

Working Families Policy and Procedures

Version Control

Version Control	
Author:	
Owner:	Strategic Lead HR and OD
Date Drafted:	8 May 2012
Approved By:	
Date Approved:	1 August 2016
Version:	1.7
Next Formal Review Date:	Subject to legislative changes or 1 June 2021

Amendment Record

Version No.	Date	Summary
1.3	6 June 2014	SMP/SSP rates updated. HR Strategy and Policy Manager – HR & OD
1.4	1 October 2014	Ante-natal rights for fathers/partners. HR, trade unions and People Board
1.5	7 April 2015	Statutory changes from 5/4/15: Introduction of shared parental leave (SPL) (including deletion of additional statutory paternity leave/ pay provision). Parental leave available to parents of all under-18s. SPL approved as follows: DB 27/01/15 - GSC 09/03/15 - HR & TUs 06/03/15 People Board 26/03/15
1.6	29 June 2015	Statutory benefits updated; obligation to return to work for 3 months included and general rewording into plainer English.
1.7	1 August 2016	Added new section on Supporting Nursing Mothers – section 13. HR & TU June 2016 People Board – July 2016
1.8	1 June 2018	Policy reviewed following Stonewall Workplace Index feedback to ensure consistency in terms of gender neutral pronoun usage
1.9	1 July 2019	Update of maternity/adoption pay

1.10	8 August 2019	Update of Adoption pay to mirror the twelve week contractual payment paid to those on maternity leave
------	---------------	---

Index

1. **Policy statement**
2. **Scope**
3. **Aims and objectives**

Maternity

4. **Time off for ante-natal care**
5. **Health and safety and risk assessments**
6. **Maternity leave**
7. **Premature birth**
8. **Contact during maternity leave**
9. **'Keeping in touch' days**
10. **Sickness during pregnancy**
11. **Maternity pay**
12. **Returning to work**
13. **Supporting Nursing Mothers**
14. **Annual leave**
15. **Still birth**
16. **Redundancy**
17. **Leaving the Council**
18. **Local Government Pension Scheme (see also Appendix 2)**

Adoption

19. **Adoption leave**
20. **Contact during adoption leave**
21. **'Keeping in touch' days**
22. **Adoption pay**
23. **Returning to work**

Paternity

24. **Ordinary statutory paternity leave**
25. **Ordinary statutory paternity pay**
26. **Maternity support leave**

Parental

27. **Shared parental leave**
28. **Ordinary parental leave**
29. **Benefits and allowances implications**
30. **Time off for dependants**

Appendix 1

Useful contacts

Appendix 2

Maternity, paternity and adoption leave reference table

1. Policy statement

- 1.1 Thurrock Council is committed to supporting staff with family commitments to achieve an effective work-life balance and facilitate a climate of effective and harmonious employee relations. As part of this commitment, it provides benefits over and above what are required by law.
- 1.2 The Working Families Policy and Procedure covers: maternity, adoption, paternity and parental provisions and guidance.
- 1.3 This policy cross-references and should be considered alongside other family friendly policies at the Council such as the Shared Parental Leave Policy, Flexible Working Policy, Flexi-Time Scheme, Buying Annual Leave Scheme, Career Break Scheme, and Home Working Policy.

2. Scope

- 2.1 All Thurrock Council staff and school-based staff, where the school has chosen to adopt this policy.

3. Aims and objectives

- 3.1 Thurrock Council aims to ensure:
 - its family friendly benefits are an incentive in attracting and retaining skilled staff;
 - staff morale, loyalty and commitment is positively impacted by offering such benefits;
 - employees with families are aware of the provisions on offer to them and how to access them.

Maternity

4. Time off for ante-natal care

Expectant employees

- 4.1 When an employee falls pregnant, regardless of their length of service they are entitled to paid time off to keep appointments for ante-natal care which are made on the advice of a registered practitioner, midwife or health visitor. Wherever possible these appointments should be made outside of core working time or in the case of part-time workers, outside of their working hours.
- 4.2 The individual should inform their manager that they will be attending ante-natal appointments. Ante-natal care can include not only medical examinations but also, for example, relaxation classes and parent-craft classes.

Except in the case of their first appointment, employees must be prepared to show their manager on request:

- a certificate from a registered medical practitioner, midwife or health visitor confirming they are pregnant; and/or
 - an appointment card or some other document showing that an appointment has been made.
- 4.3 Employees will receive their normal pay during the period of time off for ante-natal care. If normal pay varies from week to week it will be averaged over the previous twelve complete working weeks. If the employee is yet to complete twelve weeks service, an average will be estimated in the light of what could reasonably be expected. Overtime is counted only if it is compulsory under the terms of an employee's employment contract.

Fathers/partners of expectant employees

- 4.4 The father or partner of an expectant employee is entitled to take unpaid leave to accompany her to up to two ante-natal appointments. "Partner" includes the spouse or civil partner of the pregnant employee and a person (of either sex) in a long term relationship with her. It also includes a person who intends to apply for a parental order as part of a surrogacy arrangement.
- 4.5 The ante-natal appointment must have been made on the advice of a registered medical practitioner, registered midwife or registered nurse.
- 4.6 Thurrock Council employees are eligible for this entitlement regardless of length of service. Agency workers must have completed at least 12 weeks at Thurrock before becoming eligible.
- 4.7 For each appointment, time off work can be taken to cover travelling time, waiting time and the duration of the appointment.

- 4.8 Staff are entitled to up to half a day's unpaid leave, which can be taken at any time of the day. This can be extended by up to a day's unpaid leave, at the line manager's discretion, if it is applied for and granted in advance.
- 4.9 It should be noted that this is a right to *accompany* a pregnant spouse, not a right to attend the appointment. The spouse has the right to decide whether she wishes the father/partner to attend an ante-natal appointment.
- 4.10 Fathers/partners wishing to take time off should provide details on Oracle under 'unpaid leave' at the earliest opportunity in order to minimise risk to service delivery.

5. Health and safety and risk assessments

- 5.1 Once pregnant employees have notified the Council of their pregnancy in writing (see notification procedure below), they will receive a note from Human Resources explaining the importance of recognising health and safety requirements whilst pregnant.
- 5.2 In most work situations, if a pregnant employee's general health is good, they should be able to do all or most of the job they did before becoming pregnant. Nevertheless pregnancy will place extra strain on an individual so a pregnant employee should take steps to safeguard themselves and their unborn child. The Council does not want to put any pregnant mothers at risk and will take measures to ensure they are protected.
- 5.3 The first three months of pregnancy are when an unborn child is particularly vulnerable and in certain job roles extra protective measures may be required to ensure a pregnant employee's safety. Safe and healthy working conditions will depend on each person's individual circumstances. The majority of workplaces within the Council do not pose a risk for pregnant employees, however the Council will ensure all pregnant employees receive risk assessments to determine this.
- 5.4 Risk assessments will be carried out in relation to the duties of the post and will highlight any possible risks for expectant mothers. The first of these will be arranged by the manager once a pregnant employee notifies them of the pregnancy, and a further two will be completed, one in each trimester.
- 5.5 If risks are identified, the employee will be advised of what the Council will do to make sure that they are not exposed to those risks. Information will also be provided to employee representatives where necessary.
- 5.6 A risk from any infectious or contagious disease will need to be assessed when relating specifically to activities carried out at work and action taken as appropriate to isolate the person from the hazard.
- 5.7 If an individual believes there is a risk to their health or safety, or to that of their baby, which the Council has overlooked, they should bring the risk to the

attention of their manager or the health and safety representative or Occupational Health.

- 5.8 Where certain risks are identified for employees who are pregnant or who have recently given birth, the Council may offer alternative work. If alternative work cannot be found, the Council may consider suspending the individual on full pay on health and safety grounds, until such time as either the risk can be removed or alternative work can be found. Such a decision would have to be taken in consultation with the individual, the manager, Health & Safety and Human Resources.
- 5.9 Many expectant mothers may find themselves working on a computer terminal for some part of the day. Although not considered a major risk in some cases, pregnant employees should ensure they familiarise themselves with the current guidelines for computer use.

6. Maternity leave

- 6.1 All pregnant employees, regardless of length of service, are entitled to a maximum of 52 weeks maternity leave made up of:
- 26 weeks Ordinary Maternity Leave (OML); followed by
 - 26 weeks Additional Maternity Leave (AML).
- 6.2 The distinction between ordinary and additional maternity leave relates to an employee's rights upon returning to work (see section on 'Returning to Work').
- 6.3 An employee must by law remain absent for at least two weeks immediately after giving birth.
- 6.4 To apply for maternity leave an employee must notify their manager of their pregnancy, in writing, no later than the end of the 15th week before the Expected Week of Childbirth (EWC), or as soon as is reasonable practicable. They should also include the EWC and the date on which they intend to start taking the leave. A copy of this notice should also be sent to Human Resources.
- 6.5 Pregnant employees will receive a maternity form (MAT B1) from their doctor after the 26th week of pregnancy, the original of which should be forwarded to Human Resources.
- 6.6 Human Resources will write to individuals confirming their maternity entitlements and the date they will return from maternity leave, within 28 days of receiving the above notification.
- 6.7 If an employee does not notify Human Resources of their intention to take maternity leave, the maternity leave period will be deemed to have commenced on the first day after the beginning of the sixth week before the expected week of childbirth, on which they are absent from work wholly or partly because of pregnancy.

6.8 Any changes to the intended start date of maternity leave given after the notification week must be given 28 calendar days before the intended new start date, or as soon as is reasonably practicable to do so.

7. Premature birth

7.1 Should the employee give birth earlier than the given maternity leave start date or before they have informed the Council of their intended leave, the maternity leave will automatically begin on the day after the birth. The employee must ensure that they inform the Council as soon as possible after the birth.

8. Contact during maternity leave

8.1 During maternity leave the Council may contact the employee (and vice versa), as long as the amount and type of contact is not unreasonable. This contact may be to discuss plans for returning to work, to keep you informed of any important developments at the workplace, to discuss any relevant promotional opportunities or job vacancies or to organise 'Keeping in Touch' days.

9. 'Keeping in touch' days

9.1 Employees can do up to 10 days work during their maternity leave, as long as both parties are agreed on all details including what work is to be done and how much remuneration they will receive.

9.2 Keeping in Touch days can include any activity for which the employee would normally be contracted however they can include attending conferences, training activities or team meetings in order to ensure that the member of staff is kept up to date with what is happening both within the Team and across the Council where possible.

10. Sickness during pregnancy

10.1 Absence from work due to illness will normally be taken as sick leave until the start of maternity leave. If illness is unrelated to pregnancy the employee can remain on sick leave and receive sick pay/incapacity benefit as applicable, right up to the date of the baby's birth or until the date previously notified that maternity leave would begin, whichever is earlier.

10.2 Absences due to pregnancy related illnesses will not count towards an employee's total absence days with respect to the trigger points for managing sickness (see Managing Sickness Absence Policy & Procedure).

10.3 Maternity leave will automatically start if the employee is off sick for pregnancy related reasons during the 4 week period before the expected birth date. In this case maternity leave will begin on the day after the first day of absence within the 4 week period, regardless of the length of absence.

11. Maternity pay

11.1 There are three main types of maternity pay:

- Statutory maternity pay;
- Maternity allowance;
- Occupational maternity pay.

11.2 Employees may be eligible to receive one or a combination of these payments depending on their level of earnings and length of local government service. The lengths of service in (b) below must have been completed by the start of the 15th week before the expected week of childbirth (known as the 'qualifying week').

11.3 Payments cannot be made earlier than the 11th week before the expected week of childbirth, and are only paid while the employee is on maternity leave, with the exception of 'keeping in touch days' (see section 9 above).

11.4 All maternity payments are treated as income, therefore income tax, national insurance contributions and pension contributions will continue to apply.

a) Employees earning below the average weekly earnings limit

11.5 Employees whose average weekly earnings¹ are less than the lower earnings limit for national insurance contributions are not entitled to statutory maternity pay. They may, however, qualify for maternity allowance and occupational maternity pay if they have the relevant length of service and meet the other criteria detailed below.

b) All other employees

11.6 Employees who earn more than (a) above are entitled to one of the following, depending on length of service:

Employees with less than 26 weeks' service:

11.7 Employees may be eligible for maternity allowance (MA):

- 39 weeks at 'standard rate' (£148.68 as at April 2019)

11.8 After the employee has notified the Council that she is pregnant, the Payroll Team will issue her with an SMP1 form which explains why she is not entitled to Statutory Maternity Pay. This will support the employee's claim for maternity allowance. The SMP1 form should be taken to Jobcentre Plus along

¹ Measured during the 8 weeks leading up to and including the 15th week before the expected week of childbirth.

with the MAT B1 form. Jobcentre Plus will then issue an MA1 form, which the employee must complete in order to apply for maternity allowance.

11.9 The employee will be eligible for maternity allowance if they have paid national insurance contributions in 26 out of the 66 weeks ending with the week before the expected week of childbirth. It is paid weekly.

11.10 Once maternity allowance has been confirmed, the employee should notify the Payroll Team.

Employees with at least 26 weeks', but less than 1 year's, service:

11.11 Employees will be eligible for statutory maternity pay (SMP):

- 6 weeks' pay at 90% of average earnings;
- 33 weeks at standard rate (see 11.7 above); or 90% of average earnings, whichever is lower.

11.12 SMP is partly funded by the Government but paid to the individual by the Council. Average earnings are calculated over the 8 week period prior to and including the end of the 'qualifying week' (see 11.2 above).

11.13 Though a weekly benefit, SMP is paid in the same way and at the same time as an employee's normal salary would have been paid.

11.14 SMP is paid whether or not the employee intends to return to work for the Council. It will, however, end if the employee starts work for another employer which did not employ them during the qualifying week.

Employees with at least 1 year's service at the beginning of the 11th week before the expected date of childbirth in accordance with the MAT B1 form:

11.15 Employees will be eligible for a combination of statutory and occupational maternity pay:

- 6 weeks at 90% of average earnings;
- 12 weeks at half pay plus standard rate (see 11.7 above), providing the total does not exceed full pay;
- an additional 21 weeks at standard rate.

11.16 The 12 weeks at half pay is occupational maternity pay (OMP), ie an extra entitlement which Thurrock Council offers.

11.17 Employees can choose to be paid their OMP spread equally over the last 33 weeks of their maternity pay period if they wish.

11.18 Occupational maternity pay is paid through the payroll in the same way and at the same time as regular salary payments.

- 11.19 Employees are eligible for OMP on the condition that they return to work for the Council for at least three months immediately after their maternity leave.

Monies to be repaid if not returning to work

- 11.20 OMP will be recovered by the Payroll Section if the employee does not return to work for a period of at least 3 months. The amount the employee repays will depend on how long they have returned to work for, eg no return = repayment in full, return for 2 months = repayment of one third (4 weeks' OMP). Failure to repay will result in legal proceedings being taken to recover the monies. If the employee decides to return to work part time this will not affect their OMP as long as they return for at least 3 months.
- 11.21 If an employee takes up a post with another local authority immediately after maternity leave has concluded the employee will be required to reimburse Thurrock the difference between Thurrock's OMP and the national contractual maternity entitlements as set out in the National Agreement on Pay and Conditions of Service of the National Joint Council of Local Government (Green Book). The employee will receive a letter from the Council notifying them of the amount to be repaid.
- 11.22 If the employee leaves the service of the Council on the grounds of voluntary or compulsory redundancy they will not be expected to repay any monies received while on maternity leave, or return to work.

12. Returning to work

- 12.1 When returning to work after ordinary maternity leave, employees are entitled to return to the same job and same terms and conditions as though they had never been away. When returning to work after additional maternity leave, if it is not reasonably practical to return to their original job (eg because the job or circumstances have changed due to a reorganisation), the employee will be offered alternative work on terms and conditions no less favourable than those which would have been applicable if they had never been away. On their return, an employee will also be subject to any changes in pay, terms and conditions which may have been agreed while they were on maternity leave. The only exception to this may occur if the employee's post has been made redundant.
- 12.2 If employees taking maternity leave intend to return to work before the end of their maternity leave period, they must give the Council at least 8 weeks' notice of their date of return.
- 12.3 When returning from maternity leave, employees can request flexible working arrangements, eg to job-share or work amended hours. Please see the Council's [Flexible Working Policy](#) for further information.
- 12.4 If an employee intends to return to work on the first working day after the end of the agreed maternity leave period they do not have to notify the Council in advance.

- 12.5 Upon returning to work, the manager should organise a return to work meeting as early as possible to discuss the support needed on return and brief the employee on any key areas of change. At the meeting the manager will outline any objectives and identify any training needs.
- 12.6 If an employee is ill and feels unable to return on the agreed date, they can delay their return if they obtain a doctor's certificate stating that they are unfit for work. In this case the Council's occupational sick pay scheme and managing absence procedure will apply.

13. Supporting Nursing Mothers

13.1 When an employee returns to work, they may wish to continue breastfeeding or expressing milk. For the purpose of this policy and procedure 'expressing milk' refers to the process by which a woman expels and stores breast milk. Milk can be expelled manually using the hands or with a pump especially designed for expressing breast milk. It is expected that employees will be reasonable, organised and to continue to carry out their duties to a satisfactory standard. Managers must be sensitive in assessing any requests and manage them in an objective and reasonable manner.

13.2 Making a request to express milk

13.3 It is expected for employees to express milk outside of normal working hours, in order to minimise disruptions to service provisions. However, where this is not possible and the employee wants to express milk on a longer-term basis, the following procedure must be followed:

- Informing their line manager in writing at least 6 weeks before returning from their maternity leave;²
- Use a Keeping in Touch (KIT) day to attend a meeting with their line manager to discuss their plans to express milk. It is expected that the employee will negotiate realistically with their line manager in order to explore pragmatic ways to accommodate the request, whilst considering the requirements and demands of their role. The manager should also conduct a risk assessment with the support of Health and Safety and discuss the outcomes with the employee;
- On reaching an agreement, the employee can make a formal request for a period of up to 6 months³, commencing from the date their request was agreed. This arrangement will be reviewed throughout the agreed

² If the employee has already returned to work, they must raise this with their line manager as soon as possible.

³ The World Health Organisation (WHO) recommends 6 months exclusive breastfeeding. If the employee wishes to express milk beyond that date, they must submit a flexible working request in line with the Flexible Working Policy.

period, to take into account, any changes in service requirements/delivery and the needs of the employee.

13.4 The manager upon receiving the request should:

- Arrange a meeting with the employee to discuss the details, their role and any possible changes to their work pattern. Consideration must be given to the impact of the team, shift patterns, local arrangements and where appropriate the requirements of manual handling and lone working agreements;
- Discuss the request with Health and Safety, in order to conduct a risk assessment and where appropriate seek advice from an HR Advisor;
- If the employee is still on maternity leave, they will be paid for any KIT days used. If the employee has returned to work, the meeting will be held within a reasonable timeframe (but no later than two weeks from the receipt of the letter).

13.5 **Facilities and Amenities**

For staff outside of the Civic Centre Office: to consult with Health and Safety and Facilities Management in sourcing an appropriate and suitable space or room:

As a minimum standard the room should be:

- I. Warm and comfortable with chairs
- II. Lockable and have arrangements to ensure privacy;
- III. Has hand-washing facilities available nearby;
- IV. Has an electrical point to allow use of an electrical breast pump.

13.6 If after careful consideration, management are physically unable to provide an appropriate space, they should discuss this with the employee to find an alternative space or discuss the practicalities of the request.

13.7 For staff based in Civic Centre: there is already a temporary designated room, just off the ramp to the left of the 'Eat and Meet' area in C01 – First Floor. The room will contain a designated fridge purely for the use of storing 'expressed milk'. It is the responsibility of the employee to store all milk produce in an air-tight and spill proof container, to minimise the risk of cross-contamination. It is recommended that expressed milk should not be stored over-night or over weekends. Any spillages must be reported to the cleaners as soon as possible.

13.8 **Breaks**

It is expected for employees to use their lunch times to express milk. If additional breaks are needed they may take an additional 1 hour break, which can be spread over the day or taken in one go. Any request for additional breaks must be agreed by

the line manager and it may be required for the employee to make up any additional time.

14. Annual leave

- 14.1 Employees who return to work continue to accrue annual leave for the period that they are absent on maternity leave.
- 14.2 To ease any operational difficulties in taking accrued leave, employees may carry leave forward over the 2 leave years following their return to work, thereby avoiding having to take a large amount of leave soon after returning to work.
- 14.3 Employees who do not return to work are considered as having an entitlement to annual leave under the normal calculations until their last day of service, ie annual leave is calculated for each completed calendar month.

15. Still birth

- 15.1 A stillborn baby is a baby born after the 24th week of pregnancy with no signs of life, or is born alive but dies after birth. If this tragic event occurs the Council will do all it can to support the employee, whose entitlements to maternity leave and pay will remain unchanged. Support networks such as those listed in Appendix 1 are available, as are the Council's occupational health and counselling services.

16. Redundancy

- 16.1 If any changes are planned (eg a service being restructured) which may affect the job of an employee who is on maternity leave, they have the right to be consulted and informed as if they were still at work.
- 16.2 If their original post no longer exists, the employee will be offered redeployment to a suitable alternative vacancy if one exists. The Council's Change Management Policy will apply in these circumstances.

17. Leaving the Council

- 17.1 Should an employee resign, or be dismissed, before the beginning of their maternity leave, they will no longer be entitled to maternity leave or occupational maternity pay. The employee will, however, still receive SMP or MA if they originally qualified for it. Payment will begin on the date that the employee had notified Thurrock Council of their maternity leave starting, however if the Council has not been informed of an intended maternity leave date, payment will begin either on the 11th week before the EWC or the first complete week after the resignation/dismissal comes into effect, whichever is the later.

17.2 An employee on maternity leave who wishes to resign should do so in writing at the earliest opportunity. The employee must give their contractual notice but will not be required to return to work to serve it. The last day of service will then be calculated and the employee will receive any outstanding benefits, such as pay in lieu of annual leave. If they have received any occupational maternity leave they will be required to repay it. (see 'monies to be repaid if not returning to work' above).

18. Local Government Pension Scheme (see also Appendix 2)

18.1 Pension contributions will be deducted from statutory and occupational maternity pay.

18.2 Upon return to work, an employee can choose to pay pension contributions for any period of unpaid maternity leave. They will be calculated at the same rate the employee was paying when the period of paid maternity leave ended. If the employee chooses not to do this, the period of unpaid leave will not count as reckonable service for pension purposes (although all maternity leave, both paid and unpaid, counts towards local government service for sick pay, annual leave etc).

Adoption

19. Adoption leave

19.1 For the purposes of adoption leave and pay, adoption is only where a child is placed with new parents. It does not apply to step family adoptions or where a relationship is already established.

19.2 A parent adopting a child under the age of 18, regardless of length of service, is entitled to a maximum of 52 weeks adoption leave made up of:

- 26 weeks Ordinary Adoption Leave (OAL);
- 26 weeks Additional Adoption Leave (AAL).

19.3 Where couples adopt, they can choose which of the parents take the adoption leave. The other parent will qualify for paternity leave (see section 20 below).

19.4 Employees should inform Human Resources when they have been approved for adoption and of the indicative matching time they have been given i.e. the best estimate of when the adoption leave might start. Employees should do this within 7 days of being notified of a match. At this stage, the adoption agency will issue the employee with a letter, which the employee can give to their employer. This letter will play the same role in providing evidence for adoption leave as the MAT B1 form does for maternity leave.

19.5 Adoption leave can start on the date when the child begins to live with the adoptive parents (the placement date) or up to 14 days before that date.

Employees must inform the Council as soon as they know the placement date, confirming this with a copy of the placement papers.

19.6 Human Resources will write to individuals confirming their adoption entitlements and the date they will return from adoption leave, within 28 days of receiving the above notification.

19.7 Any changes to the intended start date of adoption leave given after the notification week must be given 28 calendar days before the intended new start date, or as soon as reasonably practicable to do so.

20. Contact during adoption leave

20.1 As with maternity leave, the Council may contact the employee (and vice versa), as long as the amount and type of contact is not unreasonable. This contact may be to discuss plans for returning to work, to keep the employee informed of any important developments at the workplace, to discuss any relevant promotional opportunities or job vacancies or to organise 'Keeping in Touch' days.

21. 'Keeping in touch' days

21.1 Employees can do up to 10 days work during their adoption leave, as long as both parties are agreed on all details including what work is to be done and how much remuneration they will receive.

21.2 Keeping in Touch days can include any activity for which the employee would normally be contracted however they can include attending conferences, training activities or team meetings in order to ensure that the member of staff is kept up to date with what is happening both within the Team and across the Council where possible.

22. Adoption pay

22.1 As with maternity pay, adoption pay is only paid whilst the employee is absent from work, with the exception of 'keeping in touch days'.

22.2 Employees with at least 26 weeks' local government service, whose average weekly earnings are at least equal to the lower earnings limit for national insurance contributions are entitled to statutory adoption pay (SAP) and occupational adoption pay (OAP) as follows:

- 6 weeks at 90% of average earnings;
- 12 weeks at half pay plus standard rate (see 11.7 above), providing the total does not exceed full pay;
- an additional 21 weeks at standard rate or 90% whichever is the lowest

The 12 weeks at half pay is occupational adoption pay (OAP), ie an extra entitlement which Thurrock Council offers.

- 22.3 Employees can choose to be paid their OAP spread equally over the last 33 weeks of their adoption pay period if they wish.
- 22.4 Occupational adoption pay is paid through the payroll in the same way and at the same time as regular salary payments.
- 22.5 Employees are eligible for OAP on the condition that they return to work for the Council for at least three months immediately after their maternity leave.
- 22.6 OAP will be recovered by the Payroll Section if the employee does not return to work for a period of at least 3 months. The amount the employee repays will depend on how long they have returned to work for, eg no return = repayment in full, return for 2 months = repayment of one third (4 weeks' OAP). Failure to repay will result in legal proceedings being taken to recover the monies. If the employee decides to return to work part time this will not affect their OAP as long as they return for at least 3 months.
- 22.7 If the employee leaves the service of the Council on the grounds of voluntary or compulsory redundancy they will not be expected to repay any monies received while on adoption leave, or return to work.
- 22.8 26 weeks' service must have been accrued by the date of the start of the week in which notification of a match for adoption was confirmed. Average earnings are calculated over the 8 week period prior to and including the week that the employee is notified of the adoption match.
- 22.9 Adoption pay can start on the placement date or up to 14 days before that date.
- 22.10 Although a weekly benefit, adoption pay is paid in the same way and at the same time as an employee's normal salary would have been.
- 22.11 Adoption pay is treated as income, therefore Income Tax, national insurance contributions and pension contributions will continue to apply.
- 22.12 Statutory Adoption pay is paid whether or not the employee intends to return to work for the Council. However, it will end if the employee starts work for another employer during the adoption pay period that did not employ them at the time of your qualifying week.

23. Returning to work

- 23.1 The same terms as apply to parents on maternity leave (outlined in section 15), apply to parents returning from adoption leave.
- 23.2 In addition to the terms outlined in section 15, joint adopters can change their minds about who remains at home if there is a significant change in their circumstances. There would need to be appropriate notification and reasoning if there were to be such a change, for example:

- Unexpected long-term sickness of the nominated parent which results in them being physically incapable of looking after the child;
- A significant change in the earning power of the other adoptive parent which would make it more economically viable for the nominated parent to work instead.

Paternity

24. Ordinary statutory paternity leave (OSPL)

24.1 An employee is eligible for OSPL if they:

- (a) have worked continuously for local government for 26 weeks prior to either the 15th week before the baby is due or in the case of adoption, the end of the week that notification of a match was received;
- (b) are either the biological father of the child, mother's husband or partner (including same sex relationships), the husband or partner of the child's adopter (including same sex relationships).

24.2 OSPL consists of a maximum of:

- Two weeks leave, to be completed after the date of birth (or in the case of adoption, after the placement date), and within 56 days of the date of birth or placement date. The leave should be taken as a block of two weeks.

24.3 Employees can choose to take one rather than two weeks leave, which also must be taken in one block, but they cannot take odd days.

23.4 To apply for ordinary paternity leave employees must notify their manager in writing no later than the end of the 15th week before the Expected Week of Childbirth, or in the case of adoption, within 7 days of being notified of a match. Human Resources should be sent a copy of this notification.

24.5 The manager or Human Resources will respond with confirmation of the agreed dates for paternity leave. If the child is born before the expected date, the employee will need to notify their manager if they wish to change their ordinary paternity leave dates.

24.6 In the case of multiple births (e.g. twins), only one period of OSPL is allowed.

25. Ordinary statutory paternity pay (OSPP)

25.1 Those that qualify for paternity leave will also qualify for paternity pay during the paternity leave period, providing their earnings are at least equal to the lower earnings limit for national insurance contributions. OSPP is:

- Standard rate (£140.98 per week as of April 2016),

or 90% of average earnings if lower

25.2 Although a weekly benefit, OSPP is paid in the same way and at the same time as an employee's normal salary would have been.

26. Maternity support leave (MSL)

26.1 The Council also offers up to 5 days fully paid MSL, regardless of length of service. The employee must be the biological father of the child, mother's husband or partner (including same sex relationships), the husband or partner of the child's adopter (including same sex relationships), or a relative who will be the primary provider of support at or around the time of birth or adoption.

26.2 The employee will need to produce a copy of the MATB1 form or adoption certificate to their manager, who will approve the absence and notify HR to confirm the arrangements in writing.

26.3 MSL should be taken within the same timeframe as is required for OSPL.

Parental

27. Shared parental leave (SPL)

27.1 SPL aims to give working parents more flexibility in choosing how to share the care of their child during the first year after its birth or adoption. Further details can be found in the Council's [Shared Parental Leave Policy](#).

28. Ordinary parental leave

28.1 Employees who have completed one year's continuous service and have children born or adopted, under 18 years of age, may take parental leave to care for them.

28.2 Parents have the right to take up to 18 weeks of unpaid leave in total for each child, so if twins are born each parent will get 18 weeks leave for each child.

28.3 Thurrock Council is adopting the Government's "Fallback Scheme", whereby parental leave may be taken as follows:

- In blocks of multiples of one week;
- After giving 21 days notice;
- Up to a maximum of 4 weeks in any one leave year;
- Subject to postponement by the employer for up to 6 months where the business cannot cope;

- Leave cannot be postponed where the employee gives notice to take it immediately after the time the child is born or placed with the family for adoption.

28.4 Parents of disabled children will have the flexibility to take leave a day at a time or longer if they wish (a disabled child is a child for whom disability living allowance is awarded).

28.5 Should an employee wish to take parental leave they should seek their manager or supervisor's approval giving 21 days (3 weeks) notice and send this to HR who will make the necessary pay adjustments.

28.6 Evidence will be required that the employee is the parent or the person who is legally responsible for the child, e.g. the child's birth certificate, papers confirming a child's adoption or the date of placement, or in the case of a disabled child, the award of disability living allowance for the child.

29. Benefits and allowances implications

29.1 Employees will continue to be employed during periods of maternity, paternity, adoption leave and parental leave and will have the right to continue to benefit from certain terms and conditions of employment including contractual benefits.

29.2 Continuous employment

All leave under this policy will count as a period of continuous employment for personal length of service benefits such as holiday entitlements.

29.3 Occupational sick pay scheme

The leave will count as service for the Council's sick pay scheme. However, employees cannot receive Statutory Sick Pay (SSP) whilst in receipt of maternity/adoption/paternity pay or maternity allowance.

If an employee indicates that they are returning to work and becomes ill, they may be able to claim Statutory Sick Pay if they are on unpaid maternity or adoption leave and SMP/SAP has stopped. Employees should let their manager know if this is the case and contact Human Resources for advice.

29.4 Pension

For members of the Local Government Pension Scheme, the Essex Pension Fund Local Government Pension Scheme Administrative Procedures state:

- If you are a member or have applied to be a member of the pension scheme and you go on maternity, paternity or adoption leave, you must make contributions at your standard contribution rate, with respect to any part of the period of absence for which you are a member and entitled to receive pay. Pay includes any statutory maternity, paternity or adoption pay payable to you, but not any amount by which your actual pay is reduced on account of possible entitlement to such statutory pay.
- The Council must pay contributions based on notional full pay i.e. the pay the member would have received if you had not been absent.
- If your pay is reduced temporarily because you are on maternity, paternity or adoption leave you are required to continue to pay the full amount of any **additional contribution** which you may be paying in order to increase your membership or pension. Although you do have the option to cease the additional payments.
- If you elect to pay contributions at your standard contribution rate during any unpaid maternity, paternity or adoption leave period you will be required to make the election within a period of returning to work. The Council will be required to make contributions based on notional full pay.

Please also see the table attached at appendix 2 which summarises the treatment of the different types of maternity, paternity and adoption leave in relation to the Pension Scheme.

29.5 **Business user allowance**

The Business User Allowance will be included in the calculation for half pay entitlement for occupational maternity pay if the member of staff qualifies. The allowance will stop on commencement of maternity leave.

The Business User Allowance will be included in the qualifying period for the calculation of entitlement.

29.6 **Professional subscriptions**

Where a full professional qualification is a requirement of your post, the Council will continue to pay the annual cost of that subscription while you are on maternity or adoption leave.

29.7 **Salary sacrifice**

Employees should be aware that if they are subscribed to a salary sacrifice scheme (for example childcare vouchers or buying additional annual leave) at the commencement of their maternity leave, maternity pay will be based on their salary minus the sacrificed amount and not their whole salary. If employees going on maternity leave wish to withdraw from such schemes for this reason, they should do so 3 months prior to reaching their 'qualifying week', which is calculated at 15 weeks before the Expected Week of Confinement. This will ensure that their entitlement to occupational and

statutory maternity payment will be calculated according to their whole salary, rather than their salary minus the sacrificed amount.

Should an employee choose not to withdraw from the scheme the entitlement to the benefit will continue throughout their entire maternity leave period.

29.8 Further maternity/adoption/paternity leave

There is no limit to the number of times you may take maternity, paternity or adoption leave and no re-qualification requirements between periods of leave whilst your local government service remains continuous.

30. Time off for dependants

30.1 All staff are entitled to apply for a short amount of unpaid time off to make arrangements to deal with unforeseen emergency situations involving a dependant. A dependant is defined as a spouse, next of kin, child or parent, or a person living with the member of staff (but not as an employee, tenant, lodger or boarder). In some circumstances, a dependant could be someone else who relies on the member of staff for assistance.

30.2 Dependency leave may be granted if, for example,:

- a dependant falls ill, or is injured or assaulted
- a dependant requires support in connection with childbirth
- childcare or other care arrangements break down
- a child is involved in a serious incident at school

30.3 The amount of time off should be reasonable in the circumstances and sufficient for the employee to deal with the immediate problem and make alternative, longer-term arrangements, if necessary. There is no set limit on the amount of time which staff can take off, but in most cases, whatever the problem, a few hours or one or two days will be the most that is needed.

30.4 As soon as is reasonably practicable, the employee should notify their manager of the reason why they are required to be absent and, unless they are already back at work, its likely duration.

Appendix 1

Useful Contacts

The following organisations offer a wide range of support and information on a variety of topics relating to maternity. Some organisations have local groups that you can join to meet others in a similar situation to yourself, others offer a national advice and information service.

External Contacts

Please note that not all of these organisations offer a 24 hour or office hours service

Organisation	Telephone	e-mail address	Specialist Area
Benefits Agency Crown House, Crown Road Grays, Essex, RM17 6JH	01375 364200	Grays-ba@new100.dss.gov.uk	Advice on receiving maternity benefit
Community Health Council Earlsmead House, 30 Drayton Park, London, N5 1PB	0207 6098405	mailbox@achew.org.uk	General advice on health services. Local numbers in phone book. Association of CHS's
Daycare Trust 21 St George's Road, London, SE1 6ES	0207 8403350	info@daycaretrust.org.uk	Childcare helpline advises parents looking for affordable childcare
Health Information Service	0800 665544		Information about health services and support groups
La Leche League BM3424, London, WC1N 3XX	0207 2421278		Support and advice for women who are breast feeding
Miscarriage Association C/o Clayton Hospital, Northgate, Wakefield, West Yorkshire, WF1 3JS	01924 200799	miscarriageassociation@care4free.net	Information and support for those who have experienced miscarriage
National Childbirth Trust (NCT) Alexandra House, Oldham Terrace, Acton, London, W3 6NH	0870 4448707		Information about pregnancy, antenatal classes, breastfeeding support
National Council for One Parent Families , 255 Kentish Town Road, London, NW5 2LX	0800 0185026	info@oneparentfamilies.org.uk	Provides a range of free publications and information packs for lone parents. Retains a national database of support groups, advice and information centres for lone parents

ParentAbility	0208 9928637		Supports people with disabilities during pregnancy and early parenthood
Social Security	0800 666555		General Advice Line
Social Services Thurrock Council, Customer Services Dept, Civic Offices, New Road, Grays, Essex, RM17 6SL	01375 652675		Provides general advice
Stillbirth and Neonatal Death Society 28 Portland Place, London, W1N 4DE	0207 4367940	support@uk-sands.org	Information and support for those who have experienced a stillbirth
TIGER Website		www.tiger.gov.uk	For tailored information on maternity rights
Maternity Alliance Advice Line	0207 5888582		Information and advice on all aspects of maternity, parental rights and benefits
Parentline	0808 8002222		Confidential freephone helpline run by Parentline plus providing support to families
Childcare Link	0800 960296	www.childcarelink.gov.uk	Freephone helpline for childcare information
Working Families Tax Credit Helpline	0845 6095000		Information on benefits available to working parents
Contact a Family 209-211 City Road, London, EC1B 1JN	0808 8083555 0207 6088700	www.cafamily.org.uk	Information and advice for parents with disabled children

Unpaid Additional Adoption Leave (weeks 27 to 52)	<ul style="list-style-type: none"> Employee opts to pay contributions to cover unpaid period 	Counts in full as if the employee had been at work	Notional pay based on the rate of adoption pay the employee was entitled to receive on last day of paid adoption leave	Notional full pay
	<ul style="list-style-type: none"> Employee does not opt to pay contributions to cover unpaid period 	Does not count	Not applicable – no contributions are due	Not applicable – no contributions are due
Statutory paternity leave	Counts in full as if the employee had been at work	Actual pay received, if any	Notional full pay	

Note: If a person is paying additional pension contributions to purchase added years of membership under the Scheme those additional contributions should continue to be paid throughout the whole period of any maternity, adoption or paternity leave as if the employee was still in receipt of full pay.