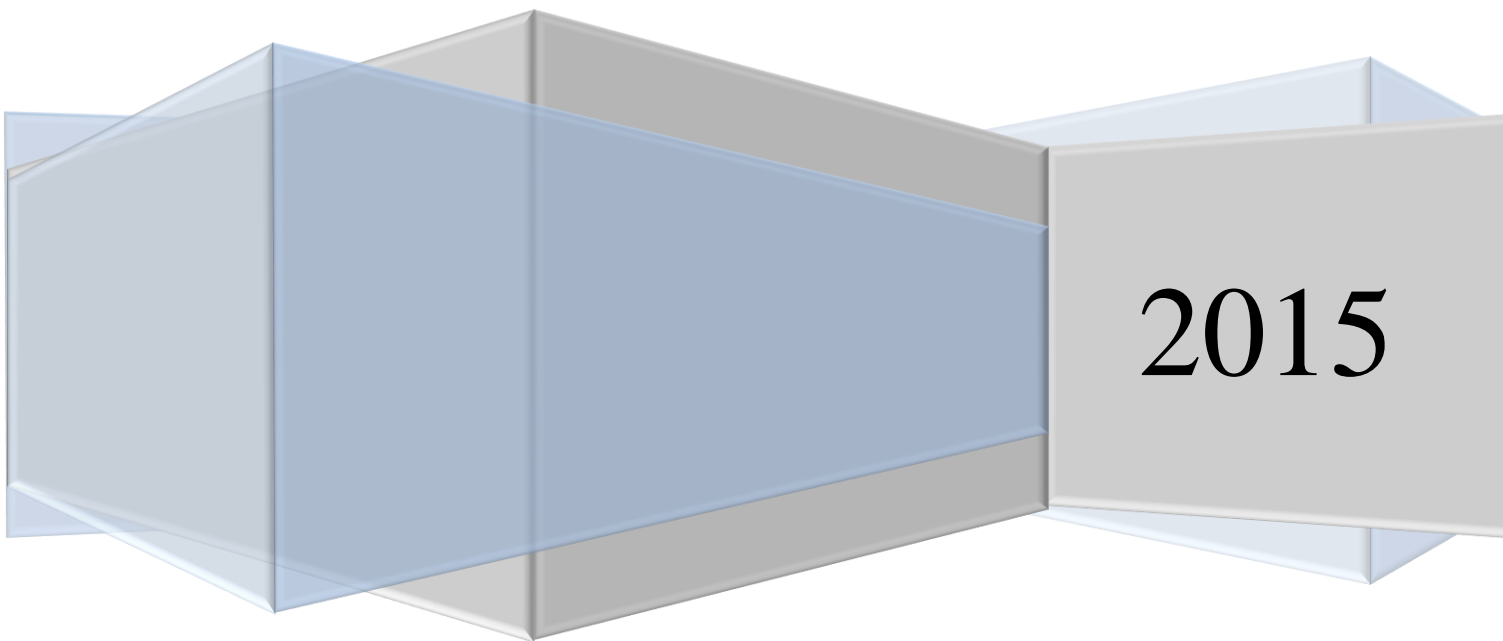


Maternity, Paternity, Adoption and Shared Parental Leave Policy and Procedures



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1. POLICY

1.1 Aim

1.1.1 This document sets out the provisions for **Maternity Leave, Paternity Leave, Adoption Leave, and Shared Parental Leave** that employees are entitled to, both before and after the birth/adoption of their child.

1.1.2 The Council reserves the right to amend or withdraw the provisions of the Shared Parental Leave Scheme following a formal review in March 2016.

1.2 Scope

1.2.1 These provisions comply with the relevant legislation and, for Maternity Leave, Adoption Leave and Shared Parental Leave it expands this further for employees who have the relevant qualifying period of service with Lambeth at the relevant time.

1.2.2 These provisions apply to all relevant employees regardless of the number of hours worked per week, subject to any qualifying conditions required by statutory regulations.

1.2.3 For maternity, the length of time available to you is dependent on the length of continuous service and your Expected Week of Childbirth (EWC). The Council's Enhanced Adoption scheme and Enhanced Shared Parental Leave schemes are broadly equivalent to its Enhanced Maternity scheme.

1.2.4 Adoption Leave and Pay is available to you if you adopt from the UK or a recognized overseas adoption agency and if you have obtained a certificate of adoption. You cannot get Adoption Leave and Pay if the child is not newly matched for adoption (for example, if you are a step-parent adopting a partner's children).

1.2.5 If you're employed on a Fixed Term Contract you'll be entitled to paid Maternity, Adoption and Shared Parental Leave on the same basis as a permanent employee. If your contract expires during, or at the end of, the leave you'll be treated in the same way as a permanent employee whose post is made redundant during or at the end of their relevant leave.

1.2.6 You should not accept other paid employment during your Maternity, Adoption, or Shared Parental Leave.

1.2.7 The period of your Maternity/Adoption/Shared Parental Leave payment will stay the same regardless of how many children are born/adopted as a result of that particular pregnancy/adoption.

1.2.8 You can find information about current Statutory Maternity Pay (SMP) and Statutory Adoption Pay (SAP) here: <http://www.hmrc.gov.uk/paye/rates-thresholds.htm>

2. GENERAL PRINCIPLES

2.1 Guidelines

- 2.1.1 You can start your Maternity/Adoption/Paternity/Shared Parental Leave (and be paid accordingly) on any day of the week but to simplify the administration we encourage you to start any Adoption leave on a Sunday if possible.
- 2.1.2 You can change your mind about when you want to start your Maternity/Adoption/Paternity Leave, providing that you notify Human Resources in writing, in advance (unless this is not reasonably practical). You'll get a confirmation response from HR within 28 days, which will include the latest date that we expect you to return to work if you're taking your full 52 weeks entitlement to Maternity/Adoption leave.
- 2.1.3 The rules about changing the dates of Shared Parental Leave are complex – you should refer to section 6 for full details.
- 2.1.4 In some circumstances you can be granted up to 10 days paid paternity/maternity support leave if you are :
- the child's father, or
 - the partner or the nominated carer of an expectant mother at the time of the birth (or shortly after), or
 - the partner or primary carer of an individual who adopts.

See the relevant section of this policy for more details.

2.2 Pensions

- 2.2.1 We'll continue to deduct your pension contributions throughout the whole period of your paid Maternity/Adoption/Paternity/Shared Parental Leave.
- 2.2.2 For any period of unpaid Maternity/Adoption/Paternity/Shared Parental Leave, you can choose whether or not to continue pay contributions. When you return to work you will have the option of making up any contributions, providing you make the request to the Pensions team within 30 days of your return.

2.3 Car and Season Ticket Loans

- 2.3.1 If you're repaying a car or season ticket loan we'll continue to make the normal deductions during your paid Maternity/Adoption/Paternity/Shared Parental Leave, but you can request that these are reduced on a pro rata basis depending on the percentage of pay you're receiving .
- 2.3.2 Repayments can be temporarily suspended for any period of unpaid leave, but we cannot extend the period of the loan. Your outstanding loan would then be recalculated when you return to work.

3. MATERNITY LEAVE and PAY

MATERNITY LEAVE – SUMMARY OF ENTITLEMENTS

LESS THAN 26 WEEKS SERVICE

If you have **less than 26 weeks service at the 15th week prior to your Expected Week of Confinement (EWC)** (i.e. less than 41 weeks service prior to the due date) :

You're entitled to claim 39 weeks **Maternity Allowance** directly from the Department of Work and Pensions, with the option of up to a further 13 weeks unpaid additional leave. You'll need to apply for Maternity Allowance using the MA1 form. There is no entitlement to payment from Lambeth.

MORE THAN 26 WEEKS, BUT LESS THAN 52 WEEKS SERVICE

If you have **more than 26 weeks service but less than 52 weeks service at the 15th week prior to EWC** :

You're entitled to 39 weeks **Statutory Ordinary Maternity Leave and Pay** with the option of up to a further 13 weeks unpaid additional Maternity Leave.

You are also entitled to take **Statutory Shared Parental Leave**, provided that you meet the statutory eligibility conditions and provided that you have opted to end your maternity leave.

MORE THAN 52 WEEKS SERVICE

If you have **more than 52 weeks service at the 11th week prior to EWC** :

You're entitled to 40 weeks **Enhanced Maternity Leave and Pay** with the option of up to a further 12 weeks unpaid additional Maternity Leave.

You are also entitled to take **Statutory or Enhanced Shared Parental Leave**, provided that you meet the statutory and/or Council eligibility conditions and provided that you have opted to end your maternity leave.

3.1 Ante-Natal Care

3.1.1 You will be allowed paid time off to receive antenatal care. After the first appointment your manager may ask you to produce an appointment card to confirm your arrangements.

3.2 Statutory Ordinary Maternity Leave and Pay

3.2.1 This is based on the statutory entitlement and is made up of the following:

- First 6 weeks at 90% of a normal week's pay, offset against Statutory Maternity Pay (SMP)
- Next 33 weeks at Statutory Maternity Pay (SMP)

3.2.2 All employees who are in receipt of Statutory Maternity Leave have the option of taking up to 13 weeks unpaid additional Maternity Leave and therefore have the ability to take up to 52 weeks off work whilst retaining full employment rights. Unpaid Maternity Leave starts immediately after any period of paid Maternity Leave and it continues for up to a further 13 weeks.

3.3 Enhanced Maternity Leave and Pay (Occupational)

3.3.1 The Council's Enhanced Maternity Leave scheme lasts for up to 40 weeks and is made up of the following:

- First 6 weeks at 90% of a normal week's pay, offset against SMP
- Next 10 weeks at full pay, offset against SMP
- Next 10 weeks at half pay plus SMP
- Final 14 weeks at half pay, offset against the remainder of SMP

3.3.2 If you are eligible for Enhanced Maternity leave you have the option of up to a further 12 weeks unpaid additional Maternity Pay. This would start immediately after any period of paid Maternity Leave.

3.4 Applying for Maternity Leave

3.4.1 Your maternity Leave can't start earlier than 11 weeks prior to the EWC. It can last for no more than 52 weeks and it should end no later than the child's first birthday.

3.4.2 To qualify for Maternity Leave you must inform your manager and the HR team of:

- the week your baby is expected to be born (the "EWC")
- when you want to start your maternity leave
- an estimated return to work date, taking into account any additional Maternity Leave, bank holidays and annual leave.

- 3.4.3 You must tell us about your intention to take maternity leave prior to the 15th week before your EWC, unless this is not reasonably practicable.
- 3.4.4 You must provide us with a doctor's statement indicating the expected date of confinement; this is normally a MAT B1 certificate.
- 3.4.5 We'll respond setting out the latest date on which we expect you to return to work if you take your full entitlement to maternity leave.
- 3.4.6 Your maternity leave will start automatically if you're absent from work for a pregnancy-related illness during the 4 weeks before the start of your EWC, regardless of when you said you wanted maternity leave to start. You can't continue working if certified medically unfit to do so.
- 3.4.7 If you have a stillborn baby after 24 weeks of pregnancy you'll be entitled to the same period of paid maternity leave as a woman who has a live birth.
- 3.4.8 We'll ensure that regulations specific to pregnant employees, under the Management of Health & Safety at Work Regulations 1999 (as amended), are met. Your manager will complete, with you, a risk assessment as soon as they are notified that you're pregnant, and will keep this risk assessment under review.

3.5 Moving From Maternity Leave To Shared Parental Leave

- 3.5.1 If you decide to opt for Shared Parental Leave, you'll be required to end your Maternity Leave, either by returning to work and then opting in to the Shared Parental Leave scheme, or by giving us notice that you wish to end your Maternity Leave on a future date.
- 3.5.2 It is a statutory requirement that **you must take at least 2 weeks Maternity Leave** after the birth of your child; this will also apply before you can change to Shared Parental Leave.
- 3.5.3 Your notice to end your Maternity Leave will be binding unless :
 - (a) you're not eligible for Shared Parental Leave
 - (b) your partner dies
 - (c) you revoke your notice

3.6 Effects Of Maternity Leave On Employment Terms and Conditions

- 3.6.1 Your continuous service is unbroken during a block of Maternity Leave. All blocks of Maternity Leave (both paid and unpaid) count towards the calculation of those benefits which accrue with your continuous service, such as sickness benefits and redundancy pay.
- 3.6.2 Where applicable, any normal pay increments that are due to you will be awarded at the usual time, as will any pay award which is implemented by the Council.

3.6.3 Your pension rights and contributions will be dealt with in accordance with the Local Government Pension Scheme. Contributions and entitlements will continue as normal while you are on full pay. If you are planning on taking a period of unpaid leave, you should make an appointment to discuss your individual position with the Pensions Team.

Annual Leave and Bank Holidays During Maternity Leave

3.6.4 Your normal annual leave entitlement continues to accrue throughout your Maternity Leave period, including any unpaid period of Maternity Leave.

3.6.5 After you've notified your Maternity Leave and confirmed the planned dates, and before you start the period of leave, you'll be asked to confirm the dates of any annual leave that you plan to take before or after Maternity Leave.

3.6.6 If your planned Maternity Leave dates cross from one annual leave year into the next, we'll expect you to use any existing annual leave balance for the current leave year before you start your Maternity Leave. This is so that you do not accumulate an excessive amount of annual leave by the time you return from Maternity Leave, as this would make it difficult for your manager to plan the resourcing of the team appropriately.

3.6.7 In normal circumstances employees can carry forward a limited amount of unused annual leave from one leave year to the next, with management permission. However employees on Maternity Leave have certain protected rights; also you will probably have accrued a substantial amount of holiday while on Maternity Leave. Therefore arrangements are different for employees returning from Maternity Leave. Annual leave that you've accrued during your Maternity Leave should be taken as soon as possible after the end of your Maternity Leave, though you should retain a reasonable balance of unused leave to cover you to the end of the leave year that you return in. You'll be asked to plan your use of annual leave with your manager and with HR before you start your Maternity Leave.

3.6.8 You may opt to take your accrued annual leave immediately after your Maternity Leave ends, without a break and without returning to the office. In that case, even though you're not physically "at work", your formal "date of return to work" will be the first day of annual leave that you take after the Maternity Leave ends. That is the day that you are placed back onto the normal payroll because you are no longer on Maternity Leave. It's not necessary for you to physically return to the office between Maternity Leave and annual leave provided that it's been agreed in advance.

3.6.9 You will accrue all Bank Holidays that fall during the complete period of your Maternity Leave, and these must be accounted for as above, in the same way as your accrued annual leave.

3.7 Keeping In Touch During Maternity Leave

- 3.7.1 Your manager may make reasonable contact with you during your time off on Maternity Leave, for example to update you on what is happening at work, to notify you about team development or job opportunities, or to discuss your return to work. This contact is separate to a formal “Keeping In Touch” day. Prior to the start of your Maternity Leave you can expect your manager to discuss the arrangements for staying in touch, the reasons for contact and the types of things that might be discussed, for example, work related matters or information on training courses.
- 3.7.2 In addition you and your manager can agree **up to 10 “Keeping In Touch days”** (“KIT” days) during your Maternity Leave, during which you can carry out work or attend meetings or training. There is no obligation on the Council to offer you KIT days, nor on you to agree to them.
- 3.7.3 For any KIT days that you do attend work you’ll be paid at your normal pay rate (offset against any statutory or contractual payment already being made for the same day). Your manager must notify HR before the normal payroll deadline date in order to make the salary adjustment for the following month’s payroll run, confirming how many days need to be paid.

3.8 The End of Maternity Leave and Returning To Work

- 3.8.1 Where the total leave you’ve taken (including any combination of Maternity Leave, Adoption Leave and Shared Parental Leave) amounts to **26 weeks or less**, you’ll be entitled to return to the same job, on the same terms and conditions, as if you had not been absent. The exception to this is where a redundancy situation has arisen, and the original job no longer exists, in which case the Council will follow its usual procedures as set out in the Organisational Change Policy.
- 3.8.2 Where the total leave you’ve taken (including any combination of Maternity Leave, Adoption Leave and Shared Parental Leave) amounts to **more than 26 weeks**, you’ll usually be entitled to return to the same job, on the same terms and conditions, unless a redundancy situation has arisen. However, if there is a reason other than redundancy (such as operational demands or a need for a change in working practices) which makes it not reasonably practicable for you to return to the same job, you’ll be entitled to return to a job suitable to you and appropriate in the circumstances, with terms and conditions which are not less favourable than your original job.
- 3.8.3 You have a right to request to return to work on a part-time or other flexible working basis following Maternity Leave. The Council will consider such requests positively and we’ll try to accommodate these where it’s possible. If you want to change your working hours following the end of your Maternity Leave, you should discuss this with your manager at the earliest opportunity. Your request should then be submitted in writing as early as possible – you can find details of how to do this in the **“Smarter Flexibility” Policy and Guidance** documents.

- 3.8.4 If you can't return to work at the end of the maternity leave because of a pregnancy or childbirth related illness then you must provide us with a doctor's medical certificate and seek further advice from HR.
- 3.8.5 If you decide that you don't want to return to work after the end of your Maternity Leave, you must give us the period of written notice as set out in your Statement of Terms and Conditions of Employment ("contract"). In those circumstances, if you fail to return to work and continue in employment for at least 3 months we retain the right to reclaim the Council-enhanced element of your Maternity Pay together with any enhanced Shared Parental Pay or Adoption Pay you may have received prior to your Maternity Leave.

4. PATERNITY LEAVE and PAY

PATERNITY LEAVE – SUMMARY OF ENTITLEMENTS

LESS THAN 26 WEEKS SERVICE

If you have **less than 26 weeks service at the 15th week prior to the Expected Week of Confinement (EWC) (or for adoption cases, less than 26 weeks service at the 'week of matching')** :

You don't satisfy the eligibility conditions for Statutory Paternity Leave.

MORE THAN 26 WEEKS, BUT LESS THAN 52 WEEKS SERVICE

If you have **more than 26 weeks service but less than 52 weeks service at the 15th week prior to EWC (or for adoption cases, more than 26 weeks service but less than 52 weeks service at the 'week of matching')** :

You're entitled to **Statutory Paternity Leave** of 1 or 2 weeks and **Statutory Paternity Pay**. However you're also entitled to Lambeth's **Maternity Support Leave** of up to 10 days fully paid, which will be offset against any Statutory Paternity Leave and Pay.

You are also entitled to take **Statutory Shared Parental Leave**, provided that you meet the statutory eligibility conditions and provided that your partner has opted to end her maternity/adoption leave.

MORE THAN 52 WEEKS SERVICE

If you have **more than 52 weeks service at the 11th week prior to EWC (or for adoption cases, more than 52 weeks service at the 'week of matching')** :

You're entitled to **Statutory Paternity Leave** of 1 or 2 weeks and **Statutory Paternity Pay**. Provided that you have not opted for Enhance Shared Parental Leave, you're also entitled to Lambeth's **Maternity Support Leave** of up to 10 days fully paid, which will be offset against any Statutory Paternity Leave and Pay.

You are also entitled to take **Enhanced Shared Parental Leave**, provided that you meet the statutory and Council eligibility conditions and provided that your partner has opted to end her maternity/adoption leave.

4.1 Statutory Paternity Leave

Eligibility for Paternity Leave

4.1.1 To be eligible for Statutory Paternity Leave you must be taking time off to look after the child, and be one of the following :

- the father
- the husband or partner of the mother (or adopter)
- the child's adopter

4.1.2 To be eligible for Statutory Paternity Leave you must also :

- be an employee
- have worked for us continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week'), or for adoptions cases, have at least 26 weeks service at the 'week of matching'
- give the correct notice

4.1.3 To be eligible for Statutory Paternity Pay you must :

- have worked for us continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week')
- be employed by the Council up to the date of birth
- earn at least £111 a week (before tax)
- give us 28 days written notice

4.2 Paternity Leave Duration

4.2.1 You can take either 1 or 2 weeks Statutory Paternity Leave. You'll get the same amount of leave if your partner has a multiple birth (e.g. twins).

4.2.2 You must take your leave in one go. (A week is the same amount of days that you normally work in a week, e.g. if you only work on Mondays and Tuesdays a week is 2 days.)

4.3 For Births - Paternity Leave Start and End Dates

4.3.1 Statutory Paternity Leave can't start before the birth. It must end within 56 days of the birth.

4.3.2 You must give your employer at least 28 days' notice if you want to change your start date.

4.3.3 You don't have to give a precise date when you want to take the leave. Instead you can give the general time (e.g. the day of the birth or 1 week after the birth).

4.4 For Births - Applying For Paternity Leave

4.4.1 You must tell us at least 15 weeks before the week the baby is expected :

- the baby's due date
- when you want your leave to start (eg the day of the birth or the week after the birth)
- if you want 1 or 2 weeks' leave.

4.5 For Adoptions - Paternity Leave Start and End Dates

4.5.1 Statutory Paternity Leave can start from the date of placement of the child, or an agreed number of days after the placement

4.5.2 For overseas adoptions, Statutory Paternity Leave can start from the date the child arrives in the UK or from an agreed number of days after the arrival.

4.5.3 You must give your employer at least 28 days' notice if you want to change your start date.

4.6 For Adoptions - Applying For Paternity Leave

4.6.1 You must apply using Form SC4 (or SC5 for non-UK adoptions).

4.6.2 You must apply for the leave within 7 days of your partner being matched for adoption. You must apply for Paternity Pay at least 28 days before you want the pay to start.

4.7 Other Rights

4.7.1 During your Paternity Leave you will retain your normal employment rights, including the right to pay rises, to accrue annual leave, and you have protected rights to return to your job.

4.7.2 You have the right to attend up to 2 antenatal classes with paid time off, if you are the father, or the mother's spouse, or you're living in a long term relationship with the mother.

5. ADOPTION LEAVE and PAY

ADOPTION LEAVE – SUMMARY OF ENTITLEMENTS

LESS THAN 52 WEEKS SERVICE

If you have **less than 52 weeks service at the 'week of matching'** :

You're entitled to 26 weeks **Statutory Ordinary Adoption Leave** with the option of up to a further 26 weeks Additional Adoption Leave.

You can receive **Statutory Adoption Pay (SAP)** for up to 39 weeks of your Adoption Leave.

You are also entitled to take **Statutory Shared Parental Leave**, provided that you have at least 26 weeks service and you meet the statutory eligibility conditions and provided that you have opted to end any maternity/adoption leave.

MORE THAN 52 WEEKS SERVICE

If you have **more than 52 weeks service at the 'week of matching'** :

You're entitled to 40 weeks **Enhanced Adoption Leave and Pay** with the option of up to a further 12 weeks unpaid additional Adoption Leave.

You are also entitled to take **Statutory or Enhanced Shared Parental Leave**, provided that you meet the statutory and/or Council eligibility conditions and provided that you have opted to end any maternity/adoption leave.

5.1 Time Off For Adoption Appointments

- 5.1.1 If you're the main adopter you'll be entitled to take paid time off for up to 5 adoption appointments.
- 5.1.2 If you're the secondary adopter you'll be entitled to take unpaid time off for up to 2 appointments.

5.2 Statutory Adoption Leave and Pay

- 5.2.1 This is based on the statutory entitlement and is made up of the following:
- First 6 weeks at 90% of a normal week's pay, offset against SAP
 - Next 33 weeks at Statutory Adoption Pay (SAP)
- 5.2.2 All employees who are in receipt of Statutory Adoption Leave have the option of taking up to 13 weeks unpaid additional Adoption Leave and therefore have the ability to take up to 52 weeks off work whilst retaining full employment rights. Unpaid Adoption Leave starts immediately after any period of paid Adoption Leave and it continues for up to a further 13 weeks.

5.3 Enhanced Adoption Leave and Pay (Occupational)

- 5.3.1 The Council's Enhanced Adoption Leave scheme lasts for up to 40 weeks and is made up of the following:
- First 6 weeks at 90% of a normal week's pay, offset against SAP
 - Next 10 weeks at full pay, offset against SAP
 - Next 10 weeks at half pay plus SAP
 - Final 14 weeks at half pay, offset against the remainder of SAP
- 5.3.2 If you are eligible for enhanced Adoption leave you have the option of up to 12 weeks unpaid additional Adoption Pay. This would start immediately after any period of paid Adoption leave.

5.4 Applying for Adoption Leave

- 5.4.1 You can't start Adoption leave any earlier than 14 days before the expected week of placement, unless the actual placement is earlier than originally expected.
- 5.4.2 If the child's placement ends during your adoption leave period, you'll be able to continue the adoption leave for up to 8 weeks after the end of the placement.

- 5.4.3 To qualify for adoption leave, you must inform your manager and the HR team of:
- the expected week of matching/placement
 - when you want the adoption leave to start
 - an estimated return to work date, taking into account any additional adoption leave, bank holiday accrual and annual leave.
- 5.4.4 You must tell us about your intention to start adoption leave within 7 days (wherever practical) of being notified by your adoption agency that you've been 'matched' with a child.
- 5.4.5 You must provide us with a 'matching certificate' from your adoption agency as evidence of your entitlement to adoption leave.
- 5.4.6 As an adoptive parent you'll be required to state in writing that you're the primary carer undertaking the majority of the child-care responsibility. Otherwise you'll only be entitled to the equivalent of Maternity/Adoption Support Leave of no more than 10 days.
- 5.4.7 If you have to attend courts etc. at the appropriate time to sign adoption papers and this occurs outside the period of adoption leave, you'll be entitled to time off with pay.
- 5.4.8 If you apply for adoption leave your partner will need to sign a declaration that they are not intending to apply for adoption leave (whether they work for the Council or not).

5.5 Moving From Adoption Leave To Shared Parental Leave

- 5.5.1 If you decide to opt for Shared Parental Leave, you will be required to end your Adoption Leave, either by returning to work and then opting in to the Shared Parental Leave scheme, or by giving us notice that you wish to end your Adoption Leave on a future date.
- 5.5.2 It is a statutory requirement that **you must take at least 2 weeks Adoption Leave** before you can curtail or end it in order to change to Shared Parental Leave.
- 5.5.3 Your notice to end your Adoption Leave will be binding unless :
- (a) you're not eligible for Shared Parental Leave
 - (b) your partner dies
 - (c) you revoke your notice

5.6 Effects Of Adoption Leave On Employment Terms and Conditions

- 5.6.1 Your continuous service is unbroken during a block of Adoption Leave. All blocks of Adoption Leave (both paid and unpaid) count towards the calculation of those benefits which accrue with your continuous service, such as sickness benefits and redundancy pay.
- 5.6.2 Where applicable, any normal pay increments that are due to you will be awarded at the usual time, as will any pay award which is implemented by the Council.
- 5.6.3 Your pension rights and contributions will be dealt with in accordance with the Local Government Pension Scheme. Contributions and entitlements will continue as normal while you are on full pay. If you are planning on taking a period of unpaid leave, you should make an appointment to discuss your individual position with the Pensions Team.

Annual Leave and Bank Holidays During Adoption Leave

- 5.6.4 Your normal annual leave entitlement continues to accrue throughout your Adoption Leave period, including any unpaid period of Adoption Leave.
- 5.6.5 After you've notified your Adoption Leave and confirmed the planned dates, and before you start the period of leave, you'll be asked to confirm the dates of any annual leave that you plan to take before or after Adoption Leave.
- 5.6.6 If your planned Adoption Leave dates cross from one annual leave year into the next, we'll expect you to use any existing annual leave balance for the current leave year before you start your Adoption Leave. This is so that you do not accumulate an excessive amount of annual leave by the time you return from Adoption Leave, as this would make it difficult for your manager to plan the team resourcing appropriately.
- 5.6.7 In normal circumstances employees can carry forward a limited amount of unused annual leave from one leave year to the next, with management permission. However employees on Adoption Leave have certain protected rights; also you will probably have accrued a substantial amount of holiday while on Adoption Leave. Therefore arrangements are different for employees returning from Adoption Leave. Annual leave that you've accrued during your Adoption Leave should be taken as soon as possible after the end of your Adoption Leave, though you should retain a reasonable balance of unused leave to cover you to the end of the leave year that you return in. You'll be asked to plan your use of annual leave with your manager and with HR before you start your Adoption Leave.
- 5.6.8 You may opt to take your accrued annual leave immediately after your Adoption Leave ends, without a break and without returning to the office. In that case, even though you're not physically "at work", your formal "date of return to work" will be the first day of annual leave that you take after the Adoption Leave ends. That is the day that you are placed back onto the normal payroll because you are no longer on

Adoption Leave. It's not necessary for you to physically return to the office between Adoption Leave and annual leave provided that it's been agreed in advance.

- 5.6.9 You will accrue all Bank Holidays that fall during the complete period of your Adoption Leave, and these must be accounted for as above, in the same way as your accrued annual leave.

5.7 Keeping In Touch During Adoption Leave

- 5.7.1 Your manager may make reasonable contact with you during your time off on Adoption Leave, for example to update you on what is happening at work, to notify you about team development or job opportunities, or to discuss your return to work. This contact is separate to a formal "Keeping In Touch" day. Prior to the start of your Adoption Leave you can expect your manager to discuss the arrangements for staying in touch, the reasons for contact and the types of things that might be discussed, for example, work related matters or information on training courses.

- 5.7.2 In addition you and your manager can agree **up to 10 "Keeping In Touch" days** ("KIT" days) during your Adoption Leave during which you can carry out work or attend meetings or training. There is no obligation on the Council to offer you KIT days, nor on you to agree to them.

- 5.7.3 For any KIT days that you do attend work you will be paid at your normal pay rate (offset against any statutory or contractual payment already being made for the same day). Your manager must notify HR before the normal payroll deadline date in order to make the salary adjustment for the following month's payroll run, confirming how many days they need to be paid.

5.8 The End of Adoption Leave and Returning To Work

- 5.8.1 Where the total leave you've taken (including any combination of Maternity Leave, Paternity Leave, Adoption Leave and Shared Parental Leave) amounts to **26 weeks or less**, you'll be entitled to return to the same job, on the same terms and conditions, as if you had not been absent. The exception to this is where a redundancy situation has arisen, and the original job no longer exists, in which case the Council will follow its usual procedures as set out in the Organisational Change Policy.

- 5.8.2 Where the total leave you've taken (including any combination of Maternity Leave, Paternity Leave, Adoption Leave and Shared Parental Leave) amounts to **more than 26 weeks**, you'll usually be entitled to return to the same job, on the same terms and conditions, unless a redundancy situation has arisen. However, if there is a reason other than redundancy (such as operational demands or a need for a change in working practices) which makes it not reasonably practicable for you to return to the same job, you'll be entitled to return to a job suitable to you and appropriate in the circumstances, with terms and conditions which are not less favourable than your original job.

- 5.8.3 You have a right to request to return to work on a part-time or other flexible working basis following Adoption Leave. The Council will consider such requests positively and we'll try to accommodate these where it's possible. If you want to change your working hours following the end of your Adoption Leave, you should discuss this with your manager at the earliest opportunity. Your request should then be submitted in writing as early as possible – you can find details of how to do this in the **“Smarter Flexibility” Policy and Guidance** documents.
- 5.8.4 If you decide that you don't want to return to work after the end of your Adoption Leave, you must give us the period of written notice as set out in your Statement of Terms and Conditions of Employment (“contract”). In those circumstances, if you fail to return to work and continue in employment for at least 3 months, we retain the right to reclaim the Council-enhanced element of your Adoption Pay together with any enhanced Shared Parental Pay or Paternity Pay you may have received prior to your Maternity Leave.

6. SHARED PARENTAL LEAVE and PAY

SHARED PARENTAL LEAVE – SUMMARY OF ENTITLEMENTS

LESS THAN 26 WEEKS SERVICE

If you have **less than 26 weeks service at the 15th week prior to your Expected Week of Confinement (EWC)** (i.e. less than 41 weeks service prior to the due date) :

You don't satisfy the eligibility conditions for either Statutory or Council Shared Parental Leave.

MORE THAN 26 WEEKS, BUT LESS THAN 52 WEEKS SERVICE

If you have **more than 26 weeks, but less than 52 weeks, service at the 15th week prior to EWC (or for adoptions cases, less than 26 weeks service at the 'week of matching')** :

You're entitled to Lambeth's **Maternity Support Leave** of up to 10 days fully paid.

You are also entitled to take **Statutory Shared Parental Leave**, provided that you meet the statutory eligibility conditions and provided that you and your partner have opted to end maternity, paternity or adoption leave or maternity support leave.

See section 6.2 for full details of eligibility requirements.

MORE THAN 52 WEEKS SERVICE

If you have **more than 52 weeks service at the 11th week prior to EWC (or for adoption cases, more than 52 weeks service at the 'week of matching')** :

You are also entitled to take **Enhanced Shared Parental Leave**, provided that you meet the Council's eligibility conditions and provided that you and your partner have opted to end maternity, paternity or adoption leave.

See section 6.2 for full details of eligibility requirements.

6.1 Shared Parental Leave - Summary

- 6.1.1 Shared Parental Leave (“SPL”) provides eligible parents with the opportunity to choose to share the care of their child between them during the first year following the child’s birth or adoption. The purpose of SPL is to give parents greater flexibility and more equality in considering how to best care for, and bond with, their child in the early stages. Parents have the option of converting part of their Maternity Leave and Pay period, or Adoption Leave and Pay period, into Shared Parental Leave and Pay. They can then share that leave and pay, up to a maximum of 50 weeks’ leave and 37 weeks’ pay, between them.
- 6.1.3 Shared Parental Leave and Pay cannot begin before the birth, or placement for adoption, and all leave must be taken within one year of the birth or the date that the child was placed with the family (i.e. the day before the child’s first birthday or the anniversary of the placement of an adopted child).
- 6.1.4 It is a statutory requirement that the mother **must take at least 2 weeks Maternity Leave** after the birth of the child before any change to Shared Parental Leave can be made.
- 6.1.5 **Two separate schemes** are available to Council employees (subject to meeting the eligibility requirements) :

Statutory Shared Parental Leave

- Under the **Statutory Shared Parental Leave** scheme, you can submit up to three requests for blocks of SPL during the first year following the birth of the baby or the adoption placement.

Each block of leave can have one start and end date (e.g. starting on 1st June and ending on 31st August). This is known in law as a “**continuous**” block of leave.

Alternatively, subject your line manager’s agreement, a block of leave can include two or more start and end dates - for example one month’s leave, followed by two months at work, followed by three months leave. This is known in law as a “**discontinuous**” block of leave.

Enhanced Shared Parental Leave

- Alternatively, if you meet the additional eligibility requirements, you may choose to opt into the Council’s **Enhanced Shared Parental Leave** scheme and receive the enhanced pay arrangements. Under the Council’s Enhanced scheme, **your leave pattern** (which may be “continuous” or “discontinuous” – see above) **for the full SPL period will be agreed with your manager at the point you notify the Council of your intention to take SPL. No subsequent changes to the agreed leave pattern will then be permitted, unless exceptional circumstances apply.**

- 6.1.6 If you opt into either the Statutory or Enhanced SPL schemes, you can choose to request blocks of leave at the same time as your co-parent, or at different times. Alternatively, the whole period of SPL can be taken by one parent.
- 6.1.7 Where both parents meet the eligibility criteria, and both work for the Council, they will be entitled to share the leave and pay arrangements outlined in this policy.
- 6.1.8 Where only one parent works for the Council, they will be entitled to the leave and pay arrangements outlined in this policy, and their partner will be entitled to the leave and pay arrangements offered by their own employer.
- 6.1.9 We expect that you'll discuss any plans for SPL with your line manager at as early a stage as possible. This will give the maximum opportunity to explore options, and will enable your manager to start to consider plans for accommodating your leave.
- 6.1.10 Please note: If you wish to take a period of Maternity Support Leave following the birth of your child this must be taken *before* Shared Parental Leave commences. Any entitlement to Maternity Support Leave will cease once SPL has commenced.

6.2 Shared Parental Leave - Eligibility

Statutory Shared Parental Leave
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- 6.2.1 You are eligible to opt into the **Statutory** Shared Parental Leave Scheme if you are:
 - the mother/primary adopter; or
 - the father of the child (in the case of a birth); or
 - the spouse, civil partner or partner of the child's mother/primary adopter

and

 - you will share the main responsibility for the care of the child with your partner;
 - you have completed 26 weeks' continuous service with the Council by either the end of the 15th week before the expected week of childbirth, or by the end of the week in which you were notified that you had been matched with your child;
 - you will still be employed by the Council in the week before the leave is taken;
 - you are or your partner is entitled to Statutory Maternity Leave/Statutory Maternity Pay or Maternity Allowance, or to Statutory Adoption Leave/Statutory Adoption Pay; and you have curtailed this entitlement.
- 6.2.2 In addition, your partner must also satisfy the following employment and earnings requirements:

- They must have worked (as an employee, agency worker, or on a self-employed basis for at least 26 weeks of the 66 weeks before the expected week of childbirth; and
- In 13 weeks of that 66 week period they must have earned an average of £30 per week, and have paid either Class 1 or Class 2 National Insurance contributions in those weeks (or hold an exemption certificate for those weeks).

<h3>Enhanced Shared Parental Leave</h3>

6.2.3 To qualify for the Council's **Enhanced** Shared Parental Leave scheme, in addition to the statutory requirements in para. 6.2.1 you must also have **more than 52 weeks service with the Council at the qualifying week** (15th week before the expected week of childbirth or for adoption cases, more than 52 weeks service at the 'week of matching').

6.3 How To Request Shared Parental Leave

6.3.1 The eligibility criteria for SPL require you to provide us with correct notification. Notification must be in writing and must include each of the following :

- your name
- the name of the other parent
- the start and end dates of any Maternity/Adoption leave or pay, or Maternity Allowance, taken in respect of the child and the total amount of SPL available
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which you were notified of having been matched with the child and the date of placement for adoption
- the amount of SPL you and your partner each intend to take
- a non-binding indication of when you expect to take the leave.

6.3.2 You must provide us with a signed declaration stating :

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

6.3.3 You must also provide us with a signed declaration from your partner confirming :

- their name, address and National Insurance number (or a declaration that they do not have a National Insurance number);

- that they are the mother/adopter of the child, or they are the father of the child, or they are the spouse, civil partner or partner of the mother/adopter
- that they satisfy the 'employment and earnings test' and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee
- that they consent to the amount of SPL that you intend to take
- that they consent to the organisation processing the information contained in your application forms
- (in the case whether the partner is the mother/adopter) that they will immediately inform you if they cease to satisfy the SPL eligibility conditions.

6.4 Requesting Further Evidence Of Eligibility

6.4.1 The Council may, within 14 days of you submitting your SPL entitlement notification as above, request:

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

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

6.5 Fraudulent Claims

6.5.1 Where there is a suspicion that fraudulent information may have been provided, or where we have been informed by the HMRC that a fraudulent claim was made, we can investigate the matter further in accordance with our usual disciplinary procedures, and without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

6.6 Starting Shared Parental Leave

6.6.1 Shared Parental Leave can commence as soon as you or your partner have :

- taken at least 2 weeks' Maternity Leave (Compulsory Maternity Leave) following the birth of the child; or taken at least 2 weeks' Adoption Leave;

and

- curtailed your entitlement to Maternity Leave or Adoption Leave by either :
 - providing at least 8 weeks' notice to the relevant employer of the intention to curtail entitlement to Maternity Leave or Adoption Leave;
 - or**
 - returning to work.

and

- completed the relevant SPL paperwork for the Council, and you have provided a copy to your manager and HR **at least 8 weeks prior to the date you intend to commence your first period of SPL.**

6.7 Options For Taking Shared Parental Leave

6.7.1 You and your partner may choose to take SPL at the same time, or at different times, as long as the total leave taken does not exceed what is jointly available to you, up to a maximum of 50 weeks.

Example 1

You choose to take 8 weeks Maternity Leave. Then you and your partner both take a period of 12 weeks SPL, so that you can care for your child together. Your partner returns to work, and you then take a further 16 weeks SPL.

Example 2

Your partner takes 16 weeks Adoption Leave. Following their return to work, you take a period of 12 weeks SPL. You then return to work, and your partner takes a final period of 16 weeks SPL.

6.7.2 Alternatively, SPL can be taken by just one of the parents.

6.8 The Amount of Shared Parental Leave Available

6.8.1 The amount of shared parental leave available is determined by how much Maternity Leave or Adoption Leave you or your partner have already taken.

6.8.2 To calculate the leave available, deduct the amount of Maternity Leave or Adoption Leave you or your partner have already taken from the maximum 52 weeks leave. The remaining leave (up to a maximum 50 weeks) may be shared between you. The maximum sharable leave is capped at 50 weeks because by law you must take at least 2 weeks Maternity or adoption Leave first.

6.9 Changes in Your Leave Plans

6.9.1 Once you provide notice that you're going to curtail your Maternity Leave or Adoption Leave that notice is binding and, once submitted, can't usually be withdrawn. You can only withdraw it if Maternity or Adoption Leave has not yet ended **and** one of the following applies :

- You realise that neither you nor the other parent are in fact eligible for Shared Parental Leave or Statutory Shared Parental Pay, in which case you can revoke the curtailment notice in writing **up to 8 weeks after it was given**;
- If you gave the curtailment notice before giving birth or the adoption placement of the child, you can revoke it in writing **up to 8 weeks after it was given, or up to 6 weeks after birth/placement, whichever is later**; or
- The other parent has died.

6.9.2 Other than for one of the above reasons, you will not be able to opt back into either the Council's Enhanced SPL scheme or the Statutory SPL scheme at a later date.

6.10 Statutory Shared Parental Leave

6.10.1 If you choose to opt into the Statutory Shared Parental Leave scheme you can submit **up to 3 requests** for blocks of SPL at **any time up to 9 weeks before the child's first birthday, or the anniversary of the placement of the child with you for adoption**.

6.10.2 You must provide **at least 8 weeks written notice in advance of each block of leave requested**, and all blocks of SPL must last for a **minimum of 1 week**, and taken in **multiples of a week** (i.e. it can't be taken as single days or blocks of less than one week).

Requesting Statutory Shared Parental Leave

6.10.3 To request a block of Statutory SPL you'll need to provide written notice of the intended leave, using the Shared Parental Leave Notification. You must give the request to your manager and HR **at least 8 weeks before the block of leave requested is due to start**.

6.10.4 Where your request is submitted *before* the baby is born or the child has been placed with you for adoption, you can outline in your request that you want the leave to start on a specified number of days after the birth/child's placement with you, and finish on a specified number of days after the birth/placement.

6.10.5 Where your request is submitted *after* your child has been born, or after the child has been placed with you for adoption, you must specify the start and end dates of your intended SPL in the request.

Please note that, while a request for a block of SPL can be submitted before the birth of your child or before the placement of your child with you for adoption, the leave itself can't start until 2 weeks after the child's birth or placement – the law requires a compulsory period of 2 weeks of Maternity or Adoption Leave before SPL can start.

6.10.6 The latest point at which you can submit a Statutory SPL request is **9 weeks before the child's first birthday or 9 weeks before the anniversary of the placement for adoption**.

What If The Birth Or Adoption Takes Place Sooner Than Planned ?

- 6.10.7 If you've opted into the Statutory SPL scheme, and your pattern of leave has been approved, then the baby arrives earlier than expected or the adoption placement commences earlier than expected, you don't need to provide 8 weeks notice of the change, but you must notify your manager and HR of the new start date as soon as reasonably practicable. HR will provide written confirmation of your new leave arrangements once they are agreed by your manager. Such a variation will not count as one of your 3 requests for SPL.

Taking Statutory Shared Parental Leave In A Continuous Block

- 6.10.8 You can submit a request for a block of Statutory SPL that has only one start date and one end date, for example a single block of 3 months unbroken leave. If you request such a continuous block of leave it will be automatically approved. HR will provide written confirmation of the leave arrangements.

Taking Statutory Shared Parental Leave In A Discontinuous Block

- 6.10.9 Requests for discontinuous blocks of SPL are subject to line manager approval. All such requests will be carefully considered, based on business and service requirements, and will give you a decision within 14 calendar days of receipt of your Shared Parental Leave Notification.
- 6.10.10 Where a discontinuous block of shared parental leave is approved, your manager will inform HR, who will provide written confirmation of the leave arrangements.
- 6.10.11 If the SPL you've requested is not possible, then your manager will arrange to meet with you to discuss possible alternative leave patterns.

What If Statutory Shared Parental Leave Periods Cannot Be Approved ?

- 6.10.12 If your request for a discontinuous block of Statutory SPL is refused, and you're unable to agree an alternative pattern with your manager, the following options will be available :

- you can choose to take the requested weeks of SPL in a single continuous block, starting on a different date to that specified originally, although not less than 8 weeks from the date you first submitted the request. You must provide written confirmation of the new start date to your manager and HR **no later than 19 calendar days after you submitted your original request**

or

- you can choose to withdraw your request. Where your request is withdrawn **on or before the 15th calendar day after it was originally submitted**, it will not be counted as one of your 3 requests for SPL.

6.10.13 If you don't provide an alternative start date, and don't withdraw the request, the weeks of leave you originally requested must be taken as a single continuous block starting on the start date specified in your original request.

Varying Your SPL Leave Pattern - The Statutory Scheme

6.10.14 You can cancel or vary a block of Statutory SPL that has already been approved, for example you may wish to change the start date of a block of leave, return to work earlier than originally envisaged, or extend a block of leave by changing the end date.

6.10.15 To vary or cancel an approved block of Statutory SPL, you and your partner must complete the **Notification of SPL Variation or Cancellation**, and submit it to your manager and HR **at least 8 weeks before the original leave was due to start and/or end, and (where a variation is being requested) 8 weeks before the varied start and/or end date.**

6.10.16 Any notification to vary or cancel an approved block of leave, including notice to return to work earlier, will usually count as one of your 3 requests for SPL, unless there are exceptional circumstances.

6.10.16 If you give less than 8 weeks notice of a change to your Statutory SPL we may require you to take some or all of the leave that you originally requested, if it's not reasonably practicable for the Council to accommodate your requested change.

6.11 Enhanced Shared Parental Leave – The Council Scheme

6.11.1 If you have at least 52 weeks service with the Council, and you meet the statutory eligibility requirements, you can choose to opt in to the Council's Enhanced Shared Parental Leave scheme.

6.11.2 To opt in to the Enhanced SPL scheme you will need to outline the pattern of leave you are requesting **for the full SPL period** on your Shared Parental Leave Notification. Your completed notification must be submitted to your manager and HR **at least 8 weeks** before your requested pattern of leave is due to commence.

Requesting Up To 3 Periods of Enhanced Shared Parental Leave :

6.11.3 Where your requested pattern of leave includes **up to 3 start dates and 3 end dates**, it will be automatically approved.

For example :

You would receive automatic approval for a requested leave pattern that would involve :

- *8 weeks SPL, then 4 weeks back at work, followed by a further 10 weeks SPL, followed by 8 weeks work, and then a further 4 weeks SPL*

or

- 20 weeks SPL, followed by 8 weeks back at work, then a further 10 weeks SPL.

6.11.4 HR will provide written confirmation of the leave arrangements once they are approved.

<p>Requesting <u>More Than 3</u> Periods of Enhanced Shared Parental Leave :</p>

6.11.5 Where a requested pattern of leave includes **more than 3 start dates and 3 end dates**, this will be subject to line manager agreement, based on business and service requirements.

For example :

Discretionary management approval would be required for a requested leave pattern that would involve :

- *taking SPL for alternate months over a 10 month period*
- or**
- *4 weeks SPL, then 3 weeks back at work, followed by a further 6 weeks SPL, then 2 weeks back at work, followed by 4 weeks SPL, then 4 weeks back at work, and a further 10 weeks SPL.*

6.11.6 All such requests will be carefully considered, based on business and service requirements, and we will give you a decision within 14 calendar days of receipt of your Shared Parental Leave Notification.

6.11.7 If the pattern requested includes more than 3 start dates and 3 end dates but for business reasons cannot be approved, your manager will meet with you to discuss possible alternative leave patterns.

6.11.8 Where a pattern of SPL with more than 3 start dates and 3 end dates is agreed, your manager will inform HR, who will provide written confirmation of the leave arrangements.

What If Enhanced Shared Parental Leave Periods Cannot Be Approved ?

6.11.9 If you request a pattern of SPL that involves more than 3 start and end dates and it is refused, and you're unable to agree an alternative pattern with your manager, the following options will be available :

- you can take the weeks of SPL originally requested in your SPL Notification **in up to 3 blocks**, commencing on the start dates specified in your original request
- or**
- you can choose to “opt out” of the Council’s Enhanced SPL scheme, and submit requests for Shared Parental Leave via the Statutory SPL scheme (see para. 6.12.4 below). **PLEASE NOTE** – *If you do this you might not have your preferred leave pattern agreed, as the Council is not obliged to agree a pattern of SPL that includes any more than 3 start dates and 3 end dates. In*

addition, if you opt into the Statutory Scheme you won't be eligible to receive the enhanced benefits outlined at para. 6.12.6, and you will receive only the statutory benefits outlined at para. 6.12.4 for the duration of your SPL.

What If The Birth Or Adoption Takes Place Sooner Than Planned ?

6.11.10 If you've opted into the Council's Enhanced SPL scheme, and your pattern of leave has been approved, then the baby arrives earlier than expected or the adoption placement commences earlier than expected, you must notify your manager and HR of the new start date as soon as reasonably practicable. HR will provide written confirmation of your revised SPL arrangements once they are agreed by your manager.

Varying Your SPL Leave Pattern - The Enhanced Council Scheme

6.11.11 With the exception of a situation where a baby arrives early (or the placement of a child for adoption commences earlier than expected), If you opt into the Council's Enhanced SPL scheme and your pattern of leave has been confirmed **no changes to the pattern will normally be permitted.** *You and your partner should not assume in advance that a period of SPL will be approved by either of your employers – you will need to co-ordinate your applications for leave carefully to ensure you can both obtain the leave you require at the times you require it.*

6.11.12 In very exceptional circumstances, for example in the event of serious illness, we may give consideration to varying your planned SPL arrangements.

6.11.13 If you decide to vary your approved pattern of SPL without an exceptional reason, your entitlements under the Council's Enhanced scheme may come to an end. Instead, any variation will be considered in line with the Statutory SPL scheme, and any future paid periods of SPL would be paid in line with the Statutory Scheme

6.12 Shared Parental Pay

6.12.1 You can receive Shared Parental Pay ("SPP") if you have :

- complied with relevant statutory procedures and the Council's notification procedures for Shared Parental Leave as set out in this policy
- met the statutory eligibility requirements for SPP
- curtailed your entitlement to Maternity, Paternity or Adoption Leave and Pay.

Statutory Shared Parental Pay

6.12.2 Statutory Shared Parental Pay (SPP) is available to employees who have **more than 26 weeks service at the 15th week prior to EWC (or for adoption cases, less than 26 weeks service at the 'week of matching')**.

6.12.3 You can be paid Statutory SPP for **up to a maximum of 37 weeks**, provided that you meet the following requirements :

- you and your partner satisfy the eligibility requirements
and
- your average earnings in the 8 weeks up to and including the qualifying week have been at least equal to the Lower Earnings Limit for NI contributions (please seek advice from Staff Support Centre/Payroll in HR if you are at all unsure about this).

6.12.4 Statutory SPP is paid at the following rate :

The lesser of:

The current statutory rate of SPP (£138.18 p/week for tax year 2014/15)

or

90% of your average weekly earnings

6.12.5 If you are receiving the Council's Enhanced SPP your entitlement to Statutory SPP is included within those payments.

Enhanced Shared Parental Pay – The Council Scheme

6.12.6 If you have **more than 52 weeks service at the 11th week prior to EWC (or for adoption cases, more than 52 weeks service at the 'week of matching')** you are entitled to Enhanced Shared Parental Pay as follows :

- First 6 weeks at 90% of a normal week's pay, offset against Statutory SPP
- Next 10 weeks at full pay, offset against Statutory SPP
- Next 10 weeks at half pay plus Statutory SPP
- Final 14 weeks at half pay, offset against the remainder of Statutory SPP

Please note that if you receive SPP in addition to any Enhanced Maternity Pay, Statutory Maternity Pay, Enhanced Adoption Pay or Statutory Adoption Pay, no combination of payments will exceed the above total.

6.12.7 If you are paid the Council's Enhanced SPP, your Statutory SPP entitlement is included within that payment. No combination of payments can exceed your normal full pay. Payment of Statutory SPP begins at the same time as Enhanced SPP.

6.12.8 You must return to work for a minimum period of 3 months following the end of your last block of Shared Parental Leave in order to be entitled to keep the enhanced element of the Shared Parental Pay. The Council retains the right to reclaim from you the enhanced element of the Shared Parental Pay if you fail to return to work for at least 3 months.

6.13 Effects Of Shared Parental Leave On Employment Terms and Conditions

- 6.13.1 Your continuous service is unbroken during a block of Shared Parental Leave. All blocks of SPL (both paid and unpaid) count towards the calculation of those benefits which accrue with your continuous service, such as sickness benefits and redundancy pay.
- 6.13.2 Where applicable, any normal pay increments that are due to you will be awarded at the usual time, as will any pay award which is implemented by the Council.
- 6.13.3 Your pension rights and contributions will be dealt with in accordance with the Local Government Pension Scheme. Contributions and entitlements will continue as normal while you are on full pay. If you are planning on taking a period of unpaid leave, you should make an appointment to discuss your individual position with the Pensions Team.

Annual Leave and Bank Holidays During Shared Parental Leave

- 6.13.4 Your normal annual leave entitlement continues to accrue throughout your Shared Parental Leave period, including any unpaid period of SPL.
- 6.13.5 After you've notified your SPL and confirmed the planned dates, and before you start the period of leave, you'll be asked to confirm the dates of any annual leave that you plan to take before or after SPL.
- 6.13.6 If your planned SPL dates cross from one annual leave year into the next, we'll expect you to use any existing annual leave balance for the current leave year before you start your SPL. This is so that you do not accumulate an excessive amount of annual leave by the time you return from SPL, as this would make it difficult for your manager to plan the team resourcing appropriately.
- 6.13.7 In normal circumstances employees can carry forward a limited amount of unused annual leave from one leave year to the next, with management permission. However employees on SPL have certain protected rights; also you will probably have accrued a substantial amount of holiday while on SPL. Therefore arrangements are different for employees returning from SPL. Annual leave that you've accrued during your SPL should be taken as soon as possible after the end of your SPL, though you should retain a reasonable balance of unused leave to cover you to the end of the leave year that you return in. You'll be asked to plan your use of annual leave with your manager and with HR before you start your SPL.
- 6.13.8 You may opt to take your accrued annual leave immediately after your SPL ends, without a break and without returning to the office. In that case, even though you're not physically "at work", your formal "date of return to work" will be the first day of annual leave that you take after the SPL ends. That is the day that you are placed back onto the normal payroll because you are no longer on SPL. It's not necessary

for you to physically return to the office between SPL and annual leave provided that it's been agreed in advance.

- 6.13.9 You will accrue all Bank Holidays that fall during the complete period of your SPL, and these must be accounted for as above, in the same way as your accrued annual leave.

6.14 Keeping In Touch During Shared Parental Leave

- 6.14.1 Your manager may make reasonable contact with you during your time off on Shared Parental Leave, for example to update you on what is happening at work, to notify you about team development or job opportunities, or to discuss your return to work. This contact is separate to a formal "Shared Parental Leave In Touch" day (see below). Prior to the start of your Shared Parental Leave you can expect your manager to discuss the arrangements for staying in touch, the reasons for contact and the types of things that might be discussed, for example, work related matters or information on training courses.

- 6.14.2 In addition you and your manager can agree **up to 20 "Shared Parental Leave In Touch"** days ("SPLIT" days) during your SPL during which you can carry out work or attend meetings or training. There is no obligation on the Council to offer you SPLIT days, nor on you to agree to them.

- 6.14.3 For any SPLIT days that you do attend work you will be paid at your normal pay rate (offset against any statutory or contractual payment already being made for the same day). Your manager must notify HR before the normal payroll deadline date in order to make the salary adjustment for the following month's payroll run, confirming how many days they need to be paid.

- 6.14.4 Note that any entitlement you may have had to "Keeping In Touch Days" as part of Maternity Leave or Adoption Leave will cease if you start Shared Parental Leave.

6.15 The End of Shared Parental Leave and Returning To Work

- 6.15.1 Where the total leave you've taken (including any combination of Maternity Leave, Adoption Leave, Paternity Leave and Shared Parental Leave) amounts to **26 weeks or less**, you'll be entitled to return to the same job, on the same terms and conditions, as if you had not been absent. The exception to this is where a redundancy situation has arisen, and the original job no longer exists, in which case the Council will follow its usual procedures as set out in the Organisational Change Policy.

- 6.15.2 Where the total leave you've taken (including any combination of Maternity Leave, Adoption Leave, Paternity Leave and Shared Parental Leave) amounts to **more than 26 weeks**, you'll usually be entitled to return to the same job, on the same terms and conditions, unless a redundancy situation has arisen. However, if there is a reason other than redundancy (such as operational demands or a need for a change in working practices) which makes it not reasonably practicable for you to return to the same job, you'll be entitled to return to a job suitable to you and appropriate in the

circumstances, with terms and conditions which are not less favourable than your original job.

- 6.15.3 You have a right to request to return to work on a part-time or other flexible working basis following SPL. The Council will consider such requests positively and we'll try to accommodate these where it's possible. If you want to change your working hours following the end of your SPL, you should discuss this with your manager at the earliest opportunity. Your request should then be submitted in writing as early as possible – you can find details of how to do this in the **“Smarter Flexibility” Policy and Guidance** documents.
- 6.15.4 If you decide that you don't want to return to work after the end of your SPL, you must give us the period of written notice as set out in your Statement of Terms and Conditions of Employment (“contract”). In those circumstances, if you fail to return to work and continue in employment for at least 3 months, we retain the right to reclaim the Council-enhanced element of your Shared Parental Pay together with any enhanced Maternity or Adoption Pay you may have received prior to your SPL.

7 DETAILS OF APPROVAL AND VARIATION PROCESS

- 7.1 Where the Council wishes to amend or terminate this procedure, it will consult with the relevant trade union with a view to reaching agreement over the proposed amendment(s)/termination. This procedure may be amended or terminated by agreement with the relevant trade unions at any time. Where agreement has not been reached with the relevant trade unions arising from consultations, the Council reserve the right to implement its proposed amendment(s)/termination by giving one months notice to employees of its proposal(s).

This policy is approved and signed by:

Guy Ware
Chief Executive (Acting)

Jon Rogers (Branch Secretary – UNISON)
On behalf of Trade Unions