

NORTH LINCOLNSHIRE COUNCIL

POLICY AND RESOURCES CABINET MEMBER

FAMILY FRIENDLY POLICIES

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To outline and seek approval for the council's updated 'family friendly' policies.

2. BACKGROUND INFORMATION

2.1 The council has a number of 'family friendly' policies. Recent statutory changes due to come into force with effect from 5 April 2015, mean the following policies have been updated:

- Maternity scheme
- Adoption scheme
- Paternity/maternity support leave scheme
- Parental leave
- The Additional Paternity Leave policy will be removed and replaced with a new Shared Parental Leave policy.

2.2 These policies are essential in ensuring that the council not only meets its statutory obligations but that we support employees in their family life and enable them to find a balance that works for them and the council.

2.3 The recent Children and Families Act 2014 contained changes to help parents to balance work and family life. The changes which affect the policies listed above are as follows:

- Adoption leave and pay will now be available to those adopting through surrogacy, where a court has made a 'parental order' and 'foster to adopt' arrangements. 'Foster to adopt' covers situations where foster carers subsequently adopt a child or children in their care.

- Mothers, fathers and adopters can opt to apportion a new provision of shared parental leave around their child's birth or placement. This replaces the existing provision of additional paternity leave.
- Existing unpaid parental leave provision is to be extended from children up to the age of five to those aged up to 18.

2.4 In addition to the Children and Families Act 2014, statutory rates for maternity, adoption and paternity pay are to increase from £138.18 to £139.58 per week. The policies outlined above have also had these rates updated.

3. OPTIONS FOR CONSIDERATION

3.1 To approve the revised policies, including the removal of the Additional Paternity Leave policy and the introduction of the Shared Parental Leave policy.

3.2 To reject the proposed changes.

3.3 To recommend amendments to the policies.

4. ANALYSIS OF OPTIONS

4.1 Accepting the revised policies will ensure that the council complies with the revised statutory obligations and enables and supports employees to balance family life and work.

4.2 Rejecting the revised policies would result in the council not complying with the statutory obligations.

4.3 Recommending further changes to the revised policies would require further consultation and delay implementation in time for 5 April 2015.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 The introduction of Shared Parental Leave will be an unknown cost as this depends on employee take up of the new policy.

5.2 The extension of existing parental leave from children aged 5 up to those aged 18 will have little financial impact as it remains unpaid and although there may be costs incurred if posts need to be backfilled, this will be rare

as records show that only three employees took parental leave in this financial year for a total of only five days.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 An integrated impact assessment has considered the equality implications of these statutory changes.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 The trade unions have been informed of the statutory changes and understand the need for the policies to be revised.

8. RECOMMENDATIONS

8.1 That the revised policies be approved and implemented in time for 5 April 2015.

DIRECTOR OF POLICY AND RESOURCES

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Date: 1 March 2015

Background Papers used in the preparation of this report: None

1.0 Introduction

- 1.1 This procedure describes the maternity leave provisions open to employees.
- 1.2 Employees engaged on terms and conditions other than National Joint Council (NJC) for Local Government Service, or those appointed directly by a school should check with the HR advisory service that particular policies apply to them.

2.0 Notification

- 2.1 Employees should notify their manager that they are pregnant as soon as possible to enable health and safety considerations to be made, to access support and guidance and to provide an opportunity to discuss any concerns about the effect on their employment.
- 2.2 Thereafter, employees should confirm their pregnancy to their manager in writing at least 28 days before their Expected Week of Childbirth (EWC) or as soon as reasonably practicable, using form M2 (Appendix 1) available from the Human Resources (HR) advisory service. Form M2 will require employees to confirm:
- When the baby is due, and
 - when they want to start their maternity leave (the start date can be changed later, providing at least 28 days' notice of the new date is given).

Note 1: EWC is the week commencing on a Sunday in which the birth is expected to take place.

- 2.3 Employees must also provide a certificate (MAT B1) from a registered medical practitioner or a registered midwife to confirm that they are pregnant and to confirm the date of the EWC. The manager will inform the HR advisory service and submit all original documentation.
- 2.4 The HR advisory service will write to the employee within 28 days of the receipt of notification and confirm the expected date of return from maternity leave. It will be assumed that all employees will return to work at the end of the additional maternity leave period.

3.0 Health and wellbeing

- 3.1 Employees should inform their manager that they are pregnant as soon as possible so that a workplace risk assessment can be undertaken.
- 3.2 The risk assessment will be monitored and reviewed to take account of any changes in circumstances, in particular to assess any risks that may occur at different stages of pregnancy. The risk assessment will also be reconsidered should an employee return to work following maternity leave, specifically if within six months of the birth or if employees are breastfeeding. For further information refer to the pregnant workers policy in the council's Health and Safety Manual.
- 3.3 Pregnant employees have the right to paid time off to attend antenatal care and after their first consultation must produce evidence of further appointments if requested to do so by their manager.

4.0 Maternity leave entitlement

- 4.1 All employees will be entitled to 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave providing they have complied with the notification procedure.
- 4.2 Maternity leave shall start no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier.
- 4.3 If the birth of the baby occurs before the commencement of the maternity leave period then the maternity leave period will commence the day following the birth.
- 4.4 If employees are absent from work due to a pregnancy-related illness at the beginning of the fourth week before the EWC, the maternity leave period will be deemed to have commenced.
- 4.5 An employee must take a minimum of two weeks' compulsory maternity leave following childbirth.

Note 2: *Childbirth – means the live birth of a child, or stillbirth after pregnancy lasting at least 24 weeks.*

5.0 Maternity pay

5.1 Maternity pay is paid according to continuous local government service and the satisfying of certain statutory conditions. The current arrangements associated with maternity pay are as follows:

Employees with less than one year's continuous service at the 11th week before the EWC will be entitled to the following payment:

5.2 Statutory Maternity Pay (SMP), which will be six weeks at 90% of pay followed by 33 weeks at £139.58 (SMP rate for 2015/2016) per week (or 90% of pay if this is less than £139.58 per week).

5.3 For an employee to receive the above payment they must have 26 weeks' service by the end of the 15th week before the EWC and their average earnings in the eight weeks ending with the 15th week before the EWC must be equal to the Lower Earnings Limit. (LEL is £112.00 per week for 2015/2016).

5.4 Employees who do not meet the above criteria will be given a form so that they can make a claim for Maternity Allowance (MA) from their local Jobcentre Plus office.

Note 3: *Maternity Allowance (MA) is paid by the Department for Work and Pensions to women who do not qualify for SMP and who have recently been employed or self-employed.*

Note 4: *The rates of SMP and the LEL are usually revised in April each year. To confirm the current rates employees should seek advice from the HR advisory service or the council's Payroll section.*

Employees with at least one year's continuous service at the 11th week before the EWC will be entitled to the following payment:

Weeks 1-6	90% week's pay <i>(offset against payments made by way of SMP or MA)</i>
Weeks 7-18*	Half pay plus SMP or MA <i>(the payment of half pay and SMP is not to exceed full pay and will be adjusted accordingly)</i>
Weeks 19-39	SMP or MA

- 5.5* The above half pay payments will only be made where an employee has stated in writing that they intend to return to work and remain employed for at least three months following their return.
- 5.6 If the employee does not state that they intend to return to work they will only receive SMP for the period weeks 7 to 39.
- 5.7 If the employee subsequently decides not to return to work they must give notice of termination of employment in line with their contract of employment. Employees who do not return to local government service for a period of three months will have to repay the half pay element received during the period of maternity leave.
- 5.8 Employees who have received contractual half pay whilst on maternity leave must return to local government service for a three month period prior to taking a career break, otherwise they will be required to pay back the amount received. If the employees seek a career break before the three month period is worked she will be notified of any monies that will be repayable.

6.0 Maintaining contact

- 6.1 Preserving dialogue and communication between managers and mothers during maternity leave is to the advantage of all concerned. As a minimum, employees should always be advised of any matters relating to pay and benefits, office relocation, potential redundancy issues, promotional opportunities or any other significant matter, such as a restructure, which might affect her job on her return.
- 6.2 Maintaining more comprehensive contact however, could also potentially give managers an early indication of the employee's plans regarding returning to work. It should also ensure that an employee feels welcomed back when her maternity leave is over, confident that she has been thought of as part of the team even whilst she has been away.
- 6.3 On this basis it is important to establish in advance what contact the employee wishes to have with the council during her maternity leave period. Where an employee has stated an intention to return to work a pre-maternity discussion must take place, between the manager and employee. Ideally this should take place

approximately one month prior to the start of the maternity leave period. The discussion must be supportive in nature, be confidential and be conducted with the purpose of:

- Establishing an agreed level of contact;
- agreeing the preferred method of contact;
- ascertaining whether the employee may wish to attend work during her maternity leave period and if so, at what stage;
- allowing the employee to voice any concerns they may have, and
- making the employee aware of the availability of the council's Confidential Staff Welfare and Counselling Service.

6.4 Establishing this up-front will help managers feel confident about making contact. In turn this will help employees avoid feeling isolated. It should also remind managers of their responsibility to plan for the individual's return.

6.5 If agreed the manager should maintain regular contact with the employee during the maternity leave period and ensure they are kept up to date of any additional developments, as though she was attending work normally. For example:

- Council-wide messages on key developments in the organisation.
- Revised policies, procedures and associated documentation.
- Minutes of relevant meetings, cabinet reports and pertinent newsletters.
- Invitations to team social events.

6.6 At the meeting the employee should also be given the opportunity to discuss training received to date and identify future training needs. Managers should ensure that career aspirations have been addressed or at least understood and a method of communicating any suitable vacancies should be agreed. Opportunities for training during the period of maternity leave should also be discussed.

6.7 A form at Appendix 2 is available to assist in the above process.

7.0 Work during the maternity leave period

7.1 It remains in the interests of every employer to welcome employees back into the workplace when they are ready to return.

- 7.2 To facilitate this all employees may, by agreement with their manager do up to 10 days' work known as 'Keeping in Touch' (KIT) days during their maternity leave period.
- 7.3 KIT days may enable an employee to be re-inducted to the workplace. Dependent on the nature of the work and the changes that have taken place in the job, this may involve retraining during the month prior to the employees return from maternity leave. Employees should also have the opportunity to attend relevant training courses, team and section meetings.
- 7.4 There is no obligation on an employee to take up any offer of KIT days and similarly there is no obligation on a manager to offer the work. However, the use of KIT days is encouraged by the council to ease an employee's return to work.
- 7.5 Attendance at work for KIT days will be paid at the hourly rate applicable to the employee's spinal column point for the hours worked, subject to the pay plus any contractual maternity pay and or SMP/MA not exceeding her normal earnings for that day.
- 7.6 Working for part of a day will constitute a full day against the entitlement of 10 KIT days.
- 7.7 The use of KIT days, subject to the maximum allowance of 10 days not being exceeded, will have no detrimental effect on an employee's entitlement to contractual or statutory maternity pay. Equally the application of KIT days will in no way extend the maternity leave period.
- 7.8 Employees cannot attend work through the use of KIT days during the first two weeks following childbirth.

Note 5: *Employees who access KIT days should complete Appendix 5 for payroll purposes.*

8.0 Right to return to work

- 8.1 Subject to paragraph 8.2 below, the employee has the right to return to the job in which she was employed under the original contract of employment and on terms

and conditions not substantially less favourable than those which would have been applicable to her if she had not been absent. Job, for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is so employed.

- 8.2 Where it is not practical by reason of redundancy for the employee to return to work in the job as defined in paragraph 8.1, employees are entitled to be offered a suitable alternative post where one exists. Advice should be sought from the HR advisory service.
- 8.3 Suitable alternative employment may also be offered in circumstances where there is a general reorganisation or service review, which would have occurred if the employee had not been absent, thus necessitating a change in the job in which they were employed prior to their absence.
- 8.4 In both paragraphs 8.2 and 8.3 the alternative employment should be suitable to the employee and appropriate to the circumstances, capacity and place in which she is to be employed. Her terms and conditions of employment should not be substantially less favourable to her than if she had been able to return to the job in which she was originally employed.

9.0 Exercise of the right to return to work

- 9.1 It will be assumed that employees will return to work at the end of the additional maternity leave period.
- 9.2 If employees wish to return to work at an earlier date they must give 21 days' notice in writing of their intended date of return. The HR advisory service will provide form M3 (Appendix 6) to employees for this purpose.
- 9.3 Where an employee is unable to return on her return to work date due to sickness, the absence will be payable in accordance with the relevant sick pay scheme. The absence should be reported in line with the council's Sickness Absence procedure D.2 at all times.

- 9.4 Where an employee, because of an interruption of work, whether due to industrial action or some other reason, is unable to return on her return to work date, they may instead return when work resumes, or as soon as is reasonably practicable thereafter.
- 9.5 A form at Appendix 4 is available to assist managers with the re-induction of employees to the workplace.

10.0 Shared Parental Leave

- 10.1 The council operates a Shared Parental Leave policy B.3.4a. The policy provides a type of leave that is available to parents with children born on or after 5 April 2015.
- 10.2 Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

11.0 Return to work – Flexible working arrangements

- 11.1 On returning to work an employee may consider a request to return under flexible working arrangements in accordance with the council's Flexible Working policy B.3.6. Employees are required to discuss any revisions to working arrangements with their manager prior to their return to work date. Every consideration will be given to meeting the employee's needs but the flexible working arrangements will also take account of operational requirements and it will be for the manager to decide whether any proposal meets the needs of the service.

12.0 Relationship with sickness absence, annual leave and parental leave

- 12.1 Maternity leave shall be regarded as continuous service for the purposes of sick pay and annual leave.
- 12.2 Annual leave will continue to accrue during both the ordinary and additional maternity leave period. Any bank holidays that occur during both ordinary and

additional maternity leave will also accrue and employees will be entitled to a substitute day's leave for each bank holiday falling in this period.

- 12.3 Employees are strongly encouraged to take the annual leave and bank holiday entitlement they will accrue during maternity leave in the corresponding leave year. However any remaining entitlement can be carried forward into the next leave year in exceptional circumstances. For example, where an employee is unable to take her annual leave before she starts her maternity leave due to the early birth of her child or pregnancy-related sickness absence, or where an employee's maternity leave overlaps with the annual leave year to a significant extent.
- 12.4 Employees who have one year's service at the date of return following maternity leave can apply to take parental leave in line with the council's Parental Leave policy B.3.5.

13.0 Pension scheme

- 13.1 If an employee is an existing member of the Local Government Pension Scheme (LGPS) and has a period of relevant child related leave the amount of pension they build up won't be affected.
- 13.2 Relevant child related leave covers all periods of Ordinary Maternity Leave, Ordinary Adoption Leave and Ordinary Paternity Leave and any paid Additional Maternity Leave, Additional Adoption Leave and Shared Parental Leave.
- 13.3 That means that if employees have a period of reduced contractual pay or no pay during relevant child related leave their pension is still worked out using an average of their usual pensionable pay (before the reduction in pay took place).
- 13.4 Employees will only pay contributions on any pay that they receive.
- 13.5 If employees decide to take a period of **unpaid** additional Maternity, Adoption (usually from week 39 to week 52) or Shared Parental Leave they will not build up

pension benefits. Employees can elect to cover the period of pension 'lost' by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.

13.6 Where a SCAPC contract is taken out to cover the pension 'lost' during a period of **unpaid** additional Maternity, Adoption or Shared Parental leave, the cost is shared one third to the employee and two thirds to the employer, provided that employees make an election to buy the 'lost' pension within 30 days of returning to work .

13.7 Further information for LGPS members is available at www.lgps2014.org

13.8 Employees who are members of the Teachers' Pension Scheme (TPS) can find detailed information at www.teacherspensions.co.uk

14.0 Additional guidance

14.1 The council produces a maternity information pack, which provides additional assistance for expectant employees and managers alike. This includes useful contacts and advice. Copies can be obtained from the HR advisory service.

14.2 The manager will offer support and guidance to the employee upon their return from maternity leave. Information to assist this process and specific advice regarding nursing mothers is outlined in Appendix 3.

1.0 Introduction

- 1.1 This procedure describes the steps to be taken where individuals wish to take adoption leave in order to adopt a child.
- 1.2 This procedure describes the type and extent of the adoption leave provisions open to employees who are informed by an adoption agency that a child will be placed with them. This also applies to surrogacy and foster to adopt arrangements.
- 1.3 Employees engaged on terms and conditions other than National Joint Council (NJC) for Local Government Service, or those appointed directly by a school should check with the Human Resources (HR) advisory service that particular policies apply to them.

2.0 Eligibility

- 2.1 Employees are entitled to benefit from this policy once they are notified and accepted as an adoptive parent by a recognised adoption agency and then accept a newly matched child or children for adoption (either within the UK or overseas). Where there is mention of being matched with a child within this policy, this also covers arrangements where foster carers subsequently adopt a child or children in their care and where a court has made a 'parental order' in a surrogacy situation.
- 2.2 Only one partner will be eligible for adoption leave. The other partner may also be eligible for paternity leave. Both partners may also choose Shared Parental Leave which allows them to share the time off taken to care for their child; further information is available in B.3.4a Shared Parental Leave policy.
- 2.3 Employees who are eligible to take adoption leave will be entitled to reasonable time off with pay for interviews, appointments with social workers, adoption agencies etc. Employees must provide their manager with letters/appointment cards to confirm these visits. Partners of those adopting a child or children will be permitted unpaid time off to attend these appointments.

3.0 Entitlements

- 3.1 All employees will be entitled to 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave providing they have complied with the notification procedure.
- 3.2 Adoption pay is paid according to continuous local government service and the satisfying of certain statutory conditions. The current arrangements associated with adoption pay are as follows:

Employees with less than one year's continuous service at the start of the adoption placement will be entitled to the following:

- 3.3 Statutory Adoption Pay (SAP), which will be six weeks at 90% of pay followed by 33 weeks at £139.58 (SAP rate for 2015/2016) per week (or 90% of pay if this is less than £139.58 per week).
- 3.4 For an employee to receive the above payment they must have 26 weeks' service at the start of the adoption placement and their average earnings in the eight weeks before being notified of the placement must be equal to the Lower Earnings Limit (LEL), which is £112.00 per week for 2015/2016).

Note 1: The rates of SAP and the LEL are usually revised in April each year. To confirm the current rates employees should seek advice from the HR advisory service or the council's Payroll section.

Employees with at least one year's continuous service at the start of the adoption placement will be entitled to the following:

Weeks 1-6	90% week's pay <i>(offset against payments made by way of SAP)</i>
Weeks 7-18*	Half pay plus SAP (Known as Contractual Adoption Pay). <i>(The payment of half pay and SAP is not to exceed full pay and will be adjusted accordingly)</i>
Weeks 19-39	SAP

- 3.5* The above half pay payments will only be made where an employee has stated in writing that they intend to return to work and remain employed for at least three months following their return.
- 3.6 If the employee does not state that they intend to return to work they will only receive SAP for the period weeks 7 to 39.
- 3.7 If the employee subsequently decides not to return to work they must give notice of termination of employment in line with their contract of employment. Employees who do not return to local government service for a period of three months will have to repay the half pay element received during the period of adoption leave.
- 3.8 Employees who have received contractual half pay whilst on adoption leave must return to local government service for a three month period prior to taking a career break, otherwise they will be required to pay back the amount received. If an employee seeks a career break before the three month period is worked they will be notified of any monies that will be repayable.
- 3.9 Employees can start their leave on any day of the week, from the date of the child's placement (this may be earlier than expected), or from an agreed date. The agreed date can be up to 14 days before the expected date of placement but no later than the expected date of placement. Entitlement to leave is not per child.
- 3.10 If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

4.0 Notification

- 4.1 Employees should tell their manager within seven days of being 'matched' with a child that they intend to take adoption leave.
- 4.2 Thereafter, employees should notify their manager in writing as soon as reasonably practicable, using form AL2 (Appendix 2) available from the HR advisory service. Form AL2 will require employees to confirm:

- When the child is expected to be placed with them.
- When they want their adoption leave to start.

- 4.3 If employees need to change the leave date (where possible) they should give 28 days' notice.
- 4.4 Employees must also produce a 'matching certificate' from their adoption agency (as evidence of entitlement to SAP), which will include basic information on matching and expected placement dates. A form at Appendix 1 can be utilised for this purpose. The manager will inform the HR advisory service and submit all original documentation.
- 4.5 The HR advisory service will write to the employee within 28 days of the receipt of notification and confirm the expected date of return from adoption leave.

5.0 Maintaining contact

- 5.1 Preserving dialogue and communication between managers and parents during adoption leave is to the advantage of all concerned. As a minimum employees should always be advised of any matters relating to pay and benefits, office relocation, potential redundancy issues, promotional opportunities or any other significant matter, such as a restructure, which might affect his/her job on return.
- 5.2 Maintaining more comprehensive contact however, could also potentially give managers an early indication of the employee's plans regarding returning to work. It should also ensure that an employee feels welcomed back when his/her adoption leave is over, confident that he/she has been thought of as part of the team even whilst they have been away.
- 5.3 On this basis it is important to establish in advance what contact the employee wishes to have with the council during his/her adoption leave period. Where an employee has stated an intention to return to work a pre-adoption discussion must take place, between the manager and employee. Ideally this should take place approximately one month prior to the start of the adoption leave period. The

discussion must be supportive in nature, be confidential and be conducted with the purpose of:

- Establishing an agreed level of contact;
- agreeing the preferred method of contact;
- ascertaining whether the employee may wish to attend work during his/her adoption leave period and if so, at what stage;
- allowing the employee to voice any concerns they may have;
- making the employee aware of the availability of the council's Confidential Staff Welfare and Counselling Service.

5.4 Establishing this up-front will help managers feel confident about making contact. In turn this will help employees avoid feeling isolated. It should also remind managers of their responsibility to plan for the individual's return.

5.5 If agreed the manager should maintain regular contact with the employee during the adoption leave period and ensure they are kept up to date of any additional developments, as though he/she was attending work normally. For example:

- Council-wide messages on key developments in the organisation.
- Revised policies, procedures and associated documentation.
- Minutes of relevant meetings, cabinet reports and pertinent newsletters.
- Invitations to team social events.

5.6 At the meeting the employee should also be given the opportunity to discuss training received to date and identify future training needs. Managers should ensure that career aspirations have been addressed or at least understood and a method of communicating any suitable vacancies should be agreed. Opportunities for training during the period of adoption leave should also be discussed.

5.7 A form at Appendix 3 is available to assist in the above process.

6.0 Work during the adoption leave period

6.1 It remains in the interests of every employer to welcome employees back into the workplace when they are ready to return.

- 6.2 To facilitate this all employees may, by agreement with their manager, do up to 10 days' work known as 'Keeping in Touch' (KIT) days during their adoption leave period.
- 6.3 KIT days may enable an employee to be re-inducted to the workplace. Dependent on the nature of the work and the changes that have taken place in the job, this may involve retraining during the month prior to the employees return from adoption leave. Employees should also have the opportunity to attend relevant training courses, team and section meetings.
- 6.4 There is no obligation on an employee to take up any offer of KIT days and similarly there is no obligation on a manager to offer the work. However, the use of KIT days is encouraged by the council to ease an employee's return to work.
- 6.5 Attendance at work for KIT days will be paid at the hourly rate applicable to the employee's spinal column point for the hours worked, subject to the pay plus any contractual adoption pay and or SAP not exceeding his/her normal earnings for that day.
- 6.6 Working for part of a day will constitute a full day against the entitlement of 10 KIT days.
- 6.7 The use of KIT days, subject to the maximum allowance of 10 days not being exceeded, will have no detrimental effect on an employee's entitlement to contractual or statutory adoption pay. Equally the application of KIT days will in no way extend the adoption leave period.

7.0 Return to work after adoption leave

- 7.1 Employees who intend to return to work at the end of their full adoption leave entitlement, as confirmed by the HR advisory service, will not have to give any further notification to their manager. Employees who want to return to work before the end of their adoption leave period, must give 21 days' notice of the date they intend to return.

7.2 Following adoption leave the employee must return to council employment for a period of three months. Failure to do so will result in them being required to repay the contractual half pay received or such proportion as the council may decide.

8.0 Shared Parental Leave

8.1 The council operates a Shared Parental Leave policy B.3.4a. The policy provides a type of leave that is available to parents with children born on or after 5 April 2015.

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

9.0 Flexible working arrangements

9.1 In returning to work the employee may consider a request to return under flexible working arrangements in accordance with the council's Flexible Working policy B.3.6. Employees are required to discuss any revisions to working arrangements with their manager prior to their return to work date.

10.0 Conditions of employment

10.1 The contract of employment continues throughout adoption leave and an employee has a statutory right to continue to benefit from the terms and conditions of employment which would have applied had he/she not been on leave, (except for payment of wages or salary).

10.2 Adoption leave shall be regarded as continuous service for the purposes of sick pay and annual leave.

10.3 Annual leave will continue to accrue during both the ordinary and additional adoption leave period. Any bank holidays that occur during both ordinary and additional adoption leave will also accrue and employees will be entitled to a substitute day's leave for each bank holiday falling in this period.

- 10.4 Employees are strongly encouraged to take the annual leave and bank holiday entitlement they will accrue during adoption leave in the corresponding leave year. However any remaining entitlement can be carried forward into the next leave year in exceptional circumstances. For example, where an employee's adoption leave overlaps with the annual leave year to a significant extent.
- 10.5 Employees who have completed one year's service at the date of return following adoption leave can apply to take parental leave in line with the council's Parental Leave policy B.3.5.

11.0 Pension scheme

- 11.1 If an employee is an existing member of the Local Government Pension Scheme (LGPS) and has a period of relevant child related leave the amount of pension they build up won't be affected.
- 11.2 Relevant child related leave covers all periods of Ordinary Maternity Leave, Ordinary Adoption Leave and Ordinary Paternity Leave and any paid Additional Maternity Leave, Additional Adoption Leave and Shared Parental Leave.
- 11.3 That means that if employees have a period of reduced contractual pay or no pay during relevant child related leave their pension is still worked out using an average of their usual pensionable pay (before the reduction in pay took place).
- 11.4 Employees will only pay contributions on any pay that they receive.
- 11.5 If employees decide to take a period of **unpaid** additional Maternity, Adoption (usually from week 39 to week 52) or Shared Parental Leave they will not build up pension benefits. Employees can elect to cover the period of pension 'lost' by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.
- 11.6 Where a SCAPC contract is taken out to cover the pension 'lost' during a period of **unpaid** additional Maternity, Adoption or Shared Parental leave, the cost is shared

one third to the employee and two thirds to the employer, provided that employees make an election to buy the 'lost' pension within 30 days of returning to work .

11.7 Further information for LGPS members is available at www.lgps2014.org

11.8 Employees who are members of the Teachers' Pension Scheme (TPS) can find detailed information at www.teacherspensions.co.uk

12.0 Additional guidance

12.1 The council produces an adoption information pack, which provides additional assistance for adoptive parents and managers alike. This includes useful contacts and advice. Copies can be obtained from the HR advisory service.

12.2 The manager will offer support and guidance to the employee upon their return from adoption leave. Information to assist this process and specific advice regarding nursing mothers is outlined in Appendix 4.

1.0 INTRODUCTION

- 1.1 This procedure describes the steps to be taken when individuals wish to take paternity leave in order to care for a child or children or to give support to their respective partner. This gives parents more opportunity to balance work and family life.
- 1.2 Employees engaged on terms and conditions other than National Joint Council (NJC) for Local Government Service, or those appointed directly by a school should check with the HR advisory service that particular policies apply to them.

2.0 PATERNITY (NEWBORN)

Introduction

- 2.1 This procedure describes the steps to be taken where individuals wish to take paternity leave in order to care for the baby or to give support to the mother of the baby.

Eligibility

- 2.2 Employees eligible for paternity leave must be either the baby's father, married to the mother or living with the mother in a family relationship.
- 2.3 Employees with 26 weeks' continuous service prior to the 15th week before the baby is due are eligible to take one or two whole weeks' consecutive paid paternity leave, the start of which should be taken within 56 days of the xExpected Week of Childbirth (EWC).

Notification

- 2.4 Employees cannot take paternity leave until the baby is born. Within the 15th week they should inform their manager (who will inform the HR advisory service of the EWC), whether they wish to take one or two consecutive weeks' leave, and the date they wish to start their leave. A form is available from the HR advisory service for this purpose.

- 2.5 Employees can choose to begin this period of leave on the date on which the baby is born or any date within 56 days after the birth. If the baby is born prematurely the employee still has 56 days from the original expected week of childbirth.

Note 1: *Where reasonably practical the employee should give 28 days' notice to a change in the dates for the leave.*

Exceptional circumstances

- 2.6 In the event of a miscarriage before the 25th week of pregnancy the employee will not qualify for paternity leave or pay. However, if the individual's child is stillborn from the 25th week of pregnancy onwards they will still be eligible for paternity leave and pay. If the child is alive at birth at any point during the pregnancy, even if the child later dies, the individual will be entitled to paternity leave and pay.

3.0 PATERNITY (ADOPTION)

Introduction

- 3.1 This procedure describes the steps to be taken where individuals wish to take Paternity Leave in order to care for a newly matched adopted child/children, or support the adopter of the child. Where there is mention of being matched with a child within this policy, this also covers arrangements where foster carers adopt a child or children in their care and where those in a surrogacy situation intend to apply for a 'parental order'.

Eligibility

- 3.2 Employees eligible for paternity leave must be married or living with the adopter and/or responsible for the child/children.
- 3.3 Employees with 26 weeks' continuous service prior to the week in which they are notified of a placement are eligible to take one or two weeks' consecutive paid paternity leave, which must be taken within 56 days of the placement.

Notification

- 3.4 Employees cannot take paternity leave until the placement of the child/children begins. The employee should inform their manager within seven days of being notified of a placement, stating whether they wish to take one or two consecutive weeks' leave, and when they wish to start their leave. A form is available from the HR advisory service for this purpose. A copy of the matching certificate must also be submitted.

***Note 2:** Where reasonably practical the employee should give 28 days' notice to a change in the dates for the leave.*

4.0 MATERNITY SUPPORT LEAVE

Introduction

- 4.1 This section describes the procedure to be followed where individuals wish to take maternity support leave in order to care for an expectant mother at or around the time of birth. This leave can only be taken once in any annual leave year.

Eligibility

- 4.2 Maternity support leave of up to five consecutive days with pay shall be granted to the nominated carer of an expectant mother at or around the time of birth.
- 4.3 A nominated carer is one person nominated by the mother to assist in the care of the child and provide support to the mother at or around the time of birth. Employees who are eligible for paternity leave are excluded from this provision.

Notification

- 4.4 Employees requesting maternity support leave need to inform their manager (who will inform the HR advisory service) as soon as possible about their absence, the reason for it and how long they expect to be away from work. Where possible 28 days' notice should be given. A form is available from the HR advisory service for this purpose. This form should be completed by the employee and returned to their line manager.

- 4.5 It is recognised that in an emergency an employee may need to be absent from work before it is possible to contact their manager. In this circumstance they should inform their manager as soon as is reasonably practicable of the reason for absence.

5.0 Shared Parental Leave

- 5.1 The council operates a Shared Parental Leave policy B.3.4a. The policy provides a type of leave that is available to parents with children born or placed with them on or after 5 April 2015.

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

6.0 RETURN TO WORK – FLEXIBLE WORKING ARRANGEMENTS

- 6.1 An employee returning from paternity leave may consider a return under flexible working arrangements in accordance with the council's Flexible Working policy B.3.6. The employee is required to discuss any revisions to working arrangements with their manager prior to the return to work date.

7.0 CONTINUOUS SERVICE

- 7.1 Paternity and maternity support leave shall be regarded as continuous service for the purposes of sick pay and annual leave provisions.

8.0 PENSION SCHEME

- 8.1 Existing Local Government Pension Scheme (LGPS) members will remain members of the scheme and deductions will be made throughout the paid paternity/maternity support leave period.

- 8.2 Employees who are members of the Teachers' Pension Scheme (TPS) can find detailed information at www.teacherspensions.co.uk

1.0 Introduction

1.1 This procedure describes the steps to be taken where eligible parents wish to take Shared Parental Leave (SPL) in order to care for a baby or newly placed adopted child/children. They can choose how to share the care of their child during the first year of birth or adoption. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay (ShPP).

Note 1: Entitlement to SPL and/or ShPP is only available for eligible parents of babies due, or children placed for adoption on or after 5 April 2015.

1.2 Employees engaged on terms and conditions other than National Joint Council (NJC) for Local Government Service, or those appointed directly by a school should check with the HR advisory service that particular policies apply to them.

2.0 Eligibility

2.1 SPL must be taken by two people, as follows:

- 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 and living with the mother in a family relationship.
- Both parents must also have or expect to have, the main responsibility for the upbringing of the child.

2.2 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 (this figure is correct as of April 2015) a week in any 13 of those weeks;
- the employee must correctly notify the council of their entitlement and provide evidence as required.

3.0 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. 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.
- 3.3 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. 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.
 - 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).
- 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.

4.0 Notification

- 4.1 Employees are encouraged to have early, informal discussions with their manager and/or HR regarding their entitlement to SPL. This is so there is an understanding of the type and pattern of leave an employee may be interested in taking and that time and consideration can be given to how best to accommodate it. Employees should be allowed to be accompanied to such meetings by a trade union representative or fellow worker of the council.
- 4.2 An employee entitled to and intending to take SPL must give their manager notification of their entitlement.
- 4.3 Notification should be set out in writing and include the following:
- Employee's name;
 - The name of the other parent;
 - The dates of any maternity/adoption leave or pay (or maternity allowance) taken.
 - The balance of any leave which then is available to take as SPL;
 - The expected date of child's birth or date notified of being matched with a child for adoption;
 - The actual date of the child's birth or the date of placement in cases of adoption
 - The amount of SPL each parent intends to take;
 - The expected date the employee intends to take the SPL.

- 4.4 In order to notify the council of a specific request for SPL employees should complete Appendix 1. A request to book SPL must be submitted at least eight weeks before any period of SPL would begin. Eligible employees are able to submit three requests to book SPL.

Continuous SPL

- 4.5 Eligible employees can give notification to take one period of continuous SPL. This can be up to the full amount of SPL available to them. This is a right and cannot be refused. This should be confirmed to the employee in writing, within 14 days of receiving their original request.

Discontinuous SPL

- 4.6 Eligible employees can request to take discontinuous SPL. Where the request can be accommodated this should be agreed and should be confirmed to the employee in writing, within 14 days of receiving their original request.
- 4.7 Where discontinuous SPL cannot be accommodated the manager must discuss this with the employee, supported by HR if necessary. Employees should be allowed to be accompanied to such meetings by a trade union representative or fellow worker of the council.
- 4.8 Where a modified arrangement for discontinuous SPL can be agreed this should be confirmed to the employee in writing, within 14 days of receiving the original request. Such a modification would not count as a further request of the three available.
- 4.9 Where discontinuous SPL cannot be agreed, the employee will be notified of the in writing within 14 days of receiving the original request and this will include the following:
- Confirmation of the refusal;
 - proposed alternative dates for the employee to consider;
 - clear information on the options available to the employee, i.e. that the employee can withdraw their request, agree a modified arrangement or move

to the default provisions. (Whereby employees can withdraw their request on or before the 15th day after the request was submitted, which then will no longer count as one of the three requests available or to take a period of continuous SPL.)

- 4.10 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 request was submitted to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original request was submitted. If the employee does not choose a start date then the leave will begin on the date the requested discontinuous leave would have first started.

5.0 Variations

- 5.1 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.
- 5.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new request 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 request. Any variation will be confirmed in writing by the council.

6.0 Pay

- 6.1 Eligible employees may be entitled to take up to 37 weeks Shared Parental Pay (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.

- 6.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave. 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.
- 6.3 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their 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 (paragraph 4.3).
- 6.4 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- The start and end dates of any maternity/adoption pay or maternity allowance;
 - the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
 - a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the council should they cease to be eligible.

- 6.5 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 where the partner is the mother/ adopter that they have reduced their maternity/adoption pay or maternity allowance;
 - in the case where the partner is the mother/ adopter that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 6.6 Any ShPP due will be paid at a rate set by the Government for the relevant tax year.
- 6.7 Statutory ShPP is paid at £139.58 or 90% of your average weekly earnings (whichever is lower).
- 6.8 A mother, subject to certain criteria, will be entitled to statutory maternity pay/adoption pay/Maternity Allowance for up to 39 weeks. If the mother or adopter curtails their entitlement to maternity/adoption pay or maternity allowance before they have used their full entitlement then ShPP can be claimed for any remaining weeks.
- 6.9 To qualify for ShPP an employee needs to have met the 'continuity of employment test' and their partner must meet the 'employment and earnings test', just like SPL. In addition, the employee must also have earned above the 'Lower Earnings Limit' in the eight weeks leading up to and including the 15th week before the child's due date/matching date and still be employed with the same employer at the start of the first period of ShPP.
- 6.10 If both parents qualify for ShPP they must decide who will receive it, or how it will be divided, and they must each inform their employer of their entitlement.

6.11 If an employee's employment comes to an end while they are still entitled to some ShPP then any remaining weeks will usually remain payable unless they start working for someone else.

7.0 Maintaining contact

7.1 Preserving dialogue and communication between managers and employees during SPL is to the advantage of all concerned. As a minimum, employees should always be advised of any matters relating to pay and benefits, office relocation, potential redundancy issues, promotional opportunities or any other significant matter, such as a restructure, which might affect their job on their return.

7.2 Maintaining more comprehensive contact however, could also potentially give managers an early indication of the employee's plans regarding returning to work. It should also ensure that an employee feels welcomed back when their SPL is over, confident that they have been thought of as part of the team even whilst they have been away.

7.3 On this basis it is important to establish in advance what contact the employee wishes to have with the council during their SPL period. It is advisable to have a pre SPL discussion, between the manager and employee. Ideally this should take place approximately one month prior to the start of the SPL period. The discussion must be supportive in nature, be confidential and be conducted with the purpose of:

- Establishing an agreed level of contact;
- agreeing the preferred method of contact;
- ascertaining whether the employee may wish to attend work during the SPL period and if so, at what stage;
- allowing the employee to voice any concerns they may have, and
- making the employee aware of the availability of the council's Confidential Staff Welfare and Counselling Service.

- 7.4 Establishing this up-front will help managers feel confident about making contact. In turn this will help employees avoid feeling isolated. It should also remind managers of their responsibility to plan for the individual's return.
- 7.5 If agreed the manager should maintain regular contact with the employee during the SPL period and ensure they are kept up to date of any additional developments, as though they were attending work normally. For example:
- Council-wide messages on key developments in the organisation.
 - Revised policies, procedures and associated documentation.
 - Minutes of relevant meetings, cabinet reports and pertinent newsletters.
 - Invitations to team social events.
- 7.6 At the meeting the employee should also be given the opportunity to discuss training received to date and identify future training needs. Managers should ensure that career aspirations have been addressed or at least understood and a method of communicating any suitable vacancies should be agreed. Opportunities for training during the period of maternity leave should also be discussed.
- 7.7 A form at Appendix 2 is available to assist in the above process.

8.0 Work during the SPL period

- 8.1 It remains in the interests of every employer to welcome employees back into the workplace when they are ready to return.
- 8.2 To facilitate this all employees may, by agreement with their manager do up to 20 days' work known as 'Shared Parental Leave In Touch' (SPLIT) days during their SPL period.
- 8.3 SPLIT days may enable an employee to be re-inducted to the workplace. Dependent on the nature of the work and the changes that have taken place in the job, this may involve retraining during the month prior to the employees return from SPL. Employees should also have the opportunity to attend relevant training courses, team and section meetings.

- 8.4 There is no obligation on an employee to take up any offer of SPLIT days and similarly there is no obligation on a manager to offer the work. However, the use of SPLIT days is encouraged by the council to ease an employee's return to work.
- 8.5 Attendance at work for SPLIT days will be paid at the hourly rate applicable to the employee's spinal column point for the hours worked, subject to the pay plus any ShPP not exceeding the employee's normal earnings for that day.
- 8.6 Working for part of a day will constitute a full day against the entitlement of 20 SPLIT days.
- 8.7 The use of SPLIT days, subject to the maximum allowance of 20 days not being exceeded, will have no detrimental effect on an employee's entitlement to ShPP. Equally the application of SPLIT days will in no way extend the SPL period.

Note 2: *Employees who access SPLIT days should complete Appendix 5 for payroll purposes.*

9.0 Return to work and flexible working arrangements

- 9.1 On returning to work an employee may consider a request to return under flexible working arrangements in accordance with the council's Flexible Working policy B.3.6. Employees are required to discuss any revisions to working arrangements with their manager prior to their return to work date. Every consideration will be given to meeting the employee's needs but the flexible working arrangements will also take account of operational requirements and it will be for the manager to decide whether any proposal meets the needs of the service.
- 9.2 A form at Appendix 4 is available to assist managers with the re-induction of employees to the workplace.

10.0 Relationship with sickness absence, annual leave and parental leave

- 10.1 SPL shall be regarded as continuous service for the purposes of sick pay and annual leave.

- 10.2 Annual leave will continue to accrue during the SPL period. Any bank holidays that occur during the SPL period will also accrue and employees will be entitled to a substitute day's leave for each bank holiday falling in this period.
- 10.3 Employees are strongly encouraged to take the annual leave and bank holiday entitlement they will accrue during SPL in the corresponding leave year. However any remaining entitlement can be carried forward into the next leave year in exceptional circumstances. For example, where an employee's SPL overlaps with the annual leave year to a significant extent.
- 10.4 Employees who have one year's service at the date of return following SPL can apply to take parental leave in line with the council's Parental Leave policy B.3.5.

11.0 Pension

- 11.1 If an employee is an existing member of the Local Government Pension Scheme (LGPS) and has a period of paid SPL the amount of pension they build up won't be affected.
- 11.2 That means that if employees have a period of reduced contractual pay during paid SPL their pension is still worked out using an average of their usual pensionable pay (before the reduction in pay took place).
- 11.3 Employees will only pay contributions on any pay that they receive.
- 11.4 If employees decide to take a period of **unpaid** SPL they will not build up pension benefits. Employees can elect to cover the period of pension 'lost' by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.
- 11.5 Where a SCAPC contract is taken out to cover the pension 'lost' during a period of **unpaid** SPL, the cost is shared one third to the employee and two thirds to the employer, provided that employees make an election to buy the 'lost' pension within 30 days of returning to work .

11.6 Further information can be obtained from the East Riding Pension Fund (ERPF) on 01482 394150.

11.7 Employees who are members of the Teachers' Pension Scheme (TPS) can find detailed information at www.teacherspensions.co.uk

12.0 Additional guidance

12.1 The council produces a Paternity Leave, Maternity Support Leave and Shared Parental Leave information pack, which provides additional assistance for employees and managers alike. This includes useful contacts and advice. Copies can be obtained from the HR advisory service.

12.2 The manager will offer support and guidance to the employee upon their return from SPL. Information to assist this process is outlined in Appendix 3.

1.0 Introduction

- 1.1 This procedure describes the steps to be taken where individuals wish to take Parental Leave in order to care for a child or children.
- 1.2 Parental leave allows eligible employees to take unpaid parental leave per child within a designated period of time.
- 1.3 This procedure applies to all employees of the council other than those appointed directly by schools with delegated powers.

2.0 Eligibility

- 2.1 Employees who are natural or adoptive parents (named on the birth certificate, court order or adoptive order) are eligible for parental leave if they:
 - Have at least one year's continuous service and;
 - are a named parent on the birth certificate of a child under 18, or have parental responsibility under the law (a step parent);
 - have adopted a child/children Including where foster carers adopt a child or children in their care and where those in a surrogacy situation have obtained a parental order.
- 2.2 These rights last until the child reaches the age of 18.

3.0 Amount of parental leave

- 3.1 Up to a maximum of four weeks' unpaid parental leave can be taken in any one year; leave must be taken in blocks of a minimum of one week. Leave may be taken in days for disabled children. This can be taken up to the child's 18th birthday subject to the maximum of 18 weeks not being exceeded.

4.0 Notification

- 4.1 Employees must give written notice of their intention to take parental leave and provide sufficient information to establish eligibility at least 21 days before the start

date of the leave requested (where reasonably practical). Appendix 1, Parental Leave request form should be used for this purpose.

5.0 Postponement of leave

5.1 The council may postpone a request for parental leave for up to six months after the request to begin leave where services would be unduly disrupted if the employee took leave at the time requested.

5.2 This does not apply to partners immediately after the birth or adoption of a child.

5.3 Any postponement by the council must be notified to the employee and revised arrangements confirmed in writing within seven days of the request.

6.0 Pension implications

6.1 If an employee is an existing member of the Local Government Pension Scheme (LGPS) they will not build up pension benefits during a period of unpaid parental leave. Employees can elect to cover the period of pension 'lost' by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.

6.2 Where a SCAPC contract is taken out to cover the pension 'lost' during a period of unpaid parental leave, the cost is shared one third to the employee and two thirds to the employer, provided that they make an election to buy the 'lost' pension within 30 days of returning to work.

6.3 Further information can be obtained from the East Riding Pension Fund (ERPF) on 01482 394150.

6.4 If an employee is an existing Teachers' Pension Scheme member the period of their unpaid parental leave will not be classed as pensionable service and no deductions will be made. More information can be found at www.teacherspensions.co.uk