



Report Number

**Corporate Policy and
Resources Committee**

Date 22 September 2016

Subject: Review of the Adoption, Parental, Paternity and Maternity Policies

Report by:

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Purpose / Summary:

To review the Adoption, Paternity, Parental and Maternity Policies and recommend changes to be adopted.

RECOMMENDATION(S):

1. That Corporate Policy and Resources Committee approve the Adoption, Parental, Paternity and Maternity Policies and the policy is adopted for all employees of the council.
2. Delegated authority be granted to the Director of Resources to make minor housekeeping amendments to the policy in future, in consultation with the chairman of the Corporate Policy & Resources committee and chairman of JSCC.

IMPLICATIONS

Legal: The council is required to have Adoption, Parental, Paternity and Maternity policies to ensure that legislative requirements are met for employees

Financial : FIN/70/17 There are no changes to the policy which impact the finances of the council.

Staffing : None

Equality and Diversity including Human Rights :

West Lindsey District Council has a commitment to equal opportunities. It seeks to ensure that no potential or current employee receives less favourable treatment than another on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Risk Assessment :

Climate Related Risks and Opportunities :

Title and Location of any Background Papers used in the preparation of this report:

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

x

1. Introduction

The council has Adoption, Parental, Paternity and Maternity Policies in place, however due to updates in legislation a review was required to provide employees and the council with the most up to date information.

2. Scope

These policies applies to all employees within the council.

3. Main Changes

Please see the attached details for changes to the policies, this outlines the changes which have been made to the current policies.

4. Engagement

The policies has been developed by the HR & OD Officer. Relevant publications have been considered such as ACAS guidance and Government guidance.

The HR & OD Officer has engaged with a number of staff that have used the various policies, to help ensure that the reviewed policies provide the necessary information and clarity.

The policies have been considered and supported by the Joint Staff Consultative Committee, attended by Members, Unison and Staff Representatives.

5. Training and Awareness

These policies will be made available to view on the Minerva site and hard copies available at the depots once formally agreed.

A clear communication will be sent to Managers to make them aware that the policies have been reviewed and to update them on their responsibilities. Training and support will also be offered by HR in the implementation and application of this policy.

6. Recommendation

That Corporate Policy and Resources Committee approve the Adoption, Parental, Paternity and Maternity Policies and the policies are adopted for all employees of the council.

Delegated authority be granted to the Director of Resources to make minor housekeeping amendments to the policies in future, in consultation with the chairman of the Corporate Policy & Resources committee and chairman of JSCC.

Adoption Policy - Additions / Amendments / Deletions

The Adoption Policy now has a similar format to the recently reviewed Maternity Policy. This should help managers and HR find information easier.

- a) **ADDITION:** A table of contents and page numbering has been added to assist staff find the information they are looking.
- b) **ADDITION:** Section **1.0 Introduction** has been added to provide clarity on who this policy applies to.
- c) **ADDITION:** Section **2.0 Objective** has been added to clarify what the policy sets out to do.
- d) **ADDITION:** Section **3.0 Employee's adoption related rights** has been added to give a summary of employee's rights under the Adoption Policy.
- e) **ADDITION:** Section **4.0 Proof of adoption** has been added to provide clarity on what information WLDC needs to see before pay and leave can be granted.
- f) **ADDITION:** Under section **5.0 Adoption Leave** a paragraph has been added to give employees a link to the gov.uk website where they can enter information and find out the earliest date they can take adoption leave, among other things.
- g) **AMENDMENT:** Under section **6.1 Statutory Adoption Pay (SAP)**, employees are now referred to the gov.uk website for the up to date rate of SAP, rather than publish it in the policy.
- h) **ADDITION:** Under section **6.2 Occupational Adoption Pay**, the final paragraph has been added to inform employees that they can request a breakdown of their maternity pay from HR.
- i) **ADDITION:** Under section **9.0 Right not to be dismissed**, a paragraph has been added to clarify that although an employee cannot be dismissed, they can be made redundant while they are on adoption leave.
- j) **ADDITION:** Section **10.5 Other benefits or deductions from pay** is new and clarifies the situation with deductions from pay (eg Union fees, childcare vouchers etc)
- k) **DELETION:** Under the old policy 'Contractual terms and conditions during adoption leave' the following has been deleted as it is incorrect;
 - i. "Benefits such as the reimbursement of professional subscriptions, mobile phone / telephone rental and essential car users will continue through the 26 week ordinary adoption leave period" – these payments will continue throughout the whole 52 weeks Adoption Leave.
 - ii. "All other terms and conditions are in effect suspended during Additional Adoption Leave. There is no right to pay or benefits (including contractual holiday accrual) during this period."
- l) **AMENDMENT:** Pension contributions – information has been updated in line with new pension rules in Section **10.4 Pension contributions and lost pension**.
- m) **AMENDMENT:** Section **11.0 Keeping in Touch Days (KIT)** has been updated and further clarification provided – previously information was under "Working During the Adoption Leave Period".
 - i. A new form has been created during the review of the Maternity Policy, to
 - ii. provide details and authorisation, which will assist when it comes to payroll processing.

- iii. The amount of pay has now been clarified in the policy. The policy previously stated “this is agreed with their manager”.

- n) **ADDITION:** Section **12.0 Shared Parental Leave** has been added since the law has been updated. Employees are given a brief overview of what this means and are referred to the Shared Parental Leave policy.

- o) **ADDITION:** Section **13.6 Requesting Flexible Working** has been added as there was no information in the previous policy.

- p) **ADDITION:** Section **13.7 Employee Assistance Programme** has been added to the policy with contact details. Previously it was only mentioned in the Maternity Pack.

- q) **ADDITION:** Section **14.0 Documentation required** has been added to clarify what documentation is required.

- r) **DELETION:** **Appendix 2** ‘Matching Certificate’ has been removed from the policy – this document should come from the registered adoption agency.

Paternity Policy - Additions / Amendments / Deletions

- a) **ADDITION:** A table of contents has been added to assist employees find the information they are looking for.
- b) **AMENDMENT:** Section **1.0 Introduction** has been amended to provide clarity on who this policy applies to.
- c) **ADDITION:** Section **2.0 Objective** has been added to clarify what the policy sets out to do. The new policy also covers paternity leave and pay for adoption and surrogacy arrangements.
- d) **ADDITION:** Section **3.0 Employee's paternity related rights** has been added to keep all the 'rights' in one place for easy reference.
- e) **AMENDMENT:** Section **4.0 Paternity Leave** has been separated into four sections covering paternity leave for; birth, surrogacy, adoption from the UK and overseas as they all have different notice periods and eligibility criteria.
- f) **ADDITION:** Under section **4.0 Paternity Leave** a paragraph has been added to give employees a link to the GOV.UK website where they can enter information and find out the earliest date they can take paternity leave and find out when they need to give notice.
- g) **ADDITION:** Under section **4.0 Paternity Leave** clarity has been given as to when Paternity Leave can start - it should only commence after the child has been born, not during labour (guidance taken from HMRC). Fathers can use either unpaid Time off for Dependents or paid Carer's Leave during labour
- h) **AMENDMENT:** Under section **4.1.1 Giving notice of paternity leave** - clarification has been given for what the "relevant week" is (it's the 15th week before the due date).
- i) **ADDITION:** Under section **4.3.1 Giving notice - Adoption** - In the previous policy nothing was mentioned about giving proof of adoption, however employees were required to provide proof of the birth (MATB1 certificate). Employees are now requested to bring in a copy of the 'matching certificate' as proof. This has been added in the interest of fairness.
- j) **AMENDMENT:** Under section **5.1 Statutory Paternity Pay (SPP)**, employees are now referred to the gov.uk website for the up to date rate of SPP, rather than publish it in the policy.
- k) **ADDITION: 5.2 Occupational Paternity Pay** – in the previous policy, it mentioned Occupational Paternity Pay, but didn't say who would be eligible for it. The new policy now states that employees must have 1 years' service to be eligible for receiving the first week of SPP at full pay. This is in line with the Maternity Policy.
- l) **ADDITION: 6.0 Time off for antenatal or adoption appointments** – this is a whole new section, following the introduction of a new law by the Government on the 1 October 2014. Employees are now entitled to take unpaid time off to accompany pregnant women to two antenatal appointments.
- m) **ADDITION: 7.0 If the baby dies** – a new section to clarify what employees are entitled to if the baby dies.
- n) **ADDITION:** Under section **8.0 Right not to be dismissed**, the final paragraph has been added to clarify that although an employee cannot be dismissed, they can be made redundant while they are on paternity leave (ACAS).

- o) **ADDITION:** Section **9.2 Making contact while on Paternity Leave** has been added to inform employees that they can be contacted while on Paternity Leave.
- p) **ADDITION:** Section **9.3 Pension contributions** – a new section to confirm what happens to the employees' pension while they are on Paternity leave.
- q) **ADDITION:** Section **9.4 Other benefits or deductions from pay** – a new section to clarify this for employees.
- r) **ADDITION:** Section **10.0 Shared Parental Leave** has been added since the law has been updated. Employees are given a brief overview of what this means and are referred to the Shared Parental Leave policy.
- s) **DELETION:** In the old policy, **Additional Paternity Leave and Pay** has been deleted, as this is no longer relevant, having been replaced by Shared Parental Leave mentioned above.
- t) **AMENDMENT:** Section **11.0 Returning to Work** has been amended to include more information and to provide guidance to Managers on what they should do when the employee returns to work.
- u) **ADDITION:** Section **11.1 Sickness following Paternity leave** – added to provide clarity on requirements
- v) **ADDITION:** Section **11.3 Childcare vouchers** has been added as there was no information in the previous policy.
- w) **ADDITION:** Section **11.4 Requesting Flexible Working** has been added as there was no information in the previous policy.
- x) **ADDITION:** Section **11.5 Employee Assistance Programme** has been added to the policy with contact details. Previously it was only mentioned in the Maternity Pack.
- y) **ADDITION:** Section **12.0 Documentation required** has been added to clarify what documentation is required.

Parental Policy - Additions / Amendments / Deletions

The Parental Policy now has a similar format to the recently reviewed Maternity, Adoption and Paternity Policies. This should help managers and HR find information easier.

- a) **ADDITION:** A table of contents and page numbering has been added to assist staff find the information they are looking.
- b) **AMENDMENT:** Section **1.0 Introduction** has been amended to provide clarity on who this policy applies to. Information previously in the 'Introduction' has been moved to section '4.3 Leave entitlement'.
- c) **ADDITION:** Section **2.0 Objective** has been added to clarify what the policy sets out to do.
- d) **ADDITION:** Section **3.0 Employee's parental related rights** has been added to give a summary of employee's rights under the Parental Leave Policy.
- e) **ADDITION:** Section **4.0 Parental Leave** has been added to provide information about eligibility, proof required, entitlement, notice period and postponement of leave.
- f) **AMENDMENT:** Under section **4.1 Eligibility**, the rules have been amended slightly and up to date eligibility criteria is now included within this section.
- g) **ADDITION:** Section **4.2 Proof** is new. In line with the Maternity, Adoption and Paternity Policies, proof of parental responsibility is now required, eg birth certificate or matching certificate (adoption)
- h) **AMENDMENT:** Section **4.3 Leave entitlement** is revised due to new legislation. Employees are now entitled to 18 weeks parental leave for each child, up to the child's 18th birthday, whether the child is disabled or not.
- i) **ADDITION:** Section **7 During Parental Leave, 8 Returning to Work and 9 Documentation** have been added in line with the Maternity / Paternity / Adoption Policies for consistency.
- j) **AMENDMENT:** Section **7.1 Status of the Contract of Employment during Parental Leave** now confirms that annual leave continues to accrue during Parental Leave. Previously the policy stated "the accrual of any additional contractual holiday entitlement is a matter for agreement between the Council and its employees."
- k) **AMENDMENT:** The **Parental Leave Application Form** is now much shorter and easier to complete.

Maternity Policy - Additions / Amendments / Deletions

- a) **ADDITION:** A table of contents has been added to assist employees find the information they are looking for.
- b) **ADDITION:** Under section **1.0 Introduction**, a sentence has been added to provide clarity on who this policy applies to, in line with the Green Book.
- c) **AMENDMENT:** Under section 2.0 Objective, the wording has been amended to clarify what the policy sets out to do.
- d) **ADDITION:** Under section **3.0 Employee's maternity related rights**, 3rd bullet point has been added regarding the new law which came into force on the 1 October 2014, allowing fathers to take unpaid leave to accompany pregnant mothers to two antenatal appointments (source www.gov.uk)
- e) **ADDITION:** Under section **4.0 Maternity Leave** the last paragraph has been added to give employees a link to the gov.uk website where they can enter information and find out the earliest date they can take maternity leave, among other things.
- f) **ADDITION:** Under section **4.2 Giving notice of maternity leave**, the final sentence has been added to clarify the mother's position with holiday entitlement and carry over.
- g) **AMENDMENT:** Under section **5.1 Statutory Maternity Pay (SMP)**, employees are now referred to the gov.uk website for the up to date rate of SMP, rather than publish it in the policy.
- h) **AMENDMENT:** Under section **5.1 Statutory Maternity Pay (SMP)**, reference has been made to the gov.uk website for how to claim Maternity Allowance using the official form, rather than refer staff to the Human Resources team. This will enable staff to quickly self-serve.
- i) **ADDITION:** Under section **5.2 Occupational Maternity Pay**, the final paragraph has been added to inform employees that they can request a breakdown of their maternity pay from HR.
- j) **ADDITION:** **6.1 Right to accompany mothers to antenatal appointments** – this is a whole new section, following the introduction of a new law by the Government on the 1 October 2014. Fathers are now entitled to take unpaid time off to accompany mothers to two antenatal appointments. A new form has been created for staff to request this leave from their manager, and for authorisation to deduct from their pay (ACAS).
- k) **ADDITION:** Under section **7.0 Right not to be dismissed**, the final paragraph has been added to clarify that although an employee cannot be dismissed, they can be made redundant while they are pregnant or on maternity leave (ACAS).
- l) **ADDITION:** Section **9.0 Stillbirths and miscarriage** is new and clarifies what is classed as a stillbirth or miscarriage and what leave employees can take.
- m) **ADDITION:** Section **10.0 Early births** is new and clarifies the earliest date when employees can start their maternity leave.
- n) **DELETION:** Under section **11.2 Status of the Contract of Employment during Additional Maternity Leave**, the following has been deleted as they are incorrect (previously under Section 2 in the old policy):

- i. “Employees will not be entitled to any other occupational benefits during Additional Maternity Leave (AML).”
 - ii. “Other contractual benefits will be temporarily withheld during Additional Maternity Leave and re-activated as soon as the employee returns to work. If a salary increase falls due during maternity leave, it will be implemented on their return to work. Statutory Maternity Pay will be recalculated to reflect the increase.”
 - iii. “The Council’s contributions towards pension will be suspended during the period of unpaid Additional Maternity Leave.”
- o) **AMENDMENT**: Under section **11.4 Pension contributions and lost pension**, further clarification and guidance has been provided about pensions and how staff can elect to pay back the “lost” part of their pension. Previously the policy only said “The Council’s contributions towards pension will be suspended during the period of unpaid Additional Maternity leave” which wasn’t clear and has now been deleted from Section 2. A link to the West Yorkshire Pension Fund website has been given for further information.
- p) **ADDITION**: Section **11.5 Other benefits or deductions from pay** is new and clarifies the situation with deductions from pay (eg Union fees, childcare vouchers etc)
- q) **AMENDMENT**: Section **12.0 Keeping in Touch Days (KIT)** has been updated and further clarification provided – previously information was under “Section 4: Working During Maternity Leave”.
- i. The work to be done on a KIT day now MUST be agreed with the manager beforehand (previously the policy stated “although this is not compulsory”). A new form has been created to provide details and authorisation, which will assist when it comes to payroll processing.
 - ii. The amount of pay has now been clarified in the policy. The policy previously stated “this is agreed with their manager”.
- r) **ADDITION**: Section **13.0 Shared Parental Leave** has been added since the law has been updated. Employees are given a brief overview of what this means and are referred to the Shared Parental Leave policy.
- s) **DELETION**: In the old policy, **Section 6: Transfer of Maternity Leave** has been deleted, as this is no longer relevant, having been replaced by Shared Parental Leave mentioned above.
- t) **ADDITION**: Under Section **14.0 Returning to Work** the last paragraph has been added following employee feedback, to provide guidance to Managers on what they should do when the employee returns to work.
- u) **DELETION**: In the old policy under Section 3: Returning to work, when employees wish to return to work earlier than planned and should give eight weeks’ notice (now under **14.2 Notice to return to work early**), it stated that “The Council is not obliged by law to allow employees to return before the end of this eight-week period.” There is no reference to this in any reference material that has been used to update the policy, therefore it has been removed.
- v) **ADDITION**: Section **14.3 Using annual leave** has been added to give employees clarification on what happens with their annual leave.
- w) **ADDITION**: Section **14.4 Requesting time to breastfeed or express milk** has been added to adhere to best practice, based on ACAS guidance. The law doesn’t require WLDC to grant paid breaks for breastfeeding or expressing milk, therefore employees should use flexi or holidays.
- x) **ADDITION**: Section **14.5 Childcare vouchers** has been added as there was no information in the previous policy.

- y) **ADDITION:** Section **14.6 Requesting Flexible Working** has been added as there was no information in the previous policy.
- z) **ADDITION:** Section **14.7 Employee Assistance Programme** has been added to the policy with contact details. Previously it was only mentioned in the Maternity Pack.
- aa) **ADDITION:** Section **15.0 Documentation required** has been added to clarify what documentation is required.