



Family Friendly Procedures

Policies and Procedures Control Page

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1.0 MATERNITY LEAVE PROCEDURE

1.1 Introduction

On 1 October 2006, the Work and Families Act 2006 was introduced. This made some important changes to the law on maternity and adoption leave for those whose expected childbirth falls on or after 1 April 2007. This procedure sets out the rights and responsibilities of employees who are expecting babies and the help and support the Council will give them.

1.2 Entitlement

This procedure applies to all employees expecting babies on or after 1 April 2007. It does not matter when the baby is actually born; the important date is when it is due.

Employees are entitled to up to 52 weeks maternity leave regardless of length of service. Maternity leave will be divided into 26 weeks ordinary maternity leave (OML) and up to 26 weeks additional maternity leave (AML).

To qualify for Statutory Maternity Pay (SMP) employees must have 26 weeks continuous service by the 15th week before their baby is due. SMP will be paid during employees 26 weeks OML and for up to 13 weeks of their AML.

To qualify for occupational maternity pay employees must have at least 1 year continuous service by the beginning of the 15th week before the expected week of confinement (EWC) and should intend to return to work.

Further information relating to maternity pay and leave entitlement can be found in Appendix A.

1.3 Maternity Procedure

Employees should inform their line manager and Human Resources of their pregnancy as soon as possible to enable a risk assessment to be conducted and to ensure that any duties undertaken are suitable. A maternity leave application form should be completed (Appendix B) no later than the end of the 15th week before the EWC or as soon as is reasonably practicable. When returning the form the employee should attach a formal certificate from a doctor or midwife stating the expected week of childbirth (MATB1).

If a change to the start date of maternity leave is required, the employee should give 28 days notice, where reasonably practical.

If an employee continues to work after the 11th week before her baby is due she can choose when she wants her SMP to start. This means that SMP will start from the first day of an employee's maternity leave.

1.4 Risk Assessments

As soon as the employee informs the Council in writing of the pregnancy Human Resources will inform the Safety and Premises Manager who will complete a personal health and safety assessment to identify risks to the pregnant employee. The assessment will be done in conjunction with the employee and their line manager. The duty to carry out a risk assessment

also applies to employees who are breastfeeding or who gave birth less than 6 months ago.

1.5 Maternity Leave Period

The earliest date from when members of staff can start their maternity leave is the beginning of the 11th week before the EWC. If the child is born before the 11th week the maternity leave period will be effective from the date of birth of the child.

1.6 Sickness

If employees are ill during pregnancy normal sickness rules apply, however if the illness is pregnancy related it must be recorded as such, and it will not count towards an employees sickness record. If employees are off work with a pregnancy related absence in the four weeks before the baby is due their maternity leave will automatically commence from the first day of absence.

Although employees may wish to work right up until the time of the birth, it is in their own interest to get advice from your GP, as to their fitness for work. If an employee intends to work beyond 4 weeks before the birth, then the Council will require some written medical guidance from her GP confirming that she is fit to carry out her duties.

1.7 Time Off for Ante Natal Care

Employees have the right to reasonable time off to attend ante natal appointments, which includes the time spent travelling to an appointment and waiting. However line managers have the discretion to ask for written proof of appointments and a certificate or note from a doctor or midwife, confirming the pregnancy. Time off will be on full pay and employees will not be expected to use annual leave or flexitime. An ante natal appointment is any appointment made on the advice of a doctor, midwife or health visitor. This includes parent craft and relaxation classes.

1.8 Miscarriage, Still-Birth and Death of a Baby

If unfortunately the baby dies or is born dead before the end of the 24th week of pregnancy (miscarriage) employees will not be entitled to their maternity rights. Sympathetic consideration to the circumstances will be given and where necessary special leave granted or sick leave, as appropriate on the basis of the individual circumstances. The decision will be based on the needs of the employee and medical opinion.

If the baby is born dead after the 24th week of pregnancy (stillbirth) employees are entitled to all the rights they would have had had their baby been born alive.

If a baby is born alive but later dies employees will be entitled to all maternity rights.

In cases of stillbirth or death of a baby if the employee is already on maternity leave she does not need to take any action. However if the birth happens before the employees intended maternity leave commencement date or before the 25th week of pregnancy (in the case

where the baby is born and then later dies) she will need to inform her line manager of the date of the birth. Maternity Leave will commence the day after the day of the birth.

1.9 Contact During Maternity Leave

The Council is entitled to make reasonable contact with employees during maternity leave periods. This is important as employees may feel anxious about returning following a long period of absence. It is good practice to keep employees informed and involved in what is happening in the work place.

Employees are also entitled to make reasonable contact with their line manager.

1.10 Keeping in Touch Days

Employees may request to work for up to 10 days without bringing their maternity leave to an end and without losing their SMP. This is to enable employees to keep in touch during their maternity leave if they wish. Employees can work during ordinary or additional maternity leave but they cannot work during the two weeks of compulsory maternity leave immediately after the birth. Keeping in touch days do not need to be consecutive. They can be used for any work related activity including training, conferences or meetings. Any work completed during maternity leave must be by agreement and neither the employee nor their line manager can insist on it. If it is agreed that an employee will work 'keeping in touch days' they are entitled to be paid for this work. This will consist of normal remuneration for that day but will be reduced by the value of a current day's worth of SMP. The council will reclaim the SMP from HM Revenue & Customs in the usual way. Once the keeping-in-touch days have been used up, employees will lose a week's SMP for any week in which they do any work. If a week contains, for example, the last of the keeping-in-touch days and another day of work, the employee will lose that week's SMP.

1.11 Pregnant Again Whilst on Maternity Leave

If employees are on maternity leave this does not change their rights to further periods of maternity leave and pay. Continuous service will still apply and therefore the employee will qualify for maternity leave and pay for the next baby however, employees may not have earned enough in the relevant calculation period to qualify for SMP. If an employee does not qualify for SMP she may be able to claim maternity allowance (MA). Employees can claim MA from their local Jobcentre Plus on form MA1.

1.12 Return to Work

It is a statutory requirement that members of staff do not return to work for a minimum of 2 weeks from the date of birth of their baby.

If an employee intends to return to work at the end of her full maternity leave period entitlement she is not required to give notice of her return. However, if a member of staff wants to extend her maternity leave, return earlier than a date previously specified or is planning not to return, she is required to give 8 weeks written notice of this intention.

If an employee wishes to discuss any change in working arrangements on her return to work, she should contact her line manager at the earliest opportunity and not less than 8 weeks before she returns to work.

Employees who return to work after ordinary maternity leave are entitled to the same job on terms and conditions no less favourable than if they had not been absent, unless a redundancy situation has arisen.

Employees who return to work after additional maternity leave are entitled to return to the same job or if this is not reasonable and practicable, to a similar job on terms and conditions no less favourable than their original job.

If a fixed term contract expires during the maternity leave period, then this will automatically end the right to return to work.

1.13 Repayment of Occupational Pay

If an employee does not return to work after the specified period, or returns to work but does not subsequently continue in the employment of the Council for a period of at least 3 months, the Council will have the right to reclaim from her any occupational maternity pay that she has received in excess of her statutory maternity pay.

1.14 Annual Leave and Bank Holidays

Employees will accrue paid annual leave throughout their maternity leave, which may be taken before or after the birth, depending on their intention to return to work. Staff that accrue paid annual leave during maternity can: -

a) carry forward up to 5 days annual leave to the next leave year following consultation and agreement with their Head of Service;

b) have outstanding balances of annual leave paid off at the end of the leave year, following consultation and agreement with their Head of Service. This is only in very exceptional circumstances.

Employees will also accrue a day's compensatory leave for any Bank Holidays, which fall in the first 26 weeks of their maternity leave.

1.15 Local Government Pension Scheme

A member of staff who is a member of the Local Government Pension Scheme (LGPS) during any period of paid maternity absence including any period when only statutory maternity pay is in payment must continue to pay the pension contributions. The contributions are payable on the actual pay the employee is entitled to receive. The Council will also continue to pay the employers contributions. Although the contributions are paid on the actual pay received, benefits accrue as if you were working normally.

1.16 Further Options

Prior to maternity leave commencing, employees should carefully consider their options. They may wish to consider:

- Paternity leave
- Parental leave
- Time off for dependents
- Maternity support leave
- Child care options (Busy Bees voucher scheme)
- Flexible working

2.0 ADOPTION LEAVE PROCEDURE

2.1 Introduction

On 1 October 2006, the Work and Families Act 2006 was introduced. This made some important changes to the law on adoption and paternity leave for those whose expected date of placement falls on or after 1 April 2007. This procedure sets out the rights and responsibilities of employees who have been matched with a child by an adoption agency and the help and support the council will give them. It does not cover other adoptions, for example, where an employee may adopt a stepchild or through a surrogacy arrangement.

2.2 Entitlement

Adoptive leave and pay may allow one member of an adoptive couple to take time off work when their new child starts to live with them. This includes same sex couples. Paternity leave and pay may be available for the other member of the couple, or an adopter's partner.

Adoption and paternity leave are available whether the child is adopted from within the UK or from overseas.

If an employee is adopting from within the UK he/she must have worked for the Council for at least 26 weeks in the week they were matched with the child. Employees will need to supply a copy of their matching certificate.

To qualify for adoption leave and pay an employee who adopts from overseas must have received an official notification. The law defines official notification as a written notification issued by or on behalf of the relevant domestic authority. Adoption leave and pay is not available to employees if they have not been assessed and approved as being a suitable adoptive parent and so have not received an official notification. Employees adopting a child from overseas who is already a relative may qualify if they have followed the due process, have been assessed and approved as being a suitable adoptive parent and have received official notification.

Employees with 26 weeks continuous service ending with the week in which they are notified of having been matched with the child are entitled to 52 weeks adoption leave. The week in question starts on a Sunday and ends on a Saturday. Adoption leave will be divided into 26 weeks ordinary adoption leave (OAL) and 26 weeks additional adoption leave (AAL).

To qualify for Statutory Adoption Pay (SAP) employees must have average weekly earnings at or above the Lower Earnings Limit for National Insurance and will have completed 26 weeks continuous service ending with the week in which they are notified of having being matched with a child. There is no higher 6 week period as there is with statutory maternity pay. It will be payable for 39 weeks to eligible employees. In addition to 39 weeks SAP, 13 weeks unpaid adoption leave may be taken.

To qualify for occupational adoption pay employees must have at least 1 year continuous service ending with the week in which they are notified of

having being matched with a child and should intend to return to work. Eligible employees will be entitled to 12 weeks at half pay plus SAP followed by 27 weeks at statutory adoption pay followed by 13 weeks unpaid leave.

If an employee is eligible for SAP but leaves their job for any reason including being dismissed, they are entitled to SAP. However, if they start work for a different employer they cannot receive SAP for any week in which they do work for the new employer.

Employees can choose to begin their leave and pay on the date on which the child is placed with them for adoption or a pre-determined date no earlier than 14 days before the expected date of placement, and no later than the expected date of placement.

2.3 Repayment of Occupational Adoption Pay

If an employee does not return to work after the specified period, or returns to work but does not subsequently continue in the employment of the Council for a period of at least 3 months, the Council will have the right to reclaim from him/her any occupational adoption pay that he/she has received in excess of their statutory adoption pay.

2.4 Adoption Procedure for UK Adoptions

Employees should inform their line manager and Human Resources of their placement within seven days of being told they have been matched with a child. Employees will be required to notify the Council of the following information:

- when the employee expects the child to be placed with him/her
- When the employee wants the adoption leave to start. This can be either the day of placement or any date up to 14 days before the employee expects the child to arrive, and no later than the expected date of placement.
- state whether the employee wishes to receive adoption pay rather than paternity pay (if employees are adopting jointly and/or have a partner)
- supply documents from the adoption agency which confirm the facts about the adoption, including the expected date of placement, and when the employee was informed of this. A copy of the matching certificate will be required for adoptions in the UK.
- notify their line manager and Human Resources of when they want to receive SAP at least 28 days before the date they want it to begin, or as soon as is reasonably practicable.

An adoption leave application form should be completed (Appendix C) and returned to Human Resources.

Human Resources will notify the employee of the end date of any adoption leave within 28 days of receiving the employee's notification.

2.5 Adoption Procedure for Overseas Adoptions

Employees should inform their line manager and Human Resources of:

- The date on which they received official notification; and

- The date the child is expected to enter Great Britain

Where employees have the necessary 26 weeks' qualifying service at the time they receive official notification they are required to give Human Resources this information within 28 days of receiving official notification.

Copies of official notification will be required for overseas adoptions.

Where employees have obtained official notification before they have completed 26 weeks service with the Council they must give Human Resources notice within 28 days of completing 26 weeks employment.

In all cases employees must give Human Resources at least 28 days' notice of the actual date they want their adoption leave and SAP to start.

Employees must inform Human Resources of the child's entry into Great Britain no later than 28 days after the date of entry.

Employees must tell Human Resources and their line manager as soon as is reasonably practicable if it becomes known to them that the child will not be entering Great Britain.

Human Resources will notify the employee of the end date of any adoption leave within 28 days of receiving the employee's notification.

2.6 Time Off for Pre-Placement Meetings

Employees will be granted reasonable paid time off to attend pre-placement appointments (for UK adoptions). However line managers have the discretion to ask for written proof of appointments.

2.7 If the Adoption is Unsuccessful

If an employee has started adoption leave and then the placement is not made, or the child returns to the adoption agency, an employee's entitlement to adoption leave will normally finish 8 weeks later. If an employee is receiving Statutory Adoption Pay, this will also end 8 weeks after the adoption finishes (or at the end of the SAP period if this is earlier).

If an employee starts paternity leave for an adoption, and the placement does not work out, he/she will still be entitled to paternity leave and pay.

If an employee has not started adoption leave or pay when they find out that a child is not going to be placed with them, they cannot take any leave or pay.

2.8 Contact During Adoption leave

The Council is entitled to make reasonable contact with employees during adoption leave periods. This is important as employees may feel anxious about returning following a long period of absence. It is good practice to keep employees informed and involved in what is happening in the work place.

Employees are also entitled to make reasonable contact with their line manager.

The contact between line manager and employee can be made in any way that best suits either or both of them. For example, it could be by letter, telephone, email, home visit or by the employee making a visit to the workplace.

2.9 Keeping in Touch Days

Employees may request to work for up to 10 days without bringing their adoption leave to an end and without losing their SAP. This is to enable employees to keep in touch during their adoption leave if they wish. Employees can work during ordinary or additional adoption leave. Keeping in touch days do not need to be consecutive. They can be used for any work related activity including training, conferences or meetings. Any work completed during adoption leave must be by agreement and neither the employee nor their line manager can insist on it. If it is agreed that an employee will work 'keeping in touch days' they are entitled to be paid for this work. This will consist of normal remuneration for that day but will be reduced by the value of a current day's worth of SAP. The council will reclaim the SAP from HM Revenue & Customs in the usual way. Once the keeping-in-touch days have been used up, employees will lose a week's SAP for any week in which they do any work. If a week contains, for example, the last of the keeping-in-touch days and another day of work, the employee will lose that week's SAP.

2.10 Return to Work

All adopters have a right to return to work after adoption leave on terms and conditions not less favourable.

If a fixed term contract expires during the adoption leave period, then this will automatically end the right to return to work.

If an employee wishes to change their date of return from adoption leave they must provide 8 weeks notice of their intention.

If the employee decides not to return to work at the end of adoption leave they should submit their resignation to their line manager giving the required notice period. Employees should also send Human Resources a copy of their resignation letter.

2.11 Annual Leave and Bank Holidays

Employees will accrue paid annual leave throughout their adoption leave, which may be taken after the placement, depending on their intention to return to work. Staff that accrue paid annual leave during adoption leave can: -

a) carry forward up to 5 days annual leave to the next leave year following consultation and agreement with their Head of Service;

b) have outstanding balances of annual leave paid off at the end of the leave year, following consultation and agreement with their Head of Service. This is only to be used in very exceptional circumstances.

Employees will also accrue a day's compensatory leave for any Bank Holidays, which fall in the first 26 weeks of their adoption leave.

2.12 Local Government Pension Scheme

A member of staff who is a member of the Local Government Pension Scheme (LGPS) during any period of paid adoption leave absence must continue to pay the pension contributions. The contributions are payable on the actual pay the employee is entitled to receive. The Council will also continue to pay the employers contributions. Although the contributions are paid on the actual pay received, benefits accrue as if you were working normally.

2.13 Further options

Prior to maternity leave commencing, employees should carefully consider their options. They may wish to consider:

- Paternity leave
- Parental leave
- Time off for dependents
- Maternity support leave
- Child care options (Busy Bees voucher scheme)
- Flexible working

3.0 PATERNITY LEAVE PROCEDURE

3.1 Introduction

The right to take paternity leave is derived from the Employment Act 2002 and supporting Regulations.

The Council 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.

3.2 Eligibility

Any employee satisfying the following conditions will be eligible for Paternity leave and pay:

- They have or expect to have responsibility for the child's upbringing
- They are the biological father of the child or the mother's husband or partner
- They are adopting a child or the partner of someone adopting a child and they are not taking Statutory Adoption Leave.
- They must have worked continuously for the Council for at least 26 weeks ending with the 15th week before the baby is due (or at least 26 weeks service by the week of notification of being matched with a child, in the case of adoption)
- They have complied with the Council's request to complete a declaration that they are entitled to take paternity leave
- They have given the Council the appropriate notice.

3.3 Entitlement

Eligible employees will be entitled to a maximum of two weeks (10 working days) full paid leave. Leave must be taken in one block; it cannot be taken as individual days. Only one block of leave is available to employees irrespective of whether more than one child is born or adopted.

In childbirth situations leave can be taken from the date of the child's birth or from a chosen number of days or weeks after the date of the child's birth; or from a chosen date later than the first day of the week in which the baby is expected to be born.

Labour can be unpredictable and therefore a false start to labour does not trigger paternity leave.

Paternity leave must be taken and used within 56 days of the actual date of birth of the child. However, if the child is born prematurely, the period in which leave can be taken is extended to end 56 days after the expected week of childbirth. If a child is stillborn after 24 weeks of pregnancy, the employee is entitled to paternity leave. This is also the case when the child is born alive at any stage in pregnancy but then dies.

Adoptive parents can choose to start their leave entitlement from the date of the child's placement; or from a chosen number of days or weeks after the date of the child's placement; or from a chosen date.

Leave can start on any day of the week on or following the child's placement but must be completed within 56 days of the child's placement.

3.4 Applying for Paternity Leave and Pay

Employees should inform their line manager that they want to take paternity leave by the end of the fifteenth week before the expected week of childbirth.

In the case of UK adoptions, an employee should inform their line manager no more than seven weeks after the matching certificate is issued, unless it is not reasonable practicable to do so.

For overseas adoptions, employees should notify their line manager the week in which they receive official notification or the week at the end of which the employee has been continuously employed for at least 26 weeks, whichever is later.

Employees can change their mind about the date on which they want their leave to start by providing 28 days notice.

To comply with the notification requirements for Statutory Paternity leave (SPL) and Statutory Paternity Pay (SPP) employees entitled to SPL for a newborn child should complete form SC3 which is available from Human Resources. Completed forms should be submitted to Human Resources.

An employee entitled to SPL for a newly adopted child should complete form SC4. Copies of these forms are available from Human Resources. Completed forms should be submitted to Human Resources.

3.5 Terms and Conditions

On return to work the employee has the right to return to the same job on the same terms and conditions that existed prior to paternity leave.

Annual leave will be accrued during periods of paternity leave.

3.6 Maternity Support Leave (Green Book)

Maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

Employees are entitled to exercise their right to either statutory paternity leave (SPL) OR maternity support leave (MSL), whichever provides the most favourable entitlement. Therefore, employees cannot take 3 weeks leave, e.g. 1 week MSL and 2 weeks SPL.

4.0 FLEXIBLE WORKING PROCEDURE

4.1 Introduction

The Employment Act 2002 specifically entitles parents, or those who have responsibility for a child's upbringing, to a right to request flexible working in order to care for a child under 6 years of age, or under 18 years of age if disabled. Changes to this legislation come into effect on 6 April 2007. The right to request flexible working has been extended through new powers in the Work and Families Act 2006, to employees who are carers of certain adults. Above and beyond this entitlement, SDC provides the right to request flexible working to all employees with at least 26 weeks service.

4.2 Eligibility

All employees of the Council are eligible to request to work flexibly providing they have:

- 26 weeks continuous service at the date the application is made.
- Not made another application to work flexibly under the right during the past 12 months. Each year runs from the date when the application was made.

4.3 Applications for Flexible Working

Any employee thinking about changing his or her work pattern should speak to their line manager as early as possible to explore what opportunities might be available.

If the Council agrees to an employee's request, this will result in a permanent change to their contract of employment and there is no automatic right to convert to their previous working hours/pattern etc.

When making an application to work flexibly the onus is on the employee to prepare a carefully thought out application well in advance of when they would like the desired working pattern to take effect. The Council then follows a set procedure to help ensure a request is considered seriously, facilitates discussion and enables both parties to gain a clear understanding of each others thinking. The Council recognises flexible working can benefit both employees and the Council. However; the Council may refuse a request where there is a recognised business ground for doing so.

An employee's application should set out their desired working pattern and state why their preferred working pattern is compatible with the needs of the service/Council. Employees must complete a Flexible Working Application Form (see Appendix D).

4.4 The Procedure

The meeting

Line managers must hold a meeting to consider the request within 28 days after the date an application is received.

An employee can, if they wish, have a colleague to accompany them to the meeting.

The purpose of the meeting is to explore the desired work pattern in depth and discuss how it could be accommodated. It will also be an opportunity to

discuss any suitable alternative working arrangements if there are problems in accommodating the desired working pattern.

Managers may wish to consider:

- What benefits would the Council get from such an arrangement?
- How will the employees work life balance be enhanced?
- How much would it cost to recruit and train a replacement if the employee left?
- Is there a need to recruit additional staff?
- Is there any evidence to suggest any difficulties in recruitment?
- What are the recruitment and training costs and implications?
- What is the effect on work organisation and planning?
- What would the impact be on quality of service and performance?
- Can all the necessary work be done in the hours requested?
- What would be the impact on other staff in the team?
- Would there be a problem recruiting for the remaining hours?
- Can the job be defined to make it easier to do part time?
- Has any other employee expressed a wish to change their hours?
- Will there be health and safety considerations

The line manager must write to the employee informing them of the decision within 14 days after the date of the meeting. The line manager must forward a copy of the letter to Human Resources for inclusion on the employee's personal file.

The companion

An employee has the right to bring a companion to the meeting.

The companion must be a workplace trade union representative or an employee of SDC.

The companion can address the meeting or confer with the employee during it, but is not allowed to answer questions on the employee's behalf.

If the companion is unable to attend the meeting, the line manager should re-arrange the meeting for a date within seven days of the originally proposed time, ensuring the new time is convenient to all parties; or, consider an alternative companion.

4.5 Trial period

Trial periods can help both line managers and employees by providing an opportunity without commitment to test a particular working pattern to see if it works out to the satisfaction of both. When arranging a trial period line managers should set a review period e.g. 12 weeks.

4.6 Extension of Time Limits

There are two circumstances where the time limit as laid out in previous sections can be extended:

1. Through agreement by the line manager and the employee
2. Through the absence of the relevant manager

There will be exceptional occasions when it is not possible to complete a particular part of the procedure within the specified time limit. Extensions

of time limits can only take place if both the line manager and employee agree. The line manager must make a written record of the agreement by completing the form in Appendix E and a copy must be sent to Human Resources for inclusion of the employee's personal file.

Where an application is sent to the relevant line manager and the manager is absent from work due to leave or illness, an automatic extension applies. The period that the line manager has to arrange the meeting will commence either on the day of the manager's return or 28 days after the application is made, whichever is sooner.

4.7 Business Grounds for Refusing a Request

Should it not be possible to agree an application, refusal should be based on the following grounds as defined by the relevant legislation. The reasons for any refusal will be confirmed in writing by the line manager. A copy must be sent to Human Resources for inclusion on the employee's personal file.

- Burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to reorganise work among existing staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during the periods the employee proposes to work.
- Planned structural changes.

In addition to providing a specific business ground the line manager must include an explanation about why the business ground applies in the circumstances.

4.8 Appeal procedure

It will never be possible for line managers to agree to a new working pattern in every circumstance. In circumstances where the employee may believe that their request has not been properly considered they have the right to appeal against the decision. The employee can appeal within 14 days after the date of notification of the line manager's decision. If an employee wishes to appeal, they must write to their Head of Service (or Strategic Director if the Head of Service is his or her line manager) setting out the grounds for their appeal. The Head of Service must arrange an appeal meeting to take place within 14 days after receiving notice of the appeal. A representative from Human Resources will also attend the appeal meeting. The employee can be accompanied at the appeal meeting if they wish by a trade union representative or colleague. The relevant Head of Service must inform the employee of the outcome of the appeal in writing within 14 days after the date of the meeting.

If the appeal is upheld the written decision must:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect; and be dated

If the appeal is dismissed the written decision must:

- State the grounds for the decision. These will be appropriate to the employee's own grounds for making the appeal
- Provide an explanation as to why the grounds for refusal apply in the circumstances.

A written notice of the appeal outcome constitutes the Council's final decision.

5.0 TIME OFF FOR DEPENDANTS

5.1 Introduction

Time off for dependants is a right allowing employees to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements. It involves employee's requesting unpaid leave when faced with unforeseen circumstances.

Employees do not have to complete a qualifying period in order to be able to take time off in an emergency.

The right is intended to cover genuine emergencies. There is no limit on the number of times an employee can be absent from work during their employment.

5.2 Dependants

A dependent is the husband, wife, child or parent of the employee. It also includes someone who lives in the same household as the employee. It does not include tenants or boarders living in the same household as an employee.

In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

5.3 Time Off

The employee is entitled to take a reasonable amount of time off (unpaid) in the following circumstances:

- If a dependant falls ill, or has been injured or assaulted
- When a dependant is having a baby (this does not include taking time off after the birth to care for the child, paternity or parental leave may be appropriate)
- To make longer term care arrangements for a dependant who is ill or injured
- To deal with the death of a dependant (also consider compassionate leave)
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant (e.g. childminder may be unwell)
- To deal with an unexpected incident involving the employee's child during school hours

Time off should not be agreed for routine problems, e.g. repairs to a household appliance.

There is not a maximum amount of time which can be taken as this will vary according to the circumstances of the emergency. For most cases one or two days should be sufficient.

6.0 PARENTAL LEAVE

6.1 Introduction

The right to parental leave was first introduced in December 1999 under the Maternity and Parental Leave Regulations 1999.

Parental leave is a right to take time off work to look after a child or make arrangements for the child's welfare. Parental leave is unpaid.

6.2 Eligibility

Employees with one year's continuous service with the Council will qualify for 13 weeks (in total) parental leave for each child. Parents of disabled children get 18 weeks in total. For the purposes of parental leave a disabled child is one for whom an award of disability living allowance has been made.

One week's parental leave is equal to the length of time an employee is normally required to work in a week. This means that a week's leave for an employee who usually works Monday to Friday is five days, while for an employee who works Mondays and Tuesdays only, a week's leave is equal to two days.

Both mothers and fathers, whether they are birth or adoptive parents, can qualify for parental leave. They must either be named on the child's birth/adoption certificate or they must have, or expect to have, parental responsibility for the child. The parents of a child do not have to be living with the child in order to qualify for parental leave. Foster parents do not have rights to parental leave.

In some cases legal responsibility for looking after a child will have been given to someone other than a natural or adoptive parent, such as a guardian. If an individual has acquired parental responsibility for the child, he or she may be entitled to parental leave.

6.3 Entitlement

Parents are able to take parental leave at any time up to the cut off point which applies to them:

- Parents of children born between 15 December 1994 and 14 December 1999 can take leave up to 31 March 2005.
- Parents of children born on or after 15 December 1999 can take leave up to their child's 5th birthday.
- Adoptive parents of children placed for adoption on or after 15 December 1994 and 14 December 1999 can take leave up to 31 March 2005 (or the child's 18th birthday if that is sooner).
- Adoptive parents of children placed for adoption on or after 15 December 1999 can take leave up to the fifth anniversary of the date of placement (or the child's 18th birthday if that is sooner).
- Parents of disabled children from any of these categories can take leave up to their child's 18th birthday.

Parental leave must be taken in blocks of full weeks unless your child has a disability in these circumstances employees can take time off in days instead of weeks.

Employees can't take more than four weeks' leave for any child in a year.

Statutory parental leave is unpaid.

6.4 Applying for Parental Leave

Employees must give at least 21 days' notice if they wish to take parental leave. Written requests must be submitted to the relevant line manager. A copy must also be sent to Human Resources.

Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the Council. Such discretion shall not be unreasonably withheld.

The Council try to accommodate requests where possible. However, the Council can postpone the leave for up to 6 months where the service delivery would be particularly disrupted if the leave were taken at the time requested. The leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption.

6.5 Terms and Conditions

Employees will still accrue holiday entitlement during their period of parental leave.

Employees are entitled to return to the same job as before if the parental leave was for four weeks or less.

Time taken as parental leave shall be treated as continuous service but employees should be aware that as the leave is unpaid this will be a break in service for the pension scheme. However, employees may arrange through payroll to reimburse the scheme on their return from leave.

Employees who fall sick during a period of parental leave and who give the authority the relevant notification shall be entitled to pay under the sickness scheme and this period shall not count towards their parental leave entitlement.

Appendix A – Entitlement

EMPLOYEE'S INTENTION	LENGTH OF SERVICE	PAY PROVISIONS	MATERNITY LEAVE
A. Returning to work:	Employed for more than one year (continuous service) by the end of the 15 th week before the EWC (expected week of childbirth)	6 weeks at 90% of pay <i>Followed by:</i> 12 weeks half pay plus SMP <i>Followed by:</i> 21 weeks SMP <i>Followed by:</i> 13 weeks unpaid leave	39 weeks paid leave to be followed immediately by 13 weeks unpaid <u>Leave may commence not earlier than 11 weeks before EWC.</u>
	Employed for more than 26 weeks but for less than 1 year (continuous service) by the end of the 15 th week before the EWC.	6 weeks at 90% of pay <i>Followed by:</i> 33 weeks SMP <i>Followed by:</i> 13 weeks unpaid leave	39 weeks paid leave to be followed immediately by 13 weeks unpaid leave. <u>Leave may commence not earlier than 11 weeks before EWC.</u>
	Employed for less than 26 weeks (continuous service) by the end of the 15 th week before the EWC.	If an employee has recently been employed or self employed she may be entitled to claim maternity allowance from her local Jobcentre Plus by completing form MA1. SDC will issue her with form SMP1 which needs to be sent with the MA1.	52 weeks unpaid maternity leave. <u>Leave may commence not earlier than 11 weeks before EWC.</u>
B: Not returning to work	Employed for more than 26 weeks Employed for less than 26 weeks	6 weeks at 90% of pay <i>Followed by:</i> 33 weeks SMP To be determined by Jobcentre Plus.	<u>Leave may commence not earlier than 11 weeks before EWC.</u> Resignation to be submitted to the relevant line manager who will forward to Human Resources at the latest 28 days before leaving. <u>Leave may commence not earlier than 11 weeks before EWC.</u> Resignation to be submitted to the relevant line manager who will forward to Human Resources at the latest 28 days before leaving.

Appendix B

NOTIFICATION OF MATERNITY LEAVE

Name

Address

.....

Job title.....

Service Area

Manager.....

I wish to start my maternity leave on and plan to take week's maternity leave from this date.

The expected date of birth of my baby is

I enclose maternity certificate form MATB1 (please tick if appropriate)

I propose to return to work on

Could you please confirm how you would like to receive your 12 weeks at half pay OMP entitlement if eligible:

- As a lump sum payable at the end of your half pay period (after week 18)
- As a lump sum payable after returning to work for 3 months
- As a monthly amount spread over 3 months (weeks 7-18)

Signed Date
Employee

Signed Date
Line Manager

Please return the completed form to Human Resources

Appendix C

NOTIFICATION OF ADOPTION LEAVE

Name

Address

.....

Job title.....

Service

Area.....

Manager.....

I confirm I have been matched with a child for adoption and was notified of this on:

.....

The child is expected to be placed on:

I would like my SAP and adoption leave to start on (insert date):

.....

I have chosen to receive SAP rather than Statutory Paternity Pay (tick box)

Could you please confirm how you would like to receive your 12 weeks at half pay OAP entitlement if eligible:

- As a lump sum payable at the end of your half pay period (after week 18)
- As a lump sum payable after returning to work for 3 months
- As a monthly amount spread over 3 months (weeks 7-18)

Signed Date
Employee

Signed Date
Line Manager

Please return the completed form to Human Resources

Appendix D

Flexible Working Application Form

Name:

Job title:

Line Manager:

Service Area.....

Start date with the Council:

Describe your current working pattern (days/hours/times worked):

.....
.....
.....
.....
.....
.....

Describe the working pattern you would like to work in future (days/hours/times worked):

.....
.....
.....
.....
.....

I would like this working pattern to commence from:

I think this change in my working pattern will affect the Council and my colleagues as follows.....

.....
.....
.....
.....

I think the effect on the Council and my colleagues can be dealt with as follows: ...

.....
.....
.....
.....
.....

Signed

Date

Appendix E

Flexible Working Extension of Time Limit Form

To (insert name)

Job title

I wish to extend the amount of time that the regulation allow me to:

- Arrange a meeting to discuss your application (28 days)
- Notify you of my decision regarding your application (14 days)
- Arrange a meeting to discuss your appeal (14 days)
- Notify you of my decision regarding your appeal (14 days)

I wish to extend the time limit to days. This means that I will have until:

..... (insert date).

I need the extra time for the following reason:

.....
.....
.....

If you agree to this extension, please complete the slip below and return it to me.

Signed: Date:

Employee's Agreement to Time Extension (to be completed and returned to line manager)

To:

I accept your request to extend the amount of time to

Signed: Date: