
7.0	Returning to Work after Maternity Leave	11
8.0	Paternity Leave	11
9.0	Adoption Leave	14
10.0	Keeping in Touch Days	17
11.0	Contractual Relationship During Absence	18
12.0	Surrogacy Parents	18
13.0	Impact on Conditions of Service	19
14.0	Flexible Working	22
15.0	Parental Leave	22
16.0	Review	24

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
 - 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. 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 Keeping in Touch (KIT) days

10.1 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.

10.2 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.

10.3 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.

10.4 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.

11.0 Contractual Relationship during Absence

11.1 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.

- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.

12.0 Surrogacy Parents

- 12.1 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.
- 12.2 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.

12.3 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.

12.4 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.

13.0 Impact on Conditions of Service

13.1 Generally

13.1.1 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

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

13.2 Annual Leave

13.2.1 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.

13.2.2 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.

13.2.3 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.

13.3 Pension

13.3.1 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.

13.3.2 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.

13.3.3 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.

13.4 Car Contributions

13.4.1 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.

13.4.2 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.

- 13.4.3 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.

13.5 Student Loans

- 13.5.1 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.

13.6 Council Property

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

13.7 Childcare Vouchers

- 13.7.1 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.
- 13.7.2 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.

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

13.8 Rights upon Return to Work

13.8.1 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.

13.8.2 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.

- 13.8.3 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.

14.0 Flexible Working

- 14.1 Please refer to the Flexible Working Policy for details on applying for Flexible Working.
- 14.2 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.

15.0 Parental Leave

- 15.1 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..
- 15.2 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.
- 15.3 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.
- 15.4 Employees can take parental leave at the end of maternity/adoption /shared parental leave providing they give 21 days' notice.

- 15.5 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.
- 15.6 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.
- 15.7 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
- 15.10 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.
- 15.11 Any parental leave taken in previous employment is deducted from an employee's parental leave entitlement.

16.0 Review

- 16.1 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)

Received by Payroll _____

Written to _____
(Date)



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	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
31	
32	
33	
34	
35	
36	
37	
38	
39	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)
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				
46				
47				
48				
49				
50				
51				
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 child's adopter	<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 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	<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)

Received by Payroll _____

Written to _____
(Date)



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: _____

This page is intentionally left blank

EAST HERTS COUNCIL

LOCAL JOINT PANEL - 11 MARCH 2015

HUMAN RESOURCES COMMITTEE - 25 MARCH 2015

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

SHARED PARENTAL LEAVE POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the Shared Parental Leave Policy

<u>RECOMMENDATION FOR LOCAL JOINT PANEL:</u>	
That:	
(A)	the Shared Parental Leave Policy be recommended for approval.
<u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE</u>	
That:	
(A)	The Shared Parental Leave Policy be approved.

1.0 Background

1.1 A new Policy has been created to encompass the following employment law which comes into force on 5 April 2015:

- Children and Families Act 2014
- Shared Parental Leave Regulations 2014 (SI 2014/3050)
- Statutory Shared Parental Pay (General) Regulations 2014 (SI 2014/3051)
- Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)
- Draft Statutory Maternity Pay and Statutory Adoption Pay (Curtailed) Regulations 2014

- 1.2 The drafting of a Shared Parental Leave Policy has been created with a Regional District Council working group.
- 2.0 Report
- 2.1 **Key Changes**
- 2.2 The Shared Parental Leave Policy has been created in line with employment law legislation which comes into effect on 5 April 2015 as stated above.
- 2.3 Shared Parental Leave is a period of leave available to parents with babies due on or after 5 April 2015. Shared Parental Leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner, or to return to work early from maternity leave and opt in to shared parental leave at a later date. Shared Parental Leave is also available to adoptive parents where the child is being placed for adoption on or after 5 April 2015.
- 2.4 The amount of Shared Parental Leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared Parental Leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.
- 2.5 The notices that the parents must give to the relevant employer, to be able to take shared parental leave, are made up of three elements. They are:
- a "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);

- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that he or she is requesting; and
 - a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that he or she is requesting.
- 2.6 Employees are entitled to benefit from all of their contractual terms and conditions (with the exception of remuneration) during any period of shared parental leave.
- 2.7 Employees' usual remuneration is replaced by statutory shared parental pay, if they are eligible to receive it, with up to 37 weeks' statutory shared parental pay available for parents to share between them while on shared parental leave. It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.
- 2.8 The Shared Parental Leave Policy can be found at **Essential Reference Paper 'B'**.
- 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

Contact Officer: Emma Freeman – Head of People and Organisational Development
01992 531635
Emma.Freeman@eastherts.gov.uk

Report Author: Allyson Williams – HR Officer
01992 531 630
Allyson.Williams@eastherts.gov.uk

This page is intentionally left blank

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:	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 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.

This page is intentionally left blank



East Herts Council

Shared Parental Leave

Policy Statement

**Policy Statement No 45 (Issue No 1) April
2015**

Contents

1.0	Introduction – what is Shared Parental Leave	4
2.0	Who is eligible for Shared Parental Leave	4
3.0	Shared Parental Leave entitlement	5
4.0	Notifying the Council of an entitlement to Shared Parental Leave	6
5.0	Requesting evidence of eligibility	8
6.0	Fraudulent claims	8
7.0	Discussions regarding Shared Parental Leave	8
8.0	Booking Shared Parental Leave	9
9.0	Responding to Shared Parental Leave notification	10
10.0	Variations to arranged Shared Parental Leave	11
11.0	Shared Parental Pay	12
12.0	Terms and conditions during Shared Parental Leave	13
13.0	Contact during Shared Parental Leave	15
14.0	Shared Parental Leave in Touch (SPLIT) days during shared parental leave	15
15.0	Returning to work after Shared Parental Leave	16
16.0	Special circumstances and further information	17
17.0	Policy review and amendment	17

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 **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, 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.

Essential Reference Paper “B”

- 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**

Essential Reference Paper “B”

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***

Essential Reference Paper “B”

- 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.

Essential Reference Paper “B”

- 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;

Essential Reference Paper “B”

- 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.

Essential Reference Paper “B”

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.

Essential Reference Paper “B”

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.

Essential Reference Paper “B”

- 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.

Essential Reference Paper “B”

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

Essential Reference Paper “B”

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:

--

Essential Reference Paper "B"

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: _____

This page is intentionally left blank

EAST HERTS COUNCIL

LOCAL JOINT PANEL - 11 MARCH 2015

HUMAN RESOURCES COMMITTEE - 25 MARCH 2015

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

SMOKE-FREE WORKPLACE POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Smoke-free Workplace Policy

RECOMMENDATION FOR LOCAL JOINT PANEL:

That:

(A)	the revised Smoke-free Workplace Policy be recommended for approval.
-----	----------------------------------------------------------------------

RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:

That:

(A)	the revised Smoke-free Workplace Policy be approved.
-----	------------------------------------------------------

1.0 Background

1.1 The Council's Smoke-free Workplace Policy was last reviewed in September 2007. The Council's programme of policy review is after three years or sooner in line with legislation and best practice.

1.2 The Policy has been updated to support the Council's Health and Wellbeing Strategy 2013-2018 and supports feedback received through managers and Here to Help Programme.

- 1.3 Research has been carried out by the Environmental Health Officer who found that some other Authorities had introduced a total smoking ban including Bristol, Bexley, Greenwich, Torfaen and Cheshire.
- 2.0 Report
- 2.1 Key Changes**
- 2.2 The policy is more aligned to the Health and Wellbeing Strategy 2013-18.
- 2.3 A proposal to move to a totally smoke-free environment, which includes the removal of all smoking shelters, from 1 January 2016.
- 2.4 The introduction of a group support programme, run by the Hertfordshire Stop Smoking Service, to help those who wish to quit smoking.
- 2.5 The policy now includes the use of electronic cigarettes.
- 2.6 It makes it clear that individuals who take time away from their desks to have a 'smoking break' must do so in their own time and record this on their flexi sheet.
- 2.7 It specifies that individuals should take not more than one 'smoking break' in the morning and one in the afternoon.
- 2.8 The contact information in the Sources of Information and Advice has been updated.

Please see **Essential Reference Paper 'B'** for the revised Smoke-free Workplace Policy

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

Contact Officer: Emma Freeman – Head of People and
Organisational Development
Ex 1635
Emma.Freeman@eastherts.gov.uk

Report Author: Vicki David – HR Officer
Vicki.David@eastherts.gov.uk

This page is intentionally left blank

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:	SMG, Environmental Health Officer and Unison have been consulted on the revised policy.
Legal:	None
Financial:	None
Human Resource:	As detailed in the policy
Risk Management:	None
Health and wellbeing – issues and impacts:	This policy aims to support the Council's Health and Wellbeing Strategy 2013-18 which states that smoking is still the single biggest killer with all the health problems it causes. It encourages staff to seek help with quitting smoking and lists the various support available. As detailed in the policy.

This page is intentionally left blank



East Herts Council

Smoke Free Workplace

Policy Statement

Policy Statement No 32 (Issue No 2)

February 2015

Contents

1.0	Introduction	3
2.0	Aims and scope of the policy	3
3.0	Working towards a totally smoke-free environment	4
4.0	Responsibility of employees	4
5.0	Responsibility of managers	5
6.0	Responsibility of Human Resources	5
7.0	Sources of information and advice	6
8.0	Policy review and amendment	7
Appendix A	Charringtons House	8
Appendix B	Wallfields	9
Appendix C	Buntingford Service centre	10
Appendix D	Hertford theatre	11

1.0 Introduction

- 1.1 East Herts Council recognises that the health, safety and welfare of its employees and those visiting the Council's premises (eg members of the public, guests, visitors) are of prime importance. The Council has therefore developed and enforces a Smoke Free Workplace policy, conforming to the requirements of the smoke-free legislation (Health Act 2006).
- 1.2 This policy supports the East Herts Council *Health and Wellbeing Strategy 2013-2018* which states that 'Smoking is still the single biggest killer with all the health problems it causes'.
- 1.3 One of the priorities in the Health and Wellbeing Strategy focuses on **Creating health and work together** and recognises that an environment in which health and work flourish is good for individual and corporate health. This can be achieved through promoting work places as healthy environments through increased physical activity, healthy eating, alcohol and smoking awareness and good mental health and wellbeing.

2.0 Aims and Scope of the Policy

- 2.1 To provide a smoke free environment for people to work in, thus reducing risks to health associated with tobacco smoke inhalation and vapour from electronic cigarettes.
- 2.2 To ensure that all employees (eg managers, smokers, non-smokers and visitors to the Council) have a clear understanding of their responsibilities.
- 2.3 To ensure that the Council complies with any health and safety or other legislation.
- 2.4 To encourage employees to seek advice on giving up smoking.
- 2.5 This policy also applies to the smoking of electronic cigarettes (E-cigarettes) or similar synthetic smoking substitutes or devices.
- 2.6 This policy applies to all employees, agency workers, visitors, contractors and other persons who enter Council premises or use a Council owned work vehicle.

- 2.7 Homeworkers are not required to refrain from smoking during the course of work that is carried out for the Council in their home, unless they invite others into an area of their home for work purposes.
- 2.8 Employees are reminded that it is a criminal offence to smoke in smoke-free areas, with a fixed penalty of £50 or prosecution and a fine up to £200.

3.0 Working towards a totally smoke-free environment

- 3.1 Smoking is not permitted on the Council's premises, except in certain designated outside areas. These are shown in Appendices A to D.
- 3.2 *From 1 January 2016, employees will not be able to smoke anywhere on the Council's premises.*
- 3.3 Smoking is not permitted in any Council owned work vehicle regardless of whether it is driven or used by a single employee.
- 3.4 Smoking is not permitted in personally owned vehicles when carrying other employees, elected members, service users etc.

4.0 Responsibility of Employees

- 4.1 Employees must only smoke in the designated areas identified in Appendices A to D.
- 4.2 *From 1 January 2016, employees will not be able to smoke anywhere on the Council's premises. All existing Council owned smoking shelters will be removed through a gradual programme of change which will be completed by the end of 2015.*
- 4.3 Employees must dispose of smoking materials responsibly and with consideration for the environment and non-smokers.
- 4.4 Employees should take not more than one smoke break in the morning and one smoke break in the afternoon and should ensure that when they take a smoke break it does not affect the needs of the service.

- 4.5 Due to the nature that employees taking smoking breaks must leave the building and premises (from 1 January 2016), employees will be required to record the break taken on their flexi timesheets.
- 4.6 *From 1 January 2016, employees must ensure they do not smoke on Council premises.*
- 4.7 Employees who are required to wear a uniform in public whilst undertaking the business of the Council (e.g. in public open spaces, interacting with or highly visible to the public) are prohibited from smoking whilst they are working. They may however smoke in their official breaks as long as they do so inconspicuously and cover up their East Herts logos.
- 4.8 Employees of electronic cigarettes or similar synthetic smoking substitutes or devices must also comply with paragraphs 4.1 to 4.7.
- 4.9 Failure to comply with this policy may result in disciplinary action being taken under the Council's Disciplinary Procedure.

5.0 Responsibility of Managers

- 5.1 Managers must ensure they read and understand the requirements of this policy and ensure that their teams are fully briefed.
- 5.2 Managers must remind employees that any time spent away from the building or premises to take a 'smoking break' should be recorded on their flexi sheet. Managers should discuss excessive time away from the workplace with the employee.
- 5.3 Managers must take appropriate action where an employee does not comply with the policy. Should there be a persistent refusal to comply with the policy, disciplinary action in accordance with the Council's disciplinary procedure may be invoked.

6.0 Responsibility of Human Resources

- 6.1 The Human Resources team are available to provide support and advice to employees and managers and to ensure consistency of application of this policy across the Council.

7.0 Sources of Information and Advice

- 7.1 The Council recognises the difficulty that employees may face when wishing to give up smoking.
- 7.2 The Council will provide a group Smoking Cessation programme subject to demand, which is run by the Hertfordshire Stop Smoking Service. It is a programme for groups of 10-15 employees and takes 1 hour per week over 7 weeks. For further information, please visit the Health and Wellbeing Benefits pages on the intranet:

<http://www.eastherts.gov.uk/intranet/index.jsp?articleid=14590>

If you are interested in attending one of these groups or to find out when the next programme commences, please contact a member of the HR team.

- 7.3 Details of other organisations and services offering information and advice on giving up smoking can be obtained from the following:

7.3.1 Environmental Health Promotion Officer, Environmental Health Service.

7.3.2 Hertfordshire Stop Smoking Services by telephoning 0800 389 3998 or visiting their website below. They provide employee or group support in your local area

www.hertsdirect.org/services/healthsoc/healthherts/;

7.3.3 Your GP who can talk to you about the NHS Stop Smoking Support available or your local Pharmacist to arrange a consultation session to see what products and advice are available to support you in your attempt to quit.

7.3.4 The employee assistance programme, PPC, who can be contacted on 0800 316 9337.

8.0 Policy Review and Amendment

- 8.1 This Policy shall be reviewed in one year and will be updated to reflect the Council's new approach of a totally smoke-free environment on its premises from 1 January 2016.

Appendix A

Designated Smoking Areas (until 31 December 2015 when there will be no designated smoking areas on any of the Council's premises)

Charringtons House

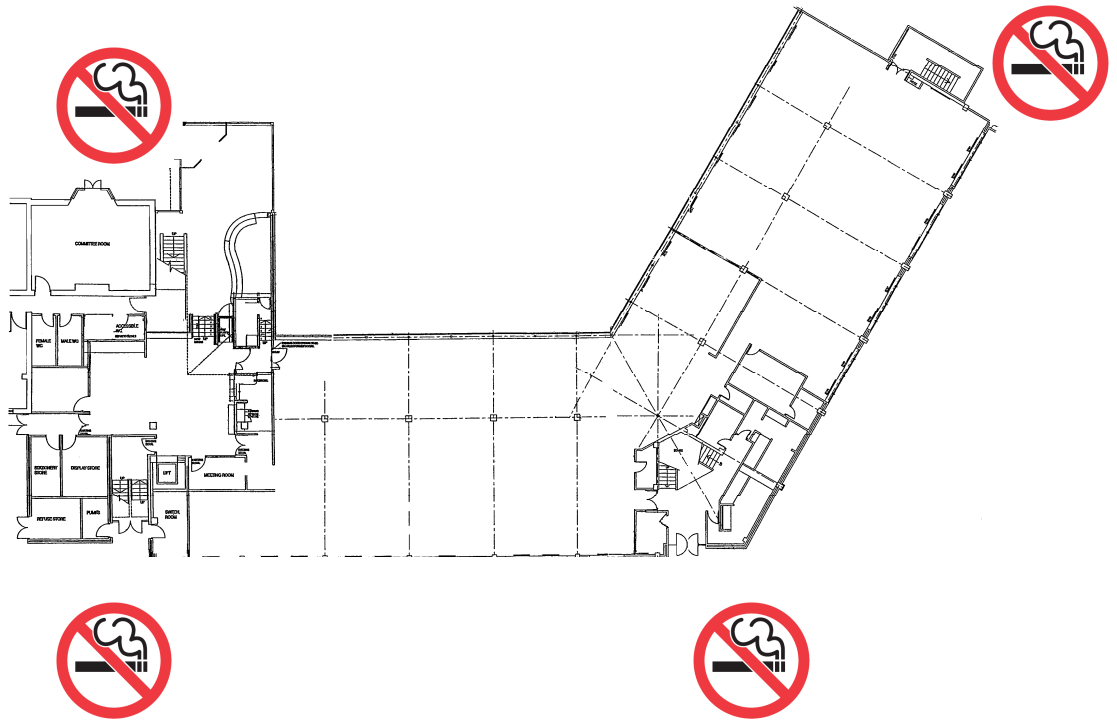


Smoking is not permitted in staff and public entrances and, from 1 January 2016, employees working for East Herts Council will not be permitted to smoke anywhere on the Council's premises.

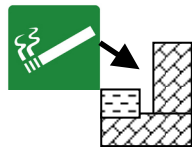
Appendix B

Designated Smoking Areas (until 31 December 2015 when there will be no designated smoking areas on any of the Council's premises)

Wallfields



Smoking Area Canopy



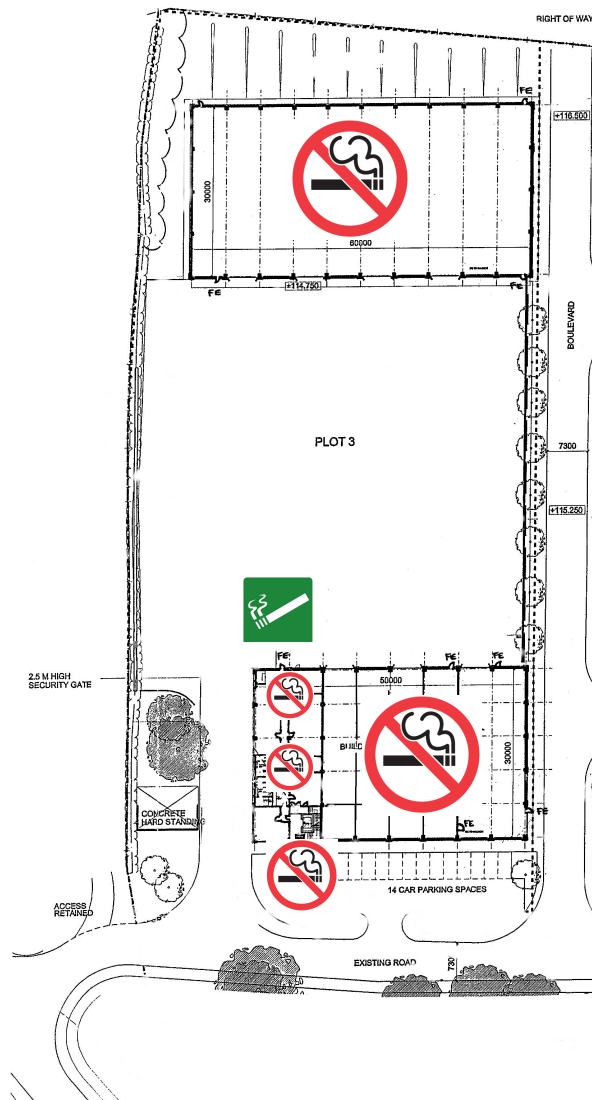
Smoking is not permitted in doorways or building recesses, staff and public entrances.

Appendix C

Designated Smoking Areas

The designated area is currently situated at the rear corner of the building. Smoking is not permitted at the front of the building, workshop or recycling shed and, from 1 January 2016, employees working for East Herts Council will not be permitted to smoke anywhere on the Council's premises.

Buntingford Service Centre



Appendix D

Hertford Theatre

Smoking is permitted outside at the rear of the building (**until 31 December 2015 when there will be no designated smoking areas on any of the Council's premises**)

Note

Artistic Integrity

The Smoke-free (Exemptions and Vehicles) Regulations 2007

PART 2

Exemptions

Performers

6. Where the artistic integrity of a performance makes it appropriate for a person who is taking part in that performance to smoke, the part of the premises in which that person performs is not smoke-free in relation to that person during their performance.