

Family Friendly Policies

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Responsible Section/Team	People and Policy	Version/Status	Final
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1.0 Introduction

Rossendale Borough Council is committed to Equality and the purpose of this Policy is to promote employment procedures which will provide a framework for improving the working environment. The Council recognises that employees have outside commitments and strives to offer staff the opportunity to improve the balance between work and family commitments.

The Council has developed a range of Family Friendly policies and procedures which are available to staff including:

- ❖ Maternity Leave Policy
- ❖ Maternity Support Leave Policy
- ❖ Breastfeeding Policy
- ❖ Shared Parental Leave Policy
- ❖ Paternity Leave Policy
- ❖ Parental Leave Policy
- ❖ Adoption / Surrogacy Leave Policy
- ❖ Special Leave: Compassionate/ Dependants/ Other Leave Policy
- ❖ Flexible Working Policy

2.0 Scope

The purpose of this document is to clearly define Rossendale Borough Council's policy regarding these Family Friendly policies. The policy applies to all permanent, temporary, full time and part time employees of Rossendale Borough Council.

In certain situations an employee's rights and requirements regarding these policies may change. In these circumstances the Council will act in accordance with any statutory obligations and an employee should refer to the documents listed below and/or clarify any issues or queries with the People and Policy Team.

Employment Law relevant to the Family Friendly policies is:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014
- The Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014

- Employment Rights Act 1996
- The Children and Families Act 2014
- Equality Act 2010
- The Surrogacy Arrangements Act 1985
- The Paternity and Adoption Leave (Amendment) Regulations 2014
- Flexible Working Regulations 2020
- The Management of Health and Safety at Work Regulations 1999

3.0 Review, monitoring and evaluation

The policy will be regularly monitored and reviewed every three years to reflect learning experiences and operational changes within the Council, or sooner in accordance with new legislation or guidance.

4.0 Key Terms & Abbreviations

Abbreviation	Full Term
AAL	Additional Adoption Leave
AML	Additional Maternity Leave
CML	Compulsory Maternity Leave
EWC	Expected Week of Childbirth
KIT	Keeping in Touch Days
MA	Maternity Allowance
MAT B1	Maternity Certificate
MPP	Maternity Pay Period
MSL	Maternity Support Leave
OAL	Ordinary Adoption Leave
OML	Ordinary Maternity Leave
SAP	Statutory Adoption Pay
ShPP	Statutory Shared Parental Pay
SMP	Statutory Maternity Pay
SPL	Shared Parental Leave
SPLIT	Shared Parental Leave in Touch Days
SPP	Statutory Paternity Pay

PART 1

(of the Family Friendly policies)

Maternity Leave Policy

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1.1 Formal Notification

Prior to week 25 of pregnancy (15 weeks before the Expected Week of Childbirth (EWC)) employees must notify their manager that they are pregnant and notify them of the expected date that Maternity Leave will commence. Employees must give the Council at least 28 days' notice by completing a Maternity Leave Notification Form (Appendix 1.1). Once in receipt of the completed form and an original copy of the employees MATB1 certificate, provided by either a Doctor or Midwife, employees will receive a written response from the People and Policy Team, within 28 days, setting out when the employee is expected to return to work and confirming entitlements to Maternity Leave and Pay.

1.1.1 Time Off During Pregnancy

During pregnancy employees are entitled to reasonable paid time off to attend antenatal, midwife or doctor's appointments. An eligible partner has a right to take unpaid leave to attend up to two antenatal appointments. An eligible partner is defined as:

- the child's father;
- husband/wife/civil partner/partner living in an enduring family relationship; but
- does not include the expectant mother's child/ parent/ grandchild/ grandparent/ sibling/ aunt/ uncle/ niece/ nephew.

1.2 Entitlements

1.2.1 Leave

All expectant mothers working for the Council are entitled to take 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). If an employee wishes to return before the end of this period she must give eight weeks' notice in writing of her intention to return early.

The earliest employees can commence Maternity Leave is the beginning of the 11th week before the EWC.

If the Maternity Leave has not already started it will be triggered by the birth of the baby or by pregnancy-related sickness absence from the beginning of the fourth week before the EWC.

Employees must take at least 2 weeks Compulsory Maternity Leave (CML) immediately following the birth of the baby. This is part of the Ordinary Maternity Leave period.

1.2.2 Pay

An employee with less than 6 months continuous local government service at the 15th week before the EWC will not be entitled to Statutory Maternity Pay (SMP) paid by the Authority. They may be entitled to Maternity Allowance (MA) and the People and Policy Team will provide them with form SMP1 to make an application to the Department for Work and Pensions.

An employee with 6 months continuous local government service at the 15th week before the EWC but less than 12 months continuous local government service at the 11th week before the EWC will be entitled to 6 weeks at 90% of average weekly earnings followed by 33 weeks SMP.

To qualify for payment the employee must have average weekly earnings in the 8 weeks up to and including the 15th week before the EWC which are equal or above the Lower Earnings Limit for the payment of National Insurance Contributions.

An employee with at least 12 months continuous local government service at the 11th week before the EWC will be entitled to 6 weeks at 90% of average weekly earnings followed by 12 weeks at half pay plus SMP then 21 weeks at SMP.

To qualify for the 12 weeks at half pay plus SMP the employee must declare in writing that she intends to return to local authority employment for at least 3 months.

An employee not intending to return to work will be paid at SMP only for this period.

The 12 weeks at half pay may be paid as an equivalent amount over a different period of time. The employee should contact the People and Policy Team to discuss this.

An employee who is paid 12 weeks at half pay plus SMP and does not return to work shall be required to reimburse the amount paid in excess of SMP.

If it is agreed that an employee may change her contract to work less hours she will not be required to reimburse any maternity pay if she returns to work for at least 3 months.

1.2.3 Keeping in Touch (KIT) Days

If you and your manager both agree, you can work up to 10 KIT days during your Statutory Maternity Leave without bringing your Maternity Leave to an end. KIT days are used to assist the employee to keep in touch with the workplace and can include work, training or other events. Arrangements for KIT days should be discussed and agreed as far in

advance as possible. Payment for days worked will not be in addition to SMP, you will be paid for actual hours worked which will include SMP.

If you carry out any KIT days you will need to arrange with your manager who will inform the Payroll Officer for appropriate payment.

1.2.4 Contact During Maternity Leave

In addition to KIT days, your manager will contact you from time to time to keep you informed about the workplace and may discuss workplace developments, job vacancies, training and your return to work. You will also be invited to attend employee briefings or meetings.

1.3 Special Circumstances

1.3.1 Premature Births

If your baby is born prematurely before your Maternity Leave has begun, your Maternity Pay and Maternity Leave will commence the day following childbirth. Leave entitlements will remain the same as if your baby had been born during your EWC, ie. 26 weeks' Ordinary Maternity Leave and 26 weeks' Additional Maternity Leave. You must inform your manager as soon as is reasonable practicable of the date your baby was born and in any case within 21 days,

1.3.2 Miscarriage and Still Born Babies

In the event that your baby dies or is stillborn after the 24th week of pregnancy your entitlements regarding pay and leave remain unchanged.

Prior to the 24th week you must obtain a medical certificate and any absence will be treated as sickness absence. You will receive Statutory Sick Pay and payments under the occupational sick pay scheme.



Maternity Leave Notification Form

To: People and Policy Team, The Business Centre, Room 207,
Futures Park, Bacup, Lancashire, OL13 0BB

Notice of Maternity Leave (28 days' notice required)

Name:	
Address:	
Service Area:	
Post Title:	
Date of commencement with Rosendale Borough Council:	
Expected date of childbirth:	
Anticipated last day of work:	
Please send your MAT B1 form to the Payroll Officer as soon as this is available	

Employee Signature:	Date:
---------------------------	-------------

ACTIONED BY PEOPLE AND POLICY TEAM			
Date form received:		Name:	
Signature:		Date:	
Notes:			

PART 2

(of the Family Friendly policies)

Maternity Support Leave Policy

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PART 2 – MATERNITY SUPPORT LEAVE

2.1 Introduction

Where the Paternity Leave provisions do not apply, employees may be eligible for Maternity Support Leave (MSL) and Pay. This is five days leave, with pay, to employees who are:

- the child's father; or
- the mother's partner (including civil partner or same sex partner); or
- the 'nominated carer' of the expectant mother; and
- have completed at least 26 weeks continuous service at the start of the 15th week before the baby is due, as outlined in section 2.2.

The purpose of MSL is to help the mother at or around the time of birth.

An employee wishing to take leave must give 28 days' notice, wherever possible, and provide confirmation of the EWC of the baby.

Only one period of leave is provided per pregnancy. Therefore if the mother gives birth to twins the entitlement will still be five days' leave.

2.2 Eligibility

The national agreements define a 'nominated carer' as:

"The person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth"

The nominated carer will be the 'primary provider' at or around the time of the birth and this will usually be the child's father or the mother's partner.

Leave will only be granted to a nominated carer who is not the child's father or mother's partner where there is no other person able to provide support to the mother, eg. where the father or mother's partner is not in contact with the mother (for example as a result of divorce or separation) or where he/she is unable to provide adequate support.

An employee applying for MSL must have completed at least 26 weeks of continuous service at the start of the 15th week before the baby is due, or in the case of adoption 26 weeks continuous service, at the end of the week in which the adoptive parent is notified of being matched with a child for adoption

2.3 Certification and Notification Arrangements

Leave may be taken before or after the birth at the discretion of the manager.

You should complete the Application for Maternity Support Leave and Pay (Appendix 2.1) as soon as practical after the expectant mother receives her MATB1 form and at least 28 days before the leave is required. Sympathetic consideration will be given where advance notice is not possible (for example in cases of premature birth or where the partner leaves the mother shortly before the birth).

The evidence required to support a request for nominated carer leave should include:

- a copy of the signed MATB1 form which the doctor or midwife gives the expectant mother;
- signed declaration on the application form from the expectant mother stating that the employee is the nominated carer and explaining why he/she has been so nominated;
- date(s) when the leave is being sought.

An informal meeting or telephone call with the child's mother to satisfy the People and Policy team that the applicant is the primary carer may be required before the leave is granted.

Application for Maternity Support Leave



This form should be used to apply for Maternity Support Leave and Pay where Paternity Leave provisions do not apply. Full details of Maternity Support Leave can be found in the Family Friendly Policy. The People and Policy Team will confirm your entitlements on receipt of your application.

This form should be received no less than 28 days before you wish to start your leave. Any subsequent changes to the information provided must be notified to the People and Policy Team immediately.

Personal Details:

Name: Post Title: Department: Employee No.

Maternity Details:

Expected Date of Childbirth: I wish my leave to start on (date): and end on (date): If you need to change these dates you must give us 28 days' notice of the new dates. Please sign the Applicant Declaration below and ask the mother of the child to complete the Mother's Declaration overleaf.
--

APPLICANT DECLARATION

In making this application I declare that: <ul style="list-style-type: none"> • I have been nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth; AND • there is no other person able to provide support to the mother; AND • I am taking time off work to support the mother or to care for the child. I attach a copy of the MAT B1 from the Doctor/Midwife <input type="checkbox"/>
Employee Signature: Date:

MOTHER'S DECLARATION

Mother's Name:

I declare that the applicant:

- Has been nominated by me to assist me in the care of my child and to provide support to me at or around the time of birth; **AND**
- Is taking time off work to support me to care for my child.

There is no other person able to provide support to me because (please provide brief details):

.....
.....
.....

I have nominated the applicant as my primary provider for the following reasons:

.....
.....
.....

I understand that you may contact me for further information or to otherwise verify any information I have given you on this form. My contact telephone number for that purpose is:

.....

Mother's Signature: **Date:**

Please forward this form to your line manager. Your line manager should then forward this form without delay to the People and Policy Team, The Business Centre, Room 207, Futures Park, Bacup, Rossendale, OL13 0BB.

ACTIONED BY PEOPLE AND POLICY TEAM			
Date form received:		Name:	
Signature:		Date:	
Notes:			

PART 3 (of the Family Friendly policies)

Breastfeeding Policy

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3.1 Introduction

Rossendale Borough Council recognises the benefits of supporting working mothers who wish to continue breastfeeding on their return from maternity leave or breastfeeding mothers commencing employment with the Council.

This policy therefore aims to:

- Demonstrate the Council's commitment to support breastfeeding mothers to exclusively breastfeed for six months and to continue to do so if they wish.
- Endeavour to allow appropriate flexible working hours/patterns to allow a breastfeeding mother to feed her baby or express milk.
- Ensure that Line Managers recognise the benefits of supporting breastfeeding mothers, who wish to continue breastfeeding upon their return to work, inform them accordingly and develop ways of working to enable this to happen.
- To create an environment where more female employees choose to breastfeed and are supported by fellow colleagues and Line Managers.
- Ensure that the Council fulfils its duties regarding the Equality Act 2010 in relation to the protected characteristic of pregnancy and maternity.
- Support and facilitate a mother's choice to breastfeed, as far as reasonably possible.

3.2. Principles

This policy requires all employees of the Council to respect a mother's choice to breastfeed her baby and support her to do so wherever possible.

The Council has a legal duty to fully consider all requests for flexible working arrangements and refusal can only be made on certain business grounds, therefore no employees should be refused any arrangements for flexible working to accommodate breastfeeding without referring the case to the Head of People and Policy.

This policy should be implemented in conjunction with existing guidelines on maternity rights. Details can be found in the Maternity Leave policy.

Pregnant employees will be provided with information during their pregnancy in relation to their right to continue breastfeeding with support on their return to work following maternity leave.

Any form of bullying or harassment or victimisation relating to a mother's choice to continue to breastfeed will not be tolerated and may be dealt with under the Disciplinary Procedure.

3.3 Procedure for breastfeeding mothers

Under the Management of Health and Safety at Work Regulations 1999 the Council has a legal duty to ensure employees work within their capabilities and are not exposed to additional risks.

Employees who are breastfeeding must not be exposed to risks that could damage the health and safety of either mother or baby for as long as breastfeeding continues.

Any employee choosing to continue breastfeeding upon her return to work from Maternity Leave or commencing work with the Council should confirm her intention in writing to her Line Manager prior to her return/commencement of employment. This should include details of if she intends to arrange time to leave work in order to feed her baby or if she wishes to arrange suitable breaks to allow her to express and store her milk.

Any employee expressing this intention should be invited to meet her Line Manager prior to her return to work/commencement of employment in order to discuss her needs and make any relevant arrangements.

If the employee is uncomfortable discussing her needs with her Line Manager then arrangements may be made for the discussions to take place with a member of the People and Policy Team who can then liaise with the Line Manager of the employee.

The procedure for carrying out an Expectant and New Mothers Risk Assessment is at Appendix 3.1. Line Managers must complete a Pregnant Workers/New Mothers Risk Assessment form (Appendix 3.2) with the employee in order to identify any potential risks to either the breastfeeding mother or the baby (taking into consideration any medical advice from the employee's GP or midwife). The completed Risk Assessment should be monitored and reviewed on a regular basis.

Where risks are identified, the employee should be given information on the risks, and steps should be taken to remove them. If the risk remains the Line Manager must consider what reasonable adjustments can be made in order to remove the risk. If it is not possible to remove the risk through reasonable adjustments then alternative arrangements should be considered including suitable alternative work.

If the employee thinks they have been exposed to a risk at work, they need to discuss it with their Line Manager, a member of the People and Policy Team, or a Health and Safety representative, so the Risk Assessment can be reviewed.

For any further advice the breastfeeding mother can contact the People and Policy Team or a Health and Safety representative.

See Flow Chart: Guidance to Line Managers and breastfeeding mothers (Appendix 3.3).

3.3.1 Time off to breastfeed

All employees returning from maternity leave/commencing work with the Council who wish to continue breastfeeding will be entitled to unpaid time off either to breastfeed her baby or to express and store her milk (where practicable).

Wherever possible a breastfeeding employee should be allowed breaks at the same time of day that she would normally feed her baby at home.

Line Managers should consider what flexible working arrangements could be put in place in order to accommodate this.

It is expected that the number of breaks needed and their length will vary over time and therefore employees and Line Managers should review any requirements regularly.

The requirements of the service must always be considered as part of this process. In some areas, due to the need for continuity of service, it may not be possible for a mother to leave her work in order to breastfeed her baby or express milk. In these circumstances it may be appropriate to consider alternative work for a period of time.

3.3.2 A place to breastfeed or express milk

The Council is legally required to provide somewhere for breastfeeding mothers to rest. However, the Council is not legally required to provide facilities for breastfeeding and may not be able to provide a specified area for breastfeeding mothers in each building. Although, where practicable, unpaid time off arrangements may be made to allow breastfeeding mothers to leave work at appropriate times to breastfeed their babies. Line Managers are required to fully explore the arrangements which can be made to promote breastfeeding and not create barriers to breastfeeding.

For breastfeeding mothers wishing to express and store milk, where possible, a suitable, clean room will be made available at their place of work where the employee can do this in private without interruption. Times will be agreed for the employee to use the room during her working day.

The room should have comfortable seating and, where possible, have a lockable door, a privacy notice, drinking water available and sufficient space for the mother to discreetly store her milk and expressing equipment.

Toilets are not considered as a suitable location for breastfeeding or expressing milk.

Employees should use their own expressing equipment and will have responsibility for this and for the storage of the expressed milk.

The Council will take no responsibility for the incorrect handling or storage of expressed breast milk.

Line managers should liaise with the Facilities Team regarding the suitability of a room prior to the mother returning to work or commencing work with the Council, where this cannot be identified, the matter should be referred to the People and Policy Team.

Wherever possible the Council will provide facilities to members of the public and meet the needs of breastfeeding mothers when using Council premises.

3.4. Additional information and guidance

For clarification on the contents of this policy, telephone the People and Policy Team on 01706 252499.

Further information and guidance regarding breastfeeding and new mothers who work can be found through the following sources:

NHS

www.breastfeeding.nhs.uk

Health and Safety Executive Information Services

Helpline 0845 345 0055

www.hse.gov.uk/mothers

EXPECTANT AND NEW MOTHERS RISK ASSESSMENT POLICY & PROCEDURE

1. SCOPE

This procedure describes the process to be undertaken when dealing with the assessment, identification, evaluation and control of risks to pregnant workers and new mothers returning to work. The carrying out of a risk assessment is also a statutory requirement under Health & Safety legislation; namely, the Health & Safety at Work, etc Act 1974 and Regulation 16 of the Management of Health & Safety at Work Regulations 1999. *(Note: The legal definition of a “new mother” is a person who has given birth within the previous six months or who is breast-feeding; the legal definition of “given birth” is a person who has “delivered a living child or, after 24 weeks of pregnancy, a stillborn child”.)*

2. RESPONSIBILITIES

2.1 The Employer

- Under the Health & Safety at Work, etc Act 1974:

“It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare of all his employees”

- Under Regulation 16 (Risk assessment in respect of new or expectant mothers) of the Management of Health & Safety at Work Regulations 1999:

“Where –

(a) the persons working in an undertaking include women of child-bearing age; and

(b) the work is of a kind which could involve risk, by reason of her condition, to the health and safety of a new or expectant mother, or to that of her baby, from any processes or working conditions, or physical, biological or chemical agents,

the assessment required by Regulation 3 shall also include an assessment of such risk.”

(Note: Regulation 3 of the Management of Health & Safety at Work Regulations 1992 required every employer to make a suitable and sufficient assessment of (a) the risks to the health and safety of his employees to which they are exposed whilst they are at work; and (b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking. The Management Regulations were updated in 1999 to include new Regulations 16 and 17, which require specific risk assessments to be carried out for two vulnerable groups of workers, namely new or expectant mothers, and young people.)

Where, in the case of an individual employee, the taking of any actions identified through risk assessment would not avoid the risk, the employer shall, if it is reasonable to do so, and would avoid such risks, alter her working conditions or hours of work. If it is not reasonable to alter the working conditions or hours of work, or if such actions would still not avoid the risk, the employer shall, subject to section 67 of the Employment Rights Act 1996, suspend the employee from work for so long as is necessary to avoid such risk.

(Note: References to risk, in relation to risk from any infectious or contagious disease, are references to a level of risk at work which is in addition to the level to which a new or expectant mother may be expected to be exposed outside the workplace.)

2.2 Management Responsibilities

Under the Council's Risk Assessment Policy, it is a line management responsibility to carry out "suitable and sufficient" risk assessments. In the event that a member of staff advises her manager – either directly or via HR – that she is pregnant, the manager should carry out a risk assessment using the hazard checklist for pregnant workers and the standard risk assessment form. The assessment should be carried out with the expectant mother and a review should be considered at various stages of the pregnancy, and after the mother's return to work following the birth.

HSE and Department of Health guidance suggests that pregnant women are particularly susceptible to risk from manual handling activities, as are those who have recently given birth (especially after caesarean section). Where the job involves any manual handling activity, the manager should also review the manual handling risk assessments, using the hazard checklist for manual handling and the standard risk assessment form.

A number of chemical and biological agents are known to be particularly harmful to pregnant women, the unborn child and breast-fed babies. Where the job involves working with chemicals and/or biological agents, the manager should also review the COSHH (risk) assessments, referring to the Councils COSHH Policy and COSHH (risk) assessment forms.

Where the general Pregnant Workers risk assessment suggests that there may be issues with Lone Working/Personal Safety, it is the responsibility of the manager to review lone working, personal safety and threat of violence risk assessments.

It is the responsibility of the manager to seek advice from the Health & Safety Adviser and inform HR if any of the hazards cannot be eliminated or if it is not possible to reduce to a level of risk that is acceptable to the expectant or new mother and no longer poses a risk to the woman or her child.

2.3 HR Responsibilities

In the event that an employee advises that she is pregnant, it is the responsibility of HR to ensure that line management is aware and has made arrangements to carry out a risk assessment. It is the responsibility of HR, in conjunction with management and the pregnant worker, to consider hazards that cannot be eliminated, appropriately

reduced or managed, and to advise on issues such as reduction in hours of work, alteration to working hours, alterations to job tasks, and suspension from duty.

2.4 Health & Safety Adviser Responsibilities

It is the responsibility of the Health & Safety Adviser to provide support on risk assessment, including manual handling, COSHH, lone working, etc as well as the general pregnant worker's risk assessment.

It is the responsibility of the Health & Safety Adviser to maintain up to date Health & Safety information, including policies, guidance notes and hazard checklists, and to provide support and advice to managers on the completion of risk assessments.

2.5 Employee Responsibilities

It is the responsibility of the employee to inform the employer (HR) if she becomes pregnant, has given birth within the previous six months or is breast feeding. It is also the responsibility of the employee to co-operate with control measures identified through risk assessment and to advise her line manager if the control measures fail/cease to work.

3. (SUMMARY OF) PROCEDURE

1. Employee informs HR that she is pregnant, has given birth within the last six months or is breast-feeding
2. HR informs line manager and advises that risk assessment should be carried out
3. Line manager completes pregnant workers risk assessment and considers review of manual handling, lone working and COSHH assessments. (Assessments and reviews to take place in conjunction with the employee.)
4. Line manager reviews and updates risk assessment at appropriate intervals
5. Employee advises line manager if risk control measures fail/cease to work, or if any additional risks become apparent.
6. Line manager seeks advice from HR if risks still cannot be avoided after risk assessment
7. HR advises line manager on reduction in working hours, alterations to work patterns and/or tasks and, ultimately, suspension from duty.
8. Health & Safety Adviser provides support and advice.



Pregnant Workers/New Mothers Risk Assessment - Checklist

Name of employee	<input style="width: 100%; height: 30px;" type="text"/>
Job title and work area	<input style="width: 100%; height: 30px;" type="text"/>
Assessment carried out by	<input style="width: 100%; height: 30px;" type="text"/>
Date of Assessment	<input style="width: 100%; height: 30px;" type="text"/>

Section A – Preliminary Issues

Is the employee pregnant or returning to work after pregnancy?

Pregnant	<input type="checkbox"/>
Returning to work	<input type="checkbox"/>

Has the pregnancy been confirmed in writing by a doctor?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

How long until the baby is due to be born? (in months)

7-8	<input type="checkbox"/>	5-6	<input type="checkbox"/>
2-4	<input type="checkbox"/>	1 or less	<input type="checkbox"/>
N/A	<input type="checkbox"/>		<input type="checkbox"/>

Is this a first assessment or a review?

First	<input type="checkbox"/>
Review	<input type="checkbox"/>

Section B – Control of Physical Hazards & Working Styles

(The risk assessor and the pregnant worker/new mother should look at the following list of hazards and identify which, if any, are applicable and pose a potential health and safety risk to the employee or her child. In the event that a hazard is applicable, measures taken to eliminate or adequately control the risk must be recorded.)

Type of hazard (With potential specific hazards or aspects of pregnancy to consider)	Yes/No	Measures taken to eliminate/control/manage risk
Example Manual Handling/lifting tasks	Yes	Other members of staff are able to provide assistance. Employee will not undertake any manual handling tasks
Manual handling/lifting tasks (Consider increasing size, backache, tiredness; review Manual Handling RA as necessary)		
Standing for long periods of time/lack of seating facilities (Consider backache, varicose veins, tiredness)		
Working in confined spaces, or in cramped working conditions (Consider increasing size, comfort)		
Climbing ladders or steps (Work at Height) (Consider vulnerability to falls, tiredness)		
Shock, vibration or excessive movement (Consider hazards from, for example, driving off-road vehicles)		
Exposure to excessive noise		
Exposure to ionising radiations		
Exposure to extremes of heat or cold (Consider vulnerability to fainting, dehydration after breast-feeding)		
Exposure to obnoxious or nauseating smells (Consider morning sickness)		
Excessive travel within the workplace, including to place of work and as part of the daily work routine (Consider tiredness)		
Personal Protective Equipment PPE (Consider increasing size)		
Lack of adequate ventilation (Consider tiredness)		
Lack of suitable sanitation and washing facilities		
Poor housekeeping, including tripping and slipping hazards		

(Consider increased vulnerability to falls)		
Lack of lift provision (Consider tiredness)		
Lack of provision of suitable rest or relaxation facilities (Consider breast-feeding, tiredness)		
Difficulty in leaving job/taking of breaks (Consider morning sickness, frequent visits to toilet, tiredness)		
Early shift work, evening work or overtime (Consider morning sickness, tiredness, increase in vulnerability to stress)		
Lone Working (Consider possible need for improved emergency arrangements and communication; review Lone Working RA as necessary)		
Vulnerability to Stress (Consider review of Stress Action Plan/RA)		
Threat of Violence/Personal Safety		

Section C - Control of Chemical and Biological Hazards

(The risk assessor and the pregnant worker/new mother should look at the following list of hazards and identify which, if any, are applicable and pose a potential health and safety risk to the employee or her child. In the event that a hazard is applicable, measures taken to eliminate or adequately control the risk must be recorded.)

Type of hazard	Yes/No	Measures taken to eliminate/control/manage risk
Exposure to biological agents known to be harmful to the unborn child, eg. Hepatitis B, HIV, TB, Chickenpox, Typhoid		
Exposure to biological agents known to cause abortion of the foetus, eg. Rubella, Toxoplasma		
Exposure to chemical agents known to cause genetic damage, harm to the unborn child, harm to breast-fed babies, etc.		

Section D - Record of issues that cannot be properly eliminated/controlled/managed

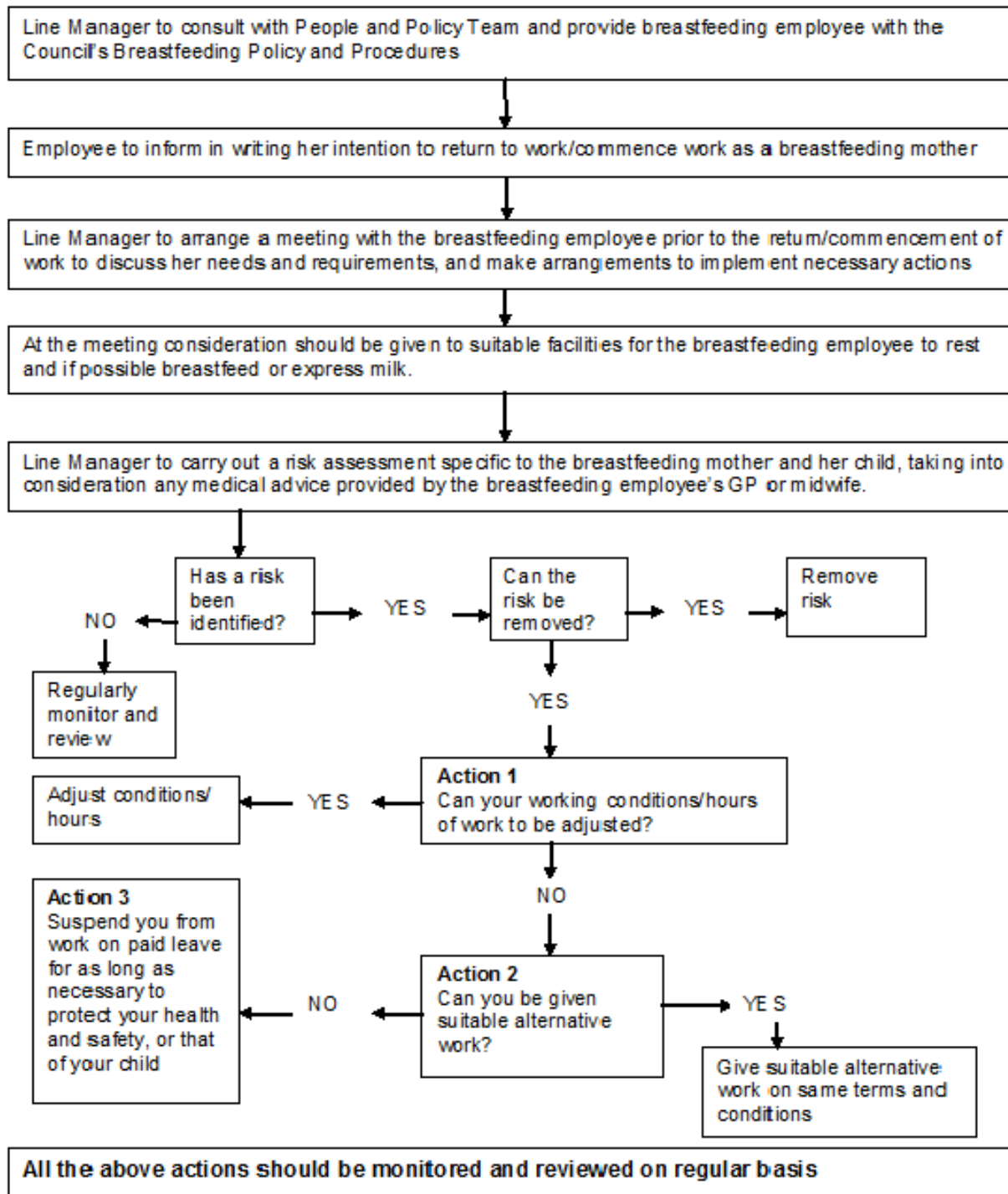
(The risk assessor and the pregnant worker/new mother should look at the risks identified so far, and record any that cannot be dealt with adequately and require further investigation.)

Type of hazard	Measures taken to eliminate/control/manage risk and outstanding issues of concern

The completed checklist should be used to complete a Risk Assessment form, which should be forwarded to the Council’s Health & Safety Adviser/People and Policy Team.



Flow chart: Guidance to Line Managers and breastfeeding mothers



PART 4

(of the Family Friendly policies)

Shared Parental Leave Policy

Other formats are available.
Please call 01706 217777 or
visit our One Stop Shop at
Futures Park, Bacup.

اردو বাংলা



Responsible Section/Team	People and Policy	Version/Status	Final
Responsible Author	HR Manager	Date Agreed / Agreed At	27.09.18 / JCC
Date last Amended	27.09.18	Due for Review	27.09.21

4.1 Introduction

Note: Shared Parental Leave is separate to Parental Leave as detailed in Part 6 of the Family Friendly Policies.

4.1.1 How Shared Parental Leave Works





Shared Parental Leave (SPL) is a form of leave for eligible parents of babies due, children placed in adoption or intended parents in a surrogacy arrangement providing they qualify for adoption leave and pay. It gives you and your partner more flexibility in how to share the care of your child in the first year after birth.

The amount of leave available is calculated using the mother/primary adopter’s Maternity/Adoption entitlement, which allows them to take up to 52 weeks leave. An eligible mother or adopter may choose to reduce their Maternity/Adoption Leave early and opt in to SPL.

Parents must take at least 2 weeks Compulsory Maternity/Adoption Leave (4 weeks for mothers who work in a manual operation setting) but can otherwise choose to end their Maternity/Adoption Leave at any stage, by giving eight weeks’ notice in writing of their intention to return early.

Eligible employees can stop-start their SPL and return to work in between periods of leave. Each eligible parent is able to submit 3 statutory notices to book or vary periods of leave. Notification periods are shown in the relevant sections of this policy.

ACAS explain the new scheme in a 4 step approach:

		Employee	Employer (if aware)
Step 1	 ➤ Becoming aware of pregnancy or match	<ul style="list-style-type: none"> ➤ Is SPL suitable? ➤ Considering what leave arrangements work best 	<ul style="list-style-type: none"> ➤ Discussing intentions and other leave options
Step 2	 ➤ Choosing SPL and the notification of entitlement	<ul style="list-style-type: none"> ➤ Notifying the employer of eligibility 	<ul style="list-style-type: none"> ➤ Discussing early intentions ➤ Making early preparations and plans
Step 3	 ➤ Notification of a leave booking	<ul style="list-style-type: none"> ➤ Notifying the employer of a leave booking 	<ul style="list-style-type: none"> ➤ Considering the impact of a leave booking ➤ Discussing a leave booking
Step 4	 ➤ Outcome	<ul style="list-style-type: none"> ➤ Leave begins or request is withdrawn 	<ul style="list-style-type: none"> ➤ Confirm and communicate outcome

4.1.2 Step 1



Not everyone will meet the criteria to qualify for SPL but even those who are eligible may find that other arrangements suit them better. It will be sensible for parents to give serious consideration as to which option will be most beneficial to their situation.

Is SPL suitable?

In relation to SPL, considerations may include:

- Whether one or both parents qualify for SPL and how they would like to share the care of the child?
- Whether the mother/primary adopter is prepared to reduce their Maternity/Adoption Leave?
- Is there a contractual entitlement to enhanced Maternity/ Adoption/ Paternity/ SPL Pay and would reducing the mother/primary adopter's Maternity/Adoption Leave impact on this?
- Availability of other legal rights such as Flexible Working requests, annual leave and Parental Leave and how they could work alongside SPL?
- The wider financial implications to the family, eg. pay and pensions.

If parents don't choose SPL at first, they have the option to use it at a later date while they are still eligible.

For example, a mother six months into a Maternity Leave period, may choose to reduce their Maternity Leave by two months, giving their partner the chance to take those two months as SPL (provided they give eight weeks' notice to their employer and take the SPL within a year of the birth/adoption).

4.1.3 Eligibility Criteria for Shared Parental Leave

To qualify for SPL a mother/the primary adopter must:

- have a partner at the time of birth/adoption placement and consent for them to take SPL;
- be entitled to either Maternity/Adoption Leave or to Statutory Maternity or Adoption Pay, or maternity Allowance (if not eligible for Statutory Maternity Pay);
- correctly notify the Council of your entitlement and provide evidence as required including written consent from your partner that they wish to take SPL;
- have curtailed or given notice to curtail your Maternity/Adoption Leave;

- have a minimum of 9 weeks Maternity/Adoption Leave remaining – which will allow for 8 weeks' notice period and 1 week SPL.

A partner intending to take SPL must:

- be an employee;
- share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption;
- have properly notified their employer of their entitlement and have provided the necessary declarations and evidence;
- have a partner that has either curtailed or given notice to curtail their Maternity/Adoption Leave;
- have given consent for their partner to take SPL;
- be a resident of the UK for the qualification and SPL period.

In addition a parent wanting to take SPL is required to satisfy the Continuity of Employment test and their partner must meet the Employment and Earnings test.

Continuity of Employment Test

The individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date and is still working for the employer at the start of each leave period.

Employment and Earnings Test

In the 66 weeks leading up to the baby's expected due date/matching date the person has worked for at least 26 weeks and earned above the maternity allowance threshold of £30¹ (as of 2018) a week in 13 of the 66 weeks.

Where both parents satisfy these tests they will both be able to share the leave. However, a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take Shared Parental Leave but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

4.1.4 Shared Parental Pay (ShPP)

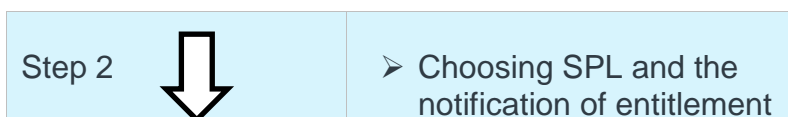
Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/primary adopter reduces their Maternity/Adoption Pay Period or Maternity Allowance period. Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

¹ Source: <https://www.gov.uk/maternity-allowance/eligibility>

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

- the mother/primary 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 average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date that 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.
- where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their manager written notice advising of their entitlement to ShPP.

4.2 Notification



SPL can only be used after the mother/Primary adopter has:

- already returned to work; OR
- given notice to their employer that reduced their Maternity/Adoption Leave, confirming when their Maternity/Adoption Leave will come to an end; AND
- submitted form Maternity/Adoption Leave Curtailment Notice (Appendix 4.1).

Notice of Leave coming to an end is binding unless:

- mother/primary adopter/partner are not entitled or cease to satisfy entitlement to SPL and ShPP;
- the partner dies; or
- the mother/primary adopter revokes notice to end Maternity/Adoption Leave.

Employees should complete a Notice of Entitlement to Shared Parental Leave form (Appendix 4.2). You may also include a non-binding indication of the dates you wish to take.

When the dates are confirmed you are required to submit a Booking Notice for Shared Parental Leave Form (Appendix 4.4), as outlined in Section 4.4 Notification of Leave.

The above forms must be submitted at least 8 weeks before the date you wish to start the leave and, if applicable, receive ShPP.

4.2.1 Requesting Further Evidence

Within 14 days of the SPL entitlement notice being given the Council may request:

- confirmation of 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 parent(s), 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 SPL, the employee must produce this additional information within 14 days of the employer's request.
- Surrogate parents must provide a copy of the Parental or Adoption Order.

4.2.2 Fraudulent Claims

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

4.3 Revoking entitlement to Shared Parental Leave

4.3.1 Death of the child before or during birth, or within the first year

Should the child die before the parents have submitted a notice of entitlement to take SPL then they cannot opt into SPL because a qualifying condition is caring for a child. The mother will remain entitled to maternity leave and the mother's partner could still qualify for statutory paternity leave.

If the parents have opted into SPL and they have booked leave, they will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

An employee who is absent on SPL may cancel agreed SPL and return to work by giving the Council eight weeks' notice of their return to work.

4.3.2 Partner no longer caring for the child

If the circumstances of an employee who has booked SPL change so that they will no longer be responsible for caring for the child (unless it is because the child has died), their entitlement to both SPL and ShPP will immediately cease and they must tell their employer.

If the employee has any SPL arranged within eight weeks of their entitlement ceasing, their employer can still require them to take it as SPL if it is not reasonably practicable for the employer to have their employee in work, for example because cover has been arranged. Any weeks of SPL arranged after eight weeks of their entitlement ceasing must be cancelled.

If the remaining parent will be continuing to care for the child then they will still be eligible to take their SPL entitlement. If the other parent who is no longer caring for the child had any SPL leave entitlement outstanding, the remaining parent will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement (see p37).

4.3.3 Death of a parent during the child's first year

If either parent dies and the other parent is taking, or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for SPL.

Should it be necessary for the other parent to take a further period of SPL or to vary pre-agreed leave then notice may be given as soon as is reasonable practicable if eight weeks' notice cannot be given. If they have already given three notices to take leave they must be allowed to submit one further notice to book/amend SPL.

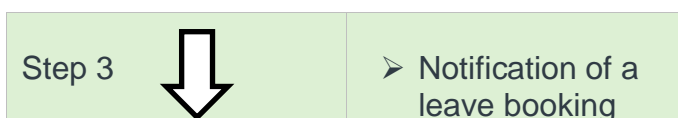
4.3.4 If the mother/primary adopter change their mind

In certain situations the mother/primary adopter can give their employer a revocation notice and remain on Maternity/Adoption Leave, these are if:

- a. it is discovered in the 8 weeks following the notice to curtail their Maternity/ Adoption Leave that neither the mother/primary adopter nor partner satisfy eligibility criteria for SPL or ShPP;
- b. they gave the leave curtailment notice before the birth/placement of the child. Where applicable, notice must be delivered prior to six weeks following the child's birth/placement; or
- c. their partner dies. Notice must include the date of partner's death.

In these circumstances a Maternity/Adoption Leave Curtailment Cancellation (Revocation) Notice (Appendix 4.3) should be completed. It is not possible for the mother/primary adopter to give another leave curtailment notice after giving a revocation notice, unless option b. applies.

4.4 Notification of Leave



In addition to notifying the Council of your entitlement to SPL/ShPP, you must also give formal notice to take the leave by completing the Booking Notice for Shared Parental Leave form (Appendix 4.4). The Booking Notice can be submitted at the same time as the notice of entitlement to SPL (Appendix 4.2). Correct notification must be given at least 8 weeks before the date you wish to start the leave and (if applicable) receive ShPP.

SPL can:

- start on any day of the week;
- only be taken in blocks of at least 1 week;
- be taken using 3 separate statutory notices to book leave;
- be taken by the partner, while the mother/primary adopter is still on Maternity/Adoption Leave, if the mother/primary adopter has given notice to reduce their entitlement to Maternity/Adoption Leave.

4.4.1 Continuous and Discontinuous Leave Notifications

a. Continuous Leave Notifications

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, 3 weeks in a row).

You have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

b. Discontinuous Leave Notifications

A single notification 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 you return to work (for example, an

arrangement where an employee will work every other week for a period of 3 months).

Where there is concern over accommodating the notification, the Council or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Council.

The Council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, you can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block. If the request is not withdrawn within 15 days, then you will be expected to take the period of leave as a continuous block, provided there is sufficient SPL remaining.

Within 19 calendar days of the original notification, the employee can choose when the continuous leave will commence but it cannot start sooner than eight weeks from the date the original notification was given. If the employee does not choose, the start date automatically defaults to the date the requested discontinuous leave would have first started.

4.4.2 Variations to arranged Shared Parental Leave

You are permitted to vary or cancel an agreed and booked period of SPL by completing form Varying/Cancelling Booked Shared Parental Leave (Appendix 4.5), provided that you advise the Council 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.

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 Council requesting it be changed – and the employee being in agreement – will not count as further notification. Any variation will be confirmed in writing by the Council.

4.5 Managers Response to a Leave Notification

4.5.1 Responding to a Shared Parental Leave Notification

Step 4



➤ Outcome

If the leave requested cannot be approved without further discussion a meeting will be arranged, where you may be accompanied by a workplace colleague or a Trade Union representative.

The purpose of the meeting is to discuss in detail the leave proposed, how the proposal could be agreed or whether a modified arrangement would be more agreeable to both the employee and the Council.
All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Council against any adverse impact to the business.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

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

4.5.2. Refusing a request for discontinuous leave

Requests for discontinuous leave can be refused if the Council can reasonably show that it cannot be accommodated. For example:

- the burden of any additional costs is unacceptable to the Council;
- an inability to re-organise work amongst existing staff;
- an inability to recruit additional staff;
- the employer considers the change will have a detrimental impact on quality or performance;
- the employer considers the change would have a detrimental effect on the business ability to meet customer demand.

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.

4.5.3. Right to Appeal

Employees have a right of appeal against the decision not to allow a discontinuous period of Shared Parental Leave. Any appeals should be sent to their manager in writing or by email, within 10 working days of receipt of the written confirmation, stating the grounds for appeal.

Appeals will be heard by the relevant Chief Officer or their nominated representative. The decision of the Appeal Panel is final, with no further right of appeal with the Council.

4.6 Other Issues

4.6.1 Shared Parental Leave in Touch (SPLIT) Days

If you and your manager both agree, you can work up to 20 days during SPL without bringing your period of SPL 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.

Arrangements for SPLIT days should be discussed and agreed as far in advance as possible. Payment for days worked will not be in addition to ShPP, you will be paid for actual hours worked which will include ShPP.

If you carry out any SPLIT days you will need to arrange with your manager to inform the Payroll Officer for appropriate payment.

4.6.2 Contact During Shared Parental Leave

In addition to SPLIT days, your manager will contact you from time to time to keep you informed about the workplace and may discuss workplace developments, job vacancies, training and your return to work. You will also be invited to attend employee briefings or meetings.

MATERNITY/ADOPTION LEAVE CURTAILMENT NOTICE

This form should be completed by an employee who wishes to curtail (ie. shorten) their maternity/ adoption leave (and pay) to access Shared Parental Leave (SPL).

This notice should be used to curtail your maternity/adoption leave and pay at a future date. You should ideally submit *Notice of Entitlement for Shared Parental Leave* (Appendix 4.3) at the same time as this form. Before completing this form you should read the Shared Parental Leave policy for further information.

Please think very carefully before you submit this form as, once you do so, you can only change your mind in the very limited circumstances detailed in the policy.

Employee Name:			
Position held:		Start date:	
Department		Line Manager name:	
I wish to curtail (please tick as appropriate)		Maternity leave and pay <input type="checkbox"/>	Adoption leave and pay <input type="checkbox"/>
I wish to end my maternity/adoption leave and pay on:			
Note: <i>this date must be at least:</i>			
<ul style="list-style-type: none"> - 8 weeks from the date this form will be received by the People and Policy team - 2 weeks after the date your child is born/placed with you for adoption - 1 week earlier than the end of your additional maternity/adoption leave period 			
Date of birth/placement; please complete as appropriate:			
MATERNITY / SURROGACY		ADOPTION	
If this notice is being served prior to birth , what is the expected week of childbirth?		If this notice is being served prior to the child being placed with you for adoption, what is the expected date of placement?	
If this notice is being served after the birth , what was the child's date of birth?		If this notice is being served after the child has been placed with you for adoption, what was the date of placement?	
Signed:			Dated:

Please forward this form to your line manager. Your line manager should then forward this form without delay to the People and Policy Team, The Business Centre, Room 207, Futures Park, Bacup, Rosendale, OL13 0BB.

ACTIONED BY PEOPLE AND POLICY TEAM			
Date form received:		Name:	
Signature:		Date:	
Notes:			



NOTICE OF ENTITLEMENT TO SHARED PARENTAL LEAVE (SPL)

You should complete this notice to confirm your entitlement to Shared Parental Leave and to give a non-binding indication of how much leave and pay you wish to take and when. **Before completing this form you should read the Shared Parental Leave policy for further information.**

Please ensure the form is received by the People and Policy team at least 8 weeks in advance of your first intended period of SPL. If you are unable to provide the required 8 weeks' notice, for example, because your baby was born prematurely, you should contact the People and Policy team before submitting this application form.

Section 1: Employee details

Employee Name:			
Position held:		Start date:	
Department:		Line Manager name:	

Section 2: Partner details

Name:			
National Insurance Number:			
Home Address:			
Employer Name:		Start date:	
Employer Address:			

Section 3: Maternity / Adoption Leave and Pay details

(a) Child's expected week of birth/placement for adoption:	
(b) Child's actual date of birth/placement for adoption:	
(c) Start date of maternity/adoption leave:	
(d) End date of maternity/adoption leave:	
(e) Number of weeks maternity/adoption leave taken/ to be taken: (ie. number of weeks between dates in (c) and (d) above)	
(f) Number of weeks SPL available: (ie. 52 minus (e) above)	
(g) Number of weeks' statutory maternity/ adoption pay (or allowance) to be received by mother/lead adopter during maternity/adoption leave:	
(h) Number of statutory Shared Parental Pay (ShPP) weeks available: (ie. 39 minus (g) above)	

*Note: **only complete (h) if you are entitled to statutory SPL/ShPP**, ie. had 26 weeks' service at (i) the 15th week before your baby was due to be born, or (ii) on the date of matching for adoption*

Section 4: Non-binding indication of Shared Parental Leave dates:

I intend to take SPL on the following dates (*see notes below*):
Please state the start and end date of each period of leave and the number of weeks to be taken in each period.

This is only an indication of the dates you wish to take and when confirmed you are required to complete the Booking Notice for Shared Parental Leave form (Appendix 4.4).

Notes:

- i. SPL must be taken in whole weeks, but can start and end on any day of the week
- ii. SPL must be taken before the first anniversary of the child's birth/placement
- iii. The total number of weeks cannot exceed the number available (as detailed in Section 3 (f))

You may book the above time off at the same time as you submit this notice of your intention and eligibility to take SPL. To do so, please complete Booking Notice for Shared Parental Leave (Appendix 4.4). If you have yet to finalise your plans, you can submit your Booking Notice at a later date, provided it is received at least 8 weeks in advance of the first period of requested leave.

Section 5: Declaration of Entitlement by Employee

**please delete as appropriate*

I declare that:

- Apart from my partner, I have / will have* the main responsibility for the care of my child.
- I have / my partner has* returned to work / given notice* to curtail maternity/adoption leave and pay.
- I will comply with the Council's SPL notification and evidence requirements.
- My partner meets the required employment and earnings tests.
- I will inform my line manager and the People and Policy team immediately if I or my partner ceases to care for the child, or otherwise cease to satisfy the conditions for entitlement to SPL or ShPP.
- I understand that Rossendale Borough Council may verify and share information with my partner's employer and/or HMRC for the purposes of administering SPL and statutory ShPP (subject to Data Protection Requirements).
- Where it is identified that a staff member has provided false information or a false declaration eg. regarding their own or their partner's eligibility/ the leave taken by their partner etc., this may be deemed as gross misconduct and will be addressed under the Council's disciplinary procedure. Where fraudulent activity is found the Council reserves the right to reclaim any payments received from the Council or government that the staff member was not entitled to (as well as advise the relevant government department accordingly).
- The information in this application is accurate.

Signed:

Dated:

Section 6: Declaration of Entitlement by Partner – not employed by RBC

**please delete as appropriate*

I declare that:

- Apart from my partner, I have / will have* the main responsibility for the care of my child.
- I / my partner* is / was* entitled to statutory maternity / adoption* leave or statutory maternity / adoption* pay / allowance*.
- I meet the statutory 'employment and earnings tests' for SPL.
- I understand that Rossendale Borough Council may verify and share information with my employer and/or HMRC for the purposes of administering SPL and statutory ShPP (subject to Data Protection Requirements).
- The information in this application is accurate.

Signed:		Dated:	
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Please forward this form to your line manager. Your line manager should then forward this form without delay to the People and Policy Team, The Business Centre, Room 207, Futures Park, Bacup, Rossendale, OL13 0BB.

ACTIONED BY PEOPLE AND POLICY TEAM			
Date form received:		Name:	
Signature:		Date:	
Notes:			



**MATERNITY/ADOPTION LEAVE CURTAILMENT CANCELLATION
(REVOCATION) NOTICE**

This form should only be completed where an employee has previously given notice to curtail their Maternity/Adoption Leave in order to access Shared Parental Leave (SPL) and now wishes to cancel the curtailment notice.

You should use this form to withdraw the notice you previously gave to shorten your maternity/adoption leave and pay. You can only withdraw your notice in very limited circumstances, as detailed below, and must do so in advance of the curtailment date you previously provided. Before completing this form you should read the Shared Parental Leave policy for further information.

Employee Name:			
Position held:		Start date:	
Department		Line Manager name:	
I previously notified that I wished to curtail my maternity/adoption leave and pay so that it would end on:			
<p>I no longer wish to curtail my maternity/adoption leave and pay and wish to cancel my Curtailment Notice.</p> <p>By signing this cancellation notice I confirm that:</p> <ol style="list-style-type: none"> 1. I have previously served notice to curtail my maternity/adoption leave and pay. 2. I wish to cancel this curtailment notice and remain on maternity/adoption leave and pay. 3. I have not returned to work (other than on agreed 'keeping in touch' days). 4. My reason for cancelling is (tick one option as appropriate): <p><input type="checkbox"/> I submitted the Curtailment Notice prior to my child's birth/placement and am cancelling it within 6 weeks of the birth/placement; I understand that I may serve a second curtailment notice at a future date.</p> <p><input type="checkbox"/> Neither I nor my partner are entitled to statutory shared parental pay or leave; I understand that I cannot serve a second curtailment notice at a future date.</p> <p><input type="checkbox"/> My partner has died. I understand that I cannot serve a second curtailment notice at a future date.</p>			
Signed:			Dated:

Please forward this form to your line manager. Your line manager should then forward this form without delay to the People and Policy Team, The Business Centre, Room 207, Futures Park, Bacup, Rossendale, OL13 0BB.

ACTIONED BY PEOPLE AND POLICY TEAM			
Date form received:		Name:	
Signature:		Date:	
Notes:			



BOOKING NOTICE FOR SHARED PARENTAL LEAVE (SPL)

This form should be used to confirm your entitlement to SPL and to request either a single, continuous period (Section 5) of shared parental leave, or multiple discontinuous periods (Section 6) of shared parental leave. Please ensure the form is received by the People and Policy team at least 8 weeks in advance of your first period of SPL. **Before completing this form you should read the Shared Parental Leave policy for further information.**

Section 1: Employee details			
Employee Name:			
Position held:		Start date:	
Department:		Line Manager name:	

Section 2: Partner details			
Name:			
National Insurance Number:			
Home Address:			
Employer Name:		Start date:	
Employer Address:			

Section 3: Birth / Placement details			
Expected date of birth / placement		Actual date of birth / placement	

Section 4: Shared Parental Leave and Pay entitlement		
	Leave (52 weeks)	Statutory Pay * (39 weeks)
a. Total shared entitlement (weeks):		
b. Weeks already taken/booked by you or the person you are sharing leave with:		
a. Weeks remaining: (a minus b)		
* inclusive of statutory pay for maternity/adoption leave and shared parental leave. Enter n/a in 'statutory pay' column if you do not qualify for <u>statutory</u> SPL/ShPP, ie. will/did not have 26 weeks' continuous service at the 15 th week before the week in which your baby is/was due to be born or on the date of matching for adoption.		

Section 5a: I wish to take a continuous period of SPL on the following dates:

(Complete if your child has already been born/placed or you know the exact dates on which you wish to take SPL)

Start date	End date	Number of weeks' SPL

Section 5b: I wish to take a continuous period of SPL as follows:

(Complete if your child has yet to be born and you wish to start your leave on a specified number of days after its birth/placement)

To start (number of days after birth/placement):	
To end (number of days after birth/placement):	
Number of weeks' SPL:	

Section 6a: I wish to take the following discontinuous periods of SPL: *(Complete if your child has already been born/placed or you know the exact dates on which you wish to take SPL)*

Start date	End date	Number of weeks' SPL
Total number of weeks		

Section 6b: I wish to take the following discontinuous periods of SPL: *(Complete if your child has yet to be born and you wish to start your leave on a specified number of days after its birth/placement)*

Start – number of days after birth/placement	End – number of days after birth/placement	Number of weeks SPL
Total number of weeks		

Section 7: Shared Parental Pay (ShPP)

Please tick one box as appropriate:

- I do not qualify* for statutory ShPP
- I do qualify* for statutory ShPP and wish to receive statutory ShPP for the weeks of SPL detailed in sections 5/6 above
- I do qualify* for statutory ShPP and wish to receive statutory ShPP as follows:

* to qualify you must be entitled to SPL, ie. have 26 weeks' continuous service at the 15th week before your child was due to be born, or the date of matching for adoption

SPL start date	SPL end date	Number of weeks' ShPP

OR, if you wish to start your leave on a specified number of days after your child's birth/placement, please specify the number of days after birth/placement

Start	End	Number of weeks' ShPP

Please complete the declaration of entitlement on the next page

Section 8: Declaration of Entitlement by Employee

**please delete as appropriate*

I declare that:

- Apart from my partner, I have / will have* the main responsibility for the care of my child.
- I have / my partner has* returned to work / given notice* to curtail maternity/adoption leave and pay.
- I will comply with the Council's SPL notification and evidence requirements.
- My partner meets the required employment and earnings tests.
- I will inform my line manager and the People and Policy team immediately if I or my partner ceases to care for the child, or otherwise cease to satisfy the conditions for entitlement to SPL or ShPP.
- I understand that Rossendale Borough Council may verify and share information with my partner's employer and/or HMRC for the purposes of administering SPL and statutory ShPP (subject to Data Protection Requirements).
- Where it is identified that a staff member has provided false information or a false declaration eg. regarding their own or their partner's eligibility/ the leave taken by their partner etc., this may be deemed as gross misconduct and will be addressed under the Council's disciplinary procedure. Where fraudulent activity is found the Council reserves the right to reclaim any payments received from the Council or government that the staff member was not entitled to (as well as advise the relevant government department accordingly).
- The information in this application is accurate.

Signed:

Dated:

Section 9: Declaration of Entitlement by Partner – not employed by RBC

**please delete as appropriate*

I declare that:

- Apart from my partner, I have / will have* the main responsibility for the care of my child.
- I / my partner* is / was* entitled to statutory maternity / adoption* leave or statutory maternity / adoption* pay / allowance*.
- I meet the statutory 'employment and earnings tests' for SPL.
- I understand that Rossendale Borough Council may verify and share information with my employer and/or HMRC for the purposes of administering SPL and statutory ShPP (subject to Data Protection Requirements).
- The information in this application is accurate.

Signed:

Dated:

Please forward this form to your line manager. Your line manager should then forward this form without delay to the People and Policy Team, The Business Centre, Room 207, Futures Park, Bacup, Rossendale, OL13 0BB.

ACTIONED BY PEOPLE AND POLICY TEAM

Date form received:

Name:

Signature:

Date:

Notes:



VARYING/CANCELLING BOOKED SHARED PARENTAL LEAVE (SPL)

This form should be completed by an employee who wishes to vary or cancel a previously submitted Booking Notice for Shared Parental Leave (SPL). You may vary or cancel a booked period of SPL, provided you have sufficient Booking Notices remaining and give at least 8 weeks' written notice of any new period of leave.

Before completing this form you should read the Shared Parental Leave policy for further information, as varying/cancelling a previous Booking Notice may count as one of your three Booking Notices.

If requesting alternative shared parental leave arrangements, this form should be submitted with Booking Notice for Shared Parental Leave form.

Section 1: Employee details

Employee Name:			
Position held:		Start date:	
Department:		Line Manager name:	

Section 2: Details of previous Booking Notice

Date of previous Booking Notice:		Was this for a Continuous or Discontinuous period of SPL?	Please tick as appropriate: <input type="checkbox"/> Continuous <input type="checkbox"/> Discontinuous
----------------------------------	--	---	--

** Please delete as appropriate*

I now wish to vary / cancel * these dates for the following reason:

Please tick one box:

My baby was born early.

I am withdrawing a request for discontinuous leave which cannot be accommodated.

Other (please specify below)

Signed:		Dated:	
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Please forward this form to your line manager. Your line manager should then forward this form without delay to the People and Policy Team, The Business Centre, Room 207, Futures Park, Bacup, Rossendale, OL13 0BB.

ACTIONED BY PEOPLE AND POLICY TEAM			
Date form received:		Name:	
Signature:		Date:	
Notes:			

PART 5

(of the Family Friendly policies)

Paternity Leave Policy

Other formats are available.
Please call 01706 217777 or
visit our One Stop Shop at
Futures Park, Bacup.

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Responsible Section/Team	People and Policy	Version/Status	Final
Responsible Author	HR Manager	Date Agreed / Agreed At	27.09.18 / JCC
Date last Amended	27.09.18	Due for Review	27.09.21

5.1 Introduction

Paternity Leave allowance is for either 1 week or 2 consecutive weeks (not odd days) You will receive full pay for the first week and Statutory Paternity Pay (SPP) or 90% of your weekly earnings (whichever is the lower) for the second week.

5.2 Eligibility

To be eligible for Paternity Leave, you must:

- Have or expect to have responsibility for the child's upbringing;
- Be the biological father of the child or the mother/adopter's husband or partner;
- Have worked continuously for your employer for 26 weeks leading into the 15th week before the baby is due (week 25 of the pregnancy), or the end of the week in which the child's adopter is notified of being matched with the child (UK adoptions), or the date the child enters the UK (overseas adoptions) and still work for the employer.
- Have weekly earnings which are equal or above the Lower Earnings Limit for the payment of National Insurance contributions.
- In surrogacy arrangements paternity leave and pay is available for parents who are genetically related to the child and who meet the qualifying conditions.

5.3 Starting your Paternity Leave

You can choose to start your leave:

- From the date of the child's birth or placement (whether this is earlier or later than expected);
- From a chosen number of days or weeks after the date of the child's birth or placement (whether this is earlier or later than expected); or
- From a chosen date that is later than the first day of EWC or expected date of placement;
- From the day the child is born or the day after for surrogate parents.

Your leave can start on any day of the week on, or following the child's birth or placement, but must be completed:

- Within 56 days of the actual date of birth of the child or placement;
- If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth;

Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

In cases where there is a desire to take Shared Parental Leave, any Statutory Paternity Leave must be taken prior to any periods of Shared Parental Leave.

5.4 Notice of Intention to take Paternity Leave

You must inform the People and Policy Team of your intention to take Paternity Leave by the 15th week before the baby is expected, unless this is not reasonably practicable.

You need to tell us:

- The week the baby is due;
- If you wish to take 1 or 2 weeks' leave; and
- When you want your leave to start.

You should complete the Application for Paternity Leave form (Appendix 5.1) as evidence of your entitlement to paid paternity leave.

5.5 Exclusions

There are some exclusions where you may not be entitled to receive Statutory Paternity Pay:

- For any week where you receive Statutory Sick Pay (if you are off sick you should see if it is possible to postpone your Paternity Leave); or
- For any week that you are detained in legal custody or in prison or the week after such detention.



Application for Paternity Leave

This form should be used to apply for Paternity Pay and Leave, including leave for adoptive and surrogate parents. Before completing this form you should read the Paternity Leave policy and Adoption/Surrogacy Leave policy for further information.

This form should be received no less than 15 weeks before the expected week of the child's birth, or as soon as is reasonably practicable.

Employee Name:			
Position held:		Start date:	
Department		Line Manager name:	

SECTION A: Complete only in the case of births

Expected date of birth:	
or, if the baby has been born, the actual date of birth:	

SECTION B: Complete only in the case of adoptions

Date adopter advised of being matched with the child:	
Expected date of placement:	
or, if the child has been placed, date of placement:	

SECTION C: Complete only in the case of surrogacy

Expected date of birth:	
or, if the baby has been born, the actual date of birth:	
Parental Order parents: date of the 15 th week before the birth of the baby:	

SECTION D: Dates of Paternity Leave (all cases)

I would like my paternity leave and pay to start on:	
I want to be aware from work for:	<input type="checkbox"/> one week <input type="checkbox"/> two weeks
<p>You will be entitled to take one week or two consecutive weeks Paternity Leave any time up to 8 weeks after the date of birth. It cannot be taken as odd days or as two separate weeks.</p> <p>You will receive full pay for the first week and Statutory Paternity Pay, or 90% of your average weekly earnings (whichever is the lower), for the second week.</p>	

SECTION D: Declaration (all cases)

PART 6 (of the Family Friendly policies)

Parental Leave Policy

Other formats are available.
Please call 01706 217777 or
visit our One Stop Shop at
Futures Park, Bacup.

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Responsible Section/Team	People and Policy	Version/Status	Final
Responsible Author	HR Manager	Date Agreed / Agreed At	27.09.18 / JCC
Date last Amended	27.09.18	Due for Review	27.09.21

PART 6 – PARENTAL LEAVE

6.1 Introduction

Note: Parental Leave is separate to Shared Parental Leave as detailed in Part 4 of the Family Friendly Policies.

Parental Leave allows an employee with one year's continuous service to take 18 weeks' unpaid leave for each child born, adopted, or through surrogacy arrangements. The leave can start once the child is born or placed for adoption with the employee up to the child's eighteenth birthday.

6.2 Key points

- Employees must have completed one year's continuous service with the Council to qualify;
- Up to 18 weeks of unpaid leave can be taken for children under 18 years;
- Leave may be taken straight after the birth or adoption or following a period of maternity leave;
- Employees will need to request leave giving at least 21 days notice before the intended start date;
- You should complete the Application for Parental Leave form (Appendix 6.1), giving 21 days notice of the start date of the parental leave.

If you have completed one year's continuous service with the Council, you are entitled to apply for up to 18 weeks unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later. A maximum of 18 weeks leave can be taken any time up to the child's 18th birthday.

To take parental leave straight after the birth or adoption of a child, you should give 21 days notice before the beginning of the expected week of childbirth or placement. In cases where this may not be possible you should give notice to the Council as soon as possible.

Parental leave should be taken in blocks of a week or multiples of a week and should not be taken as 'odd' days off, unless the child is disabled. You cannot take off more than four weeks during a year per child. A week is based on your working pattern.

An employee will remain employed while on parental leave and some terms of the contract, such as contractual notice and redundancy terms, still apply.

All requests for Parental Leave will be considered carefully and reasons for any postponement will be discussed with the employee.

APPLICATION FOR PARENTAL LEAVE



An application for Parental Leave should be submitted at least 21 days in advance of the start of the leave.

Name:	
Address:	
Service Area:	
Post Title:	
Date of commencement with Rosendale Borough Council:	
Expected date of childbirth:	

I wish to apply for unpaid Parental Leave from:		
First day of leave	Last day of leave	Total no. of weeks

In making this application I declare that:

I am named on the child's birth certificate, OR

I am named on the child's adoption certificate, OR

I have legal parental responsibility for the child, AND

I wish to take leave to care for the welfare of the child

I request authority for the above parental leave and I accordingly authorise deduction from my pay in the next available pay period, or as soon as possible thereafter. I understand that I may be requested to provide documentary evidence and that the leave requested above can be postponed for operational reasons.

I declare that to date I have taken _____ days of my parental leave entitlement in respect of the above child (this includes any days taken with previous employers). I understand that if I give false information in relation to this, I may face disciplinary action.

Employee signature:		Date:	
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Please forward this form to your line manager. Your line manager should then forward it without delay to the People and Policy Team, The Business Centre, Room 207, Futures Park, Bacup, Rossendale, OL13 0BB.

ACTIONED BY PEOPLE AND POLICY TEAM			
Date form received:		Name:	
Signature:		Date:	
Notes:			

PART 7 (of the Family Friendly policies)

Adoption/Surrogacy Leave Policy

Other formats are available.
Please call 01706 217777 or
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Futures Park, Bacup.

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Responsible Section/Team	People and Policy	Version/Status	Final
Responsible Author	HR Manager	Date Agreed / Agreed At	27.09.18 / JCC
Date last Amended	27.09.18	Due for Review	27.09.21

7.1 Introduction

The Council recognises that staff who adopt a child require sufficient time for bonding, building trust and developing their family unit.

When an employee takes time off to adopt a child or have a child through a surrogacy arrangement, one of the adoptive parents of a child under 18 will be entitled to paid adoption leave subject to eligibility. It is for the parents themselves to decide which of them is to take adoption leave.

7.2 Entitlement

Adoption/Surrogacy leave is a 'day one' right there is no qualifying period. Adoption/Surrogacy Leave is available to:

- Individuals who adopt; or
- One member of a couple where a couple adopt jointly (the couple may choose which partner takes Adoption Leave).

To qualify you must:

- Have average earnings which are equal or above the Lower Earnings Limit for the payment of National Insurance Contributions; and
- Be newly matched with a child for adoption by an approved adoption agency; or
- In surrogacy arrangements become the legal parents following an application for Adoption or Parental Order.

Adoption Leave and Pay is not available in circumstances where a child is not newly matched for adoption, for example when a step parent is adopting a partner's child.

7.2.1 Adoption or Parental Order (surrogacy arrangements)

Adoption Order: must be applied for where intended parents are not genetically related and they must use a registered adoption agency throughout the surrogacy process.

Parental Order: must be applied for to become the legal parents of the child – if the intended parents are genetically related to the baby.

The intended parents can apply for a Parental Order 6 weeks after the child is born and before the child is six months old, otherwise an Adoption Order should be applied for.

7.2.2 Length of Adoption Leave

Adopters will be entitled to up to 26 weeks' Ordinary Adoption Leave (OAL) followed immediately by up to 26 weeks' Additional Adoption Leave (AAL) - total of up to 52 weeks' leave.

You can choose to start your leave:

- From the date of the child's placement (whether this is earlier or later than expected); or
- From a fixed date which can be up to 14 days before the expected date of placement;
- Leave can start on any day of the week;
- For surrogacy arrangements adoption leave can start the day of birth or the day after.

Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the Adoption Leave period, the adopter will be able to continue Adoption Leave for up to eight weeks after the end of the placement.

7.2.2 Notice of intention to take Adoption Leave

You are required to notify the Council of your intention to take Adoption Leave within 7 days of being notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable, by completing the Adoption/Surrogacy Leave Request Form (Appendix 7.1).

You will be able to change your mind about the date on which you want your leave to start providing you tell us at least 28 days in advance.

Surrogacy: at least 15 weeks before the baby is due you are required to notify your manager that you intend to take adoption leave

The Council has 28 days in which to respond to your request for adoption leave. You will receive written confirmation of your entitlement and the date on which you will be expected to return to work if the full entitlement to Adoption Leave is taken.

7.2.3 Surrogate Mothers

Surrogates are the legal mother of any child they carry – even if they're not genetically related, until they sign a parental or adoption order following the birth of the child, this transfers their rights to the intended parents.

Whatever the birth mother does with the child in a surrogacy arrangement following the birth it has no impact on her right to

maternity leave as outlined in Part 1 of the Family Friendly Policies – Maternity Leave.

7.3 Adoption pay

7.3.1 Eligibility

During Adoption Leave, most adopters will be entitled to Statutory Adoption Pay (SAP). To qualify for SAP employees must:

- Have at least 26 weeks continuous service by the week they were matched with a child;
- In surrogacy arrangements, have at least 26 weeks continuous service at the 15th week before the EWC;
- Have average weekly earnings above the Lower Earnings Limited for National Insurance contributions;
- Provide proof of the adoption or surrogacy.

Adopters who are not eligible for SAP may submit an online SAP1 form to HMRC:

https://public-online.hmrc.gov.uk/lc/content/xfafoms/profiles/forms.html?contentRoot=repository:///Applications/PersonalTax_iForms/1.0/SAP1&template=SAP1.xdp

7.3.2 Payments

Statutory Adoption Pay will be paid for up to 39 weeks:

- Weeks 1-6 will be paid at 90% of average weekly earnings
- Weeks 7-39 will be paid at the lower statutory rate SAP or 90% of your average earnings, whichever is lower.

An employee with at least 12 months continuous local government service at the 11th week before the Expected Week of Childbirth (EWC), or the date they were match with a child will be entitled to 6 weeks at 90% of average weekly earnings followed by 12 weeks at half pay plus SAP, then 21 weeks at SAP.

To qualify for the 12 weeks at half pay plus SAP the employee must declare in writing that they intend to return to local authority employment for at least 3 months. An employee not intending to return to work will be paid at SMP only for this period.

7.4 Other entitlements

Employees may be eligible to apply for leave/pay as outlined below. Full details of these arrangements can be found in the relevant sections of the Family Friendly policies:

- Shared Parental Leave (Part 4 of the Family Friendly policies)

- Paternity Leave (Part 5 of the Family Friendly policies)
- Parental Leave (Part 6 of the Family Friendly policies)

7.5 Matching certificate

You will have to provide documentary evidence – a ‘Matching Certificate’ from your adoption agency as evidence of your entitlement to Adoption Leave and Pay. You should ask your adoption agency for a Matching Certificate which will include basic information on matching and expected placement dates.

7.6 Return to work

If you intend to return to work at the end of your full Adoption Leave entitlement, you will not have to give any further notification. If you want to return to work before the end of the Adoption Leave period you must give eight weeks’ notice of the date you intend to return.

7.7 Keeping in Touch (KIT) days

If you and your manager both agree you can work up to 10 KIT days during your Statutory Adoption Leave without bringing your Adoption Leave to an end. KIT days are used to assist the employee to keep in touch with the workplace and can include work, training or other events. Arrangements for KIT days should be discussed and agreed as far in advance as possible. Payment for days worked will not be in addition to SAP, you will be paid for actual hours worked which will include SAP.

If you carry out any KIT days you will need to arrange with your manager to inform the Payroll Officer for appropriate payment.

7.8 Contact during adoption leave

In addition to KIT days, your manager will contact you from time to time to keep you informed about the workplace and may discuss workplace developments, job vacancies, training and your return to work. You will also be invited to attend employee briefings or meetings.

7.9 Time off to attend appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments. The main adopter will be able to take paid time off for up to 5 adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to 2 appointments.

The right to 2 unpaid antenatal appointments will also extend to those who will become parents through a surrogacy arrangement, if they expect to satisfy the conditions for, and intend to apply for, a Parental Order for the child.



ADOPTION/SURROGACY LEAVE REQUEST FORM

This form should be used to request adoption leave when becoming an adoptive/surrogate parent. Before completing this form you should read the Adoption/Surrogacy Leave policy for further information.

You are required to submit this form within 7 days of being notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. For overseas adoptions this form should be submitted within 27 days of receiving official notification from the relevant domestic authority that you are eligible to adopt.

In surrogacy arrangements you are required to submit this form at least 15 weeks before the baby is due.

Employee Name:			
Position held:		Start date:	
Department:		Line Manager name:	

SECTION A: Key dates

Date notified by the adoption agency that a match was made (or date of official notification for overseas adoptions), OR In the case of intended parents of a child born through a surrogacy arrangement the expected date of birth:	
Date the child is expected to be placed on/was placed on (or entered the UK):	
Expected date that you wish your adoption leave to start (this can start any day of the week):	
Expected end date of adoption leave	

SECTION B: Declaration

<input type="checkbox"/> I am: <input type="checkbox"/> The sole adoptive parent, OR <input type="checkbox"/> Adopting the child with my partner, OR <input type="checkbox"/> Entering into a legal surrogacy arrangement subject to a Parental Order
<input type="checkbox"/> I confirm my partner is not taking adoption leave
<input type="checkbox"/> I confirm I am to be the primary carer of the child
<input type="checkbox"/> I have attached a Matching Certificate provided by the approved adoption agency, OR <input type="checkbox"/> I have attached a copy of the birth mother's MATB1 certificate and will forward the surrogacy parental order within 6 months of the child's birth

SECTION B: declaration (continued)

To be completed in surrogacy cases where a parental order is being applied for:
I accept that if I am unable to provide a copy of the surrogate parental order within 6 months of the baby's birth, the Council has the right to reclaim all payments made in relation to the adoption leave period.

Signed:

Dated:

Please forward this form to your line manager. Your line manager should then forward this form without delay to the People and Policy Team, The Business Centre, Room 207, Futures Park, Bacup, Rossendale, OL13 0BB.

ACTIONED BY PEOPLE AND POLICY TEAM

Date form received:

Name:

Signature:

Date:

Notes:

PART 8

(of the Family Friendly policies)

Special Leave: Compassionate/ Dependants/ Other Leave Policy

Other formats are available.
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Futures Park, Bacup.

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Responsible Section/Team	People and Policy	Version/Status	Final
Responsible Author	HR Manager	Date Agreed / Agreed At	27.09.18 / JCC
Date last Amended	27.09.18	Due for Review	27.09.21

PART 8 – SPECIAL LEAVE: COMPASSIONATE/ DEPENDANTS/ OTHER LEAVE

8.1 Introduction

The Council recognises that there may be occasions when members of staff will need to request special leave/ time off work to deal with emergencies or events of a sensitive or distressing nature, such as bereavement and serious illness amongst a close family member or dependant.

This policy outlines the arrangements by which the Council shall give consideration of requests for leave to deal with unexpected/sudden problems concerning dependants or other types of special leave. The Council will act sensitively and sympathetically in such circumstances and acknowledge benefits to both the Council and its staff by applying this policy in a fair and reasonable manner. This policy applies to all Council employees irrespective of their length of service.

The provisions within this section of the Family Friendly policy are not exhaustive and if any requests for special leave fall outside this document, managers or employees should consult People and Policy.

8.2 Definition of a Dependant

A dependant is defined as someone who depends on the member of staff for help and includes the employee's partner, child or parent, or a person living with the employee as part of his/her family. It may also include close relatives or other persons who live separately but who rely on the member of staff for care or help in an emergency. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee.

8.3 Types of Leave

The Council recognises that an emergency situation may arise resulting in the employee necessitating absence from work on a short-term basis until the situation can be alleviated.

It is difficult to define an emergency situation however some examples may be as follows:

8.3.1 Compassionate Leave

The aim of such leave is to provide a compassionate response when staff may have to deal with either of the following:

a. Bereavement

- The death of a dependant/close family member;
- To make arrangements for the funeral of a dependant/close family member.

b. Serious/ Life Threatening Illness

- Where a dependant has to attend hospital suddenly;
- Where a dependant is required to provide immediate care.

8.3.2 Dependant Emergency

The aim of such leave is to allow members of staff to provide a caring response to an emergency need. Leave is intended to cover sudden unforeseen illness/ emergency, not routine medical appointments and minor ailments. Certain unexpected and sudden events involving people who depend on them requiring absence for a short duration may include:

- To assist a dependant who falls ill or is injured;
- To make arrangements for the provision of care;
- To deal with an unexpected disruption or breakdown or arrangements for the care of a dependant, eg. closure of a nursery;
- To deal with an unexpected incident involving the staff member's child during school hours;
- Leave for other personal reasons.

This is not an exhaustive list. Employees should contact their manager for advice if they are unsure as to whether leave should be granted in specific circumstances not listed above.

Time off under this section will only be granted because of an emergency situation. Employees should notify their manager of the reason for the absence and how long they expect to be away from work, as soon as reasonably practicable.

8.3.3 Other Special Leave

If a member of staff wishes to request any other type of special leave, they must inform their manager of the reason for the absence and how long they expect to be absent from work, as soon as is reasonably practicable. Granting of special leave is at the discretion of managers. Examples of other types of special leave may include:

- To observe religious festivals;

- For extended visits to members of the employee's family living outside the country.

This is not an exhaustive list. Employees should contact their manager for advice if they are unsure as to whether leave should be granted in specific circumstances not listed above.

8.4 Amount of Time Off

For special leave requests, Managers, in consultation with the HR Manager, may authorise a period of paid absence from work. The maximum paid time off allowed in any annual leave year is 5 days. A request for any additional leave in excess of 5 days will be authorised by the Chief Executive.

In any annual leave year a reasonable amount of further unpaid time off can be requested up to a maximum of 10 days. Consideration will also be given to requests for a temporary reduction in working hours or a request to work compressed hours.

In the case of a dependant emergency, the right is to a reasonable amount of time off. In the majority of cases one or two days should be sufficient (or even a few hours) to deal with the immediate crisis, but it will depend on the individual circumstances. The leave is intended to deal with the immediate problem and arrange alternative longer-term care if necessary. For example, if a child is taken ill, time off will be granted to deal with the immediate crisis, which could include taking the child to the doctor and making arrangements for longer-term care. An employee would not be entitled to leave for the duration of the child's illness.

8.5 Cancellation of Temporary arrangements

Following approval of a request for Special Leave (as outlined in this section), employees may choose to cancel their period of leave if their circumstances change. Managers will usually allow for the leave to be cancelled, however, there may be circumstances where a request for cancellation cannot be accommodated, for example, a formal contract to provide cover for the employee's absence has been put in place and the Council would incur costs if that contract were to be cancelled.

8.6 Abuse of the Policy

If a member of staff is alleged to have abused the arrangements as outlined in Part 8: Special Leave, it may result in the Council investigating the matter further in accordance with Council investigation and disciplinary procedures.

PART 9

(of the Family Friendly policies)

Flexible Working Policy

Other formats are available.
Please call 01706 217777 or
visit our One Stop Shop at
Futures Park, Bacup.

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Responsible Section/Team	People and Policy	Version/Status	Final
Responsible Author	HR Manager	Date Agreed / Agreed At	27.09.18 / JCC
Date last Amended	27.09.18	Due for Review	27.09.21

9.1 Introduction

The Council recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the Council aims to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests.

It is the Council's policy to encourage open discussion with employees. An employee that thinks they may benefit from flexible working is encouraged to contact their line manager to arrange an informal discussion to talk about the options.

9.2 Eligibility

Any employee with at least 26 weeks of employment service and, has not made a request to work flexibly during the past 12 months, has a right under the statutory procedure to request flexible working.

If you do not meet the eligibility criteria as outlined above the Council may consider a non-statutory request.

9.3 What is Flexible Working?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The following flexible working options are examples of typical arrangements that employees may request but the Council recognises that there may be alternatives or a combination of options which are suitable to both the Council and the employee:

- Annualised hours;
- Compressed hours;
- Job-sharing;
- Part-time working;
- Career breaks.

9.4 Types of Flexible Working

9.4.1 Annualised Hours

Where an employee's contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.

Usually the hours will be divided into rostered hours, which are set, and unallocated hours, when an employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment will normally be in 12 equal instalments.

9.4.2 Compressed hours

Is where an employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a five-day week is compressed into four days, or a 10-day fortnight into nine days.

The Council flexitime scheme does not apply to employees working on a compressed hours contract

9.4.3 Job-sharing

Is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the Council. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time.

9.4.4 Part-time working

Covers any arrangement where an employee is contracted to work anything less than typical full time hours for the type of work in question, eg. an employee who only works Monday to Wednesday. An exception to the consideration of part-time working for a post is when the Council believes that following critical examination by line management proves this to be impracticable.

9.4.5 Career breaks

A career break will be unpaid and throughout the break annual leave entitlement does not accrue. Career breaks do not normally qualify for pension purposes.

9.5 Appropriate Working Patterns

The Council is committed to providing a range of appropriate working patterns. However employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

Where a flexible working arrangement is proposed the Council will need to take into account a number of criteria including (but not limited to) the following:

- the costs associated with the proposed arrangement;

- the effect of the proposed arrangement on other staff;
- the need for, and effect on, supervision;
- the existing structure of the department;
- the availability of staff resources;
- details of the tasks specific to the role;
- the workload of the role;
- whether it is a request for a reasonable adjustment related to a disability;
- health and safety issues.

9.6 Submitting a Flexible Working Request

An eligible employee is entitled to submit one flexible working request in a twelve month period (an employee is entitled to additional requests if they relate to a statutory entitlement eg. the Equality Act 2010 right to request reasonable adjustments).

All requests must be made by completing the Flexible Working Application Form (Appendix 9.1).

Any request made must include:

- the date of the application;
- the changes that the employee is seeking to their terms and conditions;
- the date from when the employee would like the proposed change to come into effect;
- what effect the employee thinks the requested change would have on the business;
- how, in their view, any such effect could be dealt with;
- whether this is a statutory or non-statutory request;
- whether a previous application for flexible working has been made;
- the dates of any previous applications.

If the employee is making the request in relation to the Equality Act, eg. as a reasonable adjustment relating to a disability, this should be made clear in the application.

If an application does not contain all of the required information the line manager or People and Policy team will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

9.6.1 Meetings Regarding Flexible Working

Upon receiving a written request for flexible working a meeting may be arranged with the employee to:

- discuss the request;

- find out more about the proposed working arrangements;
- how it could be of benefit to both the employee and Council.

A meeting will be held within 28 days of the Council receiving the request. This time limit may be extended with the agreement of both the employee and line manager/People and Policy team.

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

If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

9.6.2 Consideration of a Flexible Working Request

Following submission of a valid request for Flexible Working, an application will be considered by Management Team.

The employee will be informed of the Council's decision regarding the request by a confirmation letter as outlined in the section 'Responding to a flexible working request'. This time limit may be extended with the agreement of both the employee and line manager/People and Policy team.

9.6.3 Responding to a Flexible Working Request

Management Team will consider the proposed flexible working arrangements, looking at the potential benefits and any adverse effects to the employee and to the Council in implementing the proposed changes.

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the Council's decision as soon as is reasonably practicable.

The request may be granted in full, in part or refused. The Council may propose a modified version of the request, the request may be granted on a temporary basis or the employee may be asked to try the flexible working arrangement for a trial period. If the request is agreed then the employee will be sent a confirmation letter which will include details of the new arrangements. The employee should contact their line manager/People and Policy team within 14 days if they wish to discuss the new arrangements further, or have any concerns.

9.7 Right to Appeal Decision

The employee has the right to appeal the decision if their request is refused or is only agreed in part.

The employee may lodge an appeal within 14 days of being notified of a decision on their application. This should be done in writing, addressed to the People and Policy team, and clearly state the grounds on which they are appealing.

9.8 Trial of New Working Arrangements

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the Council a trial period may be agreed. If a trial period is arranged the Council will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

Where a trial period has been arranged the Council will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the Council may reduce or lengthen the trial period where necessary with the agreement of the employee). The Council will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

FLEXIBLE WORKING APPLICATION FORM



This form should be used to apply to change your working pattern. Before completing this form you should read the notes at the end of this form along with the Flexible Working Policy.

I would like to apply to work a flexible working pattern under the statutory procedure that is different to my current working pattern. I confirm I meet each of the eligibility criteria in respect of a statutory request as follows:

- I have worked continuously as an employee of Rosendale Borough Council for the last 26 weeks;
- I have not made a request to work flexibly under this right during the past 12 months (see Point 9.6 of the Flexible Working Policy).

Date of any previous request to work flexibly under this right:

Is this a statutory or non-statutory request? Statutory Non-statutory

(a non-statutory request means that you do not meet the eligibility criteria as outlined above)

Is this application in relation to the Equality Act 2010, eg. as a reasonable adjustment for a disability? Yes No

1. Personal Details
Name:
Department:

2. Describe your current working pattern (days / hours / times worked):

3. Describe the working pattern you would like to work in the future (days / hours / times worked):

4. I would like this working pattern to commence from:
Date:

5. Impact of the new working pattern

(explain how the change in your working pattern will affect the business and colleagues):

6. Accommodating the new working pattern (explain how the effect on the business and colleagues can be dealt with):

Signed:

Dated:

Please forward this form to your line manager. After completing the section below your line manager should then forward this form without delay to the People and Policy Team, The Business Centre, Room 207, Futures Park, Bacup, Rossendale, OL13 0BB.

Notes:
<p>Before completing this form you should read the Flexible Working Policy for further information.</p> <p>You should note that it may take up to three months for the Council to consider a request and possibly longer where you have agreed to a longer decision period with the Council. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.</p> <p>You should provide as much information as you can about your desired working pattern, continuing on a separate page as appropriate. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 5 and 6, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.</p> <p>If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.</p>

Line Manager comments (to include reasons why this application should / should not be approved):

ACTIONED BY PEOPLE AND POLICY TEAM			
Date form received:		Name:	
Signature:		Date:	
Notes:			