MATEERNITY AND PATERNITY POLICIES

1 SUMMARY

1.1 This report presents revised Maternity and Paternity Policies for adoption by members.

| Recommendation that: | Resources Committee adopts the Maternity and Paternity Policies outlined in Annex 1. |

2 BACKGROUND

2.1 The Authority needs to have up to date human resources (HR) policies that meet employment law requirements, professional good practice and national conditions of service for local authority employees. This is recognised in our HR Strategy, Maximising Our Potential and our corporate risk register.

2.2 Over the last 6 months we have been consulting with union and staff representatives on our maternity and paternity policies. Agreement has been reached on the detail of the policies, set out in Annex 1, with the exception of provisions for enhanced maternity and paternity pay. Management has been seeking to reduce the terms of maternity and paternity pay from their current, very enhanced level, to nationally agreed terms for local authorities set out in the Green Book. Green Book terms represent a considerable enhancement on statutory provisions (our minimum pay requirements) and demonstrate our commitment to family friendly working practices, whilst reflecting the difficult national economic climate. The headlines of our current terms, are set out in Table 1, alongside Green Book terms and statutory terms for maternity and paternity pay.

<table>
<thead>
<tr>
<th>Statutory Provision</th>
<th>Green Book Provision</th>
<th>LDNPA Current</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maternity Pay</td>
<td>Maternity Pay</td>
<td>Maternity Pay</td>
</tr>
<tr>
<td>6 weeks at 90% of pay</td>
<td>6 weeks at 90% of pay</td>
<td>6 weeks at full pay</td>
</tr>
<tr>
<td>33 weeks at £135 Statutory Maternity Pay (SMP)</td>
<td>12 weeks at half pay plus (SMP)</td>
<td>20 weeks at half pay plus (SMP)</td>
</tr>
<tr>
<td>21 weeks of (SMP)</td>
<td>Paternity Pay</td>
<td>Paternity Pay</td>
</tr>
<tr>
<td>2 weeks at 90% of pay inc. 2 weeks at £135 (SPP)</td>
<td>5 days leave at full pay inc. 2 weeks at £135 (SPP)</td>
<td>2 weeks at 90% of pay inc. 2 weeks (SPP)</td>
</tr>
</tbody>
</table>

2.3 Our current maternity and paternity provisions are now generous compared with other Cumbrian authorities and English National Parks. We have a duty to use public funds in a way that demonstrates best value and very generous employment terms are difficult to justify in the current climate. The terms offered by other Cumbrian Authorities and those National Parks that have responded to us are set out below:

**Cumbrian Authorities**
- Eden – Green Book
- South Lakeland – Green Book
- Allerdale – Green Book
- Copeland – Green Book
- Cumbria CC – Green Book
- Carlisle – Green Book
- Barrow – Service and sick pay

**National Parks**
- Peak District – Green Book
- North York Moors - Green Book
- Yorks Dales – Green Book
- New Forest – Green Book
- South Downs – Green Book
2.4 In negotiating with union and staff representatives, Executive Board has articulated their desire to achieve policies that are fair to both the employer and the employee. The current policies are heavily weighted towards the employee. A return to Green Book terms will redress that balance whilst maintaining enhanced terms that support family friendly working for employees. The reduction in the number of weeks at half pay in our maternity policy will support the provision of backfill for posts on maternity leave, allowing key aspects of our business plan objectives to continue. Our aim is to get greater impact from our finite resources.

2.5 Union and staff representatives have not agreed with the proposed reduction in maternity and paternity pay and have been unwilling to negotiate any variation to terms. They have asked for the decision to be made by Resources Committee. Our union recognition agreement states that if agreement cannot be reached, the parties may refer to an agreed third party. We have agreed with staff representatives to bring this policy to the members at Resources committee for decision. This has been our approach in the past when agreement has not been reached. Union and staff representatives have been invited to speak to the committee and their views are set out in Annex 2.

3 POLICY CONTEXT

3.1 This amended policy supports our values. The key values relating to this policy are:
- we value people
- we are approachable, receptive and respectful
- we communicate and co-operate

3.2 Our HR strategy requires policies that are legally sound and which provide good quality support and information to staff and managers.

4 OPTIONS

4.1 Members can:
   a) adopt the proposed policies,
   b) not agree the proposed policies
   c) amend the proposed policies

5 PROPOSALS

5.1 It is recommended that members adopt the proposed policies in Annex 1.

6 BEST VALUE IMPLICATIONS

6.1 The Best Value implications are:
   a) Challenge: We have challenged our current policies with the aim of achieving best value for the Authority and the taxpayer, whilst maintaining our commitment to family friendly working practices for staff.
   b) Compare: We have compared these policies with those of other Local Authorities and National Park Authorities. The majority operate Green Book terms.
   c) Consult: We consulted with all staff in November 2011 and met with Staff and Trade Union representatives on 7 February, 17 April and 1 May 2012.
   d) Compete: there are no implications.
7 FINANCE CONSIDERATIONS

7.1 Maternity and paternity payments made by the Authority can vary considerably from year to year. Payments for the last 3 financial years are set out in Table 2 below. Had the Authority adopted the terms proposed in these policies, average savings of £5,410 per annum would have been available to support the continuation of key business objectives while individuals were on maternity leave.

Table 2: Maternity and Paternity Payments for the last 3 financial years

<table>
<thead>
<tr>
<th></th>
<th>2009/10</th>
<th>2010/11</th>
<th>2011/12</th>
<th>Average</th>
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<tbody>
<tr>
<td>Maternity Pay</td>
<td>£13,097</td>
<td>£8,687</td>
<td>£18,792</td>
<td>£13,526</td>
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<tr>
<td>Paternity Pay</td>
<td>£615</td>
<td></td>
<td>£3,304</td>
<td>£1,306</td>
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<tr>
<td>Available for</td>
<td>£5,239</td>
<td>£3,475</td>
<td>£7,517</td>
<td>£5,410</td>
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<tr>
<td>Service Delivery</td>
<td></td>
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7.2 The Authority is not seeking to make a cashable reduction in its budgets as a result of these proposals, but is looking to make savings that can be ploughed back into service delivery whilst an individual is on leave; continuing the delivery of key business plan objectives without putting excessive pressure on teams. This would represent an efficiency saving.

8 RISK

8.1 The key risk is that relations with union and staff representatives become strained as a result of the adoption of these policies. However, union and staff representatives have specifically requested that these policies are considered by Resources Committee. Any worsening of relationships is unlikely to result from a member decision.

9 LEGAL CONSIDERATIONS

9.1 The proposed policies comply with the following legal requirements:
- Maternity and Parental Leave and the Paternity and Adoption Leave (Amendment) Regulations 2006.
- Additional Statutory Paternity Leave Regulations 2010.

10 HUMAN RESOURCES

10.1 Executive Board want a suite of HR policies that reflect our values, legal and professional standards, and the national economic climate in which we work. The proposed changes to the policy reflect these requirements. Our existing terms no longer reflect the economic environment in which we work, and are out of line with other local authorities in the area and many English National Parks.

10.2 Staff on maternity and paternity leave are supported by additional family friendly policies, such as flexible working to support childcare, and special leave to accommodate family emergencies. Staff are able to use their annual leave entitlements to top up maternity and paternity pay and they have the right to request shorter working hours and to return to work on no less favourable terms should the structure change while they are on leave. None of these family friendly policies are affected by the proposed change in terms for maternity and paternity pay.

10.3 Union and staff representatives have consulted 112 female staff on the proposed reduction in maternity pay, and of the 50 female respondents, about three quarters did
not support a reduction and one quarter supported the reduction. The question to staff is set out below.

As part of the Authority’s on-going commitment to finding cost savings, the Exec Board is keen to significantly reduce our maternity provisions. Unison and Staff Reps have so far opposed this reduction because of the implications for women and their families in return for relatively small cost savings.

We are continuing negotiations on 1 May. To help us understand your views, please reply to the following question. Your replies are anonymous.

The Authority currently provides enhanced maternity pay for 20 weeks at half pay from week 7 to week 26. This is in addition to Statutory Maternity Pay (currently at £128 per week) which is paid to week 39. Executive Board would like to decrease this to 12 weeks at half pay, from week 8 to week 18. Statutory Maternity Pay will remain the same.

Do you support or object to this reduction?

Why?

11 DIVERSITY IMPLICATIONS

11.1 These policies are highly relevant to equality and diversity issues. The key areas of consideration are gender, sexual orientation and gender reassignment. The Authority must be careful to ensure that its policies do not discriminate on these grounds and reflect the requirements of the Equality Act 2010. Some flexibility to deal with the particular circumstances of individuals is, however, necessary to avoid discrimination. An Equality Impact Assessment has been undertaken on these polices.

12 SUSTAINABILITY

12.1 There are no significant sustainability implications.

Background Papers  Current Maternity Policy
Author/Post  Kerry Powell. Director of Corporate Services and
             Katie Eastham. HR Adviser
Date Written  3 May 2012
ANNEX 1:

Paternity Leave Policy

Content List:

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<td>2.0</td>
<td>Applicable To</td>
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<td>3.0</td>
<td>Values</td>
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<td>4.0</td>
<td>Key Principles</td>
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<td>5.0</td>
<td>How the principles will be applied</td>
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<td>5.1. Eligibility</td>
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<td></td>
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<td>5.3 Leave Arrangements</td>
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<td>5.4 Ordinary Statutory Paternity Pay</td>
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<td>5.5 Occupational Paternity Pay</td>
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<td></td>
<td>Additional Paternity Leave and Pay</td>
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<td>5.6 Eligibility</td>
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<td>5.7 Additional Paternity Leave</td>
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<td></td>
<td>5.9 Keeping in Touch Days</td>
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<td></td>
<td>5.10 Returning to Work</td>
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<tr>
<td>6.0</td>
<td>Application for Ordinary Paternity Leave</td>
</tr>
<tr>
<td></td>
<td>Application for Additional Paternity Leave</td>
</tr>
</tbody>
</table>
1.0 Purpose and Scope:
This policy sets out paternity leave and pay entitlements and the procedure for employees to request such leave and pay.

2.0 Applicable to:
Non management  X
Management    X
Statutory / Chief Officers X
Chief Executive X

This policy will apply to all employees.

3.0 Values:
This policy was developed with all of our values in mind. The specific values relating to this policy are:
- We are approachable, receptive and respectful
- We communicate and co-operate
- We value people.

4.0 Key Principles:
- The Authority recognises that more and more employees want to be involved in supporting their partner around the time of their child's birth or, in the case of adoption, the child’s placement.
- Paternity leave gives employees the opportunity to both spend time with their partner and get to know their new child.
- Eligible employees have a statutory right to take two weeks' paid paternity leave on the birth or adoption of a child for which they have or expect to have responsibility.
- Additional paternity leave (APL) is available to eligible employees.
- Leave and Pay entitlements relating to adoption are similar to those for Paternity.
- Where a couple adopt jointly the primary adopter is entitled to adoption leave and the other parent may be eligible for paternity leave. The provisions for adoption leave can be found in the Maternity Policy.

5.0 How the principles will be applied:
There are two different types of paternity leave and pay known as Ordinary and Additional.

Ordinary Paternity Leave and Pay

5.1 Eligibility
Ordinary Paternity Leave will be granted if you have 26 weeks continuous local government service ending the 15th week before the baby is due, you have responsibility for the upbringing of the child and you are:

- the biological father of the child
- married to, the partner of, or the civil partner of the child's mother but not the child's biological father
- married to, the partner of, or the civil partner of the child's adopter, or
- part of a couple who has adopted a child jointly but who has not taken statutory adoption leave

To be eligible for Ordinary Statutory Paternity Pay your average weekly earnings must not be less than the Lower Earnings limit for National Insurance contributions. If you earn less than this limit you may still take paternity leave, but you are not entitled to receive paternity pay.
5.2 Ordinary Paternity Leave
You can choose to take either one or two consecutive weeks of leave, not odd days and your leave must be completed within 56 days of the actual date of birth of your child. If you intend to take paternity leave you must inform your line manager and complete the leave form within this policy, by the end of the fifteenth week before the baby is expected. You must return the form to HR and provide a copy of the form MATB1 (Maternity Certificate).

In the case of adoption, you must inform your line manager and complete the leave form within seven days of receiving notification of being matched with the child.

The Authority understands that the actual date of childbirth/adoption placement can be difficult to predict and therefore you can choose to specify that the paternity leave will commence:

1. immediately following the child's birth/placement, or a set number of days after the birth/placement
2. on a specified date, which can be amended 4 weeks before the date.

Once the birth or placement has occurred, you must inform HR of the actual date of birth/placement as soon as is reasonably possible. You cannot take paternity leave before the child has been born or adopted; it can only start from or after the actual onset of labour/placement.

Absence from work due to paternity leave does not affect your entitlement to annual leave and your contract of employment with the authority continues in full throughout the period of paternity leave with the exception of normal remuneration, which is explained in more detail below.

5.3 Leave Arrangements
The Authority recognises that labour can be unpredictable and therefore a false start to labour will not trigger your paternity leave. You can use your statutory right to take emergency leave to be with the mother during labour if you wish and commence your paternity leave immediately after the birth. You can only take one period of leave, even in the case of twins or multiple adoption placements.

However, if your baby is born prematurely, you may elect to take your paternity leave either:

- immediately, or
- within 56 days of the first day of the expected week of childbirth, as opposed to the actual date of the delivery.

In the sad event of your baby being stillborn, you are still entitled to Paternity leave and Pay provided the mother had reached her 25th week of pregnancy.

In the case of adoptions, if you are told before your leave starts that the placement is not going ahead, you will not be entitled to leave and pay. If the child has been placed and a disruption occurs to the placement, for example, the child, for some reason, is returned to the adoption agency, then you will still be entitled to leave and pay.

5.4 Ordinary Statutory Paternity Pay
For those who qualify, paternity pay is paid at the standard rate or 90% of your average weekly earnings, whichever is the lesser amount. Your average weekly earnings is calculated based on your average weekly earnings in the eight weeks up the 15th week before the expected week of childbirth. This is payable during weeks one and two of ordinary paternity leave.

5.5 Occupational Paternity Pay
If you have 26 weeks continuous local government service you will receive an additional payment during the first week of paternity leave only. This will top your statutory paternity pay up to your contractual rate of pay.
Additional Paternity Leave and Pay

5.6 Eligibility
Additional Paternity Leave will be granted if you have 26 weeks continuous local government service ending the 15th week before the baby is due, you have responsibility for the upbringing of the child and you are:

- the biological father of the child
- married to, the partner of, or the civil partner of the child's mother but not the child's biological father
- married to, the partner of, or the civil partner of the child's adopter, or
- part of a couple who has adopted a child jointly but who has not taken statutory adoption leave

In addition to this the mother or adopter must have been entitled to Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance and must have returned to work without exhausting all her entitlement to statutory maternity or adoption leave. This means that maternity leave and additional paternity leave cannot be taken at the same time and the number of weeks for which paternity pay is payable will then depend on the number of weeks the mother had left of her pay entitlement.

5.7 Additional Paternity Leave
The earliest you will be able to take additional paternity leave is 20 weeks from the date of birth of your child, or date of placement for adoption.

The minimum period of leave that you may take is two consecutive weeks and the maximum period is 26 weeks, which must be taken in complete, consecutive weeks and not odd days. Gaps between the end of statutory maternity leave or adoption leave and the beginning of additional paternity leave are permitted.

You are required to give a minimum of 8 weeks' notice of your intention to take additional paternity leave, which will be confirmed by your line manager as soon as possible and no later than 28 days after your request has been received. You must complete the leave form attached to this policy and return to HR.

The Authority has the right to request a copy of the child’s birth certificate and the name and address of the mother’s employer, which you are required to respond to within 28 days.

5.8 Additional Statutory Paternity Pay
For those who qualify, additional paternity pay is paid at the standard rate or 90% of the employee's average weekly earnings, whichever is the lesser amount.

The calculation period for additional statutory paternity pay for a newborn child will be based on your average weekly earnings in the eight weeks up the 15th week before the EWC. The calculation period for a newly adopted child will be based on your average weekly earnings in the eight weeks prior to the date that the adoption agency informed you that you have been matched with the child.

5.9 Keeping in Touch Days
During the period of leave you may work for up to 10 keeping in touch (KIT) days which may be particularly useful for you to attend a conference, undertake a training activity or attend a team meeting. The Authority has no right to require you to carry out any work, and you have no right to undertake any work during the APL.

Payment for KIT days will be ‘topped up’ so you receive full pay at your normal daily rate. If you work for less than a day, this will count as one KIT day for the purposes of the 10 KIT days allocated, but you will only receive full pay for the hours worked.
5.10 Returning to Work
On return to work, you have the right to return to the same job on the same terms and conditions that existed prior to paternity leave.

You are expected to return to work on the date formally advised in writing by the Authority. Whilst you are under no obligation to do so, it would assist the Authority if you confirm that you will be returning to work as expected.

If you wish to return to work earlier than your expected return date, you must provide at least 8 weeks’ notice of the change of date, in writing to your line manager and HR. If you fail to do so, the Authority may postpone your return to such a date that would provide eight weeks’ notice, provided that this is not later than the expected return date.

If you are unable to attend work at the end of your paternity leave due to sickness or injury, the normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If you decide not to return to work after paternity leave, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after paternity leave has ended, the Authority may require you to return to work for the remainder of the notice period.

Relevant Legislation:
Employment Act 2002
Additional Statutory Paternity Leave Regulations 2010.
Maternity and Parental Leave (Amendment) Regulations 2002

For further advice contact: HR Manager/HR Advisor/HR Officer

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<th>Date of last Review</th>
<th>Date last updated:</th>
<th>Date of next review:</th>
<th>EIA Required: Date:</th>
<th>Version:</th>
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<tr>
<td>22 July 2011</td>
<td>22 July 2011</td>
<td>As dictated by legislation</td>
<td>YES</td>
<td>1.0</td>
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</table>

Separated from Maternity policy and Additional Leave written in
Application for Ordinary Paternity Leave

I wish to apply for Ordinary Paternity Leave as set out in the Paternity Leave Policy

Name: ......................................................................................................................

Post Title: ..............................................................................................................

Line Manager: ......................................................................................................

Date baby due: ----- / ----- / -----  please attach a copy of the MATB1

In the case of adoption please state:

The date you received notification of your match with the child  ----- / ----- / -----  
The date the child is expected to or has been placed with you  ----- / ----- / ----- 

Start date for leave and/or pay: ----- /----- / ----- 

I wish to take one / two weeks ordinary leave

DECLARATION

(Please tick appropriate boxes) 
I declare that I am:

☐ The baby’s biological father, or

☐ I am married to or am the partner/civil partner of the baby’s mother, or

☐ I am married to or am the partner/civil partner of the primary adopter or

☐ I am living with the mother in an enduring family relationship but I am not an immediate relative

and

☐ I will have responsibility for the child’s upbringing

☐ I will take time off work to support the mother or person adopting the child and/or to care for the child

Signed: ................................................................. Date: .....................................
(Employee)

Approved
Signed: ................................................................. Date: .....................................
(Line Manager)

Please return to Human Resources

Application for Additional Paternity Leave
I wish to apply for Additional Paternity Leave as set out in the Paternity Leave Policy
PART A - EMPLOYEE DECLARATION

Name: ………………………………………………………………………………………………..

Post Title:……………………………………………………………………………………………..

Child’s Name ……………………………………… and Date of Birth: ----- / ----- / ----- 

Start date for additional leave ----- /----- / ----- 

End date for additional leave ----- /----- / ----- 

I declare that I am:

☐ The baby’s biological father, or
☐ I am married to or am the partner/civil partner of the child’s mother, or
☐ I am married to or am the partner/civil partner of the primary adopter or
☐ I am living with the mother in an enduring family relationship but I am not an immediate relative

and

☐ I will have responsibility for the child’s upbringing
☐ The purpose for the APL is to care for the child

Signed: ……………………………………………………. Date: ………………………...........  
(Employee)

PART B - MOTHER / ADOPTER DECLARATION

Name  ………………………………………………………….

Address  ……………………………………………………….

…………………………………………………….

…………………………………………………….

…………………………………………………….

…………………………………………………….

NI Number  …………………………………

The date I intend to return to work ----- /----- / ----- 

I confirm that the declaration by the person in Part A is correct and is the only person exercising rights to Additional Paternity Leave in respect of the child.

Signed: ………………………………………………………... Date: ………………………........... 

Please return to
Human Resources, Lake District National Park,
Murley Moss, Oxenholme Road, Kendal, Cumbria LA9 7RL
Maternity Policy

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5.0       How the principles will be applied
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      5.2 Risk Assessment
      5.3 Ante-Natal Care
      5.4 Sickness Absence During Pregnancy
      5.5 Commencing Maternity Leave
      5.6 Ordinary and Additional Maternity Leave
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      5.16 Adoption Leave
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      5.18 Deferring the Decision to Return to Work
      5.19 Flexible Working
      5.20 Parental Leave

6.0   Appendices
 Appendix A Maternity and Adoption Leave and Pay Entitlements
1.0 Purpose and Scope:
This policy sets out the rights and responsibilities of employees who are pregnant or have recently given birth or adopted a child. The policy gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity and adoption leave and pay.

The Authority recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is the Authority’s policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible to ensure that all pregnant employees can make informed decisions regarding their pregnancy and employment.

This policy provides guidance for both managers and staff as to the procedure to be followed and the calculation of individual entitlements including maternity leave/pay and Statutory Maternity pay. As the maternity provisions are complex, if an employee becomes pregnant she should clarify the relevant procedures with Human Resources to ensure that they are followed correctly.

2.0 Applicable to:
Non management X
Management X
Statutory / Chief Officers X
Chief Executive X

This policy will apply to all pregnant employees and adopting parents.

3.0 Values:
This policy was developed with all of our values in mind. The specific values relating to this policy are;
- We are approachable, receptive and respectful
- We communicate and co-operate
- We value people.

4.0 Key Principles:
- All employees are entitled to 52 weeks maternity leave, regardless of the number of hours they work or their length of service.
- All employees on additional maternity or on adoption leave are entitled to the benefit of all the non-remuneration terms and conditions of employment that would have applied if they had not been absent.
- The payment period for statutory maternity pay and maternity allowance is 39 weeks.
- 12 weeks occupational maternity pay will be paid at a rate of half pay for those with more than 12 months service.
- The notice required to change the agreed date of return to work is 8 weeks.
- There are optional keeping in touch days which enables the employee to work up to 10 days during the period of leave.
- Adopting parents must have 26 weeks service by the notification week to qualify for Adoption Leave.
- Other entitlements relating to adoption leave and pay are similar to those for maternity.
- Where a couple adopt jointly, one parent is entitled to adoption leave and the other parent may be eligible to paternity leave. The provisions for paternity leave can be found in the Paternity Leave policy.

5.0 How the Principles will be applied:

5.1 Notification of Pregnancy
You must inform your line manager and Human Resources in writing and by the end of the 15 week before your expected week of childbirth, of the following:
• the fact that you are pregnant;
• your expected week of childbirth; and
• the date on which you plan to start your maternity leave, giving at least 28 days notice. If this is not reasonably practicable you should inform Human Resources as soon as possible.

However, it is in your best interests to notify your line manager as soon as possible for health and safety reasons.

You must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth and is usually available 20 weeks before the Expected Week of Confinement (EWC). No maternity entitlements will be given until this form is received.

You are permitted to change your planned maternity leave start date, provided that you advise your line manager and HR in writing at least 28 days before the new maternity leave start date.

HR will formally respond in writing to your notification of your leave plans within 28 days, confirming your maternity entitlements and the date on which you are expected to return to work.

Before going on leave, your line manager should discuss and agree with you:
• Any voluntary arrangement that you might find helpful to help you keep in touch with developments at work and nearer the time of your return to help facilitate with this.
• Keeping your line manager in touch with any developments that may affect your intended date of return.
• Keeping in Touch Days – see section 5.7

5.2 Risk Assessment
The Authority has a duty to take care of the health and safety of all employees and will carry out a risk assessment to assess the workplace risks. This is a statutory requirement for women who are pregnant, have recently given birth or are breastfeeding.

It is the responsibility of your line manager to complete the risk assessment as soon as is reasonably possible after notification of your pregnancy. The risk assessment is provided by and should be returned to HR. Further risk assessments should be carried out every two months, or as required, up to the commencement of maternity leave.

If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal duties, the Authority will take steps as are reasonably necessary to avoid those risks, such as altering your working conditions. In some cases, this may mean offering you suitable alternative work, if available, on terms and conditions that are not substantially less favourable.

If it is not possible to alter your working conditions to remove the risks to your health and there is no suitable alternative work available to offer you on a temporary basis, the Authority may suspend you from work on maternity grounds. This may be for the remainder of your pregnancy until the commencement of your maternity leave. If you are suspended in these circumstances, your employment will continue during the period of the suspension and it does not in any way affect your statutory or contractual employment and maternity rights. You will be entitled to your normal salary and contractual benefits during the period of your suspension, unless you have unreasonably refused an offer of suitable alternative employment.

5.3 Ante-Natal Care
You have the right to take reasonable paid time off work for ante-natal care, which includes medical examination, relaxation and parent craft classes that your doctor, midwife or health visitor has advised you to attend.
You should plan these periods of absence with your line manager and wherever possible, arrange them as near to the start or end of the working day. Your line manager may ask you for evidence of the reason for the absence, for example an appointment card or letter from your GP.

5.4 Sickness Absence During Pregnancy
You are entitled to sick leave as per the Sickness Policy up until the commencement of your maternity leave.

However, if you are absent from work as a result of your pregnancy after the date of the fourth week before your expected week of childbirth, your maternity leave will start automatically, overriding the originally agreed start date. You must inform your line manager and Human Resources of this absence as soon as possible.

5.5 Maternity Leave
You may commence maternity leave at any time after the 11 week prior to your expected week of birth. The latest day you may work is the expected date of birth, providing you are in good health and no health and safety risks have been identified during the risk assessments.

Maternity leave will start on whichever date is the earlier of:
- your planned start date;
- the day after you give birth; or
- the day after you are absent for a pregnancy-related reason in the four weeks before the expected week of childbirth

You are permitted to change your chosen maternity leave start date, provided that you advise your line manager and HR in writing at least 28 days before the new maternity leave start date.

5.6 Compulsory Maternity Leave
For Health and Safety reasons you must not work within two weeks of childbirth.

5.7 Maternity Pay
The extent to which you are entitled to maternity pay is dependent on your length of service. Appendix A provides a guidance table for you to calculate the pay and benefits you are eligible to receive.

For those eligible Statutory Maternity Pay (SMP) is paid at the higher rate of 90% of your weekly pay for weeks 1 - 6 of your maternity leave and at the standard rate for weeks 7 – 39. Occupational Maternity Pay is also payable at a rate of 50% of your weekly pay for Weeks 7 – 18. This is calculated based on your average week’s earnings in the eight weeks before your expected week of childbirth.

If you are not entitled to Statutory Maternity Pay (SMP), you may be eligible for 39 weeks Maternity Allowance, providing you have paid the required national insurance contributions. Please contact your Job Centre Plus Office for further information.

5.8 Keeping In Touch Days
Keeping in Touch (KIT) days are a provision under the Work and Families Act 2006 and are intended to help you with the process of resuming work after a period of leave. KIT days provide a number of advantages to you and the Authority:

- They enable you to stay in touch with workplace issues and changes.
- Support the continuation of Learning and Development during your leave for example you may attend a training course or conference which is important to your role.
- They can be used to continue your involvement in a particular project.
The nature of the work performed on a KIT day must be the type of work you would normally perform under your contract of employment.

The Authority reserves the right to maintain reasonable contact with you from time to time during your maternity leave. This may be to discuss the plans for your return to work, 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. Reasonable contact in this way does not count towards the KIT days.

KIT days can be taken at any point during your leave except for the first two weeks immediately after the baby is born, which is Compulsory Maternity Leave.

You may attend work for up to ten KIT days during the period of leave. Each KIT day can be an agreed amount of working time, for example, whether you work for one hour, half a day or a whole day, this will still count as one KIT day. There is no obligation for you or your line manager to agree to a KIT day.

5.9 Payment for KIT Days
Payment for KIT days during a period of half pay or SMP will be topped up so that you receive full pay at your normal hourly rate.

Where you work less than your normal full day you will receive payment for the actual hours worked, but this will count as one full KIT day from your 10 days allowance.

If a KIT day occurs during a period of unpaid leave you will receive full pay at your normal hourly rate for the hours worked on that day.

5.10 Pension Arrangements
While on maternity leave you must pay pension contributions on any pay received, including SMP and you have the option to pay back contributions for any period of unpaid leave. In order to do this you must inform HR in writing within 30 days of returning to work.

If you decide to pay contributions during any unpaid leave, you will have your contributions based on the pay you were receiving immediately before your maternity pay stopped. If you choose not to pay pension contributions during any unpaid maternity leave the appropriate period will not count towards your pensionable service.

5.11 Stillbirth, Miscarriage and Premature Birth
In the sad event of your baby being stillborn you are entitled to the same amount of maternity leave and pay provided you had reached the 25 week of pregnancy. In the case that you miscarry or your baby is stillborn before the 25 week of pregnancy normal sick leave and compassionate leave provisions will apply as necessary.

In the event that your baby is born alive at any stage during your pregnancy but then sadly dies, you are entitled to the same amount of maternity leave and pay.

Where your baby is born alive prematurely you will be entitled to the same amount of leave and pay as if the baby was born at full term.

5.12 Maternity and Annual Leave
You will continue to accrue your contractual annual leave during your maternity leave, including bank holidays and statutory days. If your maternity leave is going to cross two leave years, you should wherever possible take any outstanding annual leave due to you before the commencement of your maternity leave. Any untaken leave will be carried forward to the next leave year.
5.13 Childcare Vouchers
If you are in receipt of Childcare Vouchers when you become pregnant you may opt to stay in the scheme and you will be entitled to receive your current order of childcare vouchers during the full period of your maternity leave.

If you choose to remain in the scheme during maternity leave you will continue to receive the full non cash benefit, this will be made in deductions from your salary and the Authority will pay for any shortfall in the monetary value equal to what was paid prior to maternity leave commencing.

5.14 Salary Sacrifice Schemes
If you have taken up the option of a salary sacrifice scheme, such as the cycle to work scheme, before becoming pregnant you will continue to receive this full non cash benefit during the full period of your maternity leave. The Authority will make up any shortfall in the monetary value equal to what was paid prior to maternity leave commencing.

5.15 Adoption Leave and Pay
Where the child is newly matched with an employee for adoption by an adoption agency and below the age of 18, the adoption leave and pay entitlements are similar to those principles for maternity leave and pay; compulsory leave does not apply in the case of adoption. Where a couple adopt jointly, only one of them is entitled to take statutory adoption leave and the couple can choose which. The other parent may be entitled to take two weeks’ paternity leave.

5.16 Returning to Work
You have the right to return to work under your original contract of employment and on no less favourable terms and conditions. If this is not reasonably practicable, you are entitled to an alternative job, which is both suitable and appropriate for you and on no less favourable terms and conditions than your old job.

You are expected to return to work on the date formally advised in writing by the Authority. Whilst you are under no obligation to do so, it would assist the Authority if you confirm that you will be returning to work as expected.

If you wish to return to work earlier than your expected return date, you must provide at least 8 weeks’ notice of the change of date, in writing to your line manager and HR. If you fail to do so, the Authority may postpone your return to such a date that would provide eight weeks’ notice, provided that this is not later than the expected return date.

If you are unable to attend work at the end of your maternity leave due to sickness or injury, the normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

You have the right not to return to work and depending on your length of service, may still receive maternity benefits, although Occupational Maternity Pay will not be payable. See Appendix A.

If you fail to return to work after indicating your intention to do so, you will be asked to refund the full amount of Occupational Maternity Pay.

If you return to work and resign within three months you will be expected to refund the full amount of Occupational Maternity Pay.
If you decide not to return to work after maternity leave, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after maternity leave has ended, the Authority may require you to return to work for the remainder of the notice period.

5.17 Deferring the Decision to Return to Work
You may wish to defer making a final decision about returning to work until after the birth of the
baby, in which case you should sign the relevant section of the Application for Maternity Leave and Pay, which is sent to you once you have notified HR of your pregnancy.

If you decide to defer this decision you will initially receive maternity pay based on your length of continuous service and any Occupational Maternity Pay will not be payable. If you subsequently decide to return to work you will receive any Occupational Maternity Pay that you are eligible for once you have returned to work for a minimum of three months.

5.18 Flexible Working If you would like to apply to work a flexible working pattern on your return from maternity leave that is different from your current contract, for example on a part-time work or job sharing basis, this will be given careful consideration under the Authority’s policy. To find out more about flexible working please see the Flexible Working Policy.

5.19 Parental Leave
If you have one year’s continuous local government service you are entitled to 13 weeks’ unpaid parental leave for each child born or adopted. Parents of disabled children are entitled to 18 weeks’ unpaid leave. For further information regarding Parental leave please see the Special Leave Policy.

 Relevant Legislation:
The Maternity and Parental Leave and the Paternity and Adoption Leave (Amendment) Regulations 2006.
Work and Families Act 2006

For further advice contact:
Line Manager/Senior HR Advisor/HR Officer

<table>
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<th>Date of last Review</th>
<th>Date last updated:</th>
<th>Date of next review:</th>
<th>EIA Required: Date:</th>
<th>Version:</th>
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<td>August 2011</td>
<td>August 2012</td>
<td>Yes</td>
<td>Completed 8 September 2011 and actions completed prior to consultation</td>
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Updated legislation regarding non cash benefits.
Reduction of Additional Maternity Benefits
### 6.0 Appendix A

**Maternity and Adoption Leave and Pay Entitlements**

<table>
<thead>
<tr>
<th>Your Length of Continuous Service</th>
<th>Leave Entitlement</th>
<th>Pay Entitlement</th>
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<tr>
<td>Over 12 months service by the beginning of the 11\textsuperscript{th} week before the Expected Week of Childbirth or prior to 14 days before the expected date of placement of a child for adoption.</td>
<td>Up to 52 weeks Maternity or Adoption Leave</td>
<td>If you choose to return to work for a minimum of 3 months</td>
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<td><strong>Weeks 1-6</strong> Statutory Maternity Pay (SMP) is paid at the higher rate which is equivalent to 90% of your average weekly earnings.</td>
<td><strong>Weeks 7-18</strong> Occupational Maternity Pay (OMP) at Half pay plus SMP at standard rate. This is paid without deductions, unless the half pay plus SMP exceeds full pay.</td>
<td><strong>Weeks 19-39</strong> SMP at standard rate</td>
</tr>
<tr>
<td><strong>Weeks 40-52</strong> Unpaid Leave</td>
<td><strong>If you choose not to return to work</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Weeks 1-6</strong> SMP is paid at the higher rate which is equivalent to 90% of your average weekly earnings.</td>
<td><strong>Weeks 7-39</strong> SMP at standard rate</td>
<td></td>
</tr>
<tr>
<td><strong>Weeks 40-52</strong> Unpaid Leave</td>
<td><strong>Weeks 1-6</strong> SMP is paid at the higher rate which is equivalent to 90% of your average weekly earnings.</td>
<td></td>
</tr>
<tr>
<td><strong>Weeks 7-39</strong> SMP at standard rate</td>
<td><strong>Weeks 40-52</strong> Unpaid Leave</td>
<td></td>
</tr>
</tbody>
</table>

| 6 – 12 months service by the end of the 15\textsuperscript{th} week before the expected week of childbirth or prior to 14 days before the expected date of placement of a child for adoption. | Up to 52 weeks Maternity or Adoption Leave | **Weeks 1-6** SMP is paid at the higher rate which is equivalent to 90% of your average weekly earnings. |
| **Weeks 7-39** SMP at standard rate | **Weeks 40-52** Unpaid Leave |

| 0 -6 months, which is less than 26 weeks by the end of the 15\textsuperscript{th} week before the expected week of childbirth or prior to 14 days before the expected date of placement of a child for adoption. | Up to 52 weeks Maternity or Adoption Leave | **Weeks 1 – 39** Unpaid Leave |
| You may be entitled to Maternity Allowance or Adoption Allowance. |
ANNEX 2: VIEWS FROM UNION AND STAFF REPRESENTATIVES

Maternity policy - Staff comments

Staff support the Authority’s drive to be more cost effective, as demonstrated by our commitment to the commercial acumen project and agreements to reduce terms and conditions in some areas. Many staff are feeling the effects of ‘doing more with less’. However, staff feel very strongly that it is inappropriate to reduce the maternity pay provisions, given the loss of goodwill and negative impacts on a particular group of staff that will result from a relatively minor financial saving for the Authority. Staff have not been provided with robust financial figures demonstrating the savings, or robust evidence demonstrating which teams are feeling under-resourced as a result of staff taking maternity leave and whether all options for providing suitable maternity cover have been explored. Staff representatives surveyed female employees about the proposed maternity pay reductions. The results show that 76% of women working for the Authority object to the proposed reduced maternity pay provisions. Based on staff comments, staff representatives and Unison object to the proposed reductions for the following reasons:

- The proposal negatively impacts a specific group of staff: women of child-bearing age.
- Impact on staff morale, which the 2011 Staff Survey highlights as already being low.
- Financial disadvantages will mean that some women have to return to work sooner than they would choose to, with subsequent negative effects on the individual and her baby.
- Women chose to work for the Authority based on the current maternity policy and it is unfair to change the parameters once they are working here.
- It goes against our Values, and undermines the value that the Authority places on its female employees. It is inconsistent with the establishment of a Women’s Development Club.

We support a two year lead-in time for any changes to the maternity pay provisions, and we support any proposals to review the policy in the future.

Paternity policy – staff comments

Whilst the impact on staff is less significant due to the shorter length of time involved staff representatives still feel there will be a loss of goodwill and negative impacts on those affected, with only a minor financial saving for the Authority.

Staff representatives and Unison again object to the proposed reductions in paternity pay.