

FAMILY LEAVE POLICY AND PROCEDURE

1	Policy Statement	4
2	Procedure Overviews and Forms	4
3	Scope	4
4	Abbreviations and Definitions	5
4.1	General	5
4.2	Maternity	5
4.3	Adoption	5
4.4	Shared Parental Leave	5
5	Implementation	6
6	Surrogacy	6
7	Maternity and Adoption Leave	6
7.1	Informing your Line Manager	6
7.2	Before Taking Leave	7
7.2.1	Time Off For Appointments	7
7.2.1.1	Ante-natal Care	7
7.2.1.2	Accompanying Ante-natal Care Appointments	7
7.2.1.3	Adoption Meetings	8
7.2.1.4	Adoption Meetings – Partner of Primary Adopter	8
7.2.2	Health and Safety (Maternity Only)	8
7.2.3	Sickness	9
7.2.4	Making Arrangements for Contact during Leave	9
7.3	Entitlement to Maternity and Adoption Leave	9
7.3.1	Notification and Start of Maternity Leave	10
7.3.2	Notification and Start of Adoption Leave	11
7.3.2.1	UK Adoptions	11
7.3.2.2	Overseas Adoptions	11
7.3.3	Changing your Maternity or Adoption Leave Intended Start Date	12
7.4	Maternity and Adoption Pay	12

7.4.1	Statutory Maternity and Adoption Pay	12
7.4.2	Occupational Maternity and Adoption Pay.....	13
7.4.3	Combined Statutory and Occupational Maternity Pay	13
7.4.4	Effect of Pay Increases.....	14
7.4.5	Paying Back Occupational Maternity or Adoption Pay.....	14
7.4.6	Maternity or Adoption Allowance	14
7.4.7	Other State Benefits	14
7.5	Returning to Work.....	14
7.5.1	Expected Return Date	14
7.5.2	Returning Early.....	15
7.5.3	Returning Late	15
7.5.4	Deciding Not to Return	15
7.6	Miscarriage and Stillbirth.....	15
8	Shared Parental Leave.....	16
8.1	Entitlement to Shared Parental Leave	16
8.2	Entitlement to Shared Parental Pay.....	16
8.3	Timing and Length of Shared Parental Leave.....	17
8.4	Shared Parental Pay.....	17
8.5	Notification	17
8.5.1	Curtailment of Maternity or Adoption Leave and Pay	18
8.5.1.1	Revoking a Leave Curtailment Notice.....	18
8.5.2	Notice of Entitlement and Intention to take SPL	18
8.5.2.1	Request for Further Evidence	19
8.5.3	Notice to Book a Period of Leave	19
8.5.4	Variation to Period of Leave Notice	19
8.6	Baby Born Early.....	20
8.7	More than One Job	20
9	Leave.....	20
9.1	Annual Leave.....	20
9.2	Other Leave Entitlements.....	20
10	Keeping in Touch Days during Leave	21
11	General (Maternity, Adoption and Shared Parental Leave).....	21
11.1	Terms and Conditions during Leave	21
11.2	Your Rights when you Return	21
11.3	Flexible Working	22
11.4	Childcare Vouchers.....	22
11.5	Benefits Deducted from Pay	22

11.6	Pension Contributions.....	22
11.7	Redundancy during Leave.....	23
12	Paternity Leave.....	23
12.1	Length of Paternity Leave and Pay.....	23
12.2	Timing of Paternity Leave.....	23
12.3	Entitlement to Paternity Leave.....	23
12.4	Notification.....	24
12.4.1	Birth.....	24
12.4.2	Adoption.....	25
12.5	Changing Dates of Paternity Leave.....	25
12.5.1	Birth.....	25
12.5.2	Adoption.....	25
12.6	Stillbirth.....	26
12.7	Terms and Conditions during Paternity Leave.....	26
13	Monitoring and Review of the Policy.....	26
	Appendix 1 –Maternity Leave Procedure.....	27
	Appendix 2 – Adoption Leave Procedure.....	28
	Appendix 3 – Maternity and Adoption Pay Summary.....	29
	Appendix 4 – Shared Parental Leave Procedure.....	30
	Appendix 5 - Paternity Leave Procedure.....	31

1 Policy Statement

The Council is committed to supporting employees covered by this policy not only through its statutory obligations but also as a supportive employer who recognises the importance of family life and its balance with work.

This policy is designed to make employees aware of their statutory rights and responsibilities in relation to maternity, adoption, paternity and shared parental leave. There is also reference to surrogacy.

Managers are required to follow it for consistent and lawful treatment of employees throughout pregnancy, the adoption process, statutory leave periods and return(s) to work.

This Policy does not form part of any employee's contract of employment and we may amend it at any time.

2 Procedure Overviews and Forms

The following procedure overviews are attached as Appendices.

- Maternity Leave – Appendix 1
- Adoption Leave – Appendix 2
- Maternity and Adoption Pay – Appendix 3
- Shared Parental Leave – Appendix 4
- Paternity Leave – Appendix 5

For ease of administration and to enable you to comply with the numerous notification requirements the following forms are available on the intranet or from Human Resources.

- Maternity leave and Pay Application
- Adoption Leave and Pay Application (UK)
- Adoption Leave and Pay Application (Overseas)
- Paternity Leave and Pay (Birth)
- Paternity Leave and Pay (Adoption)
- Notice of Curtailment of Maternity or Adoption Leave
- Notice of Entitlement and Intention to take SPL (Employee is primary carer)
- Notice of Entitlement and Intention to take SPL (Employee is partner of primary carer)
- Variation of Notice of Entitlement and Intention to take SPL
- Notice to Book a Period of SPL
- Variation of Notice to Book a Period of SPL

3 Scope

This policy applies to full-time and part-time employees (regardless of the number of hours worked). It does not apply to agency workers or the self-employed. If you require further guidance, please contact Human Resources (HR).

4 Abbreviations and Definitions

4.1 General

HR	Human Resources
Partner	In instances where partner is used in a reference to eligibility criteria for a type of leave it means a person who lives with the mother or adopter and the child in an enduring family relationship but is not the mother or adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

4.2 Maternity

AML	Additional Maternity Leave
CML	Compulsory Maternity Leave
EDC	Expected date of childbirth (the day the baby is due)
EWC	Expected week of childbirth (the week, beginning with midnight between Saturday and Sunday, in which it is expected that the baby will be born)
MATB1	Maternity certificate issued by a doctor or midwife showing the date on which the baby is expected
OML	Ordinary maternity leave
OMP	Occupational maternity pay
SMP	Statutory maternity pay
Qualifying Week	The 15th week, starting on Sunday, before the EWC

4.3 Adoption

OAL	Ordinary Adoption Leave
AAL	Additional Adoption Leave
Qualifying Week	The week, starting on a Sunday, in which you are notified in writing by an adoption agency of having been matched with a child
Expected Placement Date	The date on which an adoption agency expects that it will place a child into your care with a view to adoption.

4.4 Shared Parental Leave

SPL	Shared Parental Leave
ShPP	Shared Parental Pay
SPLIT days	Shared Parental Leave Keeping in Touch days
Carer	Either eligible person ie primary carer or partner
Primary Carer	The person eligible for maternity or adoption leave
Partner	The person who is eligible to SPL as partner of primary carer
Adopter	The person eligible for adoption leave

5 Implementation

Managers have a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

The Head of Human Resources has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.

The legislation and requirements of the various types of leave is complicated. You are encouraged to discuss any queries or concerns with your manager or Human Resources.

Shared parental leave is particularly complex as it affects **both** carers and both of their respective employers. It is intended to provide greater flexibility to new parents but at the same time includes some protections for employers. As an employer we wish to support employees who make requests for shared parental leave and prefer to agree a mutually acceptable arrangement without relying on the default positions wherever possible. There is a much greater likelihood that both your and the Council's needs can be met if there are early and open discussions about plans and intentions. You are therefore strongly encouraged to start discussions about your plans, even if they are tentative, as soon as possible.

6 Surrogacy

Surrogate parents who have or intend to apply to the courts for a Parental Care Order are entitled to Adoption Leave and Paternity Leave. You should therefore refer to these sections of the policy and procedure. Parts of the procedure may however need to be adjusted because the date on which you wish to start your leave will depend on the date of the child's birth, whereas in adoption situations it is known in advance.

You should therefore inform Human Resources of your surrogacy plans as early as possible so that we can advise and ensure that you provide the appropriate notifications and declarations.

7 Maternity and Adoption Leave

7.1 Informing your Line Manager

You are encouraged to tell your line manager of your pregnancy or adoption plans as early as possible so leave for appointments or meetings can be authorised and in the case of maternity so that any health and safety risks can be assessed.

Your line manager should ask you whether you wish the fact you are pregnant or seeking to adopt to be kept confidential for as long as possible and act accordingly.

7.2 Before Taking Leave

7.2.1 Time Off For Appointments

7.2.1.1 Ante-natal Care

If you are pregnant you may take reasonable paid time off during working hours for ante-natal care. This may include appointments with a GP or midwife, hospital appointments for scans and tests, or relaxation and parent craft classes providing they are on the advice of a registered medical practitioner, midwife or health visitor. Your manager can request confirmation that you are pregnant (if not already provided) and a copy of the appointment card.

You should give us as much notice as possible of the appointment. We appreciate that you may not always have much choice in the time of appointments but in order to minimise disruption within the work section, you are asked to try to arrange appointments outside of working time or as close to the start or end of the working day as possible.

If you choose to be accompanied by someone who has a qualifying relationship with you they may also be entitled to unpaid time off to accompany you to up to two appointments. See following paragraph for more details.

7.2.1.2 Accompanying Ante-natal Care Appointments

If eligible you are entitled to reasonable unpaid time off to accompany the expectant mother to up to two ante-natal appointments.

You must have a qualifying relationship with the expectant mother or expected child as below:-

- You:
 - are the husband, civil partner or partner (including same sex relationships) of the expectant mother,
 - are the biological father of the expected child, or
 - have or intend to apply for a Parental Order to the courts in a surrogacy situation.

Your manager may request a written declaration stating:-

- that there is a qualifying relationship with the expectant mother or her expected child,
- the purpose of taking time off is to accompany the woman to an ante-natal appointment,
- the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered nurse, and
- the date and time of the appointment.

You should agree the time off with your line manager and submit an application for the unpaid leave on iTrent for formal authorisation and adjustment to pay.

7.2.1.3 Adoption Meetings

Adopters who have been notified of a match and are entitled to Adoption Leave are entitled to paid time off to attend up to five appointments which are arranged by the adoption agency for the purposes of arranging the adoption or meeting with the child to be adopted.

Your line manager may request that you provide documentation confirming the date and time of the appointment and that it has been arranged by the adoption agency.

You may also be required to provide a declaration that you have exercised your right to paid time off.

You should give us as much notice of the meeting as possible. In order to minimise disruption within the work section, you are asked to try and arrange appointments as close to the start or end of the working day, as possible.

It is not expected that you will require more than half a day to attend the meeting. The statutory maximum amount of paid time off is six and a half hours. If you require more than this you should explain the reasons to your line manager and agree appropriate arrangements for the additional time such as taking flex time or unpaid absence.

Eligible partners are entitled to unpaid time off to attend up to two appointments. See following paragraph for more details.

7.2.1.4 Adoption Meetings – Partner of Primary Adopter

Eligible employees are entitled to reasonable unpaid time off to accompany the primary adopter to attend up to two appointments which are arranged by the adoption agency for the purposes of arranging the adoption or meeting with the child to be adopted.

You must have a qualifying relationship with the primary adopter as below:-

- You are:
 - a joint adopter, or
 - the spouse, civil partner or partner (including same sex relationships) of an individual who has adopted a child.

Your manager may request that you provide documentation confirming the date and time of the appointment and that it has been arranged by the adoption agency and a signed declaration confirming that you have elected to take unpaid leave.

You should agree the time off with your line manager and submit an application for the unpaid leave on iTrent for formal authorisation and adjustment to pay.

7.2.2 Health and Safety (Maternity Only)

The Council has a general duty to take care of the health and safety of all employees. It is also required to carry out a risk assessment to assess the workplace

risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.

We will provide you with information as to any risks identified in the risk assessment, and any preventative and protective measures that have been or will be taken. If we consider that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal work we will take such steps as are necessary (for as long as they are necessary) to avoid those risks.

This may involve:

- changing your working conditions or hours of work;
- offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

For help and advice relating to health and safety and risk assessments, please contact the Human Resources or Occupational Health (details available on the intranet.)

7.2.3 Sickness

Periods of pregnancy-related sickness absence are paid in accordance with the Attendance Management Policy and Sickness Pay Benefits & Provisions Guide in the same manner as any other sickness absence.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

If you are absent for a pregnancy-related reason during the four weeks before your EWC, your maternity leave will usually start automatically (see paragraph on 'Notification and Start of Maternity Leave'.)

7.2.4 Making Arrangements for Contact during Leave

Before your leave starts your manager will discuss arrangements for keeping in contact during your leave. You should ensure that you continue to receive your payslips and agree arrangements for communicating significant workplace developments, training opportunities, internal news and any other appropriate work-related information. Employees may be sent council communications. We may make reasonable contact with you from time to time during your leave.

7.3 Entitlement to Maternity and Adoption Leave

Maternity and adoption leave is a total of 52 weeks and is divided into:

- Ordinary maternity or adoption leave (OML or OAL) of 26 weeks
- Additional maternity or adoption leave (AML or AAL) of a further 26 weeks immediately following OML or OAL.

All pregnant employees are entitled to maternity leave.

Adoption leave is available in the following situations:

- adoption through a UK adoption agency
- approved adopters looking after a child as part of a local authority 'fostering to adopt' arrangement
- adoption through an overseas adoption agency
- Surrogate parents who have made or intend to make a parental order application to the courts

Adoption leave is not available if there is no agency involved, for example, if you are formally adopting a stepchild or other relative.

You are entitled to adoption leave if you meet all the following conditions:

- An adoption agency has given you written notice that it has matched you with a child for adoption and tells you the **Expected Placement Date**.
- You have notified the agency that you agree to the child being placed with you on the **Expected Placement Date**.
- In the case of surrogacy you have or intend to apply to the courts for a Parental Care Order and you provide the appropriate declarations to confirm your eligibility.
- Your spouse or partner will not be taking adoption leave with their employer.

7.3.1 Notification and Start of Maternity Leave

Before the end of the 15th week before the date the baby is due (EWC) or as soon as reasonably practical afterwards, you must tell the Council:

- That you are pregnant
- Your EWC date
- When you intend your maternity leave to commence (**Intended Start Date**) which must be no earlier than the start of the 11th week before the EWC.

You must provide a certificate from a doctor or midwife (usually form MATB1) confirming the date the baby is due, which is normally issued after the 20th week of pregnancy. You should complete a Maternity Leave and Pay Application Form, which you should discuss with your line manager, then provide to HR. HR must have the forms by the end of the 15th week before the EWC. HR will then write to you within 28 days of receiving your completed application form to confirm the date of return to work if you take your full entitlement to maternity leave (**Expected Return Date**.)

Maternity leave will start on the earlier of:

- Your **Intended Start Date** (if notified to us in accordance with this policy); or the day after any day on which you are absent for a pregnancy-related reason during the four weeks before the EWC; or the day after you give birth.

- If you give birth before your maternity leave was due to start, you must let us know the date of the birth in writing as soon as possible. The law prohibits you from working during the two weeks following childbirth.

7.3.2 Notification and Start of Adoption Leave

7.3.2.1 UK Adoptions

You must give the Council notice in writing of:

- the **Expected Placement Date**; and
- your intended start date for adoption leave (Intended Start Date).

This notice should be given not more than seven days after the agency notified you in writing that it has matched you with a child or as soon as reasonably practical.

At least 28 days before your Intended Start Date (or, if this is not possible, as soon as you can), you must also provide us with:

- A Matching Certificate from the adoption agency confirming:
 - the agency's name and address;
 - the name and date of birth of the child;
 - the date you were notified of the match; and
 - the Expected Placement Date.
- Written confirmation that you intend to take statutory adoption pay and not statutory paternity pay.

OAL may start on a predetermined date no more than 14 days before the **Expected Placement Date**, or on the date of placement itself, but no later.

You must notify us of your **Intended Start Date**. We will then write to you within 28 days to inform you of the date we will expect you to return to work if you take your full entitlement to adoption leave (**Expected Return Date**).

7.3.2.2 Overseas Adoptions

If you are adopting a child from overseas, the following will apply:

- You must have received notification that the adoption has been approved by the relevant UK authority (**Official Notification**).
- You must give the Council notice in writing of:
 - your intention to take adoption leave;
 - the date you received **Official Notification**; and
 - the date the child is expected to arrive in Great Britain.

This notice should be given as early as possible but in any case within 28 days of receiving **Official Notification** (or, if you have less than 26 weeks' employment with us at the date of Official Notification, within 30 weeks of starting employment).

You must also give us at least 28 days' notice in writing of **your Intended Start Date**. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

You must also notify us of the date the child arrives in Great Britain within 28 days of that date.

We may also ask for a copy of the **Official Notification** and evidence of the date the child arrived in Great Britain.

7.3.3 Changing your Maternity or Adoption Leave Intended Start Date

You can postpone your **Intended Start Date** by informing us in writing at least 28 days before the original date or, if that is not possible, as soon as you can.

You can bring forward your **Intended Start Date** by informing us in writing at least 28 days before the new start date or, if that is not possible, as soon as you can.

7.4 Maternity and Adoption Pay

7.4.1 Statutory Maternity and Adoption Pay

Statutory Maternity Pay (SMP) or Adoption Pay (SAP) is payable for up to 39 weeks. SMP/SAP will stop being payable if you return to work sooner (except where you are simply keeping in touch in accordance with paragraph on Keeping in Touch days during leave), if the adoption placement is disrupted or from the effective date of a Maternity or Adoption Leave Curtailment Notice.

You are entitled to SMP/SAP if:

- you have been continuously employed for at least 26 weeks at the end of the **Qualifying Week** and are still employed by us during that week;
- your average weekly earnings during the eight weeks ending with the qualifying week (the **Relevant Period**) are not less than the lower earnings limit set by the government;
- you have provided the appropriate notifications and certificates; and
- in the case of maternity you are still pregnant 11 weeks before the start of the EWC or have already given birth.

SMP/SAP is calculated as follows:

- first six weeks: SMP/SAP is paid at the earnings-related rate of 90% of your average weekly earnings calculated over the **Relevant Period**;
- remaining 33 weeks: SMP/SAP is paid at the prescribed rate which is set by the government for the relevant tax year, or the earnings-related rate if this is lower.

SMP/SAP accrues from the day on which you commence your OML/OAL and thereafter at the end of each complete week of absence. SMP/SAP payments will be made on the next normal payroll date and income tax, National Insurance and pension contributions will be deducted as appropriate.

If you leave employment for any reason (for example, if you resign or are made redundant) you will still be entitled to SMP or SAP in the following circumstances.

- In maternity cases if you leave after the start of the **Qualifying Week** and your maternity leave has not already begun, SMP will start in whichever is the later of:
 - the week following the week in which employment ends; or
 - the eleventh week before the EWC.
- In adoption cases if when you leave you have already been notified by an agency that you have been matched with a child. SAP will start in whichever is the later of:
 - 14 days before the **Expected Placement Date**; or
 - the day after your employment ends.

7.4.2 Occupational Maternity and Adoption Pay

If you are eligible you will be paid Occupational Maternity or Adoption Pay. This is under the nationally agreed provision for maternity pay or the locally agreed provision for adoption pay which mirrors the nationally agreed maternity provision.

If you have at least 1 years' continuous Local Government service at the start of 11th week before the EWC or at the start of the 11th week before the start date of your adoption leave you will qualify for occupational maternity or adoption pay as below:

Weeks 1 - 6	90% of contractual pay
Weeks 7 –18	Half of contractual pay providing this figure, when added to any SMP/SAP/MA, does not exceed full pay

7.4.3 Combined Statutory and Occupational Maternity Pay

If you:

- Have 26 weeks' continuous service with Oxford City Council at the end of the **Qualifying Week**
- Have one years' continuous Local Government Service as at the 11th week before the EWC or the start date of adoption leave; *and*
- Normally earn more than the lower earnings limit (LEL) for National Insurance Contributions.

You will receive enhanced benefits as follows:

Weeks 1 - 6	90% of average pay (SMP/SAP rules) or 90% of contractual pay if greater
Weeks 7 -18	SMP/SAP is paid at whichever is the lower of the earnings-related rate or the weekly rate, plus ½ of contractual pay, providing the total of the two payments does not exceed full pay
Weeks 19 – 39	SMP/SAP is paid at whichever is the lower of the earnings-related rate or the weekly rate

7.4.4 Effect of Pay Increases

If you become eligible for a pay rise before the end of your maternity or adoption leave, you will be treated for SMP/SAP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP/SAP will be recalculated and increased retrospectively, or that you may qualify for SMP/SAP if you did not previously qualify. We will pay you a lump sum to make up the difference between any SMP/SAP already paid and the amount payable by virtue of the pay rise. Any future SMP/SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

7.4.5 Paying Back Occupational Maternity or Adoption Pay

If you do not return to work or return for less than 3 calendar months after receiving 12 weeks' of half pay, this amount, or a proportion of it for the period not worked, will have to be paid back to Oxford City Council.

You will be issued as a sundry account and the Council's normal rules of debt recovery will apply. If the maternity or adoption leave period falls within the same financial year as the debt recovery then some relief of Tax and National Insurance Contributions will apply. If it falls outside the financial year then repayment on the gross amount will apply. For further information, please contact the Payroll Team.

7.4.6 Maternity or Adoption Allowance

If, at the 15th week before the EWC, you have

- less than 26 weeks' service with Oxford City Council or;
- have more than 26 weeks' continuous service, but normally earn less than the Lower Earnings Level (LEL) for National Insurance Contributions, you will not receive SMP/SAP from the Council.

Instead you should request form SMP/SAP 11 from the Payroll team to claim Maternity/Adoption Allowance or other benefits direct from the Government.

7.4.7 Other State Benefits

You must advise the Payroll team if you are currently receiving benefits, so that any occupational maternity/adoption pay can be calculated correctly.

7.5 Returning to Work

7.5.1 Expected Return Date

Once you have notified us in writing of your **Intended Start Date**, we will send you a letter within 28 days to inform you of your **Expected Return Date**. We will expect you back at work on your **Expected Return Date** unless you tell us otherwise. It will help us if, during your leave, you are able to confirm that you will be returning to work as expected.

If your start date changes we will write to you within 28 days of the start of maternity or adoption leave with a revised **Expected Return Date**.

7.5.2 Returning Early

If you wish to return to work earlier than the Expected Return Date, you must give us eight weeks' prior notice. It is helpful if you give this notice in writing. If not enough notice is given, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner. You do not have any contractual right to pay if you return to work before the postponed date notified to you.

7.5.3 Returning Late

If you wish to return later than the **Expected Return Date**, you should either:

- request unpaid parental leave [in accordance with our Parental Leave Policy], giving us as much notice as possible but not less than 21 days; or
- request paid annual leave in accordance with your contract, which will be at our discretion (see paragraph on Annual Leave.)

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Attendance Management Policy will apply.

In any other case, late return will be treated as unauthorised absence.

7.5.4 Deciding Not to Return

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract. The amount of maternity or adoption leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement. This does not affect your right to receive SMP/SAP.

7.6 Miscarriage and Stillbirth

If you suffer a miscarriage (up to the end of the 24th week of pregnancy), you will be paid sick pay in accordance with the provisions of the scheme. Oxford City Council sickness pay rules will apply.

Where a stillbirth occurs (from the beginning of the 25th week of pregnancy), OMP / SMP is normally payable (subject to service qualification). You qualify for maternity leave as if a live birth had occurred.

8 Shared Parental Leave

8.1 Entitlement to Shared Parental Leave

To be eligible for SPL you must be:

- The child's mother, primary adopter or parental order parent in surrogacy:
- The biological father of the child: or
- The mother's husband, civil partner or partner (including same sex relationships), or the person who is married to, or is the civil partner or partner (including same sex relationships) of the primary adopter: and
- Have 26 weeks continuous service with Oxford City Council the end of the **Relevant Week** which is:-
 - 15 weeks before the expected week of childbirth; or
 - the week of being notified of being matched with an adoptive child:
- Be taking leave for the purpose of caring for the child.
- Have remained in continuous employment up to the week before any shared parental leave is taken.

8.2 Entitlement to Shared Parental Pay

Primary Carer

In addition to fulfilling the SPL eligibility criteria to be entitled to ShPP the primary carer must:

- a) Have average weekly earnings the eight weeks ending with the **Relevant Week** of not less than the lower earnings threshold for that week.
- b) Intend to care for the child during each week in which ShPP is paid
- c) Be entitled to SMP or SAP and have reduced their maternity or adoption pay period
- d) Be absent from work on SPL during each week in which ShPP is paid to them (apart from in those situations where it is permissible to work e.g. SPLIT days)

For the primary carer to qualify the partner must satisfy the employment and earnings test and at the time of the child's birth or adoption have the main responsibility (apart from the primary carer) for caring for the child.

Partner

In addition to meeting a, b and d above for the partner to be entitled to ShPP the primary carer must be entitled to statutory maternity or adoption leave, statutory maternity or adoption pay or maternity allowance, but they must have curtailed their entitlement or returned to work.

Primary Carer and Partner

Both must satisfy the employment and earnings test and at the time of the child's birth or adoption have the main responsibility for caring for the child.

To satisfy the employment and earnings test, the person must have been employed or self-employed for any part of at least 26 weeks of the 66 weeks immediately before the expected week of childbirth or the week the adopter was notified of being matched (known as the Matching Week) and have average weekly earnings in any

13 of those 66 weeks of at least £30 and have paid class 1 or 2 national insurance contributions in those weeks (or hold an exemption certificate).

8.3 Timing and Length of Shared Parental Leave

SPL is a maximum of 52 weeks leave which can be shared by eligible primary carers and partners for the purpose of caring for a child within the first year of the child's life or in the year the child is placed for adoption.

The actual amount of leave that can be taken as SPL is 52 weeks less the number of weeks maternity or adoption leave that has already been or will be taken.

Mothers must take two weeks compulsory maternity leave following childbirth. The main adopter must also take at least two weeks' adoption leave before it can be curtailed. The maximum amount of leave that can be shared is therefore 50 weeks.

The leave must be taken in complete weeks either in one continuous block or in multiples of complete weeks. The minimum SPL that can be taken is one week.

The leave can be taken at the same time as the partner.

8.4 Shared Parental Pay

The total number of weeks SPL payable is 39 weeks less any weeks that maternity or adoption pay has already been paid. As the mother or primary adopter must have a minimum of two weeks compulsory maternity or adoption leave the maximum number of weeks paid SPL that can be shared is 37 weeks.

SPL is paid at the prescribed rate which is set by the government for the relevant tax year, or the earnings-related rate if this is lower.

SPL accrues from the day on which you commence your SPL and thereafter at the end of each complete week of absence. SPL payments will be made on the next normal payroll date and income tax, National Insurance and pension contributions will be deducted as appropriate.

8.5 Notification

Both carers must give the appropriate notifications to qualify to SPL and ShPP.

The process of applying for SPL and ShPP is in three stages:-

- Curtailment of Maternity or Adoption leave by the primary carer
- Notice of Entitlement and Intention to take SPL
- Notice to book a period of SPL

These stages are explained below.

8.5.1 Curtailment of Maternity or Adoption Leave and Pay

The primary carer must give notice of curtailment of maternity or adoption leave and pay. All leave and pay after the effective date of curtailment becomes SPL and ShPP.

Maternity or adoption leave can be curtailed in one of two ways:-

- By giving notice to return to work early.
- By giving a leave Curtailment Notice which will bring forward the date that the ordinary or additional maternity or adoption leave will end at a future point. At least 8 weeks' notice must be given.

In both cases the notice must be in writing. The written notice must be sent to your line manager with a copy to HR.

Where there is an entitlement to statutory maternity pay, maternity allowance or statutory adoption pay 8 weeks' written notice to curtail pay must also be provided.

A Curtailment Notice Form is available to provide notice to curtail both leave and pay.

8.5.1.1 Revoking a Leave Curtailment Notice

The curtailment of maternity or adoption leave may be revoked in the following situations:-

- It is discovered in the 8 weeks following the notice that neither carer is entitled to SPL or SHPP.
- The mother gave her leave curtailment notice before the birth of the child revokes her maternity leave curtailment notice within 6 weeks following the birth, or
- The partner dies.

Any revocation of a leave curtailment notice must be given in writing to your line manager with a copy to HR.

8.5.2 Notice of Entitlement and Intention to take SPL

Both carers must provide the relevant notice of their intention to take SPL which includes a declaration that they satisfy the eligibility criteria. They must also provide a declaration to their respective partner's employer.

This notice includes a non-binding indication of when the SPL will be taken.

Forms are available for employees to complete which will satisfy all of the notice requirements. This form can be completed at the same time as the Curtailment Notice form or at a later date but it cannot be later than 8 weeks before the date of the first period of SPL. Both forms must be sent to your line manager with a copy to HR.

8.5.2.1 Request for Further Evidence

The Council may, within 14 days of receiving the notice of entitlement, request

- the name and address of the other carer's employer
- a copy of the child's birth certificate, or in the case of adoption
- documents from the adoption agency confirming the name and address of the adoption agency, the date the primary adopter was notified of being matched and the date the agency expect to place the child.

8.5.3 Notice to Book a Period of Leave

Carers must submit a written notice setting out the start and end dates of each period of SPL they wish to request under that notice. The notice must be provided at least 8 weeks before the first period of leave they wish to take under that notice. The Notice must be sent to your line manager with a copy to HR.

If the notice is for one continuous period of SPL the Council must agree it.

If the request is for more than a one period of SPL there will be a two week discussion period, beginning with the date the Council received the notice, during which the Council may:-

- Agree to the request;
- Propose alternative dates: or
- Decline the request.

If agreement cannot be reached during the two weeks the employee can take the total amount of leave requested in the notice as one continuous period of leave. The employee has five days from the end of this two week period to specify a date from which they will take the continuous period of leave. This date must be after the 8 week required period of notice from the date the notice was originally received by the Council. If the employee does not choose a date then the leave will commence on the start date of the first period of leave that the employee originally applied for.

Your line manager will acknowledge or confirm the dates of your shared parental leave as appropriate and will provide a copy of the letter to HR.

Carers may withdraw a notice of a discontinuous period of leave within 15 days of giving the notice unless agreement has already been reached during this time.

8.5.4 Variation to Period of Leave Notice

Carers can change their notified SPL arrangements by giving notice to vary the agreed leave. This may be to end a period of leave earlier or later, to aggregate a number of discontinuous periods into a single period or vice versa. At least 8 weeks' notice must be provided before the date varied and any new date.

Each carer may make up to three notices to book or vary previously agreed periods of SPL and three withdrawal notices may be submitted. Any periods of leave that have been declined do not count towards these totals. All notices must be given to

your line manager with a copy to HR. Acknowledgement letters will be sent by your line manager with a copy to HR.

8.6 Baby Born Early

If the baby is born before the beginning of the week in which it was due different notification requirements apply for SPL/ShPP in the 8 weeks following the expected week of birth.

Where Notice of Entitlement and Notice to Book Leave has been given to start with 8 weeks of the child's expected week of birth and the child is born early the primary carer or partner may take the leave they have 'booked' after the actual birth by giving Notice to Vary the SPL/ShPP as soon as reasonably practicable following the birth.

Where the carer has given 'Notice of Entitlement' to SPL and the baby is born more than 8 weeks before the expected week of birth the carer can book a period of leave to start within 8 weeks of the actual birth if they give notice as soon as reasonably practicable after the birth. If 'Notice of Entitlement' had not been given then the requirement to give 8 weeks' notice before the start of a period of leave is to be treated as being satisfied if the notice is given as soon as reasonably practicable after the birth. Similarly the requirement to give 8 weeks' notice to 'book' a period of leave is treated as being satisfied if the period of leave starts within 8 weeks.

8.7 More than One Job

If the primary carer has more than one job they must curtail their leave in all jobs to be entitled to SPL.

9 Leave

9.1 Annual Leave

During OML/AML/SPL and AML/AAL/SPL annual leave will accrue at the rate provided under your contract. i.e. the hours the you were working prior to the start of the leave. If you return on different hours then leave will be based on these hours from the point of return.

If a period of maternity or adoption leave spans more than one annual leave year, then leave can be carried over within the normal arrangements for the carry-over of leave. Additional leave may be carried over provided that the leave is taken prior to the employee actually returning to work. You must discuss and agree the arrangements with your manager.

9.2 Other Leave Entitlements

Employees have rights to unpaid parental leave and unpaid time off for dependants. Please see the relevant Council policy documents (available on the Intranet or from HR).

10 Keeping in Touch Days during Leave

Your manager should discuss arrangements for keeping in contact with you during the leave period before your leave starts. Your manager should ensure that you will receive your e-payslips and agree arrangements with you for communicating significant workplace developments and training opportunities. You may be sent council communications. We may make reasonable contact with you from time to time during your leave.

You may work (including attending training) for up to ten days during maternity or adoption leave without bringing your maternity or adoption leave or SMP/SAP to an end. The arrangements must be agreed with your line manager. In the case of Shared Parental Leave Keeping in Touch days (SPLIT) you may work for up to 20 days each.

Pay will be made up to full pay for the hours worked. If you are in receipt of payments that are equal to full pay at the time of working a KIT/SPLIT day you will not receive any additional pay. Conversely if you are in receipt of no pay at the time of working will receive full pay for the hours worked. Each day that you work will count as a one of your KIT/SPLIT days even if you only work for part of it.

You are not obliged to undertake any such work during maternity, adoption or shared parental leave, nor is the Council obliged to provide any work. In any case, you must not work in the two weeks following birth or the first two weeks following adoption.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

- updating you on any changes that have occurred during your absence;
- any training needs you might have; and
- any changes to working arrangements (e.g. if you have made a request to work part-time.)

11 General (Maternity, Adoption and Shared Parental Leave)

11.1 Terms and Conditions during Leave

All the terms and conditions of your employment remain in force during OML/OAL/SPL and AML/AAL/SPL, except for the terms relating to pay. In particular:

- benefits in kind [such as slice card benefit] will continue;
- annual leave entitlement under your contract will continue to accrue (see Annual Leave paragraph); and
- Pension benefits will continue (see Pensions paragraph).

11.2 Your Rights when you Return

When you return to work if the total statutory leave (i.e. maternity, adoption or shared parental leave) in relation to that child is 26 weeks or less you are entitled to return to the same job you had before taking leave.

If you have taken more than this you are entitled to return to your previous job, or where this is not reasonably practicable for the Council, to another suitable job.

It is possible that if you take your full entitlement to maternity or adoption leave of 52 weeks you may become pregnant or seek to make an adoption whilst on leave and become entitled to another, consecutive period of leave without returning to work. If you take two consecutive periods of leave, which include one or more periods of AML/AAL, you are entitled to return to your original job or, if this is not reasonably practicable, to another suitable, alternative post.

11.3 Flexible Working

We will deal with any requests for changes to working patterns such as working part time on a case-by-case basis. There is no absolute right to insist on working part time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for making and dealing with such requests is set out in our Flexible Working Policy.

11.4 Childcare Vouchers

You are entitled to continue to receive contractual benefits (except pay) during OML/OAL/SPL and AML/AAL/SPL.

Currently Childcare Vouchers are deemed to be a non-cash benefit (i.e. not pay) and therefore entitlement to them continues during OML/OAL/SPL and AML/AAL/SPL. You must be a member of the Childcare Voucher Scheme before starting maternity, adoption or shared parental leave for this to apply. This is explained in more detail in the Guidance on the Childcare Voucher Scheme.

11.5 Benefits Deducted from Pay

Where you are in receipt of employee benefits which are deducted monthly from your pay (e.g. season ticket loans, cycle scheme, gym membership) deductions will continue when you are in receipt of sufficient pay. If you have a period of insufficient or no pay the deductions will continue to accrue and will be taken from pay upon your return to work. If you do not return to work they will be deducted from your final pay or if this is insufficient you will be invoiced.

11.6 Pension Contributions

During OML/AAL/SPL when you receive reduced pay your pensionable pay during the period will be determined by calculating an assumed pensionable pay amount for the period in accordance with the Local Government Pension Scheme Regulations. The Payroll Team will write to confirm the amount of pensionable pay used and how this was calculated. This will not change your contribution banding, but the amount paid will be based on the reduced rate of pay.

During unpaid OML/OAL/SPL and/or AML/AAL/SPL you will not pay pension contributions. You can choose to make up the lost pension by electing to enter into a

Shared Cost Additional Contribution Arrangement within 30 days of your return from maternity or adoption leave. The Payroll Team will advise you of the arrangements for making this election.

If you work any KIT/SPLIT days during your leave you will be paid full pay for the hours worked (you must submit a claim for payment) and your pensionable pay and contributions will be based on the full pay. If the days are worked during a period of reduced or no pay then assumed pensionable pay will continue to apply for the period after the KIT/SPLIT days.

11.7 Redundancy during Leave

In the event that your post is affected by a redundancy situation occurring during your maternity, adoption or shared parental leave, we will write to inform you of any proposals and will invite you to a meeting before any final decision is reached as to your continued employment. Employees on maternity, adoption or shared parental leave will be given first refusal on any suitable alternative vacancies that are appropriate to their skills, in accordance with the Organisational Change Policy.

12 Paternity Leave

12.1 Length of Paternity Leave and Pay

The Council has locally agreed provision which provides for a maximum of three weeks paternity leave on full pay provided you meet the eligibility criteria for statutory paternity leave.

Any statutory paternity pay to which you are entitled will be paid to you and offset against your pay.

12.2 Timing of Paternity Leave

Paternity leave must be taken in one block or multiples of complete weeks.

It can be taken from the date of the child's birth or adoption placement, but must end:

- In birth cases, within 56 days of the child's birth;
- In adoption cases, within 56 days of the child's placement.

Paternity leave must be taken before shared parental leave.

12.3 Entitlement to Paternity Leave

You are entitled to Paternity Leave if you meet all the following conditions:

- You have been continuously employed by the Council for at least 26 weeks by:
 - in birth cases, the end of the 15th week before the Expected Week of Childbirth.

- in adoption cases, the end of the week in which you or your partner are notified by an adoption agency that you/they have been matched with a child.
- you remain employed by us during the paternity leave period.
- You:
 - are the biological father of the child;
 - have been matched with a child by an adoption agency;
 - are the spouse, civil partner or partner (including same sex relationships) of the child's mother; or
 - are the spouse, civil partner or partner (including same sex relationships) of someone who has been matched with a child by an adoption agency; or
 - have or intend to apply for a Parental Care Order in a surrogacy situation and are not applying for adoption leave.
- You:
 - expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
 - are the child's biological father and you expect to have some responsibility for the child's upbringing.
- Your intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

12.4 Notification

12.4.1 Birth

If you wish to take paternity leave in relation to a child's birth, you must give us notice in writing of your intention to do so and confirm:

- The Expected Week of Childbirth;
- The number of weeks' leave you intend to take (either one block or in multiples of complete weeks).
- When you would like to take your leave. You can state that your leave will start on:
 - the day of the child's birth;
 - a day which is a specified number of days after the child's birth; or
 - a specific date later than the first date of the Expected Week of Childbirth.

You must give this notice under paragraph before the 15th week prior to the Expected Week of Childbirth (or, if this is not possible, as soon as you can). A Paternity Leave Request Form is available for this purpose.

12.4.2 Adoption

If you wish to take paternity leave in relation to the adoption of a child, you must give us notice in writing of your intention to do so and confirm:

- The date on which you and/or your spouse, civil partner or partner were notified of having been matched with the child, together with the Expected Placement Date;
- The number of weeks' leave you intend to take up to a maximum of 3 weeks and how you plan to take it. This may be as one block of up to three weeks, a two week and/or 1 week block or up to three single week blocks; and
- When you would like to take your leave. You can state that your leave will start on:
 - the day on which the child is placed with you or the adopter;
 - a day which is a specified number of days after the child's placement; or
 - a specific date later than the Expected Placement Date.
 -

You must give this notice no more than seven days after you and/or your spouse, civil partner or partner were notified of having been matched with the child (or, if this is not possible, as soon as you can).

We may require a signed declaration from you that you are taking paternity leave for a purpose for which it is intended; namely, to care for the child or to support your spouse, civil partner or partner in caring for the child.

12.5 Changing Dates of Paternity Leave

12.5.1 Birth

You can give us written notice to vary the start date of your leave from that which you originally specified in your notice. This notice should be given at least 28 days before the first day of the Expected Week of Childbirth:

- Where you wish to vary your leave to start on the day of the child's birth;
- Where you wish to vary your leave to start a specified number of days after the child's birth;
- Where you wish to vary your leave to start on a specific date (or a different date from that you originally specified) – but in this case at least 28 days before that date.

12.5.2 Adoption

You can give us written notice to vary the start date of your leave from that which you originally specified in the notice given under paragraph 9.1. This notice should be given at least 28 days before the Expected Placement Date:

- Where you wish to vary your leave to start on the day that the child is placed with you or the adopter;
- Where you wish to vary your leave to start a specified number of days after the child's placement;

- Where you wish to vary your leave to start on a specific date (or a different date from that you originally specified) – but in this case at least 28 days before that date.

If you are unable to give us 28 days' written notice of the wish to vary the start of your leave as set out above, you should give us written notice of the change as soon as you can.

12.6 Stillbirth

After the 24th week of pregnancy if your child is stillborn or is born alive but only lives for a short time you will qualify for Paternity Leave if you would otherwise have been eligible to the leave.

12.7 Terms and Conditions during Paternity Leave

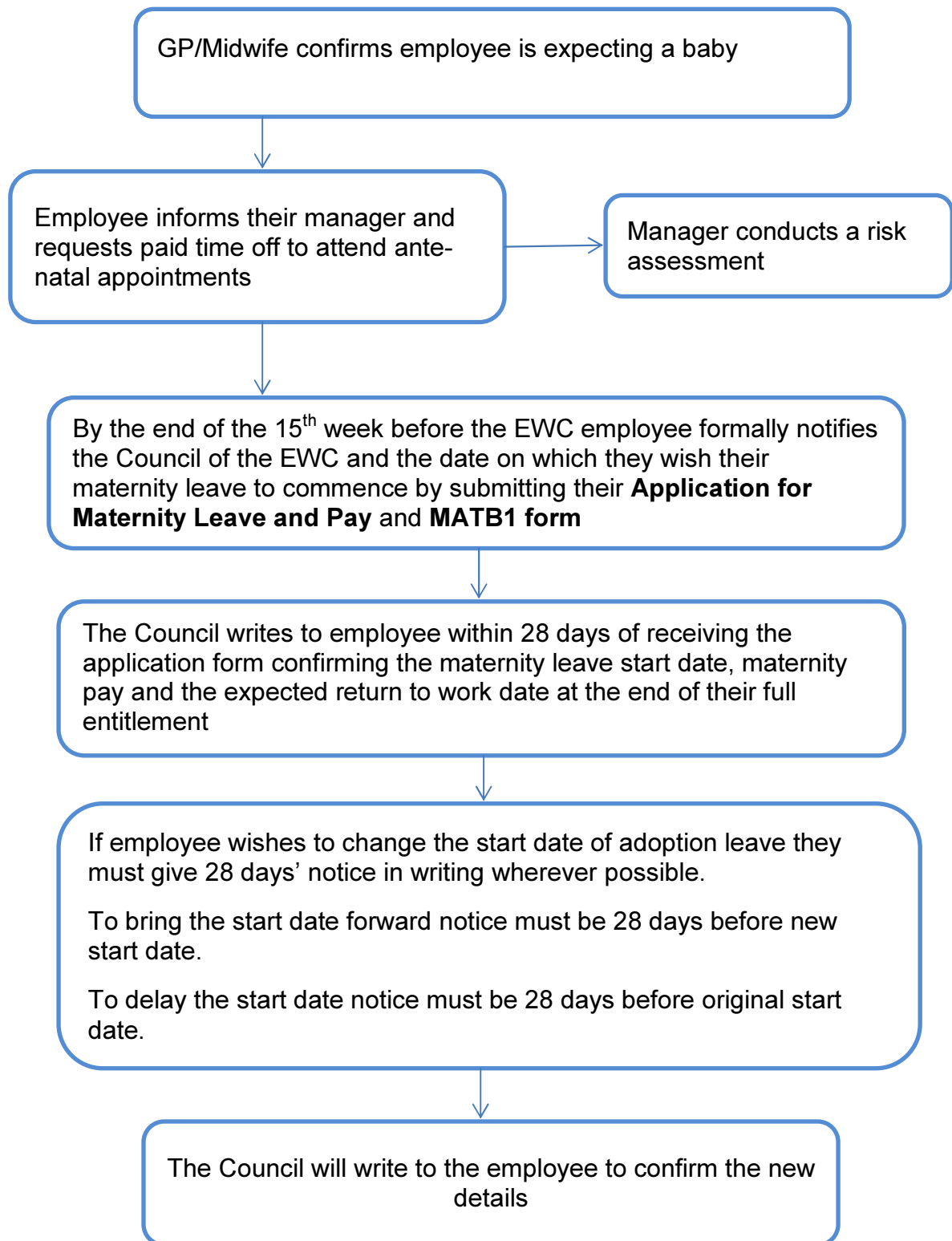
All your terms and conditions of employment remain in force during paternity leave.

13 Monitoring and Review of the Policy

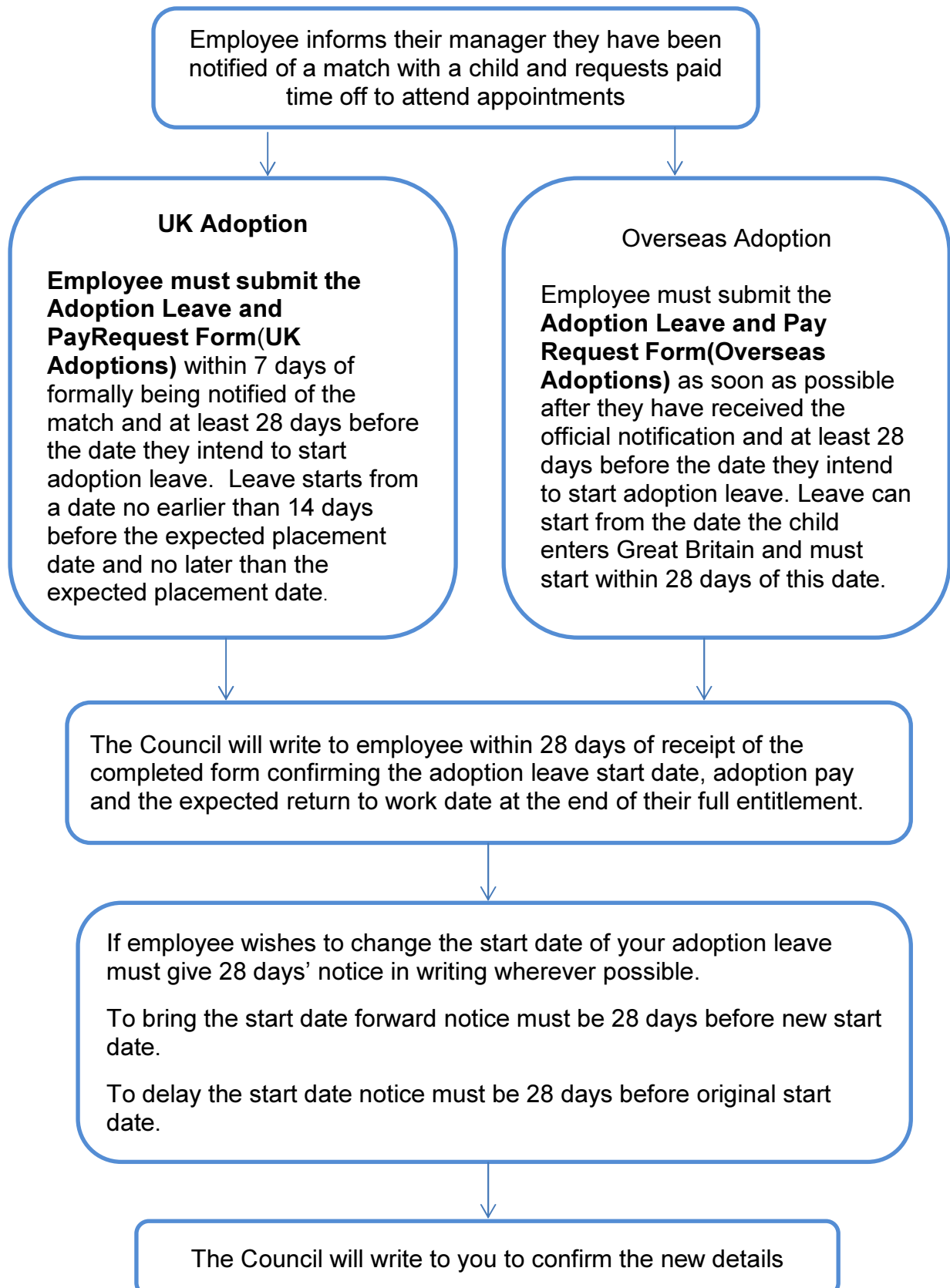
This policy is reviewed by Human Resources in consultation with the Council's recognised unions. Recommendations for any amendments are reported to Human Resources.

We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.

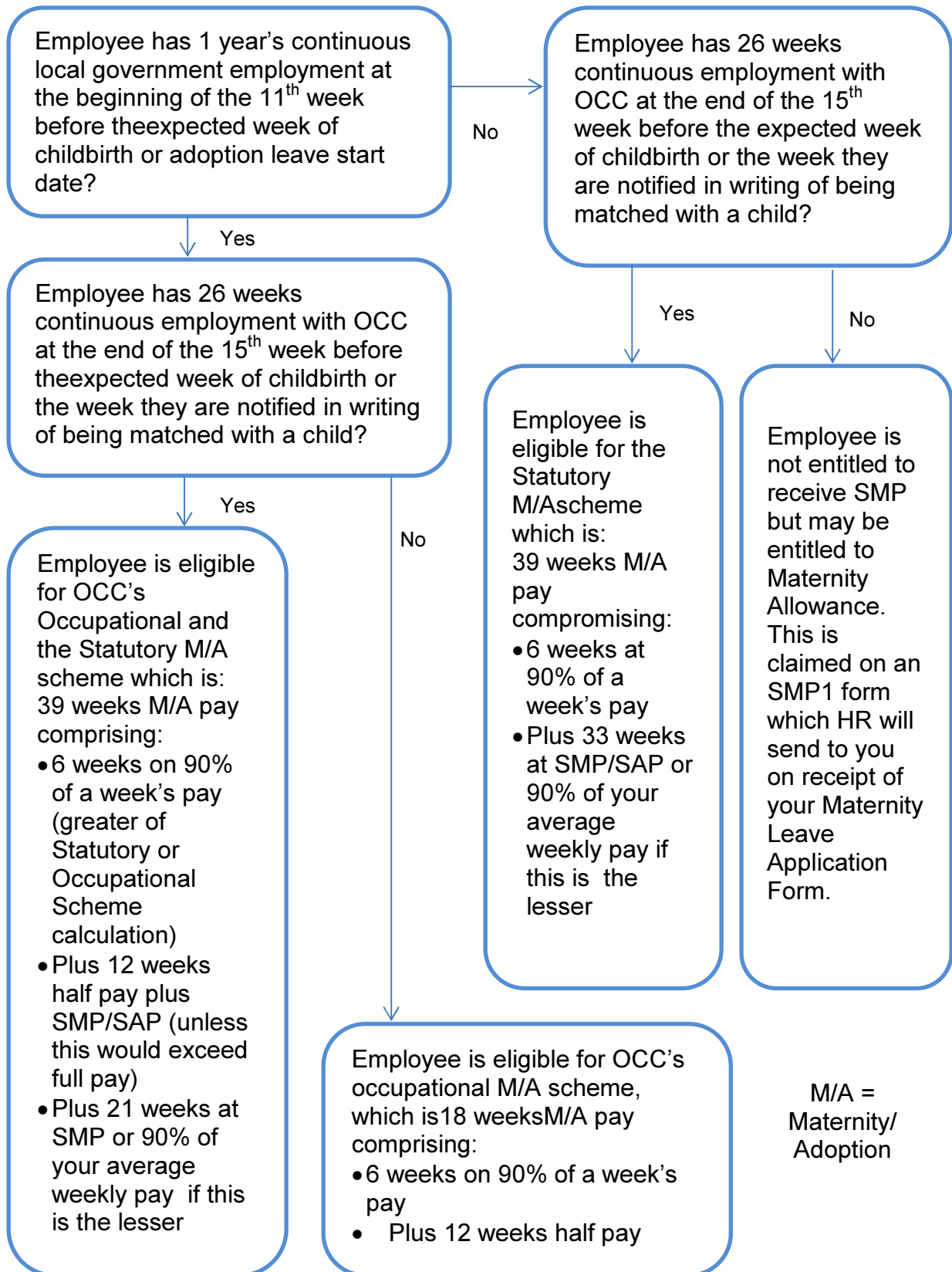
Appendix 1 –Maternity Leave Procedure



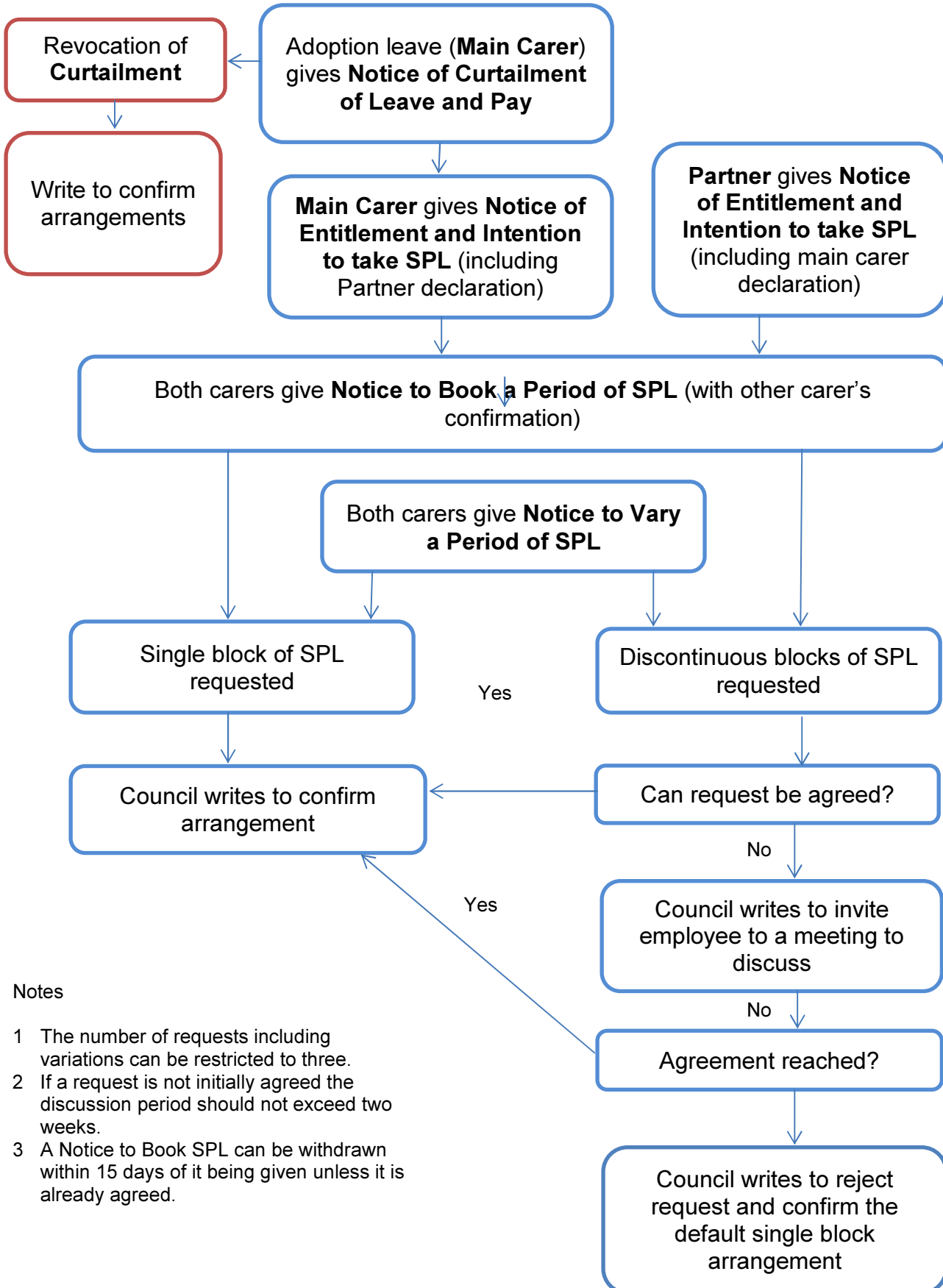
Appendix 2 – Adoption Leave Procedure



Appendix 3 – Maternity and Adoption Pay Summary



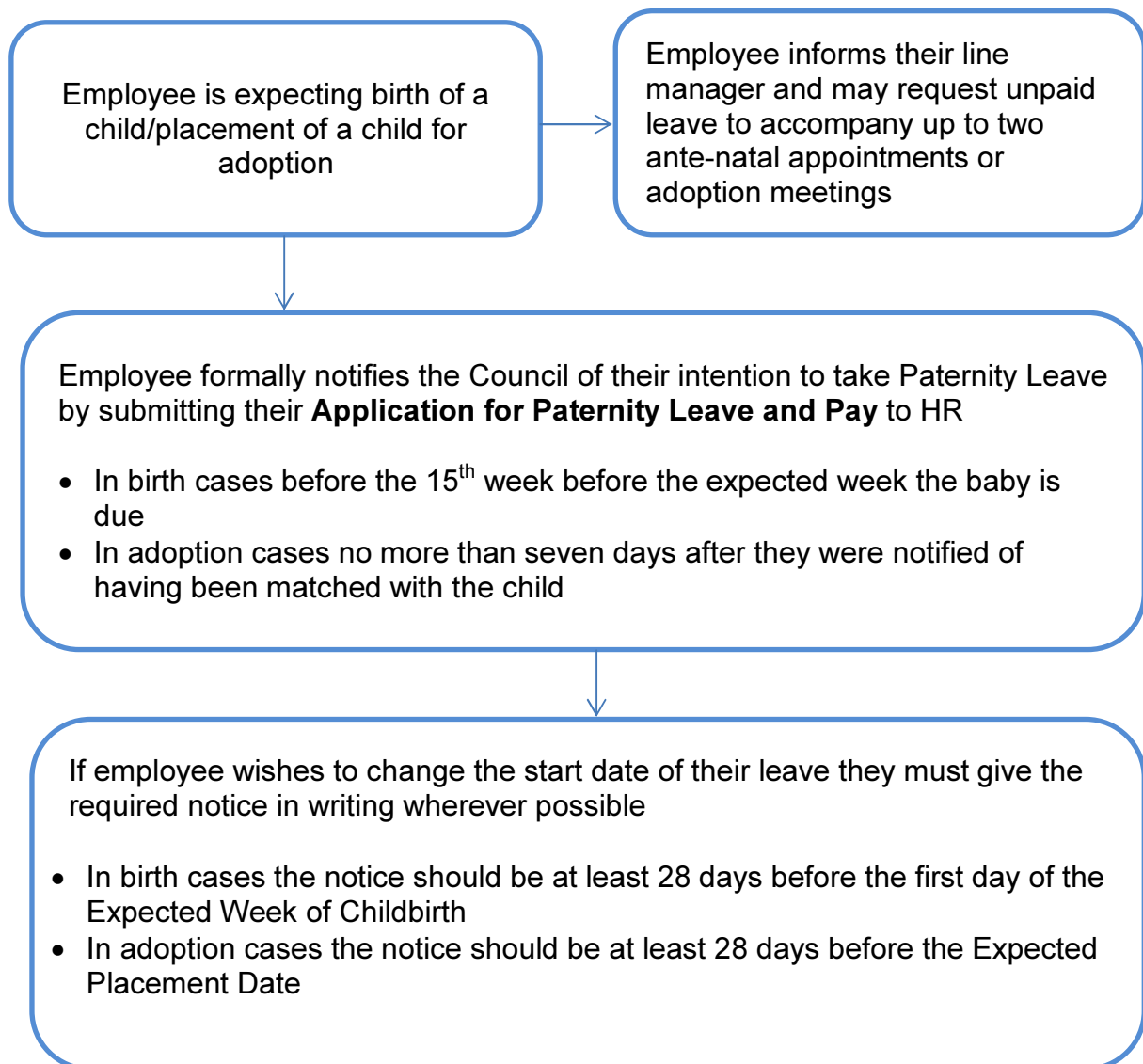
Appendix 4 – Shared Parental Leave Procedure



Notes

- 1 The number of requests including variations can be restricted to three.
- 2 If a request is not initially agreed the discussion period should not exceed two weeks.
- 3 A Notice to Book SPL can be withdrawn within 15 days of it being given unless it is already agreed.

Appendix 5 - Paternity Leave Procedure



This page is intentionally left blank