

## Time Off Policy



## INTRODUCTION

This policy outlines all of the Council's time off arrangements:

- [Annual Leave](#)
- [Special Leave](#) (including compassionate leave)
- [Maternity Leave](#)
- [Paternity Leave](#)
- [Adoption Leave](#)
- [Parental Leave](#)

Details relating to flexi time and time off in lieu are contained within the Council's Flexible Working policy.

## ANNUAL LEAVE

The leave year is from 1 April to the following 31 March.

All requests for annual leave have to be considered in the context of the needs of the service. If managers believe that service could be adversely affected by granting a leave request, then the manager will discuss this with the employee to try to reach an acceptable alternative.

An employee will receive a pro-rata amount of annual leave up to their last day of employment with the Council.

**To calculate your Annual Leave, visit:**

- ❖ **Brent IntraWeb**
  - **My Employment**
    - **Working For Brent**
      - **Time Off Work**
        - ◆ **Annual Leave**
          - [How to calculate annual leave \(.pdf\)](#)

The tables provide a quick and easy way to calculate your annual leave.

### **Full-time employees**

Employees on NJC Conditions of Service who are **full time** without continuous local government service are entitled to a minimum of 22 days annual leave, plus 4 extra statutory days determined by the Council in a leave year.

Annual leave entitlement will be increased to 29 days after five years' continuous local government service. In the first year this will be a pro rata amount based on the number of months remaining in the leave year rounded to the nearest full day.

Additionally, a day's leave after the fifth, tenth and fifteenth year of continuous service with Brent will be granted. Brent related service days are based on completed years of service at the start of the leave year 1<sup>st</sup> April.

### **Part-time Employees and Employees Working Condensed Hours**

Employees who work part-time are entitled to the same leave entitlement as full-time employees, on a pro-rata basis.

Annual leave will normally be calculated in hours for employees who do not work the same hours every day and employees working condensed hours.

A part-time employee will receive a pro-rata amount of bank holidays, which will normally be added to the annual leave entitlement. Leave must be booked if a working day falls on a bank holiday.

Employees working condensed hours have the bank holiday entitlement added to their annual leave entitlement and are required to book the number of hours they would normally work as annual leave when a bank holiday falls on their working day. If a bank holiday coincides with a non-working day, there is no requirement to book leave.

Employees who work on a casual basis have their annual leave paid as a proportion of their hourly rate.

### **Example of Leave Calculation Employees Working Part Time Hours**

The following is an example of how annual leave is calculated based on a 36 hour week and 26 days annual leave for full time employees.

An employee working 18 hours per week has an annual leave entitlement of 13 days, calculated as follows:

Full time leave entitlement 26 + 8 Bank Holidays\*

= 33 days multiplied by 7.2 (hours) – the number of hours worked daily if working full time.

= 237.6 - divided by 36 (hours), the full-time working week.

= 6.6 - multiplied by 18, - the part-time hours worked by the employee.

**= 118.8 hours annual leave entitlement**

**As this entitlement already includes a pro-rata amount of leave for bank holidays, employees will be required to book leave when a bank holiday falls on their working day.**

\*(Bank holidays for 13/14, N.B. Bank Holidays per year may vary)

### **Carry-over of Leave**

At the end of the leave year (31 March) up to five days annual leave can be carried over, subject to line manager approval. This must be taken before the end of March of the following year. This includes requests for leave not taken due to sickness.

## **Annual Leave and Sickness Absence**

If an employee has pre-booked annual leave prior to the sickness absence they can take the annual leave provided they can demonstrate they are fit to return to work on the first day of the pre-booked annual leave. The normal medical certification arrangements will apply.

If an employee becomes unwell during a period of annual leave they should call his/her line manager on the first day of sickness. To reclaim annual leave due to sickness an employee must provide a fit for work certificate regardless of the number of days. This applies whether the leave has been taken at home or abroad.

## **Bank Holidays**

There are eight bank holidays each year as follows:

Good Friday	Summer Bank Holiday
Easter Monday	Christmas Day
May Bank Holiday	Boxing Day
Spring Bank Holiday	New Year's Day

## **SPECIAL LEAVE**

The Council acknowledges that staff may on occasions require Special Leave from work to deal with personal or other important matters. All requests will be considered on their merit and where appropriate the Council will respond reasonably to accommodate such requests taking into account service needs.

Special Leave may be agreed with or without pay and will not exceed 10 days other than in very exceptional circumstances within any 12-month period.

## **Special Leave for Compassionate Reasons**

Special leave for compassionate reasons includes, but is not limited to:

- the death, serious injury or illness of a dependent or partner/spouse, child, parent, brother or sister;
- attending funeral or memorial service for other family members or for a close friend;
- dealing with a domestic emergency, for example where the home was damaged by fire, flood or burglary;
- caring for a dependent who becomes ill and cannot be reasonably left alone;
- Facilitating fostering or adoption arrangements.

### **Special Leave for Medical Reasons**

Special leave for medical reasons includes, but is not limited to:

- undertaking a course of medical treatment as recommended by a GP or other medical specialist.

### **Special Leave for Educational and Employment Reasons**

Special leave for educational and employment reasons includes, but is not limited to:

- attending training courses or post-entry training;
- studying (half a day per examination paper) and sitting exams (where special limits apply) for approved courses;
- attending an interview in connection with a job application elsewhere in local government service (only where the employee has worked for the Council for more than 12 months). This provision is limited to one application per year;
- jury service – the actual days required to sit as a juror.
- service in non-regular armed forces - up to 10 working days leave per annum;
- Justices of the Peace – up to 10 working days leave per annum;
- time off for public bodies/civic duties meetings up to 208 hours per annum;
- school governors – 1 day per term.

One working days leave is allowed for employees moving house, where the move relates to their employment with the Council.

### **Special Unpaid Leave**

Discretionary unpaid leave may also be agreed to allow employees periods of extended leave, for example to return to their homelands. Advice should be sought from Human Resources and extended leave will require the approval of the relevant Operational Director and will not in any circumstances exceed twelve months unpaid leave.

### **MATERNITY LEAVE**

Council employees are entitled to 26 weeks' ordinary maternity leave followed by 26 weeks' additional maternity leave, giving a total of 52 weeks' continuous leave.

Maternity leave will begin no earlier than 11 weeks before the expected week of childbirth (EWC), or from the day following childbirth if that is earlier.

Payments for employees who have less than one year's continuous local government service at the beginning of the 11<sup>th</sup> week before EWC shall be the employee's

entitlement to Statutory Maternity Pay (SMP) where eligible. Employees who have completed not less than one year's continuous service will receive enhanced maternity payments.

Ordinary maternity leave and additional maternity leave will be regarded as continuous service for the purposes of the National Joint Council's sickness and maternity schemes and annual leave

### **Statutory Maternity Pay (SMP)**

Employees meeting the criteria below will receive SMP, paid by the Council. Employees who do not meet these criteria may be eligible to claim Maternity Allowance, which is a state benefit and not paid through the Council payroll.

An employee who:

- has at least 26 weeks continuous service with the Council continuing into the 15<sup>th</sup> week before the expected week of childbirth. The 15<sup>th</sup> week is known as the qualifying week;
- has average earnings above the NI lower earnings limit, during the eight weeks (two months) up to and including the qualifying week;
- is still pregnant in the 11<sup>th</sup> week before the week her baby is due or who has given birth by this time;
- gives **28 days' notice** (to the line manager) of the expected date for the start of SMP. If this is not reasonably practicable, the notice must be given as soon as reasonably practicable. The notice must be in writing if the line manager requests it;
- gives the Council medical evidence (usually a **Form MAT B1**) showing the expected week of childbirth. This medical evidence must be given to the Council by the end of the third week of the maternity pay period, although the time limit can be extended if there is good reason for the delay to the end of the thirteenth week of the maternity pay period. The Council cannot start paying SMP until it has the certificate and the employee has stopped working.

All employees who satisfy these conditions qualify for SMP, even if they do not intend to return to work after the baby is born. The only exception is an employee who resigns voluntarily from her job for a reason unconnected with her pregnancy after the start of the qualifying week, but before maternity leave starts.

### **Payment of SMP**

SMP cannot start earlier than the 11<sup>th</sup> week before the expected week of childbirth, unless the baby is born before the 11<sup>th</sup> week, but a woman has some flexibility as to exactly when it does start.

A woman will not lose any week of SMP even if she works up to the date her baby is born, provided her SMP period has not started. The latest date the maternity pay period can start is the week immediately following the week in which she gave birth.

A woman who is absent due to a pregnancy related reason (or childbirth) from the fourth week before the expected week of childbirth will be transferred into her SMP period and will not be able to get SSP. Her SMP period will start on the day after the first day of that absence.

Premature births – if a woman's baby is born before she has notified the Council of when she is starting her maternity pay period, or before the notified date, her 26 week maternity pay period will begin the day following the date the childbirth actually occurred.

Stillbirths – SMP is paid to a woman who gives birth to a stillborn child after 24 weeks of pregnancy (i.e. from week 16 before the expected week of childbirth).

Babies who die shortly after birth – if a woman's baby survives only for an instant it is always treated as a live birth, and SMP is payable.

Miscarriages – if a woman suffers a miscarriage before the 24<sup>th</sup> week of pregnancy, SMP is not payable. A woman in this situation should receive any relevant sick pay entitlement.

No SSP can be paid to a woman during her maternity pay period, even if she is not in receipt of SMP. Where occupational sick pay is payable she should receive this in the ordinary way. SMP can be offset against occupational sick pay.

### **Maternity Pay for Employees with Not Less than One Years Service**

#### **Employees Who Intend to Return to Work**

Maternity pay is payable to an employee who has confirmed that she intends to return to work after the birth of her child provided that:

- She has completed the maternity leave form confirming her return.

Under these circumstances, she is entitled to:

- For the first **six weeks of absence**: full contractual pay or 9/10 of the average weekly earnings in the eight weeks preceding the end of the 15<sup>th</sup> week before the week the baby is due, whichever is greater. This is inclusive of statutory maternity pay (SMP) where eligible;
- For the next **12 weeks of absence**: half contractual pay plus SMP where eligible, except where combined pay and SMP (exceeds full pay)

In the event that the employee does not return to work for a period of three months (as varied if applicable) she shall refund the 12 weeks' half pay, or such part thereof, as the Council which made the payment may in its discretion decide. Payments made to the employee by way of SMP are not refundable.

#### **Employees who do not intend to return to work**

An employee who confirms that she does not intend to return to work as defined above, or who is undecided, is entitled to:

- Six weeks' full contractual pay inclusive of SMP where eligible;
- 33 weeks' SMP at the lower rate where eligible;

If the employee decides to return to work the following criteria must be met to receive the enhanced maternity payments:

- Return to work must be immediately after the end of the maternity leave;
- Return for a period must be for a period of at least 13 weeks.

At the end of qualifying period payment of the difference between the maternity pay she has already received and the maternity pay as outlined above for employees who confirmed their intention to return to work will be made.

### **Annual Leave**

Annual leave will accrue during the whole period of maternity leave and should be taken within the leave year. Annual leave up to 5 days may be carried forward to the next year in accordance with the Council's Annual Leave Policy.

In exceptional circumstances, following prior agreement from the Head of Service, additional leave may be carried forward.

### **Health and Wellbeing**

#### **Ante-natal care**

Employees are entitled to be given paid time off to attend ante-natal care (provided in respect of the second and subsequent appointments she produces evidence of the appointment, if requested to do so).

#### **Health and Safety**

Consideration must be given to any health and safety implications for pregnant or breast feeding employees identified in the Workplace Risk Assessment carried out in accordance with Part 2, Paragraph 4 of the NJC conditions of service.

The Council will provide suitable facilities for pregnant women and nursing mothers to rest and will carry out suitable and sufficient risk assessments of the health and safety at work of new and expectant mothers and their babies, and women of childbearing age where the work may involve risk to the woman or to the baby.

If the risk cannot be avoided, the Council will alter the employee's working conditions or hours of work if it is reasonable to do so and if such measures would avoid the risk.

A pregnant employee has the right to:

- request alternative work for the duration of her pregnancy where the working conditions are, or become, hazardous to her health. In such cases, she will be expected to return to her normal duties at the completion of the pregnancy and/or her return from maternity leave;

- immediate transfer (to equivalent alternative work), or to paid leave, if her work puts her in unavoidable contact with a reportable disease(s).

### **Keeping in Touch (KIT) Days**

Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave, line managers should discuss and agree with the employee any voluntary arrangements for keeping in touch during the employee's maternity leave. Up to ten days may be agreed for which payment will be made for the actual hours worked. Payment will not affect SMP.

### **Pension**

During any period of paid maternity leave or additional paid maternity leave (including any period during which only SMP is payable) a member of the Local Government Pension Scheme (LGPS) must pay pension contributions on the pay actually received. The period of service will count as normal for pension purposes i.e. as if the employee had been at work.

Equally during any period of unpaid additional maternity leave the unpaid period will not count for pension purposes unless the employee makes an election for it to count. Such an election will have to be made within the period of 30 days starting with the date the employee returns to work or ceases to be employed (if earlier). If the election is made the employee will have to pay pension contributions for the unpaid period based on the pay he/she was entitled to receive on the day before the unpaid period began.

### **Right to Return to Work**

Employees are entitled to return to their job with the Council at the end of maternity leave. Where redundancy makes it impractical for the Council to allow her to return to her job, the employee is entitled to be offered a suitable alternative vacancy where one exists.

An employee loses her right to return if and when her contract of employment with the Council ends. An employee who has indicated she does not intend to work at the end of her maternity leave is still entitled to return to her original job in the absence of her giving clear notice of resignation.

### **Exercising the Right to Return to Work**

An employee must notify the Council in writing, if requested, at least 21 days before the day on which she proposes to return, if this is before the end of the maternity leave period. Where the notice given is less than 21 days, the Council may postpone the return to ensure 21 days' notice, but not beyond the end of the maternity leave period.

**If an employee changes her mind about the day she proposes to return**, she must give her line manager 21 days' notice of the new date, if this is **earlier** than the original date she notified. If she now proposes to return **later** than the original date, she must give notice of the new return date 21 days before the original return date.

Where an employee does not return to work at the end of her maternity leave period, she will be treated like any other employee who does not return after authorised leave.

If, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect the employee to return on the due date, she may return when work resumes, or as soon as reasonably practicable thereafter.

The employee will be able to apply using the statutory right to apply for flexible working.

### **Sickness Leave**

Maternity leave will not be treated as sick leave and will not be taken into account when calculating the period of entitlement to sickness leave.

### **A week's pay**

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

### **Role and Responsibilities**

#### **Employees**

An employee must notify her line manager at least 28 days before her absence begins or as soon as is reasonably practicable:

- that she is pregnant;
- of the expected week of childbirth;
- of the date of the beginning of her absence.

The employee has the right to change her mind about when her maternity leave starts, provided she gives notice at least 28 days before the date originally notified or before the new start date, whichever is the earlier. Where this is not reasonably practicable, notice of the start date must be given as soon as possible.

**If childbirth occurs before the planned date of absence**, maternity leave will begin on the day after the date of the birth. The employee must notify her line manager in writing of the date of childbirth and produce a certificate from a registered medical practitioner or a registered midwife.

The employee must remain absent from work if certified medically unfit to do so and produce evidence of ante-natal appointments, if requested.

The Council's recognised trade unions have agreed that, wherever possible, employees should give more notice than set out in the NJC conditions of service in

order to help the Council arrange temporary cover for maternity leave, and to give adequate notice to temporary staff.

### **Line Managers**

Line managers are responsible for informing pregnant women of their maternity rights. Within 28 days of receipt of initial notification, line managers must write to the employee informing her of the last day of maternity leave and the expected date of return.

Line managers must, on the production of evidence of appointments, allow employees reasonable paid off-time to attend ante-natal clinics, and to take maternity leave and the pay to which she is entitled.

If an employee intends to return to work earlier than the due date, and fails to give 21 days' written notice of early return, the line manager may postpone the return date to ensure the 21 days' notice. This postponement may not be extended beyond the due date.

Where a line manager has received notice of the start date of maternity leave, they must write to the employee within 28 days of receiving the notice stating her expected date of return from maternity leave if she takes her full entitlement to maternity leave. Where the employee has exercised her right to change her mind about when she wants to start her leave, the line manager must write to the employee within 28 days of the start of the maternity leave.

The line manager must inform their HR Manager of the expected maternity start date in order for payroll to update their system.

### **ADOPTION LEAVE**

Council employees are entitled to 26 weeks' ordinary adoption leave followed by 26 weeks' additional adoption leave, giving a total of 52 weeks' continuous leave.

The leave period may commence up to 14 days before the expected date of placement; on the placement date; or one day later if working on the placement date.

Adoption leave requests should be submitted to the line manager within seven days of notification of the match from the agency, or as soon as practical afterwards. Any changes in the starting date for the leave or statutory adoption pay should be notified as soon as possible and at least 28 days in advance where practical.

### **Statutory Adoption Pay (SAP)**

During adoption leave employees will be entitled to statutory adoption pay, which will be paid for up to 39 weeks providing:

- they have average weekly earnings not less than the lower earnings limit for national insurance purposes;
- have been continuously employed for a minimum of 26 weeks ending with the week in which notification of the adoptive match occurs.
- provide evidence of the adoption

For these purposes average weekly earnings are calculated over the eight week period ending with the week in which the employee is notified of having been matched with the child for adoption.

Adoption pay commences on the day adoption leave begins and continues for 39 weeks, unless an employee returns to work sooner.

Statutory adoption pay is paid as normal salary with NI, tax and pension deducted. All other terms and conditions remain the same.

Employees who have average weekly earnings **below** the lower earnings limit for national insurance contributions and do not qualify for statutory adoption pay. Additional support may be available through Housing Benefit, Council Tax Benefit or Tax Credits. For further advice employees should contact their Social Security office or Jobcentre Plus office.

### **Annual Leave**

Annual leave will accrue during the whole period of adoption leave and should be taken within the leave year. Annual leave up to 5 days maybe carried forward to the next year in accordance with the Council's Annual Leave Policy.

### **Keeping in Touch (KIT) Days**

Keeping in touch (KIT) days are intended to facilitate a smooth return to work from adoption leave. Before going on leave, line managers should discuss and agree with the employee any voluntary arrangements for keeping in touch during the employee's adoption leave. Up to ten days may be agreed for which payment will be made for the actual hours worked. Payment will not affect SAP.

### **Pension**

During any period of paid adoption leave (SAP) an employee who is a member of the Local Government Pension Scheme (LGPS) must pay pension contributions on the pay actually received. The period of service will count as normal for pension purposes i.e. as if the employee had been at work.

Equally during any period of unpaid adoption leave the unpaid period will not count for pension purposes unless the employee makes an election for it to count. Such an election will have to be made within the period of 30 days starting with the date the employee returns to work or ceases to be employed (if earlier). If the election is made the employee will have to pay pension contributions for the unpaid period based on the pay he/she was entitled to receive on the day before the unpaid period began.

### **Returning to Work**

If an employee does not specify when they intend to return to work, the Council will assume they are taking 52 weeks' leave. An employee is required to give six weeks notice if they wish to change the date of their return to work.

An employee has the right, where possible, to return to the same job providing it is practical to do so. If not, an employee will be offered suitable alternative employment and will be consulted in line with Council policy and procedure. Reasons why an employee may not be able to return to their original job would include reorganisation for business reasons leading to redundancy.

An employee loses the right to return if and when the contract of employment with the Council ends. An employee who has indicated they do not intend to work at the end of adoption leave is still entitled to return to their original job in the absence of giving clear notice of resignation.

### **A week's pay**

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

### **PATERNITY LEAVE**

To be entitled to statutory paternity leave and pay an employee must have, or expect to have, responsibility for the child's upbringing. They must also have average weekly earnings of at least the lower earnings limit for National Insurance purposes and have been continuously employed for a minimum of 26 weeks either:

- by the end of the fifteenth week before the child's expected week of birth, or
- by the end of the week in which the child's adopter is notified of having been matched with the child for adoption.

In order to be entitled to Statutory Paternity Pay, the employee should be one or more of the following:

- Father of the child
- Spouse
- Civil partner
- Partner of the child's mother/partner of child's adopter
- One of a couple jointly adopting a child.

Leave should be taken to support the mother/adopter and/or child during the first 56 days following the birth/placement.

Employees should give 6 weeks' notice of their intention to take paternity leave and should include the:

- date the baby is expected
- date the leave will commence, and
- indicate if it is the intention to take the leave as consecutive weeks.

## **Ordinary Paternity Leave and Pay**

Employees are entitled to three weeks paternity leave (which is on full pay inclusive of Statutory Paternity Pay) and leave should generally be taken in one week blocks and can be consecutive.

## **Additional Paternity Leave and Statutory Paternity Pay**

Eligible employees may take up to 26 weeks' Additional Paternity Leave within the first year of their child's life, provided that the mother has returned to work before using her full entitlement to maternity leave. Additional Paternity Leave is also available to adoptive parents within the first year after the child's placement for adoption, providing the child's main adopter who elected to take adoption leave has returned to work before using his/her entitlement to adoption leave.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born and must end no later than 12 months after the birth of the child. Additional paternity leave must be taken in multiples of complete weeks and last between 2 weeks and 26 weeks.

Those who qualify for Additional Paternity Leave, will receive any entitlement based on the date the mother's return to work date. When the statutory pay has been exhausted the rest of the pay period will be unpaid.

Any statutory paternity pay due during additional paternity leave will be paid at a standard rate or at a rate equivalent to 90% of the employee's average weekly earnings if this less than the standard rate. Statutory paternity pay is payable whether or not the employee intends to return to work after his/her additional paternity leave.

To be eligible for additional paternity leave, an employee must satisfy each of the following criteria:

- be the father of the child or married to, the civil partner of, or the partner of, the child's mother, or married to, the civil partner of, or the partner of, the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility). In the case of adoption, must have been matched with the child for adoption. In both cases, the leave must be to care for the child.
- have a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which he/she was notified of having been matched with the child.
- remain in continuous employment until the week before the first week of additional paternity leave.
- the mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay.
- the mother or primary adopter must have returned to work.

- the mother or primary adopter has at least two weeks of his/her maternity or adoption pay period that remains unexpired; and
- he/she gives proper notification in accordance with the policy.

### **Annual Leave**

Annual leave will accrue during the whole period of paternity leave and should be taken within the leave year. Annual leave up to 5 days maybe carried forward to the next year in accordance with the Council's Annual Leave Policy.

### **Keeping in Touch (KIT) Days**

Keeping in touch (KIT) days are intended to facilitate a smooth return to work from Adoption Leave. Before going on leave, line managers should discuss and agree with the employee any voluntary arrangements for keeping in touch during the employee's Adoption Leave. Up to ten days may be agreed for which payment will be made for the actual hours worked. Payment will not affect SAP.

### **Pension**

During any period of paid adoption leave a member of the Local Government Pension Scheme (LGPS) must pay pension contributions on the pay actually received. The period of service will count as normal for pension purposes i.e. as if the employee had been at work.

Equally during any period of unpaid Additional Adoption Leave the unpaid period will not count for pension purposes unless the employee makes an election for it to count. Such an election will have to be made within the period of 30 days starting with the date the employee returns to work or ceases to be employed (if earlier). If the election is made the employee will have to pay pension contributions for the unpaid period based on the pay he/she was entitled to receive on the day before the unpaid period began.

### **Returning to Work**

Employees are entitled to return to their job with the Council at the end of Additional Paternity Leave. Where redundancy makes it impractical for the Council to allow the employee to return to the same job the employee is entitled to be offered a suitable alternative vacancy where one exists.

An employee loses the right to return if and when the contract of employment with the Council ends. An employee who has indicated they do not intend to work at the end of paternity leave is still entitled to return to their original job in the absence of giving clear notice of resignation.

An employee must notify the Council in writing the end date of his/her additional paternity leave. The employee is expected to return on the next working day after this date, unless he/she notifies the Council otherwise.

If the employee wishes to return to work earlier than the expected return date, he/she must give the Council at least six weeks' notice of his/her date of early return, preferably in writing. If he/she fails to do so, the Council may postpone his/her return

to such a date as will give the Council six weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after additional paternity leave, he/she must give notice of resignation as soon as possible and in accordance with the terms of his/her contract of employment. If the notice period would expire after additional paternity leave has ended, the Council may require the employee to return to work for the remainder of the notice period.

### **A week's pay**

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

### **PARENTAL LEAVE**

Eligible employees can take unpaid parental leave to look after their child's welfare, for example:

- to spend more time with their children
- to look at new schools
- to settle children into new childcare arrangements
- to spend more time with family.

Employment rights will remain protected.

For child/dependent illness, see **Special Leave** entitlement (above).

### **Eligibility Criteria**

Employees qualify for parental leave if all below apply:

- they have been employed for more than a year
- they are named on child's birth certificate
- they have, or expect to have, **parental responsibility\*** (see below for definition of parental responsibility)
- not self-employed or a 'worker' (e.g. contractor/agency worker)
- they are not a foster parent (unless with court secured PR)
- child is below 5 years old, or 18 in special circumstances (see **Entitlement**).

The Council has the discretion to ask for proof of child's where it considers it reasonable to do so and may extend parental leave to employees who do not qualify.

### **Entitlement**

Parental leave is unpaid. The child must be under 5 years old, unless special circumstances apply.

<b>Child</b>	<b>Entitlement</b>
For each child	18 weeks up to their 5 <sup>th</sup> birthday
For each adopted child	18 weeks up to their 18 <sup>th</sup> birthday, or 5 <sup>th</sup> anniversary of their adoption, which comes first
For each child who qualifies for Disability Living Allowance	18 weeks up to their 18 <sup>th</sup> birthday

18 weeks is the total allowance over the prescribed period. The maximum parental leave entitlement each year is 4 weeks, unless agreed otherwise with the Council.

Leave should be taken in **blocks of one week**, unless agreed otherwise with the Council. One week is equivalent to the hours normally worked each week by the employee. Therefore, if an employee normally works three days per week, then their parental leave entitlement is the equivalent.

Leave is applicable to each child, not the parent's job. If, for example, an employee uses 10 weeks of the parental leave entitlement with a previous employer, they would be entitled to 8 weeks parental leave with the Council.

#### **Notice to Request Parental Leave**

Employees must give 21 days notice prior to the date they wish the parental leave to start.

If they or their partner are having a baby or adopting, then the employee must provide 21 days notice before the expected arrival of the baby/child.

Employees must confirm start and end dates in their notice. Parental leave requests should be in writing to the employee's line manager.

### **\*Parental Responsibility Definition**

#### **Who has Parental Responsibility (PR)**

- the mother of the child automatically has PR;
- the father usually has PR, especially if married to the child's mother, or listed on the birth certificate;
- unmarried parents;
- fathers can get legal responsibility by:
  - jointly registering the child's birth with child's mother (since December 2003)
  - getting PR agreement with mother
  - getting PR order in court;
- same sex parents
  - civil partners - same-sex partners who were civil partners at the time of the treatment will both have PR.
  - non-civil partners - the 2<sup>nd</sup> parent can get PR by:
    - applying if parental agreement made
    - becoming a civil partner of the other partner and making PR agreement, or jointly registering birth.

#### **Additional Information**

For further information on all time off arrangements in the policy please contact Human Resources.