



<b>Title of Report:</b>	<b>Family Rights at Work Policy</b>
<b>Committee Report Submitted To:</b>	<b>Corporate Policy and Resources Committee</b>
<b>Date of Meeting:</b>	<b>28<sup>th</sup> June 2022</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2019-23)</b>	
Strategic Theme	Innovation and Transformation
Outcome	Successful delivery of Organisational Development and Human Resource Services across the Causeway Coast and Glens Borough Council
Lead Officer	Head of ODHR

<b>Budgetary Considerations</b>	
Cost of Proposal	N/A
Included in Current Year Estimates	<b>N/A</b>
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes	Date: September 2021
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	Yes/No	Date:

## **1.0 Purpose of Report**

1.1 The purpose of this report is to present Council with the following policy:

### **Family Rights at Work Policy**

## **2.0 Background**

- 2.1 In light of the need to recognise changing family relationships, evolving options of types of family leave and amendments to legislative requirements, the Family Rights at Work Policy has been developed to support employees.
- 2.2 The policy reflects the amendments from the Work and Families (Northern Ireland) Order 2006 and consequent regulations as updated by the National Joint Council and as implemented by Causeway Coast and Glens Borough Council and provides guidance on entitlements to maternity leave; paternity leave; adoption leave; parental leave and shared parental leave policy and pay arrangements.
- 2.3 The policy outlines rights regarding IVF and the newly introduced Parental Bereavement Leave and Pay.
- 2.3 The draft Policy has been considered and agreed at the Senior Leadership Team and also the Trade Unions through the Action Group and Joint Consultative and Negotiating Committee (JCNC).
- 2.4 In accordance with Council's duty under Section 75 Equality Legislation, the policies have been screened and the result is that they were screened "out".

## **3.0 Recommendation(s)**

It is recommended that the Family Rights at Work Policy is recommended to Full Council for approval.



**Causeway  
Coast & Glens  
Borough Council**

## **FAMILY RIGHTS AT WORK POLICY**

Policy Number	
Version Number	1
Author	

Date of Screening of Policy	
EQIA Recommended?	YES/NO
Date Adopted by Council	
Date Policy Revised	

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## DEFINITIONS

Abbreviation	Definition
<b>A Week's Pay</b>	<p>For those employees whose remuneration for normal working hours does not vary with the amount of work done in the period, a week's pay is the amount payable to the employee under the current contract of employment for working normal hours in a week.</p> <p>Where there are no normal working hours, a week's pay is the average remuneration in the past 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.</p>
<b>Childbirth</b>	Childbirth means the live birth of a child, or a stillbirth after a pregnancy lasting 24 weeks or more.
<b>Expected Week of Confinement (EWC)</b>	This refers to the date on which the baby is due to be born.
<b>Qualifying Week (Maternity and Paternity)</b>	This is the 15 <sup>th</sup> week before the EWC and is the date used to calculate entitlement
<b>Qualifying Week (Adoption)</b>	This is the week that the employee is matched with their child through the adoption agency)
<b>MATB1</b>	Certificate from a doctor or midwife which confirms the expected week of birth (EWC). It would not be issued until the pregnancy is well advanced (26 weeks+)
<b>OML</b>	Ordinary Maternity Leave – 26 weeks irrespective of service
<b>AML</b>	Additional Maternity Leave – a further period of 26 weeks beginning with the first day following the end of OML
<b>39 weeks paid maternity pay</b>	Irrespective of service all employees are entitled to 39 weeks paid maternity leave



<b>SMP</b>	<b>Statutory Maternity Pay.</b>
<b>CML</b>	<b>Compulsory Maternity Leave – employees cannot return to work for 2 weeks following the birth of the baby.</b>
<b>Keeping in touch days</b>	<b>Your employer is entitled to ask you to work for up to 10 days during your period of maternity leave. There is no obligation to work such days. Such days are agreed by mutual consent</b>

# 1. MATERNITY LEAVE POLICY

## 1.1 INTRODUCTION

This policy reflects the amendments from the Work and Families (Northern Ireland) Order 2006 and consequent regulations as updated by the National Joint Council and as implemented by Causeway Coast and Glens Borough Council and provides guidance on your entitlements to maternity leave and pay arrangements.

This guidance is about the statutory and occupational entitlement to maternity leave and pay. Maternity rights apply to childbirth. Childbirth is defined as:

- The birth of a living child
- The birth of a child, whether living or not, after 24 weeks of pregnancy

The introduction of the new statutory right to shared parental leave and pay does not affect the current arrangements around both statutory and occupational maternity leave and pay.

The statutory maternity regulations apply to all pregnant employees, regardless of length of service and the number of hours worked per week. All employees i.e. those working under a contract of employment, are entitled to a maximum of 52 weeks statutory maternity leave or as much of that leave they wish to take.

## 1.2 SCOPE

The Maternity Leave Policy applies to \*all Council employees, subject to the qualifying conditions. It does not apply to agency staff or consultants.

\*Employees who transferred (TUPE) from the Northern Ireland Civil Service on 1 April 2015 will continue to operate under the NICS Scheme i.e. 3.02 Maternity Leave.

## 1.3 PROCESS

### 1.3.1 Eligibility

#### Maternity Leave

The statutory regulations on 52 weeks maternity leave applies to all expectant mothers employed by Causeway Coast and Glens Borough Council regardless of length of service and the number of hours worked per week.

Where an employee does not meet the eligibility criteria for statutory or occupational maternity pay, this leave may be unpaid. An employee can apply for Maternity Allowance directly from the government in this instance.

Maternity leave this is made up as follows:

- 26 weeks Ordinary Maternity Leave (OML); and
- 26 weeks Additional Maternity Leave (AML) – also known as ‘occupational’

### **Maternity Pay**

To be eligible for basic **Statutory Maternity Pay** (SMP), an individual must:

- Be an employee of Causeway Coast and Glens Borough Council
- Have a **minimum of 26 weeks’ continuous local government service**, by the end of the 15<sup>th</sup> week before the expected week of confinement (this is known as the qualifying week).
- Be pregnant (and provide certification as detailed below)

And

- Still be pregnant at the start of the 16<sup>th</sup> week before the expected week of childbirth, or have given birth to a living child before that date.

To be eligible for basic **Occupational Maternity Pay** (OMP), an individual must:

- Be an employee of Causeway Coast and Glens Borough Council
- Have a **minimum of 52 weeks’ continuous service** with Council, by the end of the 15<sup>th</sup> week before the expected week of confinement; this is known as the qualifying week.
- Be pregnant (and provide certification as detailed below)

And

- Still be pregnant at the start of the 16<sup>th</sup> week before the expected week of childbirth, or have given birth to a living child before that date.

Should an employee fail to meet the eligibility criteria outlined above, see section 2.5 – Maternity Allowance.

### **1.3.2 Notification of Maternity Leave**

You should notify your Line Manager of your pregnancy by completing the **Notification of Maternity Leave Form (FR-01)**, no later than the 15<sup>th</sup> week prior to your expected week of confinement (EWC). This will enable the Council to meet any Health & Safety obligations and also plan cover for the duration of the maternity leave period.

This form will include the following details:

- Confirmation that you are pregnant
- Date on which your baby is expected (EWC)

- Date on which you intend to commence maternity leave, and an indication of the amount of time you plan to take off on maternity leave (an employee must give 28 days' notice, as far as reasonably possible, if she wishes to change this date)
- Your intention to return to the Council's employment following maternity leave.

You must also provide a **MAT B1** certificate, from a registered medical practitioner or a registered midwife, together with the Notification of Maternity Form (FR-01). These must be submitted to OD/HR with a copy forwarded to your Line Manager. On receipt of this form, OD/HR will write to you confirming arrangements in relation to maternity leave.

You may choose to start your maternity leave whenever you like, so long as this is not before the 11<sup>th</sup> week prior to the expected week of confinement (EWC). The latest it may begin is the day following the date of birth itself. Maternity leave can commence on any day of the week.

The OD/HR department will issue the 'Maternity Entitlements Letter' to you, providing the following information:

- Acknowledging receipt of your Notification of Maternity Leave Form (FR-01) and MATB1 certificate;
- Confirmation of your maternity pay entitlement (Maternity Allowance/SMP/OMP);
- The date on which you are expected to return to work.

Where you fail to indicate on the Notification of Maternity Leave Form how long you plan to take, it will be assumed that you will return to work at the end of the maximum 52 weeks. If you intend to return earlier than this you must give 8 weeks' written notice, counting back from the new return date.

### **1.3.3 Risk Assessment**

When informed that an employee is pregnant, the line manager must carry out a **New & Expectant Mother's Risk Assessment** (OHS 016 – available on Staff Portal) in relation to the work carried out by the pregnant employee. This may include referral to the Council's Occupational Health Doctor if required.

This risk assessment should be revisited as the pregnancy progresses and/or when the employee experiences difficulties or has concerns about their ability to fulfil all aspects of the role or develops health complications.

### **1.3.4 Antenatal Entitlement**

All Expectant Mothers have the right to paid time off to attend antenatal care and must produce evidence of appointments to her Line Manager.

From 5 April 2015, fathers and partners, including same sex, of a pregnant woman have the right to take unpaid time off work to accompany expectant mothers up to 2 antenatal

appointments. The time off is capped at 6½ hours for each appointment and there is no qualifying period before employees can take up the new rights.

A partner includes the spouse or civil partner of the pregnant woman and a person of either sex, in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination.

### **1.3.5 Maternity Leave**

All employees, regardless of their length of service or hours of work, are entitled to 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML), total of 52 weeks maternity leave.

Those employees who return at the end of Ordinary Maternity Leave (OML) have the right to return to work in the same job; those who choose to return to work after Additional Maternity Leave (AML) have the right to return to a similar job with equally favourable conditions.

If you give birth before you have started your maternity leave, your maternity leave will commence on the day following the birth (even if this is before the 11th week before the expected week of confinement). You must notify your Line Manager in writing as soon as reasonably practicable after the birth that you have given birth and the date the birth occurred.

At least two weeks 'Compulsory Maternity Leave' must be taken after the birth of a baby. If the leave period does not start before the birth, it commences from the Sunday following the birth.

### **1.3.6 Maternity Pay Entitlement**

The two most common entitlements for maternity pay are:

#### **STATUTORY MATERNITY PAY (SMP):**

Statutory Maternity Pay (SMP) depends on length of service with the Council. SMP is calculated on service up to the 15<sup>th</sup> week before the expected week of confinement, known as the qualifying week.

#### Eligibility:

Employees must have a **minimum of 26 weeks' continuous local government service**, as determined by her contract of employment, by the qualifying week.

#### SMP is calculated as follows:

- i. Pay at 90% of average weekly earnings for the first six weeks
- ii. Statutory Maternity Pay rate for the next 33 weeks

Pay is based on average weekly earnings in the 8 weeks preceding your qualifying period

Weeks 1-6	Weeks 7-39	Weeks 40-52
90% of Ave Weekly Earnings	SMP Only	Unpaid
26 Weeks Ordinary Maternity Leave (OML)		26 Weeks Additional Maternity Leave (AML)

You are NOT entitled to SMP in the following circumstances:

- You do not have the required period of continuous service with local government in the qualifying week, i.e. 15 weeks before EWC (new employee)
- You have average earnings, which are below the earnings limit for the payment of national insurance contributions, which applies, in the qualifying week
- Late notification of maternity leave (for reasons unacceptable to the Council)
- You fail to provide medical evidence of your pregnancy

### **OCCUPATIONAL MATERNITY PAY (OMP):**

In addition to the above SMP entitlement, employees with longer length of service, **a minimum of 52 weeks' continuous local government service** at the qualifying week, are entitled to a further enhanced rate of maternity pay.

Payment of this enhanced rate of maternity pay (OMP) is made on the understanding that the employee will return to work for a period of at least three months after the maternity leave period. Should you fail to return for this minimum period, you will be required to repay to the Council, any OMP pay received. This will not include any Statutory Maternity Pay received.

The Council has the discretion to waive repayment where there are good reasons why an employee cannot return, or it is believed a genuine intention to return cannot be realised because of exceptional circumstances.

#### Eligibility:

Employees must have a minimum of **52 weeks' continuous local government service**, as determined by her contract of employment, by the qualifying week.

#### OMP is calculated as follows:

- i. For the first six weeks the employee is entitled to nine-tenths of a week's pay offset against payments made by way of SMP
- ii. An employee who declares in writing that she intends to return to work, for the subsequent 12 weeks, is entitled to receive half pay plus SMP.
- iii. The remaining 21 weeks payment will be paid at SMP flat rate only

Weeks 1-6	Weeks 7-18	Weeks 19-39	Weeks 40-52
90% of Weekly Earnings	Half Pay (OMP) plus SMP	SMP Only	Unpaid
<b>26 Weeks Ordinary Maternity Leave (OML)</b>		<b>26 Weeks Additional Maternity Leave (AML)</b>	

The above entitlements at points (ii) and (iii) will be made as an average payment over the 33 week period, unless specifically instructed otherwise by the employee. Further information is available from OD/HR.

For employees **not** intending to return to work, payments during the subsequent 33 weeks at (ii) and (iii) above shall be the employee's entitlement to SMP only.

### **MATERNITY ALLOWANCE (MA):**

An employee who is not entitled to SMP may be entitled to a tax-free benefit Maternity Allowance (MA). This allowance can be applied for through the Department for Communities (DfC). If granted, this allowance is payable directly by the DfC.

#### Eligibility:

If you have been advised by the Council that you are not eligible for SMP, you may apply for Maternity Allowance (MA) once you have been pregnant for 26 weeks.

For further information on eligibility criteria, please contact your local Jobs and Benefits Office or NI Direct.

You must complete form MA1 (online [www.nidirect.gov.uk/articles/maternity-allowance](http://www.nidirect.gov.uk/articles/maternity-allowance)) no later than 14 weeks before the EWC.

You must submit the **Notification of Maternity Leave Form (FR-01 form)** and **MATB1** certificate to the OD/HR department.

The Payroll department will issue you with the SMP1 form stating why we cannot pay SMP. You should take this form to your local Jobs and Benefits Office, together with a MATB1 certificate.

### **1.4 CONTINUOUS SERVICE**

The period of Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML) will count as continuous service for statutory and contractual purposes, including the accrual of additional annual leave and sick pay entitlement.

## **1.5 ANNUAL LEAVE ENTITLEMENT**

Employees going on maternity leave will normally take their leave entitlement prior to commencing maternity or at the end of the maternity leave. This does not remove the entitlement to carry forward days as per the contract of employment.

Annual Leave will continue to accrue during OML and AML.

Should an employee resign at the end of a maternity leave period, or within 3 months of the maternity leave ending, any accrued annual leave pay will be off-set against any repayment of OMP due.

## **1.6 SICKNESS ABSENCE**

Maternity related absence will not be counted within the triggers for the purposes of the Council's Sickness Absence Policy and Procedure.

If you are absent from work, as a result of a pregnancy related illness, within four weeks of the expected week of confinement (EWC), the OML will be triggered with immediate effect. Entitlement under the normal Sickness Absence Policy and Procedure shall be suspended during this period.

Where you chose to work beyond the 11th week before the expected week of confinement (EWC), any sickness absence after the 4th week which is not pregnancy related shall be dealt with under the normal Sickness Absence Policy and Procedure.

In line with the Statutory Sick Pay regulations, an employee cannot be paid either statutory sick pay (SSP) or occupational sick pay (OSP) during the 39 week Statutory Maternity Pay/Maternity Allowance period as you will be paid SMP/MA for any week of absence during the maternity pay period. If you do not qualify for SMP/MA you still cannot get SSP for the first 18 weeks.

## **1.7 OTHER INFORMATION**

### Terms & Conditions of Employment during Maternity Leave

During the period of maternity leave, your contract of employment continues and you are entitled to receive all contractual benefits with the exception of salary. In particular, any benefits in kind will continue; annual leave entitlement will accrue and pension contributions will continue to be made.

### Contact during Maternity Leave

Your line manager may make reasonable contact with you from time to time while you are on maternity leave in order, for example, to keep you informed of developments at the workplace or to discuss arrangements for your return to work.



What constitutes “reasonable” contact will vary according to the circumstances. You may prefer to keep such contact to a minimum or you may not mind frequent contact. Therefore, before maternity leave begins you should discuss arrangements for staying in touch with your line manager.

You should also discuss the process for agreeing to work Keeping In Touch days with your line manager. See Section 9.0 below.

### Premature Births

If a baby is born prior to the 11th week before the expected week of confinement (EWC), maternity leave will commence on the day of the birth.

### Still-births

If an employee experiences a still-birth after 24 weeks of pregnancy, she will automatically have the right to the maternity leave provisions outlined in this policy.

### In Vitro Fertility Treatment (IVF)

The Council may consider any adjustments where necessary to support women undergoing IVF treatment in line with operational requirements. IVF treatment is demanding and involves daily medication and frequent appointments. You do not have to tell your Line Manager at this stage, but you might find it helpful as they could offer support by way of taking annual leave, temporary flexible working, or unpaid leave.

An employee undergoing IVF treatment is not entitled to time off work for IVF treatment itself or related sickness. IVF appointments and any sickness will be treated the same as any other medical appointment or sickness. If pregnant as a result of IVF, any such sickness will be recorded as a pregnancy related reason.

If you become pregnant as a result of IVF treatment, you will have all the same pregnancy and maternity rights as non-IVF pregnancies.

You have pregnancy rights once you’ve had the last part of the IVF process (‘embryo transfer’) and might become pregnant. Case law suggests that a woman undergoing fertility treatment is deemed to be pregnant when her eggs are harvested and fertilised just prior to the embryo being transferred to her uterus. The protected period therefore begins shortly before the embryo is placed into the woman’s womb, which is typically a few days before. The protected period does not begin at the point the eggs are frozen, if that occurs. Once pregnant, you will benefit from the “protected period”, which begins at the start of your pregnancy as defined above and finishes at the end of your maternity leave.

Once you have informed your employer in writing that you are pregnant, and if there are any identified risks in the workplace to you or your unborn child, your Line Manager must conduct a specific risk assessment for you in order to comply with health and safety during pregnancy.

If you are not eligible for maternity leave, for example, because of miscarriage (before 24 weeks) or because you are not an employee, then the protected period ends two weeks after the birth, or the end of the pregnancy.

Unfortunately, IVF is not always successful, and it can be devastating to find out that you are not pregnant. If IVF treatment was unsuccessful, you are still protected by law against pregnancy discrimination for 2 weeks after finding out an embryo transfer was unsuccessful.

Further information about [IVF support is available on the NHS website](#). As an employee, you have the right to sick leave if you wish to take time off work to come to terms with the situation. You should speak with your Line Manager to establish if there are any further steps Council can take to support you, which may include and Council's Employee Assistance provider, Inspire.

## **1.8 RETURN TO WORK FOLLOWING MATERNITY LEAVE**

### **1.8.1 Altering the Return to Work Date**

The Council requests that you give an indication, prior to commencing maternity leave, of the length of maternity leave you intend to take. This helps the Council with maintaining staffing levels and service provision.

Where you fail to provide this indication, it will be assumed that you will return to work at the end of the maximum 52 weeks. If you intend to return earlier than this you must give 8 weeks' written notice, counting back from the new return date.

The Council can postpone this date by 4 weeks provided they have a good reason; but not beyond the end of the maternity leave period. Likewise, you can postpone this date on medical grounds if you provide a medical fit note. In this instance, you will be treated as having returned, but absent due to sickness. The Sickness Absence Policy and Procedure would be applied thereafter.

Alternatively, if you need to postpone your return, for non-medical reasons, and where is it operationally possible, you may request to take accrued annual leave or request parental leave.

If you change your mind about the day you intend to return, the same written 8 week notice period applies.

The Line Manager must forward any such written notice to the OD/HR department.

### **1.8.2 Return to Work**

Those employees who return at the end of Ordinary Maternity Leave (OML) have the right to return to work in the same job; those who choose to return to work after Additional Maternity Leave (AML) have the right to return to a similar job with equally favourable conditions.

If this is not reasonably practicable, by reason of redundancy or general reorganisation, you will be offered another job which is both suitable and appropriate for you in the circumstances on equivalent terms and conditions.

#### **Risk Assessment**

Line Managers must carry out a risk assessment in relation to the work carried out by the employee (new mother) returning to work following maternity leave. This may include referral to the Council's Occupational Health Doctor if required. The purpose of this is to ensure protective or preventative measures may be implemented to safeguard both the new, expectant or breastfeeding mothers and baby. Please refer to Council's Breastfeeding Policy for further information.

Line managers should notify OD/HR that an employee has returned from maternity leave through the **Notification of Return from Maternity Form (FR-02)**. OD/HR in turn will pass this information to the Payroll department.

### **1.9 SUPERANNUATION**

It should be noted that your occupational pension contributions may be affected as follows:

During OML an employee's contributions are based on the amount of pay they actually receive during this period. During AML in the period week 40 – 52 when the employee receives no pay, they do not make any contributions. On the employee's return from AML, they may within 30 days elect to pay contributions for this on the pay received immediately before their AML commenced. If an employee does not repay these contributions, this period will not count towards their total membership period.

Any queries in this regard should be addressed directly with NILGOSC who administer the occupational pension scheme for Local Government in Northern Ireland. Please contact (general enquiry line) 0345 3197 320.

### **1.10 KEEPING IN TOUCH (KIT) DAYS**

Please refer to Section 4 for further information relating to Keeping in Touch (KIT) days.

## 1.11 SUMMARY MATERNITY LEAVE / MATERNITY PAY FLOWCHART

### Maternity Leave

All employees are entitled to Ordinary Maternity Leave of 26 weeks duration plus 26 weeks Additional Maternity Leave, a total of 52 weeks **maternity leave**

### Maternity Pay

Employee has completed one year's continuous service, as determined by her contract of employment, at the beginning of the 15<sup>th</sup> week before the Expected Week of Confinement



**YES**

**First 6 weeks** entitled to 90% of a week's pay offset against payments made by way of SMP

**Subsequent 12 weeks** entitled to half pay plus SMP

**Remainder 21 weeks payment** entitled to SMP flat rate only



**NO**

Entitled to Statutory Maternity Pay (SMP) or Maternity Allowance (MA)

Maternity Allowance (MA) is applicable if employee earns below the lower limit for national insurance purposes at the beginning of the 11<sup>th</sup> week before the EWC

## 2. PATERNITY LEAVE POLICY

### 2.1 INTRODUCTION

If your partner is pregnant, adopting a child or having a baby through a surrogate mother, you might be eligible for Paternity Leave. You could also qualify for Statutory Paternity Pay.

Fathers can and do take paternity leave but they are not the only ones eligible. Women are entitled to avail of paternity leave depending on circumstances.

### 2.2 SCOPE

The Paternity Leave Policy applies to all Council employees, subject to the qualifying conditions. It does not apply to agency staff or consultants.

### 2.3 PROCESS

#### 2.3.1 Eligibility

To qualify for **Paternity Leave**, you must be an employee.

You must also have a minimum of 26 weeks' continuous local government service by:

- the end of the 15th week before the start of the week when the baby is due
- the end of the week you are notified you are matched with your child

To qualify for Paternity Leave you must also be one of the following:

- the child's biological father
- mother or adopter's husband or partner (including same-sex)
- child's adopter
- intended parent of a baby from a surrogacy

To qualify for **Paternity Pay** you must:

- have or expect to have responsibility for the child's upbringing
- continue to be employed by the Council until the date the baby is born or adopted
- have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance Contributions

### 2.3.2 Planning for Paternity Leave

Paternity Leave cannot commence prior to the birth of the child. If you plan your leave to commence on, for example the due date, and baby is not yet born, you must continue to work and leave **will start the day after the baby is born.**

You can take either one or two weeks' Paternity Leave. This leave can be taken at a time at a later stage, however, must be taken within 56 days of the baby's birth date.

An employee who has adopted a child from overseas must arrange for the leave to be taken within 56 days of the date when the child entered the United Kingdom.

Paternity leave must be taken in a single block of one week or two weeks, based on the employee's hours of work/shift pattern. The start date may commence on any day of the week.

Only one period of statutory paternity leave will be available irrespective of whether more than one child is born or adopted.

### 2.3.3 Notification of Paternity Leave

You must give your Line Manager 15 weeks' written notice by completing the **Notification of Paternity Leave Form (FR-03)** of the date on which the baby is due, the length of Paternity Leave you wish to take and the date on which you wish the leave to commence.

You must complete and sign the self-declaration, declaring that you are entitled to Paternity Leave. (Ordinary Statutory Paternity Pay/Ordinary Paternity Leave – Becoming a Parent).

A copy of the MATB1 certificate, provided to the mother by a medical professional or midwife, should also be provided.

In an adoption situation, no later than seven days after the adopter is informed of the match, you must inform your line manager or OD/HR department in writing of the date notification of the adoption occurred, the date on which the child is expected to be placed for adoption, the length of ordinary paternity leave you wish to take and the date on which you wish your leave to commence. You must also complete and sign the self-certification, declaring that you are entitled to ordinary paternity leave.

If you subsequently wish to change the timing of your ordinary paternity leave, you must give 28 days' written notice of the new dates.

### 2.3.4 Time off for Antenatal Appointments

Expectant fathers and partners, including same sex, have the right to take unpaid time off work to accompany expectant mothers to attend antenatal appointments and there is no qualifying period before employees can take up the new rights.

A “partner” includes the spouse or civil partner of the pregnant woman and a person, of either sex, in a long term relationship with her. The right applies whether the child is conceived naturally or through donor insemination.

It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for, and intend to, apply for a Parental Order for the child born through that arrangement.

### 2.3.5 Paternity Leave & Pay Entitlement

If you have less than 26 weeks’ continuous local government service at the 15<sup>th</sup> week before the baby is due (or the week in which a match is made with a child for adoption), you are not entitled to Paternity Leave or Pay.

The Payroll department will advise you that you do not qualify (and why) using SPP1 form. You are also not entitled to Maternity Support Leave (occupational) Pay. You may book annual leave or apply for other leave outlined in this policy

If you have 26 weeks’ **or more** continuous service with Causeway Coast and Glens Borough Council at the 15<sup>th</sup> week before the baby is due (or the week in which a match is made with a child for adoption) and continue to work for the Council until the baby’s birth/match is made, you are entitled to:

- **two weeks paid leave**, consisting of:

Statutory Paternity Leave – (5 days / or pro rata)  
week 1 will be paid at basic contractual rate of pay  
week 2 will be paid at Statutory Paternity Pay (SPP) at the relevant rate or 90% of the employee’s average weekly earnings if this is less.

### 2.3.6 Duration of Leave

Leave must be taken in blocks of one week as a minimum. Odd days cannot be taken.

Leave can start on any day of the week on or following the child’s birth or placement but it must be completed within 56 days from this date.

Only one period of statutory paternity leave will be available irrespective of whether more than one child is born or adopted.

### **2.3.7 Confirmation of Paternity Leave & Pay Arrangements**

On receipt of the notification documentation, OD/HR will issue the **Confirmation of Paternity Leave & Pay Letter**.

## **2.4 OTHER INFORMATION**

### Terms & Conditions of Employment during Paternity / Maternity Support Leave

During your period of leave, the contract of employment continues and you are entitled to receive all contractual benefits with the exception of salary.

#### Premature Births

If a baby is born earlier than expected, if eligible, the paternity leave period will commence the day after the date of birth.

#### Still-births

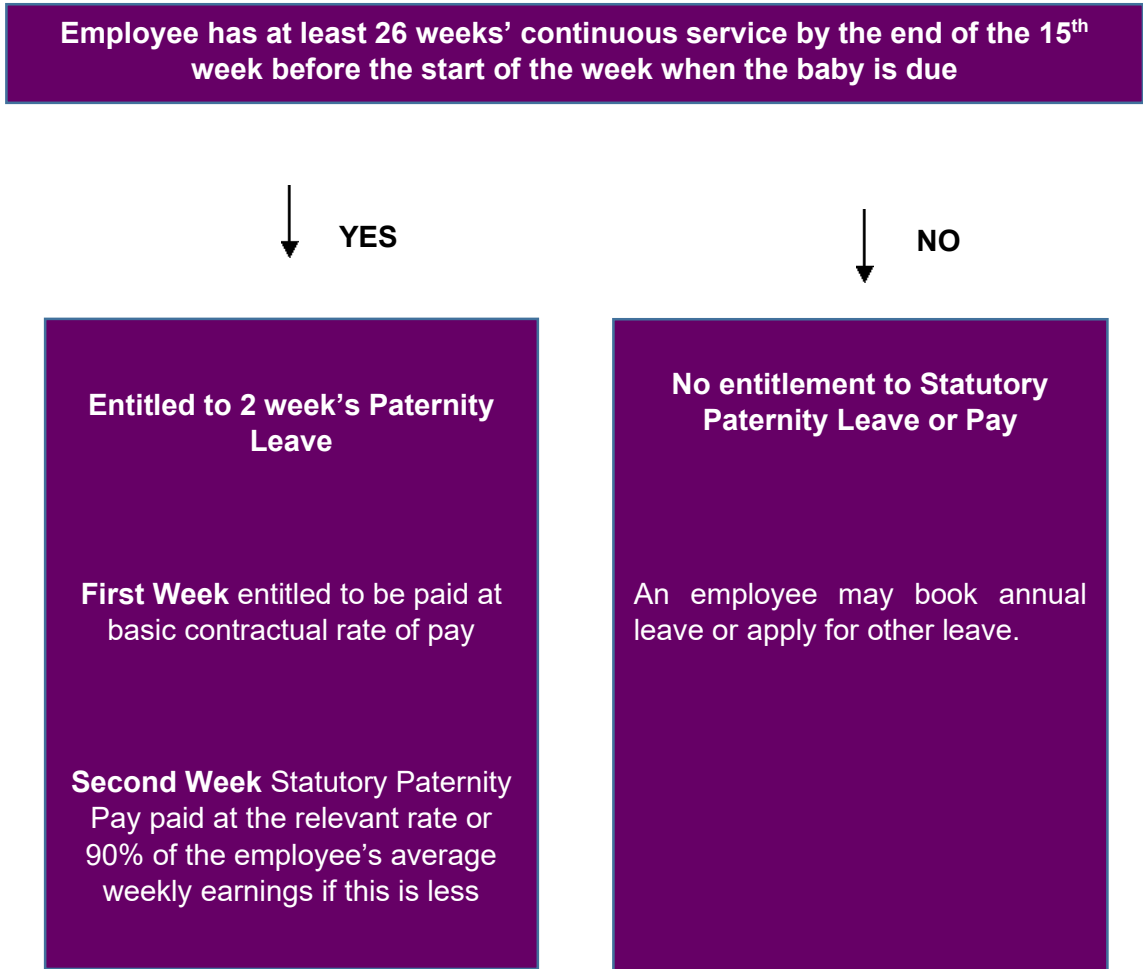
An employee maintains their right to the paternity leave provisions outlined in this policy should their baby be still-born after 24 weeks of pregnancy or is born alive at any stage of the pregnancy.

## **2.5 SUPERANNUATION**

It should be noted that your occupational pension contributions will be affected. Any queries in this regard should be addressed directly with NILGOSC who administer the occupational pension scheme for Local Government in Northern Ireland. Please contact (general enquiry line) 0345 3197 320.



## 2.6 PATERNITY LEAVE FLOWCHART



## 3. ADOPTION LEAVE POLICY

### 3.1 INTRODUCTION

This policy provides guidance on the statutory entitlement to adoption leave and pay which apply where an adopter is newly matched with a child by an approved adoption agency and the child is placed for adoption.

The aim of this policy is to provide time for the adoptive child and parent to bond and to adjust to their new surroundings. Entitlement to Adoption Leave is therefore subject to the condition that it is used to bond with the child concerned. This policy does not cover step-family adoptions.

Where a couple are adopting jointly, one of them may opt to take adoption leave and pay and the other take paternity leave and pay. Where an individual is adopting, they may take adoption leave and pay and their partner may also be entitled to paternity leave and pay.

### 3.2 SCOPE

The Adoption Policy applies to \*all Council employees, subject to the qualifying conditions. It does not apply to agency staff or consultants.

\*Employees who transferred (TUPE) from the Northern Ireland Civil Service on 1 April 2015, will continue to operate under the NICS Scheme.

### 3.3 PROCESS

#### 3.3.1 Request for Adoption Leave

In order to consider requesting Adoption Leave, you must initially satisfy the following criteria:

You must:

- Be the nominated 'adopter' for the child only for the purposes of adoption leave (only one person in the couple may claim adoption leave)
- Be newly matched with a child for adoption by an adoption agency
- The employee must still be employed at the time that the period of leave starts
- Have notified the adoption agency that the placement should proceed, and the agreed date of placement.
- Comply with the notice and any evidential requirements

### 3.3.2 Time off for Adoption Appointments

You will be able to take paid time off for up to 5 adoption appointments if you are the main adopter.

The second adopter will be entitled to take 2 appointments which will be unpaid.

### 3.3.3 Eligibility

The statutory regulations on 52 weeks **adoption leave** apply to all employees regardless of length of service and the number of hours worked per week. Where an employee does not meet the eligibility criteria for statutory or occupational adoption pay, this leave will be unpaid. Similar to maternity leave this is made up as follows:

- 26 weeks **Ordinary Adoption Leave** (OAL) and
- 26 weeks **Additional Adoption Leave** (AAL)

To be eligible for **Statutory Adoption Pay** (SAP), you must have a minimum of 26 weeks' continuous local government service with the Council up to and including the week the adoption agency told you that you had been matched with a child for adoption (qualifying week).

Employees who meet qualifying criteria are entitled to 39 weeks SAP.

To be eligible for **Occupational Adoption Pay** (OAP), you must have a minimum of 52 weeks' continuous service with the Council up to and including the week the adoption agency told you that you had been matched with a child for adoption.

You will **not qualify** for Statutory Adoption Leave or Pay if you:

- Have less than 26 weeks' continuous service with the Council by the qualifying week;
- Arrange a private adoption;
- Become a special guardian or kinship carer; or
- Adopt a stepchild.

If you do not qualify for SAP you will be issued with form SAP1 from the Payroll department.

### 3.3.4 Notification of Adoption Leave

If you wish to avail of adoption leave you must inform the OD/HR department within 7 days:

- of being notified by a UK adoption agency that you have been matched with a child for adoption (the qualifying week).
- your adoption placement being confirmed, if you're fostering a child permanently and becoming their legal parent ('fostering to adopt').

If this is not possible notification must be as soon as reasonably practicable

You must notify your line manager, by completing the **Notification of Adoption Leave Form (FR-04)** and forwarding to the OD/HR department. It will include the following:

- That you have notified the adoption agency that you agree that the child should be placed with you on the date of placement
- That you intend to take adoption leave
- When the child is expected to be placed for adoption with you
- When you want your adoption leave to start (no sooner than 14 days before placement)

For employees in surrogacy arrangements, at least 15 weeks before the due date, you must tell the OD/HR department when the baby is due and when you want to start your adoption leave.

For overseas adoptions the conditions are the same except that you:

- Must provide confirmation from your UK adoption agency that you are eligible to adopt from abroad and that there is a pending match with a child
- Must advise when the child is expected to enter Northern Ireland and provide date of entry
- Must fill in the declaration SC6 if you are adopting a child with your partner

When applying for adoption leave, supporting documentary evidence must be provided from the adoption agency in the form of a 'matching certificate' giving basic information on the matching and expected placement dates.

When you have forwarded the **Notification of Adoption Leave Form (FR-04)** to the OD/HR department together with an ASL15 letter from your adoption agency confirming the match, you will receive (within 28 days) confirmation of the details of adoption leave and pay arrangements and when this will end.

### **3.3.5 Adoption Leave Entitlement**

All employees, regardless of their length of service or hours of work, are entitled to 26 weeks **Ordinary Adoption Leave (OAL)** and 26 weeks **Additional Adoption Leave (AAL)**.

You can choose to start your leave either:

- On the date the child is placed with you for adoption, or
- On a specified date during the 14 days before the date the child is expected to be placed.

You can change your mind about when you start your leave, provided you give sufficient notice. You must inform your Line Manager of the new date either at least 28 days before

the date the child is expected to be placed, if you decide that you now wish to start your leave on the day the child is placed, or, if you decide that you now wish to start your leave in the fortnight before the placement or on a different date within that two weeks than was initially notified, you must give your employer at least 28 days' notice before the day you now wish to start your leave.

If you choose to begin your leave and SAP on the date the child is placed and you are at work on that day, the adoption leave and SAP will start officially on the following day.

Those employees who return to work at the end of Ordinary Adoption Leave (OAL) have the right to return to work in the same job. Those who chose to return to work after Additional Adoption Leave (AML) have the right to return to a similar job with equally favourable conditions.

### 3.3.6 Adoption Pay Entitlement

If you have less than 26 weeks' continuous employment with the Council by the qualifying week, you do not qualify for Adoption Pay.

If you have more than 26 weeks' continuous employment, but less than 52 weeks continuous service by the qualifying week, you are entitled to Statutory Adoption Pay.

If you have at least 52 weeks' continuous employment with the Council by the qualifying week, you are entitled to Occupational Adoption Pay.

#### Statutory Adoption Pay (SAP):

##### Eligibility:

Employees must have a **minimum of 26 weeks' continuous local government service**, as determined by the contract of employment, by the qualifying week.

##### SAP is calculated as follows:

- Pay at 90% of average weekly earnings for the first six weeks
- A maximum of 33 weeks at the Statutory Adoption Pay rate

Wk 1-6	Wk 7-39	Wk 40-52
90% of Ave Wkly Earnings	SAP Only	Unpaid
<b>26 Weeks Ordinary Adoption Leave (OAL)</b>		<b>26 Weeks Additional Adoption Leave (AAL)</b>

In addition, to receive Statutory Adoption Pay, the employee must have average weekly earnings in the 8 weeks ending with the notification week of not less than the lower earnings limit in force at the end of the notification week.

**Occupational Adoption Pay (OAP):**

In addition to the above SAP entitlement, employees with longer length of service, **a minimum of 52 weeks’ continuous local government service**, by the qualifying week are entitled to a further enhanced rate of adoption pay.

Eligibility:

Employees must have **a minimum of 52 weeks’ continuous service**, as determined by the contract of employment, by the qualifying week.

OAP is calculated as follows:

- i. First six weeks the employee is entitled to nine-tenths of a week’s pay offset against payments made by way of SAP
- ii. An employee who declares in writing that they intend to return to work, for the subsequent 12 weeks, is entitled to receive half pay plus SAP.
- iii. Remaining 21 weeks payment will be paid at SAP flat rate only

Wk 1-6	Wk 7-39		Wk 40-52
90% of Wkly Earnings	Half Pay Plus SAP	SAP Only	Unpaid
<b>26 Weeks Ordinary Adoption Leave (OAL)</b>		<b>26 Weeks Additional Adoption Leave (AAL)</b>	

The above entitlements at points (ii) and (iii) will be made as an average payment over the 33 week period, unless specifically instructed otherwise by the employee. Further information is available from OD/HR.

For employees **not** intending to return to work, payments during the subsequent 33 weeks i.e. 7 to 39 shall be the employee’s entitlement to SAP only.

Payment of this enhanced rate of adoption pay (OAP) is made on the understanding that you will return to work for a period of at least three months after the adoption leave period. Should you fail to return for this minimum period, you will be required to repay to Council, any OAP pay received. This will not include any Statutory Adoption Pay received.

The Council has the discretion to waive repayment where there are good reasons why you cannot return, or it is believed a genuine intention to return cannot be realised because of exceptional circumstances.

### **3.4 CONTINUOUS SERVICE**

The period of Ordinary Adoption Leave and Additional Adoption Leave will count as continuous service for statutory and contractual purposes, including accrual of additional annual leave and sick pay entitlement.

### **3.5 ANNUAL LEAVE ENTITLEMENT**

Employees going on adoption leave will normally take their leave entitlement prior to commencing adoption leave or at the end of the adoption leave. This does not remove the entitlement to carry forward days as per the contract of employment.

### **3.6 OTHER INFORMATION**

#### Terms and Conditions of Employment during Adoption Leave

During the period of adoption leave, the contract of employment continues and the employee is entitled to receive all contractual benefits with the exception of salary. In particular any benefits in kind will continue. Annual leave entitlement will accrue and pension contributions will continue to be made.

#### Contact during Adoption Leave

Your line manager may make reasonable contact with you from time to time while you are on adoption leave in order, for example, to keep you informed of developments at the workplace or to discuss arrangements for your return to work.

What constitutes 'reasonable' contact will vary according to the circumstances. You may prefer to keep such contact to a minimum or you may not mind frequent contact. Therefore before adoption leave begins you should discuss arrangements for staying in touch with your line manager.

You should also discuss the process for agreeing to work Keeping in Touch days with your line manager (see section 4 below).

### **3.7 RETURN TO WORK FOLLOWING ADOPTION LEAVE**

#### **3.7.1 Altering the Return to Work Date**

The Council requests that you give an indication, prior to commencing adoption leave, of the length of adoption leave you intend to take. This helps the Council with maintaining staffing levels and service provision.

Where you fail to provide this indication, it will be assumed that you will return to work at the end of the maximum 52 weeks. If you intend to return earlier than this you must give 8 weeks' written notice, counting back from the new return date.

The Council can postpone this date by 4 weeks provided they have a good reason; but not beyond the end of the adoption leave period. Likewise, you can postpone this date on

medical grounds if you provide a medical fit note. In this instance, you will be treated as having returned, but absent due to sickness. The Sickness Absence Policy would be applied thereafter.

Alternatively, if you need to postpone your return, for non-medical reasons, and where it is operationally possible, you may request to take accrued annual leave or request parental leave.

If you change your mind about the day you intend to return, the same written 8 week notice period applies.

The Line Manager must forward any such written notice to the OD/HR department.

### **3.7.2 Return to Work**

If you've taken adoption leave of up to 26 weeks you have the right to return to the same job. If you've taken adoption leave of more than 26 weeks you have the right to return to a similar job with equally favourable conditions.

If this is not reasonably practicable, by reason of redundancy or general reorganisation, you will be offered another job which is both suitable and appropriate for you in the circumstances on equivalent terms and conditions.

Line managers should notify OD/HR that an employee has returned from adoption leave through the **Notification of Return from Adoption Form (FR-05 Form)**. OD/HR in turn will pass this information to the Payroll department.

### **3.8 SUPERANNUATION**

It should be noted that your occupational pension contributions will be affected. Any queries in this regard should be addressed directly with NILGOSC who administer the occupational pension scheme for Local Government in Northern Ireland. Please contact (general enquiry line) 0345 3197 320.

### **3.9 KEEPING IN TOUCH (KIT) DAYS**

Please refer to Section 4 for further information relating to Keeping in Touch (KIT) days.

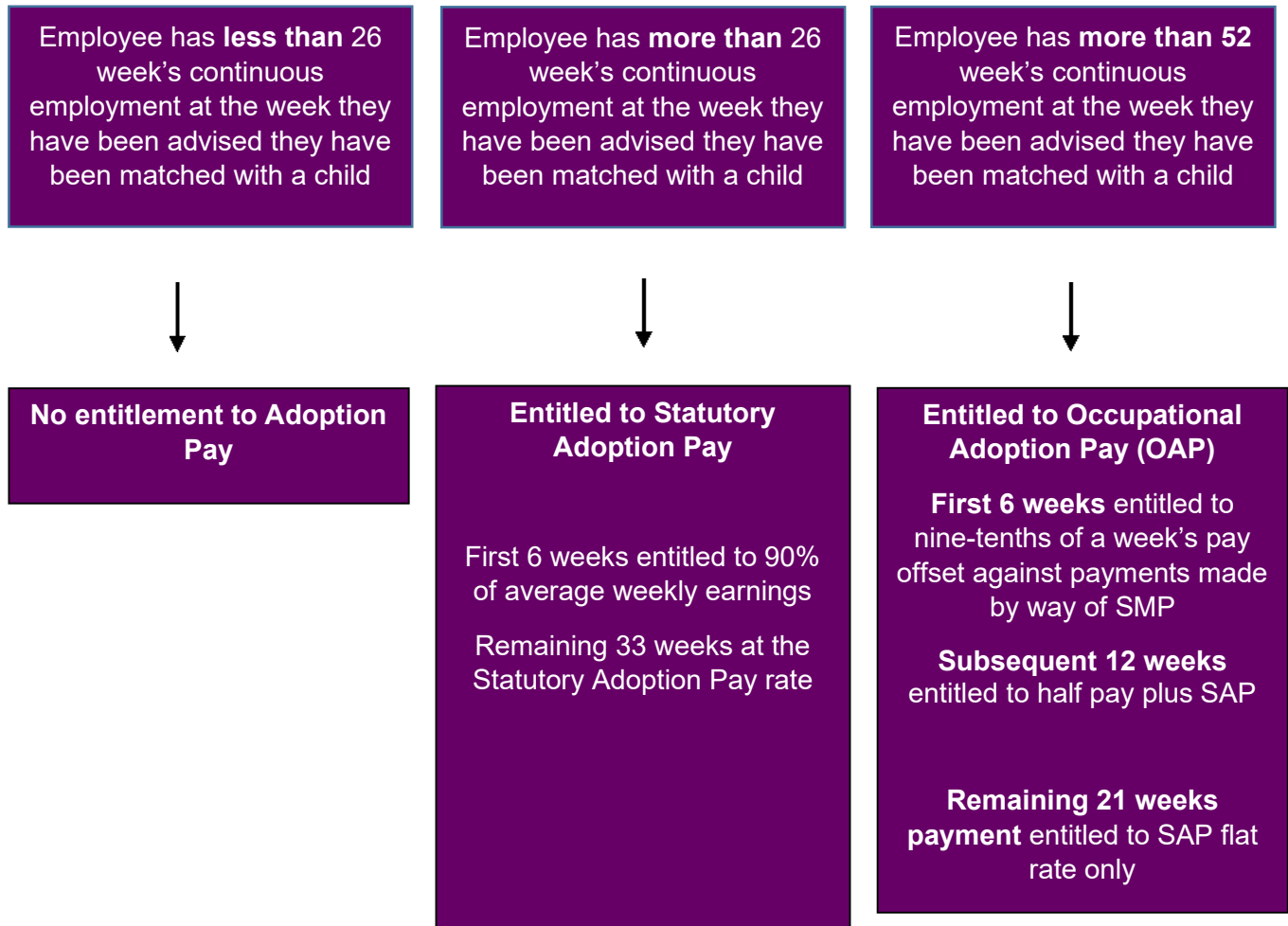


### 3.10 SUMMARY ADOPTION LEAVE / ADOPTION PAY FLOWCHART

#### Adoption Leave

All employees are entitled to Ordinary Adoption Leave of 26 weeks duration plus 26 weeks Additional Adoption Leave, a total of 52 weeks **adoption leave**

#### Adoption Pay



## 4. KEEPING IN TOUCH (KIT) DAYS

### 4.1 INTRODUCTION

This policy provides guidance on the legislation governing the rights and obligations of employees on maternity leave or adoption leave in respect of Keeping in touch (KIT) days.

An employee can work up to a maximum of 10 days during their maternity leave or adoption leave without bringing the leave to an end.

These days are distinct from maintaining contact with employees on maternity or adoption leave.

### 4.2 SCOPE

The Keeping in Touch (KIT) Days Policy applies to \*all Council employees, subject to the qualifying conditions. It does not apply to agency staff or consultants.

\*Employees who transferred (TUPE) from the Northern Ireland Civil Service on 1 April 2015, will continue to operate under the NICS Scheme.

### 4.3 PROCESS

In considering if KIT days are required, a Line Manager should consider if there is a specific task or work available, which the employee can undertake. Before entering into any arrangements with regards to KIT days the Line Manager should consult with the Head of Service and OD / HR.

KIT days are optional and the decision to undertake a KIT day must be made by agreement between the employee and the employer (there is no obligation for either the employer to provide these days or for the employee to accept any days offered).

The Line Manager must consider this in the light of duties being carried out by someone else through acting up arrangements and / or a replacement employee recruited to provide cover in relation to the maternity or adoption leave). KIT days will be used for:

- Attending training
- Attending a conference
- Attending team briefing
- Attending a meeting to update the employee on their work / a new initiative / legislation relating to their work
- Undertaking a piece of work which the employee would normally carry out as part of her job and which another employee is not receiving an acting up

allowance for carrying out or for which a temporary employee or worker is being paid

If there is work available, the Line Manager must consider if there are any health and safety concerns. A risk assessment should be completed if necessary and consideration given to a referral to occupational health.

In relation to the above the Line Manager must consult at an early stage with OD / HR and if applicable, the Council's Health & Safety Advisor in relation to the risk assessment.

#### **4.4 KEY POINTS**

- Up to 10 KIT days may be taken during the period of maternity/adoption leave.
- Each KIT day must be an agreed amount of working time. For example, whether an employee works for one hour or a whole day, this will still count as one KIT day.
- Any KIT day taken will not bring an employee's maternity/adoption leave period to an end, and payment of SMP/SAP will not be affected (although SMP/SAP will be offset against pay for the KIT day).
- KIT days may be taken at any point during maternity/adoption leave except for the first two weeks directly after the baby is born (known as compulsory maternity leave).
- KIT days can either be taken as blocks of days, or as individual days

#### **4.5 PAYMENT**

If a person works during a period of half maternity/adoption pay or SMP/SAP, pay will be 'topped up' so that the person receives full pay for the hours worked. If the employee works for less than their normal full day, this will count as one KIT day for the purposes of the 10 KIT days allocated, although payment will only be made for actual hours worked. On no occasion will an employee receive more than a full day's pay.

##### **4.5.1 Payment Examples**

Payment will be made as follows:

- If a KIT day occurs during a period of half pay or SMP only, this will be effectively "topped-up" so that the individual receives full pay at their normal hourly rate for the hours worked on the day in question.
- If a KIT day occurs during a period of unpaid leave the individual will receive full pay at their normal hourly rate for the hours worked on that day.
- Payment for KIT days will only be made after completion of the day's work.

The completed Notification of Keeping in Touch (KIT) form (FR-06), should be forwarded via the Line Manager to the OD/HR department no later than the 5<sup>th</sup> day of the following month that the KIT day was worked. The OD/HR department will forward a copy to Payroll.

## 5. PARENTAL LEAVE POLICY

### 5.1 INTRODUCTION

This policy outlines the Council's procedures in relation to Parental Leave and Pay. Parental leave allows working parents the right to take unpaid time off work to look after a child or make arrangements for their welfare.

Up to 18 weeks' Parental Leave can be granted for the purpose of caring for a child up to the age of 18.

The minimum parental leave block is one week and leave must be taken in weekly blocks.

Parents of disabled children can take 18 weeks parental leave for each child up to the child's 18<sup>th</sup> birthday and may take the leave in days or periods shorter than a week. For the purpose of parental leave, a disabled child is a child (up to the age of 16) whom an award of Disability Living Allowance (DLA) has been made and, (up to the age of 18) whom an award of Personal Independence Payment (PIP) has been made.

### 5.2 SCOPE

The Parental Leave Policy applies to all Council employees, subject to the qualifying conditions. It does not apply to agency staff or consultants.

### 5.3 ELIGIBILITY

The right to parental leave is a statutory right for all employees (excluding casual workers), introduced by the Employment Relations Act 1999, Employment Rights Act 1996, Maternity and Parental Leave Regulations 1999, Maternity and Parental Leave (Amendment) Regulations 2001.

If you have a child aged under 18, you may have the right to parental leave.

To be eligible, you must be an employee and have at least one year's continuous service in the Council.

You must also be the parent:

- named on the child's birth certificate
- named on the child's adoption certificate
- with legal parental responsibility for a child under 18

If you're separated and don't live with your children, you have the right to parental leave if you have formal parental responsibility for the children.

## 5.4 DEFINITION OF A PARENT

A 'parent' includes the following:

- The mother
- The father of the child if he was married to the mother at the time of the birth or he is registered as the child's father
- The father (if not covered by the above) if he has acquired parental responsibility under the Children Act 1989
- A guardian appointed under the Children Act 1989
- Adoptive parents
- A spouse or partner of any of the above (of either sex) if they are *living with the child*
- Foster parents.

## 5.5 TAKING PARENTAL LEAVE

An application form for Parental Leave must be completed **Notification of Parental Leave Form (FR-08)**.

Parental Leave can be taken as:

- A single block of up to 18 weeks
- Parental leave must be taken as whole weeks (e.g. 1 week or 2 weeks) rather than individual days, unless your child is disabled.
- The limit on how much parental leave each parent can take in a year is 4 weeks for each child.
- Parental leave is unpaid.

### 5.5.1 Notice

You are required to give your line manager at least 21 days' notice of taking parental leave.

### 5.5.2 Postponement of Parental Leave

Parental leave can be postponed by the line manager in the following circumstances:

- Where more time is needed to make arrangements for covering the employee's work;
- Where there is a peak in the workload;
- Where the particular employee's skills are needed at a particular time and the work cannot be easily covered.

Leave should be postponed for no longer than necessary and in any event no more than 3 months.

## **5.6 PUBLIC AND BANK HOLIDAYS AND EXTRA-STATUTORY DAYS**

Where a public or bank holiday or extra-statutory day falls during parental leave, normal pay for that day will be provided where the employee has specified that they do not wish to take that day as parental leave.

## **5.7 CONTINUOUS SERVICE**

Time taken as parental leave will count as continuous service for statutory and contractual purposes, including the accrual of annual leave.

## **5.8 PAYMENT**

Parental Leave is unpaid.

## **5.9 SUPERANNUATION**

It should be noted that your occupational pension contributions will be affected. Any queries in this regard should be addressed directly with NILGOSC who administer the occupational pension scheme for Local Government in Northern Ireland. Please contact 028 9076 8025.

## **5.10 MISUSE OF THE SCHEME**

Any misuse of the scheme will be dealt with under the Council's Disciplinary Procedure.

The following will constitute misuse:

- Taking leave for purposes other than for caring for a child. This will generally be in circumstances where someone other than the employee is taking primary responsibility for the child.
- Making a false statement as to entitlement to parental leave, for example the age of the child, the relationship with the child or the amount of parental leave taken with a previous employer.

## **5.11 MULTIPLE CONTRACTS**

Where an employee works in more than one department of the Council this will not affect the total leave entitlement. If the manager of one of the jobs wishes to postpone leave this will have the effect of postponing leave for both the jobs. It is up to the line managers and the employee concerned to agree a convenient time for parental leave to be taken, so long as this is within six months of the original request.

## 6. SHARED PARENTAL LEAVE POLICY

### 6.1 INTRODUCTION

This scheme reflects the amendments from The Work and Families Act (NI) 2015 and consequent regulations as updated by the National Joint Council and as implemented by Causeway Coast and Glens Borough Council and provides guidance on your entitlements to Shared Parental Leave and pay arrangements.

Shared Parental Leave (SPL) allows for the voluntary sharing of leave and pay entitlement between parents following the birth or adoption of a child.

SPL enables parents to share caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances, during their child's first year.

Parents will remain entitled to take maternity, paternity and adoption leave; however, an eligible mother/primary adopter may now choose to reduce their maternity/adoption leave early and opt into SPL.

### 6.2 SCOPE

The Shared Parental Leave Policy applies to \*all Council employees, subject to the qualifying conditions. It does not apply to agency staff or consultants.

\*Employees who transferred (TUPE) from the Northern Ireland Civil Service on 1 April 2015, will continue to operate under the NICS Scheme.

### 6.3 ELIGIBILITY

SPL can only be used by two people:

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

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

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/ primary adopter must have been entitled to statutory maternity/adoption leave or pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements
- the employee must still be working for the Council at the start of each period of SPL

- the employee must pass the ‘continuity test’ requiring them to have a minimum of 26 weeks’ continuous local government service at the end of the 15th week before the due date (or date they are matched with their adopted child)
- The employee’s partner must meet the ‘employment and earning test’ requiring them in the 66 weeks leading up to the child’s expected due date or matching date to have:
  - been working for at least 26 weeks (they don’t need to be consecutive weeks); and earned at least £30 a week on average in 13 of the 66 weeks.
- The employee must correctly notify the Council of their entitlement and provide evidence as required.

#### **6.4 ENTITLEMENT**

Eligible employees may be entitled to take up to 50 weeks SPL during the child’s first year in their family.

The amount of leave available is calculated using the mother/primary adopter’s entitlement to maternity/adoption leave which currently allows up to 52 weeks’ leave. If the mother/primary adopter curtails their maternity/adoption leave entitlement, then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL. This means their partner could begin to take SPL while the mother/ Primary adopter is still on maternity/adoption leave.

A birth mother/primary adopter must take at least two weeks maternity leave following the birth/placement of a child but can otherwise choose to end the maternity/adoption leave period at any stage.

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

#### **6.5 NOTIFICATION**

You must give **written notice** of your entitlement to and intention to take SPL, by completing the **Notification of Shared Parental Leave Form (FR-09)** at least 8 weeks before you can take any period of SPL. Part of the criteria requires the employee to provide the organisation with correct notification. Notification must be in writing and include:

- How much maternity or adoption entitlement has been used;
- How much leave and pay is left over from the maternity or adoption entitlement;
- How much leave each parent wants to take
- When you want to take the leave
- The signature of both parents.

You must provide the council with a signed declaration from the other parent that confirms at the time of the birth or adoption placement they:

- Share responsibility for the care of the child



- Meet the employment and earning test
- Agree to the amount of SPL and ShPP given to the employee.
- Consent to the council processing the information contained in the declaration form.

After receiving this notice, the Council may, within 14 days request:

- The name and business address of the partner's employer
- In the case of biological parents, a copy of the child's birth certificate
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.
- the name and address of their partner's employer

Each eligible parent has up to 3 times to either:

- book a block of SPL (notice to take leave)
- change the dates of booked SPL (notice to vary leave)

You can apply for one continuous period of SPL or multiple discontinuous periods and each eligible parent may submit up to three separate blocks of shared parental leave.

Requesting a discontinuous block means asking for leave over a period of time, with breaks between the leave where you return to work. Discontinuous leave, in a single notice may be granted when the needs of the Council and employee have both been considered. Once a request for discontinuous leave is made, your Line Manager should discuss the request with you within 14 calendar days.

If a request for discontinuous leave is not agreed then the total amount of leave in the request must be taken as one continuous block unless you withdraw your notice and submit a new request.

## **6.6 VARYING/CANCELLING A PERIOD OF BOOKED LEAVE**

The Council recognises that situations may arise where an employee may need to vary or cancel a period of booked leave. Employees should give written notice to vary/cancel their leave and make clear what change they are seeking. Any variation must be made at least eight weeks before the dates varied begin.

A notice to vary booked SPL will count as a further notification (as one of the three notices permitted) and if the permitted number of notifications has already been used the Council may consider the request and determine whether it is reasonably practicable to grant it.

If the Council proposes a variation to leave, and the employee is agreeable, this would not count as a further notification.

## **6.7 STATUTORY SHARED PARENTAL PAY (ShPP)**

A mother/ primary adopter who is eligible for Statutory Maternity or Adoption Pay or Maternity Allowance may curtail her entitlement by providing notice before they will have received it for 39 weeks. Any remaining weeks could become available as ShPP. Therefore, if a mother / primary adopter curtails their maternity pay/ adoption pay by 13 weeks, they make 13 weeks ShPP available to be shared with their partner.

In addition to SMP and SAP, employees of the Council with more than one year's continuous service are entitled to 12 weeks half pay as Contractual Maternity or Adoption Pay. Employees should consider how opting for ShPP will impact upon their entitlement to contractual maternity/adoption pay as contractual maternity or adoption pay is not transferable.

## **6.8 CONTINUOUS SERVICE**

Periods of Shared Parental Leave will count as continuous service for statutory and contractual purposes, including accrual of additional annual leave and sick pay entitlement.

## **6.9 ANNUAL LEAVE ENTITLEMENT**

Holiday entitlement builds up during SPL. Some employees might want to take holiday entitlement between blocks of SPL so they can take more paid time off.

## **6.10 OTHER INFORMATION**

### Terms and Conditions of Employment during SPL

During periods of SPL, the contract of employment continues and the employee is entitled to receive all contractual benefits with the exception of salary. In particular any benefits in kind will continue. Annual leave entitlement will accrue and pension contributions will continue to be made.

### Contact during SPL

Your line manager may make reasonable contact with you from time to time while you are on SPL in order, for example, to keep you informed of developments at the workplace or to discuss arrangements for your return to work.

What constitutes 'reasonable' contact will vary according to the circumstances. You may prefer to keep such contact to a minimum or you may not mind frequent contact. Therefore before adoption leave begins you should discuss arrangements for staying in touch with your line manager.

## **6.11 SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS**

You can agree to work for the Council (or attend training) for up to 20 days during SPL without bringing your period of SPL to an end or impacting on your right to claim ShPP for that week. These are known as 'Shared Parental Leave in Touch' or 'SPLIT' days.

The Council has no right to require you to carry out any work, and is under no obligation to offer you any work during SPL. Any work undertaken is a matter for agreement between the council and the employee.

You will receive full pay for any day worked. If a SPLIT day occurs during a week when you are receiving ShPP, this will effectively be topped up so you receive full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

SPLIT days are in addition to the 10 KIT days already available to those on maternity or adoption leave.

## **6.12 RETURN TO WORK FOLLOWING SHARED PARENTAL LEAVE**

### **6.12.1 Altering the Return to Work Date**

If you wish to return to work earlier than the expected return date, you may provide a written notice to vary the leave and you must give at least 8 weeks' notice of your early return date.

### **6.12.2 Return to Work**

You have the right to return from SPL to the job in which you were employed before your leave under the original contract of employment and on terms and conditions no less favourable than those, that you would have received had you not been absent.

If this is not reasonably practicable, by reason of redundancy or general reorganisation, you will be offered another job which is both suitable and appropriate for you in the circumstances on equivalent terms and conditions.

## **6.13 SUPERANNUATION**

It should be noted that your occupational pension contributions will be affected. Any queries in this regard should be addressed directly with NILGOSC who administer the occupational pension scheme for Local Government in Northern Ireland. Please contact (general enquiry line) 0345 3197 320.

## **6.14 MISUSE OF THE SCHEME**

Any misuse of the scheme will be dealt with under the Council's Disciplinary Procedure. The following will constitute misuse:

- Taking leave for purposes other than for caring for a child. This will generally be in circumstances where someone other than the employee is taking primary responsibility for the child.
- Making a false statement as to entitlement to Shared Parental Leave, for example, the relationship with the child or the amount of Shared Parental Leave taken with a previous employer.

## **6.15 MULTIPLE CONTRACTS**

Where an employee works in more than one department of the Council this will not affect the total leave entitlement. If the manager of one of the jobs wishes to postpone leave this

will have the effect of postponing leave for both the jobs. It is up to the line managers and the employee concerned to agree a convenient time for parental leave to be taken, so long as this is within six months of the original request.

## **7. PARENTAL BEREAVEMENT LEAVE AND PAY**

### **7.1 PARENTAL BEREAVEMENT LEAVE**

As at 6<sup>th</sup> April 2022, Parental Bereavement Leave and Pay will be available to bereaved parents who experience the loss of a child under the age of 18 or who suffer a stillbirth after 24 weeks of pregnancy. In this instance, female employees will still be entitled to up to 52 weeks of maternity leave and/or pay, as will a mother who loses a child after it is born. Please see Section 1.7 for details.

### **7.2. DEFINITION OF A BEREAVED PARENT**

A 'bereaved parent' is an employee who has experienced the loss of a child under the age of 18 or has experienced a stillbirth after 24 weeks of pregnancy and includes bereaved parents and adults with parental responsibility (adopters, foster parents, guardians). Further detail on the definition of a bereaved parent, and the types of parental relationship, to which the entitlement applies can be found at Appendix 9.

Provisions under this will not be available to agency workers.

### **7.3 ENTITLEMENT**

All employees have a 'day one' right to unpaid parental bereavement leave. Employees must have been employed for a continuous period of at least 26 weeks before the child's death to be eligible for paid bereavement leave. Employees who have not been employed for a continuous period of at least 26 weeks are entitled to 2 weeks unpaid leave.

Bereaved parents who are employees are entitled to take up to two weeks' parental bereavement leave in the 56 weeks following the death of a child.

Leave can be taken in one block of 2 weeks or as 2 separate blocks of one week within 56 days of the death or still birth of a child. The weeks taken do not need to be taken consecutively.

The 56 days are split into 2 periods:

- from the date of the child's death or stillbirth to 8 weeks after
- 9 to 56 weeks after the date of the child's death or stillbirth

## **0 to 8 weeks after the child's death or stillbirth**

The employee's Line Manager must receive notice before the employee would normally start work on the first day of the week or weeks being requested for leave.

## **9 to 56 weeks after the child's death or stillbirth**

The employee's Line Manager must receive at least one week's notice before the start of the week or weeks being requested for leave.

Where an employee is entitled to parental bereavement leave as the result of the death of more than one child, the employee is entitled to parental bereavement leave in respect of each child.

### **7.3.1 ELIGIBILITY**

An employee is entitled to be absent from work to take parental bereavement leave if they:

- Are defined as a bereaved parent
- Provide the appropriate notice requirements

### **7.3.2 NOTICE**

Notice requirements for taking leave will be flexible, recognising that employees are likely to need this leave with little to no notice. Informal notification to the Line Manager is sufficient, either by phone; voicemail; text message or an email detailing:

- The date of the child's death
- The date on which the employee chooses leave to start
- How much leave is requested; 1 or 2 weeks

An employee does not need to provide notice in writing to his or her employer, but the length of notice required to book and cancel parental bereavement leave will vary depending on whether the period the employee intends to take as parental bereavement leave falls within 56 days of the child's death or later.

Parental bereavement leave may be cancelled by giving notice no later than the time or day that they employee would be due to start work, or with 1 weeks' notice in the period between 56 days and 56 weeks' following the date of the child's death. Parental bereavement leave may not be cancelled when any week of leave has already started. Where an employee notifies of their intention to take parental bereavement leave on the same day as leave is starting, or if they are already at work on this day, the leave will begin the next day.

## **7.4 STATUTORY PARENTAL BEREAVEMENT PAY**

### **7.4.1 ELIGIBILITY**

Employees on parental bereavement leave may also be entitled to statutory parental bereavement pay if they satisfy the below criteria:

- Defined as a bereaved parent
- Employed for a continuous period of at least 26 weeks prior to the child's death;
- Continue to be employed up to the day the child dies or is stillborn; and
- Have received pay above the lower earnings limit (£120 2021-2022 tax year) for the period of eight weeks ending with the 'relevant week.' The 'relevant week' is the week (ending with a Saturday) immediately before the week of the death or stillbirth.
- Provide the correct notice and information as stated below

Eligible employees will be entitled to at least two weeks' statutory parental bereavement pay at a statutory rate of £156.66 per week, or 90% of average weekly earnings, whichever is lower.

Where an employee is entitled to Statutory Parental Bereavement Pay as the result of the death of more than one child, the employee is entitled to statutory pay in respect of each child.

### **7.4.2 CLAIMS**

Employees must request Statutory Parental Bereavement Pay within 28 days, starting from the first day of the week payment is being claimed for. A written self-declaration must be completed determining that criteria for payment is met, confirming identity and the date of the child's death.

## **7.5 EMPLOYMENT PROTECTIONS**

Parents taking parental bereavement leave will have the same employment protections as those associated with other forms of family related leave (i.e., maternity, paternity, adoption, parental and shared parental leave). This includes protection from detriment or dismissal as a result of having taken leave.

## NOTIFICATION OF MATERNITY LEAVE FORM (FR-01)

### APPENDIX 1

<b>Name of Employee:</b>	
<b>Employee No:</b>	
<b>Job title:</b>	
<b>Directorate/Department:</b>	
<b>Date of commencement of employment:</b>	
<b>Date of continuous service as per contract of employment:</b>	
I enclose my <b>MAT B1</b> issued by my doctor/midwife confirming the date my baby is due. I wish to inform you that I am pregnant and I intend to take maternity leave as follows:	
<b>My expected date of childbirth is:</b>	
<b>My last day of work will be on:</b>	
<b>I will be on annual leave from: (if applicable)</b>	
<b>I will start my maternity leave on:</b>	
Should you wish, you may give an early indication of the duration of your maternity: <b>6 months or less</b> <input type="checkbox"/> <b>39 weeks</b> <input type="checkbox"/> <b>52 weeks</b> <input type="checkbox"/> <b>Other:</b> _____weeks	
Despite your early indication you will maintain your right to a maximum of 52 weeks maternity leave	
<b>(Delete As Appropriate) *</b>	
I intend to return to work after my maternity leave* <input type="checkbox"/>	
I do not intend to return to work after my maternity leave and I therefore confirm that I wish to resign from my employment with the Council at the end of my maternity leave * <input type="checkbox"/>	

To qualify for maternity leave, you must return this form to your line manager by no later than the end of the 15<sup>th</sup> week prior to your expected week of childbirth. Your maternity leave cannot begin prior to the eleventh week before your expected week of childbirth

**Signed:**

**Date:**

**Line Manager:**

**Date:**

**For OD/HR Office Use Only:**

Received on:

Date: .....

Acknowledgement sent by Human Resources

Date: .....

Details entered on PAMS

Date: .....

Details passed to Payroll

Date: .....



## NOTIFICATION OF RETURN FROM MATERNITY LEAVE FORM (FR-02)

### APPENDIX 2

<b>Name of employee:</b>	
<b>Employee No:</b>	
<b>Job title:</b>	
<b>Directorate/Department:</b>	
<b>Maternity Leave End Date:</b>	
<b>Using accrued leave prior to returning:</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Dates of accrued leave booked on return:</b>	
<b>First Day Back At Work:</b>	
<b>Contract Hours:</b>	
<b>Shift Pattern:</b>	
<b>Other Information:</b>	

<b>Signed:</b>	<b>Date:</b>
<b>Line Manager:</b>	<b>Date:</b>

<b>For OD/HR Office Use Only:</b>	
Received on:	Date: .....
Acknowledgement sent by Human Resources	Date: .....
Details entered on PAMS	Date: .....
Details passed to Payroll	Date: .....

## NOTIFICATION OF PATERNITY LEAVE FORM (FR-03)

### APPENDIX 3

<b>Name of Employee:</b>	
<b>Employee No:</b>	
<b>Job title:</b>	
<b>Directorate/Department:</b>	
<b>Date of commencement of employment:</b>	
<b>Date of continuous service as per contract of employment:</b>	
I enclose a copy of a <b>MAT B1</b> certificate from a registered medical practitioner/registered midwife confirming the date the baby is due.	
<b>The expected date of childbirth/match is:</b>	
<b>Are you the biological father of the child; the mother's husband or mother's partner:</b>	
<b>I will commence Statutory Paternity Leave on:</b>	
<b>Signed:</b>	<b>Date:</b>
<b>Line Manager:</b>	<b>Date:</b>
<p>If you have 26 weeks' <b>or more</b> continuous service with Causeway Coast and Glens Borough Council at the 15th week before the baby is due (or the week in which a match is made with a child for adoption) and continue to work for the Council until the baby's birth/match is made, you are entitled to: <b>two weeks paid leave</b>, consisting of:</p> <p>Statutory Paternity Leave – (5 days / or pro rata): week 1 will be paid at basic contractual rate of pay</p>	

week 2 will be paid at Statutory Paternity Pay (SPP) at the relevant rate or 90% of the employee's average weekly earnings if this is less.

You must give your Line Manager 15 weeks' written notice of the date on which the baby is due, the length of Paternity Leave you wish to take and the date on which you wish the leave to commence.

**For OD/HR Office Use Only:**

Received on: Date: .....

Acknowledgement sent by Human Resources Date: .....

Details entered on PAMS Date: .....

Details passed to Payroll Date: .....

## NOTIFICATION OF ADOPTION LEAVE FORM (FR-04)

### APPENDIX 4

<b>Name of Employee:</b>	
<b>Employee No:</b>	
<b>Job title:</b>	
<b>Directorate/Department:</b>	
<b>Date of commencement of employment:</b>	
<b>Date of continuous service as per contract of employment:</b>	

The statutory regulations on 52 weeks **adoption leave** apply to all employees regardless of length of service and the number of hours worked per week. Where an employee does not meet the eligibility criteria for statutory or occupational pay, this leave will be unpaid. (26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL)).

To be eligible for **Statutory Adoption Pay (SAP)**, you must have a minimum of 26 weeks' continuous service with the Council up to and including the week the adoption agency told you that you had been matched with a child for adoption (qualifying week).

Employees who meet qualifying criteria are entitled to 39 weeks SAP.

To be eligible for **Occupational Adoption Pay (OAP)**, you must have a minimum of 52 weeks' continuous service with the Council up to and including the week the adoption agency told you that you had been matched with a child for adoption.

If you wish to avail of **adoption leave** you must inform the OD/HR department within 7 days:

- Of being notified by a UK adoption agency that you have been matched with a child for adoption (the qualifying week)
- Your adoption placement being confirmed, if you're fostering a child permanently and becoming their legal parent (fostering to adopt).

<b>Do you have or expect to have responsibility for the child's upbringing?</b>	<b>Yes/No</b>
<b>Have you worked continuously for CC&amp;GBC for 26 weeks up to and including the week the adoption agency told you that you had been matched with a child for adoption (qualifying week).</b>	<b>Yes/No</b>
<b>Have you notified the adoption agency that you agree that the child should be placed with you on the date of placement:</b>	<b>Yes/No</b>
<b>Date the child is expected to be placed for adoption:</b>	
<b>I will start my adoption leave on: (no sooner than 14 days before placement)</b>	

**For surrogacy arrangements**, at least 15 weeks before the due date, you must tell the OD/HR department when the baby is due and when you want to start your adoption leave.

**Date baby is due:**

**Start date of adoption leave:**

**For overseas adoptions** the conditions are the same except that you:

- Must provide confirmation from your UK adoption agency that you are eligible to adopt abroad and that there is a pending match with a child.
- Must advise when the child is expected to enter Northern Ireland and provide date of entry.
- Must fill in the declaration SC6 if you are adopting a child with a partner.

Should you wish, you may give an early indication of the adoption leave:

26 weeks Ordinary Adoption Leave (OAL)

26 Weeks Additional Adoption Leave (AAL)

Despite your early indication you will maintain your right to a maximum of 52 weeks adoption leave

**Signed:**

**Date:**

**Line Manager:**

**Date:**

**For OD/HR Office Use Only:**

Received on: Date: .....

Acknowledgement sent by Human Resources Date: .....

Details entered on PAMS Date: .....

Details passed to Payroll Date: .....

## NOTIFICATION OF RETURN FROM ADOPTION LEAVE FORM (FR-05)

### APPENDIX 5

<b>Name of employee:</b>	
<b>Employee No:</b>	
<b>Job title:</b>	
<b>Directorate/Department:</b>	
<b>Adoption Leave End Date:</b>	
<b>Using accrued leave prior to returning:</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Dates of accrued leave booked on return:</b>	
<b>First Day Back At Work:</b>	
<b>Contract Hours:</b>	
<b>Shift Pattern:</b>	
<b>Other Information:</b>	
<b>Signed:</b>	<b>Date:</b>
<b>Line Manager:</b>	<b>Date:</b>



**For OD/HR Office Use Only:**

Received on: Date: .....

Acknowledgement sent by Human Resources Date: .....

Details entered on PAMS Date: .....

Details passed to Payroll Date: .....

## NOTIFICATION OF KEEPING IN TOUCH (KIT) DAYS (FR-06)

### APPENDIX 6

<b>Name of employee:</b>	
<b>Employee No:</b>	
<b>Job title:</b>	
<b>Directorate/Department:</b>	
<b>Proposed date(s) of KIT day</b>	
<b>Reason(s) for attending work:</b>	
<b>Signed:</b> _____ <b>Date:</b> _____ <b>Line Manager:</b> _____ <b>Date:</b> _____ (I authorise the above KIT days and confirm that the employee attended work on these dates.)	
<b>(PLEASE RETURN THIS FORM TO THE OD/HR FOR RETENTION WITH ALL OTHER MATERNITY RELATED HUMAN REOURCES RECORDS)</b>	

**For OD/HR Office Use Only:**

Received on: Date: .....

Acknowledgement sent by Human Resources Date: .....

Details entered on PAMS Date: .....

Copy passed to Payroll Date: .....

## NOTIFICATION OF PARENTAL LEAVE FORM (FR-07)

### APPENDIX 7

<b>Name of employee:</b>	
<b>Employee No:</b>	
<b>Job title:</b>	
<b>Directorate/Department:</b>	
<b>Date of commencement of employment:</b>	
<p>Up to 18 weeks' Parental Leave (unpaid) can be granted for the purpose of caring for a child up to the age of 18. The minimum parental leave block is one week and leave must be taken in weekly blocks.</p> <p>Parents of disabled children can take 18 weeks parental leave for each child up to the child's 18<sup>th</sup> birthday and may take the leave in days or periods shorter than a week. For the purposes of parental leave, a disabled child is a child (up to the age of 16) whom an award of Disability Living Allowance (DLA) has been made and, (up to the age of 18) whom an award of Personal Independence Payment (PIP) has been made.</p>	
<p>To be eligible, you must be an employee and have at least one year's continuous service in the Council. You must also be the parent:          Named on the child's birth certificate          Named on the child's adoption certificate          With legal parental responsibility for a child under 18</p>	
<b>Parental leave to commence on:</b>	
<b>Parental leave end date:</b>	
<b>Total number of weeks:</b>	
<b>Total number of days:</b> (for parents of disabled children)	
<b>Please state the relationship to the child?</b>	

You are required to give your line manager at least 21 days' notice of taking parental leave.

**Signed:**

**Date:**

**Line Manager:**

**Date:**

**For OD/HR Office Use Only:**

Received on:

Date: .....

Acknowledgement sent by Human Resources

Date: .....

Details entered on PAMS

Date: .....

Details passed to Payroll

Date: ...

## **NOTIFICATION OF SHARED PARENTAL LEAVE FORM (FR-08)**

### **APPENDIX 8**

<b>Name of Employee:</b>	
<b>Employee No:</b>	
<b>Job title:</b>	
<b>Directorate/Department:</b>	
<b>Date of commencement of employment:</b>	
<b>Date of continuous service as per contract of employment:</b>	
You must give written notice of your entitlement to and intention to take SPL at least 8 weeks before you can take any period of SPL.	
<b>How much maternity or adoption entitlement has been used?</b>	
<b>How much leave and pay is left over from the maternity or adoption entitlement?</b>	
<b>How much leave each parent wants to take?</b>	
<b>When you want to take the leave?</b>	
<b>Do you have shared responsibility for the care of the child?</b>	
<b>Do you meet the employment and earning test?</b>	
<b>Do you agree to the amount of SPL and ShPP given to the employee?</b>	
<b>Do you consent to the Council processing the information contained in the declaration form?</b>	
<b>Signed:</b> (Parent 1)	<b>Date:</b>
<b>Signed:</b> (Parent 2)	<b>Date:</b>

<b>Line Manager:</b>		<b>Date:</b>	
<b>For OD/HR Office Use Only:</b>			
Received on:		Date:	.....
Acknowledgement sent by Human Resources		Date:	.....
Details entered on PAMS		Date:	.....
Details passed to Payroll		Date:	.....

## APPENDIX 9

### **DEFINITION OF BEREAVED PARENT (as defined by The Parental Bereavement Leave Regulations (Northern Ireland) 2022**

- Child's parent;
- Child's natural parent and named in an order made pursuant to section 51A(2)(a) of the Adoption and Children Act 2002 or section 11(3)(aa) of the Children (Scotland) Act 1995, provided that such an order has not subsequently been revoked or discharged;
- A person with whom the Child has been placed for adoption, for so long as that placement has not been disrupted;
- An adopter
  - with whom the Child was living; and
  - who has received official notification in respect of the Child;
- An intended parent of the Child;
- Child's parent in fact. A person is the Child's parent in fact if that person, for a continuous period of at least four weeks ending with the day on which C dies:
  - lived with C in the person's own home; and
  - had day to day responsibility for C's care
- The partner of the parent. "Partner" means a person (whether of a different sex or the same sex) who lives with the Child and Parent in an enduring family relationship but is not a relative
- A person has responsibility for the Child, if the person has parental responsibility within the meaning of Article 6 of the Children (Northern Ireland) Order 1995.

(