Supporting Employees

Provisions



[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

|  |  |
| --- | --- |
| SUPPORTING EMPLOYEES | **ACCEPTANCE STATEMENT & CONTENTS** |

**ACCEPTANCE STATEMENT**

The Council adopted these provisions on 1st April 2017.

These provisions are in line with Children and Families Act 2014,which introduced a new regime of shared parental leave as well as extending the right to request to work flexibly to all employees.

**CONTENTS**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **REFERENCE** |  | | | | | | | **Page** |
|  | **ACCEPTANCE STATEMENT** | | | | |  | | 1 |
|  |  | |  | |  | | |  |
| **1** | **SECTION ONE MATERNITY, ADOPTION AND SURROGACY PROVISIONS** | | | | | | |  |
|  | Introduction | |  | |  | | | 10 |
|  | Health, Safety And Welfare | |  | | | |  | 10 |
| **1a** | Maternity Leave | | Time off for antenatal Care | | | |  | 11 |
|  |  | | Maternity Leave | | | |  | 11 |
|  |  | | Commencing Maternity Leave | | | |  | 11 |
|  |  | | Still Birth | | | |  | 12 |
|  |  | | Fertility Treatment | | | |  | 12 |
| **1b** | Adoption Leave | | Time off to attend application interviews | | | |  | 13 |
|  |  | | Time off for Adoption appointments | | | |  | 13 |
|  |  | | Entitlements | | | |  | 13 |
|  |  | | Delayed Placements | | | |  | 13 |
|  |  | | Disrupted Placements | | | |  | 13 |
|  |  | | Fostering for Adoption | | | |  | 14 |
|  |  | | Overseas Adoption | | | |  | 14 |
|  |  | | Exemptions | | | |  | 14 |
| **1c** | Maternity & Adoption Pay | | | | | |  | 15 |
|  |  | | Adoption Disrupted Placements | | | |  | 16 |
| **1d** | Shared Parental leave | | Introduction | | | |  | 17 |
|  |  | | Principles | | | |  | 17 |
|  |  | | Eligibility | |  | | | 17 |
|  |  | | Leave | |  | | | 18 |
|  |  | | Making an application for Shared Parental Leave | | | | | 18 |
| **1e** | Shared Parental Leave Pay | |  | | | | | 19 |
| **1f**  **1g** | Surrogacy  Statutory Parental Bereavement Pay and Leave | | | | | | | 20  21 |
| **1h** | Further Information | Keeping in Touch Days | | | | | | 23 |
|  |  | Salary Sacrifice | |  | | | | 23 |
|  |  | Information Technology | | | | | | 23 |
|  |  | Working in the Civic Office | | | | | | 23 |
|  |  | Employees with more than one contract | | | | | | 23 |
|  |  | Maternity Pension Contributions | | | | | | 24 |
|  |  | Employees who do not Return to work after Maternity, Adoption or Shared Parental leave | | | | | | 24 |
|  |  | Specific conditions for Career Breaks after Maternity Leave | | | | | | 24 |
| **1i** | Supportive arrangements after Maternity/Adoption or Shared Parental Leave | | | | | | |  |
|  |  | | Returning to Work |  | | | |  |
|  |  | | Requests to change the return to work date | | | | | 25 |
|  |  | | Breastfeeding |  | | | | 25 |
|  |  | | Ill health |  | | | | 25 |

|  |  |
| --- | --- |
| SUPPORTING EMPLOYEES | **CONTENTS** |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  | | | | | | **Page** |
| **2** | **SECTION TWO MATERNITY SUPPORT LEAVE** | | | |  | | | 26 |
|  |  | | Link with Paternity leave and Pay | |  | |  | 26 |
|  | | Eligibility – nominated carer | |  | |  | 26 |
|  | | Notification and Application Arrangements | | | | | 27 |
|  | | Monitoring | |  | |  | 27 |
|  | | Appeals | |  | |  | 27 |
| **3** | **SECTION THREE PATERNITY LEAVE** | | | |  | | |  |
|  |  | | Statutory Ordinary Paternity Leave | |  | | | 28 |
|  |  | | Eligibility | | |  | | 28 |
|  |  | | Notification and Approval | | |  | | 28 |
|  |  | | Paternity Leave and Maternity Support Leave | | |  | | 29 |
|  |  | | Pay | | | | | 29 |
|  |  | | Administration |  | | | | 29 |
| **4** | **SECTION FOUR PARENTAL LEAVE** | | |  | | | | 30 |
|  |  | | Postponement of Parental Leave | | | | | 30 |
|  |  | | Difficulties in accommodating Parental Leave Requests | | | | | 30 |
| **5** | **SECTION FIVE CAREER BREAK SCHEME** | | |  | | | |  |
|  |  | | Introduction |  | | | | 31 |
|  |  | | Eligibility |  | | | | 31 |
|  |  | | Application |  | | | | 31 |
|  |  | | Continuous Service |  | | | | 32 |
|  |  | | Pensions |  | | | | 32 |
|  |  | | Salary Sacrifice |  | | | | 32 |
|  |  | | Returning to the Council | | | | | 32 |
|  |  | | Terminating the Career Break | | | | | 33 |
|  |  | | Monitoring |  | | | | 33 |
| **6** | **SECTION SIX FLEXIBLE WORKING REQUESTS** | | | | | | |  |
|  |  | | Eligibility |  | | | | 34 |
|  |  | | Requesting a Change |  | | | | 34 |
|  |  | | Consideration of Requests | | | | | 35 |
|  |  | | Appeals |  | | | | 36 |
|  |  | | Special Consideration applying to Flexible Retirement | | | | | 36 |
|  |  | | Overpayments | | | | | 36 |

|  |  |
| --- | --- |
| SUPPORTING EMPLOYEES | APPENDIX & TEMPLATE LETTERS |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | |  |  | **Page** |
| **APPENDICES** |  | |  |  |  |
|  |  | |  | |  |
|  | Employee | * Key Dates Prior to maternity leave | | | 40 |
|  | Employee | * Key Dates After Maternity Leave commences | | | 41 |
|  | Manager- | * Key dates | |  | 42 - 43 |
|  | Shared Parental Leave - Examples of how it might work in practice? | | | | 45 - 46 |
|  | Manager | | - Return to Work Induction |  | 47 |
|  | Glossary of terms and abbreviations | | |  | 48 |
|  |  | |  |  |  |
| **FORMS** |  | |  |  |  |
| MAT1 | Maternity Leave | |  |  | 52 |
| MAT2 | Adoption Leave | |  |  | 54 |
| KIT1 | KIT Days |  | |  | 56 |
|  | Shared Parental leave | * Overview | |  | 57 |
| SPL(a) | Curtailment of Maternity or Adoption Leave Notification Form | | |  | 58 |
| SPL(b) | Application by Partner for their SPL & SPP to start | | |  | 60 |
| SPL(c) | Splitting a block of SPL | | |  | 62 |
| SPL(d) | Employees who want more than one block of SPL | | |  | 63 |
| PAT1 | Paternity leave | |  |  | 64 |
| MSL/ASL1 | Maternity or Adoption Support Leave | | |  | 66 |
| PAR 1 | Parental Leave | |  |  | 67 |
| FLWRK 1 | Flexible Working Request | |  |  | 68 |
| CAR 1 | Career Break | |  |  | 70 |
|  |  | |  |  |  |
|  |  | |  |  |  |
| **LETTERS** |  | |  |  |  |
|  | Maternity/adoption acknowledgement template letter | | |  | 74 |
|  | Paternity Leave acknowledgement | | |  | 75 |
|  | Adoption Acknowledgment | |  |  | 76 |
|  | Letter for employee to notify postponement of Parental leave | | |  | 78 |
|  | Letter to confirm shared Parental Leave provisions | | |  | 79 |
|  | Unable to agree Shared Parental Leave | | |  | 80 |
|  |  | |  |  |  |

|  |  |
| --- | --- |
| Supporting Employees | **Provisions overview** |

**INTRODUCTION**

The Council has a clear commitment to the promotion of equality of opportunity for all employees.

The Council believes that individuals should be able to work and enjoy a quality family life, and that the ability to balance life inside and outside of work is key to attracting and retaining the best employees. It is for this reason that the Council is committed to providing a range of provisions to support employees, which in some cases exceed the statutory requirements.

These provisions are aimed at helping employees to balance work and family responsibilities. These provisions cover:

* Maternity provisions
* Adoption for parents
* Surrogacy arrangements
* Maternity Support Leave
* Shared Parental Leave
* Parental Leave
* Flexible Working for all employees
* A Career Break Scheme (which allows eligible employees to take an unpaid break from work).

**SCOPE**

These provisions apply to all employees including staff who have transferred into Doncaster Council from other organisations through TUPE or statutory transfers.

These provisions do not apply to teachers and employees in schools or PRUs unless adopted by the Governing Body.

**PRINCIPLES**

There are different kinds of leave and pay available:

|  |  |
| --- | --- |
| **Maternity leave and pay** | applies to pregnant employees and those who have just given birth. |
| **Adoption leave and pay** | applies to the child’s adopter, but if a couple are adopting jointly, only one of them is entitled to adoption leave. This also applies to employees who are adopting and the intended parents in asurrogacy arrangement where they are applying for a parental order. |
| **Paternity leave** | applies to fathers (biological or adopted) or partners, including civil partners |
| **Parental leave** | applies to parents, adopters, partners, including civil partners or those with parental responsibilities. |
| **Shared Parental Leave and pay** | applies to parents, adopters, partners, including civil partners or those with main caring responsibilities, where the mother has curtailed (ended) their maternity or adoption leave early. Agency workers who are entitled to statutory maternity pay or statutory paternity pay are not eligible for shared parental leave but their employed partner may be. Agency workers and or/their partners may be entitled to statutory shared parental pay. |
| **Career Break** | applies to all employees with over 1 years’ service. |
| **Flexible working** | is available to a**ll employees with 26 weeks service** |

There is only one period of leave and pay for each instance of pregnancy, or adoption, regardless of the number of children born or placed for adoption.

Throughout the leave period, an employee’s terms and conditions will remain unchanged, except in the case of a Career Break

**ROLES AND RESPONSIBILITIES**

|  |  |  |  |
| --- | --- | --- | --- |
| Directors, Assistant Directors and Head of Service | Managers | Employees | Human Resources |
| General Operation | | | |
| Developing a culture which is proactive in supporting these provisions by:   * Implementing and reinforcing the provisions * Addressing any difficulties the employee is experiencing * Ensuring employees are aware and comply with the provisions * Ensuring employees are adequately trained * Ensuring timely and effective action is taken   Ensure managers carry out their responsibilities | Developing and maintain a safe and supportive environment by:   * Carrying out a risk assessment to identify any risk to employees * Ensuring that the employee is not being treated unfairly, including by colleagues   Ensuring:   * within reason, that employees are kept informed of promotion opportunities relevant to their job and any important changes in the workplace which may directly affect them on their return to work * that employees are aware of the rights and responsibilities outlined in the provisions. * employees are aware of where to access information on the Council Supporting Employees provisions | Making themselves aware of the provisions and ensuring they have a clear understanding  Acting promptly on the requirements of these provisions  Comply with requirements for notification of requests | Supporting and advising managers and employees on the application of the provisions  Providing appropriate training to support the provisions  Reviewing the provisions regularly |
| Directors, Assistant Directors and Head of Service | **Managers** | **Employees** | **Human Resources** |
| Fairness and Equality | | | |
| To ensure these provisions are implemented in a fair, consistent and non-discriminatory manner.  To provide reasonable adjustments as required | To ensure these provisions are implemented in a fair, consistent and non-discriminatory manner.  To provide reasonable adjustments required | To ensure these provisions are implemented in a fair, consistent and non-discriminatory manner. | To ensure these provisions are implemented in a fair, consistent and non-discriminatory manner. |
| Maternity, Adoption and Shared Parental Leave and pay | | | |
| Ensure that the provisions are applied consistently and fairly | Approve requests for time off taking into account the needs of the service  Agree arrangements for a reasonable level of contact and discuss the viability of keeping-in touch days with employee  Discuss annual leave entitlement and options for taking it  Confirm in writing arrangements for leave and pay within 28 days of receiving applications  Writing to the employee to tell them when they are due to return to work  Ensuring the employee does not return to work in the first two weeks after the birth (in certain circumstances this is extended to four weeks)  Where discontinuous periods of leave are requested discuss alternative arrangements if necessary (*Shared parental leave*) | Informing the manager:   * that they are pregnant or have been matched with a child * the date they intend to start maternity/adoption leave.   Discuss arrangements for leave with line manager  Agree arrangements for a reasonable level of contact with line manager  Discuss potential for keeping-in-touch days (KIT/SPLIT) with line manager  Discuss annual leave options and options for taking it | Provide information on annual leave entitlement |
| Directors, Assistant Directors and Head of Service | **Managers** | **Employees** | **Human Resources** |
| Paternity Leave | | | |
| Ensure that the provisions are applied consistently and fairly | Approve requests for time off taking into account the needs of the service. If postponing leave, write within five working days explaining the reasons for postponement.  Suggest an alternative within six months of the requested start date  Process applications | Completing application form  Discuss arrangements for leave with line manager | Provide information on entitlements |
| Maternity Support Leave | | | |
| Ensure that the provisions are applied consistently and fairly | Approve requests for time off taking into account the needs of the service If postponing leave, write within five working days explaining the reasons for postponement.  Processing application | Completing application form  Discuss arrangements for leave with line manager/Head of Service | Provide information on entitlements |
| Parental Leave | | | |
| Ensure that the provisions are applied consistently and fairly | Approve requests for time off taking into account the needs of the service If postponing leave, write within five working days explaining the reasons for postponement.  Processing application and Informing Payroll to suspend pay | Completing application form  Discussing arrangements for leave with line manager | Provide information on entitlements |
| Career Break Scheme | | | |
| Acknowledging applications with two weeks of receipt  Consider with the line manager the implications for the service  Ensuring that the career break is monitored within the Directorate | Discuss options with the employee  Processing application form and ensuring that if agreed informing the payroll team within timescales to cease pay | Complete application form  Discussing options with their line manager  Resigning their post | Provide information and advice on entitlements  Monitor use |
| Directors, Assistant Directors and Head of Service | **Managers** | **Employees** | **Human Resources** |
| Flexible Working Requests | | | |
| Consider with the line manager the implications for the service  Responding to appeals against manager decisions | Acknowledging applications within two weeks of receipt and replying within 4 weeks  Discussing options with the employee  Considering the implications for the service  To reject an application when the requested working pattern cannot be accommodated within the needs of the service  Amending HR Payroll System  To seek the employee’s **agreement** to extend timescales where it is appropriate (the process including any trial period should be concluded within a reasonable timescale - generally 3 months)  To consider requests properly in accordance with the set provisions  To ensure that any variation with the provisions is agreed in advance with the employee and recorded in writing | Completing application form  Ensuring their application is valid by checking that all the eligibility criteria are met and that they have provided their manager with all the necessary information  If necessary, be prepared to be flexible themselves, to reach an agreement with their manager  Discussing arrangements with line manager | Provide information and advice on entitlements and alternative options  Monitor usage |

**NOTE:** All periods of leave and pay are proportional for part-time employees.

**OVERPAYMENTS**

The council recognises that it has a duty to ensure that employees are paid correctly. However occasionally errors and incorrect payments do occur, making it necessary to rectify the error and recover all monies due. The council has an Overpayments Protocol which employees are advised to review if this is the case.

All employees should check their payslip each month, this is particularly important if employees are going through any changes in pay for whatever reason including due to leave or changes to working patterns.

**OPPORTUNITIES/EQUALITIES**

Due consideration should be given to reasonable adjustments to these provisions for an employee covered by the Equalities Act 2010 who may be disadvantaged by the application of these provisions and advice sought at an early stage from Human Resources. It is expected that employees observe these provisions in line with the council’s obligations under equalities legislation.

Managers are expected to ensure that support and all reasonable adjustments are considered to allow equality of opportunity.

**MONITORING**

These provisions will be monitored by HR and will be reviewed as required, or after a 3-year period.

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Maternity, Adoption, Surrogacy and Shared Parental Leave** | **SECTION 1**  **Introduction**  **Health, Safety And Welfare** |

**SECTION ONE: MATERNITY, ADOPTION, SURROGACY AND SHARED PARENTAL LEAVE**

**1. INTRODUCTION**

This section outlines maternity, adoption and surrogacy leave and pay provisions available to employees who meet the eligibility criteria. Depending on whether employees meet the applicable eligibility criteria, they may have entitlement to statutory (SMP/SAP) and/or occupational maternity pay (OMP/OAP).

Additionally information is provided on a variety of leave provisions depending on your circumstances.

The Council provisions are, in parts, more beneficial than and incorporate all relevant legislation and statutory entitlements.

**HEALTH, SAFETY AND WELFARE**

There are a number of statutory obligations with regard to the health and safety of pregnant employees, and women who have given birth within the last six months or who are breastfeeding. Managers are required to make a suitable and sufficient assessment of the health and safety risks to which their employees are exposed at work. In the case of women of child-bearing age, the assessment must take account of any risks to new or expectant mothers and their children. Advice and guidance is available from the Corporate Safety Section.

Preventative action, identified as a result of the risk assessment process, will need to be carried out when notified of a pregnancy or for a new mother. If there is still exposure to a risk, that could affect health and safety, there are a number of steps to be considered:

* temporary adjustment to working conditions or hours of work,
* if not reasonable to do so or if the risk cannot be avoided, suitable alternative work should be offered (the terms and conditions must not be less favourable than her existing ones),
* if no alternative work is available, she should be suspended from work, on full pay, for as long as necessary to protect her safety or health or that of her child,
* if the offer of suitable alternative work is unreasonably refused then the employee should be given unpaid leave of absence.

All measures taken must continue for as long as the risk exists.

It is also good practice, although not a legal requirement, to consider the wider aspects of pregnancy which can affect an employee’s work and where possible make alternative arrangements (for example for morning sickness or backache).

A member of staff who is pregnant, has recently given birth or is breast-feeding, and is unable to continue in the role on designated health and safety grounds, will be offered alternative work. If this is not available, following discussion with the Directorate HR Manager, they may be suspended from work on full pay until such time as they are able to resume duties, or modifications have been made to enable their return to work.

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Maternity Leave** | **SECTION 1** |

**1a.** **MATERNITY LEAVE**

**Time off for antenatal care**

All pregnant employees have the right to paid time off for antenatal care regardless of their length of service; hours of work or maternity leave entitlement. Antenatal care is defined as visits to a registered Medical Practitioner, Midwife or Health Visitor. With the exception of the first appointment, a certificate from a registered practitioner, midwife or health visitor confirming an appointment has been made should be provided, if requested. Partners of pregnant women wishing to take time off to attend antenatal appointment are entitled to reasonable time off. This should be discussed and booked in advance with their manager.

**Maternity Leave**

All pregnant employees are entitled to take up to 52 weeks statutory maternity leave (SML) for the birth of their child.

* This is defined as 26 weeks ordinary maternity leave and 26 weeks additional maternity leave.
* This is not dependent on their hours of work or length of service, but appropriate notice does need to be given
* This entitlement includes surrogate birth mothers.

Throughout the leave period employees continue to build up holiday entitlement including bank holidays.

There should be a discussion and agreement reached with line managers about when, and how, annual leave entitlements will be taken. Accrued annual leave and bank holidays may be taken before or after maternity leave commences, within reason.

**Commencing Maternity leave**

The earliest date an employee can start maternity leave is 11 weeks before the baby is due, or from the time of childbirth if that is earlier. Employees can work right up to the time the baby is due.

Maternity leave normally starts on the date chosen by the employee however, it can be triggered by:

* **employee absence due to pregnancy** - if the employee is absent from work due to a pregnancy related illness on, or after the start of the 4th week prior to the due date, this is normally treated as the start of maternity leave. There may be circumstances where absence is for a minor illness and the employee is expected to return within 1 or 2 days and where an employee is ill for a non-pregnancy related reason which will not trigger maternity leave but be regarded as sickness absence.
* **employee absence due to birth** - If this is the case, the employee’s maternity leave (and maternity pay) begins on the day after the first day of absence or birth.

Managers should take care not to unreasonably request employees to carryout work that would be undertaken during the maternity leave period prior to departing on maternity leave. This will not however prevent staff from assisting in the planning of coverage of their work in advance of the maternity leave period.

To qualify for maternity leave, the employee needs to notify their manager that they wish to take maternity leave prior to the 15th week before the “expected week of confinement “(EWC). This is normally agreed between the employee and the manager; however it is ultimately the employee’s decision. However, if the employee does not give notification within this timeframe the employee would lose the right to specify the start date of maternity leave.

The date that an employee starts maternity leave can be changed but the employee needs to give 21 days’ notice prior to the date that the maternity leave is due to start.

**Still Birth**

In the unfortunate event of a still birth, employees are entitled to the full provisions of the maternity leave scheme if this has occurred after 24 weeks of pregnancy. There is an entitlement to Statutory Maternity Pay if an employee has a stillbirth on or after the start of the 25th week of pregnancy

If stillbirth does occur earlier, then time may be granted under the provision of the Council’s Special Leave Scheme.

**Fertility Treatment**

Employees may apply under the special leave provisions for reasonable time off to undergo fertility treatment. Although there is no statutory right for employees to take time off work for fertility treatment, this should be treated like any other medical appointment and consideration should be given to flexible working arrangements during the treatment.

In some cases the employee may be unable to work due to the effects of the treatment and be signed off sick. Whilst this absence should be treated in the same way as sickness absence for other reasons, in accordance Managing Attendance Policy, with the managers may wish to seek additional advice from their Directorate HR team.

**Form MAT 1A should be completed for Maternity applications**

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Adoption Leave** | **SECTION 1** |

**1b. ADOPTION LEAVE**

**Time off to attend adoption application interviews**

Up to two days (or 14.8 hours) reasonable paid time off will be provided in connection with the application for adoption. This may include pre-adoption interviews, adoption training, visits or court appearances. This entitlement is for both prospective parents - A pro-rata entitlement applies to part-time employees.

**Time off for adoption appointments**

Employees are entitled to time off to attend adoption appointments in the period between being notified of a match with a child and the date that the child joins the family

Adopters are entitled to:

* Paid time off to attend up to five adoption appointments
* Up to 6.5 hours is allowed for each appointment, although individuals should take only the time that they need to attend the adoption appointment

The appointment must have been arranged by, or at the request of, the adoption agency. This time is specifically for social work assessments and for any training provided for the adoptive parent. Any additional time required should be managed through flexi time or annual leave. (A pro-rata entitlement applies to part-time employees.)

**Adoption Leave Entitlement:**

* All employees are entitled to take up to 52 weeks adoption leave per family
* This is defined as 26 weeks ordinary adoption leave (OAL) and 26 weeks additional adoption leave (AAL).
* This is not dependent on the hours of work or length of service, but appropriate notice does need to be given.
* Accrued annual leave and bank holidays may be taken before adoption leave commences within reason. There should be a discussion with line managers about when and how annual leave entitlements will be taken.

In order to qualify for adoption leave an employee must:

* be the only partner (including civil partner or same sex partner) taking adoption leave
* be newly-matched with a child for adoption and by an approved adoption agency

**Delayed Placements**

If the placement is delayed, for whatever reason, and adoption leave has already begun, the employee will not be able to stop the leave and start it again at a later date, unless it becomes a disrupted placement. Employees should therefore make sure that the placement will go ahead on the agreed date if they intend to start their adoption leave before the actual date of placement.

**Disrupted Placements**

If, after starting their leave, an employee is notified that the child will not be placed, or after the child is placed, the child is returned to the adoption agency, the employee will not be entitled to the full adoption leave period. In this case adoption leave will end 8 weeks after the end of the week in which the disruption occurred. (There is no extension of adoption leave if disruption occurs with less than 8 weeks remaining.)

If an adoption leave has been cut short due to disruption of the placement, the employee must still give 28 days’ notice to return early. The manager, however, has the discretion to agree a mutually acceptable earlier return date where 28 days’ notice has not been given.

**Fostering for adoption**

Employees who are fostering for adoption are entitled to adoption pay and leave from when the child is placed with them.

**Overseas adoptions**

An employee who adopts a child from overseas can be eligible for adoption leave and pay if all of the following relevant criteria are met:

* Must have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad
* They are the child’s adopter or if jointly adopted be the person who has chosen to take the adoption leave
* Must have notified their manager that they wish to take adoption leave

**Exemptions**

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

* Arrange a private adoption.
* Become a special guardian.
* Have adopted a stepchild.
* Have a child through surrogacy. (**see Section 1f)**

**Form MAT 1B should be completed for Adoption applications**

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Maternity and Adoption Pay** | **SECTION 1** |

**1c MATERNITY AND ADOPTION PAY**

The Council operates two maternity/adoption pay schemes both will total a 39-week pay period. The actual amount of pay will vary depending on whether the employee is entitled to maternity/adoption allowance (MA/AA) or statutory maternity/adoption pay (SMP/SAP) and/or occupational maternity/adoption pay (OMP/AMP).

|  |  |
| --- | --- |
| Maternity Pay | Adoption Pay |
| **Maternity Pay for employees who have less than 26 weeks’ continuous local government service at 15 weeks before the Expected Week of Confirnment or whose pay is below the lower earnings limit.** | **Adoption Pay for employees who have less than 26 weeks continuous local government service by the date of placement or whose pay is below the lower earnings limit** |
| If the employee does not qualify for SMP the original MAT B1 will be returned explaining the reasons why SMP cannot be paid. This may then be used to claim maternity allowance (MA) from the Department of Work and Pensions | If the employee does not qualify for SAP they will receive a SAP1 and given the reasons why SAP cannot be paid. They then may be able to claim from the Department of Work and Pensions. |
| **Maternity Pay for employees *with less than 52 weeks continuous local government* service by the week beginning of the 11th week before the expected week of childbirth.**  This is based on the statutory entitlement of:   * 90% of average earnings\* for the first six weeks **then** * 33 weeks at standard rate of SMP entitlement or 90% of average earnings (whichever is the lower) for the next 33 weeks | **Adoption Pay for employees *between 26 and 52 weeks continuous local government service* ending with the week in which they are notified of being matched with a child for adoption (or the 15th week before the due date if using a surrogate).**  This is based on the statutory entitlement of:   * 90% of average earnings\* for the first six weeks **then** * 33 weeks at standard rate of SAP entitlement or 90% of average earnings (whichever is the lower) for the next 33 weeks |
| **Maternity Pay, for employees with *at least 52* weeks continuous local government service by the beginning of the 11th week before the expected week of childbirth.**  This is based on :   * 90% of average earnings\* for the first six weeks then either  1. 33 weeks at the standard rate of Statutory Maternity Pay (SMP) entitlement **plus** the equivalent of 6 weeks full pay (the payment of which to be agreed with the Employee) if declared intention to return to work **OR** 2. 33 weeks at the standard rate of SMP entitlement if declared intention not to return to work | **Adoption Pay for employees with *at least 52 weeks* continuous Local Government service (or the 15th week before the due date if using a surrogate)**  This is based on:   * 90% of average earnings\* for the first six weeks then either  1. 33 weeks at the standard rate of Statutory Adoption Pay (SAP) entitlement **plus** the equivalent of 6 weeks full pay (the payment of which to be agreed with the Employee) if declared intention to return to work **OR** 2. 33 weeks at the standard rate of SAP entitlement if declared intention not to return to work |

\* Average weekly earnings are calculated as an average of the gross earnings paid in the 8 weeks before the end of the qualifying week.

\*\* Continuous service does not have to be with the current employer but can include other local government continuous service or service covered under the redundancy modification order.

\*\*\*Eligibility for SMP/SAP is dependent upon being employed continuously for at least 26 weeks (6 months) by the 15th week before the expected week of childbirth (week 25) and employees must earn, on average at least equal to the lower earnings limit for National Insurance purposes 8 weeks prior to this date (between weeks 17 to 25).

Employees could cease to be entitled to SMP/SAP if:

* They do not give 28 days’ notice of the date they intend to start maternity/adoption leave and the reason given for the delay is unacceptable
* They are taken into legal custody during the maternity pay period.
* They start working, after the birth, for someone else (who did not employ them in the 15th week before baby due)

If the employee does not return to work due to involuntary redundancy, repayment of OMP will not be required; other instances may be considered on a case by case basis

**Adoption Disrupted Placement Pay**

When disruption occurs during the period when the employee is receiving occupational adoption pay, the employee will be entitled to receive occupational adoption pay to the end of the week in which they were notified of the disruption. Employees entitled to statutory adoption pay will continue to receive SAP for the remainder of the 8-week period (if applicable).

**You are advised to read sections 1g and 1h for further information and guidance**

**Form MAT 1B includes application for Adoption Pay**

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Shared Parental Leave** | **SECTION 1** |

**1d SHARED PARENTAL LEAVE**

**Introduction**

The purpose of this section is to outline the Shared Parental Leave provisions available to employees. Shared Parental Leave (SPL) allows parents to share the time off when they have a baby or adopt a child. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave and may also have an entitlement to Shared Parental Pay. Each period of leave is requested by each parent from their own employer.

Doncaster Council follows the statutory guidance for the process of shared parental leave.

**Principles**

* Parents can share 50 out of 52 weeks of statutory maternity leave and 37 out of 39 weeks of statutory maternity pay (mothers retain 2 weeks of mandatory maternity leave and fathers have a separate entitlement to 2 weeks of statutory paternity leave) or both parents are able to share statutory adoption leave.
* Parents can effectively “convert” a period of maternity or adoption leave and pay into Shared Parental Leave and pay that can be taken by either parent
* Shared parental leave can be taken concurrently with the partner also on shared parental leave.
* Shared parental leave does not have to be taken in a single continuous block – it can be taken in chunks as little as a week with the employer’s consent. These are known as discontinuous blocks.
* If employees would like to take the shared parental leave as discontinuous blocks of leave, this must be agreed in advance with the employer. If agreement cannot be reached, employees can elect to either:
  + - (a) withdraw their notice of taking leave or
    - (b) take their flexible parental leave in a single block commencing on a date of their choice (as long as appropriate notice is provided);
* An employee on shared parental leave will be entitled to the same terms and conditions that would have applied had they been at work, with the exception of pay.

**Eligibility**

To qualify for shared parental leave (SPL), the employee must share care of the child with either:

* their husband, wife, civil partner or joint adopter
* the child’s other parent
* their partner (if they live with the employee and the child)
* Surrogate parent

Both parents must share the main responsibility for care at the time of birth or placement for adoption. Additionally, the parent seeking to take SPL must satisfy each of the following criteria:

* have been employed continuously for at least 26 weeks by the end of the 15th week before the due date (or by the date they are matched with the adopted child)
* the partner must have ended or given notice to reduce any maternity or adoption entitlements
* continue to be employed by the same employer throughout the period
* must have correctly notified the Council of their entitlement and provide evidence as required.

**For a partner to be eligible for SPL they must** during the 66 weeks before the baby is due:

* have been working for at least 26 weeks (not necessarily in a row)
* have earned at least £30 a week on average in 13 of the 66 weeks

**Leave**

Employees are entitled to take continuous periods of leave as long as they meet the notification requirements but, employees need the agreement of your manager to take discontinuous leave. Early notification and discussion is recommended between the employee and manager.

**Making an application for shared parental leave**

An employee who qualifies for shared parental leave (under the individual test) and whose partner also qualifies (under the joint test):

• Can bring the maternity or adoption leave and pay period to an end early by serving a “leave curtailment notice” at least eight weeks before the maternity or adoption leave is to come to an end. The balance of maternity or adoption leave at that point becomes available to take as shared parental leave. So, if the mother notifies that she wants to end maternity leave after 26 weeks, or gives advance notice of that fact, the balance of 26 weeks’ leave and the associated number of weeks’ pay becomes available as shared parental leave and can be split up between the parents as they choose.

• Both parents (assuming that the partner qualifies under the individual test) can then opt in to have shared parental leave by giving their employer a “notice of entitlement” of their intention to take shared parental leave.

* They then have a joint entitlement to SPL of the balance of the maternity or adoption leave and pay period given up. The Notice of Entitlement indicates how much shared parental leave and pay each parent intends to take and when.

• An employee must serve a further notice to take a period of SPL at least eight weeks before they want the period of leave to start.

Employees are advised to discuss plans with their manager as early as possible

**To make an application employees must use** [**the**](http://www.york.ac.uk/admin/hr/resources/policy/shared-parental-leave/#tab5) **form SPL (a) and (b) and submit a final notification at least 8 weeks before they intend to take leave.**

**Employees are able to provide notice of a curtailment of maternity leave (if applicable), intention to take SPL and final notification of a block of leave simultaneously, if necessary. – Forms SPL (c) and (d) should be used.**

**Further information on the application forms is available in the appendix –Shared Parental Leave Application Forms**

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

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Shared Parental Leave Pay** | **SECTION 1** |

**1e SHARED PARENTAL LEAVE PAY**

Statutory Shared Parental Pay (SPP) is available for eligible parents to share between them while on SPL.

The number of weeks' SPP is available to the parents will depend on how much Statutory Maternity Pay (SMP) or Maternity Allowance (MA) the mother has received when her maternity leave or pay ends.

To qualify for SPP will depend on the individuals situation, and the employee will have worked for 26 weeks’ prior to the 15th week before EWC (to qualify for leave) and have minimum earnings of above the lower earnings limit in the 8 weeks running up to the 15th week before the EWC (this is the same as the SMP qualifying criteria)

A total of 39 weeks' SMP or MA is available to the mother. As there is a compulsory maternity leave period of two weeks, a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' SPP with her partner.

SPP is paid at the statutory rate or 90% of average weekly earnings, whichever is lower. This is the same as SMP and SAP except that during the first six weeks SMP is paid at 90% of whatever the mother or primary adopter earns (with no maximum).

If both parents work at the Council, they are both eligible for “Occupational Shared Parental Pay”. This offers the same enhancements as occupational maternity and adoption pay.

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Surrogacy** | **SECTION 1** |

**1f SURROGACY**

Provided the employee meets the eligibility criteria parents who have a child through surrogacy will be permitted to take ordinary and additional adoption leave and pay and shared parental leave and pay, paternity leave and parental leave

To be eligible the employee must be the ‘intended’ parent. The “intended parent”, in relation to a child, means a person who, on the day of the child’s birth -

(a) applies, or intends to apply during the period of 6 months beginning with that day, with another person for a parental order in respect of the child, and

(b) expects the court to make a parental order on that application in respect of the child;

To qualify for these provisions the employee must provide a copy of the Parental Order and/or birth certificate when they apply

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Statutory Parental Bereavement Pay and Leave** | **SECTION 1** |

**1f STATUTORY PARENTAL BEREAVEMENT PAY AND LEAVE**

An employee may be eligible for Parental Bereavement Leave and Statutory Parental Bereavement Pay if they or their partner either:

* has a child who has died under 18 years old
* had a stillbirth after 24 weeks of pregnancy

The death or stillbirth must have happened on or after 6 April 2020.

This right will apply to the:

* biological parent
* adoptive parent, if the child was living with them
* person who lived with the child and had responsibility for them, for at least 4 weeks before they died
* 'intended parent' – due to become the legal parent through surrogacy
* partner of the child’s parent, if they live with the child and the child’s parent in an enduring family relationship

An employee can take 2 weeks’ leave from the first day of their employment for each child who has died or was stillborn. They can choose to take:

* 2 weeks together
* 2 separate weeks of leave
* only one week of leave

The leave:

* can start on or after the date of the death or stillbirth
* must finish within 56 weeks of the date of the death or stillbirth

**Statutory Parental Bereavement Pay**

Statutory Parental Bereavement Pay is the minimum amount employers must pay eligible staff.

Eligible employees and workers will get one of the following, whichever is lower:

* £151.20 a week
* 90% of their average weekly earnings

**Notice Period**

An employee has 56 weeks to take Parental Bereavement Leave. This starts from the date of the child’s death.

The 56 weeks is split into 2 periods:

* from the date of the death or stillbirth to 8 weeks after
* 9 to 56 weeks after the date of the death or stillbirth

They can take 2 weeks’ leave in one block or as 2 separate blocks of one week.

When requesting statutory parental bereavement leave, the employee should tell us:

* the date of the child’s death or stillbirth
* when they want their Parental Bereavement Leave to begin
* how much leave they are taking - either 1 or 2 weeks

An employee can give their manager notice informally, for example by phone, text message or email.

You cannot ask for:

* notice for leave in writing (such as following up with an email, letter or form)
* notice to cancel leave in writing
* evidence of entitlement for leave
* details about the employee’s relationship to the child or baby

An employee must ask for Statutory Parental Bereavement Pay within 28 days, starting with the first day of the week they want to claim pay for.

They must give you in writing (for example, a letter or email) each time:

* the dates of the period the want to claim Statutory Parental Bereavement Pay
* their name
* the date of the child’s death or stillbirth

The employee will also need to self-declare to their manager to confirm they are [eligible because of their relationship to the child or baby](https://www.gov.uk/employers-parental-bereavement-pay-leave/eligibility) - they only need to provide this once when they first ask for pay.

**Non-payment form**

A request for Statutory Parental Bereavement Pay can be refused if the employee does not qualify.

To do this, send them a completed [non-payment form (SPBP1)](https://www.tax.service.gov.uk/submissions/new-form/tell-employee-not-eligible-statutory-parental-bereavement-pay/one-per-user) or your own equivalent form within 28 days of their pay request with evidence. You should keep a record of the week which was refused and the reason why.

If an employee is unhappy with the decision, they can contact the [HMRC Statutory Payments Disputes Team](https://www.gov.uk/guidance/statutory-pay-entitlement-how-to-deal-with-disagreements). They must do this within 6 months of the start date of the Statutory Parental Bereavement Pay period they claimed.

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Further Information** | **SECTION 1** |

**1g. FURTHER INFORMATION**

Where an employee returns to work:

* The period of maternity/adoption leave will form part of their continuous service.
* The council has agreed that pension rights and contributions will be dealt with in accordance with the provisions of the appropriate Superannuation Scheme.
* The employee will be entitled to have a Personal Development Review during this period if requested.

**Keeping in Touch Days**

Employees can agree with their manager to work for up to 10 days during their statutory maternity or adoption leave or 20 days for Shared Parental Leave.

These must be a mutual agreement between the employee and the manager. For these purposes, ’work’ may include training, or any other activity undertaken, to assist the employee in keeping in touch with the workplace, such as attending training courses, Personal Development Reviews or team meetings. These are voluntary and any refusal will be considered reasonable in the circumstances. Working for part of a day will count as one day’s work for the purpose of the 10-day calculation and in the case of maternity leave; this is not available during the two-week period following the date of birth. Keeping in Touch Days will be paid at the hourly contractual rate and will be paid in total at the end of the maternity, adoption or shared parental leave period.

**A KIT 1 will need to be completed and at the end of the absence period sent to the HR Service Centre**

**Salary Sacrifice**

If you have sacrificed salary in return for benefits, or vouchers, you may wish to review this arrangement in advance of your leave. Please contact your Directorate HR Officer at the earliest opportunity for advice.

**Information Technology**

Employees on maternity or adoption leave will need to return their ICT equipment before they commence their leave. Consideration should also be given to nominating another member of staff to be given access to e-mail account for the duration of leave. Employees may retain access to their e-mail accounts, subject to the approval of the manager.

**Working in the Civic Office**

Employees going on maternity adoption or shared parental leave will need to empty their locker in the civic office and return the locker key to their manager who will return it to facilities management. Lockers are for storage of personal items only and these items should be taken home until the employee returns to work. Any work items should be stored in the ‘hot’ or ‘warm’ storage, as appropriate, for the period of absence.

**Employees with more than one contract?**

Employees with more than one contract may have additional entitlements to Statutory Maternity Pay. This will depend on whether national insurance contributions are paid separately or aggregated.

**Maternity Pension Contributions**

The Council will continue to pay pension contributions throughout the period of ordinary maternity, adoption or shared parental leave irrespective of whether any pay is actually received. The employer contributions will be based on what the employee would have been earning had they been working normally. The employee’s contributions are based on the pay they actually receive.

The Council will also continue to pay pension contributions whilst the employee is receiving pay during additional maternity or adoption leave period.

No contributions will be payable by either the employee or the Council in any period of additional maternity or paternity leave in which the employee receives no pay unless the employee elects to pay “Additional Pension Contributions” (APCs) to purchase the amount of pension lost during that period of unpaid absence. The Council will meet 2/3rds of the cost provided the employee makes an election to do so within 30 days of returning to work after the period of absence.

Keeping in Touch days are pensionable and if utilised in the last thirteen weeks of the additional maternity leave period will reduce the amount of unpaid contributions. A break in pensionable service may affect the employee’s long term benefits, depending on their individual circumstances. Advice is available from the South Yorkshire Pensions.

**Employees who do not return to work after Maternity, Adoption or Shared Parental Leave**

If an employee does not intend to return to work following Maternity, Adoption Leave or shared parental leave this should be discussed with their line manager as early as possible. If the employee decides not to return, notice should be given in accordance with the terms of the employee’s contract.

If the employee changes their mind after submitting the resignation, there is no right to return to work without the manager’s agreement. The decision to resign does not affect the employee’s right to receive SMP or SAP.

If the employee does not return to work after maternity or adoption leave, having declared the intention to do so, (or returns for a period of less than 3 months), and they have chosen to receive full maternity or adoption payments whilst absent, then the Council will reclaim the maternity or adoption pay (except for any statutory payments to which the employee may be entitled and the first 6 weeks occupational maternity or adoption pay). Details on how any monies owed will be reclaimed is contained in the Council’s Overpayments Protocols

In the above instance, the amount of Maternity or Adoption Leave left to run when the employee gives notice must be at least equal to the contractual notice period. Otherwise the Council may require the employee to return to work for the remainder of the notice period.

**Specific Conditions for Career Breaks post Maternity or Adoption Leave**

If an employee wishes to take advantage of a career break immediately following maternity, adoption or shared parental leave, the standard provisions will apply and the career break may begin at the end of leave, providing the employee has completed the necessary service with the Council.

Employees who have received 6 weeks’ full pay under the Occupational Maternity Pay Scheme, who do not return to local authority employment for 3 months, will be required to repay this to the Council prior to the career break scheme commencing.

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Supportive Arrangements after Maternity,**  **Adoption or Shared Parental Leave** | **SECTION 1** |

**1h. SUPPORTIVE ARRANGEMENTS AFTER MATERNITY, ADOPTION OR SHARED PARENTAL LEAVE**

**Returning to Work**

Employees will normally be able to return to their existing post after taking *ordinary* maternity, adoption or shared parental leave.

If employees also take *additiona*l maternity or adoption leave they have the right to return to their original job unless this is not reasonably practicable. If this is the case the employee will be offered suitable alternative employment on terms no less favourable than their original post.

Employees also have the right to request flexible working. Employees who wish to apply for a flexible working arrangement are encouraged, if possible, to discuss this before they go on maternity, adoption or shared parental leave This will enable their manager to consider the application, and if agreed, to try to ensure that the necessary arrangements are in place when they return. As a minimum, any employee who is requesting flexible working should make any requests at least 8 weeks prior to the date of the requested change. Further details can be found in the Flexible Working Provisions in **section 6 of this document**

The **return to work interview checklist (Appendix 4)** provides a useful tool for line managers to assist employees in making a successful transition back into work. This should be used on the employees’ return or during keeping in touch days in the lead up to their return to work.

**Requests to change the return to work date**

On their application for leave form employees often indicate form their return date. As part of the process employees will receive confirmation of the start and end date of leave, however it is recognised that circumstances change. In these instances employees, who wish to change their return to work day, need to inform their manager of the change at least 8 weeks prior to the change.

**Breastfeeding**

If you are still breastfeeding when you return to work you will need to notify your manager who will carry out a risk assessment and appropriate arrangements will be discussed with you.

**Ill-Health**

If a member of staff is unable to return to their post at the end of their maternity, adoption or shared parental leave, due to ill-health, this will be managed in accordance with the Council’s Managing Attendance Policy. A medical certificate will be required for absence immediately following on from the date of the end of the adoption leave even if this subsequent absence is for 7 days or less.

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Maternity/Adoption Support Leave Provisions** | **SECTION 2** |

**2. Maternity Support Leave**

This provision allows up to 5 days paid leave (pro-rata for part-time employees) to employees who are:

* the child's father or
* the mother's partner (including civil partner or same sex partner) or
* the 'nominated carer' of the expectant mother .

Maternity Support Provisions are available to allow time off to help a mother or primary adopter at or around the time of the birth or adoption. Where there are extenuating circumstances, however, such as a baby in special care every consideration will be given to requests for taking leave at a later date.

The leave may be taken as circumstances dictate and there is no requirement to take it as consecutive days. Part-time employees take the equivalent amount of leave within their usual working pattern of part-time days.

**The Link with Paternity Leave and Pay**

Where the person applying for leave is the father of the child or the partner of the mother or adopter, the employee will normally be eligible for paternity leave. Where this is the case, Maternity Support Leave is taken in conjunction with Paternity Leave and a separate application for Maternity Support Leave is not necessary.

Separate guidance is available for Paternity Leave (birth or adoption). The following guidance is therefore relevant where the applicant is not the child’s father or mother’s partner but for those wishing to apply for Maternity Support Leave as a ‘nominated carer’.

**Eligibility – Nominated Carer**

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 birth".

The nominated carer:

* Will be the 'primary provider' at or around the time of the birth. There should be no other person able to provide support to the mother e.g. where the father or mother’s partner is not in contact with the mother (for example as a result of divorce or separation) or where he/she is unable to provide adequate support The nominated carer is the primary provider, not additional to a husband or partner.
* Can be male or female and applies to all employees whether they are full-time or part-time, permanent or temporary

Will be required to verify that they are the 'primary provider' of support to the mother. If the employee is unwilling to demonstrate that this is the case, there will be no entitlement to Maternity Support Leave.

The purpose of granting the leave is "to meet the needs of the employee in addressing problems or commitments outside work which are likely to have a bearing on the employee's well-being and ability to perform their duties".

**Notification and Approval Arrangements**

The employee requesting this leave should provide a copy of the mother’s MATB1 certificate or other written confirmation which has been signed by a registered midwife or general practitioner (which must not be dated more than 20 weeks before the week in which the baby is due) together with a completed request form to take Maternity Support Leave.

Leave may be taken at any time from the start of the 14th week before birth or after up to 3 months after the baby is born, at the discretion of the manager.

This period is intended to cater for any practical difficulties or complications which may arise during pregnancy, post natal problems and also for emotional support.

The employee should request leave as soon as practical after the expectant mother receives her MAT B1 and at least 4 weeks before the leave is required. Sympathetic consideration will be given where advance notice is not possible (for example in cases of premature birth or where the father or partner leaves the mother shortly before the birth).

**Monitoring**

Any abuse of this scheme may result in disciplinary action being taken against the employee requesting leave, and also against the expectant mother if she is employed by the Council.

**Appeal**

In the event that approval is not given and the employee wishes to appeal against the decision, Stage 2 of the grievance process will apply.

**It is essential for the manager to confirm to the HR & OD Payroll Service Centre when this period of leave actually commences as this may vary depending if the baby is early or late.**

**To make an application employees must use** [**the**](http://www.york.ac.uk/admin/hr/resources/policy/shared-parental-leave/#tab5) **form MSL/ASL and submit it to their manager at least 4 weeks before the date they wish to take leave.**

**The completed form and a copy of the MAT B1 certificate needs sending to the HR & OD Payroll Service Centre informing them of the requested leave date**

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Paternity Leave Provisions** | **SECTION 3** |

**3 PATERNITY LEAVE**

**Statutory Ordinary Paternity Leave (SOPL)**

Paternity leave is intended to provide support for parents in the early stages of a child's life.

Paternity leave is an entitlement to time off that may be taken by the biological father, or mother's partner, during the first year of a child's life Reflecting terminology used in national legislation, the Council uses the term 'paternity leave ' to recognise that any employee who is the biological father or the partner (including same sex partner or civil partner) of an expectant or new parent who shares responsibility for the child's upbringing is entitled to apply for leave under these provisions (including adoption).

Paternity leave provisions entitle employees to 2 weeks (10 days) ordinary paternity leave.

**Eligibility**

Paternity leave is 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) the child's adopter or the husband or partner of the child's adopter

To be entitled employees must:

* 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 (UK adoption), or the date the child enters the UK (overseas adoptions).
* be involved in the care of the child and are taking time off to care for the baby or support the mother/partner-

Paternity Leave is paid at statutory rates.

**Notification and Approval**

Employees should tell their manager as soon as possible that they wish to take paternity leave, but no later than:

* Child birth - the end of the 15th week before the expected week of childbirth
* Adoption - seven days after notification of being matched.

Employees should inform their manager 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.

**Paternity Leave**

The two weeks leave should be taken in consecutive weeks. This is a single block of time and not odd days. Paternity leave must be taken within 56 days of the actual date of birth of the child but cannot commence until the actual birth of the baby

A period of Paternity leave when adopting a child can start:

* On the date of placement.
* For an agreed number of days after the date of placement.
* On the date the child arrives in the UK or an agreed number of days after (for overseas adoption).
* On the day the child is born, or the day after (for surrogate parents)

Consideration should be given to employees who request annual leave before.

**Paternity Leave – How it fits with Maternity Support Leave?**

Employees who are eligible for both Maternity Support Leave and Ordinary Paternity Leave (and this includes same sex partners) will be entitled to one week’s leave with normal pay and one week’s Statutory Paternity Pay provided they take Maternity Support Leave and Ordinary Paternity Leave after the child has been born. If they take one week’s Maternity Support Leave before the child is born they may take, if they wish, take two weeks Ordinary Paternity Leave after the child is born.

Paternity leave or a combination of maternity support leave and paternity leave must be taken in consecutive weeks, the only exception to this is for employees who wish to take maternity support leave prior to the birth and paternity leave after the birth (in this event the paternity leave must be one week, or two weeks running consecutively).

For employees who take ordinary paternity leave only, this can start from the day after the birth of the baby, but not before or on the date of the birth.

**Statutory Paternity Pay**

Statutory Paternity Pay is paid at the standard rate of Statutory Maternity Pay applicable in the year in which the leave starts or 90% of average weekly salary (whichever is the lower).

Employees who have average weekly earnings below the lower earnings limit will not qualify for Statutory Paternity Pay. They may however, be able to get Income Support while on paternity leave.

Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to the payment of wages or salary throughout their paternity leave. They will also be entitled to return to the same job following ordinary paternity leave.

|  |
| --- |
| **Administration of Statutory Paternity Leave and Pay** |

**The Council can reclaim a proportion of statutory paternity pay and it is essential that the HR Service Centre are advised when an employee is going to take paternity leave.**

**To make an application for paternity leave, employees must use** [**the**](http://www.york.ac.uk/admin/hr/resources/policy/shared-parental-leave/#tab5) **form PAT1 and submit it within the required timeframe to their manager before they intend to take leave. In addition, the application must include a copy of the child’s birth certificate or adoption certificate**

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Parental Leave Provisions** | **SECTION 4** |

**4 PARENTAL LEAVE**

Parental leave offers qualifying parents the right to take unpaid time off work to look after your child or make arrangements for their welfare. It can help employees spend more time with their child and strike a better balance between your work and family commitments.

Parental leave is available to employees to take time off work to look after a child's welfare, this leave is unpaid, and is available for each child up to their 18th birthday.

In order to qualify for parental leave employees must have completed one year's service. If they qualify, employees:

* can take up to 18 weeks of unpaid leave(prorate for part-time employees) for each children under 18 years with a maximum of 4 weeks per child per year
* need to take the leave in either weeks or blocks of weeks and not as odd days (unless the child is disabled where leave can be taken on a daily basis)
* may take leave straight after the birth or adoption or following a period of maternity leave.
* need to request leave giving at least 21 days before the intended start date; this should be in writing to their manager.

***Parental Leave should not be confused with*** [*Shared Parental Leave*](http://www.acas.org.uk/index.aspx?articleid=4911) ***which is an entitlement for eligible parents of children due to be born or adopted***

**Postponement of Parental Leave**

Applications for Parental Leave immediately after the birth or adoption of a child **cannot** be postponed.

**Difficulties in accommodating Parental Leave requests**

Whilst every effort should be made to accommodate any requests for parental Leave, if the period of proposed parental leave cannot be accommodated, for example if it will significantly disrupt Council business, then the line managers should:

* specify the reasons for the postponement on the Parental Leave Application
* suggest alternative dates within a 6-month period from the original requested date for the Parental Leave
* return the completed form to the employee **within 7 days** and send a copy of the form to the Directorate HR Manager.

In addition, the line manager should hold a meeting with the employee to explain the reasons for postponement and discuss possible alternative dates for the leave. If the line manager and employee are unable to agree to the proposed dates for Parental Leave, the line manager MUST contact the Directorate HR manager as soon as possible and the employee wishes to appeal against the decision, the grievance process will normally apply.

**To make an application employees must use** [**the**](http://www.york.ac.uk/admin/hr/resources/policy/shared-parental-leave/#tab5) **form PAR 1 and submit it to their manager at least 21 days prior to the first day of requested leave.**

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Career Break Scheme** | **SECTION 5** |

**5 CAREER BREAK SCHEME**

**Introduction**

The scheme allows a break between 1 and 5 years. There is no guarantee of employment at the end of the break although every effort will be made to find the individual employment at the same level as the post they leave.

The Council recognises that some employees may wish or need to take an extended break from work for a variety of personal reasons, during the course of their employment. There is no entitlement to take a career break, but the Council recognises that there may be circumstances where it may be beneficial to the employee, and to the Council, to allow an unpaid period away from work. Reasons for a career break may include:

* Care or responsibility for dependents
* Personal study, training or development (which is relevant to the employee’s work)
* Any other purpose agreed with the Council e.g. overseas travel or voluntary work

*(This list is illustrative rather than exhaustive).*

**Eligibility**

Employees must have completed 1 years’ service with the Council to be eligible under this scheme

**Application**

The decision for eligibility for a career break will be made by the employee’s Head of Service in consultation with the Directorate HR Manager.

Prior to agreeing to a career break the employee and manager should meet and ensure they have a clear understanding of the scheme. It is the employee’s responsibility to seek clarification of any points.

Any request under the scheme should be submitted to the employee’s Head of Service at least 12 weeks prior to the first day of the requested break. The Head of Service will consult with the employee’s manager and respond to the employee normally within two weeks of receipt of the request.

Where approval has been granted the employee should resign their post stating the intention to take a career break and the date this is due to begin. It is important that the intended length of the break, or at least an estimate, should be included.

The employee’s contract of employment ends the day after the employees last date of employment and the career break commences. When the employee returns to the Council’s employment a new contract commences.

In the event that approval is not given and the employee wishes to appeal against this decision, the normal grievance procedure will apply.

Prior to a career break the manager and employee should discuss contact and information sharing such as:

* Newsletters (corporate or otherwise).
* Information regarding updating in the service area.
* Vacancy bulletins (for at least the 13 weeks prior to return).
* Any other reasonable or relevant information as requested.

Whilst on a career break contact can be retained and the employee could be requested to attend up to 10 keeping in touch days per year. This will be subject to funding and agreement of the Heads of Service. Specific training can be included or additional to the 10 days, by agreement. If these days are used the individual should be paid at the same scale point as they received before they commenced their career break. These periods of work and training will be counted as service.

**Continuous Service**

The Council will treat the career break as a period which suspends continuity, provided that no permanent employment is undertaken during the break. .

The career break itself will not be counted as a period of service, except for the times when the employee attends work or attends a work related training course during the break.

**Pensions**

Employees considering taking a career break should contact their Pension Service to discuss the impact a career break may have on their pension. This should be done in advance of finalising any agreement as this could have an impact on the request.

**Salary Sacrifice**

Employees who have entered into a salary sacrifice arrangement are required to terminate any arrangement prior to starting a career break.

**Returning to work for the Council**

Employees wishing to return to work should write to the Head of Service or Directorate HR Manager at least 13 weeks before they wish to return. The individual will then be given access to vacancies, if an appropriate vacancy arises during the relevant notice period it may be in the individual’s interest to return to work sooner in order to take up that post.

When an application to return (or a written request) has been received the manager will arrange a meeting to discuss options to return with the individual; this meeting may also include details of any professional updating required

Whilst no guarantee of employment is made, every effort will be made to re-employ the individual in the same directorate, at the same grade or level, in the same or similar type of post. If this is not possible, the person will be notified of any other opportunities within the Council and given prior consideration (after internal candidates who are in a redundancy situation) for any suitable post. If appointed, the terms and conditions applicable to the post will apply.

When an individual secures a post a new starter induction process should be undertaken including:

* revisiting the Council structure, The Team Doncaster Charter, directorate and team principles.
* updating on any changes to the staffing structure, or introduction to staffing structure if the service area is new to the employee;
* support as necessary to build the confidence of the employee.
* revisiting the Council Mandatory e-learning modules

On return to work, annual leave entitlement will be pro-rata for the remainder of the leave year including any service related entitlement. A return to work must occur before any annual leave is taken.

Individuals may apply for any vacancy at any time during their career breaks. However, they are not eligible for priority over other applicants unless they have submitted an application to return. Individuals are only entitled to be considered under the retraining and redeployment policy for a maximum of 12 weeks once they have applied to return.

**Terminating the Career Break:**

An individual’s career break can be terminated:

* When the individual returns to employment with the Council.
* When the employee writes to the Head of Service or Head of Human Resources and Organisational Development advising that they no longer wish to participate in the scheme or return to the Council
* When an individual has not returned to work after a period of 5 years.
* When the individual undertakes other paid employment (without appropriate prior written consent)
* When the Council terminates the arrangement - the Council will support and try to find a new post for an individual however, if an individual has not been placed within 12 weeks of the intended date of return, then all obligations on the Council have been met.
* When the Council terminates the agreement; in certain circumstances the Council can withdraw the scheme. If this is being considered then the manager must contact the Directorate HR Manager

**Monitoring**

Individual Directorate’s HR teams will administer the scheme and keep records of requests for career breaks and career breaks taking place and a yearly monitoring report will be undertaken.

**To make an application for a Career Break employees must use** [**the**](http://www.york.ac.uk/admin/hr/resources/policy/shared-parental-leave/#tab5) **form CAR1 and submit the form to their Head of Service at least 12 weeks before they intend the career break to commence.**

|  |  |
| --- | --- |
| Supporting Employees Provisions  **Flexible Working Provisions** | **SECTION 6** |

**6 FLEXIBLE WORKING REQUESTS**

These provisions help employees to achieve a better balance between their work and home life whilst also helping managers to organise work around service and customer needs.

Flexible working describes any working pattern where the number of hours worked or the times when work takes place vary from the standard practice. There are a number of flexible working arrangements that are currently supported by the Council. They fall into 2 main categories:

|  |  |
| --- | --- |
| **Reducing the Number of Working Hours** | **Flexibility in the Arrangement of Working Hours** |
| Part time working  Job sharing  School hours only working  Flexible Retirement | Term- time only working  Annual hours contracts  Compressed work weeks or fortnights  Staggered working hours |

Flexible working can have benefits for both the employee and the Council by:

* helping someone achieve a better balance between home and work responsibilities
* helping someone to stay at work when circumstances might have prevented them doing so
* structuring working patterns and staffing levels around peaks and troughs of demand

**Eligibility**

The opportunity to request flexible working patterns is available to a**ll employees**. Employees have a statutory right to make requests and all requests must receive due consideration.

A request to work flexibly involves changing the terms and conditions of employment either on a permanent or temporary basis. If the change requested is for a temporary period, this should be made clear at the outset. Where a permanent change is agreed there is no automatic right to return to pre-existing working arrangements at any time.

**Requesting a change**

Employees, who are thinking about changing their work pattern, should speak to their manager as early as possible in order to explore what opportunities are available. There is no automatic right to work flexibly as there may be circumstances when a manager is unable to accommodate the employee’s requests. If, however, your request is turned down, or likely to be turned down, employees may still have the statutory right to make a request, subject to meeting the qualifying criteria of 26 weeks service.

To be valid, the request must be made in writing and employees wishing to formally apply for flexible working should do so by completing form **FLWRK1**

**Consideration of Requests**

A statutory request for flexible working must be considered and determined within 3 months of receiving the request, including the appeal process (‘the Decision Period’.) The Decision Period can be extended provided the employee agrees. These provisions are designed to ensure the Council meets the statutory timescale

Once the line manager has received a request they will

1. **Arrange to meet the employee to discuss the request**.

The employee should normally be given seven calendar days’ notice of the meeting and have the right to be accompanied by a trade union representative or a work place colleague.

1. **At the meeting.**

The manager should explore with the employee exactly what changes they are seeking and how these might be accommodated. This is an opportunity to ensure that the proposal put forward is the best solution for both the employer and employee.

1. **Deciding on the request.**

The manager should consider the request carefully looking at the benefits of the requested changes for the employee and the business whilst weighing these against any adverse business impact. Requests to consider flexible working should be considered objectively, in a reasonable manner and, under the statutory right, may only be refused if there are business reasons for doing so. The business reasons, as set out in legislation are:

1. The burden of any additional costs is unacceptable to the organisation;
2. An inability to reorganise work among existing staff;
3. An inability to recruit additional staff;
4. The change will have a detrimental impact on quality;
5. The change will have a detrimental effect on the business’ ability to meet customer demand;
6. The change will have a detrimental impact on performance;
7. There is insufficient work during the periods the employee proposes to work;
8. Planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes may not fit with these plans.

Managers may consider agreeing to a request on a temporary basis or for a trial period, where appropriate, rather than rejecting the request outright. In such cases an appropriate extension to the Decision Period should be agreed with the employee as is necessary to review the arrangements and make any adjustments before finalising the agreement.

1. **Communicate the Decision**

Having considered the request the manager employer must let the employee know their decision, to either:

* 1. Accept the request and establish a start date and any other action;
  2. Confirm a compromise agreed at the discussion, such as a temporary agreement to work flexibly
  3. Reject the request, setting out clear business reasons for this. Where the request is rejected the employee should be given 10 calendar days in which to appeal.

This confirmation to the employee should be in writing. Managers should use the HR portal to inform payroll of any contract and pay variations agreed. Additionally, if a change is agreed, it may be permanent, there would then be no right to revert to the former working arrangement, and employees must be aware of this.

This stage should usually be completed within 4 weeks.

**Appeals**

Once an initial request has been made, no further requests can be made for a consecutive 12-month period. However, it may be that through discussions, the request can be amended and agreement reached.

If an application for flexible working has been declined, any appeal would be through the stage 2 of the Grievance process.

**Special Conditions applying to requests for Flexible Retirement**

Prior to making an application for Flexible Retirement it is important that employees contact South Yorkshire Pensions Authority (or other pension provider) to ensure they are aware of how any change may affect them. Managers should discuss any requests with an officer from their Directorate HR team and are required to complete an Officer Decision Record (ODR) if they are taking the application forward. Managers should be aware that agreement for flexible retirement has to be agreed by a panel from the Leadership Team.

**Overpayments**

In the event that additional pay is received, details on how any monies owed will be reclaimed is contained in the Council’s Overpayments Protocols

**THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK**

Supporting Employees Provisions

Appendices



[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

|  |  |
| --- | --- |
| Supporting Employees Provisions | **INDEX OF APPENDICES** |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Appendix** | **Description** | | |  |
| 1 | Employee | Pregnancy Key Dates Prior to maternity leave | | |
| 2 | Employee | Key Dates After Maternity Leave commences | | |
| 3 | Managers | Key dates | | |
| 4 | Shared Parental Leave – Examples of how it might work in practice? | | |  |
| 5 | Manager – return to work Induction | |  |  |
| 6 | Glossary of terms and abbreviations | |  |  |

**PREGNANCY KEY DATES FOR EMPLOYEES Appendix 1**

A Risk Assessment should already have been carried out at your place work to identify any specific risks to women of childbearing age who could become pregnant, or to new or expectant mothers.

You are now 20 weeks’ pregnant. Request form MATB1 from your Midwife at your next antenatal appointment.

As soon as possible you should notify your Manager that you are pregnant, and an individual risk assessment should be carried out.

Inform your manager of the due date and any antenatal appointments that have been set up

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| WEEK | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |

You and your manager should be discussing your holiday intentions and to ensure that you both understand how holidays are treated.

Week 21 – you should have your MATB1

You should be having a review of your H&S risk assessment with your manager

Discuss with your manager how you would like to be contacted over your maternity leave and discuss KIT days

Your pregnancy is considered full term

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| WEEK | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 |

Your maternity leave may start automatically if you are off sick with a pregnancy-related illness during the 4 weeks before your baby is due

You are now 25 weeks pregnant. This is the latest date by which you should inform your manager of your pregnancy. Your manager and you should be discussing:

* your maternity leave dates
* whether you intend to return to work.
* whether you intend to take shared parental leave

This is also your qualifying week (QW)

Maternity leave will commence the day after your baby is born, if the actual birth date is earlier than the commencement of maternity leave date you specified

Your 29th week of pregnancy is the earliest your maternity leave can begin (11th week before the Expected Week of Childbirth (EWC))

**AFTER MATERNITY/ADOPTION LEAVE COMMENCES Appendix 2**

The first 26 weeks of maternity leave are called Ordinary Maternity/Adoption Leave

You are unable to return to work in the first two weeks after your baby has been born

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| WEEK | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |

The second 26 weeks of maternity leave are called Additional Maternity/Adoption Leave

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| WEEK | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 |

**IMPORTANT NOTE FOR EMPLOYEES**

* Should be aware that managers will assume that they will return to work after 52 weeks of Maternity/Adoption Leave unless they are notified of any different intentions.
* are required to give managers 8weeks notice they want to return to work early than the 52 weeks maternity/adoption leave
* may take up to 10 [Keeping in Touch (S/KIT days)](https://www.exeter.ac.uk/staff/employment/parents/maternity/contact/) during maternity/adoption leave – this should be discussed with the manager
* should give their manager 21 days’ notice if they wish to take parental leave immediately after maternity leave.
* should discuss with their manager, if they want to apply for flexible working or apply for a career break

**KEY DATES FOR MANAGERS Appendix 3**

|  |  |  |  |
| --- | --- | --- | --- |
| **During Pregnancy** | |  | Prior to Adoption |
| Week 12 | The employee informs that she is pregnant. Managers should:   * Undertake an individual Health and Safety risk assessment * Familiarise themselves with:   + the Council provisions for flexible working ,   + employees’ rights,   + manager obligations. * Book a meeting with your employee to start to develop an ‘action plan’. * Work with your employee to analyse the role. * Consider options for maternity cover * Discuss with the employee how colleagues, clients and other stakeholders will be told. * *Consider your own values and beliefs about work and family. Identify how these may affect the way you support your employee*. | No specific timeframe (but as early as possible | The employee informs that they are intending to adopt. Manager should:   * Familiarise themselves with:   + the Council provisions on flexible working   + employees’ rights,   + manager obligations. * Book a meeting with your employee to start to develop an ‘action plan’. * Work with your employee to analyse their role. * Consider options for adoption cover * Discuss with the employee how colleagues, clients and other stakeholders will be told. * *Consider your own values and beliefs about work and family. Identify how these may affect the way you support your employee* |
| Week 18 | * Review the individual Health and Safety risk assessment * The average earnings on which Statutory Maternity Pay (SMP) are based are calculated over the next 8 weeks. * If you haven't started to develop an action plan for handover, keeping in touch and returning to work then start now! |
| Week 20 | * Review the individual Health and Safety risk assessment * MAT B1 certificate is available from now. Your employee may provide written notice of intention to take maternity leave and claim SMP. Managers need to acknowledge within 28 days and confirm either entitlement to SMP or issue SMP1 and confirm leave start and end dates. |
| Week 24 | * Review the individual Health and Safety risk assessment * If the baby is still born after the end of week 24 then maternity rights apply in the same way as for a live birth. * Antenatal appointment frequency may increase as pregnancy progresses. Managers cannot reasonably refuse paid time off for antenatal care but you can ask for appointment cards. |
| Week 25 | * Review the individual Health and Safety risk assessment. * Employee needs to provide notice of intention to take maternity leave and pay by the end of the 15th week before the expected week of childbirth (approximately week 26). * If an employee is not entitled to SMP speak to Humana Resources and advise the employee to apply for Maternity Allowance. * The mother’s partner / the baby's father needs to provide notice to their employer of intention to take Ordinary Paternity Leave if entitled. | Seven days prior to intended date of commencement of adoption leave | * Final preparation and handovers. * Finalise your “Keeping in Touch” plan. * Matching Certificate issued. |
| Week 29 | * Review the individual Health and Safety risk assessment. * Maternity Leave and Pay earliest start date (11 weeks before EWC). |
| Week 36 onwards | * Review the individual Health and Safety risk assessment. * Final preparation and handovers. * Finalise your “Keeping in Touch” plan. * If your employee is absent from work for a pregnancy-related reason in the last 4 weeks you can start her Maternity Leave and Pay earlier than planned. |
| **Actual week of childbirth** | | **Commencement of Leave** | |
|  | * Maternity Leave must start the day after the baby is born, if it has not already started. Your employee needs to inform you that the baby has been born. |  | * Implement your “Keeping in Touch” plan. Your employee can work up to 10 KIT days without bringing adoption leave to an end. |
| **After the baby is born** | |
|  | * Compulsory maternity leave is 2 weeks following birth. * Implement your “Keeping in Touch” plan. Your employee can work up to 10 KIT days without bringing her maternity leave to an end. |
| **Week 11** | * Suggest your employee may want to catch up with colleagues if she has not already done so. * Your employee may apply for flexible working if she is returning to work at the end of Ordinary Maternity Leave. It can take up to 14 weeks to agree. * Consider when is a good time to encourage your employee to start exploring a back to work plan including any phase back and KIT days (particularly if she is returning after OMP). | * Suggest your employee may want to catch up with colleagues if they have not already done so. |
| **Week 52** | * Last week of additional Maternity/Adoption leave if the employee has not already returned to work. If the employee wants to return to work sooner than this, the manager should have received 8 weeks of notice in writing of the return date. * If the employee is ill at the end of Additional Maternity/Adoption Leave then the normal managing attendance procedure applies. (Record on the HR portal and discuss with HR Directorate Manager) * It is quite common for an employee to use accrued holiday at the end of maternity/adoption leave – this should be discussed. | | |
| **After returning to work** | | | |
| **Week 1** | * Review the individual Health and Safety risk assessment particularly if the employee is breastfeeding * The employee’s official return to work date is when the maternity leave ends, although the employee may have done up to 10 KIT days of work prior to this. * Implement the return to work and handover plan. * Book dates for 1:1 meeting with the employee. | | |
| **Week 12** | * Review what is working well and what needs to be adjusted. (Weekly conversations prior to this can help to avoid surprises). | | |

**THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK**

**Shared Parental Leave – Examples of how it might work in practice? Appendix 4**

Below are some of the variations that could occur in how couples choose to take and allocate leave and pay between themselves.

**Example 1 - A simple example**

Mum takes 26 weeks’ maternity leave and pay and converts the rest into Shared Parental Leave and pay.

Dad takes 10 weeks’ Shared Parental Leave and pay while Mum goes back to work;

Dad then goes back to work and Mum takes the remaining 16 weeks’ Shared Parental Leave and remaining Shared Parental pay at that point.

This means that in total, Mum has had 42 weeks leave and 29 weeks’ pay, while Dad has taken 10 weeks leave and pay.

*Note the use of “Mum and Dad” is for ease of reference – but it could equally be the mother and her partner (either her partner who is not the biological father; or same sex partner or his partner).*

MUM

MUM

DAD

**MUM DAD MUM**

Dad goes back work and Mum takes 16 weeks flexible parental leave and remaining weeks of pay

Mum takes 26 weeks maternity leave and pay

Mum returns to work and Dad then takes 10 weeks flexible parental leave and pay

**Example 2**: **Both Parents have time off together**

Mum and Dad want to take time off together to care for the new baby. Managers should remember that the right to take Shared Parental Leave is only triggered once Mum has returned or indicated an intention to return to work on a specified date. So if Mum says at week 1 that she is going to return to work at week 26, Dad is then eligible to take Shared Parental Leave consecutively with the mother on maternity leave.

*Note the use of “Mum and Dad” is for ease of reference – but it could equally be the mother and her partner (either her partner who is not the biological father; or same sex partner or his partner).*

MUM & DAD

Mum takes 27 weeks maternity leave, Dad takes 2 weeks OPL and then 25 weeks SPL and 12weeks SPP

In this case Mum takes 27 weeks’ maternity leave. She commits at the outset to end her maternity leave after 27 weeks, meaning 25 weeks’ Shared Parental Leave and 12 weeks’ Shared parental pay is available for Dad. Dad takes 2 weeks’ OPL when the baby is born, then goes onto Shared Parental Leave and pay after OPL. Both parents return to work at week 26. This means that Mum has had 27 weeks’ leave and pay, while Dad has taken 25 weeks’ leave and 12 weeks’ pay.

**Example 3 – A more complex request**

Mum takes 10 weeks’ maternity leave and pay. She then commits to going back to work at week 22; and by doing so frees up 30 weeks to be taken as Shared Parental Leave and 17 weeks of SSPP. Dad takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of Mum’s maternity leave.

Then Dad takes a further 8 weeks’ leave and last 5 weeks of pay while Mum returns to work.

Then when Dad goes back to work Mum takes the final 10 weeks of Shared Parental Leave.

In total Mum has taken 32 weeks’ leave and 22 weeks’ pay, while Dad has taken 20 weeks’ leave and 17 weeks’ pay.

*Note the use of “Mum and Dad” is for ease of reference – but it could equally be the mother and her partner (either her partner who is not the biological father; or same sex partner or his partner).*

MUM

MUM & DAD

MUM

DAD

Dad goes back to work and Mum takes the remaining 10 weeks of Shared Parental Leave.

Dad takes another 8 weeks of Shared Parental Leave and 5 weeks of Pay and Mum returns to work.

Mum takes 10 weeks maternity leave and pay

Mum commits to going back to work after week 22; she takes another 12 weeks maternity pay and leave and Dad takes 12 weeks shared parental leave.

**Manager - return to work induction Appendix 5**

|  |  |  |
| --- | --- | --- |
| Pre - return |  | Completed |
|  | Building security informed/access control validated |  |
|  | Desk/equipment set up – when the employee returns to work it is useful for them to sit within the team initially |  |
|  | HR Payroll System updated – indicating the return to work date and any changes to work hours |  |
|  | Flexible working agreement in place (if required) |  |
|  | Contract updated to reflect changes to working hours (if required) |  |
|  | Breastfeeding/expressing facilities available |  |
|  | Share back to work plan with appropriate team members so everyone involved knows what to do and when |  |
|  | Prepare to provide work that has short time deadlines during the first few weeks back before setting longer term objectives. |  |
|  |  |  |
| Day One |  |  |
|  | Welcome your employee back personally -manager/Supervisor available for welcome and update meeting |  |
|  |  |  |
| Week One |  |  |
|  | Arrange health and safety re-induction (fire regulations etc.) (if required) |  |
|  | Arrange any training refreshers required & review of mandatory training |  |
|  | First week welcome back arranged – introduce new team members. |  |
|  | Consider adapting your management style to meet the requirements of your returning employee. |  |
|  | Provide lots of positive feedback to rebuild confidence & be aware of other factors that may affect performance |  |
|  | Arrange 1:1 |  |
|  |  |  |
| Week Two. |  |  |
|  | Discuss with your employee the need for time to rebuild your professional and support networks as part of the re-induction |  |
|  | Review meeting |  |
|  |  |  |
| Week Three |  |  |
|  | Review meeting |  |
|  | Agree Date for PDR |  |

**Supporting Employees Provisions - A glossary of terms and common abbreviations Appendix 6**

|  |
| --- |
| Expected Week of Confinement (EWC) |
| The week, beginning on the **Sunday** in which it is expected that the baby will be born. |
| Maternity Leave (ML) |
| A period of up to 52 weeks away from work for a woman who has had or is due to have a baby.# |
| Adoption Leave (AL) |
| A period of up to 52 weeks away from work for the main carer of a baby or child who has been adopted. |
| Paternity Leave (PTL) |
| A period of up to 2 weeks away from work   * for the male or female partner of a woman who has had a baby, to support her and the child, or * for the partner of the main carer who has adopted a baby/child, to support the main carer and the child |
| Parental Leave (PRL) |
| Up to 18 weeks unpaid leave away from work to care for a child, which can be requested by anyone who meets the eligibility criteria. Normally a maximum of 4 weeks can be taken in any one year. This is unpaid. |
| Ordinary Maternity/Adoption Leave (OML/OAL) |
| The first 26 weeks of a maximum 52 weeks leave. |
| Additional Maternity/Adoption Leave (OML/AAL) |
| The last 26 weeks of a maximum of 52 weeks leave. |
| Statutory Maternity/Adoption Pay (SMP/SAP) |
| An amount paid to eligible employees during the first 26 weeks  To calculate : [**https://www.gov.uk/maternity-paternity-calculator**](https://www.gov.uk/maternity-paternity-calculator) |
| Additional Maternity/Adoption Pay (OMP/OAP) |
| An amount paid to eligible employee for the remainder of Maternity Leave  Some of this may need to be repaid if the employee decides not to return to work, or chooses to return for less than 3 months. |
| Maternity Allowance (MA) |
| An allowance which can usually be claimed by an individual who does not qualify for Statutory Maternity Pay  Go to :[**https://www.gov.uk/maternity-allowance/what-youll-get**](https://www.gov.uk/maternity-allowance/what-youll-get) |
| Shared Parental Leave (SPL) |
| Both parents/adopters have the option to share maternity or adoption leave; either as a block or as blocks of leave. |
| Statutory Shared Parental Pay (SSPP) |
| Both parents/adopters have the option to share statutory maternity or adoption pay. |

Supporting Employees Provisions

Forms



[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

|  |  |
| --- | --- |
| Supporting Employees Provisions | **Index of Forms** |

|  |  |  |  |
| --- | --- | --- | --- |
| **Reference** | **Application Form** |  | **Page** |
| **MAT A1** | Maternity Leave |  | 52 |
| **MAT A2** | Adoption Leave |  | 54 |
| **KIT 1** | Keeping in Touch Days Record and Authorisation | | 56 |
|  | *Shared Parental leave* | Overview | 57 |
| **SPL(a)** | Curtailment of Maternity or Adoption Leave Notification Form | | 58 |
| **SPL(b)** | Application by Partner for their SPL & SPP to start | | 60 |
| **SPL(c)** | Application for splitting a block of SPL | | 62 |
| **SPL(d)** | Application for requesting more than one block of SPL | | 63 |
| **PAT 1** | Paternity leave |  | 64 |
| **MSL 1/ASL 1** | Maternity/adoption support leave | | 66 |
| **PAR 1** | Parental Leave |  | 67 |
| **FLWRK 1** | Flexible Working Request |  | 68 |
| **CAR 1** | Career Break |  | 70 |

**MAT. A1 : MATERNITY LEAVE AND PAY**

This form should be used to state your maternity leave options,

**you are required to complete both sides of the form.**

|  |  |  |
| --- | --- | --- |
| Employee Details | | |
| Name: | |  |
| Payroll Number: | |  |
| Job Title: | |  |
| Section/Unit & Directorate | |  |
| KEY OML = Ordinary Maternity Leave AML = Additional Maternity Leave EWC = Expected week of childbirth  OMP = Occupational Maternity Pay. | | MATERNITY LEAVE OPTIONS  The options available vary depending on your length of service. Please complete the appropriate section below and indicate your choice of maternity leave provisions by placing a cross in the appropriate box.  The completed form must be returned to the HR Service Centre at least 28 days before your maternity leave starts |
| My first day of absence from work on Maternity Leave will be \_\_\_/\_\_\_/\_\_\_ (\*) and I enclose a MAT. B1 from a Doctor/Midwife that states I can expect to have my baby in the week that includes \_\_\_/\_\_\_/\_\_\_\_\_  *(\*) Your first day of absence cannot be after your due date.* | | |
| Option 1: This option applies to all employees. | | |
| If you have decided to resign from your job prior to going on maternity leave, you may wish to tick this option. Any payments that may be due to you under the Statutory Maternity Regulations will be processed automatically.  I am resigning my appointment with effect from: \_\_\_/\_\_\_/\_\_\_\_\_\_ | | |
| Option 2: This option applies to employees who have less than 26 weeks’ continuous employment with Doncaster Council ending the week you week 15 weeks before the EWC. | | |
| You will need to choose this option if you are planning to return to work after either 26 weeks unpaid OML  OR 26 weeks unpaid OML PLUS 26 weeks unpaid AML (52 weeks in total).  With this option you will need to claim Maternity Allowance from the Department for Work and Pensions.  Please indicate whether you wish to take 26 weeks, 52 weeks or another number of weeks:  26 weeks Ordinary Maternity Leave (OML)  52 weeks Ordinary Maternity Leave (OML) plus Occupational Maternity Leave (OML)  Other number of weeks, please state number of weeks or return date - ………………………………………………  Please refer to option 5 if you have at least one year’s continuous Local Government Service at 11 weeks before the EWC | | |
| Option 3: This option applies to employees who have at least 26 weeks’ continuous Local Government Service at 15 weeks before the EWC (but less than 1 years’ service as at 11 weeks before the EWC). | | |
| Please indicate when you wish to return to work after either:  26 weeks (OML) – paid at 6 weeks at 90% of a week’s pay and then 20 weeks SMP.  39 weeks paid leave – paid at 6 weeks at 90% of a week’s pay then 33 weeks SMP.  52 weeks (OML plus SML) – paid at 6 weeks at 90% of a week’s pay, 33 weeks SMP then 13 weeks unpaid.  Other number of weeks, please state number of weeks or return date ……………………………………………… | | |
| Option 4: This option applies to employees who have at least one year’s continuous Local Government Service at 11 weeks before the EWC and are unsure whether they will return to work after maternity leave. | | |
| If you are unsure as to whether you will return to work after your maternity leave, choosing this option means you will not receive OMP (and therefore won’t have to repay it if you decide not to return to work*). However, if you subsequently decide to return to work after your maternity leave, the OMP element will be paid to you in retrospect upon your return.*  Please indicate whether you *may* return to work after either:  26 weeks (OML) – paid at 6 weeks at 90% of a week’s pay and then 20 weeks SMP.  39 weeks paid leave – paid at 6 weeks at 90% of a week’s pay then 33 weeks SMP.  52 weeks (OML plus AML) – paid at 6 weeks at 90% of a week’s pay, 33 weeks SMP then 13 weeks unpaid.  Other number of weeks, please state number of weeks or return date ……………………………………………… | | |
| Option 5: This option applies to employees who have at least one year’s continuous Local Government Service at 11 weeks before the EWC and will be returning to work. | | |
| If you know you will be returning to work after your maternity leave, this option enables you to claim up to a maximum of 52 weeks maternity leave and 6 weeks at 90% of normal pay, 6 weeks at full pay (*please see below*) plus 33 weeks SMP (subject to a maximum of full pay). Weeks 40 to 52 are unpaid.  The 6 weeks of full pay to be paid at either :-  12 weeks at HALF-pay plus SMP (subject to a maximum of full pay), followed by 21 weeks at SMP  20 weeks at 30% of normal pay plus SMP (subject to a maximum of full pay), followed by 13 weeks at SMP.  Please indicate how many weeks maternity leave you wish to take, up to a maximum of 52 weeks. If this is not known please let us know the date you wish to return to work.  I wish to take …………………………………………. weeks maternity leave.  I wish to return to work on …………………………………………………………………………………..  I agree to repay the Occupational Maternity Pay if I do not return to Local Authority employment for a minimum of 3 months following the end of my approved maternity leave. | | |
| ALL APPLICANTS SHOULD NOTE  Periods of unpaid absence are classed as “non-pensionable” service and no employee or employer pension contributions will be made.  If you wish to buy extra pension to cover the period of absence you are advised to contact South Yorkshire Pensions Authority and make an application within 30 days of returning to work. | | |
| Employee Signature |  | |
| Date: |  | |
| This form should be returned to: hrpDoncastermaternity@rotherham.gov.uk or by post to HRP Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE. | | |

**MAT. A2: ADOPTION LEAVE AND PAY**

This form should be used to state your adoption leave options,

**you are required to complete both sides of the form.**

|  |  |  |
| --- | --- | --- |
| Employee Details | | |
| Name: | |  |
| Payroll Number: | |  |
| Job Title: | |  |
| Section/Unit & Directorate | |  |
| KEY OAL = Ordinary Adoption Leave AAL = Additional Adoption Leave  SAP = Statutory Adoption Pay  OAP = Occupational Adoption Pay. | | ADOPTION LEAVE OPTIONS  The options available vary depending on your length of service. Please complete the appropriate section below and indicate your choice of adoption leave provisions by placing a cross in the appropriate box.  The completed form must be returned to the HR Service Centre |
| My first day of absence from work for adoption leave will be \_\_\_/\_\_\_/\_\_\_ (\*) and I enclose a copy the matching certificate | | |
| Option 1: This option applies to all employees. | | |
| If you have decided to resign from your job prior to going on adoption leave, you may wish to tick this option. Any payments that may be due to you under the Statutory Adoption Regulations will be processed automatically.  I am resigning my appointment with effect from: \_\_\_/\_\_\_/\_\_\_\_\_\_ | | |
| Option 2: This option applies to employees who have less than 26 weeks’ continuous Local Government service by the week in which they are notified of being matched with a child. | | |
| You will need to choose this option if you are planning to return to work after either 26 weeks unpaid OAL  OR 26 weeks unpaid OAL plus 26 weeks unpaid AAL (52 weeks in total).  With this option you may be able to claim Adoption Allowance from the Department for Work and Pensions.  Please indicate whether you wish to take 26 weeks, 52 weeks or another number of weeks:  26 weeks Ordinary Adoption Leave (OAL)  52 weeks Ordinary Adoption Leave (OAL) plus Additional Adoption Leave (AAL)  Other number of weeks, please state number of weeks or return date ……………………………………………… | | |
| Option 3: This option applies to employees who have at least 26 weeks’ continuous but not more than 1 years Local Government Service by the week in which they are notified of being matched with a child. | | |
| Please indicate when you wish to return to work after either:  26 weeks (OAL) – paid at 6 weeks at 90% of a week’s pay and then 20 weeks SAP.  39 weeks paid leave – paid at 6 weeks at 90% of a week’s pay then 33 weeks SAP.  52 weeks (OAL plus AAL) – paid at 6 weeks at 90% of a week’s pay, 33 weeks SAP then 13 weeks unpaid.  Other number of weeks, please state number of weeks or return date ……………………………………………… | | |
| Option 4 This option applies to employees who have at least one year’s continuous Local Government Service by the week in which they are notified of being matched with a child. | | |
| If you know you will be returning to work after your adoption leave, this option enables you to claim up to a maximum of 52 weeks adoption leave and 6 weeks at 90% of normal pay, 6 weeks at full pay *(please see below)* plus 33 weeks SAP (subject to a maximum of full pay). Weeks 40 to 52 are unpaid.  The 6 weeks of full pay to be paid at either :-  12 weeks at HALF-pay plus SAP (subject to a maximum of full pay), followed by 21 weeks at SAP  20 weeks at 30% of normal pay plus SAP (subject to a maximum of full pay), followed by 13 weeks at SAP.  Please indicate how many weeks maternity leave you wish to take, up to a maximum of 52 weeks. If this is not known please let us know the date you wish to return to work.  I wish to take …………………………………………. weeks adoption leave.  I wish to return to work on …………………………………………………………………………………..  I agree to repay the Occupational Adoption Pay if I do not return to Local Authority employment for a minimum of 3 months following the end of my approved maternity leave. | | |
| ALL APPLICANTS SHOULD NOTE  Periods of unpaid absence are classed as “non-pensionable” service and no employee or employer pension contributions will be made.  If you wish to buy extra pension to cover the period of absence you are advised to contact South Yorkshire Pensions Authority and make an application within 30 days of returning to work. | | |
|  | | |
| Signature: |  | |
| Date: |  | |
| This form should be returned to: hrpDoncastermaternity@rotherham.gov.uk or by post to: HRP Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE. | | |

KIT 1 Keeping in Touch Day – Record of Days Worked

If you require help in completing this form, please speak to your line manager or contact Human Resources

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Employee Details (*for completion by employee)* | | | | | | | | |
| Name: | | | | |  | | | |
| Payroll Number: | | | | |  | | | |
| Job Title: | | | | |  | | | |
| Directorate & Team | | | | |  | | | |
| Days Worked | | | | | | | | |
|  | Date From: | Date to: | | Time | | Total Hours | Reason/Additional Comments | |
| 1 |  |  | |  | |  |  | |
| 2 |  |  | |  | |  |  | |
| 3 |  |  | |  | |  |  | |
| 4 |  |  | |  | |  |  | |
| 5 |  |  | |  | |  |  | |
| 6 |  |  | |  | |  |  | |
| 7 |  |  | |  | |  |  | |
| 8 |  |  | |  | |  |  | |
| 9 |  |  | |  | |  |  | |
| 10 |  |  | |  | |  |  | |
| Declaration | | | | | | | | |
| Employee signature | | |  | | | Date: | |  |
| I confirm that it has been agreed that the above employee has worked on the above dates and I authorise payment for these days | | | | | | | | |
| Line Manager’s signature | | |  | | | Date: | |  |
| *A copy of this form should be placed on the employees personal file* | | | | | | | | |

This form should be returned to: **hrpDoncastermaternity@rotherham.gov.uk** or by post to: HRP Doncaster Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE

**Shared Parental Leave Application Forms**

*Please ensure you read and understand the Shared Parental Leave Provisions before the Application Form is completed.*

**Form SPL(a)**

This form should be used by an employee, of either sex, who will be taking (or has started to take) Adoption Leave or Maternity Leave and will end this leave early to start Shared Parental Leave.

The employee completing this form will be one of the following – you will:

* be the lead adopter (and who will take / is taking Adoption Leave)
* become a parent following surrogacy (and is taking Adoption Leave)
* give / have given birth (and will take / is taking of Maternity Leave)

**Form SPL(b)**

This form should be used by an employee, of either sex, who is the partner of someone that will end their Adoption Leave or Maternity Leave early to enable Shared Parental Leave to start.

The employee completing this form will be:

* ‘other adopter’/ second named adopter (who is not taking Adoption Leave/Pay)
* someone who will become a parent through surrogacy (who is not taking Adoption Leave)
* partner, of either sex, of a woman who is / will be taking maternity leave

**Splitting / Additional Blocks of SPL:**

If employees wish to split or take additional blocks of leave they should also complete either

**Form SPL(c)** - Employees who wish to split a block of Shared Parental Leave into smaller blocks (of at least one week)

This form must be completed when you, the employee, wants to make a request to split one, or more, blocks of SPL into smaller ‘mini-blocks’.

Each smaller block of leave must be for one week or longer. Because of the potential impact on the service, your line manager has to agree to this request. The manager will try to agree to your request but may have to decline the request if the service impact cannot be adequately managed

**OR**

**Form SPL(d)** - Employees who want to use more than one Block of Shared Parental Leave (up to three blocks can be used per parent)

**The completed forms must be returned via your manager to hrpDoncastermaternity@rotherham.gov.uk** or by post to: HRP Doncaster Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE



Shared Parental Leave and Pay - Form SPL(a)

In order for either Shared Parental Leave (SPL) or Statutory Shared Parental Pay (SPP) to take place the person taking Maternity/Adoption leave must give the correct notice to end this leave early by returning to work or agreeing to curtail (end) your Adoption/

Maternity Leave (see Provisions).

*NB: In addition, your partner must also meet the “employment and earnings test” as set by HMRC*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Employee Details (the person who will take/is taking Maternity/Adoption Leave of less than 52 weeks) | | | | | | | |
| Name: | |  | | | | | |
| Payroll Number: | |  | | | | | |
| Job Title: | |  | | | | | |
| Directorate/Service: | |  | | | | | |
| Please accept this as notification that I am entitled to and intend to take SPL (and/or SPP) | | | | | | | |
| Before taking SPL, you must either return to work before the end of your planned maternity leave (by giving 8 weeks’ notice) or provide a maternity leave curtailment notice. The curtailment notice must be on this form and confirm when the maternity leave date is to end.  That date must be at least:   * 8 weeks from the date this form is signed, dated and given to your line manager * One week before what would have been the end of the additional maternity leave period * And, for birth mother’s only, at least 15 days after the baby’s birth (mandatory 14 days Maternity Leave) | | | | | | | |
| I have given 8 weeks’ notice and will return to work on \_\_\_/\_\_\_/\_\_\_ OR  I hereby curtail my maternity/adoption leave which will end on \_\_\_/\_\_\_/\_\_\_ (at least 8 weeks from today) | | | | | | | |
| This is the Adoption/Maternity Leave I will have already taken when Shared Parental Leave begins: | | | | | | | |
| Date I started  Adoption / Maternity Leave | | | \_\_\_/\_\_\_/\_\_\_ | Date I ended / will end  Adoption / Maternity Leave | | \_\_\_/\_\_\_/\_\_\_ | |
| Actual date of child’s birth \_\_\_/\_\_\_/\_\_\_ OR  Date of Matching Certificate / Local Authority Letter \_\_\_/\_\_\_/\_\_\_ | | | | | | | |
| Please indicate the following criteria for taking Shared Parental Leave | | | | | | | Please Tick |
| Maternity/Surrogacy  Only | Employees who have less than 26 weeks continuous employment at 15 weeks before the expected week of confinement (time off unpaid) | | | | | |  |
| Employees who have at least 26 weeks continuous employment at 15 weeks before the expected week of confinement (Statutory Pay) | | | | | |  |
| Adoption / Fostering to Adopt only | Employees who have less than 26 weeks continuous employment at the point the Matching Certificate or Local Authority Letter is issued (time off unpaid) | | | | | |  |
| Employees who have at least 26 weeks continuous employment at the point the Matching Certificate or Local Authority Letter is issued (Statutory Pay) | | | | | |  |
| Notification of Shared Parental Leave that I intend to take  *The Employee must give at least 8 weeks of notice before a single block of leave begins* | | | | | | | |
| Start date of Shared Parental Leave \_\_\_/\_\_\_/\_\_\_ | | | | | End date of Shared Parental Leave \_\_\_/\_\_\_/\_\_\_ | | |
| Splitting blocks – you can split a block of leave into shorter periods of at least one week (discontinuous leave). | | | | | | | |
| To split blocks you must give the dates of leave and have this authorised by your line manager.  Complete SPL(c) if you want to split your block of SPL  Additional blocks – Complete SPL(d) if you want to apply for more than one block of SPL | | | | | | | |
| I confirm that I have read and understand the Shared Parental Leave Provisions  Signature of SPL/SPP Applicant: Date:  Signature of Partner: Date: | | | | | | | |
| If your partner is an employee of Council, your partner must complete the SPL(b) | | | | | | | |

This form should be returned to: **hrpDoncastermaternity@rotherham.gov.uk** or by post to: HRP Doncaster Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE

Shared Parental Leave and Pay - Form SPL(b)

In order for either Shared Parental Leave (SPL) or Statutory Shared Parental Pay (SPP) to take place, the person, of either sex, who has taken/will take Adoption/Maternity Leave must end this leave by giving at least 8 weeks’ notice of return to work or ending Adoption/Maternity Leave.

NB: If the person taking Maternity/Adoption Leave is an employee of the Local Authority / School / Academy the [Shared Parental Leave Form A](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeaveFormA.doc) must also be completed.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Employee Details (The employee and partner of someone taking Maternity / Adoption Leave) | | | | | | | | |
| Name: | |  | | | | | | |
| Payroll Number: | |  | | | | | | |
| Job Title: | |  | | | | | | |
| Directorate/Service | |  | | | | | | |
| Partner’s Details | | | | | | | | |
| Partner’s Name (if employed by the Council ) | |  | | | | | | |
| Partner’s Payroll number (if employed by the Council ) | |  | | | | | | |
| Date partner started/will start adoption/maternity leave | |  | | | | Date Partner ended/will end adoption/maternity leave |  | |
| Date of baby’s birth OR  Date of Matching Certificate / Local Authority Letter | | | | | |  | | |
|  | | |
| *Please include a copy of either Birth Certificate / Matching Certificate / Local Authority Letter* | | | | | | | | |
| Please indicate the following criteria for taking Shared Parental Leave  Note: *EWC = Expected Week of Childbirth / Baby’s due date* | | | | | | | | Please Tick |
| Maternity / Surrogacy  Only | Employees who have less than 26 weeks continuous employment at 15 weeks before the EWC date (time off unpaid) | | | | | | |  |
| Employees who have at least 26 weeks continuous employment at 15 weeks before the EWC date (Statutory Pay) | | | | | | |  |
|  | | | | | | | | |
| Adoption/Fostering to Adopt Only | Employees who have less than 26 weeks continuous employment at the point the Matching Certificate or Local Authority Letter is issued (time off unpaid) | | | | | | |  |
| Employees who have at least 26 weeks continuous employment at the point the Matching Certificate or Local Authority Letter is issued (Statutory Pay) | | | | | | |  |
| Total amount of SPL or SPP to be taken by me and my partner ( maximum of 52 weeks) | | | | | | | | |
| Total number of weeks of SPP / SPL  I intend to take | | |  | | Total number of weeks of SPP / SPL my partner intends to take | | |  |
| Notification of Shared Parental Leave that I intend to take  *The Employee must give at least 8 weeks of notice before a single block of SPL begins* | | | | | | | | |
| Start date of SPL \_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_ | | | | End date of SPL \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ | | | | |
| Splitting blocks – you can split a block of leave into shorter periods of at least one week (discontinuous leave). | | | | | | | | |
| To split blocks you must give the dates of leave and have this authorised by your line manager.  Complete SPL(c) if you want to split your block of SPL  Additional blocks – Complete SPL(d) if you want to apply for more than one block of SPL | | | | | | | | |
| I confirm that I have read and understand the Shared Parental Leave Provisions  Signature of SPL/SPP Applicant: Date:  Signature of Partner: Date: | | | | | | | | |
| If your partner is an employee of Council, they must complete the SPL(a) | | | | | | | | |

This form should be returned to: **hrpDoncastermaternity@rotherham.gov.uk** or by post to: HRP Doncaster Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE

Shared Parental Leave and Pay - Form SPL(c)

Before using this form an employee should read the [Shared Parental Leave Provisions](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeavePolicy.doc) This form should be used if you want to split your block/s of Shared Parental Leave (SPL) into smaller ‘mini-blocks’ (minimum of one week per ‘mini-block’).

Managers must sign this form to show their agreement to this request.

**Forms** [SPL (a)](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeaveFormA.doc)/ [SPL (b)](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeaveFormB.doc) **must** have been completed before this form can be processed.

[SPL (d)](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeaveFormD.doc) can also be used if required.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Employee Details | | | | | | |
| Name: |  | | | | | |
| Payroll Number: |  | | | | | |
| Job Title: |  | | | | | |
| Directorate/Service: |  | | | | | |
| Request to split one or more blocks of Shared Parental Leave into ‘mini-blocks’  *The Employee must give at least 8 weeks’ notice before a single block of SPL begins* | | | | | | |
| I have requested the following block of Shared Parent Leave (SPL) and seek my managers agreement to split this block of SPL into smaller ‘mini-blocks’ as follows. | | | | | | |
| Start date of block of SPL | |  | | End date of block of SPL |  | |
| I want to split the above block of SPL into this/these ‘mini-block/s’ | | | | | | | |
| Start date of SPL ‘mini-block’ | | |  | End date of SPL ‘mini-block’ | |  |
| Start date of SPL ‘mini-block’ | | |  | End date of SPL ‘mini-block’ | |  |
| Start date of SPL ‘mini-block’ | | |  | End date of SPL ‘mini-block’ | |  |
| Start date of SPL ‘mini-block’ | | |  | End date of SPL ‘mini-block’ | |  |
| Start date of SPL ‘mini-block’ | | |  | End date of SPL ‘mini-block’ | |  |
| *Please continue on separate sheet if needed*  If splitting more than one block of SPL you need to complete another [SPL(c)](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeaveFormC.doc) form | | | | | | |
| Employee Declaration: I confirm that I have read and understand the Shared Parental Leave Provisions and I have completed forms [SPL(a)](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeaveFormC.doc)& [SPL(b)](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeaveFormC.doc).  I confirm that I will be working / available for work between the above dates if leave is agreed.  *I have/not complete form* [SPL(d)](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeaveFormC.doc)*.*  Signature of SPL/SPP Applicant: Date: | | | | | | |
| If your partner is an employee of Council they must also complete a [SPL (c)](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeaveFormC.doc) | | | | | | |
| Manager Declaration - As the line manager I do/don’t approve this request to split this Block of SPL  Name: ………………………………………………………….. Job Title: ………………….………………………..  Signature: ……………………………………………………… Date: …………………………….………………….. | | | | | | |

This form should be returned to: **hrpDoncastermaternity@rotherham.gov.uk** or by post to: HRP Doncaster Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE

Shared Parental Leave and Pay - Form SPL(d)

Before using this form an employee should read the [Shared Parental Leave Provisions](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeavePolicy.doc) This form used if you want to take another block of SPL. Each employee can take up to three blocks of SPL in total.

You must indicate on this form whether you or your spouse/partner will have taken adoption/maternity leave AND you must have completed SPL(a) or SPL(b) depending on your circumstances

Splitting Blocks of SPL- If you want to split this Block of SPL you must also complete SPL(c)

which needs to be agreed and signed by your Manager.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Employee Details | | | | | | | | |
| Name: | | |  | | | | | |
| Payroll Number: | | |  | | | | | |
| Job Title: | | |  | | | | | |
| Service & Directorate: | | |  | | | | | |
| I will be/am taking or have taken adoption/maternity Leave: | | | | | | | | Yes / No |
| I am the partner/spouse of someone who will be/is taking or has taken adoption/maternity leave: | | | | | | | | Yes / No |
| I have already informed the Council of my intentions to take one block of SPL by using SPL(a/b). I am now notifying of my intention to take a further block (or blocks) of SPL.  *Employees are required to give at least 8 weeks of notice before a single block of SPL begins.* | | | | | | | | |
| I will be taking a second block of SPL between these dates:  *I have completed a separate form SPL (c) as I would like to split these blocks* | | | | | | | | |
| First day of this leave is |  | | | **Last date of this block is** | |  | | |
| I will be taking a third block of SPL between these dates: | | | | | | | | |
| First day of this leave is | | I | | | **Last date of this block is** | |  | |
| Employee Declaration:   * I confirm that I have read and understand the Shared Parental Leave Provisions and have completed SPL (a) and (b) * I confirm that I will be working / available for work between the blocks of SPL   Signature of SPL/SPP Applicant: Date: | | | | | | | | |
| If your partner is an employee of Council they must also complete [SPL (d)](https://rotherhamhrportal.rotherham.gov.uk/live/helpnotes/rotherham/docs/SharedParentalLeaveFormD.doc) | | | | | | | | |
| This form should be returned to: hrpDoncastermaternity@rotherham.gov.uk or by post to: HRP Doncaster Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE | | | | | | | | |

**PAT. 1 : PATERNITY LEAVE REQUEST FORM**

This form should be used requesting Ordinary Paternity Leave

Please complete both sides of this form

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Personal Details | | | | | |
| Name: |  | | | | |
| Payroll Number: |  | | | | |
| Job Title: |  | | | | |
| Directorate /Area |  | | | | |
| Ordinary Paternity Leave – Birth  For statutory purposes this form should be submitted by 15th week before the baby is expected.  You may take up to 2 consecutive weeks’ Ordinary Paternity Leave after the birth of the child, please indicate how much leave you are applying for: | | | Ordinary Paternity Leave – Adoption  This should be submitted with seven days of being told by the adoption agency that you have been told that you have been matched with a child  You may take up to 2 consecutive weeks’ Ordinary Paternity Leave after the date of adoption, please indicate how much leave you are applying for: | | |
| I have applied and taken Maternity Support Leave at Full Pay  I have not applied and taken Maternity Support leave at Full Pay    1 week – Paternity Leave (paid at SPP)  2 weeks –Paternity Leave (paid at SPP)  I would like to start my Ordinary Paternity Leave on … … and finish on … . | | | | | |
| I declare that I: | | | | | Tick all boxes that apply |
| am the baby’s biological father and/or the mother’s husband/partner OR am one of two parents jointly adopting a child or the partner of someone adopting a child individually | | | | |  |
| have, or expect to have, responsibility for the child’s upbringing; | | | | |  |
| will take time off work to support the mother/adopter and/care for the child | | | | |  |
| will have at continuously for the Council for 26 weeks either:   * ending with the 15th week before the baby is due, OR * the end of the week in which I was notified of being matched with the child (UK adoption), or the date the child entered the UK | | | | |  |
| will continue to work for the Council from the qualifying week up to the date of birth(or applicable date) OR  will continue to work for the Council from the qualifying week to the date of the child’s placement | | | | |  |
| am not taking Adoption Leave and receiving Statutory Adoption Pay | | | | |  |
| The expected week of childbirth or actual date if baby already born  (attach a copy of the MAT B1 Form/copy of matching certificate) | | | |  | |
| Employees Signature: | |  | | | |
| Date: | |  | | | |
| Line Manager Signature: | |  | | | |
| Date: | |  | | | |
| This form should be returned to: hrpDoncastermaternity@rotherham.gov.uk or by post to: HRP Doncaster Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE | | | | | |
|  | | | | | |

**MSL/ASL. 1 : MATERNITY SUPPORT LEAVE REQUEST FORM**

This form should be used requesting Maternity Support Leave

|  |  |
| --- | --- |
| Employee Details | |
| Name: |  |
| Payroll Number: |  |
| Job Title: |  |
| Directorate /Area |  |
| Maternity / Adoption Support Leave  This form should be submitted 4 weeks before the start of the requested dates of absence (where possible).  A nominated carer is the person nominated by the mother/ adoptive parent as the primary provider of support at, or around, the time of birth/adoption.  Requests for this leave should be countersigned by the mother/adoptive parent and evidence of the birth of the child/the date the child placed with adoptive parents may be requested .  This leave is paid. | |
| I would like to start Maternity Support Leave on … \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ for one week | |
|  | |
| Mother/ Primary Adopter details and declaration: | |
| Name: |  |
| Address |  |
| I nominate \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ as my nominated carer for Maternity Support Leave, as set out above. | |
| Expect Date of Birth OR  date child is placed |  |
| Signature |  |
|  |  |
| Employees Signature: |  |
| Date: |  |
| Line Manager Signature: |  |
| Date: |  |
| This form should be returned to: hrpDoncastermaternity@rotherham.gov.uk or by post to: HRP Doncaster Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE | |

**PAR. 1 : PARENTAL LEAVE REQUEST FORM**

This form should be used requesting Ordinary Paternity Leave

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Personal Details | | | | |
| Name: | |  | | |
| Payroll Number: | |  | | |
| Job Title: | |  | | |
| Directorate /Area | |  | | |
| This form should be submitted at least 21 days prior to the intended first date  Please attach photocopies of documents demonstrating your eligibility to take Parental Leave (e.g. birth certificate, MATB1 form). It is advisable to discuss this request your line manager prior to submitting this request. This leave is unpaid | | | | |
| Week 1 Date |  | | **Week 3 Date** |  |
| Week 2 Date |  | | **Week 4 Date** |  |
| I wish to take Parental Leave immediately after the birth of my child on (date) | | | |  |
| I wish to take Parental Leave immediately after the adoption of my child on: (date) | | | |  |
| I wish to take Parental Leave immediately after end of maternity leave which is due on (date) | | | |  |
| I wish to take Parental Leave immediately after the end of adoption leave which is schedule to take place on: (date) | | | |  |
| I declare that: | | | | Tick all boxes that apply |
| My child has not reached the age of 18 at the time of the leave requested | | | |  |
| I will have completed one year’s service at the time of the first day of requested leave | | | |  |
| Special provisions apply and I have discussed these with my line manager and I will be taking leave at these times | | | | |
| Employees Signature: | |  | | |
| Date: | |  | | |
| Line Manager Signature: | |  | | |
| Date: | |  | | |
| This form should be returned to: hrpDoncastermaternity@rotherham.gov.uk or by post to: HRP Doncaster Maternity Team, HR Service Centre, Riverside House, Main Street, Rotherham S60 1AE | | | | |

**FLWRK. 1 : FLEXIBLE WORKING REQUEST FORM**

This form should be used requesting a change to your contractual working arrangements

|  |  |  |  |
| --- | --- | --- | --- |
| Personal Details | | | |
| Name: |  | | |
| Payroll Number: |  | | |
| Job Title: |  | | |
| Directorate /Area |  | | |
| You should use this form to make a request to work flexibly and it should be submitted at least 8 weeks prior to requested start date of any requested change in working pattern. Please note you are only able to make ne request in a 12 month period to changes of working pattern.  It is often advisable to discuss this request your line manager prior to submitting any request  This amendment can be made either on a temporary or a permanent basis and this should be indicated on this application form | | | |
| Present Work Pattern Deails | | | |
| Describe your current working pattern  Please include   * Your current contractual hours * Your current number of weeks worked per annum * Your present times of work | |  | |
| Requested Work Pattern Details | | | |
| This change is being requested on the basis of being | | | Permanent  Temporary |
| If temporary, please state why and for the length of the temporary arrangement | | | |
| Describe the working pattern you would like to work in future  Please include days/hours/times worked | |  | |
| The date I would like the new working pattern to commence on: | |  | |
| I think that this change will affect my employer and my colleagues as follows | |  | |
| I think the effect on my employer and colleagues can be dealt with by | |  | |
| I think this will help me by  (optional) | |  | |

|  |
| --- |
| Additional information in spport of your application |

|  |  |  |
| --- | --- | --- |
| If you are applying Jointly please list their names |  | |
| I declare that: | | Tick all boxes that apply |
| I have worked continuously for the Council for the previous 26 weeks | |  |
| I have not made an application for flexible working in the last 12 months | |  |
| I am making a request for Flexible Retirement and recognise that any request may require agreement from a Panel from the Leadership Team. | |  |
| Employees Signature: |  | |
| Date: |  | |
| Line Manager Signature: |  | |
| Date: |  | |
| This form should be completed and sent to your line manager who should respond to it within 14 days. | | |

**CAR. 1 : CAREER BREAK REQUEST FORM**

This form should be used when requesting a Career Break

|  |  |  |  |
| --- | --- | --- | --- |
| Personal Details | | | |
| Name: |  | | |
| Payroll Number: |  | | |
| Job Title: |  | | |
| Directorate /Area |  | | |
| Line Manager |  | | |
| This form should be submitted at least 12 weeks prior to the intended first date of the Career Break  It is advisable to discuss this request your line manager prior to submitting this request  This leave is unpaid | | | |
| Reason for Career Break request  (please provide the reason that you would like to take a career break) |  | | |
| Period of Requested Career Break |  | | |
| Proposed Start Date |  | | |
| Proposed End Date |  | | |
|  |  | | |
| Additional information in spport of your application  For example: benefits to the Council/your service. Details of any practical difficulties or problems that might arise from the proposed career break, including to your colleagues or clients/customers, and how these may be overcome | | | |
|  | | | Tick all boxes that apply |
| I have taken a career break on a previous occasion (as an employee of Doncaster Council) If you have ticked the box, please provide details | | |  |
| I recognise that I may not return to my present post due to the length of the requested break | | |  |
| I have been employed by the Council for over 12 months | | |  |
| I understand that if agreed the career break will be for at least 1 year and no longer than 5 five years (if I remain on a career break for longer than 5 years this agreement will cease) | | |  |
| I understand that if agreed I would be required to resign my post | | |  |
| I would be willing to attend work for paid Kit days (and understand that this is subject to funding and agreement) | | |  |
| I understand that it my responsibility to contact my Head of Service or Head of Human Resources at least 13 weeks prior to the date I wish to return | | |  |
| I understand that there is no guarantee that there will be a post available to me | | |  |
| I understand that whilst every effort will be made to re-employee me, employees that are in redundancy situation will have prior opportunities for posts) | | |  |
| I understand that there is no protection of my pay or my terms and conditions | | |  |
|  | |  | |
| Employees Signature: | |  | |
| Date: | |  | |
| Head of Service Signature: | |  | |
| Date: | |  | |
| This form should be completed and sent to your Head of Service, who should acknowledge it within 14 days and arrange to meet the employee | | | |

Supporting Employees Provisions

Letters



[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

**INDEX OF TEMPLATE LETTERS**

|  |  |  |
| --- | --- | --- |
|  |  | **Page** |
|  | Maternity/Adoption Acknowledgement | 74 |
|  | Paternity Leave Acknowledgement | 75 |
|  | Adoption acknowledgement | 76 |
|  | Letter for employer to notify postponement of parental leave | 78 |
|  | Letter to confirm shared parental leave provisions | 79 |
|  | Unable to agree Shared Parental Leave | 80 |
|  |  |  |

|  |  |
| --- | --- |
| Name  Address | Maternity/Adoption Acknowledgement  **Contact:** |
| **Tel:** 01302 73 |
| **Fax:** 01302 73 |
| **E-Mail: Email** \*\*\*\*\*\*\*\*\*@doncaster.gov.uk |
| **Website:** [www.doncaster.gov.uk](http://www.doncaster.gov.uk) |
| **Date:** |

Dear \*\*\*\*\*\*\*\*\*\*\*

Congratulations and thank you for telling me you are adopting/expecting a child/baby and the date that you are due/being placed. As we discussed, you are eligible for 26 weeks ordinary maternity/adoption leave and 26 weeks additional maternity/adoption leave. You have said that you would like to start this on \*\*\*\*\*\*. If you want to change this please let me know – this should be 28 days before the rearranged date (or as soon as reasonably practical).

I am pleased that it is your intention to return to work, if you take your full leave entitlement your return to work date would be \*\*\*\*\*. However if you do want to return early, you are required to notify 8 weeks before the date you want to return. In terms of annual leave you will accrue annual leave during maternity leave as well as entitlement to bank holiday. Once you have considered how and when you would like to take these it would be good to discuss these plans as part of the action plan.

You will receive a letter from Human Resources explaining your entitlement to maternity/adoption pay, once you have received this if you need any clarification please let me know.

(for maternity) I need to confirm that arrangements we have put in place following the risk assessment I undertook, these are \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*. I will carry out further assessments during your pregnancy however if at any point you have any concerns particularly in relation to your pregnancy, please let me know immediately.

When we meet we also discussed the options available for flexible working; I am happy to consider any request however I do need to be mindful of the impact on service delivery. If you would like to explore this further please let me know as soon as possible.

During your leave period there is the option for you to undertake KITT days during the leave period; these KITT days are available for you to attend work for up to 10 days during the leave period without breaking your maternity /adoption leave. I think there are a lot of advantages to this and it has, in the past, proved helpful in keeping employees in touch with the Council and their team. Please let me know if you would like to arrange to do this. I am also keen that we keep in touch during your leave period and with this in mind perhaps we can add this to the agenda for our next 1 2 1?

Finally, please let me know if there is anything you need or if you are unclear about any of the provisions the Council has in place.

Yours sincerely



Paternity Leave

|  |  |
| --- | --- |
| Name  Address | **Contact:** |
| **Tel:** 01302 73 |
| **Fax:** 01302 737001 |
| **E-Mail:** \*\*\*\*\*\*\*\*@doncaster.gov.uk |
| **Website:** [www.doncaster.gov.uk](http://www.doncaster.gov.uk) |
| **Date:** |

Dear

Congratulations and thank you for advising me that you intend to take paternity leave commencing on (date) and ending on (date).

I am pleased to confirm that you are eligible to take additional paternity leave as requested. As you are aware during your period of paternity, the terms of your contract of employment do not change however your salary will be adjusted.

*You will be paid statutory paternity pay which will commence on (date) and end on (date).*

Yours

****

Adoption Acknowledgement

Dear [name of employee],

Congratulations and thank you for telling me that you will be adopting a child. I am writing to you about your adoption leave and pay.

As we have discussed, you are eligible for **52 weeks’ adoption leave** (26 weeks’ Ordinary Adoptive Leave plus 26 weeks’ Additional Adoptive Leave / **you are not eligible for adoption leave.** [delete as appropriate].

Given your chosen start date of [insert date], your adoption leave will end on [insert date].

If you want to change the date your leave starts you must, if at all possible, tell me at least 28 days before your proposed new start date or 28 days before [insert date leave starts] (your original start date), whichever is sooner. Please contact me if you wish to discuss this.

If you decide to return to work before [insert date leave ends], you must give me at least eight weeks’ notice.

As we discussed, you are eligible for **39 weeks’ Statutory Adoption Pay / not eligible for Statutory Adoption Pay** [delete as appropriate].

Human Resources will be able to calculate your pay entitlements

**OR**

The SAP1 form (enclosed) explains why you do not qualify for Statutory Adoption Pay. You should contact your adoption agency to find out if you can get any other help.

During your adoption leave we are both able to make reasonable contact with each other to help with staying in touch. We are also able to agree that you can do up to ten days’ work during your adoption leave without it affecting either your adoption leave or your SAP. Before you begin your adoption leave we should discuss how we will keep in touch during your time off.

If you decide not to return to work, you must still give me proper notice. Your decision will not affect your entitlement to SAP.

If you have any questions about any aspect of your adoption entitlements please do not hesitate to get in touch with me. I wish you well.

Yours sincerely,



Letter for employer to notify postponement of parental leave

Dear [insert name]

I am writing in response to your notification that you would like to take parental leave for [insert length of leave applied for] beginning on [insert date employee wished to begin parental leave].

I am unable to grant your application to take parental leave from that date because [insert reason for postponement].

We have discussed alternative dates for you to take your parental leave. I confirm your parental leave will begin on [insert new start date] and end on [insert new end date].

Yours sincerely,



Letter to confirm shared parental leave provisions

Dear *[insert name]*,

Thank you for submitting your notice to take a period of shared parental leave (SPL).

[OR]

Thank you for your notice to vary a previously submitted period of shared parental leave (SPL) request.

You have indicated that you would like to take leave on the following dates:

*[Insert dates submitted on the period of leave notice]*

*[Optional]* You have also confirmed that you wish to claim shared parental pay for the following dates: *[Insert dates submitted on the period of leave notice]*

I can confirm that the dates you have given are binding *[optional – and that you are entitled to the shared parental pay you have claimed for those dates]*.

You will continue to receive your usual contractual benefits during your SPL period (apart from remuneration). Your contractual holiday entitlement continues to accrue and your manager may discuss appropriate arrangements for taking your holiday entitlement with you before your SPL starts.

You may be asked to attend work on occasional days during your SPL period. These days could be for training, to attend department meetings, or just for ‘keeping in touch’. You may work for up to 20 days without bringing the SPL to an end, but work during SPL will not have the effect of extending your SPL period. If you do work, you will be paid your normal rate of pay inclusive of any shared parental pay entitlement. You are under no obligation to work during SPL, and the company is under no obligation to offer work.

If you wish to return early from SPL, or extend the period of your SPL, you must notify the company at least eight weeks’ before both the original end date and the new end date.

Please remember to give at least eight weeks’ notice of any additional period of leave requests, or any requests to vary periods of leave.

Further details of the Council’s shared parental leave provisions are available from HR.

Please contact me if there is anything you would like to discuss in more detail.

Yours sincerely,



Unable to agree Shared Parental Leave

Dear *[insert name]*,

Thank you for submitting your notice to take a period of shared parental leave (SPL). You have indicated that you would like to take leave on the following dates:

*[Insert dates submitted on the period of leave notice]*

Having given the proposal thorough consideration, I regret that I am unable to agree to the pattern of discontinuous leave that you requested. We have discussed alternative options, but agreement to an alternative pattern of leave has not been reached because *[insert reasons why the pattern of leave requested cannot be accommodated]*.

Given that we have not reached agreement, you have the following options:

* To take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
* To take the continuous block starting on a new date. The new start date cannot be sooner than eight weeks from the date the original notification was given, and you notify me of the new date within 19 days of the original request
* To withdraw the request at any time up to the 15th day after it was originally made. If the request is withdrawn in these circumstances it will not count as one of your three requests
* To submit another period of leave request.

Please confirm your decision to me in writing as soon as possible.

Further details of the Council’s shared parental leave provisions are available from Human Resources.

Please contact me if there is anything you would like to discuss in more detail.

Yours sincerely,