



WOMBOURNE PARISH COUNCIL

ABSENCE POLICY

Policy statement

We are committed to maintaining the health, wellbeing and attendance of all employees. We value the contribution our employees make to our success. So, when any employee is unable to be at work for any reason, we miss that contribution. This absence policy explains:

- What we expect when handling absence
- What we will do as your employers to help you successfully return to work

Sickness absence

Key principles

The Parish Council's absence policy is based on the following principles:

1. As a responsible employer we undertake to provide payments to employees who are unable to attend work due to sickness (if eligible).
2. Regular, punctual attendance is an implied term of everyone's contract of employment – we ask each employee to take responsibility for achieving and maintaining good attendance.
3. We will support employees who have genuine grounds for absence. This support includes:
 - Special leave for necessary absences not caused by sickness, for example accompanying someone who relies on you as their main carer to a hospital appointment
 - A flexible approach to the taking of annual leave
 - Rehabilitation programmes in the case of long term sickness absence
4. We will consider any advice given by the employee's GP on the 'Statement of Fitness for Work'. If the GP advises that an employee 'may be fit for work' we will discuss with the employee how we can help them get back to work – for example, flexible hours, or altered duties.
5. We will use an occupational health advisor, where appropriate, to:
 - Help identify the nature of an employee's illness
 - Advise the employee and the Parish Council on the best way to improve the employee's health and wellbeing
6. The Parish Council's disciplinary procedures will be used if an explanation for absence is not forthcoming or is not thought to be satisfactory
7. We respect the confidentiality of all information relating to an employee's sickness. The policy will be implemented in line with all data protection legislation and the Access to Medical Records Act 1988.

Notification of absence

If an employee is going to be absence from work, they should speak to their manager (Clerk to the Council) within an hour of their normal start time. They should also:

- Give a clear indication of the nature of illness and
- Likely return date

Their manager will check with employees if there is any information they need about their current work. If the employee does not contact their manager by the required time, the manager will attempt to contact the employee at home. If no contact is made, then a letter will be sent to the employees home address. It will be assumed the employee is absence without approved leave and action will be taken in line with the Parish Council's disciplinary procedures.

Evidence of incapability/incapacity

Employees can use the company self-certification arrangements for the first seven days of absence. Thereafter, a 'Statement of Fitness for Work' is required from your GP to cover every subsequent day.

The Parish Council should be kept regularly informed by a member of staff who is absent and to inform of an anticipated return to work.

Sick pay entitlement will be made on a sliding scale depending on length of continuous service and sickness period as per individual employee contracts.

May be fit for some work

If the GP advises on the Statement of Fitness for Work that an employee 'may be fit for work' we will discuss with the employee ways of helping them back to work. This may mean a phased return to work or amended duties.

Long term or persistent absence

Formal steps may be taken if there is concern about the number of days taken for sickness or injury. What action will depend on the reasons and pattern for absence. Informal talks may be held and medical evidence may be sought to better understand the situation.

Review meetings may also be necessary to explore whether reasonable adjustments can be made to help either return to work or work for longer periods.

The Council shall have the right at any time to require you to submit to examination by an independent medical practitioner selected by the Council, to obtain a confidential report on your condition and to discuss with such practitioner the findings of his/her examination and his/her prognosis of your likely recovery and or fitness to resume to work and recommended treatment.

If medical evidence is required we will usually ask for examination by a doctor, an occupational health therapist or another specialist of our choice. The Parish Council will pay for this and all reports will be kept confidential. Consent from the employee will be sought to have full access to medical reports and to discuss the contents with the relevant medical practitioner. The employee does not have to consent, but if they do not decisions will be made based on existing medial and other information. Reasonable adjustments to the role and/or workspace will be made if they employee is found to have a disability.

The Parish Council understands that this process is difficult and upsetting if they employee is suffering from a serious health condition and they may feel as if the Council is pressurising them to return to work before they are ready. The Parish Council does not wish for them to feel this way, and as they can appreciate, no business can continue employing people indefinitely if they are unable to work. It is better that all employees are fully aware of the thought process and intentions than the alternative, which is a lack of communication and eventually decision to dismiss the employee without advance notice of what the consequences of continued absence would be.

The Parish Council will write to the employee before any formal meeting and explain when, where and why it is taking place. If this date is not acceptable a mutually convenient alternative date will be arranged.

At the meeting, the discussion will be based around why the employee is off work, how long they expect to remain off work and whether they are likely to be off work for the same reason in the future. There will also be a review of any medical evidence, and explore whether further reports are needed and if there is anything the Parish Council can do to help to improve their health and/or make it easier for them to return to work. If they have been off work long term the Parish Council may suggest a return to work program; if there is persistent absence, they may set targets to improve their attendance against a deadline. The employee should also be expected to be warned that they may face dismissal if their attendance does not improve.

Should the employee be unable to return to work, or fails to meet the deadline set for improved attendance, they will be asked to attend another meeting. The aim at this meeting will be to find out if the situation is expected to change, and the Parish Council may give notice of dismissal if it becomes clear they are either unlikely to return to work or their attendance will not improve in the short term. Before issuing a notice of dismissal, options will be explored whether redeployment within the Parish Council could be made which would address the attendance issues and consideration will be given to any other issues that may want discussing.

If the Parish Council concludes that the employee is not off work as a result of a medical condition, and they are unable to provide any other satisfactory explanation for their absence, the employee may face action under the Council's disciplinary policy, which could include gross misconduct.

Right of appeal

An employee has the right to appeal if the Parish Council dismiss them on the grounds of their long-term absence. A response must be lodged within a week of being informed they are being dismissed, by writing to the Clerk to the Council. In that letter, there must be an explanation as to what is being appealed against.

Wherever possible, the appeal meeting will not be led by the Clerk if they were involved in the decision to dismiss you. The Parish Council's final decision will be sent to you in writing, where possible within two weeks of the appeal hearing. The Parish Council's appeal decision is final.

Right to be accompanied

The employee has the right to take a colleague or trade union representative with them to any formal meetings called under this policy, including the appeal meeting. The employee should tell the Parish Council as soon as possible who will accompany them, it is their responsibility to arrange for them to attend. If a work colleague is chosen, the Parish Council will not prevent them from attending, but may re-arrange the meeting if their absence from work causes operational issues.

The colleague or union representative can, if this is a preference, explain the key points of the case to the meeting and can respond on behalf of the employee. It is also acceptable to confer during the meetings, they must not however, answer questions directly to the employee or try to prevent the Parish Council from asking questions or outlining its arguments.

Other types of absence

Jury service

The Parish Clerk must be informed as soon as possible if you are called to complete jury service. Whilst on jury service, you will receive full payment minus any allowances paid by the court (if eligible).

Other public duties

Time off will be allowed in some public roles including but not limited to magistrate and school governor. As soon as duties are known and meetings dates available, the Parish Clerk should be informed.

Time off for dependents

Reasonable time off may be taken to deal with emergencies involving dependents. For the purpose of this policy, dependents are defined as a spouse, civil partner, children (including adopted children) or a parent. Also included are other people who live in your household or anyone who relies on the employee, for example, an elderly relative.

The circumstances of each case will be considered to allow some flexibility, but the time taken off must be reasonable and necessary to deal with something immediately and/or respond to any emergency. Normally this means hours, or a maximum of one or two days. This type of leave is not designed to provide care over the longer term.

Payment for time off for dependents will be at the discretion of the Clerk to the Council in consultation with the Parish Council.

Other family related absences

Time off for family related matters will be paid included maternity, paternity, parental and adoption leave.

Carrying out trade union

Elected trade union officials are legally entitled to reasonable time off to fulfil obligations and will be paid at the full basic rate for all related absences during working hours. Duties carried out outside working hours will not be paid.

Compassionate and bereavement leave

All employees are entitled to compassionate leave. Compassionate leave can be taken when a member of an employee's immediate family or house dies or contracts or develops a life threatening injury or illness.

For the purposes of this policy, an immediate family member is a spouse or civil partner, parent, grandparent, grandchild, sibling or a spouse or civil partner's child, parent, grandparent, grandchild or sibling. This definition also includes step relations, for example step parents or step children as well as adoptive relations.

Employees can take unpaid compassionate leave for other relatives (e.g. cousins, aunts and uncles) if the Parish Council agree.

All employees are entitled to 3 days compassionate leave each time an immediate family member dies or suffers a life threatening illness or injury.

This can be taken as a single continuous 3 day period or 3 separate days 1 day at a time or any separate periods agreed with the Parish Council.

An employee cannot accumulate compassionate leave and it cannot be carried forward. If the employee is already on annual leave and needs to take compassionate leave, the employee can use compassionate leave instead.

An employee taking compassionate leave must give their employer notice as soon as possible.

Jack's Law

From April 2020, working parents who lose a child under the age of 18 will get 2 weeks' statutory leave under the new legal right to 2 weeks' paid bereavement leave, to be called 'Jack's Law'

Jack's Law implements a statutory right to a minimum of 2 weeks' leave for all employed parents if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy, irrespective of how long they have worked for their employer.

Parents will be able to take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the first year after their child's death. This means they can match their leave to the times they need it most, which could be in the early days or over the first anniversary.

Maternity Leave

Who This Scheme Applies To

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

Initial Obligations on the Employee

An employee shall notify her employing authority at least 28 days before her absence begins or as soon as is reasonably practicable:

- (a) that she is pregnant;
- (b) of the expected week of childbirth (EWC);
- (c) of the date of the beginning of her absence.

The employer can request that the notification of the beginning of the absence is given in writing and that the employee produce a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth.

Health and Well-being

Ante-natal Care - Any pregnant employee has the right to paid time off to attend for antenatal care and must produce evidence of appointments if requested by her employing authority.

Health and Safety - Consideration must be given to any health and safety implications for pregnant or breast-feeding employees identified in a Workplace Risk Assessment.

Maternity Leave Entitlement

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

Maternity leave shall commence no earlier than 11 weeks before the EWC, or from the day following childbirth if that is earlier. Within 28 days of receipt of the initial notification the employing authority will write to the employee informing them of the last day of their maternity leave and the expected date of their return.

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, the employer and the employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave.

An employee may work for up to 10 KIT days during OML or AML without bringing her maternity leave to an end. An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.

The work can be consecutive or not, and can include training or other activities which enable the employee to keep in touch with the 18 workplace. Any such work must be by agreement and neither the employer nor the employee can insist upon it.

Maternity Pay

Payments for employees who have less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP), where eligible.

Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:-

(i) For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.

(ii) An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks' absence receive half a week's pay plus SMP, where eligible, without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution. For the remainder of the maternity leave period the employee will receive their entitlement to SMP (currently 39 weeks in total), where eligible.

(iii) For employees not intending to return to work payments during their maternity leave period following the first 6 weeks will be their entitlement to SMP (currently 39 weeks in total), where eligible.

(iv) Payments made by the authority during maternity leave under (ii) above shall be made on the understanding that the employee will return to local authority employment for a period of at least three months, which may be varied by the local authority on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, 19 as the authority may decide. Payments made to the employee by way of SMP are not refundable.

Right to Return To Work

(a) Subject to (b) to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent. "Job", for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is so employed.

(b) Where it is not practicable by reason of redundancy for the authority to permit her to return to work in her job as defined in (a) above the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate to the circumstances, and that the capacity and place in which she is to be employed and her terms and conditions of employment are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed.

(c) Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which she was employed prior to her absence. The work to be done should be suitable to her and appropriate to the circumstances and the capacity and place in which she is to be employed and her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.

Exercise of the Right to Return to Work

Return before the end of the maternity leave period - An employee shall notify the authority 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 employer 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 employer 21 days' notice of the new date, if this is earlier than the original date she notified or if she is now proposing 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 is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way. For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes, or as soon as reasonably practicable thereafter. (c)

Flexible Working arrangements

Authorities should consider the full range of flexible working arrangements and support facilities for employees returning to work. The needs of breastfeeding employees should be taken into account. The Health & Safety Executive has produced guidance that employers should refer to if a facility for breastfeeding is requested.

Relationship with Sickness and Annual Leave

Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.

Ordinary maternity leave and additional maternity leave shall be regarded as continuous service for the purposes of the National Joint Council's sickness and maternity schemes and annual leave. Annual leave continues to accrue during both ordinary and additional maternity leave.

Definitions

(a) 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 authority 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.

(b) Childbirth - Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.

(c) Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.

Adoption Leave

This policy reflects adoption rights set out in the Paternity and Adoption Leave Regulations 2002, the Statutory Adoption Pay (General) Regulations 2002 and the Work and Families Act 2006 and applies to parents of children placed for adoption on or after 6 April 2003.

Adoption rights do not extend to step family adoptions or adoptions by foster parents.

Only one partner in a joint adoption will be able to take adoption leave, the other partner may be eligible to take "paternity leave".

The entitlement extends to one period of adoption leave only, regardless of the number of children placed at one time.

Adoption rights

Adoption rights fall into three main categories:

- Adoption Leave
- Statutory Adoption Pay (SAP)
- Protection against unfair treatment or dismissal

Adoption leave

How much adoption leave can an employee take?

One adoptive parent can request 26 weeks Ordinary Adoption Leave (OAL) and a further period of 26 weeks Additional Adoption Leave (AAL) if they meet the following criteria:

- 1 The child is 'newly' matched or placed for adoption on or after 6 April 2003.
- 2 The child is under the age of 18
- 3 The employee has been continuously employed for at least 26 weeks ending with the week in which the adoption agency notified him/her of being matched with the child.

4 The employee has completed an Adoption Leave Request form.

When can adoption leave start?

The employee can choose to start their adoption leave on:

1 The date the child is placed;

2 A predetermined date, no more than 14 days before the date the child is expected to be placed with the employee and no later than that date.

Notification Time

No more than 7 days after the date on which the employee is notified of being matched with the child the employee should complete an Adoption Leave Request form confirming the following information:

1 The date on which the child is expected to be placed for adoption.

2 The date on which he/she wishes the period of leave to begin (this date can be changed if notice of the change is given at least 28 days prior to the start date of the leave).

The employer can also ask the employee to provide one or more documents from the adoption agency which shows:

1 Name and address of the agency

2 Name and date of birth of the child

3 Date the employee was notified of being matched with the child;

4 Expected date of placement.

Within 28 days of receiving an employee's notification the employee should be notified of the end date of their adoption leave.

Where the employee varies his/her notice the employer must give its notice within 28 days of the start of the adoption leave.

Ordinary Adoption Leave

An employee is entitled to 26 weeks Ordinary Adoption Leave, which starts on the day the employee has specified in his/her application unless the employee has requested to start the leave on the date the child is placed and he/she was at work on that day. In this situation the leave starts on the following day.

During Ordinary Adoption Leave the employee is entitled to the benefit of all terms and conditions which would have applied if he/she had not been absent, except remuneration, which is defined as wages or salary.

An employee will be bound by any obligations in his/her terms and conditions, unless they are inconsistent with the right to take adoption leave.

Additional Adoption Leave

An employee who takes Ordinary Adoption Leave is also entitled to take Additional Adoption Leave, unless the Ordinary Adoption Leave ended prematurely. Additional Adoption Leave is a further period of 26 weeks, providing 1 year's leave in total.

Adoption Pay

Employees will be entitled to Statutory Adoption Pay (SAP), currently £148.68 per week (correct as of February 2020) (or 90% of average weekly earnings if this is lower) if they meet the following conditions (Statutory Adoption Pay is reviewed in April each year):

- 1 Have been employed continuously for a minimum of 26 weeks ending with the week in which the adoption agency notified a match with the child.
- 2 The average earnings in the 8 weeks up to the notification of a match are equal to or above the lower earnings limit for National Insurance contributions (currently £100 per week from 1 April 2007 for SAP purposes)

If an employee does not qualify for SAP because they have less than 26 weeks service at the qualifying date or because their earnings are below the lower earning limit for national insurance, they may be entitled to receive State Adoption Allowance and should contact their local Job Centre for advice.

Adoption Pay and Pension Contributions

The Local Government Superannuation Scheme regulations cover contributions when an employee goes on adoption leave. Employees must normally pay contributions on any monies they receive. Contributions can only be stopped if an employee opts out of the Local Government Superannuation Scheme as soon as they go on Adoption Leave. It is recommended that further guidance is obtained from the Payroll Manager before considering exercising this option. Employees can choose to pay pension contributions on the period of unpaid adoption leave (part of Additional Adoption Leave).

Adoption Leave – Protection Against Unfair Treatment or Dismissal

During ordinary adoption leave an employee retains the right to return to the same job on the same terms and conditions, unless a redundancy situation has arisen, in which case they will be offered a suitable alternative vacancy.

If an employee takes additional adoption leave they will normally be able to return to the same job. In rare circumstances where this is not reasonably practicable, i.e. because re-organisations have taken place, they will be offered an alternative job that is suitable and appropriate.

Employees who believe they have been treated unfairly as a consequence of taking adoption leave can complain to an employment tribunal if they so desire.

Employees Returning to Work

Employees have the right to request a variation to their working pattern/hours on return from adoption leave via the Request to Flexible Working process. This may only be refused if there is an objective business reason.

Adoption Leave and Continuous Service

Ordinary and Additional Adoption Leave will count as continuous service for accrual of holiday entitlement, sick pay entitlement etc.

Holiday Entitlement

Employees will accrue annual leave as if they had been at work all the time.

If adoption leave spans the end of the leave year and they have not taken all their entitlement, they will lose any leave accrued before March 31. During OAL (ordinary adoption leave) employees continue to be entitled to Bank Holidays. Where a Bank Holiday falls within this period, the employee should be credited with the time.

If any employee resigns whilst on adoption leave their annual leave entitlement will be calculated up the date of their letter of resignation. If an employee does not return to work and has taken more leave than they are entitled to at the date of resignation, they will be required to repay money in respect of any excess leave taken.

Adoption Leave – Additional Information

What if a placement is disrupted?

Where a placement is disrupted after adoption leave has commenced (i.e. notification received that the child will not be placed or the child is returned to the adoption agency) the employee will not be entitled to the full adoption leave period. Adoption leave will end 8 weeks after the end of the week in which the disruption occurred.

The Clerk should contact an employee to discuss the employee's needs in these circumstances. It may be appropriate to recommend external support agencies. There is no extension to additional adoption leave if disruption occurs within the final 8 weeks. Employees should still give 28 days notice of early return, where this is practicable.

What if an employee decides not to return to work at the end of adoption leave?

An employee should give the normal notice applicable under their Contract of Employment if they do not intend to return to work at the end of their adoption leave.

Records

All written documentation will be kept confidential, and retained in accordance with the General Data Protection Regulations 2018.

Paternity Leave

Introduction

For many years women employees have had statutory maternity rights. Paternity leave and Adoption Leave rights have followed this and were introduced through the Employment Act 2002, the Paternity and Adoption Leave Regulations 2002 and the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002.

Following further legislative developments, this policy reflects the changes that came into force from 6th April 2011. In the main, the intent of the Additional Paternity Leave Regulations 2010, was to give partners the opportunity to support the mother both during the period immediately following birth/adoption, and following the mothers return to work (adopting parents are advised to also consult the Adoption Policy). 1.3 It is fair to say that the current Government intends to further extend shared parenting arrangements so updates may be expected in this area.

Policy Statement

Wombourne Parish Council recognises that it has a responsibility to support employees to balance their childcare responsibilities immediately after the birth of their child and following the mother's return to work.

Eligibility / exclusions

Unless otherwise stated this policy applies to all employees of Wombourne Parish Council excluding casual workers and agency personnel.

Definitions

Partner

A partner is a person, whether of a different sex or the same sex, who lives with the mother and child in an enduring family relationship, but is not a relative of the mother (a 'relative' for these purposes includes the mother's parents, grandparents, sisters, brothers, aunts or uncles).

Paternity Leave

This now takes two forms:

- 1 Ordinary Paternity Leave (weeks 1-2)
- 2 Additional Paternity Leave (Up to 26 weeks taken in place of the mother)

Keeping in Touch 'KIT' days

Keeping in Touch (KIT) days enable the employee, by agreement with his/her employer, to work for up to 10 days' during the period of Additional Paternity Leave and be paid for that work whilst still retaining his/her Additional Statutory Paternity Pay for the week in which any such work is done.

Accountabilities

Employees

- To read and comply with the Councils policies and procedures at all times.

Clerk

- Adhere to this policy and procedure.
- Seek professional advice from a Human Resource Specialist in a timely manner.
- To develop the Paternity Policy and procedure.
- Once notified, to make appropriate payments through Payroll

Records

All written documentation will be kept confidential, and retained in accordance with the General Data Protection Regulations 2018.

Ordinary Parental Leave

Definition

Ordinary Paternity Leave is intended to give partners the opportunity to support the mother during the period immediately following birth/adoption. It is used within 56 days after the date of birth.

If the baby is born early, you can choose to take your leave anytime between the actual date of birth and the end of an 8 week period starting from the Sunday of the week the baby was originally due.

Eligibility Criteria

In order to be eligible for Ordinary Paternity Leave an employee must fulfil the following criteria:

1. Must have a minimum of 26 weeks continuous employment with the Council, ending in the fifteenth week before the expected week of childbirth or the week in which the adopter is notified of being matched with a child.
- 2 Has or expects to have responsibility for the child's upbringing, and be making the request to help care for the child or to support the child's mother.
- 3 Is the biological father of the child, the mother's husband or civil partner. (Partner may include a partner in a same sex couple).
- 4 The partner who adopts or the member of a couple adopting jointly, who hasn't chosen to take adoption leave.

Entitlement

Ordinary Paternity Leave is granted in addition to an employee's normal annual holiday entitlement. Eligible employees are entitled to take 2 weeks Ordinary Paternity Leave. The first week is as paid leave and the second week is paid at the standard Statutory Paternity Pay rate, currently £148.68 a week (correct as of February 2020), or 90% of their average earnings if this is lower. Leave can be taken either one week or two consecutive weeks' Ordinary Paternity Leave but not individual days. The leave must be taken within 8 weeks of the birth or adoption of the child.

Paternity Leave

You are entitled to:

- Week 1 – Full Pay (at the normal rate)
- Week 2 – Standard Paternity Pay £148.68 per week (February 2020) However, if your average earnings are below the lower earnings limit for National Insurance Contributions, you will not be eligible for Ordinary Statutory Paternity Pay.

Statutory Paternity Pay is treated as earnings and is therefore subject to PAYE and National Insurance deductions.

Notification

Employees should discuss with the Clerk or, in the case of the Clerk, the Chairman of the Finance and General Purposes Committee, as soon as possible that they wish to take Ordinary Paternity Leave. They should provide formal notification of their intention either before or in the 15th week before the expected week of childbirth. Where adopting, written notification is required no later than 7 days after the date on which the adopter is notified of being matched with a child. In both instances, the length of the ordinary paternity leave to be taken, and the start date of the leave should also be provided. The date specified may

be altered but a minimum of 28 days notice will normally be required. However, if the baby arrives early, Ordinary Paternity Leave may be taken in the period from the actual date of birth up to 8 weeks after the expected date of birth. If, after applying for Ordinary Paternity Leave, you no longer satisfy any of the conditions you should notify the Clerk or, in the case of the Clerk, the Chairman of the Finance and General Purposes Committee, in writing, as soon as possible.

Additional Paternity Leave

Definition

Additional Paternity Leave is intended to give partners the opportunity to support the mother during the period following the mothers' return to work. In essence, it allows the child's father or mothers partner to take up to 26 weeks leave to look after the child where the mother has returned to work. Additional Paternity Leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work.

Eligibility Criteria

In order to be eligible for Additional Paternity Leave (and Additional Paternity Pay) an employee must fulfil all of the following criteria:

- 1 An employee must have a minimum of 26 weeks' continuous employment with the Council, ending in the fifteenth week before the expected week of childbirth or the week in which the adopter is notified of being matched with a child (the "relevant week").
- 2 The employee must be employed with the Council, for the week which runs Sunday to Saturday, before the start of the Additional Paternity Leave
- 3 The employee has or expects to have responsibility for the child's upbringing.
- 4 In the case of adoption only, the employee must have been matched with the child for adoption.
- 5 The employee is the biological father of the child, the mother's husband or civil partner. (Partner may include a partner in a same sex couple).
- 6 The employee must be taking the time off to care for the child.
- 7 The child's' mother/adopter must have been entitled to one or more of the following:-

- Statutory Maternity Leave,
- Statutory Maternity Pay,
- Maternity Allowance, or
- Statutory Adoption Leave or Pay.
- The child's mother/adopter has returned to work with at least two weeks of her statutory pay remaining.

The child's mother/adopter has returned to work and has ceased claiming any relevant maternity pay.

Entitlement

You can apply for a minimum of 2 weeks and a maximum of 26 weeks Additional Paternity Leave. The earliest an eligible employee can start Additional Paternity Leave is 20 weeks after the child is born/placed

for adoption, and it must end no later than 12 months after that date. Additional Paternity Leave cannot start before the mother of the child has returned to work and stopped receiving her Statutory Maternity Pay or Maternity Allowance. Additional Paternity Leave may start on any day of the week but must be taken in complete weeks and as one continuous period. Additional Paternity Leave can continue until the child's first birthday but any leave taken after the mother's maternity pay period of 39 weeks will be unpaid.

Additional Paternity Pay

The mother or primary adopter must also have at least two weeks of his/her maternity or adoption pay period that remains unused for the employee to benefit from Additional Paternity Pay. Where this is the case, eligible employees will be entitled to Additional Statutory Paternity Pay. This is currently paid as £148.68 (February 2020) or 90% of average weekly earnings if this is lower.

However, if your average earnings are below the lower earnings limit for National Insurance Contributions, you will not be eligible for Additional Statutory Paternity Pay.

Statutory Paternity Pay is treated as earnings and is therefore subject to PAYE and National Insurance deductions. Pension contributions will continue to be made during any period when the employee is receiving statutory paternity pay but not during any period of unpaid additional paternity leave. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had he/she not gone on additional paternity leave.

Pension contributions can only be stopped if an employee opts out of the Local Government Superannuation Scheme as soon as they go on Paternity Leave.

Statutory Paternity Pay is also payable whether or not the employee intends to return to work after his/her additional paternity leave.

Notification

As soon as it is possible, please discuss with the Clerk or, in the case of the Clerk, with the Chairman of the Finance and General Purposes Committee that you wish to take Additional Paternity Leave. However, you should formally notify the Council at least eight weeks before the Additional Paternity Leave start date. This written notification should also include:

1 the start and end date of the leave

2 in the case of a birth child, the date on which the child was expected to be born and the actual date of birth

3 in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption

4 If you need to change the date of your Additional Paternity Leave, you should advise us, in writing, giving six weeks notice before the original start date.

5 If, after applying for Additional Paternity Leave, you no longer satisfy any of the conditions, or the mother of the child no longer intends to return to work, you should notify the Clerk or, in the case of the Clerk, the Chairman of the Employment Committee, in writing, as soon as possible.

Contact and 'Keeping in Touch' during Additional Paternity Leave

Reasonable contact from time to time with an employee on Additional Paternity Leave is to be expected and will not bring the period of Additional Paternity Leave to an end. Similar to 'Keeping in Touch' days (KIT

days) under Additional Maternity Leave provision, during Additional Paternity Leave an employee can work for up to 10 days. This enables the employee to participate in key events, for example, key work developments, training or important team meetings. A 'keeping in touch' day can be taken at any time during the Additional Paternity Leave and in any format – i.e in single days, in one block or several blocks of days, but not exceeding 10 days and may be a full or part day. Payment for a 'keeping in touch' day will be at an employee's normal rate of pay on an hour-by-hour basis. Both the timing and the format need to be agreed by both parties and will not affect the duration of the Additional Paternity Leave. There is no requirement whatsoever to undertake a 'keeping in touch' day if you do not wish to, nor do you have the right to insist that the work is provided. Any keeping-in-touch days worked will not extend the period of additional paternity leave. Once the keeping-in-touch days have been used up, the employee will lose any further entitlement to statutory paternity pay for any week in which he/she agrees to work. It may also bring the additional paternity leave period to an end.

General Information on Paternity Leave

Returning Early from Additional Paternity Leave

If you wish to return early from Additional Paternity Leave, please advise the Clerk or, in the case of the Clerk, the Chairman of the Finance and General Purposes Committee, in writing, giving us at least six weeks notice. Where notice of less than six weeks is given, the Council may postpone the return to ensure six weeks' notice.

Holiday Entitlement

During Additional Paternity Leave, you will accrue annual leave as if you had been at work. Throughout Additional Paternity Leave, you will continue to be entitled to bank holidays. Where a bank holiday falls within this period, you will be credited with the time. Additional Paternity Pay and Childcare Vouchers (where applicable) If you are already in receipt of childcare vouchers, you are advised to promptly contact the Clerk as this may affect statutory Paternity Pay.

What if the Child's Mother has died?

The provision of Paternity leave assumes that the mother has returned to work after taking maternity leave. However, the new provisions also provide for eligible employees to take Additional Paternity Leave in cases where the child's mother has died.

Fortunately, these situations are rare, but in these circumstances additional paternity leave may be taken provided that the mother would be been entitled to maternity leave, maternity pay or maternity allowance; and provided you have not already completed the period of Additional Paternity Leave. In these circumstances, Additional Paternity Leave may be taken at any time from the mother's death up to 12 months after the child's birth.

The minimum period of leave that can be taken is two weeks and the maximum is 52 weeks, therefore allowing the employee to take up to a year of additional paternity leave where the mother has died during childbirth. Notification of the intention to take Additional Paternity Leave should be given as soon as reasonably practicable, but in any event no later than eight weeks after the mother's death. Further information will also be required relating to the child's birth date and the employee should also fulfil the eligibility criteria, as outlined previously.

Protection Against Unfair Treatment or Dismissal During Paternity Leave

During Paternity Leave, an employee retains the right to return to the same job on the same terms and conditions, unless a redundancy situation has arisen, in which case, where available a suitable alternative

vacancy will be offered. Paternity Leave will count as continuous service for accrual of holiday entitlement, sick pay entitlement etc.