

Policy Title: **Family Friendly Policy**
**(Maternity, Paternity, Parental,
Adoption & Shared Parental Leave)**



Owner: **HR Services**
Date **August 2019**

Unless otherwise stated this policy applies to all employees of Stafford Borough Council and Cannock Chase District Council

INTRODUCTION

Purpose

This policy outlines the Council's responsibilities in relation to the entitlements and procedures available to employees in relation to dealing with all aspects of **Maternity, Paternity, Parental, Adoption and Shared Parental Leave**. The policy also makes managers aware of their responsibilities in dealing with such requests, including the need to consider and plan for the service/organisational effects during periods of absence.

The aim of the policy is to ensure compliance with employee's statutory rights as set in the legislative framework. In addition the aim of the policy is to inform employees and managers of entitlements and eligibility criteria as appropriate.

Scope

The scope of this policy includes **Maternity, Paternity, Parental, Adoption and Shared Parental Leave**. All employees should be aware of what is expected of them with regards to complying with aspects of the policy and making sure that they make their managers and HR Services aware of their intentions. Equally managers and the Council recognise the need to deal with employees in a fair and equitable manner, whilst recognising individuals will need to balance their personal circumstances/needs against options which are available to them, which in turn will need to be taken into account to ensure service delivery is maintained. Managers should therefore be planning in advance for any absences associated with this policy.

POLICY STATEMENTS

The Council is committed to promoting equality of opportunity for all employees and creating policies to support employee's work life balance against the needs of the Council whilst ensuring compliance with legislative framework.

Continuous Service & Holiday leave during Maternity, Paternity, Adoption and Parental Leave

In all cases these provisions count for continuous service purposes during these periods and, therefore, holiday (including bank holiday and concessionary days) and sick pay entitlement are accrued. If however, any of these span the end of the leave year; employees are entitled to carry leave over and should discuss this with a member of HR Services and their line manager when planning their leave.

Protection against Unfair Treatment and Dismissal during Maternity, Paternity, Adoption and Shared Parental Leave. This includes your right to:

- pay rises
- build up (accrue) holiday
- return to work

During Maternity, Adoption and Shared Parental Leave an employee retains the right to return to the same job on the same terms and conditions, unless a redundancy situation has arisen in which case they will be offered a suitable alternative vacancy. If there is no suitable alternative work, the employee can be made redundant. If an employee takes additional Maternity or Adoption Leave they will normally be able to return to the same job. However if this is not practicable, ie if a re-organisation has taken place, then they will be offered an available alternative job that is suitable. If there is a restructuring which results in the substantive role not being available the person on leave must be included in any and all communications and consultation regarding the restructure and potential redundancy situation. Failure to comply with these provisions will amount to an automatic unfair dismissal.

Seeking New Job Opportunities during Maternity, Adoption and Parental Leave

During Maternity, Adoption and Parental Leave an employee has the right to apply for and accept a position within another local authority without losing their statutory and contractual entitlements. An employee should, in such instances, give notice of their intention to leave the Council's employment as per their contractual notice periods.

Leave Entitlements

These will be calculated as to the date of leaving and an employee may be required to pay back any monies associated with excess leave taken.

Pension Contributions during Maternity, Paternity, Adoption and Shared Parental Leave

From April 2014 if you are a new parent and have a period of relevant child related leave the amount of pension you build up won't be affected.

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, Additional Paternity Leave and Shared Parental Leave.

That means that if you have a period of reduced contractual pay or no pay during relevant child related leave your pension is still worked out using an average of your usual pensionable pay (before the reduction in pay took place).

You will only pay contributions on any pay that you receive.

If you decide to take a period of unpaid additional Maternity, Adoption (usually from week 39 to week 52), Paternity or Shared Parental Leave you will not build up pension benefits. You can elect to pay to cover the period of pension "lost" by taking out a Shared Cost Additional Pension Contribution (SCAPC) contact Staffordshire Pension fund - <https://www.staffspf.org.uk/Members/Active-Members/Absences.aspx>

Where a SCAPC contract is taken out to cover the pension "lost" during a period of unpaid additional Maternity, Adoption or Paternity leave, the cost is shared 1/3rd to the employee and 2/3rds to the employer, provided that you make an election to buy the "lost" pension within 30 days of returning to work . The cost of the pension contributions can be paid as a one-off lump sum or can be deducted from pay over an agreed period until the full cost has been met.

ELIBIBILITY/EXCLUSIONS

This policy will apply to all employees of the Council.

ACCOUNTABILITIES

1. Employees:

- Ensure they are aware of and comply with the policy when making an application for any entitlement outlined in this policy
- Clarify expectation, entitlements and procedures with their line manager if they are unsure about them
- To be empathetic towards colleagues who are also entitled to take any of the leave options as detailed in this policy

2. The Council:

- Will provide access to this policy for all employees in order for employees to be fully aware of what may be available to them
- Provide consistent and fair treatment to all employees
- Ensure employee confidentiality

3. Managers & Heads of Service:

- Seek professional advice from HR Services with regards to any aspect of this policy in a timely manner
- Adhere to the guidelines in this policy and procedure when making decisions
- Set a good example to other employees through their own attitude and behaviour when considering entitlements and individual needs
- Maintain an empathetic approach to all requests and act in a supportive manner to minimise any anxiety an individual may feel
- Ensure employees are fully aware of their entitlement or what may be available to them when a situation arises
- Be open to reviewing and revising a request in order to balance the needs of an employee and service delivery
- Keep confidential, any information given by the employee, unless agreed otherwise
- Conduct risk assessments in relation to pregnant employees

4. HR Services:

- Advise both the Manager and the individual of their entitlements and eligibility criteria as defined under the policy
- Work with Managers and Heads of Service to ensure that a fair and objective decision is made in response to a specific request

5. Trade Union:

- Work with Managers and Heads of Service and support employees in regards to their entitlements and eligibility as defined under the policy
- Be available to support employees should any conflict arise

MATERNITY LEAVE

There is a statutory entitlement for pregnant women to take up to 52 weeks Maternity Leave, which comprises of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.

There is a **statutory minimum compulsory requirement for a mother to take 2 weeks Maternity Leave from the date of childbirth, or 4 weeks if the mother undertakes manual work.**

Maternity Leave

Notification of pregnancy and intention to take Maternity Leave

To qualify for Maternity Leave **employees** must tell their manager and HR Services by the end of the 15th week before the expected week of childbirth

- that they are pregnant,
- the expected week of childbirth
- the date they intend to start Maternity Leave. This can be any date which is no earlier than the beginning of the 11th week before the expected week of childbirth, up to the birth.
- Submit a MATB1 form which is usually issued on or around the 26th week of pregnancy

HR/Line Managers should ensure a risk assessment is undertaken as soon as practicably possible after being notified of a pregnancy. Whilst the statutory timescales for notification of pregnancy are detailed above employees are encouraged to notify their manager earlier, if possible, so that such risk assessments can be undertaken at an early stage in the pregnancy. Managers should also keep a general eye on employees throughout their pregnancy and seek support or guidance from HR Services or the Health & Safety Advisor as issues arise.

A member of the HR Services team will meet with an employee to discuss their plans for their Maternity Leave, including giving advice and guidance on personal leave entitlements. Following this meeting a letter will be sent confirming the arrangements for the Maternity Leave. The team will also act as a point of contact for any concerns an employee may have during their Maternity Leave.

Ante-natal care and time off

Employees are entitled to paid reasonable time off to attend ante-natal appointments. There is also an entitlement for **partners**, to be allowed **unpaid** time off to attend up to two antenatal appointments. "Partners" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her.

Maternity Pay

Pregnant employees have the right to **52 weeks Maternity Leave**, of which **39 weeks could be paid** and which may comprise of Statutory Maternity Pay (SMP), Maternity Allowance (MA) and contractual pay (Occupational Maternity Pay) which is dependent upon length of service (1 years' service at 11th week before the expected week of childbirth - EWC).

Statutory Maternity Pay (SMP)

SMP (amount reviewed annually) will be payable if the employee has been employed continuously for at least 26 weeks ending with the 15th week before the expected week of childbirth, and has an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions. SMP is payable for 39 weeks; the first 6 weeks is paid at 90% of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90% of the average weekly earnings whichever is the lower.

Maternity Allowance (MA)

Women who do not qualify for SMP may be entitled to Maternity Allowance (MA), paid by the Benefits Agency for up to 39 weeks. To qualify they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth. To apply for this an employee will need to contact their local Job Centre.

Employees who meet the qualifying criteria will be eligible for SMP or MA payments whether or not they intend to return to work at the end of their Maternity Leave.

Contractual Maternity Pay (Occupational Maternity Pay)

Employees with at least **1 years' service** at the 11th week before the EWC can choose to receive **(Occupational Maternity Pay, an additional payment equivalent to 12 weeks half pay or 20 weeks at 30% of pay if they meet the qualifying criteria** above and intend to return to work at the end of their Maternity Leave for a minimum of 3 months.

In order to qualify for this payment an employee must notify their manager/HR Services that they intend to return to work at the end of their Maternity Leave. There are a number of options as to how this can be paid and these will be discussed as a part of a meeting with HR Services.

If an employee thinks that they may not wish to return then it may be appropriate not to take any contractual Maternity Pay whilst on Maternity Leave, as this will need to be paid back unless the employee returns to work for a period of 3 months following the end of the agreed Maternity Leave period.

Contact during Maternity Leave

The organisation reserves the right to maintain reasonable contact with employees during Maternity Leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

Keeping in Touch (KIT) days

In addition the employee and employer can agree up to 10 keeping in touch (KIT) days, during Ordinary and Additional Maternity Leave, for which payment will be made. Employees will need to make a claim for these hours to be paid, which must be authorised by the line manager in the same manner as additional hours are currently claimed.

Trigger for Maternity Leave

If an employee is still working at the 4th week before the baby is due and goes off sick with a pregnancy related illness, this will automatically trigger Maternity Leave and Pay. If a baby is born early and an employee has not started their Maternity Leave, the day after the baby's birth will be counted as the first day of Maternity Leave.

What happens if a baby is still born or dies during pregnancy

If in the rare and unfortunate situation of a stillborn birth or a baby were to die then providing that this is after the 24th week of pregnancy the Maternity Leave entitlements will continue based on the date of birth.

Returning to Work before end of Maternity Leave

If an employee wishes to return to work before the end of her full Maternity Leave (52 weeks), they **must provide 8 weeks notification**, whether this be in Ordinary (OML) or Additional Maternity Leave (AML). If the request is received less than 8 weeks prior to the planned return, the Council may postpone the return but this cannot be beyond the end of the Maternity Leave period.

Resignation during Maternity Leave

If an employee decides not to return at the end of their Maternity Leave they should give the normal notice period as detailed in their Contract of Employment.

PATERNITY LEAVE

Paternity Leave is the statutory entitlement available to employees who have or expect to have responsibility for the child's upbringing; are the biological father of the child or the mother's husband or partner (including same sex relationships). Ordinary Paternity Leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary Paternity Leave where the other adoptive parent has elected to take Adoption Leave.

Employees will need to have worked continuously for the Council for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.

Leave and Pay

Partners (including same sex couples) are entitled to **2 week's paid Paternity Leave**, the **first week being full pay**, with the option of a **second week of Statutory Paternity Pay**. Employee's whose average weekly earnings are below the lower earnings limit for NI contributions will not be eligible for Statutory Paternity Pay. Paternity Leave must be taken within 56 days of the actual date of birth of the child and cannot start until after the birth of the baby.

Employees who meet the criteria for entitlement should advise their managers as soon as practicably possible. Employees must provide notification in writing of the planned date of leave before, or in the 15th week before the expected week of confinement or no later than 7 days after the date on which the adopter is notified as being matched with a child. [Appendix 1](#) (Paternity Leave / Maternity Support Leave Request).

The date may be altered but a minimum of 28 days' notice of intention to take leave will normally be required. If the baby arrives early, Paternity Leave may be taken in the period from the date of birth up to 56 days after the expected date of birth.

- The notification should say when the baby is due, if they're going to take one or two weeks off, and when they expect their Paternity Leave to start. Those who are eligible can choose to take either one week or two consecutive weeks' paid Paternity Leave

HR services will acknowledge receipt of a notification of intention to take Paternity/Maternity Support Leave and record this against the employee's personal file.

Partners are also allowed unpaid time off to attend up to two antenatal appointments.

MATERNITY SUPPORT LEAVE

Employees who do not have 26 weeks service will be entitled to one week's paid Maternity Support Leave in line with National Terms and Conditions of Employment. Leave with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

Employees wishing to take Maternity Support Leave will be required to put their request in writing, giving the planned date of leave, which can be changed as per normal Paternity Leave requirements.

ADOPTION LEAVE

An employee (main adopter) who is notified that he/she has been newly matched with a child for adoption, or who is one of a couple who are jointly notified that they have been matched with a child for adoption, has the conditional right to take up to 26 weeks Ordinary Adoption Leave (OAL) followed immediately by up to 26 weeks Additional Adoption Leave (AAL), of which 39 weeks will be paid (Statutory Adoption Pay). The right to Statutory Adoption Leave is also available to an employee who has adopted, or who is one of a couple who have adopted a child from overseas.

Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take Statutory Adoption Leave if the child's expected week of birth begins on or after 5 April 2015. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take Ordinary Adoption Leave in relation to children matched for adoption on or after 5 April 2015.

With effect from 1 April 2015 this is a right from day one of employment and not as previously when an employee was required to have 26 weeks continuous service.

The Adoption Leave period may begin from the date of child's placement for adoption (whether this is earlier or later than expected), or from a predetermined date which can be up to 14 days before the expected date of placement. In the case of a child adopted from overseas, the adoption period may begin on the date the child enters Great Britain or from a predetermined date that is no later than 28 days after this date.

Time off to attend Adoption appointments

The main adopter will be able to take paid time off to attend up to five adoption appointments, including meetings such as having contact with the child, with the child's social worker or current carer, up to the date of placement. In addition the secondary adopter will be entitled to take unpaid time off for up to two appointments. The Council reserves the right to see confirmation of such appointments.

Notice of intention to take Adoption Leave

Employees must notify the Council of their intention to take Adoption Leave within seven days of being notified by an approved UK Adoption agency that they have been newly matched with a child/children for Adoption. At the same time they must advise their employer of the date on which the child is expected to be placed with them and the date on which they intend their Adoption Leave to start. The Council reserves the right to request that the employee provides evidence in the form of documents from the Adoption agency (excluding names or dates of birth of children involved).

In the case of adoption from overseas the adopter should provide 'official notification' which confirms that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. This document is often issued up to a year before a child enters Great Britain. Employees adopting a child from overseas must within 28 days of receipt of official notification, advise the council of the following

- The date on which the official notification was received; and
- The date on which the child is expected to enter Great Britain

The employee should provide at least 28 days notice of when they wish their Adoption Leave to start and within 28 days of the child's entry into Great Britain must inform the employer of the date of entry.

Variation of start date by employee

Employees may change their mind about the date on which they intend to start their Adoption Leave, so long as they notify of the council of the revised start date at least 28 days before the date in question, or as soon as practicably possible which is also the case in an adoption from overseas.

Council's response to notification

Having received notification of an intention to take Adoption Leave the Council will respond in writing, informing the employee of the date on which Adoption Leave will end.

A member of the HR Services team will meet with an employee to discuss their plans for their Adoption Leave, including giving guidance on personal entitlements.

Adoption Pay

Employees who take Adoption Leave will also qualify for statutory adoption pay, provided that they have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for National Insurance contributions.

Statutory Adoption Pay is payable for up to 39 weeks. In relation to adoption pay periods beginning on or after 5 April 2015, statutory adoption pay is payable at 90% of normal earnings for the first six weeks, following which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings, if that is lower than the Government's rate).

As in Maternity Leave there is also the option for adoptive parents to reduce their Adoption Leave and share the outstanding leave as Shared Parental Leave providing they meet the eligibility criteria.

Contact during Adoption Leave

The organisation reserves the right to maintain reasonable contact with employees during Adoption Leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

Keeping-in-touch days

Employees can agree to work for the organisation (or to attend training) for up to 10 days during their Adoption Leave without that work bringing their Adoption Leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" (KIT) days. Any work carried out on a day shall constitute a day's paid work for these purposes. Employees will need to make a claim for these hours to be paid, which must be authorised by the line manager in the same manner as additional hours are currently claimed.

The organisation has no right to require employees to carry out any work and employees have no right to undertake any work during their Adoption Leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the organisation.

Returning to work after Adoption Leave

The employee may return to work at any time during Ordinary Adoption Leave or Additional Adoption Leave, provided that he/she gives the appropriate notification. Alternatively, the employee may take his/her full period of Adoption Leave entitlement and return to work at the end of this

period. If the employee wishes to return before the full period of Adoption Leave has elapsed, he/she must give at least eight weeks' notice in writing to the organisation of the date on which he/she intends to return.

SHARED PARENTAL LEAVE

Overview and Introduction

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.

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.

This policy sets out the rights of employees to Shared Parental Leave and pay, along with the procedure for notifying the Council about entitlement to Shared Parental Leave, keeping in touch during the leave period and returning to work thereafter. This policy applies in relation to employees of the Council, whether they are the mother/adopter or the partner.

This policy is designed to ensure that all employees are given fair access to the appropriate provisions and that the Council applies these procedures consistently. All the rights outlined in this policy apply to full time and part time employees (including fixed term employees), provided they satisfy the appropriate qualifying conditions, such as length of service. The policy does not apply to agency workers.

Shared Parental Leave should not be confused with Ordinary Parental Leave, which is unaffected by Shared Parental Leave. Ordinary Parental Leave is the entitlement to up to 18 weeks' unpaid leave.

Who does Shared Parental Leave apply to?

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.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for Adoption.

Amount of Shared Parental Leave available

The amount of Shared Parental Leave to which an individual is entitled will depend on when the mother/adopter brings his/her Maternity/Adoption Leave period to an end and the amount of leave that the other parent takes in respect of the child.

Shared Parental Leave must be taken in blocks of at least one week. The employee can request to take Shared Parental Leave in **one continuous block** (in which case the Council is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of **discontinuous blocks of leave** (in which case the employee needs the Council's agreement). A maximum of three requests for leave per pregnancy/adoption can normally be made by each parent.

Shared Parental Leave must be taken between the baby's birth and first birthday or within 1 year of adoption, and eligible employees may be entitled to take up to 50 weeks. 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/stop their leave at a specified future date.

The number of weeks available for Shared Parental Leave 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 system and take any remaining weeks as Shared Parental Leave. However in practice the mother/adopter starts Maternity/Adoption Leave before the birth, so the time taken in Shared Parental Leave is likely to be less than 50 weeks.

A birth mother must take at least two weeks Maternity Leave following the birth of a child (4 weeks in the case of a manual job) but can otherwise choose to end her Maternity Leave at any stage. An adopter can end their Adoption Leave once they have taken it for two weeks.

A mother/adopter must have ended, or given notice to reduce, his/her Maternity/Adoption pay period or Maternity allowance period, for his/her partner to be eligible for Shared Parental Leave. The amount of Shared Parental Leave is calculated by deducting from 52 the number of weeks of

Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance taken by the mother/adopter.

Shared Parental Leave can commence as follows:

- The mother can take Shared Parental Leave after she has taken the legally required two weeks/four weeks of Maternity Leave immediately following the birth of the child
- The adopter can take Shared Parental Leave after taking at least two weeks of Adoption Leave
- The father/partner/spouse can take Shared Parental Leave immediately following the birth/placement of the child, but may first choose to exhaust any Paternity Leave entitlements (N.B the father/partner cannot take Paternity Leave or pay once they have taken any Shared Parent Leave or Shared Parental Pay).

Where a mother/adopter gives notice to curtail/stop their Maternity/Adoption entitlement then the mother/adopter's partner can take Shared Parental Leave or annual leave while the mother/adopter is still using their maternity/adoption entitlements.

If the employee is eligible to receive it, **Shared Parental Pay (ShPP)** may be paid for some, or all, of the Shared Parental Leave period.

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

Eligibility for Shared Parental Leave (SPL)

For employees to be eligible to take Shared Parental Leave, both parents or the adopter and his/her partner, must meet certain eligibility requirements.

To qualify for Shared Parental Leave and Pay a mother/adopter must be entitled to Maternity or Adoption Leave or Statutory Maternity or Adoption Pay or Maternity Allowance and must share the main responsibility for caring for the child with the child's father or her partner.

In addition, to be eligible, an employee needs to meet a further three step process, which are:

Step 1 - Continuity test:

The employee must have worked for the Council for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which the adopter was notified of having been matched with a child for adoption) and still be employed in the first week that Shared Parental Leave is to be taken.

The other parent has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the Maternity Allowance threshold of £30 (current) a week in at least 13 of the 66 weeks.

Step 2 - Individual eligibility for pay:

To qualify for **Shared Parental Pay (ShPP)** the parent must, as well as passing the continuity test, also have earned an average salary of the lower earnings limit or more (currently £118) for the 8 weeks' prior to the 15th week before the EWC or adoption date.

Step 3 – Notification

An employee will need to notify the Council in writing that s/he qualifies for Shared Parental Leave, and the Child's mother/adopter must have ended or given notice to reduce any Maternity or Adoption entitlements (this may include leave and pay).

Notice requirements for Shared Parental Leave

An employee entitled to and intending to take Shared Parental Leave must give the Council notification of their entitlement and intention to take Shared Parental Leave in writing, at least eight weeks before they can take any period of Shared Parental Leave. Notification should be provided using the following forms, which should be completed as appropriate and returned to HR Services:

- [Appendix 2](#) – Curtailment of Maternity Leave and Pay (for Mother's Employer)
- [Appendix 3](#) – Notification that Mother is intending to take Shared Parental Leave/SPL (for Mother's Employer)
- [Appendix 4](#) – Notice confirming that Partner is taking Shared Parental Leave/SPL but Mother is not (for Mother's Employer)
- [Appendix 5](#) – Notification that Partner is intending to take Shared Parental Leave/SPL (for Partner's Employer)

The Council may, within 14 days of the Shared Parental Leave entitlement notification being given, request further evidence of eligibility (e.g. name and address of the partner's employer, copy of the child's birth certificate or details of the Adoption match date). In order to be entitled to Shared Parental Leave, an employee must produce this information within 14 days of the request.

Discussions regarding Shared Parental Leave

An employee considering taking Shared Parental Leave is encouraged to contact HR Services to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Council to support the individual.

Upon receiving a leave application, 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 booking leave, HR Services will write to the employee confirming their entitlement to Shared Parental Leave and leave dates.

Where a request for discontinuous leave requires further discussion, a meeting will be arranged to discuss the request with the employee, his/her line manager and HR Services. An employee may be accompanied by a workplace colleague or trade union representative at the meeting. Guidance on agreeing/refusing a request can be found in the [Appendix 6](#) FAQ.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen whilst the employee is away from work. The meeting 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. Employees will be notified of the outcome in writing within 14 days of the meeting.

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 Shared Parental Leave, although consideration should be given as to avoid any claim for discrimination.

Booking Shared Parental Leave

In addition to notifying the Council of entitlement to Shared Parental Leave/Pay, an employee must also give notice in writing to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to Shared Parental Leave, and can be recorded on the entitlement form [Appendix 3](#) – Notification that Mother is intending to take Shared Parental Leave/SPL (for Mother's Employer)

An employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either a request for (a) a single period of one week of leave; or (b) for two or more weeks of discontinuous leave (i.e. where the employee intends to return to work between periods of leave).

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

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

Continuous Leave Notifications

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). An employee has the right to take a continuous block of leave notified in a single notification, as long as it does not exceed the total number of weeks of Shared Parental Leave available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

Discontinuous Leave Notifications - (allows parents to alternate childcare responsibilities)

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 Shared Parental Leave and work every other week for a period of three months).

Where there is concern over accommodating the notification, the Council may seek to arrange a meeting to discuss the notification further (this must be within two weeks of the request). If the leave pattern cannot be accommodated, the employee can take the leave in a single continuous block or can withdraw their request on or before the 15th day after the notification was given.

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.

Variations to arranged Shared Parental Leave

An employee is permitted to vary or cancel an agreed and booked period of Shared Parental Leave, 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.

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 organisation 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 HR.

Statutory Shared Parental Pay (ShPP)

You may be entitled to take up to 37 weeks Statutory Shared Parental Pay while taking Shared Parental Leave. 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.

Statutory Shared Parental Pay may be payable during some or all of Shared Parental Leave, depending on the length and timing of the leave.

If you are seeking to claim Statutory Shared Parental Pay you must 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 Statutory Shared Parental Pay is payable;
- the employee's 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 must not be less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of Shared Parental Leave has begun;
- the employee must give appropriate notification in writing as set out in the policy

- Where an employee is entitled to receive Statutory Shared Parental Pay they must, at least eight weeks before receiving any Statutory Shared Parental Pay, give written notice advising of their entitlement to Shared Parental Leave. This should be included as part of the notice of entitlement to take Shared Parental Leave form at [Appendix 3](#) – Notification that Mother is intending to take Shared Parental Leave/SPL (for Mother's Employer).

Any Statutory Shared Parental Pay due will be paid at a rate set by the Government for the relevant tax year.

Terms and Conditions during Shared Parental Leave

During the period of Shared Parental Leave, the employee's contract of employment continues in force and you are entitled to receive all contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving Statutory Shared Parental Pay but not during any period of unpaid Shared Parental Leave. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking Shared Parental Leave. When the employee returns to work after Shared Parental Leave, they have the option of paying the contributions for any unpaid period to preserve continuity of pensionable service. In order to do this they can elect to cover the period of pension "lost" by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract. An employee must elect to buy the "lost" pension within 30 days of returning to work.

Annual Leave

Shared Parental Leave is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should be taken in the current leave year and carry forward is as per contract of employment and should be taken account of when considering Shared Parental Leave.

Contact during Shared Parental Leave

Before Shared Parental Leave begins, your line manager will discuss the arrangements for keeping in touch during your leave. The Council reserves the right in any event to maintain reasonable contact with employees from time to time during Shared Parental Leave.

Shared Parental Leave in Touch days (SPLIT days)

An employee can work for up to 20 days during Shared Parental Leave without bringing their period of to an end or impacting on their right to claim Statutory Shared Parental Pay for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

There is no obligation for the employee to carry out any work, and no obligation to offer the employee any work, during the employee's Shared Parental Leave. Any work undertaken is a matter for agreement between the line manager and the employee. An employee taking a IT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving Statutory Shared Parental Pay, this will be effectively 'topped up' so that the individual receives full pay for the day in question.

An employee, with the agreement of the organisation, may use SPLIT days to work part of a week during Shared Parental Leave. The organisation and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of Shared Parental Leave or to trial a possible flexible working pattern.

These days are in addition to the KIT days available to those on Maternity or Adoption Leave.

Returning to work after Shared Parental Leave

The employee will be advised in writing of the end date of any period of Shared Parental Leave. The employee is expected to return on the next working day after this date, unless s/he notifies the organisation otherwise. If an employee is unable to attend work due to sickness or injury, the Council's normal reporting arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If an employee wishes to return to work earlier than his/her expected return date, s/he may provide a written notice to vary the leave, giving the Council at least eight weeks' notice of the earlier return date. This will count as one of the notifications. If an employee has already used his/her 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.

On returning to work, an employee is entitled to return to the same job if the aggregate total statutory Maternity/Paternity/Adoption Leave and amounts to 26 weeks or less, on the same terms and conditions of employment as if they had not been absent.

Where Maternity/Paternity/Adoption Leave and Shared Parental Leave amounts to 26 weeks or more in aggregate, an employee is entitled to return to the same job 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.

ORDINARY PARENTAL LEAVE

Parental leave is the entitlement for employee's to take time off work to look after a child's welfare and is **unpaid** leave and applies to each child, whether this being born or adopted (date of placement in the case of Adoption). At present this leave can be taken up until the child's 18^h birthday.

Entitlement

In order to qualify for Parental Leave an employee must have completed one year's service with the Council. Employees are entitled to take up to 18 weeks **unpaid** leave up until the 18th birthday. Leave may be taken straight after the birth, Adoption or following a period of Maternity or Adoption Leave. Employees are required to request leave in writing giving at least 21 days' notice before the intended start date, although there is recognition in the case of a premature birth and in the case of an Adoption this may not always be possible. Parental Leave has to be booked in blocks, ie whole weeks or multiples of weeks and cannot be for odd days off; unless special circumstances are agreed with the Council (an example of this might be in the situation where there is very sick or disabled child).

Requests for Parental Leave

Employees who are eligible to take Parental Leave must submit any request in writing to their line manager, giving at least 21 days' notice of their request. Leave must be taken in blocks of whole weeks, and in the case of requests for less they count as one week for monitoring periods of Parental Leave (pay will be deducted on the basis of actual hours/days taken).

The Council reserves the right to postpone any leave for up to 6 months due to operational needs, however, this is only to be considered in exceptional circumstances.

During Parental Leave an employee will need to decide whether to pay pension contributions. In order to do this the employee will need to complete the appropriate application on the Pension Fund website (staffspf.org.uk)

OTHER SOURCES OF INFORMATION

1. Related internal policies

- Sickness Absence Policy
- Grievance Policy
- Right to Flexible Working

2. Trade Unions

There are several trade unions working within Stafford Borough Council and Cannock Chase District Council who can assist with the policy. It is recommended that a trade union representative be contacted if the employee needs any further advice, guidance and support in making an application for any of the leave entitlements or feels they have been treated unfairly.

3. HR Services

HR Services can provide guidance and assist with the application of the policy. It is recommended that a member of HR Services be contacted at the earliest possible stage so that appropriate advice, guidance and support can be offered to all parties involved with the process.

4. External Sources

Further advice and guidance can be found on the following websites:

ACAS: www.acas.org.uk

Government Information Website: www.gov.uk

Staffordshire Pension Fund <https://www.staffspf.org.uk>

Please note that the Council takes no responsibility or liability for any material produced by or contained in external sites or for any advice or services given by external organisations. It is the responsibility solely of each person to decide whether or not they sue any such material, advice or service.

LEGISLATIVE FRAMEWORK

Shared Parental Leave, including The Shared Parental Leave Regulations 2014,
The Shared Parental Pay (General) Regulations 2014,
The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014,
The Employment Rights Act 1996,
Child and Families Act 2014 and Equality Act 2010.
Equality Act 2010
Maternity & Parental Leave Regulations 1999
Parental Leave Regulations 2013

REVIEW STATEMENT

Save as required by law, the Council reserves the right to periodically review this policy.

EQUALITY & DIVERSITY CONSIDERATIONS

All employees are responsible for ensuring that they operate the procedure in line with the Council's Equality & Diversity policy to provide equality of opportunity for all employees.

The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy or Maternity. The procedure will be applied equally to all employees irrespective of their background or membership of a particular group.

The application of the policy and procedure will be subject to an equality impact assessment to ensure that it does not discriminate either positively or negatively in relation to the above groups either directly or indirectly. The Council will regularly review the policy's impact on any equality and diversity issues, and will identify any inequalities by monitoring and will take appropriate action where necessary.

This policy document can be provided in Braille, on audio cassette tape/disc, large print and in the following languages on request to Cannock Chase Council on 01543 462621 and Stafford Borough Council on 01785 619000.