

UNION / EMPLOYEE CONSULTATION COMMITTEE

AGENDA

Monday 8th June 2015 at 1100 hours in Chamber Suites 1 and 2,
The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and, if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes of a meeting held on 12 th March 2015.	3 to 7
5.	Equalities Monitoring Report - July 2014 to March 2015.	To Follow
6.	Sickness Absence/Occupational Health Statistics 2014/15.	To Follow
7.	Disciplinary Policy.	To Follow
8.	Sickness Policy.	To Follow
9.	Social Networking Policy.	To Follow
10.	Maternity Policy.	To Follow
11.	Parental Leave.	To Follow
12.	Shared Parental Leave Policy and Procedures.	To Follow
13.	Maternity Support Leave and Paternity Leave.	To Follow
14.	Adoption Policy.	To Follow

UNION/EMPLOYEE CONSULTATION COMMITTEE

Minutes of a meeting of the Union/Employee Consultation Committee of the Bolsover District Council held in Chamber Suites 1 and 2, The Arc, Clowne, on Thursday 12th March 2015 at 1100 hours.

PRESENT:-

Council Representatives:-

Councillors, Mrs P.M. Bowmer, V.P. Mills, K. Reid, A.M. Syrett and A.F. Tomlinson.

Unison Representatives:-

J. Clayton, K. Shillitto and J. Wilmot.

Unite Representatives:-

S. Sambrooks, B. Elliott, D. Reeves and D. Provines.

Officers:-

P. Hackett (Executive Director – Transformation), A. Wylie (Principal Solicitor), T. Morrell (Senior HR Advisor), S. Gordon (HR and Payroll Operations Manager) and A. Bluff (Governance Officer).

J. Clayton (Unison) in the Chair

0907. APOLOGIES

Apologies for absence were received on behalf of Councillors E. Watts, A. Grundy (Assistant Director Human Resources) and W. Edge (Unison).

0908. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0909. DECLARATIONS OF INTEREST

There were no declarations of interest made.

UNION/EMPLOYEE CONSULTATION COMMITTEE

0910. MINUTES – 9TH OCTOBER 2014

Moved by Councillor K. Reid, seconded by J. Clayton

RESOLVED that the Minutes of a Union/Employee Consultation Committee held on 9th October 2014 be approved as a true record.

0911. EQUALITY MONITORING – JULY 2014 TO SEPTEMBER 2014 AND OCTOBER 2014 TO DECEMBER 2014

Committee considered two reports in relation to equality monitoring for the periods July 2014 to September 2014 and October 2014 to December 2014 respectively.

Moved by Councillor A.F. Tomlinson and seconded by Councillor A. M. Syrett

RESOLVED that (1) the report be noted.

(Assistant Director Human Resources/Governance Manager)

0912. SICKNESS ABSENCE/OCCUPATIONAL HEALTH STATISTICS – OCTOBER 2014 TO DECEMBER 2014

Committee was advised that sickness absence/occupational health statistics for the period July 2014 to September 2014 would be presented as part of the annual sickness absence report at the next meeting of UECC.

A Unison representative noted an increase in sickness absence due to stress. The Senior Human Resources Advisor replied that the Authority recognised that stress was becoming more of an issue. Stress Awareness training had been offered to staff but there had been little or no take up at Bolsover.

Moved by Councillor A.F. Tomlinson and seconded by Councillor K. Shillitto

RESOLVED that the report be noted.

0913. DRAFT POLICY ON SOCIAL NETWORKING

The Senior Human Resources Advisor presented a draft Policy on Social Networking for Committee's consideration.

The draft Policy was based on a model policy which had been adopted at NEDDC in 2013.

A Unison representative raised that employee use of social media was currently an area that was developing with tribunals etc and the Policy needed to stay in line with those cases. Unison representatives also requested a clear statement that reflected the legal position of trade unions be included in the Policy that legitimate trade union activities were excluded from the Policy, for example, campaigning for equal pay.

UNION/EMPLOYEE CONSULTATION COMMITTEE

The Senior Human Resources Advisor replied that it was proposed to review the Policy on an annual basis or as cases arise and noted that all Council policies were subject to review at any time. Comments or criticism that could cause embarrassment to the Council should not be published on social media by employees and executive trade unions should not be excluded from that as part of their union activities.

A lengthy discussion took place.

It was agreed that the draft Social Networking Policy be deferred to a future meeting of UECC to enable Unison and HR Managers to discuss suitable wording to ensure no discrimination could occur in respect of legitimate trade union activities.

Moved by K. Shillitto and seconded by Councillor A.F. Tomlinson

RESOLVED that the draft Social Networking Policy be deferred to a future meeting of UECC to enable Unison and HR Managers to discuss suitable wording to ensure no discrimination could occur in respect of legitimate trade union activities.

(Assistant Director Human Resources/Governance Manager)

0914. REVIEW OF DISCIPLINARY POLICY

The Senior HR Advisor presented a draft Disciplinary Policy for Committee's consideration.

The report had been deferred from the last meeting of UECC to enable Unison time to consider the managerial procedure document.

A Unison representative noted that Unison had a number of issues regarding the Policy which Unison felt had not been addressed and so were not in a position to agree the Policy. The issues related to gross misconduct and management leading on investigations.

Currently on misconduct related matters, Human Resources (HR), appointed an independent investigator and the draft Policy indicated that this would normally be the person's line manager. Unison had also noted that line managers did not want to investigate staff.

The Senior HR Advisor advised the meeting that the draft Policy now allowed for other managers to investigate on misconduct related matters, or the legal team or a line manager. HR felt that in some circumstances a line manager would be the best person to understand an issue, for example, on why an incident had happened etc, and also the context of an issue.

A Member queried who would decide if a line manager was appropriate to carry out an investigation and also if an employee could object to it. The Senior HR Advisor replied that the Assistant Director Human Resources would decide who was best

UNION/EMPLOYEE CONSULTATION COMMITTEE

placed to carry out an investigation and an employee could ask for someone else to be considered if they objected to their line manager doing so.

Another Member felt that capability and performance of an employee should be the line manager's role but not a disciplinary investigation.

A lengthy discussion took place.

It was agreed that the report be deferred to the next meeting of UECC to be held in June on the basis that Unison and HR attempt to reach a mutual agreement on the draft Disciplinary Policy within one month from the date of this meeting.

Moved by J. Clayton and seconded by Councillor A. F. Tomlinson

RESOLVED that the draft Disciplinary Policy be deferred to a UECC meeting in June to enable Unison and Human Resources to reach a mutual agreement on the Policy within one month from the date of this meeting.

(Assistant Director Human Resources/Governance Manager)

0915. REVIEW OF SICKNESS ABSENCE MANAGEMENT POLICY

The HR and Payroll Operations Manager presented a draft Sickness Absence Management Policy for Committee's consideration.

The report had been deferred from the last meeting of UECC to enable Unison time to consider the managerial procedure document

A Unison representative noted that Unison had a number of issues regarding the Policy which Unison felt had not been addressed and so were not in a position to agree the Policy. The issues related to line managers having discretion over how sickness absence was handled.

A lengthy discussion took place in relation to how much discretion managers had in the Policy.

A Unison Representative noted that the current Sickness Management Procedure was led by HR with clear trigger points and guidance – the revised Policy shifted decisions onto the Line Manager. Unison had canvassed employees and the vast majority were unhappy including Managers.

The HR and Payroll Operations Manager noted that Managers would not be making decisions without advice from HR to ensure consistency.

A Member suggested that the draft Sickness Absence Policy be deferred to a UECC meeting in June to enable Unison and Human Resources to reach a mutual agreement on the Policy.

A Member noted that the Policy could still be implemented if there was a failure to agree.

UNION/EMPLOYEE CONSULTATION COMMITTEE

Moved by Councillor K. Reid and seconded by Councillor A. M. Syrett

RESOLVED that the draft Sickness Absence Management Policy be deferred to a UECC meeting in June to enable Unison and Human Resources to reach a mutual agreement on the Policy.

(Assistant Director Human Resources/Governance Manager)

Councillor Tomlinson left the meeting at this point.

0916. ANNUAL LEAVERS BREAKDOWN REPORT FOR 2013/2014

Committee considered a report in respect of exit information and a summary of primary reasons for permanent employees leaving the Authority.

The report covered the periods 1st April 2013 to 31st March 2014 with comparisons for the same period in 2012/2013.

A Unison representative asked if voluntary redundancy figures could be included in the report in future years.

Moved by Councillor K. Reid and seconded by Councillor A.M. Syrett

RESOLVED that (1) the report be received,

(2) voluntary redundancy figures be included in the report in future years.

(Assistant Director Human Resources)

The meeting concluded at 1200 hours

Bolsover District Council

Union Employee Consultation Committee

8th June 2015

Equalities Monitoring Report

Report of the Assistant Director of Human Resources

This report is public

Purpose of the Report

- To provide the Committee with equality data in relation to its recruitment practices for the periods July to September, October to December 2014 and January to March 2015 with comparative data for the same period of 2013 and 2014 respectively.

1 Report Details

- 1.1.1 To submit for Members attention monitoring data on the Council's performance on equalities issues in relation to its employment practices. This report does not cover corporate policy/service delivery monitoring.
- 1.1.2 It is recognised good practice to have a workforce that is broadly representative of the local community. With regard to the local community, the 2011 census indicates that the local population is 75,866, of which 37,442 are economically active.

	White and White British	Mixed/ multiple ethnic groups	Asian/Asian British	Other	Black/African / Caribbean/ Black British
Population#	98.1%	0.7%	0.8%	0%	0.4%
Workforce##	98.78%	0.61%	0%	0%	0.61%
September 2014					
December 2014	98.60%	0.60%	0%	0%	0.80%
March 2015	98.42%	0.59%	0.20%	0%	0.79%

#based on 2011 Census

##based on employee personal data as at 30th September 2014, 31st December 2014 and 31st March 2015.

1. An analysis of Bolsover District's population and workforce in respect of religion/beliefs is as follows:-

	Other	Christian	Hindu	Sikh	Buddhist	Muslim	Jewish	Prefer Not to Say	No Religion
Population#	0.3%	65.2%	0.1%	0.1%	0.2%	0.2%	0	6.9%	27%
Workforce##	1.21%	54.14%	0%	0%	0%	0%	0%	26.06%	18.59%
September 2014									
December 2014	1.20%	53.71%	0%	0%	0%	0%	0%	27.05%	18.04%
March 2015	1.19%	53.36%	0%	0%	0%	0%	0%	27.27%	18.18%

#based on 2011 Census

based on employee personal data as at 30th September 2014, 31st December 2014 and 31st March 2015.

Performance Indicators

The following table identifies all performance indicators relevant to Equalities:-

INDICATOR	MEDIAN DERBYSHIRE AUTHORITIES 2013/2014	AUTHORITY TARGET 2014/2015	AUTHORITY OUT-TURN JULY TO SEPTEMBER 2014	AUTHORITY OUT-TURN OCTOBER TO DECEMBER 2014	AUTHORITY OUT-TURN 2014/15
HR11A - Percentage of top 5% of earners that are women	43.39%	45%	52.17%	56.52%	56.52%
HR11B - Percentage of top 5% of earners from black or ethnic communities	2.11%	0%	0%	0%	0%
HR11C - Percentage of top 5% of earners who are disabled	2.07%	7%	13.04%	13.04%	13.04%
HR16A - Percentage of disabled employees	4.14%	6%	10.30%	10.42%	10.27%
HR17A - Percentage of employees from minority ethnic communities'	2.13%	0.5%	1.22%	1.40%	1.58%

Information and Analysis

Recruitment/Selection 1st July to 30th September 2014

Permanent Employees

For the period 1st July to 30th September, 2014 there were 18 vacancies advertised, 44 applications received, 34 candidates shortlisted and 20 successful candidates. Out of the vacancies advertised there were no applications received for five of the positions and on two occasions there were more than one successful applicant appointed to the posts. For the period 1st July to 30th September, 2013 there were 22 vacancies advertised, 97 applications received, 44 candidates shortlisted and 20 successful candidates.

Applicants Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	68.18%	31.82%	6.82%	25%	34.09%	22.73%	18.18%
2013	98.96%	1.04%	64.94%	35.06%	6.18%	17.52%	42.26%	23.71%	16.51%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	86.37%	2.27%	0%	0%	11.36%
2013	92.78%	1.04%	0%	0%	6.18%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	45.45%	0%	0%	0%	0%	0%	0%	54.55%
2013	48.45%	0%	0%	0%	0%	0%	0%	51.55%

Shortlisted Candidates Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	67.65%	32.35%	0%	20.59%	41.18%	23.53%	14.70%
2013	97.73%	2.27%	61.36%	38.64%	11.36%	18.18%	50%	15.90%	15.92%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	73.53%	2.94%	0%	0%	23.53%
2013	40.90%	0%	0%	0%	59.10%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	55.88%	0%	0%	0%	0%	0%	0%	44.12%
2013	93.18%	0%	0	0%	0%	0%	0%	6.82%

Successful Candidates

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	50%	50%	0%	20%	50%	25%	5%
2013	95%	5%	70%	30%	10%	30%	45%	20%	5%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	85%	0%	0%	0%	15%
2013	90%	0%	0%	0%	10%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	60%	0%	0%	0%	0%	0%	0%	40%
2013	30%	0%	0%	0%	0%	0%	0%	70%

Information and Analysis

Recruitment/Selection 1st October to 31st December, 2014

Permanent Employees

For the period 1st October to 31st December, 2014 there were 23 vacancies advertised (5 of which were unfilled), 96 applications received, 70 shortlisted and 18 successful candidates. On one occasion there was more than one successful candidate per vacancy. For the period 1st October to 31st December, 2013 there were 9 vacancies, 118 applicants, 67 shortlisted and 18 successful applicants on one occasion there was more than one successful applicant for the vacancy (i.e. **11 appointed Casual Leisure Attendant posts for the one vacancy advertised**).

Applicants Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	97.92%	2.08%	55.21%	44.79%	4.16%	10.42%	35.42%	28.12%	26.04%
2013	94.92%	5.08%	77.96%	22.04%	2.54%	25.42%	24.57%	29.67%	20.34%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	78.13%	1.04%	0%	0%	20.83%
2013	66.10%	0%	0%	0.85%	33.05%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	47.92%	1.04%	0%	0%	0%	0%	3.12%	47.92%
2013	80.50%	0%	0%	0%	0%	0%	0.85%	18.65%

Shortlisted Candidates Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	97.14%	2.86%	57.14%	42.86%	5.71%	7.14%	35.72%	30.00%	27.14%
2013	92.54%	7.46%	65.67%	34.33%	1.49%	22.39%	31.34%	23.88%	22.39%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	82.86%	1.43%	0%	0%	15.71%
2013	65.67%	0%	0%	0%	34.33%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	54.29%	1.43%	0%	0%	0%	0%	5.71%	38.57%
2013	61.19%	0%	0%	0%	0%	0%	2.99%	35.82%

Successful Candidates

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0%	44.45%	55.55%	5.55%	11.11%	50%	11.11%	27.78%
2013	88.89%	11.11%	88.89%	11.11%	0%	44.44%	38.89%	16.67%	0%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	94.45%	0%	0%	0%	5.55%
2013	94.45%	0%	0%	0%	5.55%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2014	61.11%	0%	0%	0%	0%	0%	0%	38.89%
2013	94.45%	0%	0%	0%	0%	0%	0%	5.55%

Information and Analysis

Recruitment/Selection 1st January to 31st March 2015

Permanent Employees

For the period 1st January, 2015 to 31st March, 2015 there were 12 vacancies (2 were unfilled), 134 applications received, 61 shortlisted and 12 successful applicants, on two occasions there was more than one successful candidate per vacancy.

For the period 1st January to 31st March, 2014 there were 13 vacancies (three of which were unfilled), 368 applications received, 77 shortlisted and 24 successful candidates, on three occasions there was more than one successful candidate per vacancy.

Applicants Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	97.76%	2.24%	82.09%	17.91%	1.49%	31.34%	35.82%	18.66%	14.18%
2014	97.28%	2.72%	46.19%	53.81%	2.98%	17.66%	34.51%	21.73%	26.10%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2015	71.65%	1.49%	0.74%	0.74%	25.38%
2014	92.40%	0.81%	0.27%	0.27%	6.25%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2015	45.53%	0.74%	0%	0%	0%	0.74%	2.99%	50%
2014	49.19%	0.54%	0%	0%	0.27%	0%	0.81%	49.19%

Shortlisted Candidates Breakdown

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	96.72%	3.28%	78.69%	21.31%	1.64%	21.31%	40.99%	19.67%	18.03%
2014	98.70%	1.30%	58.44%	41.56%	10.39%	12.99%	29.87%	23.38%	33.76%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2015	83.61%	1.64%	1.64%	0%	13.11%
2014	90.90%	1.30%	0%	0%	7.80%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2015	49.18%	0%	0%	0%	0%	1.64%	1.64%	47.54%
2014	55.85%	1.30%	0%	0%	1.30%	0%	1.30%	40.25%

Successful Candidates

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	91.67%	8.33%	75%	25%	0%	25%	58.33%	16.67%	0%
2014	100%	0%	66.66%	33.34%	4.16%	25%	20.83%	20.83%	33.34%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2015	83.34%	8.33%	0%	0%	8.33%
2014	83.33%	4.16%	0%	0%	12.51%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None/Prefer Not to Say
2015	50%	0%	0%	0%	0%	8.33%	0%	41.67%
2014	66.67%	0%	0%	0%	0%	0%	0%	33.33%

Information and Analysis

Workforce Monitoring 1st July to 30th September 2014

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	98.78%	1.22%	53.13%	46.87%	10.30%	7.07%	21.42%	32.12%	39.39%
2013	99.18%	0.82%	53.10%	46.90%	7.85%	6.40%	21.70%	32.23%	39.67%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	71.52%	0.20%	0%	0.20%	28.08%
2013	69%	0%	0%	0.21%	30.79%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None
2014	54.14%	0	0	0	0	0	1.21%	44.65%
2013	53.51%	0%	0%	0%	0%	0%	1.24%	45.25%

Employee numbers are based on headcount @ 30th September 2014 with comparative figures @ 30th September 2013.

Training/Development

42 places have been 'taken up' with regard to off the job training. The breakdown of attendees is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	71.43%	28.57%	14.28%	2.38%	11.91%	50%	35.71%
2013	100%	0%	16.67%	83.33%	27%	8.88%	18.89%	34.45%	37.78%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	69.05%	0	0	0	30.95%
2013	82.22%	0%	0%	0%	17.78%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None
2014	59.52%	0	0	0	0	0	0	40.48%
2013	66.67%	0%	0%	0%	0%	0%	2.22%	31.11%

Discipline

There were no disciplinary actions during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

Grievances (including Harassment/Bullying)

There were no grievances lodged during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

Labour Turnover

There have been 15 leavers during this period, the breakdown is as follows: -

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	73.33%	26.67%	0	13.33%	26.67%	20%	40%
2013	100%	0%	61.11%	38.89%	0%	38.89%	33.33%	5.56%	22.22%

Voluntary Leavers

There have been 10 voluntary leavers during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	60%	40%	0	0	20%	20%	60%
2013	100%	0%	42.86%	57.14%	0%	42.86%	42.86%	14.28%	0%

Dismissals

There was one dismissal on grounds of capability during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	100%	0	0	0	100%	0	0
2013	0	0	0	0	0	0	0	0	0

Redundancies/Efficiency of the Service

There were no redundancies during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	100%	0%	66.67%	33.33%	0%	0%	33.33%	0%	66.67%

Ill-Health Retirements

There were no ill health retirements during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	100%	0%	100%	0%	0%	0%	0%	0%	100%

Information and Analysis
Workforce Monitoring 1st October to 31st December 2014

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	98.60%	1.40%	53.31%	46.69%	10.42%	8.62%	21.24%	30.86%	39.28%
2013	99%	1%	54.51%	45.49%	8.42%	7.02%	21.24%	31.86%	39.88%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	71.74%	0	0	0	28.26%
2013	69.94%	0	0	0.20%	29.86%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None
2014	53.71%	0	0	0	0	0	1.20%	45.09%
2013	54.11%	0	0	0	0	0	1.40%	44.49%

Employee numbers are based on headcount @ 31st December 2014 with comparative figures @ 31st December 2013.

Training/Development

89 places have been 'taken up' with regard to off the job training. The breakdown of attendees is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	56.18%	43.82%	8.99%	4.49%	15.73%	33.71%	46.07%
2013	100%	0	67.88%	32.12%	5.45%	13.33%	20%	32.73%	33.94%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2014	71.91%	0	0	0	28.09%
2013	61.82%	0	0	0	38.18%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None
2014	56.18%	0	0	0	0	0	1.12%	42.70%
2013	45.46%	0	0	0	0	0	2.42%	52.12%

Discipline

There were no disciplinary actions during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

Grievances (including Harassment/Bullying)

There were no grievances lodged during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

Labour Turnover

There have been 11 leavers during this period, the breakdown is as follows: -

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	81.82%	18.18%	0	0	27.28%	36.36%	36.36%
2013	100%	0%	76.93%	23.07%	15.38%	7.69%	15.39%	23.07%	53.85%

Voluntary Leavers

There have been 10 voluntary leavers during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	80%	20%	0	0	30%	40%	30%
2013	100%	0	71.43%	28.57%	28.57%	14.29%	28.57%	0	57.14%

Dismissals

There were no dismissals on grounds of capability during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	100%	0	100%	0	0	0	0	100%	0

Redundancies/Efficiency of the Service

There was one redundancy during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	100%	0	100%	0	0	0	0	0	100%
2013	100%	0	66.67%	33.33%	0	0	0	0	100%

III-Health Retirements

There were no ill health retirement during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2014	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0

Information and Analysis

Workforce Monitoring 1st January to 31st March 2015

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	98.42%	1.58%	53.36%	46.64%	10.27%	8.89%	21.94%	32.22%	37.94%
2014	98.60%	1.40%	52%	48%	10.2%	4.19%	19.77%	32.32%	43.72%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2015	72.14%	0	0	0	27.86%
2014	66.74%	0	0	0.23%	33.03%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None
2015	53.36%	0	0	0	0	0	1.19%	45.45%
2014	53.25%	0	0	0	0.23%	0	1.16%	45.36%

Employee numbers are based on headcount @ 31st March 2015 with comparative figures @ 31st March 2014.

Training/Development

144 places have been 'taken up' with regard to off the job training. The breakdown of attendees is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	100%	0	67.36%	32.64%	13.20%	0.70%	13.19%	37.5%	48.61%
2014	100%	0	68.26%	31.74%	10.32%	3.97%	12.70%	37.30%	46.03%

Year	Heterosexual	Gay	Lesbian	Bisexual	Prefer Not to Say
2015	63.19%	0	0	0	36.81%
2014	59.52%	0	0	0	40.48%

Year	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Any other	None
2015	52.78%	0	0	0	0	0	0	47.22%
2014	48.41%	0	0	0	0	0	0	51.59%

Discipline

There were no disciplinary actions during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	0	0	0	0	0	0	0	0	0
2014	0	0	0	0	0	0	0	0	0

Grievances (including Harassment/Bullying)

There were no grievances lodged during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	0	0	0	0	0	0	0	0	0
2014	0	0	0	0	0	0	0	0	0

Labour Turnover

There have been 10 leavers during this period, the breakdown is as follows: -

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	100%	0	50%	50%	0	20%	10%	20%	50%
2014	100%	0	57.14%	42.86%	0	0	14.29%	28.57%	57.14%

Voluntary Leavers

There have been 7 voluntary leavers during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	100%	0	57.14%	42.86%	0	14.29%	14.29%	14.29%	57.14%
2014	100%	0	57.14%	42.86%	0	0	14.29%	28.57%	57.14%

Dismissals

There was one dismissal on grounds of other substantial reason during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	100%	0	100%	0	0	100%	0	0	0
2014	0	0	0	0	0	0	0	0	0

Redundancies/Efficiency of the Service

There were no redundancies during this period, the breakdown is as follows:-

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	0	0	0	0	0	0	0	0	0
2014	100%	0	100%	0	0	0	0	0	100%

Ill-Health Retirements

There were no ill health retirements during this period.

Year	White	Ethnic	Male	Female	Disabled	16-24	25-39	40-49	50+
2015	0	0	0	0	0	0	0	0	0
2014	0	0	0	0	0	0	0	0	0

ISSUES FOR CONSIDERATION

Analysis of the statistics/information presented/possible changes to policy to improve performance.

IMPLICATIONS

Financial - None

Legal - None

Environmental - None

Human Resources - None

RECOMMENDED that (1) the report be noted,

(2) recommendations be received as to improvements to current performance levels.

Bolsover District Council**Union/Employee Consultation Committee****8th June 2015**

Sickness Absence/Occupational Health Statistics 2014/15

Report of the Joint Assistant Director Human Resources

This report is public.

Purpose of the Report

To provide Sickness Absence/Occupational Health Statistics 2014/15 for the Committee to consider.

1 Report Details**1. Sickness Absence/Occupational Health Referral Statistics 2013/14 and 2014/15.**

- 1.1 The sickness absence outturn for 2014/15 are shown below, with comparisons for 2013/14:

Target 2014/15	Out turn 2013/14	Out turn 2014/15
8.5 days	9.10 days	9.20 days

A breakdown of these figures for 2014/15 by Department, and by long term/short term sickness absence, is attached for information.

- 1.2 The outcome of long term sickness absence management 2014/15, with comparisons for 2013/14 is shown below:

	2013/14	2014/15
Rehabilitation	38	39
Ill Health Retirement	-	0
Dismissed/Capability	1	0
Outstanding	2	2
Retired	1	0
TOTAL	42	41

1.3 The top three causes of sickness absence for 2013/14 and 2014/15 are as follows:

2013/14		2014/15	
Cause	Days Lost	Cause	Days Lost
Musc/Skeletal	878	Musc/Skeletal	789.5
Stress	698	Stress	540
Back/Neck	471	Infections	344
TOTAL	2047	TOTAL	1673.5

1.4 A breakdown of the reasons for all long term sickness absence is as follows:

Reasons for Long Term Sickness Absence 2014/15	
Reason for Absence	No. of Employees Citing this Reason
Stress/Depression	8
Neurological	4
Muscular/Skeletal	18
Back/Neck	3
Other	3
Genito/Gynae	3
Heart/BP/Circulation	1
Infections	1

There have been 8 employees undergoing counselling during this period.

2 Conclusions and Reasons for Recommendation

N/A

3 Consultation and Equality Impact

3.1 Sickness absence data is considered at the UECC and quarterly performance review meetings.

4 Alternative Options and Reasons for Rejection

N/A

5 Implications

N/A

5.1 Finance and Risk Implications

N/A

5.2 Legal Implications including Data Protection

N/A

5.3 Human Resources Implications

Contained in the report

6 Recommendations

6.1 For the Committee to note the report.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
N/A	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Linda Charity	2496

Report Reference –

BVPI12 -2014/15 LONG TERM/SHORT TERM SPLIT

DEPARTMENT	AVERAGE EMPLOYEES 12 MONTHS	DAYS LOST	FTE DAYS	LONG TERM ABSENCE NO OF DAYS	SHORT TERM ABSENCE NO OF DAYS	LT ABSENCE PER FTE	ST ABSENCE PER FTE
SENIOR MANAGERS GROUP	5.00	63.50	12.70	63.50	0.00	12.70	0.00
	5.00	63.50	12.70	63.50	0.00	12.70	0.00
GROWTH DIRECTORATE							
LEGAL AND LAND CHARGES	6.79	185.00	27.25	162.00	23.00	23.86	3.39
DEMOCRATIC	6.76	58.00	8.58	0.00	58.00	0.00	8.58
PARTNERSHIP TEAM	5.00	18.00	3.60	0.00	18.00	0.00	3.60
ECONOMIC GROWTH_HOUSING STRATEGY	4.30	47.50	11.05	19.50	28.00	4.53	6.51
PLANNING	15.20	50.50	3.32	8.00	42.50	0.53	2.80
	38.05	359.00	9.43	189.50	169.50	4.98	4.45
OPERATIONS DIRECTORATE							
FINANCE	9.02	105.00	11.64	78.00	27.00	8.65	2.99
PROPERTY/ESTATES	18.60	297.00	15.97	245.00	52.00	13.17	2.80
REVENUES	36.30	332.50	9.16	203.50	129.00	5.61	3.55
COMMUNITY SAFETY	10.25	12.00	1.17	0.00	12.00	0.00	1.17
STREET SERVICES	77.55	669.50	8.63	401.00	268.50	5.17	3.46
HOUSING (REPAIRS AND MANAGEMENT)	121.53	1286.00	10.58	921.00	365.00	7.58	3.00
	273.25	2702.00	9.89	1848.50	853.50	6.76	3.12
TRANSFORMATION DIRECTORATE							
IMPROVEMENT	8.35	22.50	2.69	0.00	22.50	0.00	2.69
HUMAN RESOURCES AND PAYROLL	6.80	150.00	22.06	148.00	2.00	21.76	0.29
CUSTOMER SERVICE	25.13	254.50	10.13	142.00	112.50	5.65	4.48
LEISURE	41.66	110.50	2.65	53.00	57.50	1.27	1.38
	81.94	537.50	6.56	343.00	194.50	4.19	2.37
GRAND TOTAL	398.24	3662.00	9.20	2444.50	1217.50	6.14	3.06
Street Services include Depot Resources, Street Scene and Waste Services							
Housing includes Repairs and Maintenance and Supporting People Service							
Legal includes Land Charges							
Planning includes Housing Strategy							
Senior Managers Group includes Joint CEO, Joint Directors and Joint Assistant Directors at 50%							

BVPI12 - APRIL 2013 TO MARCH 2014 OUT-TURN LONG TERM/SHORT TERM SPLIT							
DEPARTMENT	AVERAGE EMPLOYEES 12 MTHS	DAYS LOST	FTE DAYS	LONG TERM ABSENCE NO OF DAYS	SHORT TERM ABSENCE NO OF DAYS	LT ABSENCE PER FTE	ST ABSENCE PER FTE
SENIOR MANAGERS GROUP	3.25	25	7.69	0	25	0	7.69
	3.25	25	7.69	0	25	0	7.69
GROWTH DIRECTORATE							
LEGAL AND LAND CHARGES	8.99	16	1.780	0	16	0.000	1.780
DEMOCRATIC	8.29	28.5	3.438	0	28.5	0.000	3.438
PARTNERSHIP TEAM	5.50	28.5	5.182	28.5	0	5.182	0.000
ECONOMIC GROWTH_ HOUSING STRATEGY PLANNING	2.40	28	11.667	0	28	0.000	11.667
	18.35	17	0.926	0	17	0.000	0.926
	43.53	118	2.711	28.5	89.5	0.655	2.056
OPERATIONS DIRECTORATE							
PROCUREMENT	2.81	0	0.000	0	0	0.000	0.000
FINANCE	9.52	54	5.672	35	19	3.676	1.996
PROPERTY/ESTATES	21.49	157	7.306	92	65	4.281	3.025
REVENUES	37.95	189	4.980	81	108	2.134	2.846
COMMUNITY SAFETY	10.38	13	1.252	0	13	0.000	1.252
STREET SERVICES	78.05	973	12.466	689.5	283.5	8.834	3.632
HOUSING (REPAIRS AND MANAGEMENT)	115.00	1494	12.991	1100	394	9.565	3.426
	275.20	2880	10.465	1997.5	882.5	7.258	3.207
TRANSFORMATION DIRECTORATE							
IMPROVEMENT	7.85	13.5	1.720	0	13.5	0.000	1.720
HUMAN RESOURCES AND PAYROLL	7.00	19	2.714	0	19	0.000	2.714
CUSTOMER SERVICE	25.04	540.5	21.585	437	103.5	17.452	4.133
LEISURE	41.54	76	1.830	0	76	0.000	1.830
	81.43	649	7.970	437	212	5.367	2.603
GRAND TOTAL	403.41	3672.00	9.10	2463.00	1209.00	6.105	2.997
Street Services include Depot Resources, Street Scene and Waste Services							
Housing includes Repairs and Maintenance and Supporting People Service							
Legal includes Land Charges							
Planning includes Housing Strategy							
Senior Managers Group includes Joint CEO, Joint Directors and Joint Assistant Directors at 50%							

Bolsover District Council

Union/Employee Consultation Committee

8th June 2015

Maternity Policy

Report of the Assistant Director – Human Resources

This Report is Public

Purpose of the Report

To ask UECC to consider the attached Maternity Policy and Procedures document and recommend it for adoption by the Council.

1 Report Details

- 1.1 The policy attached at **Appendix A** reflects the latest position in respect of legislation and conditions of service governing maternity leave and pay.
- 1.2 The policy pulls together all of the provisions contained in the existing Maternity Provisions Policy, Maternity Provisions (Apprentices) and Maternity Leave Guidance, and replaces these three documents.

2 Conclusions and Reasons for Recommendation

- 2.1 Where policies reflect the legislative position, it is important to review these regularly to ensure they remain fit for purpose. In addition, it is proposed to pull together the contents of three existing documents to aid clarification.

3 Implications

3.1 Finance and Risk Implications

- 3.1.1 None.

3.2 Legal Implications including Data Protection

- 3.2.1 None.

3.3 Human Resources Implications

- 3.3.1 None.

4 Recommendations

- 4.1 UECC are asked to agree to the proposed policy and procedures document so that it can be approved for adoption.

5 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	N/A

6 Document Information

Appendix No	Title
A.	Maternity Policy and Procedures
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Tania Morrell	7006

Bolsover District Council

Maternity Policy and Procedures

(May 2015)



CONTROL SHEET FOR MATERNITY POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Maternity
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	T Morrell - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	N/A
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / UECC / Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

MATERNITY POLICY

SCOPE

This policy applies to all women employees who, regardless of length of service and hours of work are entitled to maternity leave. The information in this Policy reflects the relevant legislation and specifically deals with the occupational maternity scheme of the National Joint Council for Local Government Services.

HOW TO USE THIS POLICY

Both the statutory and contractual maternity scheme offer benefits to employees which vary depending on their length of service. This leads to three groups of employees who have slightly different entitlements:

- those who have been continuously employed for 26 weeks by the 15th week before EWC,
- those who have less than 26 weeks continuous employment by the 15th week before EWC, and
- those with at least one year's continuous service at the 11th week before the EWC.

PURPOSE

This Policy is intended to help managers and employees understand maternity leave and pay.

Maternity provisions can be very complex and the information contained in the policy is intended to answer the initial questions managers and employees may have. If you have any further queries regarding maternity leave, pay, or pensions, please contact a member of the Human Resources and Payroll Team.

DEFINITIONS

Childbirth

In this context, childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.

Expected Week of Childbirth (EWC)

In this context, expected week of childbirth means the week, beginning with midnight between Saturday and Sunday, in which it is expected that the baby will be born.

Week of Childbirth

In this context, week of childbirth means the week, beginning with midnight between Saturday and Sunday, in which the baby is actually born.

Average weekly earnings

Average weekly earnings take into account what an employee actually earned in the 8 week period ending with the qualifying week. Therefore bonuses, pay awards and other ad-hoc payments which fall in that period count in the calculation of SMP.

Qualifying week

The qualifying week is the 15th week before the expected week of childbirth.

ABBREVIATIONS

EWC Expected Week of Childbirth

OML Ordinary Maternity Leave

AML Additional Maternity Leave

APL Additional Paternity Leave

SMP Statutory Maternity Pay

MA Maternity Allowance

SPL Statutory Paternity Leave

MSL Maternity Support Leave

SPL Shared Parental Leave

ShPP Statutory Shared Parental Pay

MATERNITY ENTITLEMENT:

Maternity entitlement can be divided into two main areas: Entitlement to Time Off, and Entitlement to Pay.

1 LEAVE

There are three types of maternity leave: ordinary, additional and compulsory.

1.1 Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML)

Regardless of length of service, all women are entitled to take 26 weeks' Ordinary Maternity Leave (OML), followed by 26 weeks' Additional Maternity Leave (AML). All pregnant employees are therefore entitled to a total period of up to 52 weeks' maternity leave. This includes those employed under the Apprenticeship Scheme.

In order to be eligible for ordinary maternity leave and additional maternity leave, an employee must give notification:

- That she is pregnant;
- Of her expected week of childbirth;
- Of the date on which she intends her maternity leave to start.

If requested, the employee must provide notification in writing and provide a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth. (Please see section 3 on Notification.)

OML can start on any day from the 11th week before the EWC.

If an employee's maternity leave has not already started, it will be triggered by the birth of the child, or a pregnancy-related absence from the beginning of the 4th week before the EWC. In both of these situations, the employee must notify her employer in writing as soon as reasonably practicable. If the employee gives birth prior to the start of her OML, OML begins on the day childbirth occurs.

An employee is still entitled to OML if she has a stillbirth after 24 weeks of pregnancy, or if the child dies.

1.2 Compulsory Maternity Leave

An employee must not return to work for two weeks following the date of childbirth.

1.3 When Does Maternity Leave Commence?

Maternity leave can start on any day from the beginning of the 11th week before the Expected Date of Childbirth (EWC), apart from two circumstances.

- If childbirth occurs before this date, or before the employee has been able to notify the Authority of her intention, maternity leave will begin the day after childbirth (NB See definition).
- The start of ordinary maternity leave will be triggered automatically if the employee is absent from work wholly or partly on account of a pregnancy-related condition within four weeks of the week her baby is due.

2 PAY

There are two types of pay to which an employee may be entitled. Statutory Maternity Pay which comes from the State, and Occupational Maternity Pay which is paid by the employer. Both are based on length of service as follows:

2.1 Statutory Maternity Pay

An employee who is pregnant will be eligible to receive Statutory Maternity Pay (SMP) for 39 weeks provided that:

- She has been employed for a minimum of 26 weeks as at the end of the 15th week before the week her baby is due (which is known as the qualifying week);
- She is still employed during that week, ie has not resigned or been dismissed before the beginning of that week;
- Her average weekly earnings during the period of eight weeks that immediately precede the 14th week before the expected week of childbirth, are equal to or greater than the lower earnings limit for national insurance contributions.*

If the above conditions have not been met, SMP will not be payable.

SMP is payable once the employee begins her maternity leave and it can begin on any day of the week. If an employee chooses to return to work before SMP is due to end (ie before the 39th week), she will forfeit any outstanding SMP that would otherwise have been due to her.

SMP is payable whether or not the employee intends to return to work or actually returns to work after maternity leave.

SMP is payable as follows:

- 6 weeks at 90% of average earnings;
- 33 weeks at a rate set annually by the Government or 90% of normal wage, whichever is lower.

It should be noted that SMP is regarded as earnings and therefore tax and National Insurance contributions will be deducted.

* If earnings are below this level the employee should complete form SMP1 so that she can claim Maternity Allowance from the Benefits Agency. Where a woman qualifies, she will receive 39 weeks' Maternity Allowance payable at the same flat rate as SMP or 90 percent of earnings, if less.

NB If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether OML or AML), the higher or standard rate of SMP will be recalculated to take account of the employee's pay rise, regardless of whether SMP has already been paid. This means that the employee's SMP will be recalculated and increased retrospectively, or that she may qualify for SMP if she did not previously. The employee will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

2.2 Occupational Maternity Pay

Employees with at least one year's continuous service at the 11th week before the EWC will be entitled to the following Occupational Maternity Pay:

- **Weeks 1 – 6** 90% of a week's pay (offset against payments made by way of SMP or Maternity Allowance*).
- **Weeks 7 - 18** Where an employee has declared in writing that she intends to return to work, she will receive half pay plus SMP, provided that this does not exceed full pay. This is paid on the understanding that a woman will return to local authority employment for at least three months following maternity leave. For employees not intending to return, payment will be the employee's entitlement to SMP only.

(If an employee is unsure whether or not she will return, there are two options; - to repay the half pay if she decides not to return, - or to ask the employer to withhold the half pay and receive this in a lump sum if she decides to return.)

- **Weeks 19-39** For the remaining 21 weeks, the employee will receive their SMP entitlement only.
(*This means that the statutory payments are made in addition to Occupational Maternity Pay, but the salary element will be adjusted so that the total does not exceed full pay.)

3 NOTIFICATION

3.1 Notification of Pregnancy

An employee must notify her employer of the following as soon as possible, and at least 28 days before her absence begins:

- That she is pregnant
- Of her expected week of childbirth (EWC)
- Of the date on which she wants her maternity leave to start. This cannot be earlier than the 11th week before the EWC.

If an employee who has already provided notification of her maternity leave start date subsequently changes her mind, she may do so by giving at least 28 days' notice of the revised start date. This may be earlier or later than the date originally notified, but cannot be earlier than the 11th week before the EWC.

On receipt of an employee's notification that she intends to take maternity leave, the employer must respond in writing within the next 28 days acknowledging the employee's intentions and informing her of the latest date on which she may return to work after her maternity leave. This will be 52 weeks after the start of the employee's maternity leave.

If childbirth occurs early the employee must notify the Authority that she has given birth. This notification must be provided as soon as reasonably practicable and must be in writing.

3.2 Notification of Return

An employee who decides to return to work at the end of her additional maternity leave is not required to give any specific notice of her return date. She may simply turn up to work in the usual way on the appropriate date.

If however she wishes to return to work early, including at the end of her ordinary maternity leave, she must give at least eight weeks' notice in writing of the date on which she intends to return.

3.3 Requests to return on varied hours

If a woman wishes to return from maternity leave on reduced hours, she should make the request as soon as possible, and no later than 28 days prior to her intended return to work date.

3.4 Right to return to the same job

The employee has the right to resume working in the same job on return from OML. If the employee returns to work after a period of AML, she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Employees on an Apprenticeship contract have a right to return to the job in which they were employed up to the end of the Apprenticeship contract.

3.5 Failure to return to work

Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless the employee is sick and produces a current fit note before the end of the maternity leave period.

If the employee decides during maternity leave that she does not wish to return to work, she should give written notice of resignation to the organisation as soon as possible and in accordance with the terms of her contract of employment.

4 KEEPING-IN-TOUCH DAYS

Employees on ordinary or additional – but not compulsory – maternity leave may do up to 10 days' work under their contract of employment without bringing their maternity leave period to an end or losing their entitlement to statutory maternity pay. These days are known as 'keeping-in-touch' days.

The employee can go in for one hour or a whole day. This will still be a 'keeping-in-touch' day. The days of work may be separate days or a single block, as agreed between the employee and her manager. The provision can be used in a number of ways, for example to invite an employee on maternity leave to go on a training course, to attend an important team meeting, or to undergo an EDPR interview.

Line managers may not, however, oblige the employee to do any work during their maternity leave. Neither are employees entitled to be offered any work to do. The amount and type of work to be done is subject to the agreement of both parties, as is the amount of remuneration that the employee will be paid. A woman's maternity

leave will not be extended due to the fact that she has carried out some work during this period.

5 REASONABLE CONTACT

Managers may make reasonable contact with employees who are on maternity leave, for example to discuss the employee's plans to return to work, significant workplace developments, job vacancies, training opportunities or whether the employee might wish to seek any changes to her working hours or pattern of work on her return. This would not constitute 'work' and would not therefore count towards the 10 days.

In the case of Apprentices, prior to going on maternity leave the Apprenticeship Officer will ascertain whether or not the Apprentice wishes to receive copies of any job vacancies or training opportunities during their maternity leave. Should there be any significant workplace developments, they will be informed of these in writing by the Apprenticeship Officer.

6 CONTRACTUAL BENEFITS

Apart from remuneration, an employee is entitled to benefit from the same terms and conditions of employment throughout the ordinary maternity leave and additional maternity leave period.

What qualifies as remuneration?

Examples of payments which count as remuneration are:

- Basic Pay
- Contractual overtime

6.1 Car User Allowances

An employee is entitled to receive the allowance in full (pro rata to hours worked) for the whole of the ordinary maternity leave and additional maternity leave period.

6.2 Mobile Phone

Employees who are in receipt of a mobile phone will continue to have the provision of the mobile phone for the whole of the ordinary maternity leave and additional maternity leave period.

6.3 Childcare Vouchers

An employee is entitled to request and receive childcare vouchers for the whole of the ordinary maternity leave and additional maternity leave period.

6.4 Annual Leave

Annual leave is a contractual benefit and therefore must be protected during the AML period. This means that annual leave continues to accrue during the maternity leave period and will be added to their entitlement for the leave year. Therefore the time when an employee is on maternity leave will count towards her continuous service for the purposes of qualifying for additional annual leave (ie the additional five days leave after five years service) and longer sick pay entitlement.

However, it should be noted that there is no provision for carry-forward of leave from one leave year to the next. Therefore dependent on the employee's individual leave year and the timing of the maternity leave, the employee may wish to convert part of the unpaid AML period to paid leave. For guidance on this, please speak to a member of the Human Resource Team.

Apprentices who do not return to work before the end of their Apprenticeship contract are entitled to payment for any untaken days as part of their final salary.

6.5 Sickness Absence

If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory / contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun OML. If, however, the employee is absent from work due to a pregnancy related illness after the beginning of the fourth week before her EWC, her maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the EWC, she must confirm this in writing as soon as reasonably practicable.

6.6 Pension Contributions

During the employee's paid maternity leave she will continue to pay superannuation contributions on the actual maternity pay she has received (including statutory pay, contractual pay and any payment in respect of KIT days). The employer's contributions will be based on the employee's assumed pensionable pay, which will be calculated in accordance with the Local Government Pension Scheme rules.

No contributions will be payable by either the employee or the employer in any period of AML in which a woman receives no pay.

Any period of unpaid AML will not count as membership unless an election is made to pay contributions for this period following return to work or resignation (see below).

When the employee returns to work, or equally if she resigns or is dismissed during or after the AML, she can pay the contributions relating to any period of unpaid maternity leave. If the employee wishes to buy back the amount of 'lost' pension in respect of the unpaid period of absence they can do so through an age related APC (Additional Pension Contribution) contract, either over a period of time or, if impracticable, Derbyshire County Council may determine that a lump sum is appropriate. If the employee elects to enter into an APC contract within 30 days of returning from the leave, the cost will be split 1/3rd employee and 2/3^{rds} employer. If they elect for an APC contract after the 30 day period the full cost of the APC will be borne by the employee.

An employee's membership in the pension scheme is preserved while her contributions are payable. Therefore, employees in the Local Government Pension Scheme will have their continuity of membership preserved during OML and for any period of the AML in which they receive SMP and/or contractual maternity pay, or have entered into an APC contract for the unpaid period of absence.

6.7 Working Pattern

Employees returning from maternity leave may request a variation to their working pattern, and should refer to the Council's Policies on Job-sharing, Carer's Leave and the Career Break Scheme. In addition, employees have a statutory right to apply for flexible working. Please refer to the separate policy on Flexible Working.

6.8 Less favourable treatment

An employee who is treated less favourably on the grounds of their pregnancy or ordinary or additional maternity leave period, can make a claim for maternity-related discrimination.

7 HEALTH AND SAFETY

The Authority owes their employees a duty of care. The Authority must therefore take adequate steps to protect their employee's health and safety whilst at work. There are various pieces of health and safety related employment legislation which address many aspects of this obligation.

In the field of maternity, there are a number of statutory obligations on employers regarding the health and safety of pregnant employees and those who are new mothers.

7.1 Stage One: Notification of Pregnancy

Where an employee notifies the Authority that she is pregnant or a new mother, the particular risks that she faces specifically in her working environment as a result of her condition will have to be assessed.

Risk Assessment

Under the Management of Health and Safety at Work Regulations, employers are required to make a suitable and sufficient assessment of the health and safety risks to which their employees are exposed at work.

Where women of child bearing age are employed the risk assessment must take into account risks to new and expectant mothers.

The Health and Safety Adviser is available to be consulted in relation to pregnant workers and risk assessment. However, all managers have an important role to play as they will be more aware of any potential risks in their areas. The following are examples of the type of risks that can arise in the workplace.

- For pregnant women and women who have had a caesarean section, lifting heavy items can lead to injury.
- Physical fatigue from standing for long periods of time can lead to miscarriage.

Special consideration should be paid towards the higher risks incurred in early pregnancy when the foetus is in the early stages of formation eg of muscular – skeletal problems as well as the risks from chemical/pathogenic hazards.

Once the risk assessment has been carried out further action may be required to make sure that everything possible has been done to reduce or eliminate the risk.

7.2 Stage Two: Action Following Notification

Appropriate steps should be taken as follows by the Health and Safety Adviser:

- Checks must be made to ensure that the preventative action identified as a result of the risk assessment has been undertaken. If the employee is still exposed to a risk that could jeopardise her health and safety after the identified action has been carried out, then her working conditions and hours of work should be

temporarily adjusted, or if it is not reasonable to do this, or it would not avoid the risk, suitable work should be offered, if any is available.

Alternative work will be suitable if:

- It is a kind which is suitable in relation to her and appropriate for her to do in the circumstances; and
- The terms and conditions applicable, if they differ from her normal conditions, are not substantially less favourable to her;

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

If there is no suitable alternative work available, the employee must be suspended on full pay for as long as the risk remains or until the commencement of her maternity leave.

Managers play an important role in helping to identify the risks and in helping to adapt working arrangements if necessary.

Please contact Human Resources and/or the Health and Safety Adviser for advice if an employee informs management that she is pregnant, has recently given birth or is breast feeding.

It is important to review the assessment as risks can vary according to the stage of pregnancy and there are different risks for those who are breast feeding.

If the employee works in a manual job which involves lifting, ladder work, contact with hazardous substances or work that is particularly stressful, the Authority will give the employee every help and assistance to continue their job. At a later stage in the pregnancy, redeployment may be considered wherever practicable.

Display Screen Equipment

DSE (display screen equipment) users who have concerns over their work will be given an opportunity to discuss any anxieties with their line manager. Consideration will be given to either reduce or eliminate the need for work at DSE should this be requested. There are no scientific or medical reasons to link DSE work with any risks to pregnancy.

Ante-Natal Care

All pregnant employees are entitled to take a reasonable amount of paid time off work on medical advice to attend antenatal appointments. An employee can be asked to produce a medical certificate or appointment card, except in the case of her first request for time off.

Managers cannot ask employees to work additional hours to make up for any time spent at ante-natal appointments,

“Ante-natal care” includes doctors, midwives and hospital appointments. It can also include relaxation and exercise classes and parentcraft classes, where the appointment has been made on the advice of a registered midwife, doctor or health visitor.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

8 QUESTION AND ANSWERS

8.1 What if the employee has more than one contract?

The Authority aggregates its payment of National Insurance Contributions (NICs) for the employee, therefore the contracts of employment are effectively combined for SMP purposes and only one entitlement arises.

8.2 What are the employee’s rights on returning to work?

After a period of OML, the woman is entitled to return from leave to the job in which she was employed before her absence. This does include apprentices, provided that maternity leave ends before the conclusion of the apprenticeship contract.

After AML, the woman is entitled to return either to the job she was in before her absence or, if impracticable, the employer has the right to have her return to another job which is both suitable and appropriate for her in the circumstances.

8.3 What if the employee becomes pregnant again during maternity leave?

It will be possible, although rare, for a woman to be able to take a further period of ordinary and additional maternity leave (if she was having another child) following on from a former period of ordinary and additional maternity leave. Identical provisions apply, and her right to return will be as it was after the first period of AML.

8.4 What happens if the employee is sick?

If an employee notifies the Authority that she intends to return to work before the end of the 26 week period, and is unable to do so due to sickness or she returns and is subsequently absent due to sickness, she should receive SMP until the end of the 39 week period. This

should be topped up with occupational sick pay, but the total should not exceed her normal pay. The employee's entitlement to occupational sick pay will depend on her length of service and the amount of sick leave already taken.

If an employee is unable to return to work at the end of the 52 week maternity leave period or on the date she has notified (if she intended to return early) due to illness she will be entitled to SSP as she will then be outside the Maternity Pay Period. This should be made up to full pay with occupational sick pay, if eligible. The normal sickness provisions will apply from the date she was due to return.

8.5 What happens if the employee decides not to return to work?

If the employee simply fails to turn up for work, her absence is unauthorised and should be dealt with as any other case of this nature, under the Council's Disciplinary Procedure if necessary. It is important to ensure that an employee is aware of the last day by which she must return.

If the employee no longer wishes to return to work, she will effectively be resigning and should notify the Council in accordance with her contractual obligations.

8.6 What is the difference between Parental Leave and Shared Parental Leave?

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

If the employee has completed one year's service with the Council, they are entitled to a total of 18 weeks unpaid parental leave for each child born or adopted. The leave can be taken in blocks of a week or multiples of a week, and may not be taken as odd days unless the child is disabled. No more than four weeks parental leave can be taken during a year. Please see separate policy on Parental Leave for more information.

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the Council will have to accept the request as long as eligibility and notice requirements are met), or as a number of separate blocks of leave (in which case the employee needs

the Council's agreement to this). Please see separate policy on Shared Parental Leave for full information.

8.7 What should an employee do if she feels she is being treated differently because she is pregnant and intends to take maternity leave?

Employees have a right not to suffer any harassment, intimidation or detriment on the grounds of pregnancy, childbirth or maternity leave. Employees who are treated less favourably can bring a claim for maternity-related discrimination. Employees should discuss this with a member of the Human Resource Team and/or their Trade Union Representative who will advise on their rights.

8.8 What happens if an employee changes her mind about returning to work, or does not complete the three months after receiving half pay under the Occupational Maternity Pay scheme?

If she does not return for three months she must repay the 12 weeks half pay (but not the SMP) as determined by the Authority. However, the longer she returns to work the less she will have to repay.

If the employee simply fails to turn up for work, her absence is unauthorised and should be dealt with as any other case of this nature.

8.9 What happens if the baby dies, or if the employee miscarries?

If the baby dies or is still-born after 24 weeks pregnancy the Scheme applies. Where miscarriage occurs before 24 weeks, sympathetic consideration will be given to the circumstances and as necessary special leave or sick leave will be considered. The decision will be based upon the needs of the employee and medical opinion.

8.10 What can the employee do to ensure a healthy lifestyle?

During the first three months of your pregnancy, working may be difficult particularly if you are feeling sick and tired. You should make maximum use of lunchtime periods to rest but if you feel the need to rest at some other time explain this to your supervisor or manager.

In general – employees wanting specific advice on diet/exercise, smoking, alcohol and drugs should consult their GP or other relevant health care professional.

8.11 How will the employee's maternity pay be paid?

Maternity pay is usually paid in the same way as wages/salary.

8.12 What about pay awards?

Any pay award will be reflected in the calculation of maternity pay. Employees are entitled to backdated awards.

8.13 Will the employee's grade be affected?

Maternity leave will not affect job grade, employees are entitled to return to exactly the same grade as before they left. Unless for reasons of redundancy or reorganisation it is not possible or practicable for employees to return to their own job following maternity leave, they will normally return to the job they are contracted to on terms and conditions not less favourable than had they not been absent.

8.14 What happens if the employee is part way through post-entry training?

If an employee is part way through a Post Entry Training course when she goes on maternity leave then she will not be required to continue attendance. However, should she wish to do so she may continue on a voluntary basis but she will not be eligible to claim travelling and subsistence expenses. The two year repayment clause will be waived automatically.

Bolsover District Council

Union/Employee Consultation Committee

8th June 2015

Parental Leave Policy

Report of the Assistant Director – Human Resources

This Report is Public

Purpose of the Report

To ask UECC to consider the attached Parental Leave Provisions document and recommend it for adoption by the Council.

1 Report Details

- 1.1 The document attached at **Appendix A** shows the existing document relating to Parental Leave, showing tracked changes where this has been updated.
- 1.2 The amendments have been made to reflect the latest position in respect of legislation governing parental leave, and for clarification purposes.

2 Conclusions and Reasons for Recommendation

- 2.1 Where policies reflect the legislative position, it is important to review these regularly to endure they remain fit for purpose.

3 Implications

3.1 Finance and Risk Implications

- 3.1.1 None.

3.2 Legal Implications including Data Protection

- 3.2.1 None.

3.3 Human Resources Implications

- 3.3.1 None.

4 Recommendations

- 4.1 UECC are asked to agree to the revised Parental Leave Provisions document so that it can be approved for adoption.

5 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	N/A

8 Document Information

Appendix No	Title
A.	Parental Leave Provisions
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Tania Morrell	7006

Bolsover District Council

Parental Leave Provisions

(May 2015)



CONTROL SHEET FOR PARENTAL LEAVE PROVISIONS

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Parental Leave Provisions
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	T Morrell - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	N/A
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / UECC / Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

PARENTAL LEAVE PROVISIONS

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

Parental Leave should not be confused with Shared Parental Leave which is a new entitlement for eligible parents of children due to be born or adopted on or after 5 April 2015 (see separate policy and procedures document).

Entitlement

Parental leave of 18 weeks shall be granted to employees with one year's continuous service, who have or are expecting to have parental responsibility for a child (ie they must be the parent:

- named on the child's birth certificate OR
 - named on the child's adoption certificate OR
 - with legal parental responsibility for a child under 18.
-
- The Authority will also make parental leave available to foster parents, who do not currently fall under the legal definition.

Notice

- Every attempt must be made by the employee to give as much notice as possible with a minimum of 21 days' notice in writing before the day on which s/he proposes to take the leave.
- To take parental leave straight after the birth or adoption of a child, an employee should give notice 21 days before the beginning of the expected week of childbirth or placement. (In cases where this may not be possible notice should be given as soon as possible, eg if a child is born prematurely or where less than 21 days notice is given that a child is to be placed for adoption.
- As long as the employee qualifies for parental leave and gives the correct notice, it should be possible to take this leave at any time.
- Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the Head of Service. Such discretion shall not be unreasonably withheld.

Postponement

An employer can only postpone parental leave if they have a good business reason for doing so, for example seasonal production, another member of staff is off or the staff absence would harm the business. Parental leave can be postponed for up to 6 months but can not be postponed so that the leave ends after the child's 18th birthday.

Every attempt will be made by the Head of Service to avoid postponement. In any event, leave shall not normally be postponed for more than three months except in exceptional circumstances. Postponement will not be used in the following circumstances:

- Following maternity support leave
- Following maternity/adoption leave

In the event that postponement becomes an option, the Head of Service will undertake a consultation exercise with the Employee and their Trade Union representative (if applicable) with a view to coming to agreement over alternatives. These could include:

- A different pattern of leave – e.g. part time rather than full time
- A shorter or longer period of leave
- Alternative dates within the period

Where there is no agreement, the Head of Service will permit the employee to take a period of leave of the same duration and beginning on a date determined in consultation with the employee no later than three months after the originally notified start date.

Following consultation, and not more than seven days after the employee's notice was given to the Head of Service, the Head of Service shall give the employee notice in writing of the postponement, stating the reasons for it and specifying the date on which the agreed period of leave will begin and end.

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 this is agreed for exceptional reasons. Employees cannot take off more than four weeks during a year.

Return

Employees on parental leave shall have the same right to return to their job as provided to those on maternity leave

Terms and conditions during parental leave

- Time taken as parental leave shall be treated as continuous service for the purpose of Part 2 Paragraph 14 of the Terms and Conditions of Service.
- Employees who fall sick during a period of parental leave and who give the Authority the relevant notification shall be entitled to pay under the sickness scheme and this period shall not count towards their parental leave entitlement for the period covered by the Fit Note from their doctor.

Bolsover District Council

Union/Employee Consultation Committee

8th June 2015

Shared Parental Leave Policy and Procedures

Report of the Assistant Director – Human Resources

This Report is Public

Purpose of the Report

To ask UECC to consider the attached Shared Parental Leave Policy and Procedures document and recommend it for adoption by the Council.

1 Report Details

- 1.1 From 1 April 2015, The Children and Families Act 2014 introduced a new system of shared parental leave and pay.
- 1.2 Attached at Appendix A is a draft Shared Parental Leave Policy and Procedures document which gives information about entitlement, rules and procedures.

2 Conclusions and Reasons for Recommendation

- 2.1 This new document simply reflects the legal position.

3 Implications

3.1 Finance and Risk Implications

- 3.1.1 None.

3.2 Legal Implications including Data Protection

- 3.2.1 None.

3.3 Human Resources Implications

- 3.3.1 None.

4 Recommendations

- 4.1 UECC are asked to agree to the new Shared Parental Leave Policy and Procedures document so that it can be approved for adoption.

5 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	N/A

8 Document Information

Appendix No	Title
A.	Shared Parental Leave Policy and Procedures
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Tania Morrell	7006

Bolsover District Council

Shared Parental Leave Policy and Procedures

(May 2015)



CONTROL SHEET FOR SHARED PARENTAL LEAVE

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Shared Parental Leave
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	T Morrell - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	N/A
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / UECC / Council
Date policy approved	

Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

Shared Parental Leave Policy and Procedure

Shared Parental Leave is a legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year.

Scope

This policy applies in relation to employees of the Council, whether they are the mother/adopter (see definition below) or the partner. If it is the mother who is employed by the Council, her partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to his/her own employer, which may have its own shared parental leave policy in place.

Similarly, if it is the partner who is employed by the organisation, the mother must (where relevant) submit any notifications to take shared parental leave to her own employer.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

Introduction

This policy sets out the rights of employees to shared parental leave and pay. Shared parental leave enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity / adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave. Please note, the mother can share her leave with only **one** other person.

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

As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, they should clarify the relevant procedures with a member of the HR and Payroll team.

Definitions

The following definitions are used in this policy:

SPL: Shared Parental Leave

‘Mother’ means the mother or expectant mother of the child, or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).

‘Partner’ means the father of the child, or the person who, at the date of the child’s birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother’s child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

‘EWC’ means ‘expected week of childbirth’ and in this context means the week, beginning with midnight between Saturday and Sunday, in which it is expected that the baby will be born or the child placed for adoption.

‘NEI’ means Notice of Entitlement and Intention

The vast majority of employees who will be eligible for, and who will apply for, shared parental leave and/or pay will be birth parents, and therefore the references within this policy will refer to birth parents. However, the same principles apply to employees who are adopting and the intended parents in a surrogacy arrangement where they are applying for a parental order and are eligible for adoption leave and pay. Therefore, references to ‘birth’ will also apply to ‘placement’; references to maternity leave or pay will also apply to adoption leave and pay; pregnancy to adoption etc

Amount of shared parental leave available

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the Council is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the Council’s agreement). A maximum of three requests of leave per pregnancy can normally be made by each parent.

The maximum period that parents could take as shared parental leave is 50 weeks between them, although it will normally be less than this because of any maternity leave that a mother takes before the birth.

The mother’s partner can begin a period of shared parental leave at any time from the date of the child’s birth, but the partner should bear in mind that he/she is entitled to take up to two weeks’ ordinary paternity leave following the birth, which will be lost if shared parental leave is taken first. The mother and partner must take any shared parental leave within 52 weeks of the birth or placement.

Eligibility for shared parental leave

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

Mother's eligibility for shared parental leave

The mother is eligible for shared parental leave if she:

- Has at least 26 weeks' continuous employment ending with the 15th week before the EWC (OR at the week in which notification of matching was given by the adoption agency); and
- Remains in continuous employment with the Council until the week before any period of shared parental leave;
- Has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- Is entitled to statutory maternity leave, in respect of the child;
- Complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave) and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must:

- Have been employed, or been a self-employed earner, in at least 26 of the 66 weeks immediately preceding the EWC;
- Have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- Have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

Partner's eligibility for shared parental leave

The partner is eligible for shared parental leave if he/she:

- Has at least 26 weeks' continuous employment ending with the 15th week before the EWC (OR at the week in which notification of matching was given by the adoption agency); and
- Remains in continuous employment with the Council until the week before any period of shared parental leave;
- Has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- Complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother must:

- Have been employed or been a self employed earner during at least 26 of the 66 weeks immediately preceding the EWC;
- Have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- Have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- Be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- Comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

Notice requirements for shared parental leave

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- A 'maternity leave curtailment notice' from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);
- A 'notice of entitlement and intention' from the employee giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting; and
- A 'period of leave notice' from the employee setting out the start and end dates of each period of shared parental leave that he/she is requesting.

The notice periods set out below are the minimum required by law. However, the earlier the employee informs the Council of his/her intentions, the more likely it is that the organisation will be able to accommodate the employee's wishes, particularly if he/she wants to take periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time.

Mother's notice curtailing maternity leave

Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity leave (by giving the required eight weeks' notice of her planned return) or provide the Council with a maternity leave curtailment notice. This notice must be in writing and state the date on which maternity leave is to end. That date must be:

- After the compulsory maternity leave period, which is the two weeks after birth;
- At least eight weeks after the date on which the mother submits the maternity leave curtailment notice to the Council

- At least one week before what would be the end of the additional maternity leave period.

The mother must provide her maternity leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention (see relevant paragraph below).

Revocation of maternity leave curtailment notice

The mother can withdraw her notice curtailing her maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her maternity leave curtailment notice if:

- It is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given;
- The maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or
- The partner has died.

Employee's notice of entitlement and intention (NEI)

The employee, whether the mother or the partner, must provide the Council with a non-binding notice of entitlement and intention. This must be in writing, and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee. It should contain the following information:

If the employee is the mother, the NEI must set out:

- The mother's name
- The partner's name
- The start and end dates of any statutory maternity leave taken or to be taken by the mother;
- The total amount of shared parental leave available;
- The child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother);
- How much shared parental leave the mother and partner each intend to take; and
- A non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

The mother's NEI must also include a declaration signed by her that:

- She satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- The information she gives in the NEI is accurate; and
- She will immediately inform the Council if she ceases to care for the child.

In addition, the mother's NEI must include a declaration signed by her partner:

- Specifying the partner's name, address and national insurance number (or declaring that the partner does not have a national insurance number);
- Declaring that the partner satisfies, or will satisfy, the conditions set out above (see mother's eligibility for SPL);
- Declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother;
- Declaring that the partner consents to the amount of leave that the mother intends to take; and
- Declaring that the partner consents to the Council processing the information in the partner's declaration.

If the employee is the partner, the partner's NEI must set out:

- The partner's name;
- The mother's name
- The start and end dates of any periods of statutory maternity leave, statutory maternity pay or maternity allowance taken or to be taken by the mother;
- The total amount of SPL available;
- The child's EWC and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of SPL to be taken by the partner);
- How much SPL the partner and mother each intend to take; and
- A non-binding indication as to when the partner intends to take SPL (including the start and end dates for each period of leave).

The partner's NEI must include a declaration signed by the partner that:

- He/she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- The information given by the partner in the NEI is accurate; and
- He/she will immediately inform the organisation if he/she ceases to care for the child or if the mother informs him/her that she no longer meets the requirement to have curtailed her maternity leave or pay period.

In addition, the partner's NEI must include a declaration signed by the mother:

- Specifying the mother's name, address and national insurance number (or declaring that the mother does not have a national insurance number);
- Declaring that the mother satisfies, or will satisfy, the conditions set out above (see Partner's eligibility for SPL) and she will notify the partner if she no longer qualifies for maternity leave, statutory maternity pay or maternity allowance;
- Declaring that the mother consents to the amount of leave that the partner intends to take;
- Declaring that she will immediately inform the Council if she no longer meets the requirement to have curtailed her maternity leave or pay period; and
- Declaring that the mother consents to the Council processing the information in the mother's declaration.

Within 14 days of receiving an NEI from the employee, whether the mother or partner, the Council can request from the employee;

- A copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth – if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- The name and address of the other parent's employer (or a declaration that the other parent has no employer).

The employee has 14 days from the date of the request to send the information to the Council.

Variation or cancellation of notice of entitlement and intention

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of an NEI, provided that he/she does this in writing. The written notice must contain:

- An indication as to when the employee intends to take SPL (including the start and end dates for each period of leave);
- Details of any periods of SPL that have been notified through a period of leave notice;
- Details of any periods of statutory shared parental pay that have been notified in relation to periods where SPL was not to be taken; and
- A declaration signed by the mother and the partner that they agree to the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until he/she provides a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

Employee's period of leave notice

To take a period of shared parental leave, the employee must provide the Council with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of SPL requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

Variation or cancellation of period of leave notice

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides the Council with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- Vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- Request that a continuous period of leave become discontinuous periods of leave; or
- Request that discontinuous periods of leave become a continuous period of leave.

Limit on number of requests for leave

The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy.

Continuous period of shared parental leave

If the employee submits a period of leave notice requesting one continuous period of leave, they will be entitled to take that period of leave.

Discontinuous periods of shared parental leave

The employee may submit a period of leave notice requesting discontinuous periods of leave. The Council will respond within two weeks and will either:

- Consent to the pattern of leave requested;
- Propose an alternative pattern of leave; or
- Refuse the pattern of leave requested.

If agreement is not reached within the two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must

notify the Council of that date within five days of the end of the two-week discussion period, and if they do not do so then the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the Council has refused the request, or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

Shared Parental Pay

- If an employee meets the qualification criteria they will be entitled to a maximum of 37 weeks shared parental pay between them (NB this excludes the 2 weeks compulsory maternity leave immediately following childbirth and any maternity leave taken prior to the birth).
- Shared parental pay is at a nationally fixed standard weekly rate equivalent to SMP or 90% of the employee's normal weekly earnings if they earn less than this.
- It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

Eligibility for statutory shared parental pay

Both the mother and partner are eligible for statutory shared parental pay if they meet the criteria for statutory shared parental leave (see above), and if the mother is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced. In addition they must also:

- have normal weekly earnings for a period of eight weeks ending with the 15th week before the EWC of at least the lower earnings limit for national insurance contribution purposes;
- be absent from work and intend to care for the child during each week in which they receive statutory shared parental pay.

Rights during shared parental leave

During shared parental leave, all terms and conditions of the employee's contract, except normal pay, will continue. Salary will be replaced by statutory shared parental pay if the employee is eligible to receive this.

Whilst this means that holidays will continue to accrue when an employee is off on SPL, please note that carry-forward of untaken leave from one leave year to the next is not permitted so this should be taken into consideration when applying for SPL.

Contact during SPL

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

An employee can agree to work for the Council (or to attend training) for up to 20 days during SPL without that work bringing the period of SPL and pay to an end. These are known as 'shared parental leave in touch (SPLIT) days'.

The Council has no right to require employees to carry out any work, and employees have no right to undertake any work, during their SPL. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, will be a matter of agreement between the employee and the Council. If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, the employee will be paid for each hour that they work during a SPLIT day at their normal hourly rate.

Returning to work following SPL

The employee has the right to resume working in the same job when returning to work from SPL if the period of leave, when added to any other period of SPL, SML or SPL taken by the employee in relation to the same child, is 26 weeks or less.

If the employee is returning to work from SPL and the period of leave taken is more than 26 weeks when added to any other period of SPL, SML or SPL taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional maternity leave, the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the organisation to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for him/her.

Bolsover District Council

Union/Employee Consultation Committee

8th June 2015

Maternity Support Leave and Paternity Leave

Report of the Assistant Director – Human Resources

This Report is Public

Purpose of the Report

To ask UECC to consider the attached Maternity Support Leave and Paternity Leave document and recommend it for adoption by the Council.

1 Report Details

- 1.1 Further to the introduction under the Children and Families Act 2014 of a new system of shared parental leave and pay, Additional Paternity Leave has been discontinued.
- 1.2 For this reason, the existing policy on Paternity Leave, which includes a section on Maternity Support Leave although this is not included in the title, has been reviewed.
- 1.3 Attached at Appendix A is the draft revised document which gives information about the differences and entitlements of maternity support leave and paternity leave.

2 Conclusions and Reasons for Recommendation

- 2.1 Where policies reflect the legislative position, it is important to review these regularly to endure they remain fit for purpose.

3 Implications

3.1 Finance and Risk Implications

- 3.1.1 None.

3.2 Legal Implications including Data Protection

- 3.2.1 None.

3.3 Human Resources Implications

- 3.3.1 None.

4 **Recommendations**

- 4.1 UECC are asked to agree to the revised Maternity Support Leave and Paternity Leave document so that it can be approved for adoption.

5 **Decision Information**

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	N/A

8 **Document Information**

Appendix No	Title
A.	Maternity Support Leave and Paternity Leave
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Tania Morrell	7006

Bolsover District Council

Maternity Support Leave and Paternity Leave

(May 2015)



CONTROL SHEET FOR MATERNITY SUPPORT LEAVE AND PATERNITY LEAVE

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Maternity Support Leave and Paternity Leave
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	T Morrell - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	N/A
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / UECC / Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

MATERNITY SUPPORT LEAVE AND PATERNITY LEAVE

Maternity Support Leave (MSL) provided by National Conditions of Service is a similar entitlement to Paternity Leave, which has been introduced by legislation. Those employees who qualify for both will be entitled to one week's MSL at full pay and one week's paternity leave at the nationally agreed rate equivalent to SMP

MATERNITY SUPPORT LEAVE

A partner or nominated carer of a woman expecting a baby is entitled to up to five days paid maternity support leave in any 12 month period. A nominated carer is the person nominated by the mother as their primary provider of support at or around the time of birth. In most cases such care and support would be provided by the father. However, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother and/or child. The purpose of granting the leave is to meet the needs of the employee in addressing problems or commitments outside work which are likely to have a bearing on the employee's wellbeing and ability to perform other duties. Such leave is subject to certain conditions as follows:

- advance notification* from the employee to their line manager and a copy of the MatB1 form, and
- the leave being taken within eight weeks of the birth unless there are exceptional circumstances approved by the appropriate Core Manager.

(*Notification is requested as early as possible, but needs to be at least 28 days before the start of EWC, or the first day of leave, whichever is later.)

STATUTORY PATERNITY LEAVE (SPL)

A child's father, or the person who will share the responsibility with a partner for bringing up a child, may have the right to Statutory Paternity Leave and Pay. This includes those who are adopting a child.

Paternity leave is available to employees who:

- have, or expect to have, responsibility for the child's upbringing;
- are the biological father of the child, or the mother's husband or partner (including same sex relationships)
- have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child;
- give the correct notice.

There is entitlement to only one period of leave regardless of the number of children born as a result of the pregnancy.

An employee still qualifies for paternity leave if the child is stillborn after 24 weeks of pregnancy, or dies subsequently.

Payment

Paternity leave is paid at the standard rate of Statutory Maternity Pay (SMP) which applies in the year in which the leave starts. The rate is updated on 1 April annually.

To apply for Paternity Leave and Pay, please complete form SC3 (in the case of birth parents), SC4 (in the case of adoptive parents) or SC5 (for those parents adopting from overseas). All these forms are available at www.Gov.uk.

If the employee qualifies for Maternity Support Leave and Statutory Paternity Leave, there is currently only an entitlement to a total of two weeks, ie one week's MSL on full pay and one week's SPL on Statutory Maternity Pay only.

When does SPL Commence?

The employee can choose to take:

- one week's leave, or
- two consecutive weeks,
- and the leave must be taken within 56 days of the EWC.

The employee can choose to start SPL on

- The date the child is born
 - A certain number of days after the child is born; or
 - On a predetermined date after the first day of the EWC
- Paternity leave cannot start before the birth of the baby.

Ante-natal appointments

Fathers and partners of pregnant women are currently entitled to unpaid time off to attend two ante-natal appointments.

Notification

An employee must give notice in writing of the following before the end of the 15th week before the EWC, or as soon as reasonably practicable:

- The EWC;
- The length of leave they wish to take;
- The date on which they want their leave to begin;
- Confirmation that he/she is taking leave to care for the child or support the child's mother;
- Confirmation that he/she is the father, or married to or the civil partner or partner of the child's mother;
- Confirmation that he/she expects to have responsibility for the upbringing of the child.

The employee can change his/her mind about the date that he/she wishes leave to start, provided notice is given as follows:

- If the employee wishes to take SPL on the date the child is born, notice must be given at least 28 days before the first day of the EWC

- Where the employee wishes to take leave a certain number of days after the child is born, he/she must give notice 28 days before that point

If an employee wishes to start his/her leave on a predetermined date, notice must be provided 28 days before that date.

Where it is not possible to give this much notice, notice must be provided as soon as is reasonably practicable.

Where the employee has chosen to take his/her leave on a predetermined date and the child has not been born by that date, the employee must choose another date or choose another option and give the employer notice of the change as soon as reasonably practicable.

It is possible for the employee to change the date more than once.

The employee must inform their line manager of the date the child was born as soon as reasonably practicable.

NB Where the employee has chosen to start his/her leave on the date the child is born and he/she is at work on this date, SPL will start on the following day. This is to fit in with the Statutory Paternity pay (SPP) Regulations which do not allow an employee to receive SPP in a week in which he/she has worked. Therefore, the employee's first SPP week cannot start on a day in which he/she has done some work and it will therefore start on the next day.

Bolsover District Council

Union/Employee Consultation Committee

8th June 2015

Adoption Policy and Procedures

Report of the Assistant Director – Human Resources

This Report is Public

Purpose of the Report

To ask UECC to consider the attached Adoption Policy and Procedures document and recommend it for adoption by the Council.

1 Report Details

- 1.1 The policy attached at **Appendix A** reflects the latest position in respect of legislation and conditions of service governing adoption leave and pay.
- 1.2 The policy pulls together all of the provisions contained in the existing Adoption Leave Policy and Adoption Leave Guidance, and replaces these two documents.

2 Conclusions and Reasons for Recommendation

- 2.1 Where policies reflect the legislative position, it is important to review these regularly to ensure they remain fit for purpose. In addition, it is proposed to pull together the contents of two existing documents to aid clarification.

3 Implications

3.1 Finance and Risk Implications

- 3.1.1 None.

3.2 Legal Implications including Data Protection

- 3.2.1 None.

3.3 Human Resources Implications

- 3.3.1 None.

4 Recommendations

- 4.1 UECC are asked to agree to the proposed policy and procedures document so that it can be approved for adoption.

5 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	N/A

6 Document Information

Appendix No	Title
A.	Adoption Policy and Procedures
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Tania Morrell	7006

Bolsover District Council

Adoption Policy

(May 2015)



CONTROL SHEET FOR ADOPTION POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Adoption
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	T Morrell - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	N/A
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / UECC / Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet)	

ADOPTION POLICY

SCOPE

This policy applies to all employees, subject to certain conditions being satisfied.

Adoption provisions will not be granted to two employees in respect of the same adoption. In such cases, the other employee will be entitled to the same provisions as maternity support leave.

Prospective adopters are legally required to be 21 years of age or older. There is no upper age limit.

Statutory adoption pay and adoption leave are also available to parents who will become the legal parents of a child under a surrogacy arrangement, and local authority foster parents who are also prospective adopters ('foster to adopt'), but are not normally available to step-parents who go on to adopt a child.

PURPOSE

This Policy is intended to help managers and employees understand adoption leave and pay.

Adoption provisions can be very complex and the information contained in the policy is intended to answer the initial questions managers and employees may have. If you have any further queries regarding adoption leave and pay, please contact a member of the Human Resources Team.

For pension and salaries enquiries, please contact the Human Resources and Payroll team.

DEFINITIONS

Adopter

For the purpose of this guidance, an adopter is a person who has been matched with a child for adoption or, if a couple have been matched jointly, the member of the couple who has chosen to take adoption leave and/or statutory adoption pay.

Adoption Agency

An adoption agency has the meaning given to it in section 1(4) of the Adoption Act 1976 in England and Wales. In Scotland, it has the meaning given to it in section 1(4) of the Adoption (Scotland) Act 1978.

Matched/Matching

A person is matched with a child for adoption when an adoption agency decides that the person would be a suitable adoptive parent for the child, either individually or with another person.

Notification of Matching

A person is notified of having been matched with a child on the date on which they receive notification of the Agency's decision that they have been matched with a child for adoption.

Placement

A child is placed for adoption when the child goes to live with the adopter or adopters with a view to being adopted by them in the future.

Paternity

In this guidance the term 'paternity' is used in reference to those entitlements applying either to the individual who is the member of a jointly adopting couple who has chosen not to take statutory adoption leave or pay, regardless of the sex of either, or an individual adopter's partner, regardless of the sex of either.

Relevant Week

The week in which a person is notified by the adoption agency of being matched with a child.

Abbreviations

OAL Ordinary Adoption Leave

AAL Additional Adoption Leave

SAP Statutory Adoption Pay

CAP Contractual Adoption Pay

UK ADOPTIONS

1 LEAVE

There are two types of adoption leave: ordinary and additional.

1.1 Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL)

An employee (including those employed under the Apprenticeship Scheme) is entitled to 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave for the purpose of caring for their newly adopted child if all of the following conditions have been satisfied:

- They are the child's adopter.
- They have notified the Agency that they agree for the child to be placed with them and agree the date of placement.
- They have given notice in writing no more than seven days after notification has been received that they have been matched with a child. If it is not reasonably practicable for the employee to give notice of their intention to take OAL within seven days of the date on which they are notified of having been matched with the child, they will still qualify for such leave provided they give notice as soon as it is reasonably practicable;
- They have provided a Matching Certificate from the adoption agency.

If the above conditions have not been met, there is no entitlement to OAL and AAL.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures.

1.2 Notification Requirements for Taking OAL

In order to satisfy the notification requirements for taking ordinary adoption leave, an employee must provide the following written notification within seven days of being informed that they have been matched with the child:

- The date on which the child is expected to be placed with the employee.
- The date on which they intend to begin their OAL

On receipt of an employee's notification that they intend to take ordinary adoption leave, the employer will respond in writing within the next 28 days acknowledging the employee's intentions and informing them of the latest date on which they may return to work after their AAL. This will be 52 weeks after the start of the employee's adoption leave.

1.3 When OAL Can Begin

An employee may choose to start their OAL on:

- The date on which the child is placed with them for adoption. If the employee is at work on this date, their OAL will begin on the following day.
- A pre-determined date specified in writing that falls within the 14-day period immediately before the date of placement.

1.4 Changing the Start Date of OAL

An employee who has already provided notification in writing of the date on which they intend to begin their ordinary adoption leave may change that date provided they give at least 28 days notice:

- Where the change is to provide for the employee's OAL to begin on the date on which the child is expected to be placed with them for adoption,
- Where the change is to provide for the employee's OAL to begin on a pre-determined date (or a different pre-determined date).

The employee must give notice in writing of the changed start date of the OAL as soon as is reasonably practicable if unable to give the minimum 28 days' notice.

On receipt of an employee's notification that they intend to change the start date of their ordinary adoption leave, the employer must respond in writing within the next 28 days acknowledging the employee's intentions and informing the employee of the new revised date on which they may return to work after their AAL.

1.5 Length of OAL or AAL Where the Adoption Has Been Disrupted

Where the adoption is disrupted or fails to take place, the employee's OAL or AAL will end eight weeks after the end of the week in which the disruption occurred.

A 'disruption' will occur in the following circumstances:

- The employee is notified, before the placement, that it will not now occur;
- The child dies;
- The child is returned to the adoption agency;
- The child ceases to live with the adopter

1.6 Early Return from Adoption Leave

If an employee wishes to return to work before the end of their additional adoption leave, they should give notification in writing at least eight weeks before the date of their intended return.

An employee who has notified the Council that they wish to return to work before the end of the full 52 weeks of adoption leave, as set out above, is entitled to change their mind. However, in these circumstances they should give the Council notice of this new, later, date of return at least eight weeks before the earlier date.

If an employee fails to provide the required eight weeks' notice, the Council can postpone their return to work by up to eight weeks (but not beyond the end of their AAL period).

Under the Paternity and Adoption Leave Regulations 2002 (SI 2002/2788), reg.25(4), where an employee is notified that their return to work has been postponed until a certain date, but they return to work before that date, the Council is under no contractual obligation to pay their remuneration until the date to which their return was postponed.

2 PAY

There are two types of pay to which an employee may be entitled. Statutory Adoption Pay (SAP) which comes from the Government, and Contractual Adoption Pay (CAP) which is paid by the Council. Both are based on length of service.

2.1 Statutory Adoption Pay

An employee is entitled to receive 39 weeks statutory adoption pay, if the following conditions have been satisfied:

- They have been continuously employed for at least 26 weeks by the week in which they are notified by the adoption agency of being matched with a child (relevant week).
- They are the person with whom a child is, or is expected to be, placed for adoption under the law of any part of the United Kingdom.
- They have taken ordinary adoption leave in order to care for the child.
- Have normal weekly earnings over the eight-week period ending with the relevant week not less than the lower earnings limit for National Insurance purposes.
- Have provided evidence of their entitlement to SAP.
- Have complied with the notification requirements for taking SAP.

SAP is payable as follows:

- 39 weeks a rate set annually by the Government or 90% of normal wage, whichever is lower.

It should be noted that SMP is regarded as earnings and therefore tax and National Insurance contributions will be deducted.

An employee is entitled to no more than 39 weeks' SAP where more than one child is placed for adoption, or is expected to be placed for adoption, as part of the same arrangement.

An employee is not entitled to receive SAP if they have exercised their entitlement to receive statutory paternity pay. (NB Please see Maternity Support Leave and Paternity Leave Policy.)

In addition to this, an employee is not entitled to receive SAP for the adoption of a child if their partner is eligible (and has elected) to receive SAP for the adoption of the same child.

2.2 Evidence of Entitlement to SAP

As evidence of entitlement to SAP, an employee must provide one or more of the following documents from the adoption agency containing:

- The name and address of the person claiming SAP.
- The name and address of the adoption agency.
- The date on which the child is expected to be placed for adoption (or where the child has already been placed for adoption, the date the child was placed).
- The date on which the employee claiming SAP was informed by the adoption agency that the child would be placed for adoption with them.
- A declaration that they have elected to receive SAP (and not statutory paternity pay) for the newly adopted child.

The document(s) and the declaration must be given to the Council as least 28 days before the start of the SAP period, or as soon as is reasonably practicable thereafter.

2.3 Notification Requirements for SAP

In order to satisfy the notification requirements for SAP, the employee must give at least 28 days' notice in writing of the date from which they expect to start receiving SAP or, if that is not reasonably practicable, as soon as they reasonably can.

At the same time, the employee is also required to provide notice of the date on which the child is expected to be placed with them for adoption.

Where an employee has chosen to begin their SAP period on the date the child is placed with them for adoption, they must further notify the Council as soon as is reasonably practicable of the date the child was actually placed for adoption.

2.4 When the SAP Period Can Begin

The statutory adoption pay period begins at the same time as the period of ordinary adoption leave.

2.5 Length of the SAP Period Where the Adoption Has Been Disrupted

Where the adoption is disrupted or fails to take place, the employee's entitlement to SAP will end eight weeks after the end of the week in which the disruption occurred.

2.6 Contractual Adoption Pay

Employees with at least one year's continuous service at the time of the adoption placement will be entitled to the following Contractual Adoption Pay:

- Weeks 1 – 6 90% of a week's pay (offset against payments made by way of SAP*).
- Weeks 7 - 18 Where an employee has declared in writing that they intend to return to work, they will receive half pay plus SAP, provided that this does not exceed full pay. This is paid on the understanding that an employee will return to local authority employment for at least three months following adoption leave. For employees not intending to return, payment will be the employee's entitlement to SAP only.

(If an employee is unsure whether or not they will return, there are two options; - to repay the half pay if they decide not to return, - or to ask the employer to withhold the half pay and receive this in a lump sum if they decide to return.)

- Weeks 19-39 For the remaining 21 weeks, the employee will receive their SAP entitlement only.

(*This means that the statutory payments are made in addition to Contractual Adoption Pay, but the salary element will be adjusted so that the total does not exceed full pay.)

OVERSEAS ADOPTIONS

Some of the criteria listed above also apply to employees who adopt a child from overseas. The eligibility criteria for UK Adoptions for Ordinary Adoption Leave, Additional Adoption Leave, Statutory Adoption pay and Contractual Adoption Pay should therefore be read taking into account the following amendments relating to Overseas Adoptions.

3 Leave

3.1 Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL)

An employee is entitled to 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave for the purpose of caring for their newly adopted child if all of the following conditions have been satisfied:

- The employee is the child's adopter.
- The employee has been continuously employed for at least 26 weeks either:
 - a) Ending with the week in which they receive official notification, or
 - b) Starting with the week in which their employment with the employer began.

"Official notification" means written notification, issued by or on behalf of the relevant domestic authority (eg the Secretary of State for Health), that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to the authority confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

The reasoning behind option (b) (which is not available in the case of domestic adoptions) is that it can take a long time between an employee being notified as a suitable parent and actually having a child from overseas being placed with them for adoption.

- The employee has complied with a request to provide written evidence of their entitlement to OAL for a child adopted from overseas.
- The employee has complied with the notification requirement for taking OAL for a child adopted from overseas.

If the above conditions have not been met, there is no entitlement to OAL and AAL.

3.2 Evidence of Entitlement to OAL

As proof of their entitlement to ordinary adoption leave, an employee must give their employer a copy of the official notification together with evidence of the date of entry of the child into Great Britain.

3.3 Notification Requirement for Taking OAL

In order to satisfy the notification requirements for taking ordinary adoption leave for a child adopted from overseas, an employee must provide written notification of:

- The date on which they receive an official notification;
- The date on which the child is expected to enter the UK;

These must both be given either within 28 days of the date they received an official notification, or on the date on which they complete 26 weeks' continuous employment, whichever is later.

- The date on which they wish to begin their OAL.
- The date on which the child actually enters Great Britain. – this must be given no more than 28 days after the date of entry into Great Britain.

On receipt of an employee's notification that they intend to take ordinary adoption leave, the employer must respond in writing within the next 28 days acknowledging the employee's intentions and informing them of the latest date on which they may return to work after their AAL. This will be 52 weeks after the start of the employee's adoption leave.

3.4 When OAL Can Begin

An employee may choose to start their OAL for a child adopted from overseas on:

- The date on which the child enters Great Britain. (If the employee is at work on this date, their OAL will begin on the day after that date.)
- A predetermined date specified in their notice under the notification requirements for OAL for a child adopted from overseas, that is no later than 28 days after the date on which the child enters Great Britain.

3.5 Changing the Start Date of OAL

An employee who has already provided notification in writing of the date on which they intend to begin their ordinary adoption leave may change that date provided they give at least 28 days notice:

- Where the change is to provide for the employee's OAL to begin on the date on which the child enters Great Britain,
- Where the change is to provide for the employee's OAL to begin on a pre-determined date (or a different pre-determined date).

The employee must give notice in writing of the changed start date of the OAL as soon as is reasonably practicable if unable to give the minimum 28 days' notice.

On receipt of an employee's notification that they intend to change the start date of their ordinary adoption leave, the employer must respond in writing within the next 28 days acknowledging the employee's intentions and informing the employee of the new revised date on which they may return to work after their AAL.

4 Pay

4.1 Evidence of Entitlement to SAP

As evidence of their entitlement to statutory adoption pay in the case of an overseas adoption, an employee must provide notification in writing of:

- A copy of the official notification.
- The name and address of the person claiming SAP.
- The date on which it is expected that the child will enter Great Britain or, where the child has already entered Great Britain, the actual date of entry.
- A declaration that they have elected to receive SAP (rather than statutory paternity pay) for the child. (NB Please see Maternity Support Leave and Paternity Leave Policy.)
- Evidence of the date on which the child entered Great Britain within 28 days of that date.

4.2 Notification Requirements for SAP

In order to satisfy the notification requirements for statutory adoption pay for an overseas adoption, the employee must give at least 28 days' notice in writing of the date from which they expect to start received SAP or, if that is not reasonably practicable, as soon as they reasonably can.

In addition, an employee must also give written notice of;

- The date on which official notification was received, within 28 days of that date or within 28 days of their completion of 26 weeks' continuous employment, whichever is later.
- The actual date on which the child enters Great Britain within 28 days of that date.

Where the child has not entered Great Britain on the expected date of entry, an employee who still wishes to claim SAP for that child must notify the Council as soon as is reasonably practicable that their SAP period will start on a different date.

4.3 When the SAP Period Can Begin

The statutory adoption pay period for overseas adoptions begins at the same time as the period of ordinary adoption leave for overseas adoptions.

5 Keeping-in-Touch Days – UK or Overseas Adoptions

Employees on ordinary or additional adoption leave may do up to 10 days' work under their contract of employment without bringing their adoption leave period to an end or losing their entitlement to statutory adoption pay. These days are known as 'keeping-in-touch' days.

The employee can go in for one hour or a whole day. This will still be a 'keeping-in-touch' day. The days of work may be separate days or a single block, as agreed between the employee and their manager. The provision can be used in a number of ways, for example to invite an employee on adoption leave to go on a training course, to attend an important team meeting, or to undergo an EDPR interview.

Line managers may not, however, oblige the employee to do any work during their adoption leave. Neither are employees entitled to be offered any work to do. The amount and type of work to be done is subject to the agreement of both parties, as is the amount of remuneration that the employee will be paid. An employee's adoption leave will not be extended due to the fact that they have carried out some work during this period.

4 Reasonable Contact – UK or Overseas Adoptions

Managers may make reasonable contact with employees who are on adoption leave, for example to discuss the employee's plans to return to work, significant workplace developments, job vacancies, training opportunities or whether the employee might wish to seek any changes to their working hours or pattern of work on their return. This would not constitute 'work' and would not therefore count towards the 10 days.

In the case of Apprentices, prior to going on adoption leave the Apprenticeship Officer will ascertain whether or not the Apprentice wishes to receive copies of any job vacancies or training opportunities during their adoption leave. Should there be any significant workplace developments, they will be informed of these in writing by the Apprenticeship Officer.

5 Contractual Benefits – UK or Overseas Adoptions

Apart from remuneration, an employee is entitled to benefit from the same terms and conditions of employment throughout the ordinary adoption leave and additional adoption leave period.

What qualifies as remuneration?

Examples of payments which count as remuneration are:

- Basic Pay
- Contractual overtime

5.1 Car User Allowances

An employee is entitled to receive the allowance in full (pro rata to hours worked) for the whole of the ordinary adoption leave and additional adoption leave period.

5.2 Mobile Phone

Employees who are in receipt of a mobile phone will continue to have the provision of the mobile phone for the whole of the ordinary adoption leave and additional adoption leave period.

5.3 Childcare Vouchers

An employee is entitled to request and receive childcare vouchers – please see intranet for further information.

5.4 How will adoption leave affect an employee's annual leave entitlement?

Annual leave is a contractual benefit and therefore must be protected during the AAL period. This means that annual leave continues to accrue during the adoption leave period and will be added to their entitlement for the leave year. Therefore the time when an employee is on adoption leave will count towards their continuous service for the purposes of qualifying for additional annual leave (ie the additional five days leave after five years service) and longer sick pay entitlement.

However, it should be noted that there is no provision for carry-forward of leave from one leave year to the next. Therefore dependent on the employee's individual leave year and the timing of the adoption leave, the employee may wish to convert part of the unpaid AAL period to paid leave. For guidance on this, please speak to a member of the Human Resource Team.

Apprentices who do not return to work before the end of their Apprenticeship contract are entitled to payment for any untaken days as part of their final salary.

5.5 What happens to the employee's pension contributions?

During the employee's paid adoption leave they will continue to pay superannuation contributions on the actual adoption pay they have received (including statutory pay, contractual pay and any payment in respect of KIT days). The employer's contributions will be based on the employee's assumed pensionable pay which will be calculated in accordance with the Local Government Pension Scheme rules.

No contributions will be payable by either the employee or the employer in any period of AAL in which an employee receives no pay. Any period of unpaid AAL will not count as membership unless an election is made to pay contributions for this period following return to work or resignation (see below).

When the employee returns to work, or equally if they resign or are dismissed during or after the AAL, the employee can pay the contributions relating to any period of unpaid adoption leave. If the employee wishes to buy back the amount of 'lost' pension in respect of the unpaid period of absence, they can do so through an age-related APC (Additional Pension Contribution) contract, either over a period of time or, if impracticable, Derbyshire County Council may determine that a lump sum is appropriate. If the employee elects to enter into an APC contract within 30 days of returning from the leave, the cost will be split 1/3rd employee and 2/3^{rds} employer. If they elect for an APC contract after the 30 day period, the full cost of the APC will be borne by the employee.

An employee's membership in the pension scheme is preserved whilst their contributions are payable. Therefore employees in the Local Government Pension Scheme will have their continuity of membership preserved during OAL and for any period of the AAL in which they receive SAP and/or contractual adoption pay, or have entered into an APC contract for the unpaid period of absence.

5.6 Can the employee request a variation to their working pattern on return?

Yes, and employees should refer to the Council's Policies on Job-sharing, Carer's Leave and the Career Break Scheme. In addition, an employee has a statutory right to apply for flexible working. Please refer to the document entitled 'Flexible Working Arrangements within NEDDC'.