

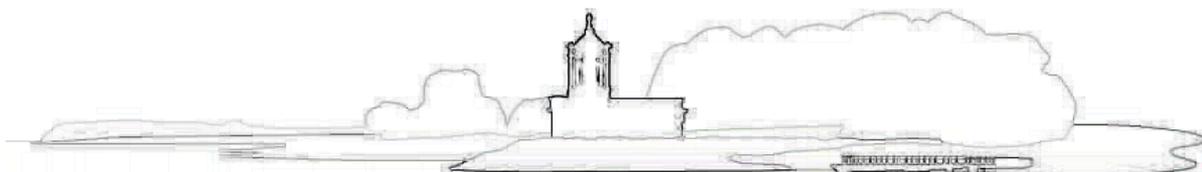


Rutland County Council

UMBRELLA FAMILIES POLICY

Version & Policy Number	Version 2
Guardian	Human Resources
Date Produced	May 2018
Next Review Date	September 2020

Approved by DMT	December 2012
Approved by LJC	June 2018
Approved by EAC	



Contents	<i>Page</i>
<u>MATERNITY</u>	
1.0 Introduction	4
2.0 Antenatal Appointments	4
3.0 Maternity Leave	4
3.1 Maternity Leave Trigger if Sick	5
3.2 Keeping in Touch Days	5
3.3 Maternity Pay	5
3.4 Eligibility for SMP	5
4.0 Pregnancy and Work	6
4.1 Risk Assessment	6
4.2 Sickness	6
4.3 Annual Leave & Bank Holidays	6
5.0 Returning to Work	7
5.1 After OML	7
5.2 After AML	7
5.3 Part Time	7
5.4 Illness at the End of SML	7
5.5 Child Care Vouchers	7
<u>PATERNITY</u>	
1.0 Introduction	8
2.0 Ordinary Paternity Leave	8
2.1 Eligibility	8
2.2 Entitlement	8
2.3 Start date of Leave	8
2.4 Notification Procedures	9
2.5 Changing the date	9
2.6 Annual Leave	9
2.7 Pension contributions	9
2.8 Continuous Service	9
2.9 Returning to work	9
3.0 Ordinary Statutory Paternity Pay	9
3.1 Eligibility	9
3.2 Rates of OSPP	9
4.0 Maternity Support Leave	10
<u>ADOPTION</u>	
1.0 Introduction	11
2.0 Statutory Adoption Leave (SAL)	11

2.1	Eligibility for SAL	11
2.2	Adoption Leave & Pay	12
2.3	Notification Procedures	12
2.4	Start date	12
2.5	Keeping in Touch Days	13
3.0	Adoption Pay	13
3.1	Statutory Adoption Pay	13
3.2	Occupational Adoption Pay	14
4.0	Adoption and Work	15
4.1	Annual Leave and Bank holidays	15
5.0	Return to Work	15
5.1	Returning after OAL	15
5.2	Returning after AAL	15
5.3	Part Time	15
5.4	Illness	15
5.5	Child Care Vouchers	15

SHARED PARENTAL LEAVE

1.0	Introduction	17
2.0	Eligibility	17
3.0	Entitlement	17
4.0	Notification	18
4.1	Further Evidence	19
5.0	Discussion regarding SPL	19
6.0	Booking SPL	20
6.1	Continuous Leave	20
6.2	Discontinuous Leave	20
6.3	RCC response to SPL notifications	20
6.4	Variations to arranged SPL	21
7.0	Statutory Shared Parental Pay (ShPP)	21
8.0	Annual leave and bank holidays	22
9.0	Contact during SPL	22
10.0	SPLIT days	23
11.0	Returning to work	23

MATERNITY

1.0 INTRODUCTION

Congratulations and best wishes for a happy and trouble free pregnancy. This section will try to answer some of the questions you may have regarding your rights, benefits and options open to you before and after the birth of your baby.

This policy applies to direct employees of Rutland County Council and does not apply to individuals employed by schools or colleges.

The council follows the NJC Green Book provisions for maternity entitlement which in turn includes all statutory provisions.

Should you have any queries about your pregnancy in relation to your employment, please contact the Human Resources Section who will be pleased to discuss any aspect which is not clear to you.

2.0 TIME OFF FOR ANTENATAL APPOINTMENTS

Paid time off for antenatal appointments applies to all pregnant employees regardless of length of service.

All pregnant employees are entitled to time off to keep appointments for antenatal care made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care may include relaxation classes and parent-craft classes.

3.0 MATERNITY LEAVE

All pregnant employees, regardless of length of service, are eligible for a maximum of 52 weeks statutory maternity leave. Maternity leave is a single continuous period made up of 26 weeks of Ordinary Maternity Leave (OML) and 26 weeks of Additional Maternity Leave (AML).

OML can commence any time from the 11th week before your expected week of childbirth (EWC). However, should your baby be born before maternity leave commences, the first day after the birth will be regarded as the first day of maternity leave.

You should notify your manager of your intention to take maternity leave by the 15th week before your Expected Week of Childbirth (EWC). Your OML can start on any day of the week and will trigger that start of your statutory Maternity Pay (SMP).

To qualify you will need to provide a certificate from your Doctor or Midwife (FORM MATB1) which states when your baby is due. This is provided to you on or around the 21st week of your pregnancy.

During both OML and AML you are entitled to all of your current terms and conditions, apart from remuneration. This includes leave and bank holidays throughout the whole of your maternity leave period.

All employees must take a minimum of two weeks maternity leave immediately following the birth.

3.1 Maternity leave trigger if sick

If you are absent from work due to a pregnancy-related reason after the beginning of the fourth week before the EWC, but before the date you have notified, the maternity leave period begins automatically on the day after the first day of absence.

3.2 Keeping in touch days (10)

KIT (Keeping in touch) days are intended to help you keep in touch with your workplace and allow you to do some work during your Maternity Pay Period without affecting your Statutory Maternity Pay. KIT days could also help ease your eventual return to work. Both you and your manager should agree that you can work on those days. Your manager does not have any right to insist that you work.

Any work you do as a KIT day, even as little as half an hour for example, will be counted as a whole day for KIT days. Once you have used up your 10 KIT days and you do any further work, you will lose a week's SMP for the week in the Maternity Pay Period in which you have done that work. If a week in your Maternity Pay Period contains only KIT days, you will be paid SMP for that week.

For any KIT days that you work under your contract of service you will receive SMP for that week as a minimum. Additionally, you will receive contractual payment for the hours worked on a KIT day. To receive this payment, a claim form must be authorised by your manager and submitted to Payroll.

3.3 Maternity Pay

Maternity pay is made up of Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP).

3.4 Eligibility for Statutory Maternity Pay

To be eligible for SMP you will need to:

- Earn at least the Lower Earnings limit for National Insurance (based upon the current statutory rate)
- Have 26 weeks continuous local government service by the 15th week before your expected week of childbirth
- Be pregnant 11 weeks before the expected date of childbirth
- Provide proof of your pregnancy (via your MATB1)
- Provide the correct notice of your intention to take maternity leave

Occupational Maternity Pay is paid subject to qualification and in addition to SMP. It equates to 12 weeks of half pay, is funded by the Council and paid to you if you intend to return to work. If you have not yet made the decision whether or not to return to work, you can receive the payment at a later date.

However, if you fail to return to work for 3 months, you will be required to pay back any OMP paid to you.

The maternity pay that you are entitled to is shown on the table below:

Length of Continuous Service	Weeks 1-6 For the first 6 weeks	Weeks 7-18 For the next 12 weeks	Weeks 19-39 For the remaining 21 weeks
Less than 26 weeks at the qualifying week	Nil	Nil	Nil
More than 26 weeks at the qualifying week but less than a year	The high rate of SMP (9/10 of normal weeks' pay)	Payment at the low rate of SMP	Payments at the low rate of SMP
More than 1 year at the 11 th week before childbirth and returning to work	The high rate of SMP (9/10 of normal weeks' pay)	½ a normal week's pay + SMP (to a maximum of what would be a full week's pay)	Payment at the low rate of SMP
More than 1 year at the 11 th week before childbirth and not returning to work	The high rate of SMP (9/10 of normal weeks' pay)	Entitlement to SMP	Entitlement to SMP

The rate of SMP is 90% of your average weekly earnings for the first six weeks, followed by the lesser of a flat rate based on the current statutory rate or 90% of your average weekly earnings for the remaining 33 weeks.

If you do not qualify for SMP or OMP:

You may be entitled to benefits from the Jobcentre Plus and you must provide a MAT B1 Certificate and send this to the Human Resources Section. Payroll will issue you with an SMP 1 form which you should take to the Jobcentre Plus so that you can apply for Maternity Allowance. There are time limits for application, so if you think you may not qualify for SMP, discuss the situation with the Human Resources Section as soon as possible and send your MAT B1 as soon as you receive it.

Please be advised that if you are in receipt of non-contractual additional payments i.e. home working allowance, standby or first aid these payments will cease during the period of leave.

4.0 PREGNANCY AND WORK

4.1 Risk Assessment

As soon as possible, your Manager should undertake a risk assessment with you the form should be returned to the Human Resources Section once completed. This should be kept under review throughout your pregnancy and updates as necessary.

4.2 Sickness

If you suffer complications associated with the pregnancy and are deemed not fit to work you may be entitled to sick pay. These absences will be recorded as pregnancy related. If this occurs within 4 weeks of your EWC, maternity leave will automatically be triggered. (See section 3.1)

4.3 Annual Leave and Bank Holidays

You will continue to accrue annual leave during both OML and AML as if you were at work. Leave should be managed by using the annual leave accrued during normal working throughout the current leave year in agreement with your manager. However, if, due to the timing of your OML you are unable to take all of your annual leave in the leave year in which your maternity leave begins, you will be able to take the outstanding leave at the end of your maternity leave.

For bank holidays that fall during OML or AML, you will be allowed to take the equivalent number of days at the end of your AML.

5.0 RETURN TO WORK

We will assume that you are taking the full 52 weeks entitlement. If you wish to change the date on which you wish to return to work, you must give 8 weeks' notice of this intention.

5.1 Returning to work after OML

You have a right to return to the same job and the same terms and conditions as if you haven't been away.

5.2 Returning to work after AML

You have the right to return to the same job and the same terms and conditions, unless it is not reasonably practical i.e. if the job no longer exists. In that case, you will be offered alternative work with the same terms and conditions.

5.3 Flexible Working

You may wish to consider expressing a wish to return to work part-time. You will need to put your request in writing to your line manager and send a copy to the Human Resources Section. Please refer to the Flexible Working Policy for more detailed information.

5.4 Illness after the end of your Statutory Maternity Leave

If you are unable to return to work at the end of your maternity leave, you should follow the normal Sickness Absence reporting procedure.

5.5 Salary sacrifice scheme for child care vouchers

As part of your pay package you may wish to take advantage of the child care voucher scheme operated by the council in conjunction with Computershare (formally Busy Bees).

The vouchers can be used to pay for most types of childcare and are non-taxable and exempt from National Insurance the value of the vouchers you require is deducted from your salary and exchanged for childcare vouchers. Both parents are entitled to this benefit.

If you wish to request an application form for child care vouchers please telephone 0845 002 1111 or visit the Computershare Voucher Services website at <http://www.computersharevoucherservices.com/Pages/default.aspx>

PATERNITY

1.0 Introduction

Congratulations and best wishes for the happy arrival of your new baby. This policy will try to answer some of the questions you may have regarding your rights, benefits and options open to you before and after the birth.

This policy applies to direct employees of Rutland County Council and does not apply to individuals employed by schools or colleges.

The council follows the NJC Green Book provisions for paternity entitlement which in turn includes all statutory provisions.

2.0 PATERNITY LEAVE

2.1 Eligibility for Ordinary Paternity Leave (OPL)

You are entitled to OPL, providing you meet the following criteria:

- Are the biological father of the child, the mother's husband or partner, including civil partner (this includes same-sex partners, whether or not they are registered civil partners)
- Have at least 26 weeks local government continuous service by the end of the 15th week before the Expected Week of Confinement (EWC)
- Are taking the time off to support the mother and/or care for the baby and are responsible for the upbringing of the child
- Are working for Rutland County Council from the qualifying week (15th week before EWC) up to the date of birth.

2.2 Entitlements

You are entitled to take unpaid time off work to accompany the expectant mother to up to 2 antenatal appointments. Time off is capped at 6.5 hours for each appointment.

You are entitled to either one or two consecutive weeks leave. The entitlement cannot be taken as odd days or as separate weeks.

2.3 Start date of Leave

The leave can be taken as follows:

- On the day the baby is born
- From a specific date after the first day of the EWC
- From a specific date after the day of the child's birth

Leave can start on any day of the week, but not before the baby is born and must finish within 56 days of the date of birth.

Only one period of Paternity Leave is available, even if the pregnancy results in more than one child.

If the baby is born early, you can take paternity leave from the actual date of birth up to 56 days later.

You can still take Paternity Leave if the child is stillborn after 24 weeks of pregnancy.

If the baby dies during or after the date on which it was born, you are entitled to OPL.

2.4 Notification procedures for Ordinary Paternity Leave

Notification of when you intend to begin leave must be received by 15th week before the baby is due by completing Form OPL1.

2.5 Changing the date of Ordinary Paternity Leave

You may change the start date of Paternity Leave providing you give at least 28 days' notice in writing (or as soon as practicable) of either the new start date or the original start date (whichever is the earliest).

At the earliest opportunity after the birth, you must complete Form OPL2 to confirm the date on which the baby was born.

2.6 Annual leave

You will continue to accrue statutory and contractual annual leave entitlement through OPL and you may take leave immediately before or after paternity leave.

2.7 Pension contributions

You will continue to pay pension contributions on the pay **actually received** during any paid period of paternity leave. This period of contribution will be treated as if it were a period throughout which you had normally worked.

2.8 Continuous service

Periods of paternity leave will count towards continuous service, pension and redundancy rights

2.9 Returning to work after paternity leave

You will be entitled to return to the same job on the same terms and conditions of employment

3.0 ORDINARY STATUTORY PATERNITY PAY

3.1 Eligibility

- you must have been employed by Rutland County Council for at least 26 weeks by the end of the 15th week before the start of the EWC
- you must have an average weekly gross earnings of the current standard HMRC rate

3.2 Rates of OSPP

OSPP is paid for one or two consecutive weeks at the current statutory rate or 90% of the employee's average weekly earnings, if this is less.

4.0 MATERNITY SUPPORT LEAVE

Maternity Support Leave of 5 days with normal pay will be provided to you at or around the time of birth.

If you qualify for both paternity leave (this includes same sex partners) and maternity support leave you will be entitled to one week's leave with normal pay and one week's leave paid at the standard rate of SMP.

You will be required to provide a copy of the mother's MatB1 in order to qualify for Maternity Support Leave and OSPP.

ADOPTION

1.0 INTRODUCTION

Congratulations and best wishes for the happy arrival of your adopted child. This policy will try to answer some of the questions you may have regarding your rights, benefits and options open to you before and after the arrival.

This policy applies to direct employees of Rutland County Council and does not apply to individuals employed by schools or colleges.

The council follows the NJC Green Book provisions for adoption entitlement which in turn includes all statutory provisions.

Should you have any queries about your adoption in relation to your employment, please contact the Human Resources Section who will be pleased to discuss any aspect which is not clear to you.

2.0 STATUTORY ADOPTION LEAVE

You do not qualify for Statutory adoption leave or pay if you:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild or family member

2.1 Eligibility for Statutory Adoption Leave (SAL)

You are entitled to 52 weeks of Statutory Adoption Leave (SAL), this is made up of a continuous period of 26 weeks of Ordinary Adoption Leave (OAL) followed by 26 weeks of Additional Adoption Leave (AAL), if you meet the following criteria:

UK Adoptions

- Have been matched with a child to be placed with you by a UK adoption agency
- Have notified the agency that you agree that the child should be placed with you and agree with the date of placement
- Have been continuously employed by Rutland County Council for at least 26 weeks into the week in which you are notified of having been matched with the child
- Notify Rutland County Council of when you want to take your Statutory Adoption Leave no more than seven days after you are notified that you've been matched with a child

Overseas Adoptions

- Have received official notification from the relevant UK authority of your eligibility to adopt a child from abroad
- Have been continuously employed by Rutland County Council for at least 26 weeks into the week in which you are notified of having been matched with the child
- Have given Rutland County Council correct notification
- Are the child's adopter

2.2 Adoption leave and pay are available to:

- Individuals who adopt
- One member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave)

2.3 Notification for Statutory Adoption Leave

UK Adoptions

- Notify Rutland County Council of when you want to take your Statutory Adoption Leave no more than seven days after you are notified that you've been matched with a child
- That you intend to take SAL and when you intend to start the adoption leave
- The date the child is expected to be placed with you for adoption

Overseas Adoptions

When adopting a child from overseas you must give notice in three stages that you intend to take statutory adoption leave.

Stage one

- Inform your line manager of the date on which you received official notification and
- The date the child is expected to enter the UK

Stage two

- Give at least 28 days' notice of the actual date you want your leave to start

Stage three

- Inform Rutland County Council of the date the child entered the UK.

If you qualify for SAL you are also entitled to paid time off work to attend 5 adoption meetings after you have been matched with a child

2.4 Start Date of Leave

The leave can be taken as follows:

UK Adoptions

- On the day the child is placed with the you
- A pre-determined date no earlier than 14 days before the expected date of placement and no later than the expected date of placement
- The day the child is born or the day after (if you have used a surrogate to have a child)

If the start date of the leave is on the day the child is placed with you and you are at work on that day, the period of SAL will start on the next day. The leave can start on any day of the week.

Overseas Adoptions

- From the date the child enters the UK
- From a specific date after the date of the child entering the UK (no later than 28 days after the date the child entered the UK)

The leave can start on any day of the week.

2.5 Keeping in Touch Days (10)

KIT (Keeping in touch) days are intended to help you keep in touch with your team and allow you to do some work during your Adoption Pay Period without affecting your Statutory Adoption Pay. KIT days could also help ease your eventual return to work. Both you and your manager should agree that you can work on those days. Your manager does not have any right to insist that you work.

Any work you do as a KIT day, even as little as half an hour for example, will be counted as a whole day for KIT days. Once you have used up your 10 KIT days and you do any further work, you will lose a week's SAP for the week in the Adoption Pay Period in which you have done that work.

For any KIT days that you work under your contract of service you will receive SAP for that week as a minimum. Additionally, you will receive contractual payment for the hours worked on a KIT day. To receive this payment, a claim form must be authorised by your manager and submitted to Payroll.

3.0 ADOPTION PAY

Adoption pay is made up of Statutory Adoption Pay and Occupational Adoption Pay.

3.1 Statutory Adoption Pay (SAP)

UK Adoptions

You qualify for Statutory Adoption Pay (SAP) when adopting a child from within the UK provided you have:

- Been continuously employed by Rutland County Council for at least 26 weeks into the week in which you are notified of having been matched with the child
- Average earnings at least equal to the lower earnings limit for National Insurance contributions (this may include allowances and overtime)

If you are adopting a child through an adoption agency in the UK, you must give the following evidence to prove your entitlement to SAP. (This is usually a matching certificate or can be a letter from the agency confirming that you or the adopter has been matched with a child).

The evidence you give must show:

- The name and address of the adoption agency and your address
- The date the child is expected to be – or was – placed for adoption
- The date you were told by the adoption agency that you'd been matched with a child

Overseas Adoption

You qualify for Statutory Adoption Pay (SAP) when adopting a child from overseas provided you have:

- Been continuously employed by Rutland County Council for at least 26 weeks into the week in which you are notified of having been matched with the child
- Average earnings at least equal to the lower earnings limit for National Insurance contributions

If you are adopting a child from overseas you must give the following evidence to prove your entitlement to SAP:

- A copy of the Official Notification from the relevant UK authority that they have agreed that you are suitable to adopt a child from overseas
- A declaration that you are claiming SAP, and not Statutory Paternity Pay
- Evidence of the child's date of entry into the UK, such as a plane ticket or copies of entry clearance documents

3.2 Occupational Adoption Pay (OAP)

Occupational Adoption Pay is paid subject to qualification and in addition to SAP. It equates to 12 weeks of half pay, is funded by the Council and paid to you if you intend to return to work. If you have not yet made the decision whether or not to return to work, you can receive the payment at a later date. However, if you fail to return to work for 3 months, you will be required to pay back any OAP paid to you.

The adoption pay that you are entitled to is shown on the table below:

Length of Continuous Service	Weeks 1-6 For the first 6 weeks	Weeks 7-18 For the next 12 weeks	Weeks 19-39 For the remaining 21 weeks
Less than 26 weeks at the qualifying week	Nil	Nil	Nil
More than 26 weeks at the qualifying week but less than a year	The high rate of SAP (9/10 of normal weeks' pay)	Payment at the low rate of SAP	Payments at the low rate of SAP
More than 1 year at the 11 th week before the child is placed with the adopter and returning to work	The high rate of SAP (9/10 of normal weeks' pay)	½ a normal week's pay + SAP (to a maximum of what would be a full week's pay)	Payment at the low rate of SAP
More than 1 year at the 11 th week before the child is placed with the adopter and not returning to work	The high rate of SAP (9/10 of normal weeks' pay)	Entitlement to SAP	Entitlement to SAP

The rate of SAP is 90% of your average weekly earnings for the first six weeks, followed by the lesser of a flat rate based on the current statutory rate or 90% of your average weekly earnings for the remaining 33 weeks.

If you do not qualify for SAP or OAP:

If you do not qualify for SAP, the Payroll section will issue you with a SAP1 form which you should take to the Jobcentre Plus as you may be entitled to other benefits such as Income Support. Alternatively if you qualify for adoption leave but not SAP contact your adoption agency to find out if you can get any other help. There are time limits for application, so if you think you may not qualify for SAP, discuss the situation with the Human Resources Section as soon as possible.

Please be advised that if you are in receipt of non-contractual additional payments i.e. home working allowance, standby or first aid these payments will cease during the period of leave.

4.0 ADOPTION AND WORK

4.1 Annual Leave and bank holidays

You will continue to accrue annual leave during both OAL and AAL as if you were at work. Leave should be managed by using the annual leave accrued during normal working throughout the current leave year. However, if, due to the timing of your OAL you are unable to take all of your annual leave in the leave year in which your adoption leave begins, you will be able to take the outstanding leave at the end of your adoption leave.

For bank holidays that fall during OAL or AAL, you will be allowed to take the equivalent number of days at the end of your AAL.

5.0 RETURN TO WORK

Unless you have told us differently, we will assume that you are taking the full 52 weeks entitlement. If you wish to change the date on which you wish to return to work, you must give 8 weeks' notice of this intention.

5.1 Returning to work after OAL

You have a right to return to the same job and the same terms and conditions as if you haven't been away.

5.2 Returning to work after AAL

You have the right to return to the same job and the same terms and conditions, unless it is not reasonably practical i.e. if the job no longer exists. In that case, you will be offered alternative work with the same terms and conditions.

5.3 Flexible Working

You may wish to consider expressing a wish to return to work part-time. You will need to put your request in writing to your manager and send a copy to the Human Resources Section. Please refer to the Flexible working policy for more detailed information.

5.4 Illness after the end of your Statutory Adoption Leave

If you are unable to return to work at the end of your adoption leave, you should follow the normal Sickness Absence reporting procedure.

5.5 Salary sacrifice scheme for child care vouchers

As part of your pay package you may wish to take advantage of the child care voucher scheme operated by the council in conjunction with Computershare (formally Busy Bees).

The vouchers can be used to pay for most types of childcare and are non-taxable and exempt from National Insurance the value of the vouchers you require is deducted

from your salary and exchanged for childcare vouchers. Both parents are entitled to this benefit.

If you wish to apply for an application form for child care vouchers please telephone 0845 002 1111 or visit the Computershare Voucher Services website at <http://www.computersharevoucherservices.com>

SHARED PARENTAL LEAVE

1.0 INTRODUCTION

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This section sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP).

The council recognises that, from time to time, you may have questions or concerns relating to your shared parental rights. It is the council's policy to encourage open discussion with you to ensure that questions and problems can be resolved as quickly as possible. Please contact the HR department to discuss your concerns and to clarify the relevant procedures to ensure that they are followed.

2.0 ELIGIBILITY

SPL can only be used by two people:

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

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

Additionally if you are seeking to take SPL must satisfy each of the following criteria:

- you must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave you must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements
- you must still be working for the organisation at the start of each period of SPL
- you must pass the 'continuity test' requiring you to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date
- your partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date have worked for at least 26 weeks and earned an average wage of at least the HMRC rate a week in any 13 of those weeks
- you must correctly notify the organisation of their entitlement and provide evidence as required

3.0 ENTITLEMENT

You may be entitled to take up to 50 weeks SPL during the child's first year in your family. The number of weeks available is calculated using the mother's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they

reduce their maternity/adoption leave entitlement then you and/or your partner may opt-in to the SPL system and take any remaining weeks as SPL.

The mother/adopter may reduce her entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

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

SPL can commence as follows:

- The mother/adopter can take SPL after taking at least two weeks of maternity/adoption leave following the birth/placement of the child
- The father/partner/spouse can take SPL immediately following the birth of the child/the placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP)

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mothers/adopters partner can take leave while the mother/adopter is still using their adoption entitlements.

SPL will generally commence on your chosen start date specified in your leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

If you are eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first anniversary of the birth/placement for adoption is lost.

4.0 NOTIFICATION

If you are entitled and intending to take SPL must give your manager notification of your entitlement and intention to take to SPL, at least eight weeks before you can take any period of SPL.

Part of the eligibility criteria requires you to provide the organisation with correct notification. Notification must be in writing and requires each of the following:

- your name
- the name of the other parent
- the start and end dates of any adoption leave or pay, taken in respect of the child and the total amount of SPL available
- the date on which you were notified of having been matched with the child and the date of placement for adoption
- the amount of SPL you and your partner each intend to take
- a non-binding indication of when you expect to take the leave

You must also provide the organisation with a signed declaration stating:

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

You must provide the organisation with a signed declaration from your partner confirming:

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

4.1 Further Evidence

The organisation may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of your partner's employer (where your partner is no longer employed or is self-employed their contact details must be given instead)
- documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

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

5.0 DISCUSSION REGARDING SPL

If you are considering/taking SPL you are encouraged to contact Human Resources to arrange an informal discussion as early as possible.

Upon receiving a leave booking notice the Human Resources will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.

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

6.0 BOOKING SPL

In addition to notifying the organisation of entitlement to SPL/ShPP, you must also give notice to take the leave.

You must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

You have the right to submit three notifications specifying leave periods you are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where you intend to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. Where you return to work between periods of SPL, the next period of SPL can start on any day of the week.

6.1 Continuous leave notifications

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

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

You may submit up to three separate notifications for continuous periods of leave.

6.2 Discontinuous leave notifications

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where you return to work.

Where there is concern over accommodating the notification, the council or you may request a meeting to discuss the notification with a view to agreeing an arrangement that meets your needs and the service requirements.

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

6.3 RCC response to a SPL notification

Once Human Resources receive the leave booking notice, a response will be provided no later than the 14th day after the leave request was made. HR will liaise with your line manager on all requests received.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, to assess the benefits to you and to the service against any adverse impact to the business. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent.

You will be informed in writing of the decision no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the council may propose a modified version of the request.

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

6.4 Variations to arranged SPL

You are permitted to vary or cancel an agreed and booked period of SPL, provided that you advise the organisation in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by you, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one. However, a change as a result of the organisation requesting it be changed, and you being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

7.0 STATUTORY SHARED PARENTAL PAY (SHPP)

You may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

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

In addition to meeting the eligibility requirements for SPL, if you are seeking to claim ShPP you must further satisfy each of the following criteria:

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

If you are entitled to receive ShPP you must, at least eight weeks before receiving any ShPP, give your manager written notice advising of your entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

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

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

It must be accompanied by a signed declaration from your partner confirming:

- their agreement to the you claiming ShPP and for the organisation to process any ShPP payments to the you
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance
- (in the case whether the partner is the mother/ adopter) that they will immediately inform you should they cease to satisfy the eligibility conditions

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

Please be advised that if you are in receipt of non-contractual additional payments i.e. home working allowance, standby or first aid these payments will cease during the period of leave.

8.0 ANNUAL LEAVE AND BANK HOLIDAYS

You will continue to accrue annual leave during both SPL as if you were at work. Leave should be managed by using the annual leave accrued during normal working throughout the current leave year in agreement with your manager.

However, if, due to the timing of your SPL you are unable to take all of your annual leave in the leave year in which your SPL leave begins, you will be able to take the outstanding leave at the end of your SPL.

For bank holidays that fall during SPL, you will be allowed to take the equivalent number of days at the end of your SPL.

9. CONTACT DURING SHARED PARENTAL LEAVE

Before your SPL begins, your manager will discuss the arrangements for you to keep in touch during your leave. The council reserves the right in any event to maintain reasonable contact with you from time to time during your SPL. This may be to discuss your plans to return to work, to ensure you are aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

10.0 SHARED PARENTAL LEAVE IN TOUCH DAYS (20)

SPLIT (Shared Parental Leave in Touch) days are intended to help you keep in touch with your workplace and allow you to do some work during your SPL period without it affecting your ShPP. SPLIT days could also help ease your eventual return to work. Both you and your manager should agree that you can work on those days. Your manager does not have any right to insist that you work.

Any work you do as a SPLIT day, even as little as half an hour for example, will be counted as a whole day for SPLIT days. Once you have used up your 20 SPLIT days and you do any further work, you will lose a week's ShPP for the week in the SPL Pay Period in which you have done that work. If a week in your SPL Pay Period contains only SPLIT days, you will be paid ShPP for that week.

For any SPLIT days that you work under your contract of service you will receive ShPP for that week as a minimum. Additionally, you will receive contractual payment for the hours worked on a SPLIT day. To receive this payment, a claim form must be authorised by your manager and submitted to Payroll.

11.0 RETURNING TO WORK AFTER SHARED PARENTAL LEAVE

You will have been formally advised in writing by the organisation of the end date of any period of SPL. You are expected to return on the next working day after this date, unless you notify your manager otherwise. If you are unable to attend work due to sickness or injury, the council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If you wish to return to work earlier than the expected return date, you may provide a written notice to vary the leave and must give the organisation at least eight weeks' notice of your date of early return. This will count as one of your notifications. If you have already used your three notifications to book and/or vary leave then the council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, you are entitled to return to the same job if your total aggregate statutory leave amounts to 26 weeks or less.

If your leave amounts to 26 weeks or more in aggregate, you are entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on no less favourable terms and conditions.

If you also take a period of unpaid parental leave of 4 weeks or less this will have no effect on your right to return and you will still be entitled to return to the same job as you occupied before taking the last period of leave if the aggregate weeks of leave do not exceed 26 weeks.

If as a parent you take a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of leave do not exceed 26 weeks, you will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on no less favourable terms and conditions.

A large print version of this document is available on request



Rutland
County Council

Rutland County Council
Catmose, Oakham, Rutland LE15 6HP

01572 722 577
enquiries@rutland.gov.uk
www.rutland.gov.uk