



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

JOINT EMPLOYEE COUNCIL

AGENDA

Meeting to be held in the
Ceres Suite,
Worksop Town Hall, S80 2AH
on Wednesday, 10th June 2015
at 3.00 pm

(Please note time and venue)

**Please turn mobile telephones to silent during meetings.
In case of emergency, Members/officers can be contacted
on the Council's mobile telephone: 07702 670209.**

In accordance with Regulation 4(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, audio/visual recording and photography at Council meetings is permitted in accordance with the Council's protocol 'Filming of Public Meetings'.

JOINT EMPLOYEE COUNCIL

Membership 2015/16

Councillors C. Entwistle, J. Evans, M. T. Gray, S. A. Greaves and D. Pidwell

Substitute Members: In the event of any member of either side being unable to attend any meeting, another representative may be appointed to attend in his/her place, provided that the substitute is drawn from the same area of representation as the member unable to attend

Quorum: 2 Members

Lead Officer for this Meeting

Mr. L. Hull - Ext. 4136

Administrator for this Meeting

Cara Crossland - Ext. 3254

JOINT EMPLOYEE COUNCIL

Wednesday, 10th June 2015

AGENDA

1. NOMINATIONS FOR THE ELECTION OF CHAIRMAN
2. NOMINATIONS FOR THE APPOINTMENT OF VICE-CHAIRMAN
3. APOLOGIES FOR ABSENCE
4. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS * (pages (Members' and Officers' attention is drawn to the attached notes and form)
 - (a) Members
 - (b) Officers
5. MINUTES OF MEETINGS HELD ON 15TH JANUARY AND 2ND MARCH 2015 * (pages 7 - 14)
6. MINUTES FOR ACTION * (page 15 -18)
7. OUTSTANDING MINUTES LIST * (page 19)

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None

Other Decisions

8. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES*
 - (a) Queens Building Project Update+
 - (b) Managing Attendance Policy and Procedure Review (pages 21 - 44)
 - (c) Statutory Updates – Adoption Leave; Maternity Leave; Paternity Leave, and Parental Leave (pages 45 - 74)
 - (d) Statutory Shared Parental Leave – Guidance (pages 75-104)

The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.

SECTION B - ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None

Other Decisions

9. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES*
 - (a) Review of Agency Workers and Workforce Data (pages 105 -112)
10. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

* Report attached

NOTES:

1. The papers enclosed with this Agenda are available in large print if required.
 2. Copies can be requested by contacting us on 01909 533249 or by email:
cara.crossland@bassetlaw.gov.uk
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DECLARATION OF INTEREST

COMMITTEE

DATE

NAME OF MEMBER :

Type of Interest

- 1. **Disclosable Pecuniary**
- 2. **Non Pecuniary**

Agenda Item No.	REASON *	Type of Interest (1 or 2)
Signed		
Dated		

Note:

* When declaring an interest you must also state the nature of your interest.

Completion of this form is to aid the accurate recording of your interest in the Minutes. The signed form should be provided to the Minuting Clerk at the end of the meeting.

A nil return is not required.

It is still your responsibility to disclose any interests which you may have at the commencement of the meeting and at the commencement of the appropriate Agenda item.

DECLARATION OF INTERESTS

HOW TO USE THIS FORM

There are now only two types of Declaration of Interest:

Disclosable Pecuniary Interests)	Details can be found in the Councillors Code of Conduct which is contained in the Council's Constitution (a summary is printed below)
)	
)	
Non Pecuniary Interests)	

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** if you are declaring a disclosable pecuniary interest, **or** a non pecuniary interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

NB. The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, PREFERABLY WELL IN ADVANCE of a meeting advice from the Council's Monitoring Officer on INTERESTS.

Disclosable Pecuniary Interests

May relate to employment, office, trade, profession or vocation carried on for profit or gain
May relate to sponsorship
May relate to contracts
May relate to interests in land
May relate to licences to occupy land
May relate to corporate tenancies
May relate to securities

Action to be Taken

Must disclose to the meeting
- existence of the interest
- the nature of the interest
- withdraw from the room
- not seek improperly to influence a decision on the matter

Non Pecuniary Interests

May relate to any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council
May relate to any person from whom you have received a gift or hospitality with an estimated value of at least £25
A Member may also have a non pecuniary interest where a decision in relation to that business might reasonably be regarded as affecting wellbeing or the wellbeing of other council tax payers, or ratepayers or inhabitants in the electoral division or ward, as the case may be, affected by the decision.

Action to be Taken

Must disclose to the meeting
- existence of the interest
- the nature of the interest
- not seek improperly to influence a decision on the matter.

(Note – there are special provisions relating to “Sensitive Interests” which may exclude the above provisions in certain circumstances.)

JOINT EMPLOYEE COUNCIL

Minutes of the meeting held on Wednesday, 15th January 2015 at Worksop Town Hall

Present:

Employer's Representatives:

Councillor G Wynne (Chair)
Councillors C Entwistle, S May and J B Rickells.

Employee Representatives:

K Circuit, R Parr, P Rodgers, J Rose and J Whalley.

Officers in attendance: C Crossland and L Hull.

ACTION BY:

(Meeting commenced at 1.35pm.)

(The Chairman welcomed all to the meeting, read out the Fire Evacuation Procedure, and also enquired as to whether any member of the public wished to film/record the meeting or any part thereof; no members of the public were present.)

21. NOMINATIONS FOR THE ELECTION OF CHAIRMAN

RESOLVED that Councillor G Wynne be elected Chair for the meeting.

22. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S Greaves.

23. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

There were no declarations of interest by Members.

(b) Officers

There were no declarations of interest by officers.

24. MINUTES OF MEETING HELD ON 16TH OCTOBER 2014

RESOLVED that the Minutes of the meeting held on 16th October 2014 be approved.

25. MINUTES FOR ACTION

In relation to Minute No. 20(a), Blood Donation, Members were advised that the issue raised is currently being looked at and a report will be presented to a future meeting.

RESOLVED that the Minutes for Action be received.

26. OUTSTANDING MINUTES LIST

The Head of Human Resources reported in regards to Minute No. 19(a) that a report is included on the agenda however it had been agreed with the Chef Executive and the Trade Union to defer the report to allow further consultation to take place. Members were advised that an additional meeting will be held in February to consider the report.

In relation to Minute No. 8(a), Queen's Buildings Project, it was suggested that an update be given at the additional meeting in February.

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

27. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES

(a) Smoke Free Environment Policy

Members were presented with the final proposed revised Policy having now completed Trade Union consultations. A draft was presented to the Joint Employee Council on 16th October 2014 for comment. A summary of the amendments and updates to the document was given.

At the previous meeting there was some discussion about e-cigarettes. The Council has taken the view that the use of e-cigarettes is prohibited and that they should be treated in the same way as other cigarettes. The Policy is open to future review if appropriate.

RESOLVED that the Policy be recommended to Cabinet for approval and implementation.

(b) Sickness Absence Figures

Members were updated on the Councils sickness absence data for the period 1st April to 30th September 2014.

The overall annualised average rate of sickness per employee was 10.86 days, against a target of 8.00 days per year. Members were informed that this is a significant increase compared to the 2013/14 annual figures of 7.5 days per employee per year against a target of 7.51 days. Details of the top ten reasons for absence were contained within the report. A comparison between 2013 and 2014 in respect of the percentage of absence being due to long-term absences or short-term absence was also given.

The top reason for sickness absence was mental health and the largest increases since 2013/14 are musculoskeletal problems. A briefing for managers is being prepared on mental health issues and further investigation into the increase in back injuries is ongoing.

The Head of Human Resources summarised the actions that are being pursued to improve employee attendance at work. An overview of the existing intervention measures was also given.

Members raised concerns about the amount of mental health related absences. It was commented that anxiety/ stress needs to be watched due to the decrease in the number of staff and the increase in workload. It was also commented that the increase in musculoskeletal absences could be stress related. The stress placed on the remaining workforce also needs to be considered. Support mechanisms need to be in place when the employee returns to work.

A suggestion was made to conduct an independent survey to establish the reasons for absence as some employees may feel there is a stigma to reporting an absence as mental health related.

RESOLVED that:

1. The report be noted.
2. The sickness absence of employees continues to be monitored and further reports on progress be submitted to the Joint Employee Council.
3. An independent survey be commissioned to explore mental health issues which lead to sickness absence.

(c) Managing Attendance Policy and Procedure Review

Members were presented with a draft revised Managing Attendance Policy and Procedure, which is subject to completion of consultation. A summary of the proposed changes and key findings from the review were outlined in the report.

Members were advised that the Policy had not been reviewed for some time and was in need of updating. A number of changes have been proposed during the early consultation. The Policy needs to be flexible yet consistent to enable appropriate responses to a range of sickness absence cases.

The approach to phased returns has been strengthened. There is now an option for discretionary leave up to a maximum of five days to facilitate phased return.

The following suggestions were made:

- More priority needs to be given to disability and sickness
- The policy in relation to taking leave during sickness needs to be made clearer
- Managers need training to implement the Policy
- Consideration needs to be given to the remainder of the Team when someone is off sick

RESOLVED that:

1. The draft Managing Attendance Policy and Procedure be noted.
2. A final draft be submitted back to the next meeting of the Joint Employee Council, following completion of consultation, prior to cabinet approval and implementation.

28. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agree that the following items of business involve the likely disclosure of exempt information as defined in Paragraph 4, and, therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item 7(a) – Car Allowances, Mileage Payments and Staff Car Parking – Paragraph 4

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

29. REPORT(S) OF THE EMPLOYERS REPRESENTATIVES

(a) **Car Allowances, Mileage Payments and Staff Car Parking**

This item was withdrawn from the Agenda and not discussed, pending further consultation.

(b) **Review of Agency Workers and Workforce Data**

The Joint Employee Council were updated on the use of agency workers for the period 1st July 2014 to 30th September 2014.

Members asked questions regarding Legal/ Licensing, Regeneration Administration and Markets. In response to questions asked the Head of Human Resources advised that he would circulate an email in response.

RESOLVED that the report be noted and option 1 be approved, to seek to reduce the incidence of agency working by requiring managers to complete the quarterly monitoring form.

30. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

As there was no other urgent business to discuss, the Chairman thanked everyone for their attendance and closed the meeting.

(Meeting closed at 2.50 pm.)

JOINT EMPLOYEE COUNCIL

Minutes of the Extraordinary Meeting held on Monday 2nd March 2015 at Worksop Town Hall

Present:

Employer's Representatives:

Councillor S Greaves (Chair)
Councillors I J Campbell, C Entwistle, S May and J B Rickells.

Employee Representatives:

K Circuit, R Parr, T Walstow, J Whalley and S Wood.

Officers in attendance: S Brown, C Childs, L Dore and L Hull.

ACTION BY:

(Meeting commenced at 11.35am.)

(The Chairman welcomed all to the meeting and read out the Fire Evacuation Procedure).

30. APOLOGIES FOR ABSENCE

There were no apologies for absence.

31 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

There were no declarations by Members.

(b) Officers

There were no declarations of interest by officers.

While there were no declarations of interest by Members or officers, the Chief Executive informed the meeting that at Agenda Item No. 4(a) - Car Allowances, Mileage Payments and Staff Car Parking, the changes proposed would affect all Council staff and Members.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

32. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES

(a) Queen's Buildings Project

Members were presented with an update of the Queen's Building Project by the Head of Corporate Services on behalf of the Director of Corporate Services. The project is enabling partners the opportunity to relocate within the building and provide a public sector hub to be established within Workstop.

The update advised that work is currently on target to enable the Department of Work and Pensions (DWP) to be operational on the ground floor of the building from April 2015. Key considerations have included security factors and the flow of customers to the reception areas for the Council, A1 Housing and the DWP with a draft risk assessment on design and impact being prepared. A visit by officers to Gedling Borough Council, which already shares its accommodation with other organisations, assisted the Council in considering aspects such as panic alarm provision, CCTV requirements and staff identification cards. Two security staff with appropriate accreditation will be employed and their operational remit will include the outside area to the building in addition to reception areas of the ground floor. A 'Digital Zone' will be available to all customers to access services via the internet.

The Benefits team and IT teams have already relocated and the next phase of the project will be the preparation of the first floor to accommodate the majority of Neighbourhoods and Regeneration onto a single floor. It is hoped to attract other tenants into the building as space becomes available.

In response to queries the meeting was advised: the budget allocated for the total project is £300k including the ground and other floors and spend is on target. Staff will receive further updates in due course on progress; the Council's IT unit is not providing any services to DWP; the DWP contract is for 10 years; DWP are paying for the alterations to the office accommodation on the ground floor; concerns regarding the length of time until the next meeting will be relayed back to the Project Leader. A meeting would be convened beforehand if any changes to plans were proposed; BDC staff will continue to meet and greet all customers into Queen's Buildings.

It was appreciated that with DWP coming into Queen's Buildings, jobs had been saved and there had been no redundancies. Having two security guards rather than one had allayed concerns regarding security. It was recognised that a great deal of work had been undertaken on the project.

RESOLVED that:

1. The progress made on the project be noted.
2. Further update reports to be provided on further progress made in due course.
3. Thanks to officers be recorded for the work undertaken on the project to date.

33. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 4, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No. 4(a) – Car Allowances, Mileage Payments and Staff Car Parking - Paragraph 4

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

34. REPORT(S) OF THE EMPLOYERS REPRESENTATIVES

(a) Car Allowances, Mileage Payments and Staff Car Parking

The meeting received a report which detailed the outcome of discussions with staff and representatives on proposed changes to car allowances, mileage payments and staff parking applicable to all staff following a review. The aim of the review had been to address issues of inequality with the present arrangements and to provide savings for the financial year 2015/16, and as an alternative to minimise compulsory redundancies for staff.

The Chief Executive advised the report was the culmination of debate and discussion which had been taking place for since July 2014. The outcome was four options with 'Option 4 - Business User Scheme' being the most favoured as it attempted fairness to everyone involved. An agreement had now been reached between Management and Employee Representatives to adopt the scheme as set out in the report. A six month protection is available to staff currently allocated on the essential user car allowance which will cease to operate.

RESOLVED that the Joint Employee Council adopts Option 1 in paragraph 5 of the report which is: "To note terms of the collective agreement reached between Management and Employee Representatives set out in the report and summarised in paragraph 3.7, and formally accord with the decision."

35. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

As there was no other urgent business to discuss, the Chairman thanked everyone for their attendance and closed the meeting.

(Meeting closed at 12 noon.)

MINUTES FOR ACTION AND IMPLEMENTATION SHEET

JOINT EMPLOYEE COUNCIL

15/01/15

FROM: Democratic Services Officer TO: HHR = Head of Human Resources

The following decisions are brought to your attention for action by the appropriate Officers within your Service:

27. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES

(a) Smoke Free Environment Policy

RESOLVED that the Policy be recommended to Cabinet for approval and implementation.

HHR

(b) Sickness Absence Figures

RESOLVED that:

1. The report be noted.
2. The sickness absence of employees continues to be monitored and further reports on progress be submitted to the Joint Employee Council.
3. An independent survey be commissioned to explore mental health issues which lead to sickness absence.

HHR

(c) Managing Attendance Policy and Procedure Review

RESOLVED that:

1. The draft Managing Attendance Policy and Procedure be noted.
2. A final draft be submitted back to the next meeting of the Joint Employee Council, following completion of consultation, prior to Cabinet approval and implementation.

HHR

29. REPORT(S) OF THE EMPLOYERS REPRESENTATIVES

(a) Car Allowances, Mileage Payments and Staff Car Parking

This item was withdrawn from the Agenda and not discussed, pending further consultation.

(b) Review of Agency Workers and Workforce Data

RESOLVED that the report be noted and option 1 be approved, to seek to reduce the incidence of agency working by requiring managers to complete the quarterly monitoring form.

HHR

MINUTES FOR ACTION AND IMPLEMENTATION SHEET

JOINT EMPLOYEE COUNCIL

02/03/15

FROM: Democratic Services Officer TO: CE: Chief Executive
DCS: Director of Corporate Services

The following decisions are brought to your attention for action by the appropriate Officers within your Service:

32. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES

(a) Queen's Buildings Project

RESOLVED that:

1. The report be noted.
2. Thanks to officers be recorded for the work undertaken on the project to date.

DCS

34. REPORT(S) OF THE EMPLOYERS REPRESENTATIVES

(a) Car Allowances, Mileage Payments and Staff Car Parking

RESOLVED that the Joint Employee Council adopts Option 1 in paragraph 5 of the report which is: "To note terms of the collective agreement reached between Management and Employee Representatives set out in the report and summarised in paragraph 3.7, and formally accord with the decision."

CE

Note: This report was subsequently presented as a Referral to Cabinet on 3rd March 2015.

JOINT EMPLOYEE COUNCIL

10th June 2015

OUTSTANDING MINUTES LIST

Members please note that the updated positions are shown in bold type following each item.

(CE = Chief Executive, DCS = Director of Corporate Services, HHR = Head of Human Resources)

<u>Min. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Decision</u>	<u>Officer Responsible</u>
27(c)	15.01.15	Managing Attendance Policy and Procedure Review	A final draft be submitted back to the next meeting of the Joint Employee Council, following completion of consultation, prior to Cabinet approval and implementation.	HHR
See Agenda Item No. 8(b)				
32(a)	2.03.15	Queen's Buildings Project	Further update reports to be provided on further progress made in due course.	DCS

See Agenda Item No. 8(a)

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

10 June 2015

**REPORT OF HEAD OF HUMAN RESOURCES AND ORGANISATIONAL
DEVELOPMENT**

Managing Attendance Policy and Procedure Review

Cabinet: Policy, Strategy
and Communications
Contact: Len Hull
Ext: 4136

1. Public Interest Test

1.1 The author of this report has determined that this report is not confidential.

2. Purpose of the Report

2.1 To present to the Joint Employee Council the proposed revised Managing Attendance Policy and Procedure, following completion of consultation.

3. Background and Discussion

3.1 The Managing Attendance Policy and Procedure is regarded as one of the Council's key employment policies and procedures. Its primary aim is to provide a clear and robust process for managers and employees to follow, in terms of reporting, recording and effectively managing and dealing with all sickness absence matters arising.

3.2 The Council's existing Managing Attendance Policy and Procedure was approved by Cabinet on 2 December 2002. As this document has not therefore been reviewed for some time it was considered desirable that it be reviewed and updated, particularly as a number of internal and external changes have occurred which impact on the contents of this document. Additionally, over more recent times sickness absence within the Council has overall been steadily rising, which was a further driver to complete this policy review.

3.3 The review has included consultations with senior management and line managers across the organisation, HR practitioners and trade union representatives. Further it has included benchmarking against a range of other organisations policies, procedures and practices and identification of internal and external changes since 2002, including legislative and best practice requirements, guidance and key case law, which shape the way in which the Council should best manage sickness absence. Finally, the review included a rewrite to improve its format, style, clarity and user-friendliness.

3.4 Key issues arising from the above consultations and review finding were:

- The written documentation was notably out of date and no longer fully or accurately reflective of current actual practice and/or requirements (for example, removal of National Sickness BVPI Performance Indicators; change over to the Council's current third party partner in the process 'First Care', the Doctor's 'Fit Note' which differs from the old 'Sick Note' regime)
- Existing confusion over applying the sickness 'trigger points' in practice (with a suggestion that these might be usefully streamlined and better clarified);
- A need to incorporate information on how various aspects of annual leave should be managed in relation to sickness absence (particularly in light of and to reflect recent key case law relating to this and most recently, draft Government Regulations relating to carry over of statutory annual leave);
- the need to review and be clearer on how to manage absence issues entailing a combination of 'long term' and 'short term' absences (with suggestion that it be considered whether one procedure and opposed to two separate arms to the procedure might be clearer and work more effectively);
- the need to ensure managers are directed to seek appropriate professional HR advice on fairly, lawfully and effectively managing particular types of sickness absence, (including disability, maternity and industrial injury related absences) and to ensure consistency when handling similar cases, within a procedure which all parties agreed needs to be flexible, to effectively respond to a wide range of cases and sickness scenarios

3.5 The initial redrafted document, presented to JEC at its meeting in January 2015, made notable changes to address all of the above points and this was subject to conclusion of the ongoing trade union consultations. This process has now been successfully completed.

3.6 During the final consultations, and with the subsequent final adjustments to the initial redraft, it was noted that the document was overall more robust, yet appropriately flexible, as was deemed necessary by all key stakeholders. Many positive improvements were noted as having been secured, including, for example: incorporation of improved phased return to work provisions and improved emphasis on the primary aim being to support and enable reduced sickness levels, including early, informal address of issues arising via good 'Return to Work' processes. As a result, the final, proposed Policy and Procedure (as at Appendix 1) is positively supported by both the Trade Unions and management.

3.7 The importance of training of line managers, to support their effective practical application of this amended policy and procedure was emphasised by the trade unions during the final consultations.

4. **Implications**

a) Financial – Ref: 16/139

The changes proposed do not entail any financial implications.

b) Legal – Ref: 145/06/15

The document has been usefully updated to reflect key, current related legislative requirements.

c) Human Resources.

The Human Resource implementations are as detailed throughout this report.

d) Community Safety, Equalities, Environmental.

The Policy and Procedure is to be applied fairly and equally to all staff. Additionally the changes proposed include ensuring professional HR advice is sought in terms of key equality issues relating to disability and maternity related sickness.

5. Options, Risks and Reasons for Recommendations

5.1 The options are:

- a) To continue with the existing Managing Attendance Policy and Procedure, or
- b) To support proposed implementation of the final appended revised document.

5.2 Option b) is recommended, as the amendments proposed are considered to significantly improve the existing document.

6. Conclusions

6.1 The revised Policy and Procedure is more up to date, robust and user friendly and therefore should be positively supported by all parties involved.

7. Recommendations

7.1 That the Joint Employee Council note and support the proposed amended Managing Attendance Policy and Procedure and refer the Policy to Cabinet for approval.

Background Papers

Location

Appendix 1

**MANAGING ATTENDANCE
POLICY AND PROCEDURE**

OUR POLICY

1. What is this policy about?

This document explains how cases of employee sickness absence should be reported and managed. It relates to physical or mental health problems which lead to non-attendance at work or which affect an employee's ability to carry out their duties at work.

Note: It does not deal with cases of unauthorised absence, which are regarded as disciplinary matters. Similarly, there are a whole range of other types of absence, which are dealt with under separate policies and procedure (for example, annual leave, time off for public duties, maternity leave etc.).

2. Who does it apply to?

It applies to all Bassetlaw Council employees. It does not apply to casual workers.

Note: for staff employed on JNC Chief Officer Terms and Conditions of Employment, reference should also be made to the related JNC provisions, to ensure these are appropriately incorporated.

3. What are the policy intentions?

It is our intention to deal with sickness absence in a way which:

- Respects **privacy** and **confidentiality**, working within **data protection** requirements, and related legislation (e.g. Access to Medical Reports Act)
- Ensures **fairness, consistency** and **equality of treatment**, whilst recognising employees have different needs and requirements
- **Promotes** and pro-actively supports **health, safety** and **well-being** across the workforce, so preventing and reducing occurrence of sickness
- **Focuses** on encouraging and maximising good attendance by looking for **solutions to underlying problems**, i.e. the primary focus is not to be punitive, but to support and enable improvements in attendance, wherever possible.
- Is appropriately **sensitive** towards and **supportive** and **enabling** in terms of **genuine sickness absence** and ill health (**whilst appropriately robust** in dealing with unjustified and/or high incidences of sickness absence and/or failure to follow, or abuse of, the sickness procedure)

- **Recognises and values good attendance** levels, in working towards targets for low levels of sickness absence
- **Ensure** that employees who are genuinely unfit to work are **supported in their need to take appropriate, necessary time off under sickness absence** (and not, for example, feel pressured to continue at work, or take annual leave instead)
- Recognises that **managers** have a **key role to play** in terms of effective day to day management and monitoring of attendance, with appropriate advice, support and training
- The Council will consider '**phased return to work**' arrangements in appropriate cases (for example, to aid return to work following long term sickness and/or in cases of disability, as a reasonable adjustment). The premise of a phased return being that professional medical opinion advises the employee is well enough to carry out some work and is likely, within a reasonable time period (typically up to 4 weeks), to recover sufficiently to return to his or her previous role. Any such arrangement should be formally agreed, documented, monitored and reviewed, in line with advice from Human Resources. (To support and facilitate phased returns to work in the short term an allowance of up to 6 days (pro rata for part-time staff) may be granted towards covering the normal contractual working days not being worked, capped at no more than 50% of the total cover required).
- **Sickness absences arising due to accident, injury or assault at work**, may, where deemed appropriate (by management and HR), be 'set aside', in terms of considering issue of a 'warning' under this procedure, where as a result of this absence a 'trigger point' has been hit (providing correct workplace accident reporting has taken place, and any investigation of the circumstances, and medical advice attest the absence is due to this).
- **Sickness absence due to accident where costs are recoverable from a third party** for example, resulting from a traffic accident, the Council may, at its discretion, require the employee to reasonably seek to recover costs and reimburse the Council for the costs it has incurred where these can be recovered from that third party.
- **Requests for extension to normal sick pay**, as the Council provides a generous sick pay scheme generally periods of sick pay will not normally be extended beyond the applicable normal contractual entitlement, however, in extreme and exceptional circumstances this may be considered, via and with formal approval from Human Resources.

4. What are employees expected to do?

- Attend **work unless genuinely unfit** to do so and not abuse this procedure or sick pay scheme
- **Raise concerns** early with their Line Manager **if** they believe the job or **work** environment is **contributing towards illness**
- **Report sickness** absences **promptly**, via 'First Care' in line with the Procedure
- Ensure appropriate **sickness certifications**, based upon the duration of absence, are **submitted** in line with the Procedure.
- **Maintain** appropriate, timely **contact** with both '**First Care**' and their **Line Manager**, communicating key updates as the absence progresses.
- **Co-operate** with the **Occupational Health** services and other organisations engaged by the Council to provide support and assistance in regards to sickness.
- **Ensure** that **medical advice and treatment**, where appropriate is **sought** and **acted upon** as **quickly** as possible, to facilitate a return to work.
- **Make efforts to ensure** that GP/Specialist/Consultant **information** is **supplied** in a timely manner to the **Council's Medical Advisor**, as appropriate.

5. What support services are in place to help managers and employees?

The following are available:

- **Occupational Health Services** – to provide professional medical advice and guidance, in respect of cases arising under this Policy
- **Counselling Service**- to provide a confidential service to employees to discuss concerns which are impacting on health, whether work related or personal.
- **Human Resources**- to corporately co-ordinate and manage the policy and procedure, including related third party providers, systems and data and provision of practical and professional advice, support and guidance.

OUR PROCEDURE

1. Reporting absence

Day One....

The employee must telephone 'First Care' on the first day of absence, as early as possible and within one hour of their normal start time. They will be required to provide details of the absence, including the nature of the illness or injury and anticipated length of absence. They will also be required to re-contact First Care in terms of the anticipated return date, either to confirm they will be returning on the original anticipated date, or to update on progress.

If the employee believes that their absence may have been caused by something that happened at work (e.g. workplace accident or assault) they must also raise this with their Manager at the earliest possible opportunity and an Accident Report Form be completed,.

Note: if an employee is at work and needs to leave due to sickness part way through the working day, they should firstly discuss this with their manager (or, if they are not available, the most relevant alternative available manager)

Note: It is recognised that in extreme and exceptional circumstances (only) the employee may not be able to report sick directly themselves. In such a case arrangements must be made for someone else to report on their behalf and the employee must make direct contact as soon as is possible thereafter.

Note: *A failure to report sickness absence will be regarded as unauthorised absence and may lead to loss of pay and/or disciplinary action.*

Day Eight.....

If the employee's absence lasts more than seven consecutive days (regardless of whether or not these are working days) they must consult a Doctor and obtain a Fit Note, which must be forwarded immediately to the Line Manager. The statement must cover the employee's absence from the eighth consecutive day onwards.

Thereafter....

Where there is continuing sickness absence beyond expiry of the above initial 'Fit Note' the employee must submit timely, concurrent Fit Notes to cover the whole period of absence.

Where the period of absence exceeds 14 days the employee must submit to the line manager, upon their return to work, a Fit Note to resume work from their doctor

Note: In certain circumstances the Council reserves the right to insist an employee return to the Doctors to be confirmed fit to return to work, regardless of any earlier Fit Note stating the employee does not need to return to the Doctor to be signed off.

Note: Exceptionally, if the employee's line manager is concerned at the frequency of an employee's absence, or their account of their reasons for absence, as part of the formal absence procedure the employee may be expressly required to submit Doctors Fit Notes, rather than self- certifications, from day one. In such cases the Council will meet the cost of any fee charged.

2. Maintaining contact during sickness absence

When an employee is absent due to sickness reasonable and appropriate contact should be maintained between the manager and employee, both parties have a responsibility here.

If an employee is absent from work for more than 28 calendar days, the line manager should normally arrange to see the employee within 14 days of reaching the 28 calendar days absence. However, dependent upon the circumstances of the particular case it may be deemed appropriate to arrange to see the employee sooner, or indeed later, as appropriate. A Human Resources Advisor should normally accompany the manager on this visit. This meeting will normally take place at the employee's home though this may be elsewhere at the request of the individual. If absence becomes long-term, regular contact must be maintained.

An employee who is absent from work due to sickness and who has agreed to meet with their Line Manager at home or at the workplace will be offered the opportunity to be accompanied (by a friend, relative, colleague or a Trade Union representative).

3. Certifying and Recording Absence

Every absence has to be correctly certified to ensure prompt and correct payment of sick pay and to ensure records are maintained.

Note: *A failure to comply may result in loss of pay or sick pay and/or disciplinary action. Misleading or false statements may also lead to disciplinary action.*

Submission of timely Self Certifications and/or Fit Notes is the employee's responsibility and managers should pro-actively monitor compliance and consult Human Resources, should issues arise.

Self-Certification....

A 'Self Certificate' needs to be completed by the employee and returned to the Line Manager, as soon as reasonably possible. A Self-Certificate need to be completed

for any sickness absences of up to and including 7 consecutive/calendar days (i.e. not just working days).

Fit Note....

A Doctors' Fit Note will need to be obtained by the employee and submitted to the Line Manager to cover from day eight of any consecutive sickness absence.

On this the Doctor will advise either:

a) Not fit for work

i.e. the employee has a health condition that prevents them from working for the stated period of time.

They will need to see the Doctor again *if* they continue to be unfit for work *or* the Doctor advised that they will need to assess their fitness for work again at the end of the period

or,

b) May be fit for work taking account of the following advice

i.e. the employee's condition does not necessarily stop them from returning to work. Typical suggestions which the Doctor (GP) may make under this are:

-A phased return to work

-Altering Hours

-Amended Duties; and/or

-Workplace adaptations

Within this the GP may make suggestions about how the Council can support the employee to be enabled fit to return. The Manager, in consultation with Human Resources will consider and aim to utilise this information to, wherever reasonably practicable, identify, minimise or remove barriers that may be preventing the employee from returning to work.

Note: The GP's suggestions are not binding and if unable to reasonably accommodate them the employee may be classed as 'unfit to work' either until such time as required adjustments can be made or their GP provides updated information which changes this position. However, the Council is still required to consider its obligations under the Equalities Act 2012, in terms of disability and reasonable adjustment and will do so. Managers should consult HR for further advice.

Note: The line manager must ensure all original self-certifications and/or GP Fit Notes received are promptly forwarded to Payroll, with a copy to Human Resources and that related records for which they are responsible are updated.

4. The Return to Work interview

Following *any* instance or period of sickness the Line Manager should arrange to privately and confidentially meet with the employee to carry out a 'Return to Work Interview'. Ideally this will take place on the first day of return, or at least within three days.

The aims are to:

- Welcome the employee back and show concern for their health and wellbeing
- Establish cause(s) of absence
- Discuss general attendance performance and the nature and frequency of the illness(es), including highlighting any hitting (or closeness to hitting) of 'trigger points', as appropriate
- Provide an opportunity to discuss any issues or underlying causes of non-attendance, whether attributable to the work environment or external factors
- Review the likelihood of recurrence
- Establish whether medical advice is required from Occupational Health
- Provide an opportunity to discuss the workplace arrangements that were required to cover the employee's duties during the period of non-attendance
- Establish the fitness of the employee to return to work

The focus is to welcome the employee back and resolve potential problems early.

These interviews operate independently of the formal absence review meetings.

A record of the meeting should be made on the Council's 'Return to Work' form and promptly following the meeting the manager must update the First Care System Record. A copy of the Return to Work Form must be forwarded to HR and a copy given to the employee.

5. Trigger points

What are the 'trigger points'?

SHORT TERM:

- **3 separate periods of absence** in the **last rolling 12 months**, or
- a total of **8 days absence** in the **last rolling 12 months**, or
- regular **patterns of absence** which give **rise for concern**

Note: 'Short term absence' is when an employee is frequently absent as a result of a number of minor ailments and/or as the result of a recurring health problem.

LONG TERM:

- One absence of over **28 calendar days** duration

Note: '**Rolling**' means the actual last/prior 12 month period. It is an ongoing, continuous rolling period (i.e. it does *not* get 'reset' and/or start afresh because, for example, it is the year end, or following a trigger point discussion, formal review meeting and/ or issue of warning).

What does hitting one of these 'trigger' points mean?

It is a **trigger to hold a constructive conversation and review** of the absence details with the employee - informally, or formally, as appropriate to the case and its development. If formally (under Stages in 6. below), the **outcome may** be the issue of **formal stage warning**, or ultimately, dismissal, **but** importantly this is **not always or necessarily** the outcome. (It may, for example, be that the outcome of a review, following a trigger being hit, is some form of additional support and/or alternative action(s), aimed at improving future attendance levels - e.g. identification of a reasonable adjustment, relating to a disability.)

How will I know a trigger has been hit?

'First care' automated systems will notify the relevant Line Manager (and Human Resources) when a trigger is hit. The Manager should review this information, consult Human Resources and contact the employee, under the procedure, informing them that a trigger has been hit.

Informal Review Meeting

Typically when a trigger has been hit, the formal review procedure should be followed as set out below. In exceptional circumstances where a 'trigger' is hit the manager may deem it appropriate to adjust this approach and have a more informal meeting, without invoking the formal staged procedure. It is difficult to prescribe the circumstances where this approach would be reasonable and more appropriate, as the whole circumstances and factors of the individual case would need to be considered. Managers are required to contact Human Resources for guidance and to ensure fairness and consistency before potentially applying this approach. Key notes from and a record of such a meeting will need to be made by the manager.

6. FORMAL REVIEW PROCEDURE

FORMAL REVIEW MEETING(S):

A 'formal review meeting' will normally be appropriate when a trigger has been hit and an initial informal approach has not delivered required improvements in attendance, or is not deemed appropriate, and where:

- a) no formal review action has been previously taken; or,
- b) action *has* been taken under a previous 'Formal Review Meeting' (within the last 12 months and/or within the duration of a 'Formal Review Monitoring Period'), but no 'Formal Warning' was issued; and this has not delivered the required improvement in attendance

*1 A 'Formal Warning' arising out of a 'Formal Review Meeting' will normally remain 'live' for 12 Months.

The manager will write to the employee, with their sickness record, requesting attendance at a 'Formal Review Meeting'. The letter will set out the right to representation, if so wished, and will give a minimum of 5 working days' notice.

At the meeting the absence(s) will be discussed, with the aim of identifying any underlying reasons and to establish if any further assistance or support can reasonably be offered (taking into account and reviewing any previous actions, under any previous informal and/or formal review meetings, as appropriate to the case).

Key notes of the meeting will be kept, including any individual actions/outcomes. The employee will be advised of the next stage in the process and the key outcomes of the meeting confirmed in writing.

Appropriate actions/outcomes will be dependent upon the whole circumstances of the case (including whether 'long term' and/or 'short term' attendance issues exist; the indicated likelihood of satisfactory improvement in attendance within a reasonable timescale; the nature of sickness; sickness history, any previous actions and/or interventions implemented, and any extenuating circumstances and/or special considerations – e.g. if disability, maternity or workplace/industrial injury related sickness).

Early advice should be sought from Human Resources, who may in certain circumstances also attend the review meeting.

Potential Options: referral to Occupational Health; workplace assessments and adaptations; agreement on other enabling, supportive actions (e.g. potentially Flexible Working, Counselling); a Case Conference (see 7. Below); Redeployment; Ill Health Retirement; issue of a 'Formal Warning'.

Additionally, normally following a formal meeting a 'Formal Review Monitoring Period' should be set and communicated (see Section 8. below for details).

Note: Where the 'Long Term' absence trigger has been hit to trigger this review meeting further particular consideration should be given to the following:

The Review Meeting may be at the employee's home (if appropriate and mutually agreed) and will normally include an Occupational Health referral.

Home visits may be desirable and/or needed, involving the line manager and/or HR Representative, during the absence. This is separate to and/or additional to any 'Formal Review Meeting'. The employee may wish to also have a friend, relative and/or TU representative at such home visits.

IMPORTANT NOTE:

At least one 'Formal Review Meeting' must have occurred, the outcome(s) of which must have included issue of a 'Formal Warning', which is still 'live' and/or subject to a 'Formal Review Monitoring Period' for a case to be progressed on to a 'Case Review Hearing'.

CASE REVIEW HEARING:

A final stage 'Case Review Hearing' will normally be appropriate where:

- a) action has been previously taken under a 'Formal Review Meeting' and a 'Formal Warning' *has* been issued which is still 'live' and/or subject to a 'formal review monitoring period', and this has *not* delivered the required improvements in attendance (see 'triggers' and 'formal review monitoring period') and/or

- b) action has previously been taken under a 'Case Review Hearing', other than dismissal, within the last 18 months (and/or within the 'formal review monitoring period').

The Director (or their nominated Head of Service) will write to the employee, with their sickness record, requesting attendance at a formal, final stage 'Case Review Hearing'. The letter will set out the right to representation and will give a minimum of 5 working days' notice. A copy of Management's Case and supporting documents will also be provided to the Employee in advance of the hearing and the employee will be similarly invited to submit any written case and supporting documents which they wish to have considered as part of the hearing. These should be co-ordinated and exchanged via Human Resources.

The Case Review Hearing will comprise a small Panel, normally a Director (or their nominated Head of Service) as Chair and a HR Advisor. The Panel may also include one other senior officer/manager if appropriate.

At The Hearing the Manager will present a review of the absence(s) history, summarising the related background and supporting evidence. The employee will be given the opportunity to respond and/or offer mitigation. The Panel will consider any case for dismissal, on grounds of inability to maintain acceptable levels of attendance, in addition to any relevant, reasonable alternative actions not yet exhausted.

Key notes and papers of the meeting will be kept, including any actions and/or outcomes. The employee will be advised of the outcomes(s).

- if the decision is to dismiss the employee will be dismissed with notice and this confirmed in writing, including right of appeal
- if the decision is action(s) other than dismissal these will again be confirmed in writing.

Appropriate actions/outcomes will be dependent upon the whole circumstances of the case (including whether 'long term' and/or 'short term' attendance issues exist; the indicated likelihood of satisfactory improvement in attendance within a reasonable timescale; review of actions/interventions taken to date; the nature of sickness, sickness history and any extenuating circumstances and/or special considerations- e.g. if disability or maternity related sickness or workplace/industrial injury related sickness).

Potential Options: further referral to Occupational Health; workplace assessments and adaptations; agreement on other enabling, supportive actions (e.g. potentially Flexible Working, Counselling etc.); a Case Conference (see 7. Below) redeployment; Ill Health Retirement.

Additionally, normally following a formal case review hearing a 'formal monitoring period' should be set and communicated (see Section 8. below for details).

Note: At this stage there is no 'Formal Warning', as the equivalent formal action at this stage is Dismissal. Where the outcome is other than dismissal the 'formal review monitoring period' would normally be set for a period of 18 months.

7. Case Conference

It may be deemed helpful and appropriate, during any of the formal review stages, particularly in terms of long term sickness absence and disability, to also hold a 'Case Conference' involving a third party. This would entail the bringing together of relevant parties including Management, HR and Employee, along with any appropriate agreed third parties, e.g. perhaps a Disability Advisor. The aim would be to discuss barriers preventing a return to work and/or to good attendance levels, with a view to identifying an agreed action plan. This would be regarded a problem solving aide, independent from and not regarded as a Formal Review Meeting or Hearing.

8. Sickness Monitoring and 'Formal Review Monitoring Periods'

Generally, all Line managers are required to monitor sickness absence levels across all staff within their team(s) and to take appropriate action, in line with the Procedure, when 'trigger points' are hit.

Additionally, once an employee's absence levels are being managed under the formal review stages of the procedure, there will normally be a need to set a 'formal monitoring review period', with specified expected levels of attendance improvement, during which further occurring absences *during that period* will be carefully monitored.

In terms of short term absences then it may be appropriate to consider any further occurring period of absence *pro rata* to the normal *12 month* rolling period 'trigger points'- for example, during a *6 month* set formal monitoring period *more than 1* (as *1.5 absences* is the *6 month pro rata* amount) separate periods of absence, or, a total of a further *4 days or more* absence, or, continuing patterns of absence giving rise for concern may trigger a further formal review meeting/hearing.

In terms of long term absence, a further separate long term absence, following a return to work and/or prolonged continuing/ongoing long term sickness absence, which is problematic and/or of concern, following the undertaking of action(s) under a formal stage review, may trigger a further formal review meeting or hearing.

Importantly, conversely, where attendance levels have improved and are satisfactory during the set 'formal review monitoring periods' and/or the period of any warning issued remaining 'live' the employee will normally 'fall out' of the formal review procedure at that stage. (i.e. any future, subsequent issues of the employee hitting a normal (12 month rolling period) trigger point would trigger action at the first formal review meeting stage.

9. Appeals against Dismissal

Where decisions are made to terminate employment under this procedure the employee has the right of appeal.

In order to exercise this right, the employee must write to the Head of Human Resources within five working days of receipt of the written notice of termination of employment. In their letter, the employee must state the grounds of their appeal.

The Council will arrange for the appeal to be held as soon as reasonably possible following receipt of the employee's letter of appeal.

The appeal will be heard by the Council's Appeal Sub-Committee and will follow the appeals procedure.

10. Special Cases and Considerations

A) Sickness absence and annual leave

Sickness during annual leave:

Where an employee falls sick during a period of annual leave, the Council will allow the employee to transfer to sick leave and will grant the same number of replacement statutory annual leave days as the number of days lost due to sickness or injury, provided that the total leave taken year to date, including that which the employee wishes to transfer to sick leave, does not exceed the EU statutory provisions of 20 days. This provision is subject to the following strict conditions:

- The total period of incapacity must be fully certificated by a qualified medical practitioner. If the employee is overseas at the time he/she falls ill, evidence must still be produced by way of either a medical certificate or proof of a claim on an insurance certificate for medical treatment received at the overseas location;

- The employee must contact their line manager (by telephone if possible) as soon as he/she knows that there will be a period of incapacity during a holiday;
- The employee must submit a written request no later than 10 days after returning to work setting out how much of the leave period was affected by sickness and the amount of leave that the employee wishes to take at another time;
- The dates of any replacement holiday can be determined by the employee's manager.

Accrual of annual leave during sickness:

- An employee who is absent on sick leave will continue to accrue his/her full statutory holiday entitlement. However, contractual entitlement will not accrue during **all** periods of paid or unpaid sick leave that year, once an employee has been absent for the equivalent of four weeks during the leave year (pro-rata part-time staff). This means that, when an employee returns to work, his/her annual leave entitlement will be recalculated.

For example: an employee who has 29 days total leave entitlement, and is off sick several times during the leave year, amounting to 6 months absence in total. Leave will be calculated as follows:

6 months statutory and contractual leave accrued = $29 / 12 * 6 = 14.5$ days

6 months statutory leave only accrued = $20 / 12 * 6 = 10$ days

Revised total leave entitlement for the year = 24.5 days.

Each year's leave entitlement will be calculated separately, without reference to absence during the previous annual leave year.

Taking annual leave during sickness:

- An employee may apply to take his/her accrued holiday entitlement while off sick. The holiday dates must be approved in accordance with this policy.

Carry forward of Leave Due to Sickness:

- It is recognised that staff who have been off sick for a prolonged period may have more than five days leave remaining, and be unable to take all of their outstanding leave entitlement prior to the end of the leave year, due to their sickness absence. In these circumstances, any remaining statutory entitlement can be carried forward to the following leave year, However, as much leave as possible must be taken in the year in which the leave is accrued. Any additional contractual leave will be lost.
- In such circumstances, the dates when the carried forward holiday can be taken may be determined by the employee's manager. In some circumstances it may be beneficial to set the dates to facilitate a phased return to work as part of a rehabilitation programme.

B) Disciplinary Issues

The Council's Disciplinary procedure will be invoked in cases where:

- Medical evidence indicates that there is no medical reason for absence;
- There is direct evidence that an employee is claiming to be ill when they are not, or undertaking activities, which are clearly inconsistent with their stated illness;
- Fraudulent claims for sick pay are made;
- There is a failure to notify or provide appropriate certification in line with the Council's notification procedure.

C) Disability and Sickness

If an employee is absent with sickness which is disability related, and/or a 'trigger' has been hit, due to one or more periods of sickness absence relating to disability, advice should be sought from Human Resources. Human Resources will advise further in terms of handling this supportively, in line with equalities legislation, considering 'reasonable adjustments' as appropriate to the particular case and circumstances

D) Alcohol, Drug and Substance Abuse Related Sickness/Illness

Where monitoring sickness absence reveals a problem relating to misuse of drugs or alcohol, the Council's Alcohol and Substance Abuse at Work policy should be referred to and further advice promptly sought from Human Resources. Where there are specific cases of concern arising the Council may need to consider arranging alcohol and/or drug testing.

E) Stress Related Illness

Stress related absence should be dealt with taking account of the Council's Stress Management Policy. Managers should be careful to adopt a sensitive approach to this type of illness and further advice should be sought from Human Resources in terms of managing stress, as appropriate to the particular case.

F) Pregnancy and Maternity Related Sickness

If an employee is absent with sickness which is maternity related, the Line Manager should still monitor the absence using these procedures. If the level of absence hits a trigger or becomes long term, the Line Manager must consult with Human Resources with regard to the best means of managing the non-attendance, ensuring specific requirements in relation to equalities and maternity related legislation and best practice are adhered to.

G) Terminal Illness

An employee who is diagnosed as terminally ill is exempt from the full normal procedures for dealing with long-term or frequent short-term sickness as detailed in these procedures. If such an employee's level of absence as a result of terminal illness breaches the trigger points and/or becomes long term, the Line Manager must consult with Human Resources with regard to the best and most supportive means of managing the non-attendance.

H) Work Related Ill Health/Industrial Injury Absence

If an employee, or manager, believes that ill health or injury has been caused by work, the employee should complete the Council's Accident Report form as soon as possible. If an employee has not completed an Accident Report form and subsequently believes that their ill health or injury is caused by work, they should report this in writing to their manager, setting out the reasons why they believe that work has contributed or caused their ill health or injury.

Where an Accident Report form has been completed, or where an employee subsequently claims that their ill health or injury is caused by work, the situation should be thoroughly investigated. This should be carried out in consultation with and in line with advice from Health and Safety, Human Resources and Legal, as appropriate

I) Ill Health not leading to sickness absence

There may be occasions where an employee is suffering from ill health, but this does not lead to the employee being absent from work. If the employee believes that their ill health is having an impact on their ability to undertake their job they should raise this with their line manager, the line manager should discuss this matter confidentially with the employee, review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances it may be helpful to seek advice and guidance from the Human Resources Section and/or the Council's Occupational Health Service. Managers and employees should be aware of their duty of care as detailed by the relevant Health and Safety legislation.

Does this policy and procedure link closely with any others?

Depending on the particular situation a matter being dealt with under this policy and procedure may give rise for the need to link into any of the following policies and procedures:

- Early Retirement (**III Health LGPS specific guidance on making III Health Retirement decisions must also be adhered to**)
- Work Life Balance related (e.g. Flexible Retirement, Flexible Working, Career Break etc.)
- Stress Management (re: stress related sickness absence- additional considerations)
- Capability (re: sickness absence related to job capability issues)
- Disciplinary (re: unauthorised absence or misuse of sickness absence provisions)
- Redeployment (re: to enable a return to work)
- Alcohol & Drugs Misuse Policy (re: sickness deemed to be linked to this)
- Redundancy (re: sickness absence as factor in redundancy selection criteria)

Need more information or support?

Relevant additional guidance and template documents:

For Managers: Various supporting templates, proformas and guidance exist - contact HR

For Employees: Contact HR

Training::

For Managers: Managing Attendance - contact Human Resources for details

For Employees:

Professional support/advice:

For Managers: Contact HR Team initially and for information on third party support and professional advice (e.g. medical, counselling)

For Employees: Contact HR and/or your TU Representative

The 'small print'.....

Legal and General points:

- This policy and procedure is written in compliance with relevant legislation/regulations
- This policy and procedure over rides any earlier dates versions, in respect of dealing with new cases/issues arising post-implementation date.

- Sickness cases already being dealt with under an older version, which commenced prior to implementation date of this document, will transfer over to be dealt with/concluded under this updated policy and procedure.

-This policy and procedure is regarded as a *non-contractual* document.

-This policy and procedure will be periodically monitored and reviewed and may be subject to future amendments.

Document control information:

Version number: 2

Author: Sheryl French

Approved by: On:

Implementation 'Go-live' Date:

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

10 June 2015

**REPORT OF HEAD OF HUMAN RESOURCES AND ORGANISATIONAL
DEVELOPMENT**

**Statutory Updates – Adoption Leave; Maternity Leave; Paternity Leave and
Parental Leave**

Cabinet: Policy
Contact: Len Hull
Ext: 4136

1. Public Interest Test

1.1 The author of this report has determined that this report is not confidential.

2. Purpose of the Report

2.1 To present to the Joint Employee Council information regarding amendments made to the Council's existing Adoption Leave; Maternity Leave; Paternity Leave and Work-life Balance Agreement documents, to reflect legislative changes.

3. Background and Discussion

3.1 The Council has in place a range of key guidance documents, as above, which collectively deal with a wide range of statutory provisions in relation to parental related time off and pay.

3.2 The Government have, (predominantly) with effect from 5 April 2015, brought about a raft of statutory amendments and additions to the existing statutory framework impacting across the above associated key Council documents. The various changes in the requirements are brought about by: The Paternity and Adoption Leave (Amendment) Regulations 2014; The Children and Families Acts 2013 and 2014; The Paternity and Adoption Leave (Amendment) (No2) Regulations 2014.

3.3 To ensure that the Council remains legally compliant and provides employees with their statutory rights it has been necessary to review and amend each of the above documents, to bring them up to date in terms of reflecting the new and amended legislation.

3.4 In addition to the legislative changes impacting on existing provisions, and so in turn the above documents, these introduce a whole new linked set of detailed statutory provisions and requirements in the form of 'Shared Parental Leave'. (This is dealt with in a separate report to J.E.C. to be presented at this meeting).

3.5 As the changes are compulsory, to ensure the documents are reflective of the amended legislation, a consultation process has not been necessary. The trade unions have, however, been briefed in terms of the various amendments deemed necessary (as summarised below).

Summary of legislative changes by document

3.6 Adoption Leave Guide:

- Removal of requirement to have a minimum of 26 weeks' continuous service – entitlement to statutory Adoption Leave is now a 'day one' right (bringing it in line with the eligibility requirements for statutory maternity leave)
- Increase in statutory adoption pay for the first 6 weeks of adoption leave, now set at 90% of average weekly earnings (bringing it in line with the first 6 weeks of Statutory Maternity Pay).
- Introduction of new right to attend adoption appointments, with main adopter able to take (paid) time off to attend up to 5 appointments and the co-adopter (unpaid) time off for up to 2 appointments.
- Surrogate parents now eligible for adoption leave (provided a Parental Order applies and the birth is on or after 5 April 2015)
- Introduction of an option to curtail Adoption Leave in favour of taking (new) 'Shared Parental Leave'

3.7 Maternity Leave Guide:

- Introduction of new right for father, or (qualifying) partner, to take (unpaid) time off to attend up to 2 antenatal appointments.
- Introduction of an option to curtail Maternity Leave in favour of taking (new) 'Shared Parental Leave'
- Government annually reviewed Statutory Maternity Pay rate, uprate effective 5 April 2015, incorporated (i.e. up from £138.18 to £139.58pw, which is also the rate which applies to Statutory Paternity Leave; Statutory Adoption Leave and to be applied to the (new) Statutory 'Shared Parental Leave Pay'.

3.8 Paternity Leave Guide:

- Removal of the whole 26 weeks statutory and unpaid 'Additional Paternity Leave' provisions in relation to babies due, or matched for adoption, on or after 5 April 2015 (for whom these provisions are abolished and replaced by the new 'Shared Parental Leave' statutory provisions). Note that the 2 weeks paid 'Ordinary Paternity Leave' will continue to be available, as either a stand-alone option, or in addition to 'Shared Parental leave'.

3.9 Work-life Balance Agreement/Guide:

- The sections within this which provide summary introductions to Maternity; Paternity and Adoption provisions have been appropriately amended to incorporate the legislative changes
- The 'Parental Leave' section has been amended to reflect a statutory amendment to these existing statutory provisions, previously these rights only applied in respect of children under 5 years of age (with the exception of disabled children, for which the age limit was 18). These provisions are now extended to apply in respect of any

child up to age 18. Note: for clarity, these provisions are additional and separate to the new 'Shared Parental Leave' provisions.

- Additional 'sign posting' references have been added into this document, in regard to the new 'Shared Parental Leave' and other key related Council documents.

4. Implications

a) Financial – Ref: 16/419

The increase to the statutory pay rates is at a normal level and within planned budgets. Implementation of the statutory changes is not anticipated to have any notable financial implications.

b) Legal – Ref: 177/06/15

The updates to these documents are considered essential to support compliance with the most current related legislative requirements.

c) Human Resources.

The Human Resource implementations are as detailed throughout this report.

d) Community Safety, Equalities, Environmental.

The amended policies and guidance are to be applied fairly and equally to all staff.

5. Options, Risks and Reasons for Recommendations

- 5.1 The updates to these policies and documents are considered essential, to ensure compliance with amended statutory requirements. Not to implement legislative changes would not be a viable option.

6. Conclusions

- 6.1 The revisions will support the Council in its compliance with current employment law and will ensure employees and managers are clear on related rights and responsibilities.

7. Recommendations

- 7.1 It is recommended that JEC note the statutory changes, as summarised within this report, and the responding impact and updates to the Council's related Guidelines.

Background Papers

Location

BASSETLAW DISTRICT COUNCIL

**SHARED PARENTAL
LEAVE**

GUIDELINES

HUMAN RESOURCES

'Go-Live' Date: 05/04/2015

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TEMPLATE LETTERS:

Managers should note the following template letters to send to employees are available from Human Resources:

LETTER 1: Acknowledging notice of entitlement and intention to take ShPL

LETTER 2: Requesting evidence of entitlement to take ShPL

LETTER 3: Explaining ineligibility for ShPL

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LETTER 8: Explaining SPLIT day arrangements

LETTER 9: Inviting an employee to a SPLIT day

1. What is this guide for

This guide sets out a process which reflects the new statutory provisions and requirements relating to Shared Parental Leave. Its aim is to ensure employees understand their statutory options, rights and obligations and that the Council manage, consider and process any requests for Shared Parental Leave in compliance with the detailed regulations. A package of forms accompanies this guidance to enable employees make the required notifications and requests.

2. What is 'Shared Parental Leave' (ShPL)?

This is a new legal entitlement for eligible parents of babies *due*, or children *placed* for adoption, on or after 5 April 2015.

It enables eligible parents an option to more flexibly choose how to take time off work to share the care of their child during the first year of birth or adoption. All employees who meet the eligibility requirements have a statutory right to take ShPL, how much leave may be taken, when, how and what should be paid to an employee during such leave is set out in the relevant sections below.

3. How does it relate to 'Maternity' and 'Adoption' Leave?

Employees will remain entitled to Maternity and Adoption Leave. The introduction of Shared Parental Leave simply provides an eligible mother or adopter an option to reduce their maternity or adoption leave and opt in to ShPL.

A birth mother must still take at least the first two weeks maternity leave following the birth of a child, under the Maternity Leave provisions and, similarly, an adopter can end their adoption leave once they have taken it for two weeks.

(See the Council's [Maternity Guidelines](#) and [Adoption Policy](#) for further details)

4. How does it relate to other existing 'Parental Leave' options?

4.1 General

ShPL is an option for eligible employees within a wider, flexible framework of parental leave, time off and pay provisions. Female and/or male employees may potentially take one, or a combination, of different options.

(See the Council's '[Work-Life Balance Agreement](#)' for an overview of what is in place within the Council. Further advice is available from Human Resources.)

4.2 Parental Leave

'Parental Leave' is not to be confused with 'Shared Parental Leave', it is a different, additional independent option. Briefly, this allows eligible employees, male or female, up to 18 weeks unpaid time off, per child, to be taken whilst the child is under 18 years of age. This can be taken in minimum blocks of one week and no more than four weeks can be taken in any one year.

(See the Council's '[Work-Life Balance Agreement](#)' for details.)

4.3 Paternity Leave

This option is additional to ShPL. Briefly, this allows eligible employees whose wife, partner or civil partner, gives birth, or who is the biological father of the child (or, in the case of adoption, for the Co-Adopter) to take one or two weeks leave, payable at current Statutory Paternity Pay rates, within 8 weeks of the birth or adoption.

The (statutory) 'Additional Paternity Leave', of up to 26 weeks, will continue to be an available option in respect of births due and adoption placements *prior* to the 5 April 2015 date. Then, however, the new 'Shared Parental Leave' comes into effect and this is abolished. Therefore, for a period during 2015/16 there will be an 'overlap' of these statutory provisions, where one or the other option may apply, dependent upon the due birth date or adoption date.

(See the Council's '[Paternity Leave Policy](#)' for further details.)

SECTION B: ELIGIBILITY AND DEFINITIONS

5.1 Who is eligible for Shared Parental Leave?

ShPL can only be used by two people:

- The mother/adopter **and**
- One of the following
 - the father of the child (in the case of birth) or
 - the spouse, civil partner or partner of the child's mother/adopter.

Note: It may be that one, both, or either, of the above people who are employed by the Council apply for ShPL.

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

Additionally an employee seeking to take ShPL *must* satisfy *each* of the following criteria:

- The mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- The employee must still be working for the Council at the start of each period of ShPL;
- The employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- The employees partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (correct at April 2015, this may change) a week in any 13 of those weeks;
- The employee must correctly notify the Council of their entitlement and provide evidence, as required.

5.2 Key Definitions and Abbreviations

The following terms, used throughout this guide, for the purposes of the Shared Parental Leave are defined as follows:

Mother- the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoptions leave and/or pay. They can be male or female.)

Partner -the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner, or a partner who is living in an enduring relationship with the mother and the child.

ShPL – Shared Parental Leave.

ShPP- Shared Parental Pay.

SPLIT- 'Shared Parental Leave in Touch' day.

SECTION C: THE SHARED PARENTAL LEAVE (ShPL) ENTITLEMENT

6.1 How much ShPL may be taken?

Eligible employees may be entitled to take up to 50 weeks ShPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 week's leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may 'opt-in' to the ShPL system and take any remaining weeks as ShPL.

(For example: if 12 weeks Maternity/Adoption Leave are to be taken by the mother/adopter, a total of up to 40 weeks ShPL may be taken).

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their (maternity/adoption) leave at a specified future date. (See **FORM 1: Notice of Maternity or Adoption Leave Curtailment**).

Note: If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of ShPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

6.2 When can ShPL commence?

It can commence as follows:

- The mother can take ShPL after she has taken the (legally) required two weeks of maternity leave immediately following the birth
- The adopter can take ShPL after taking at least two weeks of adoption leave
- The partner (see 'Definition' at Section B) *can* take ShPL immediately following the birth/placement of the child, but may first choose to exhaust any 'paternity leave' entitlements (as they cannot take paternity leave or pay once they have taken any ShPL or ShPP).

Note: Where a mother/adopter give notice to curtail their maternity/adoption then the partner may take leave while the mother/adopter is still using their maternity/adoption entitlements.

Generally, ShPL will commence on the employee's chosen start date, specified in their leave booking notice, or any subsequent variation notice (See SECTION E below).

6.3 When must it be taken by?

The ShPL must be taken no later than one year after the birth/placement of the child. Any ShPL not taken by the first birthday/anniversary of adoption placement is lost.

6.4 How might the available ShPL entitlement be 'shared'?

The total ShPL available may be taken by the partner and/or mother. It is up to them to decide how many of the available weeks each will take. It may be that the partner and mother take all, or part, of the leave, at the same time as one another, or at separate times to one another. The total amount taken by the two parties must not exceed the total amount available.

SECTION D: NOTIFICATION OF INTENT TO TAKE SHARED PARENTAL LEAVE

7.1 Declaration and notification requirements

An employee entitled and intending to take ShPL must give their line manager notification of their entitlement and intention to take ShPL, normally at least eight weeks before they can take any period of ShPL.

Note: The line manager must promptly contact Human Resources, at this and throughout each stage which follows; so that arrangements can be made to ensure necessary Human Resource and Payroll notifications and timely processing follow and that appropriate records are maintained.

Part of the eligibility criteria requires the employee to provide the Council with correct notification. This must be in writing and include the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of ShPL available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of ShPL the employee and their partner each intend to take;
- a non-binding indication of when the employee expects to take the leave.

The employee must provide the Council with a signed declaration stating:

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

The employee must provide the Council with a signed declaration from their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child or they are the father or the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the 'employment and earnings test' (see SECTION B: Eligibility, above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of ShPL that the employee intends to take;
- that they consent to the Council processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

(See Appended **FORM 1** and/or **FORM 2**.)

7.2 Requesting further evidence of eligibility

The Council may, within 14 days of the ShPL entitlement notification being given, request:

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

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

7.3 Fraudulent claims

The Council can, if there is suspicion that fraudulent information may have been provided, or if the Council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Council's Disciplinary Procedure.

7.4 Discussions regarding Shared Parental Leave

An employee considering and/or taking ShPL is encouraged to contact their Manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Council to support them.

The Manager may upon receiving a notification of entitlement to take ShPL (see **FORM 2**) seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their ShPL entitlement.

Upon receiving a leave booking notice (See **FORM 4**) the Manager will usually arrange a meeting to discuss it. Where a notice is for a single period of 'continuous leave', or where a request for 'discontinuous leave' can without further discussion be approved a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. (If an alternative date cannot reasonably be arranged and/or a meeting in person is problematic it may be appropriate to communicate in an alternative way, for example, over the telephone).

At the meeting the employee may, should they express a wish to, be accompanied by a trade union representative or workplace colleague.

The purpose of the meeting is to discuss the leave proposed and what will happen while the employee is away from work. Where it is a request for 'discontinuous leave' the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and management, and what the outcome may be if no agreement is reached.

Note: Managers and/or employees are strongly advised to contact HR for clarification and/or advise on any points of uncertainty or difficulty in regard to requested leave arrangements, to ensure each individual request is made, managed and processed fairly and correctly in line with the regulatory requirements.

SECTION E: BOOKING PERIODS OF SPL

8.1 General/Introduction

In addition to notifying the Council of entitlement to ShPL/ShPP (see **FORM 2**) an employee must also give notice to take the leave (see **FORM 4**). In many cases, notice to take leave will be given at the same time as the notice of entitlement to ShPL.

8.2 How many periods of leave can be taken and when can they start?

The employee has the statutory right to submit up to three notifications specifying leave periods they are intending to take, or varying a period of leave booked) .

Each notification may contain either (a) a single '*continuous*' period of leave; or (b) two or more weeks of '*discontinuous*' leave, i.e. where the employee intends to return to work between periods of leave.

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

The employee must book ShPL by giving the correct notification at least 8 weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

8.3 'Continuous' leave periods

A notification can be for a period of '*continuous*' leave, which means a notification for a number of weeks taken in a single unbroken period of leave (for example, 6 weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, as long as it does not exceed the total number of weeks ShPL available to them (specified in the notice of entitlement- see **FORM 2**) and the Council has been given at least 8 weeks' notice.

An employee may submit up to 3 separate notifications for continuous periods of leave.

8.4 'Discontinuous' leave periods

A single notification (i.e. a completed **FORM 4**) may also contain a request for 2 or more periods of 'discontinuous' leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take 6 weeks of ShPL and work every other week for a period of 3 months).

Where there is concern over accommodating the notification Manager may arrange to meet with the employee to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the service (see 7.4 above).

The Manager, in consultation with HR, will consider a discontinuous leave notification but has the right to refuse it. If the notified leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

8.5 Responding to a Shared Parental Leave notification

Once the Manager receives a leave booking notice (**FORM 4**), it will be dealt with as soon as possible, with a response provided no later than the 14th day after the leave request was submitted.

All notices of 'continuous' leave will be confirmed in writing.

All requests for 'discontinuous' leave will be carefully and fairly considered, weighing up the potential benefits against any adverse impact to service needs. Each case of requested discontinuous leave will be considered on a case-by-case basis. (Agreeing to one request will not set a precedent or create the right for another employee to be granted similar discontinuous leave).

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than 14 days after the leave notification was made. The request may be granted in full or in part: for example, the Manager may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than 8 weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

8.6 Varying or cancelling a notified period of SPL

The employee is permitted to vary or cancel an agreed and booked period of ShPL, provided they advise the organisation in writing at least 8 weeks before the date of any variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request. (See **FORM 5**)

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification, reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the organisation requesting it to be changed, and the employee being agreeable to the change, will not count as a further notification (i.e. from the maximum allowable of three).

Any variation will be confirmed in writing.

SECTION F: ShPL PAY PROVISIONS

9.1 Introduction

Eligible employees may be entitled to take up to 37 weeks Shared Parental Pay (ShPP) while taking ShPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period (as applicable).

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

9.2 Eligibility Criteria for ShPL Pay

In addition to meeting the eligibility requirements for ShPL, and employee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- The employee must intend to care for the child during the week in which ShPP is payable;
- The employee must have an average weekly earnings for the period of 8 weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- The employee must remain in continuous employment until the first week of ShPP has begun;
- The employee must give proper notification in accordance with the rules set out below.

9.3 Notification and declarations requirements for ShPP

Where an employee is entitled to receive ShPP they must, at least 8 weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to take ShPP.

In addition to what must be included in the notice of entitlement to take ShPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the Council should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for the Council to process any ShPP payments to the employee;

- (in the case whether the partner is the mother/adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

9.4 How much is ShPP?

Any ShPP due will be paid at the relevant statutory rate of ShPP as reviewed and set by the Government for each Tax Year.

SECTION G: SPL KEEPING IN TOUCH (SPLIT) DAYS

10.1 Introduction- what are these, how many and what is paid?

An employee can agree to work for the Council (or attend training) for up to a maximum of 20 days during ShPL without bringing their period of ShPL to an end or impacting on their right to claim ShPP for that week. These are known as 'Shared Parental Leave In Touch' or 'SPLIT' days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

Usage of SPLIT days are optional, i.e. the Council has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employees ShPL.

Any work undertaken is a matter for agreement between the Council (via the Line Manager) and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of ShPL.

An employee, with the agreement of the Council, may use SPLIT days to work part of a week during ShPL. The Council and the employee may, potentially, and subject to mutual agreement, use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of ShPL or to trial a possible flexible working pattern.

10.2 How are these arranged, taken and recorded?

An employee or Line Manager contemplating requesting or arranging a SPLIT day should contact Human Resources as early as possible, who will be able to advise on confirming the arrangements in writing and ensuring appropriate written records are maintained. This will be important to ensure appropriate monitoring records and timely payroll notification requirements are met.

SECTION H: RETURNING TO WORK AFTER SHARED PARENTAL LEAVE

11.1 General

The employee will have been formally advised in writing by the Line Manager of the end date of any period of ShPL. The employee is expected to return on the next working day after this date, unless they notify the Council otherwise, in line with the relevant procedure. If they are unable to attend work due to sickness or injury the normal Managing Attendance Procedure will apply. In other cases, late return without appropriate authorisation will be treated as unauthorised absence.

11.2 Requests to return earlier than notified date

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave (see **FORM 5**) and must give at least 8 weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their (maximum of 3) allowable notifications to book and/or vary leave then the Council does not have to accept the notice to return early, but may do, if it is considered to be reasonably practicable to do so.

11.3 Entitlement to return to the same job

On returning to work after ShPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and ShPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of ShPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and ShPL amounts to more than 26 weeks in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If for any reason the same job is not deemed or expected to be available for the employee to return to and/or on the same terms and conditions (for example, due to service restructuring and/or redundancy reasons) the Line Manager should consult with Human Resources at the earliest opportunity for further advice, in relation to the particular scenario, to ensure this is progressed fairly and in line with legislative requirements.

SECTION I: TERMS AND CONDITIONS DURING ShPL

12.1 The Contract of Employment

During the period of ShPL the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary (See Shared Parental Leave Pay). The employee is also protected from any detriment or dismissal from taking a period of ShPL.

12.2 Annual Leave

Contractual leave entitlement will continue to accrue during any period of ShPL. ShPL is granted in addition to an employee's normal holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where a ShPL period overlaps two leave years the employee should give early consideration as to how their annual leave entitlement may be used to ensure that it is not untaken at the end of the employee's leave year. Any difficulties in this regard would need to be managed in line with the Council's wider annual leave policies and practices.

12.3 Contact during Shared Parental Leave

Before an employee's ShPL begins, the Line Manager will discuss the arrangements for them to keep in touch during their leave. The Council reserves the right to maintain reasonable contact with the employee from time to time during their ShPL. This may be to discuss the employee's plans to return to work; to ensure the individual is aware of any possible promotion opportunities; to discuss key training and/or simply to update on important developments or changes at work during their absence.

SECTION J: SPECIAL CIRCUMSTANCES AND FURTHER INFORMATION

13.1 General

This guide seeks to address the general, normal day to day process, rights and requirements. In certain and unusual circumstances, however, further information and/or guidance may be needed and related rights and requirements may differ or change. In such circumstances the Council will abide by any statutory obligations and guidance and the Line Manager and/or Employee (as appropriate) should seek to clarify any issues or queries with Human Resources, to ensure these are managed fairly and in line with the following related law:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoptions Leave (Curtailed of Statutory Rights to leave) regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

SECTION K: MANAGING AND ADMINISTERING THE ARRANGEMENTS

14.1 The employee's responsibilities

Employees wishing to take Shared Parental Leave should ensure they communicate in an appropriate and timely manner with their Line Manager, following the process guidance and formal notification requirements as set out within this document, at each key stage. (Employees may wish to contact their trade union and/or Human Resources for further support, advice or information, as necessary and appropriate).

14.2 The line manager's role and responsibilities

Line Manager's receiving a request for Shared Parental Leave from a member of their team should promptly inform Human Resources and follow the process guidance and formal communication and written requirements, as set out within this document. Line Managers have a key role to play in ensuring such requests are appropriately managed, responded to and documented in line with the detailed statutory requirements.

Managers should consult with Human Resources for further advice in regard to any complex or unusual related queries and/or requests in regard to particular individual cases, and in terms of template written letters to employees. This will be necessary to ensure matters are handled in line with the detailed and complex legislative requirements and any wider related Council Employment Policies and Practices.

Managers should ensure that Data Protection and Equality Principles are appropriately applied throughout their involvement in this process.

Managers must ensure that copies of formal Employee Notifications at each stage are promptly provided to Human Resources, so that appropriate, timely payroll notifications and employee records are progressed and maintained.

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APPENDICES: EMPLOYEE NOTIFICATIONS; FORMS 1-5

FORM 1: Maternity/Adoption Leave curtailment notice

Please complete and return this form to your Line Manager (who will forward a copy onto Human Resources).

Use this form if you do not qualify for shared parental leave, but are on maternity/adoption leave and/or in receipt of statutory maternity/adoption pay. This notice is to inform the Council that you wish your maternity/adoption leave and pay (or just your maternity/adoption pay if you are no longer in employment) to end in order that the person who shares main responsibility to care for the child can take shared parental leave. Your partner/the other parent is not entitled to take shared parental leave until you have submitted this notice of curtailment.

You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child. If you are entitled to adoption leave the curtailment date must be at least two weeks after the adoption date.

If you are in receipt of maternity allowance you must also submit a curtailment notice to Jobcentre Plus.

Please note that if you are eligible to take shared parental leave you should complete the FORM 2: 'Notice of entitlement and intention to take shared parental leave' form instead.

I wish my maternity/adoption leave/pay to end on _____ (insert date).

Name:

Signature:

Date:

PLEASE COMPLETE AND RETURN THIS FORM TO YOUR LINE MANAGER.

LINE MANAGERS SHOULD PROMPTLY CONTACT HUMAN RESOURCES

FORM 2: Notice of entitlement and intention to take shared parental leave

Employees with a child due to be born or placed for adoption on or after 5 April 2015 who wish to take shared parental leave (ShPL) to share the main caring responsibilities with the other parent/partner must submit this form to their Line Manager **at least eight weeks** before the start date of the first period of ShPL.

To be entitled to ShPL you must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (referred to in this form as a parent)
- have (or share with the other parent) the main responsibility for the care of the child
- have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- still be in continuous employment until the week before any ShPL is taken.

The other parent must have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week and have average weekly earnings of at least £30 during at least 13 of those weeks.

Please refer to the Council's Shared Parental Leave Guide before completing this form.

Section 1 – Basic Details

Employee name	
Child's expected date of birth/date of placement for adoption	
Child's actual date of birth/date of placement for adoption (if known)	
Start date of mother/main adopter's maternity/adoption leave (or pay period*)	
End date of mother/main adopter's maternity/adoption leave (or pay period*)	

* The start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave.

Section 2 - Shared Parental Leave Details

The total amount available is 52 weeks minus the number of weeks' leave/pay already taken by the mother/main adopter according to the dates given in the previous section.

Total number of weeks' ShPL available	
Number of weeks' ShPL you intend to take	
Number of weeks' ShPL the other parent intends to take	
Indication of start and end dates of ShPL that you intend to take <i>This indication is non-binding. You must submit a formal period of leave notice for each period of ShPL you wish to request for it to be binding. Complete the section below if you wish your request for any/all of these periods of leave to be treated as a period of leave notice.</i>	
Do you wish the dates indicated for the period(s) of leave to constitute a formal (binding) period of leave notice? (delete as appropriate)	YES / NO / YES, for the following dates only:

Section 3 - Shared Parental Pay Details

The total amount of shared parental pay (ShPP) which may be available is 39 weeks minus the number of weeks' pay already taken by the mother/main adopter according to the dates given in Section 1.

Total number of weeks' ShPP available	
Number of weeks' ShPP you intend to claim	
Number of weeks' ShPP the other parent intends to claim	
Indication of start and end dates of your ShPP periods	

Section 4 – Employee notice of curtailment of maternity/adoption leave

Complete this section if you are the employee named in this notice and you are the mother or main adopter. You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child.

I wish my maternity/adoption leave to end on _____ (insert date).

Section 5 – Employee declaration

I confirm that I meet the following conditions:

- I am the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- I have (or share with the other parent) the main responsibility for the care of the child and I am taking ShPL in order to care for the child
- I have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- I intend to be in continuous employment until the week before any ShPL is taken
- (If I am claiming shared parental pay) I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week
- I agree to inform the company immediately if I cease to meet the conditions for entitlement to ShPL or ShPP.

If you are the mother/main adopter:

- I have submitted a curtailment of maternity/adoption leave notice by completing Section 4 above.

Signature:

Date:

Section 6 – Declaration of other parent

Name	
Address	
National Insurance Number	

I confirm that I meet the following conditions:

- I have least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')

- I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week
- I agree to inform your employee immediately if I cease to meet the two conditions above
- I consent to your employee taking ShPP and ShPP as set out in Sections 2 and 3 above.

If you are the mother/main adopter:

- I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee starts shared parental leave

I consent to you processing the information contained in this declaration.

Signature:

Date:

PLEASE COMPLETE AND RETURN THIS FORM TO YOUR LINE MANAGER.

LINE MANAGERS SHOULD PROMPTLY CONTACT HUMAN RESOURCES

FORM 3: Notice of variation of intention to take shared parental leave

Please complete and return this form to your Line Manager (who will forward a copy onto Human Resources).

Use this form to vary the information you have previously provided regarding the amount of shared parental leave/pay you and the other parent each intend to take.

You must have previously submitted the notice of entitlement and intention to take leave form, and had your entitlement to shared parental leave confirmed.

If you (or the other parent) have already submitted a binding period of leave notice for any of the periods detailed below, please confirm this where indicated.

Both parents must sign the declaration to indicate their agreement to any variation.

Name of employee	
Name of other parent	

Shared Parental Leave Details

Number of weeks' ShPL you intend to take	
Number of weeks' ShPL the other parent intends to take	
Indication of start and end dates of SPL that you intend to take <i>This indication is non-binding. You must submit a formal period of leave notice for each period of ShPL you wish it to be binding.</i>	
List any dates of ShPL which you have already submitted to the company on a binding period of leave notice	
List any dates of ShPL which the other parent has already submitted on a binding period of leave notice to his/her employer.	

Shared Parental Pay (ShPP) Details

Number of weeks' ShPP you have claimed/intend to claim	
Number of weeks' ShPP the other parent has claimed/intends to claim	
Indication of start and end dates of your ShPP periods	

Declaration

We confirm that we agree to the variation(s) detailed above.

Signature of employee:

Date:

Signature of other parent:

Date:

PLEASE COMPLETE AND RETURN THIS FORM TO YOUR LINE MANAGER.

LINE MANAGERS SHOULD PROMPTLY CONTACT HUMAN RESOURCES

FORM 4: Period of leave notice

Please complete and return this form to your Line Manager (who will forward a copy onto Human Resources).

Use this form to give notice to take a period of shared parental leave (and pay if applicable), giving **at least eight weeks'** notice of the start date of the leave. You may submit up to three period of leave notices.

You must have previously submitted the notice of entitlement and intention to take leave form, and had your eligibility for shared parental leave confirmed.

If a 'continuous' period of leave is requested in a period of leave notice, you will be entitled to take that period of leave and this will be confirmed in writing. If you request 'discontinuous' periods of leave in this notice and it is not practicable to accommodate your requested pattern of leave your manager will discuss alternative options with you.

Please refer to the Council's Shared Parental Leave Guide for further details regarding the notification and variation of periods of shared parental leave.

Shared parental leave dates

Start date	End date	Number of weeks

Shared parental pay dates (if applicable)

Start date	End date	Number of weeks

Name:

Signature:

Date:

PLEASE COMPLETE AND RETURN THIS FORM TO YOUR LINE MANAGER.

LINE MANAGERS SHOULD PROMPTLY CONTACT HUMAN RESOURCES

FORM 5: Notice to cancel or vary a period of shared parental leave

Please complete and return this form to your Line Manager (who will forward a copy onto Human Resources).

Use this form to cancel or vary a period of shared parental leave (and pay if applicable) as follows:

- Vary the start or end date of a period of leave/pay, giving at least eight weeks' notice before both the new date and the original date
- Vary or cancel the amount of leave requested, giving at least eight weeks' notice before the leave is due to start
- Request that a single period of leave become discontinuous periods, or vice versa.

A variation will count as one of your three periods of leave notices unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth
- the Council has requested the variation
- the Council has agreed to accept more than three period of leave notices.

If you are requesting a variation in shared parental pay entitlement the other parent must also sign this form to signify consent to the variation.

Name of employee	
Name of other parent	

Original shared parental leave dates to be varied or cancelled

Start date	End date	Number of weeks

New shared parental leave dates

Start date	End date	Number of weeks

New shared parental pay (ShPP) details (if applicable)

Number of weeks' ShPP you have claimed/intend to claim	
Number of weeks' ShPP the other parent has claimed/intends to claim	
Indication of start and end dates of your ShPP periods	

Declaration

I confirm that I agree to the variation(s) detailed above.

Signature of employee:

Date:

Declaration of other parent

(If the number of weeks' shared parental pay is changing)

I confirm that I agree to the variation(s) detailed above.

Signature of other parent:

Date:

PLEASE COMPLETE AND RETURN THIS FORM TO YOUR LINE MANAGER.

LINE MANAGERS SHOULD PROMPTLY CONTACT HUMAN RESOURCES

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

10 June 2015

**REPORT OF HEAD OF HUMAN RESOURCES AND ORGANISATIONAL
DEVELOPMENT**

Statutory Shared Parental Leave- Guidance

Cabinet: Policy, Strategy
and Communications
Contact: Len Hull
Ext: 4136

1. Public Interest Test

1.1 The author of this report has determined that this report is not confidential.

2. Purpose of the Report

2.1 To present to the Joint Employee Council, for information, a Guidance document, detailing new Statutory Shared Parental Leave provisions. This has been developed to enable the Council and its employees to understand and comply with these detailed and complex regulatory requirements and options now available.

2.2 This report links to a further report being presented to this meeting of the J.E.C. which details associated statutory updates to the Council's existing Adoption Leave; Maternity Leave; Paternity Leave and Work-life Balance Agreement key documents.

3. Background and Discussion

3.1 The Council has in place a range of policy and key guidance documents, as listed above, which collectively deal with a wide range of statutory provisions in relation to parental time off and pay.

3.2 The Government have, predominantly with effect from 5 April 2015, brought about a raft of statutory amendments and additions to the existing statutory framework impacting across the above associated key Council documents. The various changes in the requirements are brought about by: The Paternity and Adoption Leave (Amendment) Regulations 2014; The Children and Families Acts 2013 and 2014 and The Paternity and Adoption Leave (Amendment) (No2) Regulations 2014. The Shared Parental leave Regulations 2014, working alongside these, sets out new 'Shared Parental Leave'.

3.3 To ensure that the Council remains legally compliant and provides employees with their statutory rights it has been necessary to review and amend each of the above documents, to bring them up to date in terms of referring to and reflecting the new and amended related legislation (as set out in the separate, linked report).

- 3.4 In addition to the new and amended legislation impacting on the existing statutory provisions and related Council documents, by way of adjustments, it introduces a whole new linked set of statutory provisions and requirements in the form of 'Shared Parental Leave'. This is addressed within this report.
- 3.5 Review of the details of the new provisions revealed that the requirements and responsibilities to be followed, by employer and employees wishing to take Shared parental Leave, were highly detailed, comprehensive and complex, with notable regulatory requirements to be carefully complied with throughout the process.
- 3.6 In light of the above findings, and following subsequent briefing of and discussion with the Trade Unions, it was noted that compliance was compulsory and agreed that at this point focus should be placed on the Council ensuring it has clear guidance in place to enable effective understanding and compliance with the new statutory provisions and regulatory requirements.
- 3.7 The appended guidance document has now been produced and the Trade Unions briefed on its contents. Due to the nature of the document consultation has not been deemed necessary. This report and document is presented to J.E.C. for advisory and information purposes.

Summary of the new Shared Parental Leave Provisions

- 3.8 The new Guide (see Appendix 1) incorporates and is directly reflective of the detailed regulatory provisions and guidance. A brief introductory overview of key points of interest follows below:
- The new statutory provisions come into effect in respect of babies due, or children placed for adoption, on or after 5 April 2015
 - Shared parental leave provides greater flexibility in how parents share the care of their child in the first year (following birth or adoption),
 - Employees (subject to meeting various criteria) are given the option to curtail their Maternity Leave or Adoption Leave and Pay in favour of taking one or more separate periods of Shared Parental Leave and Pay, at overlapping or separate times to their partner
 - The applicable Statutory Shared Parental Pay weekly pay rate is in line with the Statutory Paternity, Adoption and Maternity Leave Pay flat rate
 - It works alongside the existing right to take one or two weeks 'Paternity Leave' but replaces the previous existing right to take up to 26 weeks 'Additional Paternity Leave'

4. Implications

- a) Financial – Ref: 16/353

Implementation of the statutory changes is not anticipated to have notable financial impact.

b) Legal – Ref: 178/06/15

The document provides essential guidance to support the Council and its employees in complying with the new related regulatory requirements.

c) Human Resources.

The Human Resource implementations are as detailed throughout this report.

d) Community Safety, Equalities, Environmental.

The amended policies and guidance are to be applied fairly and equally to all staff.

5. Options, Risks and Reasons for Recommendations

5.1 The guide is considered important, to support the Council in effectively implementing and complying with the new regulatory requirements.

6. Conclusions

6.1 The revisions will support the Council in its compliance with current employment law and will ensure employees and managers are clear on related rights and responsibilities.

7. Recommendations

7.1 It is recommended that JEC note the new statutory Shared Parental Leave provisions, as addressed by the Councils new Guidance (as attached at Appendix 1).

Background Papers

Location

BASSETLAW DISTRICT COUNCIL

**SHARED PARENTAL
LEAVE**

GUIDELINES

HUMAN RESOURCES

'Go-Live' Date: 05/04/2015

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- Key definitions and abbreviations

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TEMPLATE LETTERS:

Managers should note the following template letters to send to employees are available from Human Resources:

LETTER 1: Acknowledging notice of entitlement and intention to take ShPL

LETTER 2: Requesting evidence of entitlement to take ShPL

LETTER 3: Explaining ineligibility for ShPL

LETTER 4: Confirming a period of ShPL

LETTER 5: Declining a period of ShPL

LETTER 6: Proposing alternative dates for a period of ShPL

LETTER 7: Responding to employee requesting a SPLIT day

LETTER 8: Explaining SPLIT day arrangements

LETTER 9: Inviting an employee to a SPLIT day

1. What is this guide for

This guide sets out a process which reflects the new statutory provisions and requirements relating to Shared Parental Leave. Its aim is to ensure employees understand their statutory options, rights and obligations and that the Council manage, consider and process any requests for Shared Parental Leave in compliance with the detailed regulations. A package of forms accompanies this guidance to enable employees make the required notifications and requests.

2. What is 'Shared Parental Leave' (ShPL)?

This is a new legal entitlement for eligible parents of babies *due*, or children *placed* for adoption, on or after 5 April 2015.

It enables eligible parents an option to more flexibly choose how to take time off work to share the care of their child during the first year of birth or adoption. All employees who meet the eligibility requirements have a statutory right to take ShPL, how much leave may be taken, when, how and what should be paid to an employee during such leave is set out in the relevant sections below.

3. How does it relate to 'Maternity' and 'Adoption' Leave?

Employees will remain entitled to Maternity and Adoption Leave. The introduction of Shared Parental Leave simply provides an eligible mother or adopter an option to reduce their maternity or adoption leave and opt in to ShPL.

A birth mother must still take at least the first two weeks maternity leave following the birth of a child, under the Maternity Leave provisions and, similarly, an adopter can end their adoption leave once they have taken it for two weeks.

(See the Council's [Maternity Guidelines](#) and [Adoption Policy](#) for further details)

4. How does it relate to other existing 'Parental Leave' options?

4.1 General

ShPL is an option for eligible employees within a wider, flexible framework of parental leave, time off and pay provisions. Female and/or male employees may potentially take one, or a combination, of different options.

(See the Council's '[Work-Life Balance Agreement](#)' for an overview of what is in place within the Council. Further advice is available from Human Resources.)

4.2 Parental Leave

'Parental Leave' is not to be confused with 'Shared Parental Leave', it is a different, additional independent option. Briefly, this allows eligible employees, male or female, up to 18 weeks unpaid time off, per child, to be taken whilst the child is under 18 years of age. This can be taken in minimum blocks of one week and no more than four weeks can be taken in any one year.

(See the Council's '[Work-Life Balance Agreement](#)' for details.)

4.3 Paternity Leave

This option is additional to ShPL. Briefly, this allows eligible employees whose wife, partner or civil partner, gives birth, or who is the biological father of the child (or, in the case of adoption, for the Co-Adopter) to take one or two weeks leave, payable at current Statutory Paternity Pay rates, within 8 weeks of the birth or adoption.

The (statutory) 'Additional Paternity Leave', of up to 26 weeks, will continue to be an available option in respect of births due and adoption placements *prior* to the 5 April 2015 date. Then, however, the new 'Shared Parental Leave' comes into effect and this is abolished. Therefore, for a period during 2015/16 there will be an 'overlap' of these statutory provisions, where one or the other option may apply, dependent upon the due birth date or adoption date.

(See the Council's '[Paternity Leave Policy](#)' for further details.)

SECTION B: ELIGIBILITY AND DEFINITIONS

5.1 Who is eligible for Shared Parental Leave?

ShPL can only be used by two people:

- The mother/adopter **and**
- One of the following
 - the father of the child (in the case of birth) or
 - the spouse, civil partner or partner of the child's mother/adopter.

Note: It may be that one, both, or either, of the above people who are employed by the Council apply for ShPL.

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

Additionally an employee seeking to take ShPL *must* satisfy *each* of the following criteria:

- The mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- The employee must still be working for the Council at the start of each period of ShPL;
- The employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- The employees partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (correct at April 2015, this may change) a week in any 13 of those weeks;
- The employee must correctly notify the Council of their entitlement and provide evidence, as required.

5.2 Key Definitions and Abbreviations

The following terms, used throughout this guide, for the purposes of the Shared Parental Leave are defined as follows:

Mother- the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoptions leave and/or pay. They can be male or female.)

Partner -the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner, or a partner who is living in an enduring relationship with the mother and the child.

ShPL – Shared Parental Leave.

ShPP- Shared Parental Pay.

SPLIT- 'Shared Parental Leave in Touch' day.

SECTION C: THE SHARED PARENTAL LEAVE (ShPL) ENTITLEMENT

6.1 How much ShPL may be taken?

Eligible employees may be entitled to take up to 50 weeks ShPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 week's leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may 'opt-in' to the ShPL system and take any remaining weeks as ShPL.

(For example: if 12 weeks Maternity/Adoption Leave are to be taken by the mother/adopter, a total of up to 40 weeks ShPL may be taken).

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their (maternity/adoption) leave at a specified future date. (See **FORM 1: Notice of Maternity or Adoption Leave Curtailment**).

Note: If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of ShPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

6.2 When can ShPL commence?

It can commence as follows:

- The mother can take ShPL after she has taken the (legally) required two weeks of maternity leave immediately following the birth
- The adopter can take ShPL after taking at least two weeks of adoption leave
- The partner (see 'Definition' at Section B) *can* take ShPL immediately following the birth/placement of the child, but may first choose to exhaust any 'paternity leave' entitlements (as they cannot take paternity leave or pay once they have taken any ShPL or ShPP).

Note: Where a mother/adopter give notice to curtail their maternity/adoption then the partner may take leave while the mother/adopter is still using their maternity/adoption entitlements.

Generally, ShPL will commence on the employee's chosen start date, specified in their leave booking notice, or any subsequent variation notice (See SECTION E below).

6.3 When must it be taken by?

The ShPL must be taken no later than one year after the birth/placement of the child. Any ShPL not taken by the first birthday/anniversary of adoption placement is lost.

6.4 How might the available ShPL entitlement be 'shared'?

The total ShPL available may be taken by the partner and/or mother. It is up to them to decide how many of the available weeks each will take. It may be that the partner and mother take all, or part, of the leave, at the same time as one another, or at separate times to one another. The total amount taken by the two parties must not exceed the total amount available.

SECTION D: NOTIFICATION OF INTENT TO TAKE SHARED PARENTAL LEAVE

7.1 Declaration and notification requirements

An employee entitled and intending to take ShPL must give their line manager notification of their entitlement and intention to take ShPL, normally at least eight weeks before they can take any period of ShPL.

Note: The line manager must promptly contact Human Resources, at this and throughout each stage which follows; so that arrangements can be made to ensure necessary Human Resource and Payroll notifications and timely processing follow and that appropriate records are maintained.

Part of the eligibility criteria requires the employee to provide the Council with correct notification. This must be in writing and include the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of ShPL available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of ShPL the employee and their partner each intend to take;
- a non-binding indication of when the employee expects to take the leave.

The employee must provide the Council with a signed declaration stating:

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

The employee must provide the Council with a signed declaration from their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child or they are the father or the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the 'employment and earnings test' (see SECTION B: Eligibility, above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of ShPL that the employee intends to take;
- that they consent to the Council processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

(See Appended **FORM 1** and/or **FORM 2**.)

7.2 Requesting further evidence of eligibility

The Council may, within 14 days of the ShPL entitlement notification being given, request:

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

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

7.3 Fraudulent claims

The Council can, if there is suspicion that fraudulent information may have been provided, or if the Council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Council's Disciplinary Procedure.

7.4 Discussions regarding Shared Parental Leave

An employee considering and/or taking ShPL is encouraged to contact their Manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Council to support them.

The Manager may upon receiving a notification of entitlement to take ShPL (see **FORM 2**) seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their ShPL entitlement.

Upon receiving a leave booking notice (See **FORM 4**) the Manager will usually arrange a meeting to discuss it. Where a notice is for a single period of 'continuous leave', or where a request for 'discontinuous leave' can without further discussion be approved a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. (If an alternative date cannot reasonably be arranged and/or a meeting in person is problematic it may be appropriate to communicate in an alternative way, for example, over the telephone).

At the meeting the employee may, should they express a wish to, be accompanied by a trade union representative or workplace colleague.

The purpose of the meeting is to discuss the leave proposed and what will happen while the employee is away from work. Where it is a request for 'discontinuous leave' the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and management, and what the outcome may be if no agreement is reached.

Note: Managers and/or employees are strongly advised to contact HR for clarification and/or advise on any points of uncertainty or difficulty in regard to requested leave arrangements, to ensure each individual request is made, managed and processed fairly and correctly in line with the regulatory requirements.

SECTION E: BOOKING PERIODS OF SPL

8.1 General/Introduction

In addition to notifying the Council of entitlement to ShPL/ShPP (see **FORM 2**) an employee must also give notice to take the leave (see **FORM 4**). In many cases, notice to take leave will be given at the same time as the notice of entitlement to ShPL.

8.2 How many periods of leave can be taken and when can they start?

The employee has the statutory right to submit up to three notifications specifying leave periods they are intending to take, or varying a period of leave booked) .

Each notification may contain either (a) a single '*continuous*' period of leave; or (b) two or more weeks of '*discontinuous*' leave, i.e. where the employee intends to return to work between periods of leave.

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

The employee must book ShPL by giving the correct notification at least 8 weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

8.3 'Continuous' leave periods

A notification can be for a period of '*continuous*' leave, which means a notification for a number of weeks taken in a single unbroken period of leave (for example, 6 weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, as long as it does not exceed the total number of weeks ShPL available to them (specified in the notice of entitlement- see **FORM 2**) and the Council has been given at least 8 weeks' notice.

An employee may submit up to 3 separate notifications for continuous periods of leave.

8.4 'Discontinuous' leave periods

A single notification (i.e. a completed **FORM 4**) may also contain a request for 2 or more periods of 'discontinuous' leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take 6 weeks of ShPL and work every other week for a period of 3 months).

Where there is concern over accommodating the notification Manager may arrange to meet with the employee to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the service (see 7.4 above).

The Manager, in consultation with HR, will consider a discontinuous leave notification but has the right to refuse it. If the notified leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

8.5 Responding to a Shared Parental Leave notification

Once the Manager receives a leave booking notice (**FORM 4**), it will be dealt with as soon as possible, with a response provided no later than the 14th day after the leave request was submitted.

All notices of 'continuous' leave will be confirmed in writing.

All requests for 'discontinuous' leave will be carefully and fairly considered, weighing up the potential benefits against any adverse impact to service needs. Each case of requested discontinuous leave will be considered on a case-by-case basis. (Agreeing to one request will not set a precedent or create the right for another employee to be granted similar discontinuous leave).

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than 14 days after the leave notification was made. The request may be granted in full or in part: for example, the Manager may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than 8 weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

8.6 Varying or cancelling a notified period of SPL

The employee is permitted to vary or cancel an agreed and booked period of ShPL, provided they advise the organisation in writing at least 8 weeks before the date of any variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request. (See **FORM 5**)

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification, reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the organisation requesting it to be changed, and the employee being agreeable to the change, will not count as a further notification (i.e. from the maximum allowable of three).

Any variation will be confirmed in writing.

SECTION F: ShPL PAY PROVISIONS

9.1 Introduction

Eligible employees may be entitled to take up to 37 weeks Shared Parental Pay (ShPP) while taking ShPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period (as applicable).

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

9.2 Eligibility Criteria for ShPL Pay

In addition to meeting the eligibility requirements for ShPL, and employee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- The employee must intend to care for the child during the week in which ShPP is payable;
- The employee must have an average weekly earnings for the period of 8 weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- The employee must remain in continuous employment until the first week of ShPP has begun;
- The employee must give proper notification in accordance with the rules set out below.

9.3 Notification and declarations requirements for ShPP

Where an employee is entitled to receive ShPP they must, at least 8 weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to take ShPP.

In addition to what must be included in the notice of entitlement to take ShPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the Council should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for the Council to process any ShPP payments to the employee;

- (in the case whether the partner is the mother/adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

9.4 How much is ShPP?

Any ShPP due will be paid at the relevant statutory rate of ShPP as reviewed and set by the Government for each Tax Year.

SECTION G: SPL KEEPING IN TOUCH (SPLIT) DAYS

10.1 Introduction- what are these, how many and what is paid?

An employee can agree to work for the Council (or attend training) for up to a maximum of 20 days during ShPL without bringing their period of ShPL to an end or impacting on their right to claim ShPP for that week. These are known as 'Shared Parental Leave In Touch' or 'SPLIT' days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

Usage of SPLIT days are optional, i.e. the Council has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employees ShPL.

Any work undertaken is a matter for agreement between the Council (via the Line Manager) and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of ShPL.

An employee, with the agreement of the Council, may use SPLIT days to work part of a week during ShPL. The Council and the employee may, potentially, and subject to mutual agreement, use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of ShPL or to trial a possible flexible working pattern.

10.2 How are these arranged, taken and recorded?

An employee or Line Manager contemplating requesting or arranging a SPLIT day should contact Human Resources as early as possible, who will be able to advise on confirming the arrangements in writing and ensuring appropriate written records are maintained. This will be important to ensure appropriate monitoring records and timely payroll notification requirements are met.

SECTION H: RETURNING TO WORK AFTER SHARED PARENTAL LEAVE

11.1 General

The employee will have been formally advised in writing by the Line Manager of the end date of any period of ShPL. The employee is expected to return on the next working day after this date, unless they notify the Council otherwise, in line with the relevant procedure. If they are unable to attend work due to sickness or injury the normal Managing Attendance Procedure will apply. In other cases, late return without appropriate authorisation will be treated as unauthorised absence.

11.2 Requests to return earlier than notified date

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave (see **FORM 5**) and must give at least 8 weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their (maximum of 3) allowable notifications to book and/or vary leave then the Council does not have to accept the notice to return early, but may do, if it is considered to be reasonably practicable to do so.

11.3 Entitlement to return to the same job

On returning to work after ShPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and ShPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of ShPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and ShPL amounts to more than 26 weeks in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If for any reason the same job is not deemed or expected to be available for the employee to return to and/or on the same terms and conditions (for example, due to service restructuring and/or redundancy reasons) the Line Manager should consult with Human Resources at the earliest opportunity for further advice, in relation to the particular scenario, to ensure this is progressed fairly and in line with legislative requirements.

SECTION I: TERMS AND CONDITIONS DURING ShPL

12.1 The Contract of Employment

During the period of ShPL the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary (See Shared Parental Leave Pay). The employee is also protected from any detriment or dismissal from taking a period of ShPL.

12.2 Annual Leave

Contractual leave entitlement will continue to accrue during any period of ShPL. ShPL is granted in addition to an employee's normal holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where a ShPL period overlaps two leave years the employee should give early consideration as to how their annual leave entitlement may be used to ensure that it is not untaken at the end of the employee's leave year. Any difficulties in this regard would need to be managed in line with the Council's wider annual leave policies and practices.

12.3 Contact during Shared Parental Leave

Before an employee's ShPL begins, the Line Manager will discuss the arrangements for them to keep in touch during their leave. The Council reserves the right to maintain reasonable contact with the employee from time to time during their ShPL. This may be to discuss the employee's plans to return to work; to ensure the individual is aware of any possible promotion opportunities; to discuss key training and/or simply to update on important developments or changes at work during their absence.

SECTION J: SPECIAL CIRCUMSTANCES AND FURTHER INFORMATION

13.1 General

This guide seeks to address the general, normal day to day process, rights and requirements. In certain and unusual circumstances, however, further information and/or guidance may be needed and related rights and requirements may differ or change. In such circumstances the Council will abide by any statutory obligations and guidance and the Line Manager and/or Employee (as appropriate) should seek to clarify any issues or queries with Human Resources, to ensure these are managed fairly and in line with the following related law:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoptions Leave (Curtailed of Statutory Rights to leave) regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

SECTION K: MANAGING AND ADMINISTERING THE ARRANGEMENTS

14.1 The employee's responsibilities

Employees wishing to take Shared Parental Leave should ensure they communicate in an appropriate and timely manner with their Line Manager, following the process guidance and formal notification requirements as set out within this document, at each key stage. (Employees may wish to contact their trade union and/or Human Resources for further support, advice or information, as necessary and appropriate).

14.2 The line manager's role and responsibilities

Line Manager's receiving a request for Shared Parental Leave from a member of their team should promptly inform Human Resources and follow the process guidance and formal communication and written requirements, as set out within this document. Line Managers have a key role to play in ensuring such requests are appropriately managed, responded to and documented in line with the detailed statutory requirements.

Managers should consult with Human Resources for further advice in regard to any complex or unusual related queries and/or requests in regard to particular individual cases, and in terms of template written letters to employees. This will be necessary to ensure matters are handled in line with the detailed and complex legislative requirements and any wider related Council Employment Policies and Practices.

Managers should ensure that Data Protection and Equality Principles are appropriately applied throughout their involvement in this process.

Managers must ensure that copies of formal Employee Notifications at each stage are promptly provided to Human Resources, so that appropriate, timely payroll notifications and employee records are progressed and maintained.

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APPENDICES: EMPLOYEE NOTIFICATIONS; FORMS 1-5

FORM 1: Maternity/Adoption Leave curtailment notice

Please complete and return this form to your Line Manager (who will forward a copy onto Human Resources).

Use this form if you do not qualify for shared parental leave, but are on maternity/adoption leave and/or in receipt of statutory maternity/adoption pay. This notice is to inform the Council that you wish your maternity/adoption leave and pay (or just your maternity/adoption pay if you are no longer in employment) to end in order that the person who shares main responsibility to care for the child can take shared parental leave. Your partner/the other parent is not entitled to take shared parental leave until you have submitted this notice of curtailment.

You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child. If you are entitled to adoption leave the curtailment date must be at least two weeks after the adoption date.

If you are in receipt of maternity allowance you must also submit a curtailment notice to Jobcentre Plus.

Please note that if you are eligible to take shared parental leave you should complete the FORM 2: 'Notice of entitlement and intention to take shared parental leave' form instead.

I wish my maternity/adoption leave/pay to end on _____ (insert date).

Name:

Signature:

Date:

PLEASE COMPLETE AND RETURN THIS FORM TO YOUR LINE MANAGER.

LINE MANAGERS SHOULD PROMPTLY CONTACT HUMAN RESOURCES

FORM 2: Notice of entitlement and intention to take shared parental leave

Employees with a child due to be born or placed for adoption on or after 5 April 2015 who wish to take shared parental leave (ShPL) to share the main caring responsibilities with the other parent/partner must submit this form to their Line Manager **at least eight weeks** before the start date of the first period of ShPL.

To be entitled to ShPL you must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (referred to in this form as a parent)
- have (or share with the other parent) the main responsibility for the care of the child
- have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- still be in continuous employment until the week before any ShPL is taken.

The other parent must have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week and have average weekly earnings of at least £30 during at least 13 of those weeks.

Please refer to the Council's Shared Parental Leave Guide before completing this form.

Section 1 – Basic Details

Employee name	
Child's expected date of birth/date of placement for adoption	
Child's actual date of birth/date of placement for adoption (if known)	
Start date of mother/main adopter's maternity/adoption leave (or pay period*)	
End date of mother/main adopter's maternity/adoption leave (or pay period*)	

* The start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave.

Section 2 - Shared Parental Leave Details

The total amount available is 52 weeks minus the number of weeks' leave/pay already taken by the mother/main adopter according to the dates given in the previous section.

Total number of weeks' ShPL available	
Number of weeks' ShPL you intend to take	
Number of weeks' ShPL the other parent intends to take	
<p>Indication of start and end dates of ShPL that you intend to take</p> <p><i>This indication is non-binding. You must submit a formal period of leave notice for each period of ShPL you wish to request for it to be binding. Complete the section below if you wish your request for any/all of these periods of leave to be treated as a period of leave notice.</i></p>	
Do you wish the dates indicated for the period(s) of leave to constitute a formal (binding) period of leave notice? (delete as appropriate)	YES / NO / YES, for the following dates only:

Section 3 - Shared Parental Pay Details

The total amount of shared parental pay (ShPP) which may be available is 39 weeks minus the number of weeks' pay already taken by the mother/main adopter according to the dates given in Section 1.

Total number of weeks' ShPP available	
Number of weeks' ShPP you intend to claim	
Number of weeks' ShPP the other parent intends to claim	
Indication of start and end dates of your ShPP periods	

Section 4 – Employee notice of curtailment of maternity/adoption leave

Complete this section if you are the employee named in this notice and you are the mother or main adopter. You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child.

I wish my maternity/adoption leave to end on _____ (insert date).

Section 5 – Employee declaration

I confirm that I meet the following conditions:

- I am the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- I have (or share with the other parent) the main responsibility for the care of the child and I am taking ShPL in order to care for the child
- I have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- I intend to be in continuous employment until the week before any ShPL is taken
- (If I am claiming shared parental pay) I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week
- I agree to inform the company immediately if I cease to meet the conditions for entitlement to ShPL or ShPP.

If you are the mother/main adopter:

- I have submitted a curtailment of maternity/adoption leave notice by completing Section 4 above.

Signature:

Date:

Section 6 – Declaration of other parent

Name	
Address	
National Insurance Number	

I confirm that I meet the following conditions:

- I have least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')

- I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week
- I agree to inform your employee immediately if I cease to meet the two conditions above
- I consent to your employee taking ShPP and ShPP as set out in Sections 2 and 3 above.

If you are the mother/main adopter:

- I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee starts shared parental leave

I consent to you processing the information contained in this declaration.

Signature:

Date:

PLEASE COMPLETE AND RETURN THIS FORM TO YOUR LINE MANAGER.

LINE MANAGERS SHOULD PROMPTLY CONTACT HUMAN RESOURCES

FORM 3: Notice of variation of intention to take shared parental leave

Please complete and return this form to your Line Manager (who will forward a copy onto Human Resources).

Use this form to vary the information you have previously provided regarding the amount of shared parental leave/pay you and the other parent each intend to take.

You must have previously submitted the notice of entitlement and intention to take leave form, and had your entitlement to shared parental leave confirmed.

If you (or the other parent) have already submitted a binding period of leave notice for any of the periods detailed below, please confirm this where indicated.

Both parents must sign the declaration to indicate their agreement to any variation.

Name of employee	
Name of other parent	

Shared Parental Leave Details

Number of weeks' ShPL you intend to take	
Number of weeks' ShPL the other parent intends to take	
Indication of start and end dates of SPL that you intend to take <i>This indication is non-binding. You must submit a formal period of leave notice for each period of ShPL you wish it to be binding.</i>	
List any dates of ShPL which you have already submitted to the company on a binding period of leave notice	
List any dates of ShPL which the other parent has already submitted on a binding period of leave notice to his/her employer.	

Shared Parental Pay (ShPP) Details

Number of weeks' ShPP you have claimed/intend to claim	
Number of weeks' ShPP the other parent has claimed/intends to claim	
Indication of start and end dates of your ShPP periods	

Declaration

We confirm that we agree to the variation(s) detailed above.

Signature of employee:

Date:

Signature of other parent:

Date:

PLEASE COMPLETE AND RETURN THIS FORM TO YOUR LINE MANAGER.

LINE MANAGERS SHOULD PROMPTLY CONTACT HUMAN RESOURCES

FORM 4: Period of leave notice

Please complete and return this form to your Line Manager (who will forward a copy onto Human Resources).

Use this form to give notice to take a period of shared parental leave (and pay if applicable), giving **at least eight weeks'** notice of the start date of the leave. You may submit up to three period of leave notices.

You must have previously submitted the notice of entitlement and intention to take leave form, and had your eligibility for shared parental leave confirmed.

If a 'continuous' period of leave is requested in a period of leave notice, you will be entitled to take that period of leave and this will be confirmed in writing. If you request 'discontinuous' periods of leave in this notice and it is not practicable to accommodate your requested pattern of leave your manager will discuss alternative options with you.

Please refer to the Council's Shared Parental Leave Guide for further details regarding the notification and variation of periods of shared parental leave.

Shared parental leave dates

Start date	End date	Number of weeks

Shared parental pay dates (if applicable)

Start date	End date	Number of weeks

Name:

Signature:

Date:

PLEASE COMPLETE AND RETURN THIS FORM TO YOUR LINE MANAGER.

LINE MANAGERS SHOULD PROMPTLY CONTACT HUMAN RESOURCES

FORM 5: Notice to cancel or vary a period of shared parental leave

Please complete and return this form to your Line Manager (who will forward a copy onto Human Resources).

Use this form to cancel or vary a period of shared parental leave (and pay if applicable) as follows:

- Vary the start or end date of a period of leave/pay, giving at least eight weeks' notice before both the new date and the original date
- Vary or cancel the amount of leave requested, giving at least eight weeks' notice before the leave is due to start
- Request that a single period of leave become discontinuous periods, or vice versa.

A variation will count as one of your three periods of leave notices unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth
- the Council has requested the variation
- the Council has agreed to accept more than three period of leave notices.

If you are requesting a variation in shared parental pay entitlement the other parent must also sign this form to signify consent to the variation.

Name of employee	
Name of other parent	

Original shared parental leave dates to be varied or cancelled

Start date	End date	Number of weeks

New shared parental leave dates

Start date	End date	Number of weeks

New shared parental pay (ShPP) details (if applicable)

Number of weeks' ShPP you have claimed/intend to claim	
Number of weeks' ShPP the other parent has claimed/intends to claim	
Indication of start and end dates of your ShPP periods	

Declaration

I confirm that I agree to the variation(s) detailed above.

Signature of employee:

Date:

Declaration of other parent

(If the number of weeks' shared parental pay is changing)

I confirm that I agree to the variation(s) detailed above.

Signature of other parent:

Date:

PLEASE COMPLETE AND RETURN THIS FORM TO YOUR LINE MANAGER.

LINE MANAGERS SHOULD PROMPTLY CONTACT HUMAN RESOURCES

