



## Personnel Committee

Date: Wednesday, 25 March 2020

Time: 8.40 am (or at the rise of the Executive if later)

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

### **Access to the Council Antechamber**

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

## Membership of the Personnel Committee

**Councillors** - Ollerhead (Chair), Akbar, Bridges, Craig, Leech, Leese, N Murphy, S Murphy, Rahman, Richards, Sheikh and Stogia

## Agenda

---

- 1. Urgent Business**  
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**  
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**  
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Pay Policy Statement 2020/21** 5 - 32  
The report of the Deputy Chief Executive and City Treasurer is attached.
- 5. Family Friendly Framework** 33 - 120  
The report of the Director of HR/OD is attached.
- 6. Parental Bereavement Leave Regulations 2020** 121 - 126  
The report of the Director of HR/OD is attached.
- 7. Children's Services Leadership Arrangements and Market Supplement** 127 - 132  
The report of the Chief Executive is attached.
- 8. Market Rates Supplement Payment (Highways Development Specialist)** 133 - 142  
The report of the Strategic Director (Neighbourhoods) is attached.
- 9. Growth and Development Directorate Management Team** 143 - 150  
The report of the Chief Executive is attached.
- 10. HR and OD Service, Corporate Services Directorate** 151 - 156  
The report of the Chief Executive is attached.

## Information about the Committee

---

The Personnel Committee is made up of the Leader of the Council, the other nine Members of the Executive, the Assistant Executive Member (Finance and Human Resources), and the Leader of the Opposition.

Amongst its responsibilities, the Personnel Committee considers department staffing and organisational reviews; determines collective and corporate terms and conditions of staff and 'market rate' supplements. The Committee also determines the assignment and re-grading of certain posts and policies relating to local government pensions.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

The Council welcomes the filming, recording, public broadcast and use of social media to report on the Committee's meetings by members of the public. Agenda, reports and minutes of all Council Committees can be found on the Council's website [www.manchester.gov.uk](http://www.manchester.gov.uk).

Smoking is not allowed in Council buildings.

Joanne Roney OBE  
Chief Executive  
Level 3, Town Hall Extension,  
Albert Square,  
Manchester, M60 2LA

## Further Information

---

For help, advice and information about this meeting please contact the Committee Officer:

Donna Barnes  
Tel: 0161 234 3037  
Email: [d.barnes@manchester.gov.uk](mailto:d.barnes@manchester.gov.uk)

This agenda was issued on **Tuesday, 17 March 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

This page is intentionally left blank

**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee – 11 March 2020

**Subject:** Pay Policy Statement 2020/21

**Report of:** Deputy Chief Executive & City Treasurer

---

**Purpose of Report**

This report introduces the draft Manchester City Council Pay Policy Statement for 2020/21 and seeks approval of the statement by the Committee prior to its agreement by Council.

The statement is cognisant of the organisational context and the impact of the 2020/21 budget. It sets out the direction of travel in relation to pay for Manchester's officers for the year ahead and details how this will support the delivery of the City Council's aims and objectives.

The statement has been developed to comply with the legal requirement set out under section 38 (1) of the Localism Act 2011 and takes account of other relevant legislative requirements.

The Statement also includes information on the Council's 'Gender Pay Gap' and work to proactively promote workforce equality, in accordance with the requirement to carry out Gender Pay Reporting set out within The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

**Recommendations**

The Committee is requested to:

1. Note the content of the draft Pay Policy Statement and recommend it to the Council for approval.
  2. Note the organisation's Pay and Grading Structure for the financial year 2020/21 appended to the Pay Policy Statement and recommend it to the Council for approval.
  3. Note the formal accreditation of the Council as a 'Living Wage Employer' by the Living Wage Foundation and the alignment of the Manchester Living Wage (MLW) to the new real living wage rate of £9.30 per hour from 1 April 2020.
- 

**Wards Affected:** All

Manchester Strategy outcomes	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	The Council's most senior managers drive the work of the organisation to transform and deliver its obligations and objectives. The Pay Policy Statement proposed sets out arrangements which seek to balance the need for the proper remuneration of its employees to attract and retain the skills needed to deliver the organisation and City's objectives (Our Manchester) and the cost of this to the communities it serves. It is based on the principles of fairness, equality and value for money and in line with both relevant legislative requirements and the framework set by the Council's Constitution.
A highly skilled city: world class and home grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit, work	
A connected city: world class infrastructure and connectivity to drive growth	

**Full details are in the body of the report, along with any implications for**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

---

**Financial implications for the revenue and capital budgets:**

None

---

**Contact Officers:**

Name: Carol Culley

Position: Deputy Chief Executive & City Treasurer

Telephone: 0161 234 3280

E-mail: carol.culley@manchester.gov.uk

Name: Shawna Gleeson

Position: Head of HR Operations

Telephone: 0161 245 7517

E-mail: s.gleeson@manchester.gov.uk

Name: Gordon Barr  
Position: HROD Specialist, Policy & Strategy Team  
Telephone: 0161 234 35758  
Email: g.barr@manchester.gov.uk

### **Background Documents**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Report to Personnel Committee, 15 November 2017: *Senior Pay and Grading Update*

Report to Personnel Committee, 07 March 2018: *Pay Policy Statement*

Report to Personnel Committee, 12 December 2018: *Proposed New Pay Structure*

Report to Personnel Committee, 29 January 2019: *Senior Pay and Grading Update*

Report to Personnel Committee, 13 March 2019: *Pay Policy Statement*

## 1.0 Introduction

- 1.1 Under section 38 of the Localism Act 2011, local authorities are required to publish a 'Pay Policy Statement' on an annual basis, focused on senior employees. Approval of the Statement cannot be delegated. The Act sets out that a Pay Policy Statement must include:
- A local authority's policy on the level and elements of remuneration for each chief officer<sup>1</sup>
  - A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition)
  - A local authority's policy on the relationship between the remuneration of its chief officers and other officers
  - A local authority's policy on other specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency
- 1.2 The scope of the Pay Policy Statement excludes all staff employed in schools.
- 1.3 The Council's current Pay Policy Statement was commended by this Committee on 13 March 2019 and approved by Council on 27 March 2019.
- 1.4 The 2020/21 Pay Policy Statement aligns to the overall priorities, activities and context of the organisation and wider public sector, and seeks to provide transparency around decisions affecting pay and remuneration in this context.
- 1.5 The Pay Policy Statement forms a key component of the organisation's approach to managing its workforce in general and recognition and reward in particular and is a key contributor to the priorities set out within the Council's People Strategy.
- 1.6 The statement also includes information on the Council's 'Gender Pay Gap' which, as a public sector organisation, the Council is required to publish annually. Alongside the required tables a supporting narrative has been included which details ongoing work by the organisation to proactively promote workforce equality in general and gender equality in particular.
- 1.7 The Statement is one element of the organisation's overarching approach to transparency and accountability. It is supported by comprehensive information on the organisation's structure and the salary for senior posts as well as the equality make-up of the workforce which is available on the Council's website and updated on at least an annual basis.

---

<sup>1</sup> It should be noted that Manchester currently does not use the term 'Chief Officer' when describing posts. The statutory definition for the purposes of the statement is set out at Appendix A of the Pay Policy Statement for background



## **2.0 The Pay Policy Statement**

- 2.1 The draft Pay Policy Statement for 2020/21 is appended to this report. The statement summarises the organisation's approach to pay and remuneration for the year ahead in a number of key areas and sets this within the organisational and national context.
- 2.2 The Statement does not set policy, but rather summarises the approaches already endorsed by this Committee and seeks to bring together key information in one place for clarity. It will act to help this Committee and the wider public hold the organisation to account for its pay related decisions for the year ahead.
- 2.3 The Pay Policy Statement includes information on the Authority's salary multiple, the ratio between the highest paid officer (the Chief Executive) and the median rate for all officers within the scope of the Statement. As of January 2020, the salary multiple between the highest paid officer (the Chief Executive) and the median rate for all officers within the scope of this policy is 7.86:1. This represents a 3.8% reduction in the multiple as set out within the 2019/20 statement.
- 2.4 The Localism Act is clear that the statement must be approved by the Council and approval is sought to present the draft statement to Council for endorsement later this month.
- 2.5 Once approved, the Pay Policy Statement will come into effect on 1 April 2020, being subject to review at least annually through this Committee and, ultimately, Council.
- 2.6 The Council remains committed to the national pay structure and the relevant national agreements including those for the National Joint Council (NJC) for local government services, the Joint National Council for Chief Executives and the Joint National Council for Chief Officers. At the time of writing national discussions are ongoing in relation to a pay award for the 2020/21 period. However, as and when any national agreement is reached, this will be reflected in the Council's pay and grading structure appended to this statement.

## **3.0 Gender Pay Gap Reporting**

- 3.1 The Council is required by law to carry out Gender Pay Reporting on an annual basis in line with the the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
- 3.2 The headline figure is a mean gap mean gap of 8.1% and median gap of 9.8%<sup>2</sup>. Whilst this is significantly below the mean and median gap for the UK

---

<sup>2</sup> The difference between the mean and median hourly rate of pay of male employees and female employees

of 16.2% and 17.3%<sup>3</sup> respectively the Council is committed to continuing to reduce this differential. Further detail in relation to this is contained within the Pay Policy Statement.

#### **4.0 Manchester Living Wage**

- 4.1 On 11 November 2019 Manchester City Council was formally accredited by the Living Wage Foundation as a 'Living Wage Employer'.
- 4.2 Also on 11 November, the Living Wage Foundation announced the new real living wage hourly rate for the coming year of £9.30 per hour, an increase of 30p per hour. Accredited Living Wage Employers are required to implement the rise within six months. The Manchester Living Wage (MLW) will therefore be aligned to the new real living wage rate from 1 April 2020.

#### **5.0 Comments of the Director of HROD**

- 5.1 I have been consulted on the draft Pay Policy Statement for 2020/21 and am confident that it will continue to provide an effective and open framework for the management of pay to all employees across the authority.

#### **6.0 Comments from the Trade Unions**

To follow

#### **7.0 Conclusion**

- 7.1 The development of a Pay Policy Statement and its approval by the Council is a requirement under the Localism Act 2011. The statement appended below is Manchester's seventh annual statement and will support a continued understanding of the organisation's approach to remuneration set within the context of the overall direction of the organisation to improve services and, ultimately, deliver better outcomes for Manchester residents.
- 7.2 Members are asked to note the content of the draft Pay Policy Statement and commend it for approval by the Council at its meeting on 25 March 2020.

---

<sup>3</sup> Source: ONS, Gender pay gap in the UK: 2019



# Pay Policy Statement: 2020/21

## 1. Introduction and Purpose

Under section 112 of the Local Government Act 1972, the Council has the ‘power to appoint officers on such reasonable terms and conditions as the authority thinks fit’. This Pay Policy Statement (The ‘Statement’) sets out the Council’s policy with regard to remuneration in accordance with the requirements of Section 38 of the Localism Act 2011 (The ‘Act’) and due regard to the associated Statutory Guidance including the Supplementary Statutory Guidance issued in February 2013.

This document provides Manchester’s statement for the 2020/21 financial year in response to the Act within sections 3 and 4. This is set within the current national, local and organisational context in section 2 and linked to relevant information published on the Council’s website and within the Annual Statement of Accounts in section 5. Information in response to the requirement to provide ‘Gender Pay Reporting’ information in line with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, is also included within Section 3 of the statement in the sub-section ‘Equality and Pay’. The Council’s intention is to work to enhance transparency and clarity with regards to its people related policies and further background information will be made available when possible.

The Personnel Committee of the Council is responsible, on behalf of the full Council, for ensuring the provisions set out in this Statement are applied consistently throughout the Council. They will recommend any amendments they consider appropriate to the full Council for consideration. The Personnel Committee will also refer to Council any decisions affecting the remuneration of any post whose remuneration is or is proposed to be or would become £100,000 p.a. or more.

### ***Scope of this Policy***

This Pay Policy Statement relates to staff employed by Manchester City Council whose remuneration, including rate of pay and terms and conditions, are determined by and within the control of the authority. It therefore does not apply to:

- Staff employed by a third party contracted to work for the authority (although the comments under the sections below on *interim support* and *preventing tax avoidance* should be noted).
- Staff on secondment to or from the authority, where their rates of pay or terms and conditions are not determined by the Authority. The Authority’s approach to secondments sets how pay with regard to individuals in this group is managed.
- All staff employed in schools, including temporary teaching staff, support staff and agency staff.
- Staff employed through the authority on behalf of a third party where remuneration and some or all of the other conditions of employment are not determined by the authority.
- Unpaid volunteers or individuals on work experience placements. Such placements are intended to give students and and/or individuals from the Council’s social value priority groups experience of working in the public sector. These roles would not normally be expected to last longer than six weeks.

Once approved by the full Council, the Policy Statement will come into effect on 1<sup>st</sup> April 2020. It will be subject to review at least annually, the policy for the following financial year being approved by 31<sup>st</sup> March each year.

### ***Legislation and Other Matters Relevant to Remuneration***

In determining the remuneration of all of its employees, the Council will comply with all relevant employment legislation. The Council is also bound by collective agreements and contractual arrangements which cannot be unilaterally altered.

Relevant legislation includes the Employment Rights Act 1996, Equality Act 2010, Part Time Employment (Prevention of Less Favorable Treatment) Regulations 2000, the Transfer of Undertakings (Protection of Employment) Regulations 2006, as amended, and the Children & Families Act 2014. The Council has taken steps to ensure there is no discrimination within its pay structures and that all pay differentials can be objectively justified. Where relevant, legislative obligation will supercede the approach and principles outlined in this statement, for example where terms and conditions are preserved as a result of contracts of employment transferring under TUPE.

During 2019/20, the Council has continued to respond to legislative and regulatory changes affecting the workforce as well as to monitor proposed changes. Over the coming year the Council will ensure that it is cognisant of future planned and potential legislative changes and will make the necessary arrangements to comply with the associated requirements.

## **2. Context**

Manchester City Council serves and supports the citizens, businesses and visitors to the City of Manchester, and works to develop and promote the interests of the City and the wider City Region. Manchester was the fastest growing authority outside London between 2001 and 2011 and continues to grow rapidly. In 2018, it served a population of over 547,500 according to estimates from the Office for National Statistics, with in-house estimates for mid-2020 putting the population at around 586,100.

The Council provides and commissions a range of services in line with its statutory obligations and stated objectives; supporting the vision of Our Manchester and driving the ambitions of the Greater Manchester City Region.

The Council's gross budget for 2020/21 is outlined in the reports considered by Executive on 12 February 2020. As of December 2019, approximately 6,316 full time equivalent employees (FTE) work for the Council.

Since 2010/11 the organisation has undergone a period of unprecedented change. Between 2010/11 and 2019/20 there have been budget reductions of £372M, after taking into account inflation and rising demand with over £100M in savings coming directly from the workforce and associated staffing reductions of almost 4,000 FTE. The workforce reductions for 2020/21 are more manageable however, the scale of organisational change required will be significant as we continue to closely collaborate with other public sector organisations and embed the Our Manchester way of working.

As an organisation, there is a focus on driving forward a clear set of corporate priorities as outlined within Our Corporate Plan. This includes work to deliver the Our Manchester Strategy by making the Our Manchester approach ‘the way we do things’, driving forward work on Our People Strategy, making health and social care integration a reality and reaping the benefits for our residents, meeting the key priority to achieve carbon neutrality, and ensuring excellence in our core service provision including highways, children’s services, education and waste, and making inclusive growth a reality for all Manchester residents including through tackling homelessness.

### ***Our Manchester and Our People***

The Our Manchester Strategy sets out a shared ambition for the city to 2025. In order to achieve the Strategy’s high-level goals, a radically different way of working is needed across the city. This radical change is the Our Manchester approach. This approach puts people at the centre, recognising that people are more important than processes, procedures or organisational boundaries. This requires fundamental changes across and within organisations.

There are four central principles of what it means to work in an Our Manchester way. These are:

- **Better lives** – it’s about people
- **Listening** – we listen, learn and respond
- **Recognising strengths of individuals and communities** – we start from strengths
- **Working together** – we build relationships and create conversations.

The City’s public service workforce is the driving force behind Our Manchester. In order to empower and equip this workforce to realise the Our Manchester ambition a significant programme of work is in progress. Through this, cultures, operating practices and skills are changing to be part of Our Manchester.

This represents a significant and long term objective which requires continued focus and strong leadership from the most senior level.

The Strategy seeks to embed the approach through a focus on four Our Manchester behaviours:

- We’re proud and passionate about Manchester
- We take time to listen and understand
- We ‘own it’ and are not afraid to try new things.
- We work together and trust each other

Embedding the Our Manchester approach and behaviours continues to be at the core of Our People Strategy, ensuring that staff have the skills, knowledge and support to be able to work in different ways ensuring Our Manchester becomes ‘the way we do things, not a thing we do’. There is a clear recognition that the City Council needs to continuously invest in skills for our existing staff and attract, develop and retain new talent to enhance the Council’s capabilities for the challenges ahead. This is being supported by a strengthened focus on workforce development of all staff.

Working in partnership with the workforce to embed the Our Manchester behaviours across the organisation and support all employees to develop and hone their skills as part of Our People Strategy is critical to the overall success of Our Manchester.

Equally the Our Transformation programme aims to modernise and digitise how the council operates and is focused on how we streamline decision making across the council as a whole and empower managers to make effective decisions, changing how we work and the technology and tools used to deliver, streamlining processes, and providing a more effective way of engaging with residents through the systems that we use. This aligns to the priority of 'a well managed council' as a key element of the Corporate Plan and supports the wider ambitions of delivering Our Manchester and the Our People strategy.

### ***Health & Social Care Integration***

We continue to see further integration of health and social care as new models of delivery start to be implemented across the locality.

Manchester Health & Care Commissioning (MHCC) has implemented a further stage of its development with the change of deployment of a number of MCC and CCG roles from MHCC to the Manchester Local Care Organisation (MLCO). This supports the partnership to have a strategic commissioning focus.

MLCO now has its Integrated Neighbourhood Teams, and model for Manchester Community Response in place, and is working to further establish the benefits of this integration. These new ways of working still require significant changes in skills, behaviours and cultures.

All deployed Council staff continue to remain employees of the Council.

The City Council has also signed the GM Continuity of Service Protocol which will support the movement of skills and talent across the health and social care sectors within Greater Manchester.

### ***Devolution***

Devolution will continue to offer new opportunities at both a City and City Region level and the organisation will have a key role to play in ensuring these opportunities are maximised.

## **3. Remuneration Strategy and Salary Structure**

### ***Strategy for 2020 to 2021***

As a major employer within the City of Manchester, and a significant employer of Manchester residents, the Council is cognisant of the link between its employment and remuneration policies and practices and the local economy and communities. The Council's employment policies and practices support the City through mechanisms including:

- Delivery of its People Strategy, Our People, and, in particular:

- Work to reduce worklessness across the City through both direct action as an employer and influence over other major employers across the City aligned to the organisation's Social Value priorities.
- Supporting the skills development and flexibility of the workforce and promoting opportunities across the City to the Council workforce.
- The promotion and development of the Our Manchester behaviors in order to ensure a workforce which is aligned to supporting the City's growth and the development of people and place irrespective of individual roles and responsibilities.

The organisation remains committed to being seen as an employer of choice for high calibre employees at all levels (see also *Recruitment and Retention* below).

The Council's strategy for remuneration seeks to balance the need for the proper remuneration of its employees to attract and retain the skills needed to deliver the organisation's objectives and the cost of this to the communities it serves. It is based on the principles of fairness, equality and value for money and in line with both relevant legislative requirements and the framework set by the Council's Constitution.

The Council will make best use of its employment practice to deliver against the City's agreed objectives whilst supporting the development of skills and capacity and offering opportunities for development and progression. This will, in turn, create entry level opportunities and supports the Council's priority to reduce worklessness.

The Council's approach to the setting of both salary and overall remuneration (see below) is designed to support this employment strategy within the available budget for the workforce. For many years it has sought to manage remuneration for its whole workforce against common principles and in an open and transparent manner. This will continue to be the approach taken for the coming year.

### ***Collective Bargaining and Pay Levels***

The Council has a strong commitment to collective bargaining based on national salary structures and to full and open engagement with its workforce. It links the employment arrangements for all its employees directly to relevant national bargaining arrangements. It will maintain this commitment for the coming year to the extent that this is consistent with principles already agreed and with the need to maintain the direction of travel.

The continued requirement for cost reduction by the organisation will mean that in 2020/21 a balance will need to be struck between any proposed increases in individual remuneration and the need to ensure that workforce expenditure remains in line with the agreed budget for the workforce set in the context of the real Living Wage and market conditions.

Where necessary, new or redesigned roles may be required to support delivery of the organisation's priorities. Remuneration packages agreed will need to align with the available budget and agreed principles whilst supporting the appointment of the most effective candidate in the current economic context, either internally or externally.



The organisation's overarching strategy will be to ensure the cost of its workforce falls within the budget allocation agreed by the Council in March 2020 as part of the organisation's overall budget for 2020/21.

The Council remains committed to the national pay structure and the relevant national agreements including those for the National Joint Council (NJC) for local government services, the Joint National Council for Chief Executives and the Joint National Council for Chief Officers. At the time of writing national discussions are ongoing in relation to a pay award for the 2020/21 period. However, as and when any national agreement is reached, this will be reflected in the Council's pay and grading structure appended to this statement.

The Authority will continue to consult with the trade unions representing its workforce on the impact of any changes in pay.

### ***Equality and Pay***

The Council is committed to equality and diversity in the workplace and to ensuring that remuneration of employees is fair and equitable. The organisation has been rated as 'Excellent' under the Equalities Framework for Local Government (EFLG) which included a review of arrangements in relation to employment. The Council has an agreed Equal Opportunity in Employment policy statement with any changes to this policy statement agreed by the Personnel Committee. This is supported by a programme of work to increase the diversity of the workforce at all levels and address those areas for improvement identified by the EFLG.

### ***Gender Pay Reporting***

The Council is required by law to carry out Gender Pay Reporting on an annual basis in line with the the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. Reporting is based on a 'snapshot' date of 31 March 2019 and must include:

- the difference between the mean and median hourly rate of pay of male and female employees.
- the difference between the mean and median bonus pay received by male and female employees.
- the proportions of male and female employees who were paid a bonus, and
- the proportions of male and female employees in the lower, lower middle, upper middle, and upper quartile.

It is worth emphasising that a 'Gender Pay Gap' is not the same as an issue of 'Equal Pay'. The Council has a long standing commitment to equality and a solid analytical approach to pay and grading in line with the Single Status Agreement as well as an analytical approach to the evaluation of senior roles. As a result, the Council is confident employees receive remuneration within the same grade when carrying out the same or equivalent work. The gender pay gap therefore does not stem from paying men and women differently. Rather, it is the result of the roles in which men and women work within the organisation and the salaries that these roles attract.

The tables below provide the information the Council is required to publish in line with the legislation cited above and is based on the snapshot date of 31 March 2019.

Table A: Gender Pay Gap

Gender Pay Gap (difference in hourly pay)		
	Mean	Median
Hourly Pay	8.1%	9.8%

The table above shows the percentage difference between the mean (average) and median (middle value) hourly rate of pay of male and female employees. The closer to 0 the lower the Gender Pay Gap.

Table B: Bonus Pay

The Council does not make any Bonus Payments which fall within the definition of Bonus for the purpose of Gender Pay Gap reporting.
---

Table C: Pay quartiles by gender

Gender Split with each Pay Quartile		
Hourly Pay Quartile	Male	Female
Upper Quartile	40.7%	59.3%
Upper Middle Quartile	33.5%	66.5%
Lower Middle Quartile	36.3%	63.7%
Lower Quartile	23.9%	76.1%

The table above shows the percentage of Male and Female employees in the lower, lower middle, upper middle and upper quartile pay bands. These quartiles have been calculated by working out the hourly pay for each employee and then ranking them in order from lowest to highest paid. This list is then divided (as equally as possible) into four sections to provide the above.

Table D: Pay quartiles by mean gender pay gap

Mean Hourly Pay within each Pay Quartile			Mean GPG by Quartile
Hourly Pay Quartile	Male	Female	
Upper Quartile	£23.10	£22.68	1.78%
Upper Middle Quartile	£15.61	£15.77	-1.02%
Lower Middle Quartile	£12.36	£12.25	0.91%
Lower Quartile	£9.74	£9.46	2.91%

The above table takes the four quartiles (as per Table C) and provides the mean (average) hourly pay for Male and Female employees within each quartile. The Gender Pay Gap for each quartile is then calculated against the mean hourly pay. Any negative figures show that, on average, Females are paid more than males.

The Council's mean gap of 8.1% and median gap of 9.8% (as per Table A) is significantly below the mean and median gap for the UK of 16.2% and 17.3%<sup>1</sup> respectively. However, the Council is committed to further reducing its pay gap.

As Table D above shows, gaps in pay are more pronounced in the bottom and top quartile and align closely with national trends<sup>2</sup>.

The proportion of low paid staff in the workforce (21% of the workforce - over 1,500 employees - in Grades 1 to 3 roles) has a disproportionately high impact on the overall Gender Pay Gap. These roles are often part-time and many of these are term-time-only. Employment in these positions follows the national trend of being predominantly female and has a significant impact on our overall pay gap.

The gap in the top quartile of pay again follows the national trend.

The Council also has an aging workforce with a high proportion of female employees. Nationally, the pay gap widens with age: older women experience a larger pay gap compared to their male peers than younger women compared to their male peers.

This data needs to be set against a negative gender pay gap across the middle portion of the organisation (i.e. women, on average, are paid more than men); an overall workforce which is approximately two thirds female and one third male; and a Strategic Management Team (SMT) which has a higher number of women than men (5 out of 8).

Whilst, as noted above, the key factors here align with the national trend, the Council is committed to undertaking action which will support a positive reduction in the gender pay gap (i.e. through increasing the average pay of women and not reducing overall pay or removing lower paid roles from the organisational structure). Key activities in support of this include:

- The review of ways of working across the organisation to identify and promote increased flexibility in working practices has continued, supporting people to more effectively balance home and work commitments; and driving increased flexibility as the norm in roles at all levels of the organisation. The Our Ways of Working programme provides the means with which to take this work forwards. The Council's overarching plan has been reviewed and endorsed by Timewise, with Manchester now formally recognised as a 'Timewise Council'.
- Ongoing work as part of the Our People Strategy to enhance the Council's core learning and development offer and approach to supporting development and progression, with a particular emphasis on strengthening development opportunities for frontline staff.
- Apprenticeships are available to new and existing employees with qualifications starting from level 2 (NVQ/GCSE equivalent) to level 7 (post-graduate degree). They are available to people at any stage of their career looking to further develop skills and knowledge in their current role. In addition to this offer further work is ongoing at a regional level around promoting part-time and flexible apprenticeships with a particular focus on single parent families affected by the introduction of Universal Credit as well as

---

<sup>1</sup> ONS, Gender pay gap in the UK: 2019

<sup>2</sup> Source: Equality and Human Rights Commission, 2017 *The Gender Pay Gap*

others with caring responsibilities or disabilities that make full time employment problematic.

The Council's mean gender pay gap of 8.1% demonstrates a decrease from last year's figure of 9.0%. It is worth noting that all the available data indicates no significant change in the gender composition of our workforce in comparison to last year, and as such the analysis of the Council's gender pay gap remains much the same.

### *Ethnicity Pay Gap Reporting*

In October 2018, the Government launched its public consultation to bring forward its manifesto commitment to "ask large employers to publish information on the pay gap for people from different ethnic backgrounds". The consultation paper does not specify when the obligation might be introduced, however once this emerges and is ratified, the Council will amend its approach accordingly to ensure it is compliant.

### **Employment and the City**

As a major employer in the City and the wider City Region, the Council is committed to reflecting its broad social and economic policies in its employment strategy. It does so through the Manchester Living Wage (see below), its policy on recruitment and selection, the responsibility to achieve social value through procurement and commissioning frameworks, and its continued commitment to reducing worklessness.

The proportion of Council employees who live in the City as of December 2019 is circa 48%, 3,551 individuals. This means that they not only serve the people of Manchester but are also direct recipients of Council services and contribute their spending to the wider economy. The proportion of Council employees living in the wider Greater Manchester area is circa 91%, 6,687 individuals

### **Living Wage Employer**

The Council is concerned to ensure that wages (salaries) in the City can sustain families and individuals and underpin a thriving economy. In 2008 the Council adopted the Manchester Minimum Wage Agreement which defined and sets out the Council's policy with regard to its lowest paid employees.

In 2015 the Council adopted a Living Wage Policy with the overarching aim to:

*Ensure that Manchester City Council employees, current and potential contractors and suppliers, and Manchester based employers are fully aware of the City Council's commitment to the Living Wage. The City Council firmly believes that increasing the number of people being paid at least the Living Wage will make a significant contribution to supporting residents out of poverty and reducing dependence on in work benefits. The City Council is also committed to the responsible management of its resources and is clear that the payment of the Living Wage by its suppliers and contractors must not result in any increased costs.*

On 11 November 2019 Manchester City Council was formally accredited by the Living Wage Foundation as a 'Living Wage Employer'. Also on 11 November, the Living Wage Foundation

announced the new real living wage hourly rate for the coming year of £9.30 per hour, an increase of 30p per hour. Accredited Living Wage Employers are required to implement the rise within six months. The Manchester Living Wage (MLW) will therefore be aligned to the new real living wage rate from 1 April 2020.

In April 2016 a new (statutory) National Living Wage was introduced by the Government which provides a supplement to the National Minimum Wage for those aged 25 and over. This rate of pay (£8.72 from 1 April 2020) is distinct from and currently below the current real Living Wage (£9.30).

The lowest rate of hourly rate of pay for a Council employee is currently £9.51 (SCP1) which is 21 pence per hour higher than the real living wage, reflecting the implementation of the NJC pay and grading structure. The Council is committed to paying a fair wage. It should also be noted that discussions are ongoing in relation to a national pay award for the period 2020/21 - any agreed pay award will increase the lowest hourly rate of pay accordingly.

### ***Employee Cost and Salary Ratios***

The Council does not have a target for the ratio between the pay of the highest earners and other employees. It does not propose to set one, accepting the judgement of the Hutton Report, that such targets serve no useful purpose. However, it will monitor this relationship to ensure that the remuneration of the highest paid is not excessive and remains consistent with the needs of the Council as expressed in this policy statement.

As of January 2020, the salary multiple between the highest paid officer (the Chief Executive) and the median rate for all officers within the scope of this policy is 7.86:1. This represents a 3.8% reduction in the multiple as set out within the 2019/20 statement (8.17:1).

This ratio results from the detailed implementation of the pay policies set out in this document and will vary marginally with time as the shape of the organisation and roles change.

### ***Interim Support***

Where the Council is unable to recruit officers, or there is a need for interim support to undertake essential work or provide cover for a substantive post, the Council will, where necessary, consider engaging individuals on a temporary basis.

Such individuals will be sourced through a relevant procurement process in line with legal requirements, financial regulations and standards and the Council's agreed processes. This will ensure the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service and full compliance with legal requirements. The Council has made and implemented all the necessary adjustments required to assure compliance with the changes in relation to off-payroll working in the public sector (IR35) which came into effect from 6 April 2017, and will conform to the changes proposed to take effect from April 2020.

### ***Preventing Tax Evasion and Tax Avoidance***

The Council is fully compliant with the rules governing the prevention of tax evasion. In addition to this, the Council is committed to taking no part in the aiding of any form of tax

avoidance. Council employees must take care not to engage in contractual arrangements which could be perceived as being primarily designed to reduce the rate of tax paid by any person or company.

#### **4. Remuneration**

Salary levels for the workforce are set via analytical mechanisms in accordance with the Council's Pay Policy. The Personnel Committee is ultimately responsible for setting remuneration for all roles within the Council's organisational structures up to £100,000 and for making appropriate recommendations to Council, at and above that level. For roles up to Grade 12, SCP 51 (circa. £55,000), salary levels are set under the delegated authority of the Council's Constitution, whilst for more senior roles the Council's Personnel Committee will approve, or commend to Council, salary levels on an individual basis in line with the policy on remunerating chief officers set out below.

For the purposes of this Pay Policy Statement remuneration of employees consists of their salary, additions to salary, and additional allowances. It does not include reimbursement of non-taxable expenses, which are paid on the basis of actual reasonable costs incurred.

The remuneration and main contractual conditions of all employees of the Council are linked to a national pay bargaining structure relevant to their role and status. All employees receive a salary set in accordance with the structures and the principles set out above.

Remuneration can include a number of other elements applicable only to a specific group of employees, for example contractual arrangements and terms of the relevant national agreement. This includes, for example, specific allowances and additions to pay (e.g. overtime, flexibility payments and honoraria, which are time limited and subject to approval). In limited circumstances, time and cash limited pay protection may be applicable, arrangements for which have been agreed in accordance with relevant local negotiating arrangements.

Other additions to the salary of officers may be made in accordance with the Council's Constitution and stated policies (e.g. car user allowance and relocation expenses). Such payments will be made in accordance with the principles of this statement and with approval by the delegated budget holder or approver. All such payments are made in order to support the delivery of effective services and with regard to the principle of value for money.

#### ***Policy on Remunerating Chief Officers***

The Council's chief officers are the Strategic Management Team which includes the Chief Executive and those officers directly responsible for the key functions of the organisation. Information regarding salaries paid to senior roles is available within the information published on the Council's website. This information is currently available on the *Open Data* pages of the Council's website and will be updated on at least an annual basis to reflect changes to pay and the organisational structure and to support the Council's aim of enhancing transparency and clarity. Additional information, in accordance with the Accounts and Audit (England) Regulations 2011, is also included within the Council's Annual Statement of Accounts.

Remuneration for this group as well as all those roles which have salaries higher than Grade 12, Spinal Column Point 51 in the Council's pay and grading structure is set or recommended by the Council's Personnel Committee<sup>3</sup>. Salary levels are proposed or agreed in accordance with an analytical evaluation process within four pay bandings for SS1-3 and SS5, five bandings for SS4 and additional spot salary levels for the Deputy Chief Executive and City Treasurer, and Chief Executive as set out within the appendix to this Statement.

Since 2018/19 progression through the incremental points within these grades has been dependent upon individuals demonstrating overall annual improvements in performance, measured by delivery against a set of corporate and directorate objectives which is set at the start of each year and covers a range of operational and strategic indicators which are monitored throughout the year.

Employment arrangements for chief officers are linked to the relevant national agreements including the Joint National Council for Chief Executives and the Joint National Council for Chief Officers, and salary values are increased in accordance with any nationally agreed pay awards as determined by the appropriate national Joint Negotiating Committee.

### ***Bonus, Performance and Earn Back***

The Council does not generally pay bonuses for chief officers within the scope of this statement (notwithstanding the link between incremental progression and pay noted above) as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed rigorously.

Where specific circumstances warrant consideration of a bonus payment to be included in a salary package, this would be subject to the approval processes detailed above and subject to Personnel Committee approval for roles above Grade 12, SCP 51 (and full Council where the total remuneration package exceeds £100,000). The detail of any bonus payments will also be published in accordance with the Accounts and Audit Regulations 2015 and the Local Government Transparency Code 2015 respectively.

### ***Election Fees***

The Council is required to provide funding to the Returning Officer to discharge statutory functions relating to the administration of local government elections. The Returning Officer will make payments to those officers who undertake specific duties in relation to the elections (including to chief officers) in accordance with their role. The Chief Executive does not receive any additional payment for the role of Returning Officer for local government elections.

It should be noted that any fees which may be payable for duties undertaken in connection with national elections and referenda (such as Parliamentary General Elections or national referenda) or elections undertaken on a regional basis (Greater Manchester Combined Authority Mayoral Election) are not funded by the Council.

---

<sup>3</sup> In addition to Manchester's chief officers, this group includes all those who fall under the statutory definition of 'Chief Officer' as set out in the Act.

### ***Recruitment and Retention***

The Council's policy with regard to recruitment, including the recruitment of senior officers and chief officers is set out within the Recruitment and Selection Policy agreed by the Personnel Committee. Any changes to the Recruitment and Selection Policy will be subject to a resolution of the Personnel Committee.

As indicated above, the Council aims to set appropriate remuneration levels, balancing costs with the need to attract and retain employees who contribute the appropriate skills, behaviours and experience needed to deliver its functions. From time to time, it is necessary to make additional payments within the Council's remuneration framework in order to secure or retain staff, with the appropriate capacity (skills, qualifications, experience), notably in roles where there is a national or regional shortage of such capacity.

Where an addition to normal remuneration levels is set for a senior officer, to address specific market conditions or a specific need, in line with Market Rates Policy the Council will ensure the proposed remuneration for such a role, or group of roles, is objectively justified and either i) time limit the variation or ii) ensure that the requirement is kept under review.

When an individual is appointed to a role remunerated at a higher grade with multiple scale points, whether through internal or external recruitment, the individual will be appointed to the bottom point of the relevant grade. In exceptional circumstances, appointment at a higher scale point can be considered and agreed by the relevant Chief Officer.

### ***Continuity of Service***

The GM Continuity of Service Protocol (the Protocol) was developed by the Greater Manchester Workforce Engagement Board during 2017 and was subsequently endorsed by the Greater Manchester Combined Authority and Greater Manchester Health and Social Care Partnership. The purpose of the commitment was to provide a collective commitment to, and common framework for, recognition of continuity of service for the purposes of access to contractual benefits. Its principal aim is to support and encourage recruitment and retention of staff within the GM Health and Social Care system, thereby helping to minimise gaps in workforce and avoid delays and costs of recruitment into core services.

At that meeting it was agreed that the Council would adopt the Protocol on a discretionary basis to allow continuity of service (across in scope organisations) for individuals in respect of service-based workforce terms, conditions and policies to support flexibility of movement and/or recruitment to difficult to fill posts.

The Protocol has now been fully adopted for relevant new starters with effect from 1st January 2020. Service with the following organisations will now count towards continuity of service:

- GM CCG organisations
- GM NHS bodies
- GM Councils (but initially excluding staff employed by schools)
- GM Combined Authority and its constituent bodies
- Greater Manchester Health & Social Care Partnership



- Transport for Greater Manchester (TfGM)

Statutory continuity of service, used for the purposes of determining access to statutory entitlements (including statutory redundancy pay) is outside the scope of the Protocol, as are pension arrangements. However, contractual continuity of service which determines access to a number of contractual benefits (including contractual redundancy pay, annual leave and occupational sick pay entitlement) is within scope.

### ***Payments on Termination***

The Council's approach to severance and discretionary payments on termination of employment is set out within its policy on the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2000 and 2006 and the Local Government Pension Scheme Regulations 2007 as agreed by the Council's Personnel Committee. The Council applies this policy to all employees and in all cases. Any changes to this policy, whether permanent or time limited, will be agreed by the Personnel Committee.

In addition to the Council's Severance and Early Retirement (Efficiency) Policy Statement the City Solicitor has the authority to settle, if appropriate and in the interests of the Council, any actual or threatened legal proceedings as set out in Part 3 Section F of the Council's Constitution.

Any severance packages with a value in excess of £100,000 will be approved by Council before they are agreed. This policy applies to severance packages whether or not made pursuant to a settlement agreement. However, it does not apply in relation to the cost of early access to, and/or enhancement of a retirement pension, where the employee's employment is terminated on grounds of ill health.

Provisions in the Finance (No.2) Act 2017 changed the rules on the taxation of termination payments to remove the distinction between contractual and non-contractual payments in lieu of notice, effective from April 2018. The Council continues to comply with these requirements.

From April 2020 employers will be liable to pay Class 1A national insurance contributions on termination payments above £30,000 that are subject to income tax by the employee. The Council will fully comply with this requirement.

### ***Exit Payment Cap and Pension Reforms***

The government has proposed various reforms to exit payments in the public sector which include:

- Recovery of exit payments made to high earners who leave the public sector on or after the implementation date if they return to the public sector within 12 months of leaving.
- The fixing of a cap on exit payments made to employees departing public sector employers.

Consultation on draft legislation closed on 3 July 2019; we continue to await the Government's response on this and any associated reform of redundancy payment limits and related pension scheme provisions.

Alongside the above measures the government is introducing a new framework to ensure that a fair and appropriate level of compensation is provided for employees who are required to leave public sector jobs, whether on a mutually agreed or voluntary basis, or through compulsory redundancy. These reforms will apply to the majority of the public sector workforce, including civil servants, teachers, NHS workers, local government workers, armed forces personnel, police officers and firefighters.

The option to adopt the new framework across the sector on a voluntary basis has been available since summer 2017. However, much of the detail is still emerging, including how these areas will be incorporated into specific pension schemes, such as the Local Government Pension Scheme (LGPS). Once this emerges and is ratified, the Council will amend its approach accordingly to ensure it is compliant.

### ***Re-engagement***

The Council has an existing policy on the re-engagement of employees who have left the Council under voluntary early retirement or voluntary severance. This policy sets out that those employees who have left under such terms will not be re-engaged by the Council for a minimum period of 2 years from the date they left employment on these grounds. Changes to this policy will be subject to agreement by the Personnel Committee.

On 26 November 2014 the Personnel Committee agreed an amendment to this re-engagement policy to allow staff who have left the organisation through voluntary early retirement or voluntary severance to fulfil any role that is required by the Electoral Registration Officer in respect of electoral registration or the delivery of a local or general election, provided that the return is on a time-limited basis and is confined to duties in connection with the election or electoral registration within a two year time period after the termination of their employment.

The Council will also have regard to the Local Government Redundancy Modification Order, where a severance payment has been made and the employee is re-employed by another local authority or prescribed body within four weeks of leaving the Council. The Council does not extend its non re-engagement policy to the wider public sector. The Council will have regard to the proposed changes affecting public sector exit payments referred to above.

### ***Flexible Retirement***

The Council's approach to flexible retirement is set in accordance with the Local Government Pension Scheme (LGPS) (Amendment) Regulation 2006, Section 17.

Any employee of the Council who is a member of the LGPS and who is aged 55 or over can reduce their hours or grade and draw their pension benefits whilst continuing in employment. Approval for this must be sought from the appropriate senior officer, which will be the Deputy Chief Executive and City Treasurer and Executive Member for Finance and Human Resources where there is a cost to the Authority. Where there is no cost to the authority approval will be via the Deputy City Treasurer. In accordance with scheme regulations, Pension benefits may be actuarially reduced if they are paid before an individual's normal retirement age.

## **5. Publication**

This Statement will be published on the *Open Data* pages of the Council's Website once it has been approved by Council.

In addition, details of senior posts are available on the Council's website together with information on the organisation's structure and the roles and responsibilities of individual officers. This information will be updated on at least an annual basis.

In order to comply with the regulations in relation to gender pay gap reporting the Council figures will, in addition to publication in this Statement, also be submitted via the dedicated government portal for publication on the designated government website.

Additional information on the organisation's workforce expenditure is set out in the Council's Annual Statement of Accounts.

Detailed information on the equality make-up of the organisation's workforce is also available on the Council's website.

## **Glossary of Terms**

### **Chief Officer (statutory definition)**

Section 43(2) of the Localism Act defines a 'Chief Officer' for the purposes of the Pay Policy Statement as meaning the following:-

- (a) the Authority's Head of Paid Service
- (b) the Authority's Monitoring Officer
- (c) the Authority's Director of Children's Services
- (d) the Authority's Director of Social Services
- (e) the officer having responsibility for the administration of the Authority's financial affairs
- (f) any officer for whom the Authority's Head of Paid Service is directly responsible; or who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the Authority's Head of Paid Service; or who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the Authority itself or any committee or sub-committee of the Authority.
- (g) any officer who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the officers listed at points (a) to (f) above.

The definition of 'Chief Officers' excludes any officer 'whose duties are solely secretarial or clerical or are otherwise in the nature of support services'.

### **Employer Pension Contributions**

Where employees have exercised their statutory right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee. The rate of contribution is set by Actuaries advising the Greater Manchester Pension Fund and reviewed on a triennial basis in order to ensure the scheme is appropriately funded. The current rate is 19.8% but will be subject to revision at the direction of the pension fund.

### **Flexibility Payment**

A flexibility payment is paid for roles where an employee is contractually required to work a regular pattern involving a non-standard rota, working 'over and beyond' normal working hours on a regular five, six or seven days out of seven pattern which includes late and weekend working. A graduated allowance will be included as part of the basic salary for the job, depending on the degree of inconvenience.

### **FTE - Full Time Equivalent**

This term relates terms of employment (e.g. part time hours) to that applying to an employee who is full time.

**Honorarium**

An honorarium is a payment made to an individual in a structured, funded role for specific, time-limited additional duties undertaken on top of their substantive role. This can be a way of developing staff whilst making sure the service is working effectively. An approval process is in place for any payments made.

Any honorarium payment made to an employee above Grade 12 (currently £54,674) and beyond a 12 month period must be approved by Personnel Committee.

**Median Salary**

The authority's median salary is based on the salary which is the numerical 'mid-point' when the organisations salaries are arranged from top to bottom in order of size. It is based purely on the actual salary assigned to the post (assuming the post is worked at 1 FTE). Salaries of empty posts, casual members of staff, contractors, and other non-employees are not used for the purposes of this calculation. The current median salary is £25,801.

**On costs**

These are the additional costs of employment, over and above what is paid (or provided) to the employee by way of remuneration. There are two types of on cost, *direct*, which for the purpose of this Statement is deemed to be employer's National Insurance and pension costs and *indirect* which include items such as premises costs, the cost of support functions etc and are not applicable to this Statement

**Pay / Remuneration**

For the purpose of this Statement 'pay' is referred to as remuneration and is consistent within the definition contained within the Localism Act.

**Pay Bill**

The total sum paid by the organisation inclusive of salary and on-costs.

**Salary / Spot Salary**

For the purpose of this Pay Statement, salary refers to its normally accepted meaning i.e. monetary pay.

A spot salary is a salary set at a specific sum, does not form a part of a pay band or contain increments to which the employee is entitled. Spot salaries are normally subject to increase in line with contractual provisions with regard to inflation.

**Senior Manager (Senior Officer)**

Any Officer in receipt of a basic salary in excess of Spinal Column Point 51.

### **Severance Package**

Severance packages can comprise of a number of different payments or benefits made in relation to the termination of a person's employment, which include (but are not limited to):

- lump sum severance payments
- redundancy compensation
- termination payments on ground of business efficiency
- early access to, and/or enhancement of, pension benefits (in respect of this the value is defined as the capital cost to the Council of the early release / enhancement).
- salary paid in lieu of notice

## Appendix A: Pay &amp; Grading Structure 2020/21

Grade	SCP	Basic Pay	Grade	SCP	Basic Pay	Grade	SCP	Basic Pay		
Grade 1	1	£17,364	Grade 7	26	£29,636	SS1**	11	60,857		
	1A*	£17,520		27	£30,507		12	62,066		
Grade 2	2	£17,711		28	£31,371		13	63,307		
	3*	£18,065		29	£32,029		14	65,865		
Grade 3	4	£18,426		30*	£32,878		21	68,526		
	5	£18,795		Grade 8	31		£33,799	22	69,898	
	6*	£19,171			32		£34,788	23	71,295	
Grade 4	7	£19,554		Grade 9	33		£35,934	SS2**	24	74,175
	8	£19,945			34		£36,876		31	78,715
	9	£20,344			35*		£37,849		32	80,289
	10	£20,751	Grade 10		36	£38,813	33		81,895	
	11*	£21,166			37	£39,782	34		87,217	
Grade 5	13	£22,021		Grade 11	38	£40,760	SS3**	41	95,953	
	14	£22,462	39		£41,675	42		97,872		
	15	£22,911	40*		£42,683	43		99,829		
	17	£23,836	Grade 12		41	£43,662		44	101,827	
	19*	£24,799			42	£44,632		45	105,940	
Grade 6	21	£25,801	Grade 12	43*	£45,591	SS4**	51	124,126		
	22	£26,317		44	£46,851		52	127,357		
	23	£26,999		45	£47,858		53	132,664		
	24	£27,905		46	£49,078		SS5**	54	142,582	
	25*	£28,785		47*	£50,136			DCX	153,000	
					48		£51,305	CEX	202,878	
					49		£52,410			
			50	£53,535						
			51*	£54,674						

\* Progression subject to competency review

\*\* Progression dependent on individuals demonstrating overall annual improvements in performance

This page is intentionally left blank



**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee – 11 March 2020

**Subject:** Family Friendly Framework

**Report of:** Director of HR/OD

---

### Summary

The Council offers a number of family friendly leave policies, pay provisions and entitlements aimed at supporting parents, namely:

- Enhanced Adoption Leave.
- Enhanced Maternity Leave.
- Maternity Support Leave (our enhanced version of Statutory Parental Leave).
- Shared Parental Leave.

It is proposed that:

1. These previously separate policies are combined into a single framework with comprehensive guidance to accompany the policy.
2. The wording of the criteria for Maternity Support Leave is tightened, as concerns have been raised that it is currently open to exploitation.
3. Assistance is offered to employees who become special guardians by allowing them access to the Maternity Support Leave offer.
4. Intranet guidance is improved and expanded upon based on feedback from focus groups.

The aim is to present a single coherent approach and policy framework that can be used in conjunction with our flexible working offer to help employees balance the demands of work and childcare.

### Recommendations

The Committee is asked to approve combining the current details of the provisions into a single revised Family Friendly Policy Framework and Guidance. This includes amendments to Maternity Support Leave provisions to minimise misuse and providing special guardians access to Maternity Support Leave.

---

**Wards affected:** All

**Financial considerations – Revenue:** None

**Financial considerations – Capital:** None

---

**Contact Officers:**

Helen Grantham  
Interim Director of HROD  
0161 600 8380  
helen.grantham@manchester.gov.uk

Shawna Gleeson  
Head of HR Operations  
0161 245 7517  
s.gleeson@manchester.gov.uk

Gordon Barr  
HR Specialist - Policy and Strategy Team  
0161 234 5758  
g.barr@manchester.gov.uk

---

**Background documents (available for public inspection):**

None

## 1.0 Background and Context

- 1.1 Currently we do not have policy documents for all our family friendly provisions. Policy documents are currently available for employees in the case of Adoption Leave, last reviewed in 2016 (Appendix A) and Shared Parental Leave, last reviewed 2015 (Appendix B). In the case of Maternity Leave, the details of our offer are available only to staff as intranet guidance, and the basis of our policy position is a personnel circular from 2008 (Appendix C). Similarly, there is no policy document available to employees for Maternity Support Leave, and the basis of our policy is a personnel circular from 2003 (Appendix D). As such it was deemed appropriate to collectively review all family friendly policies based on the time elapsed since they were last considered.
- 1.2 Consultation with staff and managers in focus groups suggested that there is significant room for improvement in relation to the intranet guidance. It is proposed that new guidance is available on the launch of the new family friendly policy documents, and that guidance is subsequently built upon and improved over time based on employee feedback and best practice.

## 2.0 The Policy Framework

- 2.1 Appendix E shows the proposed new Family Friendly Policy Framework.
- 2.2 Recent benchmarking indicates that the Council's family friendly provisions are largely on a par with those offered by other regional authorities/organisations. As such, it is not recommended that any significant changes are made to our offer.
- 2.3 However, it has been necessary to refresh the language in many instances, with a view to promoting ease of understanding and plain English, and references to legislation have also been updated where necessary. A notable change has been made to the Maternity Support Leave provision, as below.

### 2.2 Maternity Support Leave - *internal definition of 'Nominated Carer'*

- 2.4 Concerns have been raised by managers that the definition of 'Nominated Carer' in the guidance is open to exploitative/fraudulent claims by staff who are not genuinely the primary carer. Current intranet guidance based on the original criteria as stated in PC 1212 (1995) which is as below:
- 2.5 "The Council offers a scheme that allows employees who are fathers, partners and nominated carers time off work to support the birth of a child. A nominated carer is the person chosen by the mother as the primary provider of support at or around the time of the birth, in the place of, or in the absence of a father / partner. ***This could be a relative or friend, or someone who has a caring relationship with the mother and / or child.***"
- 2.6 In order to clarify our offer, it is proposed that the last sentence of the paragraph above (bold and italicised) referring to a relative/friend etc be

removed. The role of a friend or relative who occasionally helps out differs significantly from the role of a child's primary carer, and it is appropriate for the Council to make this distinction in reviewing the qualifying criteria for Maternity Support Leave.

- 2.7 The authorisation process for Maternity Support Leave will also be amended by adding the requirement for an employee declaration of eligibility, and also for a discussion between employee and manager where possible.

### **3.0 Special Guardianship**

- 3.1 A Special Guardianship Order (SGO) is a legal order which allows a child to live with someone who is not their parent, such as relatives or foster carers, on a long-term basis. It also gives the special guardian parental responsibility for the child. Where a SGO is in place the carers do not have to consult the parents or anyone else with parental responsibility about most decisions for the child, although the child legally remains a member of the birth family.

- 3.2 Social Workers are supportive of special guardianship as it can often prevent a child from being taken into care, which benefits the child and also results in a cost saving to the Council. It gives children a stable place to live with their family or with carers who know them well, with less risk of their living arrangements breaking down and ultimately costing the Council more in the long term. Unfortunately, although special guardianship is clearly comparable to adoption in terms of the demands it places on the guardian, special guardians are not entitled to statutory adoption pay or leave.

- 3.3 It is proposed that an employee who can evidence that a child has been placed with them under a Special Guardianship Order will qualify for Maternity Support Leave to assist a 'settling in period'. It is not envisaged that this will incur significant cost based on our take-up of adoption leave (between 2014-2018 only 14 staff took adoption leave, and occurrences of special guardianship should be less frequent). Any costs could arguably be offset by wider savings made to the Council in aiding special guardianship as above.

### **4.0 Intranet Guidance**

- 4.1 Feedback from focus groups highlighted the need for improved intranet guidance particularly with regard to the following:
- Intranet navigation - employees need a clear initial outline of options.
  - Distinguish more clearly between separate employee and manager guidance.
  - Maternity/Adoption Leave around annual leave, KIT days.
  - Returning to Work, and flexible working options upon returning.
  - Available support to staff, such as antenatal care and counselling.
  - Breastfeeding.
  - Examples/case studies.
  - Links to external charities.

- 4.2 The layout of our intranet guidance has been improved and updated in recent months, and content will be expanded with more details on launch based on employee feedback. However, it is proposed that efforts to design online guidance will continue as we focus on the structure of our new intranet platform.
- 4.3 The focus groups indicated that the majority of employees expect to find information on the intranet, and that navigation to the available information is a key issue. The format and layout of the intranet guidance will be dependent on the capabilities of the new intranet platform, which are not yet fully understood.
- 4.4 Feedback also indicated that a staff email group aimed at putting employees in touch with other employees who could offer informal advice would be most welcome. Some initial work has been done on this, however it has been delayed by the current review of our Google platform and the restrictions on new google groups. For this reason it is proposed that the launch of a family friendly email group is delayed to coincide with our new Intranet platform around March 2020.

## **5.0 Implementation**

- 5.1 It is hoped that by combining these previously separate policies, and updating guidance based on staff feedback and current best practice, that our Family Friendly offer will continue to make a positive contribution as part of OWOW, and our wider commitment to becoming an employer of choice.
- 5.2 A printable guidance document will be produced to coincide with the launch of the policy framework, and our intranet offer will be redeveloped based on feedback following the introduction of the new intranet platform.

## **6.0 Key Policies and Considerations**

### **(a) Equal Opportunities**

### **(b) Risk Management**

### **(c) Legal Considerations**

None

## **7.0 Trade Union Comments**

None

## **8.0 Comments of the Director of HROD**

No additional comments.

This page is intentionally left blank

# Adoption Leave and Pay Policy

Employee Relations Team  
HROD  
March 2016

## Document Control

Title	Manchester City Council – Adoption Leave and Pay Policy
Document Type	Policy
Author	Employee Relations Team
Owner	HROD
Subject	Adoption Leave and Pay Arrangements
Date created	November 2015
Approval date	March 2016
Review date	March 2018 (or earlier where there is a change in the applicable law)



## TABLE OF CONTENTS

- 1 Purpose
- 2 Scope
- 3 Eligibility
- 4 Notification
- 5 Pre-Adoption Leave
- 6 Adoption Leave
- 7 Adoption Leave and Pay Overview
- 8 Keeping in Touch
- 9 Returning To Work
- 10 Shared Parental Leave

## APPENDICES

Appendix 1 – Glossary of Terms

Appendix 2 - Application Form

Appendix 3 – Frequently Asked Questions

## 1. Purpose

---

Manchester City Council is committed to attracting, developing and retaining a world class workforce. It aims to deploy all talent and experience available in the most flexible and efficient manner. In developing a flexible workforce it recognises the importance of helping employees balance their work and home life as well as meeting service delivery requirements.

The Work and Families Act 2006 introduced provisions for employees who are adopting a child to have an entitlement to statutory adoption leave and pay. These provisions have been extended by the Children and Families Act 2014, which provides additional rights and entitlements to eligible adopters; to surrogate parents who intend to apply for a parental order and to foster parents where they intend to adopt (known as dual approved prospective adopters).

This policy updates the existing rights and entitlements of employees who are eligible adopters and has been written in compliance with the following legislation:

- Children and Families Act (2014)
- Equality Act (2010)
- Work and Families Act (2006)
- Employment Rights Act (1996).

## 2. Scope

---

Adoption leave and pay is available to an employee who adopts on their own, or to one member of a couple where a couple jointly adopts (including same sex partners and civil partners). A couple who jointly adopt must choose which partner will take adoption leave. The other partner may choose to take paternity or maternity support leave. If the adopter wants to share the equivalent of the adoption leave period, they can end the adoption leave and enter into shared parental leave arrangements.

These arrangements cover all employees employed by Manchester City Council after 5 April 2015. Schools may choose to adopt this policy for staff directly employed by schools.

## 3. Eligibility

---

### Adoption Leave:

To qualify for **adoption leave**, the employee must:

- be newly matched with a child for adoption by an approved adoption agency recognised in the UK
- have notified the adoption agency that they agree the child will be placed with them and have an agreed date of placement
- given the correct notice to the Council (see section 5)
- produce documentary evidence confirming the adoption is taking place – usually a ‘matching certificate’ from their adoption agency.

### Adoption Pay

Statutory adoption pay is the statutory minimum adoption pay set by the government that employers must pay employees. In order to qualify for **statutory adoption pay**, the employee must:

- Have worked continuously for the Council for 26 weeks or more by the end of the 'qualifying week'.

The qualifying week is the week the employee was notified that they were matched for adoption. The week begins on the Sunday before the match took place and ends on the Saturday after that date.

- The employee must have earned, on average, at least the lower earnings level for national insurance contributions in the 8 weeks leading up to the date they were notified of a match with a child by the adoption agency.

Details of the lower earning level for national insurance contributions can be found at: [www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions](http://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions)

In order to qualify for **occupational adoption pay**, the employee must:

- Have continuous local government service of at least one year or more by the end of the 'qualifying week'.

Adopters will not qualify for adoption leave and statutory/occupational pay in the following circumstances:

- Private adoption
- Becoming a special guardian or kinship carer
- Adopting a stepchild
- Adopting a family member.

### **Surrogate Parents**

Since 5 April 2015, parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under section 54 of the Human Embryology and Fertilisation Act 2008 will be able to take adoption leave and pay, if each parent meets the qualifying conditions. A parental order transfers the legal rights from the birth mother to the intended parents when a surrogate has been used to have a child.

In order to qualify for adoption leave and/or pay, the conditions are that:

- the intended parent gains a parental order in respect of the child;  
or;
- they intend to apply for such an order within 6 months of the child's birth and they expect the order will be made.

The employee will need to give written notice of their entitlement to adoption leave before the 15<sup>th</sup> week before the baby is due.

Where parents in a surrogacy arrangement are adopting a child through a registered adoption agency, they will be entitled to take adoption leave and pay, providing each parent meets the normal qualifying conditions set out above.

### **Fostering for Adoption**

Dual Approved Prospective Adopters are foster parents who foster a child in the expectation that they will adopt that child in accordance with section 22C of the Children's Act 1989.

To be eligible for adoption leave and/or pay, the dual prospective adopter must:

- be a local authority foster parent who has been approved as suitable to adopt the child that they will initially foster,

- have been notified by the local authority of its decision to place a child with him/her, and;
- have notified the local authority that they have agreed to the placement (initially for fostering) and the date that it will take place.

#### **4. Notification**

---

Employees should always aim to have early conversations with their managers about their proposed adoption plans, so that forward planning can take place. Formal notice to take adoption leave must be given by the employee within 7 days of being informed that they have been matched for adoption by the adoption agency (unless there is a reason that makes this impossible). Where an adopter doesn't give reasonable notice, managers do have the discretion to delay the start date of the adoption leave and pay, but not after the start of the placement date.

To make a formal notice, the employee must complete the Application for Adoption Leave Form (Appendix 2), detailing:

- The employee's name and address
- The name and address of the adoption agency
- The date on which the employee was informed that the child would be placed for adoption with them
- The date the child will be placed with the family (e.g. the employee could provide a letter from the adoption agency)
- The date they would like the adoption leave to start.

They must also:

- Provide a declaration that they have chosen to receive statutory adoption pay and not statutory paternity pay, and;
- Provide evidence from the Adoption Agency which shows basic information on matching and the expected placement dates.

After the notification is provided to the Council, a letter will be sent to the employee within 28 days which will set out the latest date on which the employee must return to work after the adoption leave.

Surrogate Parents will also need to confirm in writing the expected week of child's birth, and will also need to confirm the date the child was born (after the child's birth). This should be given as soon as reasonably practicable.

#### **Changing the start date**

Employees may bring forward or postpone the adoption leave start date, by providing written notification at least 28 days before the new start date.

#### **5. Pre-Adoption Leave**

---

From 5 April 2015 employees intending to adopt a child have the right to attend appointments for any purpose connected with the adoption. There is no qualifying period of service, meaning the right is exercisable from the first day of employment.

Employees adopting a child or children on their own (i.e. without a partner) will be entitled to paid time off to attend five appointments.

Joint adopters (i.e. adopting with a partner) will need to choose which member of the couple will take paid time off to attend up to five appointments, while their partner may take unpaid time off to attend up to two appointments. Please note, the adopter who takes paid time off for appointments cannot claim paternity leave and pay. This means that the parent who intends to take adoption leave and pay should take the paid time off for pre adoption leave.

The time off available for each appointment (whether paid or unpaid) is a maximum of 6 and a half hours. Time off cannot be taken on or after the date of the child's placement.

Only those officially adopting the child are entitled to time off to attend adoption appointments.

Intended parents of a child in a surrogacy arrangement will also be eligible for unpaid time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments (of up to 6 and a half hours for each appointment).

Employees wishing to make a request for time off for pre-adoption leave should put their request in writing to their manager.

## 6. Adoption Leave

---

Adoption leave is for a period of up to 52 weeks, consisting of 26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave.

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. For overseas adoptions, the adoption leave may start from the date the child arrives in the UK or within 28 days of this date.

To ensure service delivery is not disrupted, the employee should discuss the timing of his or her adoption leave with his or her manager as early as possible.

Employees wishing to return to work before the end of the 52 week adoption leave period will need to give 8 weeks notice. If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

## 7. Adoption Leave and Pay Overview

---

The Council's Adoption Scheme reflects its Maternity Scheme. The following table provides an overview of adoption leave and pay which applies, subject to the employee meeting the required eligibility conditions:

<b>Length of service</b>	<b>Statutory Adoption Pay</b>	<b>Occupational Adoption Pay</b>	<b>Adoption Leave</b>
Less than 26 weeks continuous service with Manchester City Council (MCC) and less than one year's local government continuous service	N/A	N/A	26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave.
Between 26 weeks and one year's continuous service with MCC	6 weeks at 90% of average earnings, followed by 33 weeks at £139.58 or 90% of average weekly earnings, whichever is	N/A	26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave.

	least (up to a maximum of full pay)		
Between one and two years continuous local government service but less than 26 weeks service with MCC	N/A	6 weeks at 90% of average earnings, followed by 12 weeks at 50% of average weekly earnings, up to a maximum of full pay.	26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave.
Between one and two years continuous local government service and at least 26 weeks continuous MCC service	6 weeks at 90% of average earnings, followed by 33 weeks at SAP or 90% of average weekly earnings, whichever is least.	6 weeks at 90% of average earnings, less followed by 12 weeks at 50% of average weekly earnings, up to a maximum of full pay.	26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave.
Over two years continuous local government service and at least 26 weeks continuous MCC service	6 weeks at 90% of average earnings, followed by 33 weeks SAP or 90% of average weekly earnings, whichever is least.	11 weeks at 90% of average earnings, less followed by 13 weeks at 50% of average weekly earnings, up to a maximum of full pay.	26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave.
2 years or more continuous local government service but less than 26 weeks continuous MCC service	N/A	11 weeks at 90% of average earnings, followed by 13 weeks at 50% of average weekly earnings, up to a maximum of full pay.	26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave.

## 8. Keeping in Touch

Keeping in Touch (KIT) days are optional and intended to help employees keep in touch with the workplace and ease an eventual return to work. Employees may do up to ten KIT days during the adoption leave period. These are paid at the employee's normal pay rate and does not affect their adoption leave/pay.

There is no legal requirement for KIT days and both the manager and employee must agree to these days. KIT days can be used to attend a conference, undertake training, attend a team meeting or carry out any activity that would be classed as work under the employees contract.

Working for part of a day will count as one day i.e. if an employee works for 2 hours, they will receive payment for these hours, but this will count as one full 'KIT' day.

### **Contact during adoption leave**

The Council reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss the employee's plans to return to work, discuss any training to ease the employee back into work, or to provide an update on developments at work during their absence.

## 9. Returning To Work

Employees have the right to return to their job if they take only Ordinary Adoption Leave (first 26 weeks). The rules are different if the employee takes Additional Adoption Leave (any adoption leave after the first 26 weeks). In this situation, employees have the right to their job or a similar

job (if it's not possible to give them their old job). If the employee unreasonably refuses to take the similar job, the employer can take this as their resignation.

## **10. Shared Parental Leave**

---

Shared Parental Leave is available to the main adopter and their partner, allowing both adoptive parents to share their leave and pay. If the parents meet the qualifying requirements and wish to take shared parental leave and/or pay the main adopter must formally end their adoption leave and pay.

Full details are available in the Shared Parental Leave Policy.

## Appendix 1

### Glossary of Terms

---

**Matching certificate** – is the proof you will need to give to the Council to qualify for adoption leave and pay. This may also be in the form of a letter from the Adoption Agency.

**A match** – this is when the adopter is notified that a child or children will be placed with the family for adoption

**The qualifying week** – is the week the adopter is notified that they were matched with a child for adoption. The week begins on the Sunday before the match took place and ends on the Saturday after that date.

Employees can take up to 52 weeks' **Statutory Adoption Leave**.

The first 26 weeks is known as **Ordinary Adoption Leave**. The last 26 weeks as **Additional Adoption Leave**.



## Appendix 2



**MANCHESTER  
CITY COUNCIL**

**Shared Service Centre**

**Manchester City Council**

**Application for Adoption Leave and/or Pay**

Please read the policy and guidance on adoption leave before proceeding

<b>Section A - Complete All Sections</b>			
Employee Surname:		Employee Forename(s):	
Personnel Number:		Email:	
Directorate:		Service/Team:	
Manager Name:		Manager Contact No.	
<b>Section A</b>			
Date continuous local government service commenced:			
Address:			
Name and address of the Adoption Agency:			
Date you were informed that the child/children would be placed with you for adoption:			
The date the child will be placed with you:			
Date Adoption Leave Expected to commence:			
Employee Signature:			
Date Signed:			
<b>Section B – Parental Declaration</b>			
I confirm that I have elected to receive adoption leave and/or pay and not statutory paternity pay or maternity support leave. I have provided / will provide to the Council a matching certificate or other proof confirming the adoption is taking place.			
Signed:			Date:

## Appendix 3

### ADOPTION LEAVE AND PAY FREQUENTLY ASKED QUESTIONS

#### 1) I want to take adoption leave. What do I need to do?

You will need to give notice of your intention to take Adoption Leave as soon as you are notified by the adoption agency that you have been matched with a child for adoption (no later than within 7 days of being matched, unless this isn't reasonably practical). You will need to complete the Application for Adoption Leave Form, detailing:

- Your name and address
- The name and address of the adoption agency
- The date on which you were informed that the child would be placed for adoption
- The date the child will be placed with you (e.g. you could provide a letter from the adoption agency)
- The date you would like the adoption leave to start.

You will be required to produce documentary evidence – usually a 'matching certificate' from the adoption agency.

You will also need to provide a declaration that you have elected to receive statutory adoption leave and not statutory paternity pay.

#### 2) How long is adoption leave for?

Like maternity leave, eligible employees have the right to take up to one year's statutory adoption leave. This consists of 26 weeks ordinary adoption leave followed immediately by 26 weeks additional adoption leave.

#### 3) Can I take adoption leave and paternity or maternity support leave?

No. Adoption leave and pay is available to either an individual employee who adopts, or to one member of a couple where a couple jointly adopt (including same sex partners and civil partners), and the couple must choose which partner will take adoption leave. If you chose to take Adoption Leave, you will not be entitled to take paternity or maternity support leave.

#### 4) Am I entitled to the new Shared Parental Leave?

If you have adopted a child after 5 April 2015, you may be entitled to take Shared Parental Leave, providing that you meet the eligibility criteria. Eligible adopters can share up to 50 weeks of leave and up to 37 weeks of pay. The adopter would need to end their adoption leave and/or pay early to opt into shared parental leave and/or pay. Any adoption leave and pay that you take (or your partner) will reduce the pool of leave and pay that can be potentially shared.

You must take at least 2 weeks of adoption leave before starting Shared Parental Leave. See the Shared Parental Leave Policy for full details.

#### 5) Will I be entitled to adoption leave if I adopt a child from overseas?

Yes providing that you have been newly matched with a child for adoption by an approved adoption agency recognised in the UK.

The conditions are the same, except you will be required to notify the Council of the date you receive the 'official notification' (permission from a UK authority) confirming that you can adopt from abroad and the expected date that the child will arrive in Great Britain. This must be done within 28 days of receipt of the official notification.

You will also need to give at least 28 days notice of when you want the adoption leave and pay to start.

Within 28 days of the child entering Great Britain, you will need to provide the Council with evidence in writing of the child's actual date of entry and proof of the adoption.

#### **6) If I adopt a step child or a family member, will I be entitled to adoption leave?**

No. To be eligible for adoption leave, you must be newly matched with a child for adoption by an approved adoption agency. Adopters will not qualify for adoption leave or pay in the following circumstances:

- Private adoption e.g. without permission from a UK authority or adoption agency.
- Becoming a special guardian or kinship carer.
- Adopting a stepchild.
- Adopting a family member.

#### **7) When can the adoption leave be taken?**

The earliest that adoption leave can start is 14 days before the date the child is placed with you for adoption. The latest day it can start is the date the child is placed.

The adoption leave can start on any day of the week. The adoption leave cannot be used to attend meetings, training sessions or court in relation to the adoption.

For overseas adoptions, the adoption leave may start from the date the child arrives in the UK or within 28 days of this date.

#### **8) What is the qualifying week?**

The qualifying week is the week that you are notified that you have been matched for adoption. The week begins on the Sunday before the match took place and ends on the Saturday after that date.

In the case of Parental Order Parents (Surrogacy), the qualifying week is the end of the 15<sup>th</sup> week before the expected week of the child's birth. In the case of dual approved prospective adopters, the qualifying week is the date that the dual approved prospective adopter is notified of a match with a child.

#### **9) Can I take any time off work to deal with issues relating to the adoption before it takes place?**

The primary adopter (i.e. the primary carer) may take paid time off for up to five adoption appointments and the secondary adopter to take unpaid time off for up to two such appointments.

You should be aware that if you take paid time off to attend adoption appointments, you will not be able to take paternity leave or maternity support leave in relation to the adoption of that child. Therefore it's likely that the person who takes paid time off work to attend adoption appointments will also take adoption leave and pay.

#### **10) My partner is adopting a child. Can I take time off for pre adoption appointments?**

No. The partner of individual who is adopting a child is not entitled to time off work (whether paid or unpaid) to attend adoption appointments unless they are jointly adopting a child.

#### **11) Do I need to have been employed by the Council for a particular length of time before I can take adoption leave?**

Adoption leave is now a 'day one' right, so employees will no longer need 26 weeks' continuous employment to be eligible. However, the amount of pay you are entitled to will depend on earnings and service. This change applied from 5 April 2015.

#### **12) What happens to my holiday entitlement during adoption leave?**

Your holiday entitlement continues to accrue during the adoption leave period, just in the normal way. You will be entitled to take any leave due to you either before or after the adoption leave period. You will not be able to take annual during the period of adoption leave.

#### **13) What is the effect on adoption leave and pay if the adoption is disrupted?**

It is not uncommon for an adoption to be disrupted and the child to be returned to the adoption agency. If the adoption is disrupted in this way, or in the event that the child passes away, you will

not be entitled to full adoption leave. In this situation, you will be able to continue the adoption leave for up to eight weeks after the end of the placement (or in the case of adoption from overseas, the date the child ceases to live with the adopter). A week for these purposes is a period of seven days beginning with a Sunday.

#### **14) What happens to my pension on adoption leave?**

##### **Local Government Pension Scheme**

During the paid adoption leave period (both ordinary and additional), if you are an active member of the Pension Fund, the amount of pension you build up will not be affected. This means that if you have a period of reduced or no contractual pay during this relevant child related leave your pension is worked out using an average of your usual pensionable pay before the reduction took place. You will only pay contributions on any pay that you receive.

If you decide to take a period of additional **unpaid** adoption leave, you won't build up any pension benefits. You can elect to cover the period of the 'lost' pension by taking out a Shared Cost Additional Pension Contribution (SAPC) contract. Provided that you elect to buy the 'lost' pension within 30 days of your return to work the Council will share the cost with you by paying 2/3rds. If you elect outside of this deadline you will have to pay the full cost using an Additional Pension Contribution (APC) contract. You can not take out an additional pension contract if you have left.

Further information is available on the following websites: <http://lgps2014.org/> and <http://www.gmpf.org.uk>

##### NHS Pension Scheme

You can choose to pay pension contributions throughout any period of absence for parental or adoption leave, regardless of whether the leave is paid or unpaid. If you go on to a period of nil pay you can choose how to pay the pensions contributions for this period

For further details on how this works and the options you have, please see the guide on the NHS Pension Scheme website at <http://www.nhsbsa.nhs.uk/Pensions/4205.aspx> and click on 'Maternity, paternity, parental and adoption leave'

##### Teachers' Pension Scheme

Adoption leave is treated the same as maternity and paternity leave. So if you are receiving your normal pay or statutory adoption pay you will continue to pay contributions and build up pensionable service.

If you go onto nil pay, there are no contributions payable either from you or Manchester City Council and this time period will not count towards your pension scheme membership. Further details can be obtained from TPS website and on this factsheet <https://www.teacherspensions.co.uk/faqs/what-if-faqs/current-situation/what-if-i-have-been-on-maternity-or-paternity-leave.aspx>

#### **15) Can foster parents take adoption leave?**

You will only be able to take adoption leave if you are a foster parent that has been approved by the relevant local authority to foster a child with the expectation that you will adopt that child.

You will not be able to access further adoption leave and pay in respect of the same child or children if the adoption goes ahead i.e. there can only be one entitlement to adoption leave and pay in respect of that child).

#### **16) I have been matched with a child for adoption and this is taking place in a few days. I've not been able to give the Council 7 days' notice. Will I still qualify for Adoption Leave?**

Yes, the amount of notice you can give the Council will depend on the period of time between when you are notified that you have been matched with a child and when the child arrives. You will need to inform the Council of the match within 7 days of the child coming to live with you, or if this is not possible, as soon as you are notified of the match. You will however know if you are being considered for adoption, so you should keep your manager informed of any progress.

#### **17) Do I have to give notice of my return to work?**

If you wish to take the full 52 weeks of adoption leave, you will return to work at the end of the adoption leave period. If you wish to return to work earlier, you will need to give the Council 8 weeks notice of the date you wish to return.

**18) I am adopting more than one child as part of the same adoption arrangement. Do I get more leave or pay?**

No, unfortunately, there is only one period of adoption leave and or pay that is available per adoption arrangement.

**Surrogacy**

**19) I am having a child with the help of a surrogate mother, but don't meet the conditions to qualify for a parental order. Can I still take Adoption Leave?**

No, there are some circumstances where surrogate parents do not meet the conditions to apply for a Parental Order, such as single parents or parents who have no genetic link to the child. Unless you meet the conditions for a Parental Order, you will not be eligible for adoption leave and pay.

**20) I am the birth mother in an intended surrogacy arrangement. Am I entitled to any leave?**

Maternity leave is available to women who are pregnant or have given birth. The birth mother in a surrogacy arrangement is entitled to maternity leave even where she is not genetically related to the child she is carrying.

**21) How do I get a statutory declaration?**

If you are an intended parent in a surrogacy arrangement and you wish to claim adoption leave and/or pay, the Council may require you to provide a statutory declaration that you have obtained, or have applied for/intend to apply for, a Parental Order in respect of their child and expect such an order to be made. A statutory declaration is a written declaration signed by the individual making it in the presence of a:

- Practising solicitor
- Notary of the Public
- Justice of the Peace
- Commissioner for Oaths
- Councillor (Scotland only)
- Any other qualified person.

**22) Am I entitled to time off to attend ante-natal appointments with the birth mother?**

Parental Order parents are entitled to take time off work to accompany the surrogate mother to her antenatal appointments. Both of the Parental Order parents are entitled to unpaid time off to attend up to two antenatal appointments (of up to 6 and half hours each appointment). Where the Parental Order parent is the biological father of the child they are only entitled to unpaid time off to attend up to two antenatal appointments (i.e. they don't have a right to additional time off because they are the father and are only entitled to time off to attend up to two appointments in total).

**Keeping in Touch (KIT) Days**

**23) Am I entitled to normal pay if I attend work on a KIT day?**

You can have up to 10 KIT days. You will receive normal payment for the number of hours you have attended work. Even if you only work for part of a day or a couple of hours it will still count as a whole KIT day.

**24) What type of work can I do on a KIT day?**

You can do any type of work on a KIT day that you would do as part of your normal duties, including training, conferences and meetings.

This page is intentionally left blank

# Shared Parental Leave Policy

In accordance with Children and Families Act – Shared Parental Leave Regulations 2014

Employee Relations Team  
HROD  
June 2015

## TABLE OF CONTENTS

### Policy Statement

- 1 Purpose
- 2 Legislative Framework
- 3 Scope of Policy
- 4 Eligibility for Shared Parental Leave
- 5 Qualifying Criteria – Shared Parental Leave
- 6 Qualifying Criteria – Shared Parental Pay

### Procedure

- 7 Entering into Shared Parental Leave and Pay Arrangements
- 8 Formal Notice – Entering, Varying or Cancelling a Period of Leave
- 9 Shared Parental Leave – In Touch Days
- 10 Sickness during Shared Parental Leave
- 11 Returning To Work After Shared Parental leave
- 12 Other Entitlements
- 13 Providing False Information
- 14 Other Support for Parents

## APPENDICES

Appendix 1 – Notification of Entitlement & Intention to Take (Council employee – mother)

Appendix 2 – Notification of Entitlement & Intention to Take (Council employee – partner)

Appendix 3 – Notice to Take a Period of Shared Parental Leave

Appendix 4 – Notice to Vary or Cancel a Period of Shared Parental Leave



## Policy Statement

---

Manchester City Council is committed to attracting, developing and retaining a world class workforce. It aims to deploy all talent and experience available in the most flexible and efficient manner. In developing a flexible workforce it recognises the importance of helping employees balance their work and home life as well as meeting service delivery requirements.

The Shared Parental Leave Regulations provide an opportunity for new parents to take advantage of additional flexibility. This policy has been written to help those eligible parents decide if Shared Parental Leave will benefit them and how it may be used alongside or instead of traditional maternity or adoption leave.

Shared Parental Leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave.

### 1. Purpose

---

Shared Parental Leave Regulations (2014) introduces a new statutory right giving parents of a newborn infant or a child newly placed for adoption the opportunity to share up to a maximum of 50 weeks' maternity leave and 39 weeks of pay if they meet the necessary eligibility criteria. It will provide the opportunity for parents to take advantage of additional flexibility in the way they choose to care for a new arrival to the family with the intention of allowing families more choice over how they look after their child in the first year.

Eligible mothers will therefore be able to volunteer to end their maternity leave and pay (where applicable) early to create leave and pay which they can share with the child's father or their partner as shared parental leave and pay. Parents can choose to opt in to shared parental leave at any time so long as there is some untaken maternity leave to share.

### 2. Legislative Framework

---

This policy has been written in compliance with, and is applicable to the following legislation:

- Children and Families Act (2014) - Shared Parental Leave Regulations (2014)
- Employment Act (2002)
- Equality Act (2010)

### 3. Scope

---

Shared Parental Leave Regulations came into force on 1 December 2014 and are open to the parents of children expected to be born on or placed for adoption after 5 April 2015.

These arrangements cover all employees employed by Manchester City Council. Schools may choose to adopt this policy for staff directly employed by schools. Agency Workers are not entitled to Shared Parental Leave.

### 4. Eligibility for Shared Parental Leave

---

Shared Parental Leave applies to:

- The mother (or expectant mother) of a child or person with whom the child is, or is expected to be placed for adoption
- The partner, this is the father of the child, or the person who is married to, or the civil partner or partner of the mother (or expectant mother) of a child, or person with whom the child is, or is expected to be placed for adoption

A partner is a person (whether of a different sex or the same sex) who lives with the mother or person with whom the child is, or is expected to be placed in an enduring family relationship but is not their child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

To be eligible for shared parental leave with the Council, an employee must:

- be a mother, father or main adopter of a child
- share equal care and responsibility for a child with their partner at the time of birth or placement for adoption
- be entitled to maternity/adoption leave or to statutory maternity/adoption pay

### 5. Qualifying Criteria – Shared Parental Leave

---

Parents wishing to enter into shared parental leave must satisfy the following conditions to qualify for eligibility and entitlement:

a) Continuity of employment test

- The employee must have 26 weeks' continuous service by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) or at the week in which the main adopter was notified of being matched with the child (relevant week), and should still be employed until the week before any period of shared parental leave is to be taken.

b) Employment and earnings test

- The other parent must have worked (in an employed or self employed capacity) for at least 26 of the 66 weeks' immediately before the baby's expected due date/matching date earning an average of at least £30 per week in any 13 of the 66 weeks in question.

Where eligibility criteria has been met by both parents they will both be entitled to Shared Parental Leave with the ability to convert a period of maternity/adoption leave into shared parental leave. Parents must decide how this leave will be taken with the option to either alternate the leave or be at home together.

The total amount of SPL available is 52 weeks less the weeks spent by the child's mother on maternity leave or less the weeks of adoption leave taken by either the employee or the partner (or the weeks in which the mother has been in receipt of Statutory Maternity Pay or Maternity Allowance if she is not entitled to maternity leave and in respect of adoption, the weeks in which the partner has been in receipt of Statutory Adoption Pay if they were not entitled to adoption leave).

The mother/main adopter cannot start SPL until after the compulsory maternity/adoption leave period, which lasts until two weeks after birth has been taken.

The father/partner, if eligible, must take statutory paternity leave and pay which is in addition to shared parental leave before any period of shared parental leave can be entered into.

## **6. Qualifying Criteria – Shared Parental Pay**

---

Shared Parental Pay is available up to a maximum of 39 weeks less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay already taken by the employee or their partner.

Shared parental pay is paid in line with statutory maternity pay whereby;

- the first 6 weeks of the 39 week period available is paid at 90% of average earnings
- followed by 33 weeks paid at the current lower statutory maternity pay rate of set by the government each year, or 90% of average weekly earnings if this is less.

To be eligible for shared parental pay the gross average earnings of both the mother or the person with whom the child is, or is expected to be placed and their partner should be assessed and must be equal to or above the lower earnings limit threshold (currently £111 per week) in the 8 weeks leading up to the qualifying week (i.e. the 15<sup>th</sup> week before the week in which the baby is due to be born, or the week that the adopter is notified of being matched with the child.)

## PROCEDURE

---

### 7. Entering into Shared Parental Leave and Pay Arrangements

---

#### Notification of entitlement and intention to take SPL

Formal requests for shared parental leave must include the following information:

- The employee's name and other parent's name;
- The start and end dates of the mother's or main adopter's maternity/adoption leave (or the start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave)
- The expected date of birth/placement and the actual date of birth/placement if the written notice is given after the birth/placement;
- The amount of SPL and ShPP available and an indication of how much each parent intends to take (this indication is not binding and may be varied at a later date by a subsequent written notice signed by both parents);
- A declaration that the employee meets the conditions for entitlement to SPL, the information provided is accurate and that the employee will notify the Council immediately if they cease to meet the conditions for entitlement; and
- A declaration from the other parent containing his or her name, address and National Insurance number, confirmation that s/he meets the employment and earnings conditions, consents to the amount of leave the employee intends to take and will immediately inform the Council if s/he ceases to satisfy the employment and earnings conditions.

To ensure that the required information and declarations are provided forms are included in appendix 1 and 2, to be completed by either the mother/main adopter and/or the partner.

Employees must confirm their request in writing at least 8 weeks before the start date of the first period of shared parental leave providing the necessary information and signed declaration.

#### Notice of curtailment of statutory maternity/ adoption leave and pay

If the parents meet the qualifying requirements and wish to take shared parental leave and/or pay, the mother or main adopter must curtail (or cut short) their maternity leave and pay or adoption leave and pay.

Forms at appendix 1 and 2 contain a written notice to curtail maternity/adoption leave and pay. This must be submitted at the same time as the notice of entitlement and intention to take shared parental leave, giving at least 8 weeks' prior notice of the date on which maternity/adoption leave and pay is to end. The remaining maternity/adoption leave and pay available will then be converted into shared parental leave.

Notice of curtailment is usually binding, but may be revoked in the following circumstances:

- If it becomes apparent that neither parent is entitled to SPL or ShPP;
- If the curtailment notice was given before the birth and is revoked within six weeks of the birth (in this case another curtailment notice can be submitted); or
- If the other parent dies.

## Evidence Requirements

The following evidence of entitlement is required:

- a) a copy of the child's birth certificate or if one has not been obtained a signed declaration of the child's date and place of birth; or
- b) one or more documents from the adoption agency showing the agency's name and address and the expected placement date
- c) the name and address of the partner's employer or a declaration that they have no employer.

Any such request will be made by the Council within 14 days of receiving the employee's notice of entitlement and intention to take SPL and ShPP. The employee should supply this information either with the evidence of entitlement or intention to take shared parental leave form or within 14 days of submitting the form (or within 14 days of the birth of the child if the Council's request was made before the child was born).

## Multiple Contracts of Employment

An employee with more than one job is entitled to take Shared Parental Leave if they are entitled to maternity leave under each contact of employment held.

Shared parental leave and/or pay can only be created if the mother curtails maternity leave and/or pay under each contract of employment held.

Shared Parental Leave and Pay will still equate in total to 52 weeks leave and 39 weeks pay less the amount of maternity leave and pay taken by the mother.

## 8. Formal Notice - Requesting, Varying or Cancelling a Period of Leave

---

Before a period of leave can be taken, employees will need to submit a formal notice to take a Period of Leave.

Employees are entitled to submit a maximum of three combined formal notices to take, vary or cancel a 'Period of Leave' by completing the corresponding formal notice requests at appendix 3 and 4 respectively.

The minimum block of time for any 'Period of Leave' is one week with the maximum not exceeding the combined leave available. (i.e. 52 weeks)

Each notice requesting a 'Period of Leave' to 'Vary a Period of Leave' or to 'Cancel a Period of Leave' must be given at least eight weeks before the start date of the period.

Any changes in start and end dates of Leave or Variances must be stated together with the dates on which ShPP will be claimed, if applicable.

When Varying a Period of Leave employees are entitled to:

- change the start date for a period of leave, or the length of the leave, by notifying their manager in writing at least eight weeks before the original start date and the new start date.

- change the end date for a period of leave by notifying their manager in writing at least eight weeks before the original end date and the new end date.
- combine split periods of leave into a single continuous period of leave by notifying their manager in writing at least eight weeks before the start date of the first period.
- request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between.

The following situations do not count as a Variation of Leave Notice:

- if a notice is withdrawn within 15 days of providing it;
- if dates are changed due to the child being born earlier or later than the EWC or the child being placed earlier or later than the expected placement date
- if the variation in dates is at the request of the Council/manager.

### **Requests to take Continuous Leave**

If the Period of Leave notice is for a single continuous block of shared parental leave the employee will be entitled to take the leave as set out in the notice.

If the Period of Leave notice includes more than 1 period of leave (discontinuous), the manager will seek to accommodate the request where possible.

The manager has 14 days to consider the request and may:

- consent to the discontinuous leave period; or
- propose an alternative pattern or dates for the periods of leave; or
- refuse the discontinuous leave request.

If no agreement is reached within 14 calendar days of the notice requesting the 'Period of Leave' being submitted the employee can:

- take the discontinuous periods of leave requested in one continuous block, beginning on the original start date; or
- take the continuous block starting on a new date, as long as the new date is later than the original start date, and the Council is notified of the new date within 19 calendar days. If the employee does not choose a start date the leave must start on the start date of the first period of leave requested in the period of leave notice; or
- withdraw the request within 15 calendar days of the request being submitted. If the request is withdrawn in these circumstances it will not count as one of the three formal requests.

## **9. Shared Parental Leave In Touch Days (SPLit Days)**

---

Each parent is entitled to up to 20 'shared parental leave in touch' (SPLit) days during shared parental leave where employees may, in agreement with their employer, ask or be asked to work (including attending training) for up to 20 days during the shared parental leave period (this is additional to the 10 KIT days allowed during maternity and adoption leave).

SPLit days, as with KIT days may be worked at anytime during the shared parental leave period by both parents except during the first two weeks after the baby is born as this is a compulsory maternity leave period which must be taken by the mother.

Both the employer and employee must agree these days and the type of work to be undertaken in advance. These days are not compulsory and the employee is entitled to refuse the opportunity without suffering any detriment.

Managers may make reasonable contact with the employee during a period of Shared Parental Leave although this should be kept to a minimum and may include making contact to discuss arrangements for the employees return to work.

Employees will be paid at their normal basic rate of pay for time spent working on SPLit days and work undertaken during SPL will not have the effect of extending the employee's shared parental leave. Pension contributions will be payable for SPLit days.

## **10.Sickness during Shared Parental Leave**

---

If an employee is sick and unable to care for the child, then they are not entitled to take shared parental leave. An employee must be paid sick pay rather than statutory shared parental pay when they are sick if eligible. Shared parental pay would recommence after the Statutory Sick Pay period ends.

## **11. Returning to Work after Shared Parental Leave**

---

If an employee wishes to return to work early following a period of shared parental leave 8 weeks written notice of the new return date must be given and will count as one of the three Period of Leave notices.

An employee is entitled to return to the same job on the same terms and conditions as if they had not been absent, where their total statutory leave taken in relation to that child is 26 weeks or less in aggregate, even if the leave is taken in discontinuous blocks.

If an employee has taken any combination of statutory leave, any additional maternity/adoption leave or ordinary parental leave which totals more than 26 weeks', they are entitled to return to the same job. If, however, there is some reason (other than redundancy) why it is not reasonably practicable for an employee to return to their original job they will be entitled to be offered suitable alternative work on terms and conditions no less favourable than if they continued to be employed in their old job.

### **Extending SPL**

Employees who wish to extend their shared parental leave are entitled to do so as long as there remains unused SPL entitlement. A written Period of Leave notice must be given 8 weeks in advance of the return date.

Employees who have already given the maximum of 3 Period of Leave notices will not be able to extend their SPL without agreement.

## 12. Other Entitlements during Shared Parental Leave

---

### Post disestablished

If an employee's position is disestablished whilst an employee is on a period of leave under Shared Parental Leave arrangements, the employee is entitled to be offered a suitable vacancy if one exists.

### Rights during Shared Parental Leave

Employees are entitled to receive all of the normal terms and conditions of the contract of employment, including annual holiday entitlement, with the exception of normal pay.

### Pension

Pension contributions will continue to be made by the Council during the period when the employee is in receipt of pay, including statutory maternity pay, maternity allowance or shared parental pay, but not during any period of unpaid maternity leave.

### Change in Employee's Circumstances

It is possible that a parent's circumstances may change after periods of SPL have been agreed. This could prove difficult for the Council if the change is advised at short notice and arrangements to cover the post are already in place. In such circumstances, the Council may decide to hold the employee to the agreed arrangements.

## 13. Providing False Information

---

It is the employee's responsibility to ensure that the information provided on the shared parental leave declaration is accurate.

If the Council suspects that fraudulent information may have been provided or where the Council has been informed by the HMRC that a fraudulent claim was made, the Council may use the Disciplinary Policy and Procedure to investigate the matter further, which could lead to action up to and including dismissal.

## 14. Other Support for Parents

---

Other relevant support policies that exist in relation to dependents include:

- Maternity Leave Policy
- Adoption Leave Policy
- Paternity Leave Policy
- Maternity Support Leave Policy
- Parental Leave Policy
- Flexible Working Policy
- Childcare Voucher Scheme

Information on these policies can be found on the intranet.



# Appendices

## SHARED PARENTAL LEAVE POLICY

**Appendix 1 – Notification of Entitlement & Intention to Take (Council employee – mother)**

**MANCHESTER  
CITY COUNCIL**

Shared Service Centre

**Manchester City Council**

**Application for Shared Parental Leave  
Notification of Entitlement and Intention to Take**

Please read the guidance on Shared Parental Leave before proceeding

**To be completed if you are an employee of Manchester City Council and are the MOTHER / MAIN ADOPTER of the child.**

**ALL SECTIONS MUST BE COMPLETED.**

**PLEASE NOTE:** This form must be submitted at least 8 weeks before the start date of the first period of Shared Parental Leave

<b>Section A – Basic Details</b>			
Employee Surname:		Employee Forename(s):	
Personnel Number:		Employee Contact No.	
Directorate:		Department:	
Manager Name:		Manager Contact No.	
Expected due date/Date of placement for adoption: <i>(if notification is prior to birth/adoption)</i>			
Actual date of birth/adoption placement date:			
Start date of maternity or adoption <b>leave</b> :		End date of maternity or adoption <b>leave</b> :	
Start date of maternity or adoption <b>pay</b> :		End date of maternity or adoption <b>pay</b> :	
<b>Section B – Shared Parental Leave</b>			
Maximum number of weeks available: <i>(52 weeks minus number of weeks taken according to dates outlined in Section A)</i>			
Number of weeks leave you intend to take:			
Number of weeks leave the other parent intends to take:			
Please detail the start and end dates of shared parental leave that <b>you</b> intend to take. This should tally with the number of weeks you have indicated above.  <b>These dates are an <u>indication only</u> and are non-binding. To make your first formal request please complete the Notice to Take a Period of Shared Parental Leave Application form.</b>		<b>Start Date(s):</b>	<b>End Date(s):</b>

<b>Section C – Shared Parental Pay</b>		
Maximum number of weeks available: <i>(39 weeks minus number of weeks taken according to the dates outlined in Section A)</i>		
Number of weeks pay you intend to take:		
Number of weeks pay the other parent intends to take:		
Please detail the start and end dates of shared parental pay that <b>you</b> intend to take. This should tally with the number of weeks you have indicated above.	<b>Start Date(s):</b>	<b>End Date(s):</b>
<b>Section D – Notice to Curtail Maternity/Adoption Leave</b>		
I wish my maternity/adoption leave to end on the following date: _____		
<b>N.B. If on maternity leave, this date must be two weeks after the birth/adoption date.</b>		
<b>You must give at least 8 weeks notice of your curtailment date.</b>		
Signed: _____		
<b>Section E – Notice to Curtail Maternity/Adoption Pay</b>		
I wish my maternity/adoption pay to end on the following date: _____		
<b>You must give at least 8 weeks notice of your curtailment date.</b>		
Signed _____		
<b>Section F – Employee Declaration</b>		
I can confirm that I meet the following conditions and that the information I have provided on this form is accurate:		
<ul style="list-style-type: none"> <li>• I am the mother/main adopter of the child</li> <li>• I have (or share with the other parent) the main responsibility for the care of the child and I am taking SPL in order to care for the child</li> <li>• I have at least 26 weeks' continuous service at the 15<sup>th</sup> Week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child</li> <li>• I intend to be in continuous employment until the week before any Shared Parental Leave is taken</li> <li>• In the event of claiming Shared Parental Pay, I have average weekly earnings equal to or above the Lower Earnings Limit over the 8 week period ending with the expected week of birth or adoption placement</li> <li>• I agree to inform the Council immediately if I cease to meet the conditions for entitlement to Shared Parental Leave or Shared Parental Pay.</li> <li>• I have/will provide evidence of the child's Birth Certificate or necessary adoption paperwork</li> </ul>		
I, _____ as the mother/main adopter, am entitled to statutory maternity leave, statutory maternity pay or maternity allowance, and have submitted a curtailment of maternity/adoption leave and pay notice by completing Section D above, or I have ended my maternity/adoption leave by returning to work.		
Signed:	Date:	

**Section G – Parental Declaration**

This section **must** be completed by the father/partner:

Surname:		Forename(s)	
Contact No.		National Insurance No.	

Name & Address of Employer (*if employed*)

I can confirm that I meet the following conditions and that the information I have provided on this form is accurate:

- I am the mother, father or main adopter of the child, or the spouse, partner or civil partner of the mother or main adopter of the child
- I have/will have (or share with the other parent) the main responsibility for the care of the child
- I have been employed for 26 out of the 66 weeks' (in an employed or self employed capacity) prior to the 15<sup>th</sup> week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child
- I have at least 26 weeks employment (employed or self-employed) out of the 66 weeks immediately before the expected week of childbirth or at the week in which the main adopter was notified of having been matched for adoption with the child
- I have average weekly earnings of at least £30 per week in any 13 of the 66 weeks immediately before the expected week of childbirth or the week in which the main adopter was notified of having been matched for adoption with the child
- I agree to inform your employee immediately if I cease to meet the conditions above
- I consent to your employee taking Shared Parental Leave and Shared Parental Pay as set out in Sections B and C of this form
- I consent to the Council receiving this declaration and processing the information I have provided

Signed:

Date:

**Section G – Manager's Confirmation**

I confirm that I am aware that the above mentioned employee is requesting Shared Parental Leave and in doing so is giving notice to curtail maternity/adoption leave.

I understand that the dates provided are indicative and are therefore non-binding and subject to change.

I await the submission of a Formal Notice to Request a Period of Shared Parental Leave.

Managers Name:

Signed:

Date:

**Please Return to Personnel Administration at:**

**Email:**

[employeelifecycle@manchester.gov.uk](mailto:employeelifecycle@manchester.gov.uk)

**Address:**

Statutory Changes Team, Shared Service Centre, Level 2, Town Hall Extension, Manchester City Council, Manchester, M60 2LA

## Appendix 2 – Notification of Entitlement &amp; Intention to Take (Council employee – partner)



**MANCHESTER**  
CITY COUNCIL

Shared Service Centre

**Manchester City Council**

**Application for Shared Parental Leave  
Notification of Entitlement and Intention to Take**

Please read the guidance on Shared Parental Leave before proceeding

**To be completed if you are an employee of Manchester City Council and are the PARTNER OF THE MOTHER / MAIN ADOPTER of the child.**

**ALL SECTIONS MUST BE COMPLETED.**

**PLEASE NOTE:** This form must be submitted at least 8 weeks before the start date of the first period of Shared Parental Leave

<b>Section A – Basic Details</b>			
Employee Surname:		Employee Forename(s):	
Personnel Number:		Employee Contact No.	
Directorate:		Department:	
Manager Name:		Manager Contact No.	
Expected due date/Date of placement for adoption: <i>(if notification is prior to birth/adoption)</i>			
Actual date of birth/adoption placement date:			
Start date of maternity or adoption <b>leave</b> :		End date of maternity or adoption <b>leave</b> :	
Start date of maternity or adoption <b>pay</b> :		End date of maternity or adoption <b>pay</b> :	
<b>Section B – Shared Parental Leave</b>			
Maximum number of weeks available: <i>(52 weeks minus number of weeks taken according to dates outlined in Section A)</i>			
Number of weeks leave you intend to take:			
Number of weeks leave the other parent intends to take:			
Please detail the start and end dates of shared parental leave that <b>you</b> intend to take. This should tally with the number of weeks you have indicated above.  <b>These dates are an <u>indication only</u> and are non-binding. To make your first formal request please complete the Notice to Take a Period of Shared Parental Leave Application form.</b>		Start Date(s):	End Date(s):

Section C – Shared Parental Pay		
Maximum number of weeks available: <i>(39 weeks minus number of weeks taken according to the dates outlined in Section A)</i>		
Number of weeks pay you intend to take:		
Number of weeks pay the other parent intends to take:		
Please detail the start and end dates of shared parental pay that <b>you</b> intend to take. This should tally with the number of weeks you have indicated above.	Start Date(s):	End Date(s):
Section D – Employee Declaration		
I can confirm that I meet the following conditions and that the information I have provided on this form is accurate:		
<ul style="list-style-type: none"> <li>• I am the father/adopter of the child, or the partner of the mother or main adopter</li> <li>• I have (or share with the other parent) the main responsibility for the care of the child and I am taking SPL in order to care for the child</li> <li>• I have at least 26 weeks' continuous service at the 15<sup>th</sup> Week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child</li> <li>• I intend to be in continuous employment until the week before any Shared Parental Leave is taken</li> <li>• In the event of claiming Shared Parental Pay, I have average weekly earnings equal to or above the Lower Earnings Limit over the 8 week period ending with the expected week of birth or adoption placement</li> <li>• I agree to inform the Council immediately if I cease to meet the conditions for entitlement to Shared Parental Leave or Shared Parental Pay</li> <li>• I have/will provide evidence of the child's Birth Certificate or necessary adoption paperwork</li> </ul>		
I, _____ as the father/ adopter/ partner of the mother, can confirm that the mother/partner or main adopter is entitled to statutory maternity leave, statutory maternity pay or maternity allowance, and has submitted a curtailment of maternity/adoption leave and pay notice, or will have done so at least 8 weeks before the start date of the first period of Shared Parental Leave, or has ended maternity/adoption leave by returning to work.		
Signed:	Date:	

Section E – Parental Declaration			
This section <b>must</b> be completed by the mother/main adopter:			
Surname:		Forename(s)	
Contact No.		National Insurance No.	
Name & Address of Employer ( <i>if employed</i> )			

I can confirm that I meet the following conditions and that the information I have provided on this form is accurate:

- I am the mother or main adopter of the child
- I have/will have (or share with the other parent) the main responsibility for the care of the child
- I have been employed for 26 out of the 66 weeks' (in an employed or self employed capacity) prior to the 15<sup>th</sup> week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child
- I have at least 26 weeks employment (employed or self-employed) out of the 66 weeks immediately before the expected week of childbirth or at the week in which the main adopter was notified of having been matched for adoption with the child
- I have average weekly earnings of at least £30 per week in any 13 of the 66 weeks immediately before the expected week of childbirth or the week in which the main adopter was notified of having been matched for adoption with the child
- I agree to inform your employee immediately if I cease to meet the conditions above
- I consent to your employee taking Shared Parental Leave and Shared Parental Pay as set out in Sections B and C of this form
- I consent to the Council receiving this declaration and processing the information I have provided
- I am entitled to statutory maternity leave, statutory maternity pay or maternity allowance and have given notice to curtail that leave and pay/allowance or will have done so at least 8 weeks prior to the first period of Shared Parental Leave in order to create a Shared Parental Leave entitlement.

Signed:

Date:

### Section F – Manager's Confirmation

I confirm that I am aware that the above mentioned employee is requesting Shared Parental Leave and in doing so is giving notice to curtail maternity/adoption leave.

I understand that the dates provided are indicative and are therefore non-binding and subject to change.

I await the submission of a Formal Notice to Request a Period of Shared Parental Leave.

Managers Name:

Signed:

Date:

### Please Return to Personnel Administration at:

**Email:**

[employeelifecycle@manchester.gov.uk](mailto:employeelifecycle@manchester.gov.uk)

**Address:**

Statutory Changes Team, Shared Service Centre, Level 2, Town Hall Extension, Manchester City Council, Manchester, M60 2LA

**Appendix 3 – Notice to Take a Period of Shared Parental Leave**

**MANCHESTER  
CITY COUNCIL**

Shared Service Centre

**Manchester City Council**

**Application for Shared Parental Leave  
Notice to Take a Period of Shared Parental Leave**

Please read the guidance on Shared Parental Leave before proceeding

**PLEASE NOTE:**

- **This form must be submitted at least 8 weeks before the start date of the first period of Shared Parental Leave**
- **You must have submitted the Notification of Entitlement and Intention to Take form**
- **Up to 3 combined requests to take, vary or cancel leave may be submitted**
- **Submitting this form it will count as one of the 3 requests**

<b>Section A – Basic Details</b>			
Employee Surname:		Employee Forename(s):	
Personnel Number:		Employee Contact No.	
Directorate:		Department:	
<b>Section B – Request to take Shared Parental Leave</b>			
Please detail the start and end dates of shared parental leave requested.	<b>Start Date(s):</b>		<b>End Date(s):</b>
<b>Section C – Request to take Shared Parental Pay (if applicable)</b>			
Please detail the start and end dates of shared parental pay requested.	<b>Start Date(s):</b>		<b>End Date(s):</b>
<p><b>Note:</b></p> <p>If the Period of Shared Parental Leave notice is for a single continuous block you will be entitled to take the leave as set out in this notice.</p> <p>If the Period of Shared Parental Leave notice includes more than 1 period of leave (discontinuous), the manager will seek to accommodate the request where possible and will confirm the outcome within 2 weeks.</p>			



**Section D – To be completed by the manager**

I confirm that due consideration has been given to the request and I,:

consent to the discontinuous period of leave as set out above

propose the alternative pattern or dates

Start Date(s):	End Date(s):

regret to inform you that your request for the proposed period of discontinuous leave cannot be granted

**Signed (Manager):**

**Date:**

**Information for the employee:**

If the proposed alternative pattern is not suitable or your request for discontinuous leave has been declined you can:

- withdraw the request within 15 days of the request being submitted
- take the discontinuous leave in one continuous block beginning on the original start date
- take the discontinuous leave in one continuous block beginning on a new start date and notify the Council within 19 days of the request being submitted of the new date (the new start date must be later than the original)

**Employee declaration:**

**I wish to:**

withdraw the request within 15 days of the request being submitted

take the discontinuous leave in one continuous block beginning on the original start date

take the discontinuous leave in one continuous block beginning on \_\_\_\_\_

**Signed (Employee):**

**Date:**

**Please Return to Personnel Administration at:**

**Email:** [employee lifecycle@manchester.gov.uk](mailto:employee lifecycle@manchester.gov.uk)

**Address:** Statutory Changes Team, Shared Service Centre, Level 2, Town Hall Extension, Manchester City Council, Manchester, M60 2LA

## Appendix 4 – Notice to Vary or Cancel a period of Shared Parental Leave



**MANCHESTER  
CITY COUNCIL**

Shared Service Centre

**Manchester City Council**

**Application for Shared Parental Leave  
Notice to Vary or Cancel a Period of  
Shared Parental Leave**

Please read the guidance on Shared Parental Leave before proceeding

**PLEASE NOTE:**

- This form must be submitted at least 8 weeks before the start date of the period of Shared Parental Leave
- You must have submitted the Notice to Take a Period of Shared Parental Leave form
- Submitting this form it will count as one of the 3 combined requests to take, vary or cancel a period of shared parental leave

<b>Section A – Basic Details</b>			
Employee Surname:		Employee Forename(s):	
Personnel Number:		Employee Contact No.	
Directorate:		Department:	
<b>Section B –</b>			
<b>Original Shared Parental Leave/Pay dates</b>		<b>New Shared Parental Leave/Pay dates</b>	
<b>Start Date(s):</b>	<b>End Date(s):</b>	<b>Start Date(s):</b>	<b>End Date(s):</b>
<b>Section D – To be completed by the manager</b>			
I confirm that due consideration has been given to the request and I,:			
<input type="checkbox"/> consent to the new pattern of leave as set out above			
<input type="checkbox"/> regret to inform you that your request to vary a your original period of leave cannot be granted			
<b>Signed (Manager):</b>		<b>Date:</b>	

<b><u>Information for the employee:</u></b>	
If your request to vary leave has been declined you can: <ul style="list-style-type: none"><li>• withdraw the request within 15 days of the request being submitted</li></ul>	
<b>Employee declaration:</b>	
I wish to:	
<input type="checkbox"/> withdraw the request within 15 days of the request being submitted	
<input type="checkbox"/> continue with original dates as set out above	
<b>Signed (Employee):</b>	<b>Date:</b>

<b>Please Return to Personnel Administration at:</b>	
<b>Email:</b>	<a href="mailto:employeelifecycle@manchester.gov.uk">employeelifecycle@manchester.gov.uk</a>
<b>Address:</b>	Statutory Changes Team, Shared Service Centre, Level 2, Town Hall Extension, Manchester City Council, Manchester, M60 2LA

This page is intentionally left blank

## Manchester City Council

**MATERNITY LEAVE AND PAY SCHEME****Contents**

	Page
Index	2
Glossary of Terms	3
Part 1 - Statutory Maternity Leave and Pay	4
Part 2 - City Council's Occupational Maternity Scheme	12
Part 3 - Implications for Members of the Pension Scheme	15

Appendix **Maternity Leave and Pay at a Glance**

## Sample Letters to Employees

Letter 1	Employees with less than 1 year's continuous LG service at the 11th week before the EWC and with less than 26 weeks' continuous service with the CC at the 15th week before the EWC.
Letter 2	Employees with less than 1 year's continuous LG service at the 11th week before the EWC but with at least 26 weeks' continuous service with the CC at the 15th week before the EWC.
Letter 3	Employees with at least 1 year's continuous LG service at the 11th week before the EWC but less than 26 weeks' continuous service with the City Council at the 15th week before the EWC.
Letter 4	Employees with between 1 and 2 years' continuous LG service at the 11th week before the EWC and at least 26 weeks' continuous service with the CC at the 15th week before the EWC.
Letter 5	Employees with 2 years' or more continuous LG service at the 11th week before the EWC and at least 26 weeks' continuous service with the CC at the 15th week before the EWC.
Letter 6	Employees with 2 years' or more continuous LG service at the 11th week before the EWC but with less than 26 weeks' continuous service with the City Council at the 15th week before the EWC.

**Manchester City Council**

**MATERNITY LEAVE AND PAY SCHEME  
Index**

	Page
<b>Glossary of Terms</b>	3
<b>Part 1 Statutory Maternity Leave and Pay</b>	
Eligibility for Statutory Maternity Leave	4
Eligibility for Statutory Maternity Pay	4
Rate of Statutory Maternity Pay	5
Notification Requirements	5
Commencement of Statutory Maternity Leave	6
Commencement of Statutory Maternity Pay	6
Compulsory Maternity Leave	6
Pregnancy Related Illness	6
Sickness	7
Dismissal or Resignation	7
Multiple Employments	7
Premature Births	8
Stillbirths or Miscarriage	8
Keeping in Touch Days	8
Return to Work	9
Timing of Payments	9
Appeals	10
Disentitlement from SMP	10
Ante Natal Care	10
Terms and Conditions of Employment during Statutory Maternity Leave	11
Other Leave Entitlements for Parents	11
<b>Part 2 City Council's Occupational Maternity Scheme</b>	
General Provisions	12
Service Requirements and Pay	12
Payment of Occupational Maternity Pay	13
Commencement of Occupational Maternity Pay and Occupational Maternity Leave	13
Return to Work	14
Other provisions	14
Where Both Parents are Employed by the City Council	15
<b>Part 3 Implications for Members of the Pension Scheme</b>	16
<b>Appendix Maternity Leave and Pay at a Glance</b>	

## Glossary of Terms

EWC	Expected week of childbirth - the week, beginning with midnight between Saturday and Sunday, in which it is expected that the baby will be born.
SMP	Statutory Maternity Pay
SML	Statutory Maternity Leave
QW	Qualifying Week
SSP	Statutory Sick Pay
OMP	Occupational Maternity Pay
OML	Occupational Maternity Leave
MA	Maternity Allowance

## Manchester City Council

### PART 1: STATUTORY MATERNITY LEAVE AND PAY

(for women whose babies are expected to be born on or after 5 October 2008)

#### 1. ELIGIBILITY FOR STATUTORY MATERNITY LEAVE (SML)

- 1.1 All pregnant employees are entitled to a period of 26 weeks' ordinary maternity leave and 26 weeks Additional Maternity Leave, which begins at the end of ordinary maternity leave – a total of 52 weeks regardless of length of service.

#### 2.0 ELIGIBILITY FOR STATUTORY MATERNITY PAY (SMP)

- 2.1 Eligibility for SMP is assessed at the 15th week before the EWC (the qualifying week (QW)).
- 2.2 SMP is payable for a period of 39 weeks and in order to receive SMP an employee must:
- a) have been continuously\* employed by the City Council for at least 26 weeks leading into the QW;
  - b) have average earnings in the eight weeks up to and including the QW (or the equivalent period if they are monthly paid) at least equal to the lower earnings limit for National Insurance contributions;
  - c) still be pregnant at the 11th week before the EWC or have been confined by that time; and
  - d) have commenced maternity leave.
- 2.3 If an employee is not entitled to SMP, she may be entitled to Statutory Maternity Allowance (MA). Within 7 days of determining that she is not entitled to SMP, the employee should be given Form SMP1 explaining why SMP is not payable together with any maternity certificate she has provided. The employee should then contact her local Social Security Office.

\* For SMP purposes, only continuous service with the City Council counts towards eligibility. However, an employee with continuous local government service or continuous service with an employer covered by the Redundancy Payments

Cont'd overleaf



(Continuity of Employment in Local Government etc.) (Modification) Order 1999 may be eligible for payments under the Council's Maternity Scheme - see Part 2: Occupational Maternity Leave and Pay.

### 3. RATE OF SMP

- First 6 weeks @ 90% of average weekly earnings;
- Remaining weeks paid at standard rate of SMP or 90% of average weekly earnings (whichever is the lesser figure).  
(From April 2008 the standard rate of SMP is £117.18 per week)

Average earnings are an average of the gross earnings in the eight weeks before the end of the QW and may not be the same as contractual pay.

### 4. NOTIFICATION REQUIREMENTS

#### 4.1 For SML

To take advantage of the right to SML an employee must give notice (in writing to the Personnel Section of her Department), no later than the **end of the 15th week before the EWC** or as soon as reasonably practicable:-

- a) that she is pregnant;
- b) when the EWC will be (by means of a medical certificate);
- c) when she intends her maternity leave to start (which must be no earlier than the beginning of the 11th week before the EWC). This date can be changed as long as the employee gives notice of the new start date by whichever is the earlier of:-
  - i) 28 days before the date she originally intended to start her leave; or
  - ii) 28 days before the new date she wants to start her leave.

#### 4.2 For SMP

To give notice and qualify for SMP, an employee must:-

- a) give **28 days' written notice** (to the Personnel Section of her Department), of the date she expects her SMP to start. (The employee can change her leaving date, but must give 28 days' notice); and
- b) provide medical evidence of the date her baby is due. This will normally be a maternity certificate (Form Mat B1) or other acceptable documentation from a doctor or midwife. The Mat B1 certificate should be provided by the end of the third week of what would be the maternity pay period. If there is an acceptable reason why the employee has not provided the MAT B1 certificate within that three week period the time limit may be extended to the end of the thirteenth week of her maternity pay

period, but no longer. Payment of SMP cannot commence until this evidence is provided.

#### 4.3 Employer's Acknowledgement of Notification and Notification of End of Leave

On receiving proper notification from the employee of the intended start date for maternity leave, the Personnel Section should notify the employee of the date on which her ordinary maternity leave will end. If the employee is entitled to additional maternity leave, the Personnel Section should notify the employee of the date on which her additional maternity leave will end.

### 5. COMMENCEMENT OF SML

- a) On the date notified, which must be **no earlier** than the 11th week before the EWC;
- b) On the day following the date of birth if the baby is born early; or
- c) On the day following the first complete day of absence from work for a pregnancy-related reason in the **four weeks** before the EWC.

### 6. COMMENCEMENT OF SMP

#### 6.1 Payment of SMP will commence on:-

- a) on the following day on which the employee last worked before starting maternity leave;
- b) on the day following the date of birth; or
- c) the day following the first complete day of absence from work for a pregnancy related reason in the **four weeks** before the week the baby is due.

#### 6.2 SMP is payable for up to 39 weeks even if the employee does not intend to return to work.

### 7. COMPULSORY MATERNITY LEAVE

An employee may not work for her employer immediately after childbirth. This period of compulsory maternity leave lasts for two weeks from the date of childbirth.

### 8. PREGNANCY RELATED ILLNESS

#### 8.1 If absent through illness which is unrelated to her pregnancy, an employee will normally be able to take sick leave until the date of birth or until the date she has notified as the date of commencement of maternity leave.

#### 8.2 If illness is **pregnancy-related**, the maternity leave period starts automatically on the day after the first day of absence following the beginning of the **fourth week** before the EWC.



- 8.3 Discretion can be exercised to disregard odd days of pregnancy-related illness if the employee wishes to defer the start of her maternity leave period.

## 9. SICKNESS

- 9.1 An employee who is entitled to SMP or MA is disqualified from receiving SSP throughout the 39 week period of entitlement to SMP.
- 9.2 This applies even if the employee returns to work and falls ill before the end of the 39 week period. If this happens, the employee returns to receiving SMP, not SSP.
- 9.3 Where an employee is unable to attend work at the end of her ordinary or additional maternity leave due to sickness, the normal contractual arrangements for sickness absence will apply and she should notify her manager on the first day of her sickness absence.

## 10. DISMISSAL OR RESIGNATION

- 10.1 If an employee who is entitled to SMP resigns or is dismissed after the start of the QW, payment of SMP (not OMP) will still have to be paid to her. Payment will begin in accordance with the date she has notified that she intends to commence maternity leave, or if employment ends before she has notified a date, from the later of:-

• the 11th week before the expected week of childbirth;

• the first complete week starting on a Sunday after the employment

ends.

- 10.2 If an employee indicates that she does not wish to return to work following maternity leave, she must give formal notice of her resignation or written confirmation that her employment will terminate by mutual agreement on a specified date.

## 11. MULTIPLE EMPLOYMENTS

- 11.1 An employee may work for the City Council under two or more distinct contracts of employment at the same time. If the Council pays NI contributions separately for each contract, eligibility for, and payment of, SMP will be assessed separately.
- 11.2 If an employee also has a job with another employer (i.e. not the City Council) she may be able to receive SMP from both the Council and the other Employer.
- 11.3 Employees should be careful to follow the notification requirements for the start of maternity leave for each employer.

## 12. **PREMATURE BIRTHS**

- 12.1 If an employee gives birth prematurely to a living child before the 25th week of pregnancy onwards, even in cases where the baby later dies, she will be entitled to SML, SMP or MA in the usual way.
- 12.2 If childbirth occurs before the date the employee has notified (or before she has notified any date), the maternity leave period starts automatically on the day after the date of the birth (even if this is before the beginning of the 11th week before the expected week of childbirth). In order to preserve her rights to maternity leave and SMP, the employee must as soon as is reasonably practicable give notice of the date of childbirth and (if she has not already given it) evidence of the date the baby was expected.

## 13. **STILLBIRTHS OR MISCARRIAGES**

- 13.1 If a miscarriage occurs earlier than the 25th week of her pregnancy, an employee will not qualify for any SML, SMP or MA. If she takes a period of sickness absence from work, she should be paid sick pay in the usual way.
- 13.2 If an employee has a stillbirth from the 25th week of pregnancy onwards, she will be eligible for SML, SMP or MA in the usual way.

## 14. **WORK DURING THE MATERNITY LEAVE PERIOD – “Keeping in Touch Days”**

- 14.1 Employees may, in agreement with their employer, do up to ten days work during the maternity leave period for which they will be paid known as “Keeping in Touch Days” without affecting their maternity leave/pay.
- 14.2 Both the employer and employee must agree these days. An employer may not require an employee to work during her maternity leave if she does not wish to, nor does she have a right to if the employer does not agree.
- 14.3 If the employer offers the employee an opportunity to work a “Keeping in Touch Day”, the employee is entitled to refuse the opportunity without suffering a detriment.
- 14.4 The type of work to be undertaken should be agreed between the employee and employer. They may be used for any activity that would usually be classed as work under the woman’s contract, but can be to attend a conference, undertake training or attend a team meeting.
- 14.5 Work undertaken by the employee during a “Keeping in Touch Day” is work done under the employee’s employment contract and is therefore entitled to be paid for that work.

14.6 "Keeping in Touch Days" may be worked anytime during the maternity leave period except during the first two weeks after the baby is born during the Compulsory Maternity Leave period.

## 15. RETURN TO WORK

### 15.1 Notification

- a) An employee does not have to give advance notice if she intends to return to work immediately after the end of ordinary maternity leave or additional maternity leave (as notified to her - see para. 4 above).
- b) If she intends to return to work before the end of ordinary maternity leave or additional maternity leave, she is required to give at least 28 days' advance notice.
- c) Employees who do not wish to return to work after ordinary or additional maternity leave must give the notice of termination required by her contract of employment.

### 15.2 Entitlements on Return

- a) An employee who returns to work after ordinary maternity leave is entitled to return to the same job on the same terms and conditions as if she had not been absent.
- b) An employee who returns to work after additional maternity leave is also entitled to return to the same job on the same terms and conditions as if she had not been absent. If, however, there is some reason (other than redundancy) why it is not reasonably practicable for her employer to return to her original job, she is entitled to be offered suitable alternative work on terms and conditions no less favourable than if she had continued to be employed in her old job.
- c) Employees who wish to vary their working pattern on return from maternity leave have the right to request a flexible working pattern.

## 16. PAYMENT OF SMP

16.1 The calculation and payment of SMP will be processed by the Corporate Service's Payroll Team in accordance with appropriate notification from Departmental Personnel Offices.

16.2 SMP will be paid, based on entitlement, on normal contractual pay days. Generally the payment of SMP will equate to the pay period in which it is paid.

**17. APPEALS**

An employee who disagrees with the City Council's decision not to pay SMP should be given a form SMP1 stating the reason(s) for the decision and her Maternity Certificate should be returned to her. The employee can then apply to the Social Security Office for a formal decision from an Adjudication Officer. Both the Council and employee can appeal against an Adjudication Officer's decision.

**18. DISENTITLEMENT FROM SMP**

An employee will not be entitled to SMP, or will cease to be entitled to SMP, if any of the following apply to her:-

- a) she was not employed by the City Council at any time during the QW;
- b) she has not been employed by the City Council for a continuous period of 26 weeks continuing into the QW;
- c) her average weekly earnings in the calculation period are below the lower earnings limit for NI contributions applicable in the QW;
- d) she gives late notification to claim SMP and the reason for this is not acceptable to her Department (see para. 4 above); before a decision is taken in such a case, Departments should discuss the matter with the Employee Relations Team in Corporate Personnel;
- e) she does not give medical evidence or does not give it within an acceptable time, (see para. 4 above);
- f) she starts work for another employer in her maternity pay period after confinement;
- g) she is in legal custody at any time in her maternity pay period;
- h) her baby was stillborn before the 25th week of the pregnancy.

**19. ANTE NATAL CARE**

- a) All pregnant employees are entitled to paid time off for ante natal care;
- b) All time off for ante natal care must be paid at the employee's normal rate of pay;
- c) Ante natal care may include relaxation and parent craft classes, as well as medical examinations;
- d) These rights apply regardless of the employee's length of service.

Except in the case of her first appointment, the employee must produce:-

- a) a certificate from a registered medical practitioner, registered midwife or registered health visitor confirming that she is pregnant; and
- b) an appointment card or some other document showing that an appointment has been made.

## 20. TERMS AND CONDITIONS OF EMPLOYMENT DURING MATERNITY LEAVE

20.1 During maternity leave an employee has a statutory right to continue to benefit from the terms and conditions of employment which would have applied to her had she been at work instead of on maternity leave, apart from remuneration.

20.2 For example:-

- a) annual leave will continue to accrue during maternity leave. Bank Holidays should also accrue as they fall, with a substitute day's leave being provided.
- b) essential car user allowance should be paid throughout the maternity leave period.

## 21. OTHER LEAVE ENTITLEMENTS FOR PARENTS

Maternity Support Leave -	up to two weeks' paid leave (see City Council's Maternity Support Leave Scheme)
	Parental Leave - up to 13 weeks <i>unpaid</i> leave (up to 18 weeks for disabled children) (see City Council's Parental Leave Scheme)
	Time off for Dependants - right to reasonable amount of unpaid time off work to deal with an emergency or unexpected situation involving a dependant (see PC 1274 - Special Leave)



## Manchester City Council

### **PART 2: OCCUPATIONAL MATERNITY SCHEME**

(for women whose babies are expected to be born on or after **5 October 2008**)  
(Excluding Teachers)

#### 1. **GENERAL PROVISIONS**

1.1 The City Council's Occupational Maternity Scheme applies to all pregnant employees with over 1 year's continuous local government service.

1.2 The Scheme provides for:-

- previous continuous service with other Local Authorities to count towards establishing entitlements;
- additional periods of earnings-related payments to employees with over 1 year's continuous local government service who intend to return to work at the end of their maternity leave; and
- employees intending to return to work at the end of their maternity leave, being able to spread the additional earnings-related payments over a mutually agreed period.

#### 2. **SERVICE REQUIREMENTS & PAY**

2.1 **Employees with between 1 and 2 years' continuous Local Government service at 11 weeks before EWC**

	6 weeks @ 90% pay	less SMP or state maternity allowance receivable.
plus	12 weeks @ 50% pay **	without deduction of SMP or MA receivable except to the extent to which this exceeds full pay.
plus	8 weeks @ SMP	

#### **26 weeks Ordinary Maternity Leave**

plus	13 weeks @ SMP
plus	13 weeks unpaid leave

#### **26 weeks Additional Maternity Leave**

**Total 52 weeks Maternity Leave**

## 2.2 Employees with 2 years or more continuous Local Government service at 11 weeks before EWC

	11 weeks @ 90% pay **	less SMP or state maternity allowance receivable
plus	13 weeks @ 50% pay **	without deduction of SMP or MA receivable except to the extent to which this exceeds full pay
plus	2 weeks @ SMP	

### 26 weeks Ordinary Maternity Leave

plus 13 weeks @ SMP  
plus 13 weeks unpaid leave

### 26 weeks Additional Maternity Leave

## Total 52 weeks Maternity Leave

\*\* In order to receive the additional periods of earnings-related payments under the Occupational Maternity Scheme an employee should declare in writing that she intends to return to work following maternity leave.

If she does not remain at work for three months after the date of her return to work, the City Council can reclaim monies paid to her under the Occupational Maternity Scheme after the sixth week, but not any SMP payable.

## 2.3 PAYMENT OF OMP

- a) The calculation and payment of OMP will be processed by the Corporate Service's Payroll Team in accordance with appropriate notification from Departmental Personnel Offices.
- b) OMP will be paid, based on entitlement, on normal contractual pay days. Generally the payment of OMP will equate to the pay period in which it is paid.
- c) Employees unsure of returning to work for at least three months can opt in writing to have OMP payments, other than the first six weeks, deferred and paid only if they return to work.

## 3. COMMENCEMENT OF OMP AND OML

- 3.1 Under the Occupational Maternity Scheme an employee may start her maternity leave at the **14th week** before the EWC. She can also bring forward the commencement of her OMP to the 14th week before the EWC.
- 3.2 This means that the pay at 90% of contractual pay will be paid from the 14th week and not the 11th week. The periods of pay at 90% and 50% remain unchanged, as does the maximum total absence of 52 weeks i.e. the leave

before confinement can be a maximum of 14 weeks, with 38 weeks following confinement.

- 3.3 The maternity pay period (i.e. the 39 week period in which SMP is payable) will not begin until the 11th week before the EWC. However, leaving before the 11th week will not prejudice the employee's rights under the Occupational Scheme, nor her entitlement to SMP payments.

N.B. Where an employee does not qualify for OMP (i.e employees with less than 1 year's continuous Local Government service at the 11th week before the EWC), provided she has at least 26 weeks' continuous service with the City Council at the 15th week before the EWC, then maternity leave will not begin before the 11th week before the EWC, when SMP becomes payable.

#### 4. **RETURN TO WORK**

##### 4.1 Notification of Early Return to Work

- a) If an employee wishes to return to work **before** the end of ordinary maternity leave, she is required to give at least 7 days' advance notice.
- b) If an employee wishes to return to work **before** the end of additional maternity leave, she is required to give 21 days' advance notice.

##### 4.2 Return to work for at least three months

If the employee does not remain at work for three months after the date of her return to work, the City Council can reclaim monies paid to her under the Occupational Maternity Scheme after the sixth week, but not any SMP payable.

#### 5. **OTHER PROVISIONS**

Provisions with regard to:-

- Notification
- Compulsory Maternity Leave
- Pregnancy Related Illness
- Sickness
- Dismissal or Resignation
- Multiple Employments
- Premature Births
- Stillbirths or Miscarriage
- Work during the Maternity Leave Period
- Ante Natal Care
- Terms and Conditions of Employment

are as detailed in Part 1: Statutory Maternity Leave and Pay

6. **WHERE BOTH PARENTS ARE EMPLOYED BY THE CITY COUNCIL**

When both parents are employed by the City Council, parents have the right to decide which one may take maternity leave, not earlier than 12 weeks following the beginning of the week of confinement and the right to return to work will then be applied to that parent.

## Manchester City Council

### PART 3: IMPLICATIONS FOR PENSION SCHEME MEMBERS

1. Members entitled to occupational or statutory maternity pay will pay contributions based on actual payments made.
2. The employer's contributions are based on the normal pay the employee would have received but for being on maternity leave.
3. **The employee will accrue full pensionable service during the period of paid maternity leave even though she will have paid contributions on less than her normal pay.**
4. **For periods of unpaid maternity leave this is not counted for pension purposes unless they opt in writing:-**
  - within 30 days of returning to work, or
  - within 30 days of leaving if she does not return to work, or
  - such longer period as her employing authority may allow

to make contributions for any period of unpaid maternity leave at the rate paid on the last day of paid maternity leave. In such a case the employer must pay contributions based on the normal full pay the employee would have received but for being on unpaid maternity leave.

5. For members who are not due any occupational or statutory maternity pay due to short length of service, all maternity leave is unpaid. During the ordinary maternity leave the employer pays contributions on the employee's normal pay however the employee pays nothing and the period counts for pension purposes.
6. During the period of additional maternity leave any period of unpaid leave is not counted for pension purposes unless the employee opts in writing :-
  - within 30 days of returning to work, or
  - within 30 days of leaving if she does not return to work, or
  - such longer period as her employing authority may allow

to make contributions for any period of unpaid maternity leave at the rate paid on the last day prior to maternity leave. In such a case the employer must pay contributions based on the normal full pay the employee would have received but for being on unpaid maternity leave.

This page is intentionally left blank

## Family Friendly Policy Framework

### Introduction

- 1.1** Manchester City Council is supportive of working parents and [carers](#). Managers are expected to treat employees as individuals, using this Family Friendly Policy Framework together with our [flexible working](#) offer to support an effective work/life balance for employees with responsibilities outside of work. This includes parents expecting a child either by birth or adoption, and foster carers.
- 1.2** The Council is committed to attracting and retaining high quality employees, which will in part be achieved through [Our Ways of Working](#), meaning we should work smarter through better flexible working options wherever possible. Flexible working helps to reduce absence rates, improve productivity, and reduce the amount of stress or pressure felt by employees. As such, it is an essential part of the Council's ambition to develop a world class workforce.
- 1.3** This policy framework reflects the Council's commitment to equality in the workplace. No one will be discriminated against, be subject to detriment, or lose career development opportunities by taking leave under this policy.
- 1.4** The subject of maternity, paternity, adoption, parental and shared parental leave/pay is a complex area of employment law. This is particularly so in local government, where the legal rights under various Employment Acts are supplemented (or replaced) by rights under National Conditions of Service. This policy is intended to bring together and rationalise the information in one document with the aim of making it more accessible to employees and managers.
- 1.5** This policy framework sets out eligibility criteria for:
- Maternity Leave
  - Maternity Support Leave (and occupational Parental Leave)
  - Adoption Leave
  - Shared Parental Leave

These are collectively referred to as family friendly leave.

- 1.6** This document incorporates the requirements of the following legislation:
- The Shared Parental Leave Regulations 2014
  - The Shared Parental Pay (General) Regulations 2014
  - The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
  - Employment Rights Act 1996
  - Child and Families Act 2014
  - Equality Act 2010

## Scope

- 1.7 These arrangements cover employees of Manchester City Council, excluding staff directly employed by schools.

## Confidentiality

- 1.8 All family-friendly leave requests will be dealt with confidentially. Any documentation will be stored in accordance with GDPR and record retention schedules.

## Family Friendly Leave Commonalities

- 1.9 The following applies to Maternity Leave, Adoption Leave, Maternity Support Leave, and Shared Parental Leave:

### 1.10 *Annual Leave and Bank Holidays*

An employee continues to accrue all of their paid annual leave (including bank holidays where applicable) while on family friendly leave. Annual leave can be taken before the leave starts, or after it comes to an end, subject to normal management approval. It is important to note that annual leave cannot be taken at the same time as Maternity, Adoption, or Shared Parental Leave.

### 1.11 *Sickness Absence*

Statutory or occupational sick pay cannot be paid during the same period in which statutory or occupational pay is being received for family friendly leave as in this policy document. If an employee has indicated that they are returning to work and then become ill, then this will be treated as sickness absence under the procedures in the Council's [Managing Attendance Policy](#).

### 1.12 *Rights during Family Friendly Leave*

Employees are entitled to receive all of their normal terms and conditions of the contract of employment, including annual holiday entitlement, with the exception of normal pay as the pay during family friendly leave will be subject to the rules that relate to the type of family friendly leave that has been taken.

An employee is entitled to return to the same job on the same terms and conditions as if they had not been absent, where their total statutory leave taken in relation to that child is 26 weeks or less in aggregate (even if the leave is taken in discontinuous blocks under Shared Parental Leave). However if a position is disestablished during the leave period the employee will be entitled to be offered suitable alternative work on terms and conditions no less favourable than if they continued to be employed in their old job.

If an employee has taken any combination of statutory leave, any additional maternity/adoption leave or ordinary parental leave which totals more than 26 weeks', they are entitled to return to the same job. If, however, there is some reason (other than redundancy) why it is not reasonably practicable for an employee to return to their original job they will be entitled to be offered suitable alternative work on terms and conditions no less favourable than if they continued to be employed in their old job.



## Maternity

### 2.1 Introduction

This section covers:

- Statutory and occupational maternity pay and leave
- Notification requirements
- When leave will start and the rate of pay
- Appeals
- Maternity Allowance
- Sickness and complications / antenatal care
- Dismissal or resignation
- Keeping in touch & Returning to work

#### *Key Terms*

EWC / QW - Expected Week of Childbirth, also referred to as the Qualifying Week

MA - Maternity Allowance

OML - Occupational Maternity Leave

OMP - Occupational Maternity Pay

SML - Statutory Maternity Leave

SMP - Statutory Maternity Pay

### 2.2 Risk Assessments

Once it is known that an employee is pregnant, then the manager should ensure that a [risk assessment](#) is carried out on their workplace and the duties of their role.

If an employee who is pregnant receives medical advice that recommends adaptations to their working environment, or has concerns relating to their work, then they should inform their manager immediately.

### 2.3 Maternity Leave

All pregnant employees, regardless of their length of service, qualify for the statutory entitlement of 52 weeks maternity leave. Statutory Maternity Leave is made up of 26 weeks Ordinary Maternity Leave, immediately followed by 26 weeks of Additional Maternity Leave.

The maximum entitlement of 52 weeks does not have to be taken, however a new mother must be absent from work on maternity leave for 2 weeks immediately following the birth of her baby. During this period she may not carry out any form of work, including working from home.

### 2.4 Maternity Pay

Maternity pay is dependant on the length of Local Government service and working hours. Employees may qualify for statutory or occupational pay, or a combination of both, as below:

Length of service by the 15th week before the baby is due	Entitlement
Less than 26 weeks with the Council.	Not entitled to Occupational or Statutory Maternity Pay. May be entitled to Statutory Maternity Allowance.
Between 26 weeks & 1 year with the Council.	Statutory Pay <ul style="list-style-type: none"> <li>● 6 weeks at 90% of a week's pay, followed by;</li> <li>● 33 weeks Statutory Maternity Pay or 90% of a week's pay, whichever is least.</li> </ul>
Between 1 & 2 years continuous local government service, but individual has worked for the Council for less than 26 weeks.	No entitlement to Statutory Pay, but Occupational Pay is as follows: <ul style="list-style-type: none"> <li>● 6 weeks at 90% of a week's pay, less any state maternity allowance receivable, followed by;</li> <li>● 12 weeks at 50% of a week's pay</li> </ul>
Between 1 & 2 years continuous local government service, & the individual has worked for the Council for at least 26 weeks.	Combination of Statutory & Occupational  Statutory: <ul style="list-style-type: none"> <li>● 6 weeks at 90% of a week's pay, followed by;</li> <li>● 33 weeks Statutory Maternity Pay or 90% of a week's pay, whichever is least.</li> </ul> Occupational <ul style="list-style-type: none"> <li>● 6 weeks at 90% of a week's pay, less any state maternity allowance receivable, followed by;</li> <li>● 12 weeks at 50% of a week's pay, without deduction of Statutory Maternity Pay or Maternity Allowance receivable except to the extent to which this exceeds full pay.</li> </ul>
2 years or more continuous local government service, but the individual has worked for the Council for less than 26 weeks.	Occupational Pay <ul style="list-style-type: none"> <li>● 11 weeks at 90% of a week's pay, less any state maternity allowance receivable, followed by;</li> <li>● 13 weeks at 50% of a week's pay, without deduction of Statutory Maternity Pay or Maternity Allowance receivable except to the extent to which this exceeds full pay.</li> </ul>

<p>Over 2 years continuous local government service, &amp; the individual has worked for the Council for at least 26 weeks.</p>	<p>Combination of Statutory &amp; Occupational</p> <p>Statutory:</p> <ul style="list-style-type: none"> <li>● 6 weeks at 90% of a week's pay, followed by;</li> <li>● 33 weeks Statutory Maternity Pay or 90% of a week's pay, whichever is least.</li> </ul> <p>Occupational:</p> <ul style="list-style-type: none"> <li>● 13 weeks at 50% of a week's pay, without deduction of Statutory Maternity Pay or Maternity Allowance receivable except to the extent to which this exceeds full pay.</li> </ul>
---	---

## 2.5 Notification requirements

In order to qualify for maternity leave an employee must:

Notify her Line Manager once she is aware of her pregnancy, and has been given an Expected Week of Childbirth (EWC). The Line Manager and individual should:-

- Inform Employee Life Cycle of the pregnancy using the [online form](#).
- Provide evidence of eligibility. This will normally be the original Maternity Certificate (MATB1), which is available from either the GP or Midwife from the 21st week of pregnancy.

Employee Life Cycle must receive notification and evidence of eligibility no later than the 15th week before the EWC (or if this is not possible, as soon as is reasonably practicable thereafter).

The form requires that the employee specifies:

- The date she wishes to start maternity leave.
- Her intended return to work date (this is not binding, and can be changed at a later date as per para 2.22).

If she does not intend to return to work for at least three months after Maternity Leave, then she should be aware that the Council is entitled to reclaim occupational pay as per para 2.25.

## Statutory Maternity Leave and Pay

**2.6** Eligibility for SMP is assessed at the 15th week before the QW (qualifying week). The QW is sometimes also referred to as the EWC (expected week of childbirth).

SMP is payable for a period of 39 weeks. In order to receive SMP an employee must:

- a) have been continuously employed by the Council for at least 26 weeks leading into the QW;
- b) have average earnings in the eight weeks up to and including the QW (or the equivalent period if they are monthly paid) at least equal to the lower earnings limit for National Insurance contributions;
- c) still be pregnant at the 11th week before the EWC or have been confined by that time; and
- d) have commenced maternity leave.

## 2.7 Maternity Allowance

If an employee is not entitled to SMP, she may be entitled to [Statutory Maternity Allowance](#). This is paid by Jobcentre Plus for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the EWC, and earned at least £30 a week, on average, over any 13 of those 26 weeks.

Within 7 days of determining that she is not entitled to SMP, Shared Service Centre will provide the employee with an SMP1 form, explaining why SMP is not payable together with any maternity certificate she has provided. The employee should then contact her local JobCentrePlus.

## 2.8 Appeals

If the employee disagrees with the decision not to pay SMP, then they can contact the HM Revenue & Customs Statutory Payments Dispute team as detailed on the SMP1 form.

## 2.9 Commencement of Statutory Maternity Leave

The earliest date that SML can be taken is 11 weeks before the EWC. SML will begin on the date the employee has chosen when providing notification as per para 2.5. It will start early if:

- the baby is born before the intended start date of leave, or
- the employee is absent from work because of a pregnancy-related illness during the four weeks before the EWC.

If any of these apply then maternity leave will commence the following day.

## 2.10 Commencement of Statutory Maternity Pay

Payment of SMP will commence on the first day of maternity leave. SMP will be paid, based on entitlement, on normal contractual pay days.

SMP is payable for up to 39 weeks even if the employee does not intend to return to work.

### **2.11 Rate of Statutory Maternity Pay**

The calculation and payment of SMP will be processed by the Shared Service Centre following appropriate notification as per para 2.5.

SMP is paid at the following rate:

- First 6 weeks @ 90% of average weekly earnings;
- Remaining weeks paid at standard rate of SMP or 90% of average weekly earnings (whichever is the lesser figure).

Average earnings are an average of the gross earnings in the eight weeks before the end of the QW and may not be the same as contractual pay.

Occupational Maternity Leave and Pay

### **2.12 Overview**

The City Council's Occupational Maternity Scheme applies to all pregnant employees with over one year of continuous local government service.

The Scheme provides for:-

- previous continuous service with other Local Authorities to count towards establishing entitlements;
- additional periods of earnings-related payments to employees with over 1 year's continuous local government service who intend to return to work at the end of their maternity leave; and
- employees intending to return to work at the end of their maternity leave, being able to spread the additional earnings-related payments over a mutually agreed period.

### **2.13 Payment of Occupational Maternity Pay**

- The calculation and payment of OMP will be processed by the Employee Lifecycle Team.
- OMP will be paid, based on entitlement, on normal contractual pay days. Generally the payment of OMP will equate to the pay period in which it is paid.
- OMP is based on basic pay, which includes recurring payments (such as flexibility allowance or market rate supplements) but not overtime.
- Employees unsure of returning to work for at least three months can opt in writing to have OMP payments, other than the first six weeks, deferred and paid only if they return to work.

### **2.14 Commencement of OMP and OML**

Under the Occupational Maternity Scheme an employee may start her maternity leave at the **14th week** before the EWC. She can also bring forward the commencement of her OMP to the 14th week before the EWC.

This means that the pay at 90% of contractual pay will be paid from the 14th week and not the 11th week. The periods of pay at 90% and 50% remain unchanged, as does the maximum total absence of 52 weeks i.e. the leave before confinement can be a maximum of 14 weeks, with 38 weeks following confinement.

The maternity pay period (i.e. the 39 week period in which SMP is payable) will not begin until the 11th week before the EWC. However, leaving before the 11th week will not prejudice the employee's rights under the Occupational Scheme, nor her entitlement to SMP payments.

N.B. Where an employee does not qualify for OMP (i.e employees with less than 1 year's continuous Local Government service at the 11th week before the EWC), provided she has at least 26 weeks' continuous service with the City Council at the 15th week before the EWC, then maternity leave will not begin before the 11th week before the EWC, when SMP becomes payable.

### **2.15 Pregnancy Related Illness**

If absent through illness which is unrelated to her pregnancy, an employee will normally be able to take sick leave until the date of birth or until the date she has notified as the date of commencement of maternity leave.

If illness is pregnancy-related, the maternity leave period starts automatically on the day after the first day of absence following the beginning of the fourth week before the EWC.

Discretion can be exercised to disregard odd days of pregnancy-related illness if the employee wishes to defer the start of her maternity leave period.

For more details on support available to employees, see para 2.23 below.

### **2.16 Sickness**

An employee who is entitled to SMP or MA is disqualified from receiving SSP throughout the 39 week period of entitlement to SMP. This applies even if the employee returns to work and falls ill before the end of the 39 week period. If this happens, the employee returns to receiving SMP, not SSP.

Where an employee is unable to attend work at the end of her ordinary or additional maternity leave due to sickness, the normal contractual arrangements for sickness absence will apply and she should notify her manager on the first day of her sickness absence.

### **2.17 Dismissal or Resignation**

If an employee who is entitled to SMP resigns or is dismissed after the start of the QW, payment of SMP (not OMP) will still have to be paid to her. Payment will begin in accordance with the date she has notified that she intends to commence maternity leave, or if employment ends before she has notified a date, from the later of:-

- the 11th week before the expected week of childbirth;
- the first complete week starting on a Sunday after the employment ends.

If an employee indicates that she does not wish to return to work following maternity leave, she must give formal notice of her resignation or written confirmation that her employment will terminate by mutual agreement on a specified date.

## **2.18 Multiple Employments**

An employee may work for the Council under two or more distinct contracts of employment at the same time. If the Council pays NI contributions separately for each contract, eligibility for, and payment of, SMP will be assessed separately.

If an employee also has a job with another employer (i.e. not the Council) she may be able to receive SMP from both the Council and the other Employer, and so she should also follow the notification requirements for the non-Council employer.

## **2.19 Premature Births**

If an employee gives birth prematurely to a living child before the 25th week of pregnancy onwards, even in cases where the baby later dies, she will be entitled to SML, SMP or MA in the usual way.

If the child is born before the due date, then the maternity leave period automatically starts on the day after birth. This applies even if the birth is earlier than 11 weeks before the expected week of childbirth, whether or not the employee has given notification of the expected week of childbirth.

The employee must provide the child's birth certificate or a document signed by a doctor or midwife that confirms the actual date of birth as soon as is reasonably possible.

## **2.20 Stillbirths or Miscarriages**

If a miscarriage occurs earlier than the 25th week of her pregnancy, an employee will not qualify for any SML, SMP or MA. If she takes a period of sickness absence from work, she will be paid sick pay in the usual way.

If an employee has a stillbirth from the 25th week of pregnancy onwards, she will be eligible for SML, SMP or MA in the usual way. Managers are expected to behave sympathetically, and reference [counselling provision](#) where appropriate.

## **2.21 Work During the Maternity Leave Period**

“Keeping in Touch Days” (KIT days)

Employees may, in agreement with their manager, do up to ten days of work during the maternity leave period for which they will be paid known as “Keeping in Touch Days” without affecting their maternity leave/pay.

Both the employer and employee must agree these days. An employer may not require an employee to work during her maternity leave if she does not wish to, nor does she have a right to if the employer does not agree.

If the employer offers the employee an opportunity to work a KIT day, the employee is entitled to refuse the opportunity without suffering a detriment.

Where an employee and their manager agree to KIT days, the manager will then inform Shared Service Centre. Work undertaken by the employee during a KIT day is work done under the employee’s employment contract, so the employee is entitled to be paid for that work. For example, If an employee works for 2 hours then they will receive payment for these 2 hours, but it will be counted as one full KIT day of the maximum of ten.

“Keeping in Touch Days” may be worked anytime during the maternity leave period except during the first two weeks after the baby is born during the Compulsory Maternity Leave period.

## 2.22 Return to Work

### Notification

- a) It will be assumed that an employee will return to work on the date that was originally specified, unless she gives 28 days advance notice of an alternative return date.
- b) Employees who do not wish to return to work after ordinary or additional maternity leave must give the notice of termination required by her contract of employment.

### Entitlements on Return

- a) An employee who returns to work after ordinary maternity leave is entitled to return to the same job on the same terms and conditions as if she had not been absent.
- b) An employee who returns to work after additional maternity leave is also entitled to return to the same job on the same terms and conditions as if she had not been absent. If, however, there is some reason (other than redundancy) why it is not reasonably practicable for her employer to return to her original job (if her position is deleted, for example) then she is entitled to be offered suitable alternative work on terms and conditions no less favourable than if she had continued to be employed in her old job.
- c) Employees who wish to vary their working pattern on return from maternity leave have the right to request a [flexible working](#) pattern such as job sharing, part-time hours, or compressed hours.



## 2.23 Employee Support

### *Antenatal Care*

All pregnant employees are entitled to reasonable time off with pay for antenatal care made on the advice of a registered medical practitioner. All time off for antenatal care will be paid at the employee's normal rate of pay regardless of the employee's length of service.

Antenatal care may include relaxation and parent craft classes, as well as medical examinations.

Except in the case of her first appointment, the employee must produce:

- a) a certificate from a registered medical practitioner, registered midwife or registered health visitor confirming that she is pregnant; and
- b) an appointment card or some other document showing that an appointment has been made.

### *Employee Assistance Programme (EAP)*

The Council recognises that in some cases women can suffer mental or physical trauma as a result of giving birth. The [EAP offers support](#) with immediate access to counselling and a free confidential phone service.

## 2.24 Terms and Conditions of Employment During Maternity Leave

During maternity leave an employee has a statutory right to continue to benefit from the terms and conditions of employment which would have applied to her had she been at work instead of on maternity leave, apart from remuneration.

For example:-

- Annual leave will continue to accrue during maternity leave. Bank Holidays will also accrue as they fall, with a substitute day's leave being provided.
- Essential car user allowance will be paid throughout the maternity leave period.

## 2.25 Returning to work for at least three months

If the employee does not remain at work for three months after the date of her return to work, the City Council can reclaim monies paid to her under the Occupational Maternity Scheme after the sixth week, but not any SMP payable.

## Adoption Leave

**3.1** Adoption leave and pay (this includes Statutory and Occupational Adoption Pay) will be granted and managed in accordance with the maternity leave and pay provisions as set out in Section X of this Policy.

**However, please note the following which is specific to adoption leave and pay:**

There is an entitlement to 52 weeks adoption leave for all employees wishing to adopt a child who is newly placed for adoption. It will be available to people adopting a child, who will have primary carer responsibilities for that child (the 'primary adopter').

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. For overseas adoptions, the adoption leave may start from the date the child arrives in the UK or within 28 days of this date. The law requires that a minimum of two weeks' leave must be taken immediately following the placement of the child.

This applies both to an employee who adopts on their own, and to one member of a couple where a couple jointly adopts (including same sex partners and civil partners).

A couple who jointly adopt must choose which partner will take adoption leave. The other partner may choose to take maternity support leave. If the adopter wants to share the equivalent of the adoption leave period, they can end the adoption leave and enter into shared parental leave arrangements.

### 3.2 Eligibility

To qualify for adoption leave, you must:

- be newly matched with a child for adoption by an approved adoption agency recognised in the UK
- have notified the adoption agency that you agree the child will be placed with you and have an agreed date of placement
- given the correct notice to the Council (see Notification Requirements below)
- produce documentary evidence confirming the adoption is taking place – usually a 'matching certificate' from your adoption agency

Adopters will not qualify for adoption leave and statutory/occupational pay in the following circumstances:

- Private adoption
- Becoming a special guardian or kinship carer
- Adopting a stepchild
- Adopting a family member

### 3.3 Fostering for Adoption

Parents who foster a child in the expectation that they will adopt that child are eligible for adoption leave once there is written notification of a fostering for adoption

placement. If an employee is eligible for adoption pay and leave, they will receive them from when the child comes to live with them.

If an adopter chooses not to take adoption leave at this point, they may take leave at the point when the child is matched with them for adoption (which may be some months later). Taking adoption leave at the later date (on matching) may affect statutory adoption pay. (This is based on the final 8 weeks' salary before taking leave, so a fostering for adoption carer who takes unpaid leave while fostering will be eligible for statutory adoption leave but not statutory adoption pay, for example).

### 3.4 Surrogate Parents

Parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under section 54 of the Human Embryology and Fertilisation Act 2008 are able to take adoption leave and pay, if each parent meets the qualifying conditions. A parental order transfers the legal rights from the birth mother to the intended parents when a surrogate has been used to have a child.

In order to qualify for adoption leave and/or pay, the conditions are that:

- the intended parent gains a parental order in respect of the child;

or;

- they intend to apply for such an order within 6 months of the child's birth and they expect the order will be made.

The employee will need to give written notice of their entitlement to adoption leave before the 15th week before the baby is due.

Where parents in a surrogacy arrangement are adopting a child through a registered adoption agency, they will be entitled to take adoption leave and pay, providing each parent meets the normal qualifying conditions set out above.

### 3.5 Notification Requirements

Employees should always aim to have early conversations with their managers about their proposed adoption plans, so that forward planning can take place. Formal notice to take adoption leave must be given by the employee within 7 days of being informed that they have been matched for adoption by the adoption agency (unless there is a reason that makes this impossible). Where an adopter doesn't give reasonable notice, managers do have the discretion to delay the start date of the adoption leave and pay, but not after the start of the placement date.

To make a formal notice, the employee must complete the [online form](#), detailing:

- The employee's name and address
- The name and address of the adoption agency
- The date on which the employee was informed that the child would be placed for adoption with them
- The date the child will be placed with the family (e.g. the employee could provide a letter from the adoption agency)
- The date they would like the adoption leave to start.

They must also:

- Provide a declaration that they have chosen to receive statutory adoption pay and not statutory paternity pay,
- and;
- Provide evidence from the Adoption Agency which shows basic information on matching and the expected placement dates.

After the notification is provided to the Council, a letter will be sent to the employee within 28 days which will set out the latest date on which the employee must return to work after the adoption leave.

Surrogate Parents will also need to confirm in writing the expected week of child's birth, and will also need to confirm the date the child was born (after the child's birth). This should be given as soon as reasonably practicable.

Employees may bring forward or postpone the adoption leave start date, by providing written notification at least 28 days before the new start date.

### **3.6 Pre-Adoption Leave**

Employees intending to adopt a child have the right to attend appointments for any purpose connected with the adoption. There is no qualifying period of service, meaning the right is exercisable from the first day of employment.

Employees wishing to make a request for time off for pre-adoption leave should put their request in writing to their manager.

The Council is supportive of employees who adopt, and paid special leave may be authorised to support employees who are attending appointments for reasons connected to their adoption. The expectation is that this would normally amount to no more than 5 appointments, which is the statutory allowance, however any reasonable request should be given due consideration.

Only those officially adopting the child are entitled to time off to attend adoption appointments, but any reasonable request should be considered in line with the Council's commitment to flexible working.

Intended parents of a child in a surrogacy arrangement will also be eligible for unpaid time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments (of up to 6 and a half hours for each appointment).

## Maternity Support Leave

**4.1** The Council's Maternity Support Leave (MSL) scheme is the Council's occupational form of [Statutory Paternity Pay and Leave](#). It allows qualifying employees to take up to 10 days leave in support of the birth or adoption of a child. MSL is available to both men and women.

In order to meet the qualifying criteria for MSL, an employee must be either:

1. The child's father; or
2. The partner or nominated carer of an expectant mother at or around the time of birth; or
3. One half of an adopting couple. A couple who jointly adopt must choose which partner will take Adoption Leave. The other partner may choose to take MSL.

A nominated carer is the person chosen by the mother as the primary provider of support at or around the time of birth.

**4.2** Length of service determines whether employees are entitled to MSL as paid leave, or a combination of paid and unpaid leave, as follows:

- Employees with up to 26 weeks of continuous local government service at the beginning of the eleventh week before the expected week of the child's birth are entitled to 5 days paid leave and 5 days' unpaid leave.
- Employees with 26 or more week's continuous local government service at the beginning of the eleventh week before the expected week of the child's birth are entitled to 10 days paid leave.

For employees who are adopting, the 'matching week' will be used in place of the expected week of the child's birth.

**4.3** MSL can be taken up to 11 weeks before and three months after the expected week of the child's birth. Leave can be taken flexibly and split into separate blocks within this period if the employee wishes.

### **4.4 Conditions of Entitlement**

- To receive MSL employees must produce a medical certificate showing the name and address of the mother and the expected date of childbirth (Mat B1).
- In addition, employees must provide a letter from the mother confirming that they, the father / partner / nominated carer, is requesting MSL on the basis of being the primary provider of care and support.
- MSL is only available to one employee per pregnancy.
- Only one period of MSL will be granted to an employee within any period of twelve months.
- Where the mother and father / partner / nominated carer are both employees of the Council, both maternity leave and MSL will be granted.
- Employees will need to give, where possible, at least 28 days' advance notification of when they propose to commence MSL, and also if they intend to change the start date.

Notification should be given using the [online form](#).

If an employee leaves the Council before completing 3 months' service after the last date on which leave is taken, they will need to reimburse the City Council for the MSL taken.

If an employee is found to be fraudulently claiming entitlement to MSL, this will be deemed to constitute gross misconduct and could lead to dismissal.

#### **4.5 Special Guardians**

Employees who can evidence that they have become a special guardian under a Special Guardianship Order are entitled to MSL.

The period during which MSL can be taken will be based around the week of placement.

If a couple jointly become special guardians and both work for the Council, then they must choose which partner will take MSL.

## Shared Parental Leave

### 5.1 Overview

This section covers:

- Shared Parental Leave and Statutory Shared Parental Pay
- Eligibility
- Notice requirements
- Options for how and when to take shared leave
- Keeping in touch & Returning to work

#### *Key Terms*

SPL - Shared Parental Leave

ShPP - Shared Parental Pay

Continuous Leave - one block of SPL

Discontinuous Leave - SPL taken in up to 3 separate blocks of at least one week at a time.

SPLIT days - 20 days that an employee can work during SPL

Shared Parental Leave should not be confused with [unpaid parental leave](#), which is unaffected by shared parental leave. Unpaid parental leave is the entitlement to up to 18 weeks' unpaid leave for parents who have responsibility for a child aged up to 18. This is also known as ordinary parental leave.

SPL enables eligible mothers, fathers, partners and adopters to share time off work after their child is born or placed for adoption.

Employees can start SPL after the third week if they are eligible, and they or their partner end maternity/adoption leave or pay early and opt in to SPL. The remaining leave will be available as SPL, and the remaining pay may be available as ShPP. It is possible to share up to 50 weeks of leave, and up to 37 weeks of pay.

An employee taking Shared Parental Leave can split their leave into up to 3 separate blocks instead of taking it all in one go, even if they are not sharing the leave with their partner.

If both parents are taking SPL then they can be off work together for up to 6 months, or alternatively stagger their leave and pay so that one of them is always at home with their baby in the first year.

Parents can choose to opt in to shared parental leave at any time so long as there is some untaken maternity/adoption leave to share.

## 5.2 Eligibility for SPL and ShPP

To be eligible for SPL and ShPP:

- both parents must share responsibility for the child at birth
- adoptive parents must share responsibility for the child at the time of placement for adoption
- both parents must meet the qualifying criteria as below

SPL and ShPP is available to parents regardless of gender or marital/civil partnership status.

## 5.3 Qualifying Criteria – Shared Parental Leave

Parents wishing to enter into SPL must satisfy the following conditions to qualify for eligibility and entitlement:

### a) Continuity of employment test

- The employee must have 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth (EWC) or at the week in which the main adopter was notified of being matched with the child (relevant week), and should still be employed until the week before any period of shared parental leave is to be taken.

### b) Employment and earnings test

- The other parent must have worked (in an employed or self-employed capacity) for at least 26 of the 66 weeks' immediately before the baby's expected due date/matching date earning an average of at least £30 per week in any 13 of the 66 weeks in question.

Where eligibility criteria has been met by both parents, they will both be entitled to SPL with the ability to convert a period of maternity/adoption leave into SPL. Parents must decide how this leave will be taken with the option to either alternate the leave or be at home together.

The total amount of SPL available is 52 weeks less the weeks spent by the child's mother on maternity leave or less the weeks of adoption leave taken by either the employee or the partner (or the weeks in which the mother has been in receipt of Statutory Maternity Pay or Maternity Allowance if she is not entitled to maternity leave and in respect of adoption, the weeks in which the partner has been in receipt of Statutory Adoption Pay if they were not entitled to adoption leave).

The mother/main adopter cannot start SPL until after the compulsory maternity/adoption leave period, which lasts until two weeks after birth has been taken.

The father/partner, if eligible, must take statutory paternity leave and pay which is in addition to SPL before any period of shared parental leave can be entered into.



## 5.4 Qualifying Criteria – Shared Parental Pay

ShPP is available up to a maximum of 39 weeks less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay already taken by the employee or their partner.

ShPP is paid in line with statutory maternity pay as follows:

- the first 6 weeks of the 39 week period available is paid at 90% of average earnings
- followed by 33 weeks paid at the current lower statutory maternity pay rate of set by the government each year, or 90% of average weekly earnings if this is less.

To be eligible for ShPP the gross average earnings of both the mother or the person with whom the child is, or is expected to be placed and their partner should be assessed and must be equal to or above the [lower earnings limit threshold](#) in the 8 weeks leading up to the qualifying week (i.e. the 15th week before the week in which the baby is due to be born, or the week that the adopter is notified of being matched with the child.)

## PROCEDURE

### 5.5 Notification Requirements

Employees must confirm their request in writing at least 8 weeks before the start date of the first period of SPL providing the necessary information and a [signed declaration](#).

### 5.6 Notice to cut short of statutory maternity/adoption leave and pay

If the parents meet the qualifying requirements and wish to take SPL or ShPP, the mother or main adopter must cut short (or curtail) their maternity or adoption leave and pay.

Written notice to curtail maternity/adoption leave and pay must be submitted at the same time as the notice of entitlement and intention to take shared parental leave, giving at least 8 weeks' prior notice of the date on which maternity/adoption leave and pay is to end. The remaining maternity/adoption leave and pay available will then be converted into shared parental leave.

Notice of curtailment is usually binding, but may be revoked in the following circumstances:

- If it becomes apparent that neither parent is entitled to SPL or ShPP;
- If the curtailment notice was given before the birth and is revoked within six weeks of the birth (in this case another curtailment notice can be submitted); or
- If the other parent dies.

## 5.7 Evidence Requirements

The following evidence of entitlement is required:

- a) a copy of the child's birth certificate or if one has not been obtained a signed declaration of the child's date and place of birth; or
- b) one or more documents from the adoption agency showing the agency's name and address and the expected placement date
- c) the name and address of the partner's employer (or a declaration that they have no employer and meet the eligibility criteria)

Any such request will be made by the Council within 14 days of receiving the employee's notice of entitlement and intention to take SPL and ShPP. The employee should supply this information either with the evidence of entitlement or intention to take shared parental leave form or within 14 days of submitting the form (or within 14 days of the birth of the child if the Council's request was made before the child was born).

## 5.8 Multiple Contracts of Employment

An employee with more than one job is entitled to take Shared Parental Leave if they are entitled to maternity leave under each contact of employment held.

Shared parental leave and/or pay can only be created if the mother curtails maternity leave and/or pay under each contract of employment held.

Shared Parental Leave and Pay will still equate in total to 52 weeks leave and 39 weeks pay less the amount of maternity leave and pay taken by the mother.

## 5.9 Formal Notice - Requesting, Varying or Cancelling a Period of Leave

Before a period of leave can be taken, employees will need to submit a formal notice to take a Period of Leave.

## 5.10 Requests to take Continuous Leave

If the Period of Leave notice is for a single continuous block of shared parental leave the employee will be entitled to take the leave as set out in the notice.

If the Period of Leave notice includes more than 1 period of leave (discontinuous), the manager will seek to accommodate the request where possible. This is not an automatic right, however, and the requirements of service delivery must also be taken into account.

The manager has 14 days to consider the request and may:

- consent to the discontinuous leave period; or
- propose an alternative pattern or dates for the periods of leave; or
- refuse the discontinuous leave request.

If no agreement is reached within 14 calendar days of the notice requesting the 'Period of Leave' being submitted the employee can:

- take the discontinuous periods of leave requested in one continuous block, beginning on the original start date; or
- take the continuous block starting on a new date, as long as the new date is later than the original start date, and the Council is notified of the new date within 19 calendar days. If the employee does not choose a start date the leave must start on the start date of the first period of leave requested in the period of leave notice; or
- withdraw the request within 15 calendar days of the request being submitted. If the request is withdrawn in these circumstances it will not count as one of the three formal requests.

### 5.11 Varying SPL and ShPP

Employees are entitled to submit a maximum of three combined formal notices to take, vary or cancel a 'Period of Leave' by completing the corresponding formal notice requests at appendix 3 and 4 respectively.

The minimum block of time for any 'Period of Leave' is one week with the maximum not exceeding the combined leave available. (i.e. 52 weeks)

Each notice requesting a 'Period of Leave' to 'Vary a Period of Leave' or to 'Cancel a Period of Leave' must be given at least eight weeks before the start date of the period.

Any changes in start and end dates of Leave or Variances must be stated together with the dates on which ShPP will be claimed, if applicable.

When Varying a Period of Leave employees are entitled to:

- change the start date for a period of leave, or the length of the leave, by notifying their manager in writing at least eight weeks before the original start date and the new start date.
- change the end date for a period of leave by notifying their manager in writing at least eight weeks before the original end date and the new end date.
- combine split periods of leave into a single continuous period of leave by notifying their manager in writing at least eight weeks before the start date of the first period.
- request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between.

The following situations do not count as a Variation of Leave Notice:

- if a notice is withdrawn within 15 days of providing it;
- if dates are changed due to the child being born earlier or later than the EWC or the child being placed earlier or later than the expected placement date
- if the variation in dates is at the request of the Council/manager.

### 5.12 Shared Parental Leave In Touch Days (SPLIT Days)

Each parent is entitled to up to 20 'shared parental leave in touch' (SPLIT) days during shared parental leave where employees may, in agreement with their employer, ask or be asked to work (including attending training) for up to 20 days during the shared parental leave period (this is additional to the 10 KIT days allowed during maternity and adoption leave).

SPLIT days, as with KIT days may be worked at any time during the shared parental leave period by both parents, except during the first two weeks after a baby is born the mother must remain on compulsory maternity leave as per para X.

Both the employer and employee must agree these days and the type of work to be undertaken in advance. These days are not compulsory and the employee is entitled to refuse the opportunity without suffering any detriment.

Managers may make reasonable contact with the employee during a period of Shared Parental Leave although this should be kept to a minimum and may include making contact to discuss arrangements for the employees return to work.

Employees will be paid at their normal basic rate of pay for time spent working on SPLIT days and work undertaken during SPL will not have the effect of extending the employee's shared parental leave. Pension contributions will be payable for SPLIT days.

### 5.13 Returning to Work after Shared Parental Leave

An employee is entitled to return to the same job on the same terms and conditions as if they had not been absent, where their total statutory leave taken in relation to that child is 26 weeks or less in aggregate, even if the leave is taken in discontinuous blocks. However if a position is disestablished during the leave period the employee will be entitled to be offered suitable alternative work on terms and conditions no less favourable than if they continued to be employed in their old job.

If an employee has taken any combination of statutory leave, any additional maternity/adoption leave or ordinary parental leave which totals more than 26 weeks', they are entitled to return to the same job. If, however, there is some reason (other than redundancy) why it is not reasonably practicable for an employee to return to their original job they will be entitled to be offered suitable alternative work on terms and conditions no less favourable than if they continued to be employed in their old job.

### 5.14 Extending SPL

Employees who wish to extend their shared parental leave are entitled to do so as long as there remains unused SPL entitlement. A written Period of Leave notice must be given 8 weeks in advance of the return date.

Employees who have already given the maximum of 3 Period of Leave notices will not be able to extend their SPL without agreement.

### **5.15 Change in Employee's Circumstances**

It is possible that a parent's circumstances may change after periods of SPL have been agreed. This could prove difficult for the Council if the change is advised at short notice and arrangements to cover the post are already in place. In such circumstances, the Council may decide to hold the employee to the agreed arrangements.

### Providing False Information

- 6.1** It is the employee's responsibility to ensure that any information provided in relation to family friendly leave is accurate.
- 6.2** If the Council suspects that fraudulent information has been provided, or if the Council has been informed by HMRC that a fraudulent claim has been made, the Council may investigate with reference to the Code of Conduct in line with Disciplinary Policy and Procedure. This could result in sanctions up to and including summary dismissal.

## Implications for Pension Scheme Members

- 7.1** Members entitled to occupational or statutory maternity/adoption/shared parental pay will pay contributions based on actual payments made.
- 7.2** The employer's contributions are based on the normal pay the employee would have received but for being on maternity/adoption/shared parental leave.
- 7.3** The employee will accrue full pensionable service during a period of paid family friendly leave even though they will have paid contributions on less than their normal pay.
- 7.4** For members who are not due any occupational or statutory pay due to short length of service, all family friendly leave is unpaid.
- 7.5** For periods of unpaid family friendly leave, this is not counted for pension purposes unless they opt in writing:-
- within 30 days of returning to work, or
  - within 30 days of leaving if she does not return to work, or
  - such longer period as their employing authority may allow to make contributions for any period of unpaid leave at the rate paid on the last day of paid leave. In such a case the employer must pay contributions based on the normal full pay the employee would have received but for being on unpaid leave.
- 7.6** During the ordinary maternity/adoption leave the employer pays contributions on the employee's normal pay however the employee pays nothing and the period counts for pension purposes.
- 7.7** During the period of additional maternity/adoption leave any period of unpaid leave is not counted for pension purposes unless the employee opts in writing :-
- within 30 days of returning to work, or
  - within 30 days of leaving if she does not return to work, or
  - such longer period as their employing authority may allow to make contributions for any period of unpaid maternity/adoption leave at the rate paid on the last day prior to maternity/adoption leave. In such a case the employer must pay contributions based on the normal full pay the employee would have received but for being on unpaid leave.

This page is intentionally left blank



**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee – 11 March 2020  
**Subject:** Parental Bereavement Leave Regulations 2020  
**Report of:** Director of HR/OD

---

**Summary**

The Parental Bereavement Leave and Pay Regulations 2020, known as ‘Jacks Law’, will come into force from 06 April 2020. The regulations provide employed parents the right to statutory leave and pay entitlements if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy, irrespective of how long they have worked for an employer. As a result our Special Leave Policy requires updating to reflect the new legislation.

**Recommendation**

The Committee is asked to approve the introduction of a day one right to two weeks’ paid parental bereavement leave in the existing Special Leave Policy. This entitlement is enhanced in comparison to the regulations requirement for employees to have 26 weeks of continuous service in order to receive paid leave at the statutory rate.

---

**Wards affected:** All

**Financial considerations – Revenue:** None

**Financial considerations – Capital:** None

---

**Contact Officers:**

Helen Grantham  
Interim Director of HROD  
0161 600 8380  
helen.grantham@manchester.gov.uk

Shawna Gleeson  
Head of HR Operations  
0161 245 7517  
s.gleeson@manchester.gov.uk

Gordon Barr  
HR Specialist - Policy and Strategy Team  
0161 234 5758  
g.barr@manchester.gov.uk

---

**Background documents (available for public inspection):**

Parental Bereavement Leave Regulations 2020 are available via legislation.gov.uk:  
<http://www.legislation.gov.uk/ukdsi/2020/9780111192245/contents>

## 1.0 Background and Context

### 1.1 Current provision for bereavement as in Special Leave Policy

Our current bereavement provision allows limited paid leave to attend the funeral and deal with probate matters as below:

*“Managers should grant paid special leave to employees who require time off on the death of a close family member, partner or dependant to make funeral arrangements, including attendance at the funeral and to attend to probate matters. The number of days approved will depend on the context, for example, the location of the funeral and the extent to which the employee is responsible for funeral arrangements.”*

- 1.2 The existing provision does not stipulate the amount of time that is reasonable which could cause inconsistency in application across the organisation, the new legislation provides welcome guidance and clarity for managers and employees at an emotionally difficult time.

## 2.0 Overview of statutory entitlement under the new regulations:

- 2.1 To reflect the variety of modern family units the definition of a ‘bereaved parent’ under the regulations will now include not just parents, but also primary carers, adopters, foster parents, guardians, and more informal groups (such as close relatives or family friends who have taken responsibility for the child’s care in the absence of parents). The statutory entitlement of the new regulations are as follows.

- Parents or carers will be entitled to at least two weeks’ leave following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy.
- Employees with 26 weeks’ continuous service will receive paid leave at the statutory rate and other staff will be entitled to unpaid leave.
- Leave can either be taken in one block or in two separate blocks of one week. The employee can take one single week if they wish.
- Leave can be taken within a period of 56 weeks from the child’s death, and notice requirements will be flexible so leave can be taken without prior notice.
- An employee will be required to complete a written declaration confirming that they meet the eligibility requirements for paid leave within a reasonable timeframe, however employers must be sensitive. Parents will not need to provide the employer with a death certificate as evidence.

- 2.2 The government consultation response also states:

*“We would emphasise that this entitlement is the minimum that an employee should expect, and we would encourage all employers to consider enhancing this offer in their own workplace bereavement or special leave policies.”*

### **3.0 Policy Recommendation**

- 3.1 Given the high value that we place in our workforce, and the emphasis that the statutory entitlements should be the minimum that an employee should expect, it is recommended that the Council implements a policy provision of a day one right to two weeks of paid (full pay) bereavement leave. Aside from this, it is recommended that the Council meets statutory requirements in terms of eligibility, flexibility of leave, and notice requirements.

### **4.0 Policy Amendments**

- 4.1 Please see below for wording, as verbatim, that will be included in the revised Special Leave policy:

#### **The Loss of a Child**

- 7.4.2 On the death of a child under the age of 18, or a stillbirth after 24 weeks of pregnancy, a bereaved parent is entitled to two weeks of paid Special Leave.
- 7.4.3 For the purposes of this policy, a ‘bereaved parent’ means any person who has a statutory entitlement to parental bereavement leave in respect of a child and includes:
- a child’s parent, including natural, adoptive and those who have become a parent(s) under statutory provisions on surrogacy and fertility treatment;
  - a child’s natural parent where the child has been adopted but there is a court order for the child to have contact with the natural parent;
  - a person with whom a child has been placed for adoption as long as that placement has not been terminated;
  - a person who is living with a child who has entered the UK for the purpose of being adopted by that person, and that person has received official notification from the relevant authorities that they are eligible to adopt;
  - an “intended parent” under a surrogacy arrangement where it was expected that the court would make a parental order under the Human Fertilisation and Embryology Act 2008;
  - a person who for a continuous period of at least four weeks before the child’s death lived with the child in the person’s home, and had day to day responsibility for the child’s care (provided they are not paid for that role, foster payments excepted and the child’s parent or anyone with legal parental responsibility is not also living in the home with the child); and
  - the partner of any of the above bereaved parent who lives with the bereaved parent and the child in an enduring family relationship.
- 7.4.4 The two weeks’ leave can be taken either in one block of two weeks, or as two separate blocks of one week each.
- 7.4.5 Leave can be taken within a period of 56 weeks from the child’s death. No

notice will be required for leave taken within two weeks after the date of the death. If leave is taken after this initial period, at least one week's notice should normally be given.

## **5.0 Implementation**

- 5.1 The revised policy and provisions will be implemented in line with the regulations coming into force on 06 April 2020. The Shared Service Centre are aware of the revised provisions and are able to process any requests from the implementation date as these would fall under Special Leave and be processed as such.

## **6.0 Key Policies and Considerations**

### **(a) Equal Opportunities**

### **(b) Risk Management**

### **(c) Legal Considerations**

None

## **7.0 Trade Union Comments**

To follow

## **8.0 Comments of the Director of HROD**

No additional comments.

This page is intentionally left blank

**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee – 11 March 2020  
**Subject:** Children’s Services Leadership Arrangements  
**Report of:** The Chief Executive

---

**Purpose of Report**

This report sets out a proposal to retain the Deputy Director of Children’s Services and regrade the post of Head of Locality in the Directorate for Children’s and Education.

**Recommendations**

The Committee is requested to:

1. Recommend to Council that a market rate retention supplement of £10k be made to the Deputy Strategic Director of Children’s Services to ensure the retention of the current post holder in light of local market forces. This has the effect of increasing the salary to £115,940.
  2. To approve the regrade of three Head of Locality posts from SS1 (£60,857 - £65,865) to SS2 (£68,526 - £74,175).
- 

**Wards affected:**

All

**Financial implications for the revenue and capital budgets:**

The financial revenue consequences of the market rate retention supplement for the the Deputy Strategic Director of Children’s Services £10k. The cost of the Service Lead regrade is £11k per post (with on-costs) and totals £33k. The additional £43k budget requirement will be managed from within existing Directorate resources and is part of the measures to build a stable, confident and talented workforce through a refreshed and refined recruitment and retention approach in Children Services.

---

**Contact Officers:**

Name: Joanne Roney  
Position: Chief Executive  
Telephone: 0161 234 3006  
E-mail: j.roney@manchester.gov.uk

Name: Paul Marshall  
Position: Strategic Director, Children's & Education Services  
Telephone: 0161 234 3804  
E-mail: p.marshall1@manchester.gov.uk

Name: Helen Grantham  
Position: Interim Director of HROD  
Telephone: 0161 600 8380  
E-mail: helen.grantham@manchester.gov.uk

---

**Background documents (available for public inspection):**

Personnel Committee 7 March 2018: Children and Education Services Senior Management Team



## **1. Background and Context**

- 1.1 Manchester is a large, diverse and complex local authority area with a comparatively high need for social care services. In addition there is a growing school age population, complexity of children and their families needs and a dynamic and complex education system/family of schools. For most children, young people and families the City's growth and expansion often leads to personal and economic growth however for some children daily life living Manchester can be challenging. These challenges include; poverty 36.0% of the local authority's children in low income households and health inequalities; the City has the worst score in the country on the health domain of the IMD, the combined factors of poverty and ill health are associated with high numbers of Education Health and Care plans and increasing numbers of children looked after.
- 1.2 Despite these challenges, significant progress has been made within Children and Education Services in improving the services Manchester's children and young people receive. This has seen Ofsted judge Children's Service no longer to be 'inadequate' and further improvements have reported within self assessments, peer reviews/challenges and more recently Ofsted's focused visit which was published on 21 January 2020.
- 1.3 Children Services has developed and presented to the Executive on 11th March 2020 a 5 year workforce strategy to sustain and continually improve Children Social Care Services. This report has been produced as a consequence and response to local and national recruitment and retention challenges and succession planning. In addition the strategy positions Manchester as an 'employer' of choice within the market; taking an innovative approach to staff development, recruitment and retention that secures a stable, confident and talented workforce. This will be key to Children's Services continuing to make progress and improvements to children's experiences and outcomes. The proposals set out within this report form part of the aforementioned 5 year workforce strategy and will lead into a review of the leadership arrangements within the Children and Education Directorate to ensure there is a stronger alignment with our strategic ambitions, partnership and collaboration with Manchester Local Care Organisation.

## **2. Deputy Strategic Director of Children's Services**

- 2.1 The Deputy Strategic Director post is an SS4 post which reports directly to the Strategic Director of Children's and Education Services and has strategic leadership responsibility for complex and multifaceted statutory services and has lead responsibility for the delivery of the Children and Young People plan, Ofsted Action Plan, Directorate Business Plan and contributes towards the Council's priorities as set out within the Our Corporate Plan.
- 2.2 The post holder has been in post since 2017, is subject to progression reviews as part of the Senior Officer Appraisal/About You process. During this time they have made a significant contribution to the continual improvement of the service and the experiences outcomes for Manchester's children; as

evidenced in Manchester's Children's Services being judged no longer inadequate in 2017 and the positive findings reflected in the most recent ofsted focused visit published in January 2020.

- 2.3 The continual progress/success of the service has made the post holder 'attractive' and now a target for recruitment agencies working for neighbouring authorities; offering significant financial incentives. Whilst expressing a commitment to Manchester City Council, personal circumstances and career aspirations are competing pull/push factors, which are compounded by the role being 'evaluated down' in 2017 (immediately prior to appointment) and post holder being at the top of grade SS4. Thus restricting the financial remuneration and it is for these reasons the Council is minded to make a retention payment to the Deputy Director Children Services to the value of £10k per annum, with a review period at 18 months which is consistent with the standard arrangements for Market Rate Supplement payments. This will allow us to retain the Deputy Director in this statutory and business critical role, continue our progress uninterrupted and succession planning; in a context that similar roles are being advertised across the region.
- 2.4 It should be noted that children's services may be inspected by Ofsted from March 2020 onwards therefore the inability to retain the knowledge, skills and experience of the current post holder presents a risk to the service and may undermine the positive progression the service has made.
- 2.5 The application of the proposed retention payment is underpinned by a benchmarking exercise which shows the average salary for equivalent posts across core cities is £115k and is clearly linked to the Directorate's approach to succession planning.
- 2.6 As the proposed market rate retention supplement applies to a post which exceeds £100k per annum, it will require approval by the Council.

### **3. Head of Locality**

- 3.1 In addition to the Deputy Director post, the Head of Locality post is and will continue to be subject to the Senior Officer Appraisal approach; to date the existing post holders have made positive contributions to the Directorate's progress. The posts were established following Personnel Committee approval on 7 March 2018. The context to the establishment of the role was in response to both the Children's Services self-assessment, strategic intent and Ofsted's findings (2017) around the requirement to develop and strengthen local partnerships and management arrangements on a local level and in order to be able to improve and drive the consistency and quality of social work practice.
- 3.2 As set outlined above, the Head of Locality posts were established to build and strengthen local partnerships, provide sufficient operational management/leadership capacity to drive the quality of social work practice, performance and compliance. However, in accordance with and driven by the Directorate Plan and ambition, the posts have evolved over time and the

breadth and span of responsibility has increased to support the significant progress and strategic direction of the Directorate.

- 3.3 The original remit of the Head of Locality posts was to:-
- Improve the quality of social work practice
  - Improve management grip and oversight via comprehensive performance and practice systems
  - Ensure services are delivered safely and effectively within relevant legislation
  - Deliver on a range of policy commitments including safely reduce the number of children who are looked after/requiring a statutory service.
- 3.4 The Head of Locality posts were initially focused on driving operational performance within children's social care. However, as the Directorate drives towards a position of integration with partners and locality ways of working, the roles are evolving to become a 'local' strategic leader working across the system to influence, shape and design services whilst sustaining and improving the quality of social care provision.
- 3.5 A summary of the posts increased responsibilities and duties is as follows:-
- Lead a strategic local plan for children's safeguarding arrangements with senior leaders across the partnership
  - Leadership of the children's services multi-agency safeguarding arrangements at a local level
  - Leadership of the Leaving Care Service which transferred from Barnardos via a commissioned arrangement to Manchester City Council in October 2018.
  - Design, development and implement policy frameworks to strategically improve service provision and practice across the system.
  - To contribute to the leadership of the Greater Manchester Social Work Academy which is a partnership between Greater Manchester Local Authorities and Universities.
  - Leadership of the Children's Emergency Duty Service
- 3.6 The increased portfolio of accountabilities and responsibilities will be reflected in the Senior Officer Appraisal arrangements and ensure the post holders continue to make a positive contribution in the delivery of the council and Directorate priorities; as set out within the Our Manchester Strategy, Children and Young People Plan and Our Corporate Plan. This will include working with our partners and stakeholders on a strategic and local level so that Manchester's children and young people are safe, happy and successful; attending a 'good or better' school.
- 3.7 The post holders will also be expected to contribute to other corporate priorities, including supporting Manchester's Children and Young People to be healthy, well and safe (Healthy, cared for people), enabling clean, safe and vibrant neighbourhoods through promoting the welfare of young people (Neighbourhoods) and reducing demand through reform and enabling our

workforce to be the best they can be (Well-managed Council), and also plays a leading role in ensuring our young people are equipped with the skills they need to benefit from the growth of the city (Growth that benefits everyone).

#### **4. Conclusion**

- 4.1 The recommendations set out within this report provides Children's and Education Services with leadership arrangements needed to deliver the Directorate's strategic priorities set out within the Children and Young People Plan and the Council's priorities as set out within the Our Corporate Plan.

#### **5. Comments from Trade Unions**

- 5.1 These are to follow.

#### **6. Comments from the Director of HROD**

- 6.1 These are significant leadership posts in a critical area of the Council. The roles have developed over the last year in line with the directorate requirements.
- 6.2 The posts have been subject to evaluation through the Council's Job Evaluation process, resulting in the proposed regrade as outlined.

**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee - 11 March 2020

**Subject:** Market Rate Supplement Payment (Highways Development Specialist)

**Report of:** Fiona Worrall, Strategic Director - Neighbourhoods

---

**Summary**

To request approval from the Personnel Committee to apply a 10% market supplement rate to the role of Highways Development Specialist (currently evaluated at Grade SS1 £60,857 to £65,865) with the flexibility to increase the uplift to 15%.

**Recommendations**

Personnel Committee is requested to agree to apply a market rate recruitment supplement to the post of Highways Development Specialist with immediate effect. This has the effect of raising the annual salary to £72,451(10%) or up to £75,744 (15%).

---

**Wards affected:**

All

**Financial implications for the revenue and capital budgets:**

The proposal is affordable within the existing budget.

**Contact Officers:**

Name: Fiona Worrall  
Position: Strategic Director, Neighbourhoods  
Telephone: 0161 234 3926  
E-mail: f.worrall@manchester.gov.uk

Name: Helen Grantham  
Position: Interim Director of HR and OD  
Telephone: 0161 600 8380  
E-mail: helen.grantham@manchester.gov.uk

**Background documents (available for public inspection):**

Personnel Committee Report - Neighbourhoods Directorate Senior Management Capacity presented on 26 June 2019

## **1. Background**

- 1.1 The Highways function has a workflow for infrastructure projects and planning that starts with the strategic development of a pipeline of potential projects that aligns to Council priorities including the City Centre Transport Strategy and the Transport 2040 vision. The pipeline is then taken to a stage where options have been analysed to establish a programme of projects that will be taken through into design and delivery.
- 1.2 The programme and pipeline of infrastructure projects is significant and very much aligned to the success of the City. The role is also supported by 2 officers who have specific responsibilities in managing the cycling and walking pipeline and the plans for HS2 in both the City and the airport and also the airport growth plans themselves that are considerable.
- 1.3 In order to deliver the priorities in this area, the Highways service urgently needs an experienced highway specialist to work with all the various stakeholders in terms of the pipeline. The position is currently vacant.
- 1.4 The creation of the role of Highways Development Specialist was approved by the Personnel Committee in June 2019 as part of the overall Highways structure, however because of the importance of the role, the service worked closely with Transport for Greater Manchester (TfGM) who seconded an officer for a period of 8 months to establish systems and processes to support the development of the pipeline. This secondment ended in December 2019.
- 1.5 The role was advertised in December across all usual streams including externally the Guardian and LinkedIn. The response was disappointing with only 5 applications being received and in January, 2 applicants were interviewed however no appointment was made. The candidates could not demonstrate the required skills and level of experience needed for the role and although most had experience of managing projects, they had not developed project pipelines or worked at the level required to manage the complex groups of associated stakeholders. It was not appropriate to offer this role on development.

## **2. Proposals**

- 2.1 A full description of the role is provided in Appendix 1 (role profile).
- 2.2 The post is currently evaluated on the Council's pay structure as Grade SS1 (£60,857 to £65,865) and it is a permanent role on the service establishment.
- 2.3 A benchmarking exercise was undertaken of comparable roles across the region and nationally (see Appendix 2 for full details). The salaries of similar vacancies advertised varied between £66,000 to £76,000 per annum. The strongest and closest comparable roles are Strategic Manager Highways & Transport (Isle of Wight) and Divisional Manager - Transportation & Highways (Liverpool City Council). Salaries ranged between £66,629 - £76,278 for these roles.

- 2.4 To ensure the Council can attract candidates who may be leaving existing permanent jobs or commuting from outside Manchester to apply for the role, it is proposed that a market rate recruitment supplement of 10% (£6,586) is applied to the role. This will take the overall salary to £72,451 which is the equivalent to the penultimate SCP 23 of SS2 and is also the mid-point of other comparable salaries of similar roles offered by competitors.
- 2.5 This supplement also takes into account the Council's policy and normal practice in that the salary will be fixed at £72,451 (with yearly reviews) as the normal practice is to reduce the market supplement payment each year to offset against the cost of living award in order to keep the overall salary package unchanged. There will be no annual increments payable to this role.
- 2.6 Due to the specialist nature of the role and the fact that it has already been advertised externally and internally with no success, it is proposed the role will go straight to external advert to ensure it attracts the widest pool of talent available both in-house and in the external market.
- 2.7 If there is no success in attracting and appointing a suitable candidate, it is proposed that flexibility is granted to be able to increase the market rate recruitment supplement payment to 15% (£9,879) taking the overall salary package to £75,744.

### **3. Comments from the Director of HROD**

- 3.1 To be provided

### **4. Comments from Trade Unions**

- 4.1 To be provided.

### **5. Appendices**

Appendix 1: Role Profile for Highways Development Specialist

Appendix 2: Benchmarking data for comparison of similar roles

## **Appendix 1 Role profile for the Development Specialist**

### **Manchester City Council Role Profile**

**Highways Development Specialist, SS1  
Highways Service, Neighbourhoods Directorate  
Reports to: Director of Highways**

### **Band SS1 (Senior Operational/Technical Lead)**

#### **Role portfolio**

#### **Overall purpose of the role**

The Highways Development Specialist has strategic responsibility for the development of City's strategic highway and transport plan. The post holder will be responsible for the management and maintenance of key strategic partnerships across the City and beyond in order to plan and deliver the 2040 transport strategy. The post holder will report to the Director of Operations (Highways).

The post holder will be responsible for developing the strategic pipeline of works for the next 5/10 years and beyond along with the development of the capital investment strategy. They will provide strategic and visible leadership for the service, financial oversight and compliance to process and protocols within the Council and related functions. They must work collaboratively and cooperatively within and beyond the Council developing and maintaining critical relationships and partnership internally and externally.

The post holder will be required to demonstrate a thorough understanding of civil engineering and be an experienced highways professional and have experience in a large complex highways or civil engineering function. The post holder will have an excellent relationship management, influencing and planning skills to effectively lead the business development and creation of the strategic pipeline of works. The post holder will have a have demonstrable experience of leading large and complex highway projects and be able to manage a complex series of stakeholders, professional staff, Members, statutory and regulatory bodies, funding streams, contractors and budgets. Strength and quality of leadership and the personal skills required to develop and lead an effective and well-motivated, multi-disciplinary and multi-task teams will be essential. They will require a sound understanding of the legal and financial aspects of major projects and transactions and will have broad experience both in the preparation, control and delivery of highway and engineering projects, schemes of work and in advising on the management of procurement of operations and services.

#### **Key Role Descriptors:**

This leadership role will provide professional and technical advice and/or operational management within a service, acting as principal advisor within their area.



The role holder will develop greater coordinated working across services, partners and communities through relationships with key stakeholders and by listening and engaging with people to deliver improved services, recognising the importance of external relationships to the organisation.

The role will adapt and develop organisational policies, applying innovative thinking to develop solutions across a range of issues.

The role holder will focus on service delivery and outcomes, driving service priorities, and adapting to changing internal and external environments to achieve for Manchester.

Manage employees and budgets successfully ensuring service needs and resource levels are identified and met. Shared or lead responsibility for a specific budget/s.

Ensure statutory regulations are met to safeguard the organisation and the population of Manchester.

Provide clear communications to City Council Committees, elected Members, MPs and organisations from the public, private and voluntary sectors, to enable effective decision making.

Our leaders should be exemplars of the Our Manchester behaviours in action: demonstrating them through their interactions with colleagues and partners day-in-day-out and their overall approach to delivering for the people of Manchester. They should be confident in challenging others who are not demonstrating these behaviours and open to challenge when others feel they are not working in this way.

Foster commitment, talent and fresh thinking, challenging yourself and others and take responsibility for their own development and promoting continuous learning.

Through personal example, open commitment and clear action, ensure diversity is positively valued, resulting in equal access and treatment in employment, service delivery and communications.

**Where the roleholder is disabled every effort will be made to supply all necessary aids, adaptations or equipment to allow them to carry out all the duties of the role. If, however, a certain task proves to be unachievable, job redesign will be given full consideration.**

#### **Key Role Accountabilities:**

- The post holder will be responsible for developing the strategic pipeline of work for the next 5/10 years and beyond along with the development of the capital investment strategy. They will maintain under continuous review all changes to the regulatory and legislative obligations of the Council with regard to highways and engineering and they comply with all relevant legal requirements, regulations, protocols and the like. They will advise on and, where feasible, implement best practice on matters relating to technical

solutions available to the Council in relation to the activities associated with the department.

- The role requires extensive operational experience in a multi-disciplinary professional services environment coordinating and delivering a variety of highway and engineering projects on time, budget and required quality. They will commission and coordinate resources both internally and externally for the Council following all regulatory and financial compliance rules and protocols.
- The post holder will facilitate the development of linkages and greater coordinated working across services and key stakeholders to aid the development and delivery of organisational priorities with regard to service development, strategic direction and the needs of the service area
- Plan, direct, coordinate, and lead the activities of the management team to ensure that goals, objectives and all elements of the service are achieved within the prescribed time frame and cost and quality parameters.
- to outline work plans, to assign duties, responsibilities, and scope of authority to all relevant team members, based upon the highest professional and business standards; to manage the management team to provide specialist advice and to resolve problems as required.
- to coordinate departmental activities with the objectives of the Council, stakeholder organisations, and be responsible for overall quality and management of service.
- Responsibility of the for the development of the capital investment strategy aligned to pipeline of work

### **Behaviours, skills, and technical requirements**

#### **Our Manchester Behaviours**

- We work together and trust each other
- We're proud and passionate about Manchester
- We take time to listen and understand
- We 'own it' and aren't afraid to try new things.

#### **Generic Skills**

**Communication Skills** Is able to effectively transfer key and complex information to all levels of staff, adapting the style of communication as necessary and ensuring that this information is understood.

Speaks fluently and writes articulately, expresses opinions, information and key points of an argument clearly, makes presentations and undertakes public speaking with skill and confidence; responds quickly to the needs of an audience and to their reactions and feedback; projects credibility.

Negotiates more complex agreements with Council wide impact. Is able to influence and persuade key Council decision makers. Utilises enhanced advocacy skills.

**Analytical Skills:** Application of strong analytical reasoning skills and intellectual focus, taking in the wider external and internal environments. Proactively thinks through problems rather than reactively following a procedure-driven approach.

**Planning and Organising Skills:** Sets clearly defined objectives, plans activities and projects well in advance and takes account of changing circumstances; identifies and organises resources and manages time effectively monitoring performance against milestones and deadlines.

Ability to turn strategic ideas and objectives into practical, well organised plans.

**Problem Solving & Decision Making:** Ability to react to immediate problems of a highly complex nature with associated risk factors and deliver pragmatic solutions sometimes under extreme pressure.

**Strategic Thinking:** A focus on long- term as well as short-term objectives, ensuring alignment between tactics (who and how) with strategy (what and when).

**Financial Management:** Ability to design and implement governance and financial management frameworks within a complex organisation, and strategies for the efficient mitigation and management of business and financial risks.

**Commercial Skills:** Excellent commercial skills to manage successful tender, evaluation and acquisition process. Highly developed communication and relationship management skills to identify and manage the relationships with external partners and stakeholders.

**People Management:** Effective development, management and motivation of staff within service area, providing leadership and planning for the work of a service based function or Council wide team. Establishes clear targets and monitors progress to ensure continuous improvement in service delivery.

#### Technical requirements (Role Specific)

- Holds a professional qualification in civil engineering, or a related degree or is qualified by significant and demonstrable experience in the Highways or Construction industry
- Significant leadership experience in a large, complex environment and demonstrably successful track record at a senior level within a related multi-disciplinary functional area
- A working understanding of the policy framework and political environment would be advantageous

## Appendix 2: Benchmarking data for comparison of similar roles

### Benchmarking exercise - Highways Development Specialist

A search undertaken of job adverts for comparable roles in Highways/Transport/Planning brought up three vacancies to compare against, two of which belonged to local authorities. The salaries of these vacancies varied between £65,000 - £76,278 per annum.

An evaluation of the advert and roles concluded that the closest comparable roles are Strategic Manager Highways & Transport (Isle of Wight) and Divisional Manager Transportation & Highways (Liverpool City Council) and these salaries ranged from £66,629 - £76,278.

The role with Liverpool City Council requires a qualification at the same level as Manchester, which the others do not. However the Manchester role has a greater strategic focus.

**1 Strategic Manager Highways and Transport**  
**£66,629.00 - £70,915.00**  
**Isle of Wight Council**  
**37 hours per week**

The role is comparable to MCC in that they both have responsibility for the planning and development of the strategic transport plan for their respective areas over a period of 20-25 years. Both require stakeholder, team, budget, project management experience and responsibility for statutory obligations and quality control. There is no mention of specific qualifications required, however salary depends on level of qualification and/or experience.

Benefits:

Annual leave: 31 plus bank holidays, transport discounts, cycle to work scheme, unlimited use of council owned leisure facilities and EAP

**2 Divisional Manager - Transportation & Highways**  
**£72,476.00 - £76,278.00**  
**Liverpool City Council**

The role is comparable to MCC in that they both develop and deliver the cities' transport plans over a period of 20 years. Proven experience in a large, demanding and complex environment/role at senior level required. Both require experience in managing a range of stakeholders, teams, projects and budgets. The post holder will have responsibility for statutory obligations and quality control. The role profile for this role places more emphasis on management of teams and partnership working as opposed to strategy development. Both roles require a professional qualification in civil engineering or in a related field. No benefits listed.

**3 Planning Manager**  
**£65,000 - £72,000**  
**Based in York (Global Contractor within the Rail Industry)**

The role is comparable based on the level of project management involved over multiple large scale projects. Extensive experience is necessary in project planning/scheduling, including resource and cost-loading/forecasting. Involvement in recruitment/training strategy. The post holder would need to be educated to at least A Level standard.

**4 Head of Strategic Planning and Research**  
**£70,000 - £75,000**  
**TfGM, Manchester**

**5 Independent benchmarking Tool**

A search was undertaken using an independent benchmarking tool. The most appropriate category to the MCC role where data was available related to Management/ Engineering. The average salary figures for comparable roles at this level was remunerated between £64,000 and £77,000. The data is based solely on private sector companies.

This page is intentionally left blank

**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee - 11 March 2020

**Subject:** Growth and Development Directorate Management Team

**Report of:** Chief Executive

---

**Purpose of Report:**

To seek approval of the Personnel Committee for proposals for strengthening the senior management capacity within the Growth and Development Directorate to deliver the Council's plans.

**Recommendations:**

Personnel Committee is requested to:

- 1 Approve the redesignation of the post of Head of Work and Skills as Director of Inclusive Economy and recommend that Council approves a regrade from SS3 (£78,715 - £87,217) to SS4 (£95,953 - £105,940)
  - 2 Approve the redesignation of the post of Head of City Centre Growth and Regeneration as Director of City Centre Growth and Infrastructure and recommend that Council approves the grade as SS4 (£95,953 - £105,940).
  - 3 Note that line management of the post of Head of Local Planning and Infrastructure will transfer to proposed Director of City Centre Growth and Infrastructure with appropriate resources. The post holder will be a member of the Directorate Management Team.
- 

**Wards affected:**

All

**Financial implications for the revenue and capital budgets:**

The proposed changes set out in this report will lead to an increased salary budget requirement of £29k and this will be funded from within existing directorate budgets. The initial increase is based on both the Director of Inclusive Economy and the Director of City Centre Growth and Infrastructure posts being on the bottom scale point of SS4, and any increased costs arising from progression within the grade will also need to be addressed from within approved directorate budgets as part of the annual budget process.

**Contact Officers:**

Name: Joanne Roney  
Position: Chief Executive  
Telephone: 0161 234 3006  
E-mail: j.roney@manchester.gov.uk

Name: Helen Grantham  
Position: Interim Director of HR and OD  
Telephone: 0161 600 8380  
E-mail: helen.grantham@manchester.gov.uk

---

**Background documents (available for public inspection):**

Personnel Committee Reports of 26th June 2019 and 5th December 2019



## **1. Background:**

- 1.1. The Directorate for Growth and Development encompasses a portfolio of services that are fundamental in ensuring the economic prosperity of the City, businesses and all of its citizens. This directly impacts on how effectively the Council can raise income to provide other universal and specialist services.
- 1.2. The Council has commenced recruitment to the post of Strategic Director of Growth and Development as per the report to the Personnel Committee on 5th December 2019. As was also indicated in this report, a review of the priorities and overall leadership capacity for the Directorate has been undertaken and forms the basis of this report.
- 1.3. At present the Strategic Director – Growth & Development is supported by three SS4 roles: Director of Planning, Building Control and Licensing; Director of Housing & Residential Growth; and Director of Development & Corporate Estates. The latter two roles are vacant but there is an Interim Director of Housing & Residential Growth in place.
- 1.4. At SS3 level there are six posts in the Directorate – two supporting the Director of Housing & Residential Growth with the other roles being the Head of Works & Skills; the Head of City Centre Growth & Regeneration; the Head of Development; and the Head of Corporate Estates.
- 1.5. The current structure of the Senior Management team of the Growth and Development Directorate is shown at appendix 1, with the proposed structure at appendix 2 and 2a.

## **2. Context:**

- 2.1 A review of senior management capacity has been undertaken to ensure that the Council has suitable arrangements for Manchester to provide the necessary conditions to grow the city's employment base, invest in quality of life issues and deliver the significant numbers of new homes needed to support the expansion of the city's economy. This is against a backdrop of a city that needs to develop rapid responses to a climate emergency, a new Government that is pursuing a hard Brexit from the European Union, a Government that is indicating a willingness to invest in the north and in infrastructure, with a potentially challenging funding settlement for the City Council from 2021 onwards.
- 2.2 Over the last 12 months proposals have been brought forward to strengthen capacity to deliver the Council's ambitions for new residential growth and to drive the development of significant numbers of new affordable homes in the city. Similarly Planning, Building Control and Licensing have undergone restructuring to support the new burdens being placed on that service.
- 2.3 At this time the most significant challenges arise from the need to put in place a new Local Plan that will guide the city's growth over the next 15 to 20 years. In addition to this long term growth plan there are an array of significant

infrastructure challenges and opportunities – transport; digital; flood; water & wastewater; green & blue infrastructure - most of which, if not all, manifest themselves within the city centre. Of ongoing importance is influencing inward investment for sub-regional connectivity (bus, tram, tram train, walking and cycling infrastructure) along with effective case making for High Speed connectivity solutions into the city centre and airport to ensure a sustainable growth platform for the next 30 to 50 years and beyond.

- 2.4 In addition there is a need to strengthen the leadership capacity of the Growth and Development Directorate to respond to both the Greater Manchester Local Industrial Strategy and the Our Manchester Industrial Strategy. As well as this there is an ever growing agenda for inward investment and commercial relationships.
- 2.5 It is within this context that a review of senior management capacity has been reviewed and the following proposals arise.

### **3. Proposals**

#### **Director of Inclusive Economy**

- 3.1 Of growing priority and strategic importance is the aim of inclusive growth as set out in the Council's *Developing a more inclusive economy - Our Manchester Industrial Strategy* to put people at the centre of growth; aligning to Greater Manchester and the national Local Industrial Strategy to promote and drive inclusive growth in the conurbation core; support existing and future sectors, increase productivity but crucially support more residents into better quality jobs. A high level delivery plan has been developed to deliver the People, Place and Prosperity priorities.
- 3.2 As a result of this the remit of the Head of Work and Skills has significantly increased in providing strategic leadership for Our Manchester Industrial Strategy, Digital City and development of the delivery plans. The post holder will work across the Directorate and Council and in collaboration with key stakeholders to deliver the plans.
- 3.3 To reflect this wider remit with extra duties and responsibilities, including delivery of the city's digital strategy, it is proposed to redesignate the post of Head of Work and Skills as Director of Inclusive Economy. Job evaluation has been conducted in line with the Council's procedures and policies which indicates that the post should be regraded to SS4.

#### **Director of City Centre Growth and Infrastructure**

- 3.4 It is proposed to bring greater alignment between the delivery of city centre regeneration with the policy aspects of local planning and infrastructure to provide more strategic capacity and focus on the delivery of critical and growing agendas for the Council.

- 3.5 There are a growing number of significant large commercial development proposals for the city as well as increasing pace on key transport infrastructure programmes such as HS2, Northern Power Rail and Northern Hub. This broadens the definition of city centre beyond the traditional boundaries as such initiatives impact on regeneration of the city centre.
- 3.6 With the strategic importance of these agendas there is also an increase in activity in effectively influencing regionally and nationally with higher than ever profile.
- 3.7 Within the Growth and Development Directorate the main responsibility for these agendas sits with the current Head of City Centre Growth and Regeneration. The role has evolved to include more than the traditional 'city centre' and has oversight of the connected aspects of regeneration including influencing regionally and nationally. The role takes greater accountability in supporting the Strategic Director in this area.
- 3.8 To reflect the greater emphasis on these agendas and extra duties and responsibilities within this remit, it is proposed to redesignate the post of Head of City Centre Growth and Regeneration as Director of City Centre Growth and Infrastructure. Job evaluation has been conducted in line with the Council's procedures and policies which indicates that the post should be regraded to SS4.
- 3.9 To support the delivery of this role in the current context, it is recognised that capacity for strategic thinking and planning for infrastructure is required within Growth and Development. The current skills, experience and capacity for this sit with the Head of Locality Planning and Infrastructure in the Policy, Performance and Reform Team. To ensure that this is more closely aligned to support delivery going forward it has been decided that line management of the Head of Locality Planning and Infrastructure will be through the proposed post of Director of City Centre Growth and Infrastructure.

#### **4. Conclusion:**

- 4.1 The review of the priorities and leadership capacity of the Growth and Development Directorate has shown that clarity is required for some key areas beyond the more functional areas related to planning development and housing, especially in light of emerging priorities.
- 4.2 These proposals provide the leadership focus, accountability and capacity required for future growth to ensure a more inclusive economy for Manchester residents.
- 4.3 In recognising these additional responsibilities and revised accountabilities job evaluation indicates that it is appropriate for the two proposed Director posts to be graded at SS4 Band. This also provides for greater equity and consistency within the senior management team of the directorate.

- 4.4 Moving appropriate resources from Policy, Performance and Reform (PPR) to the Growth and Development Directorate provides alignment and greater connectivity of capacity for delivery but also requires cross functional working in line with these senior roles. It is recognised that it is a change to previous thinking but is due to the changing context and pace.

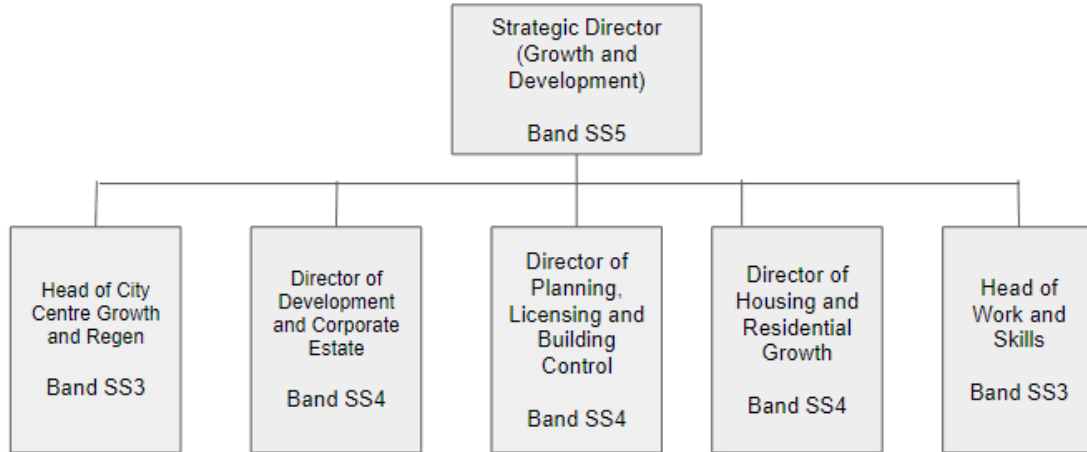
## **5. Comments from the Director of HROD**

- 5.1 As set out in the context of this report, the challenges and opportunities facing the city now and going forwards, require a robust organisational platform to be put in place in support of the appointment of new Strategic Director.
- 5.2 These are designated as regrades as the current post holders have been carrying out the identified additional work. The Council's senior manager job evaluation process has been applied in reviewing the proposed roles and grades. Appropriate policies have been considered in developing these proposals and the posts align to the Council's senior management structure.
- 5.3 As the proposed Director posts are evaluated at salaries over £100,000 there is a requirement for the full Council to approve any recommendation from the Personnel Committee in relation to the grades.

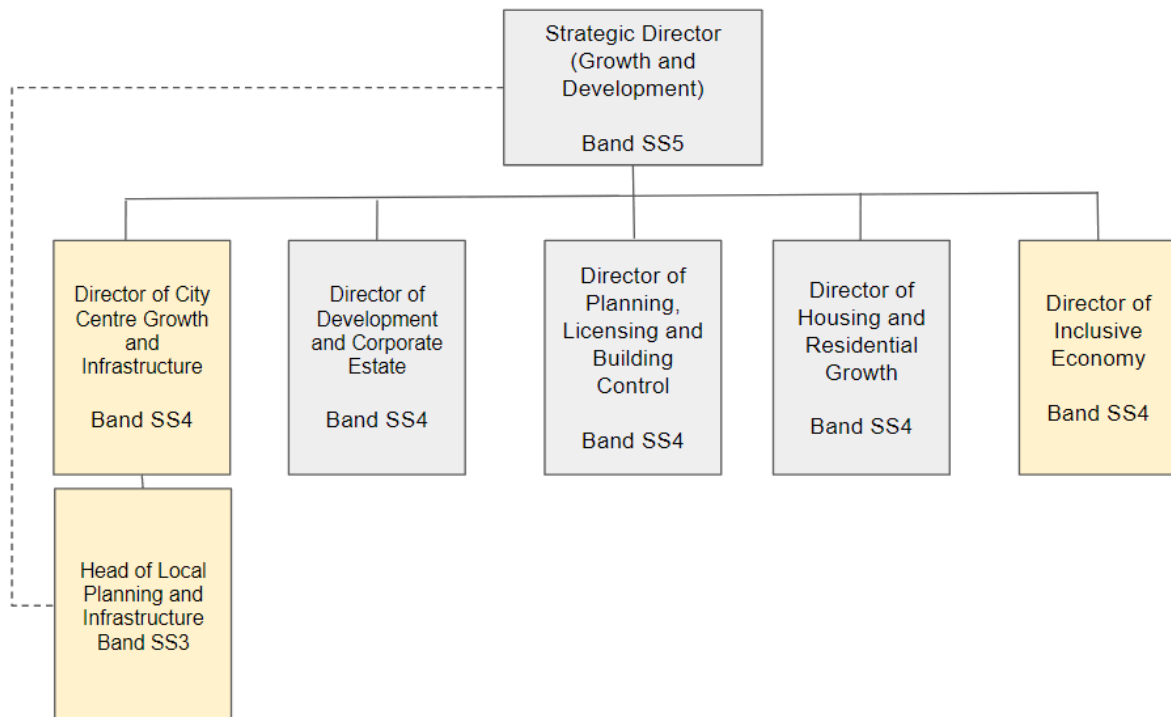
## **Comments from Trade Unions**

to be provided.

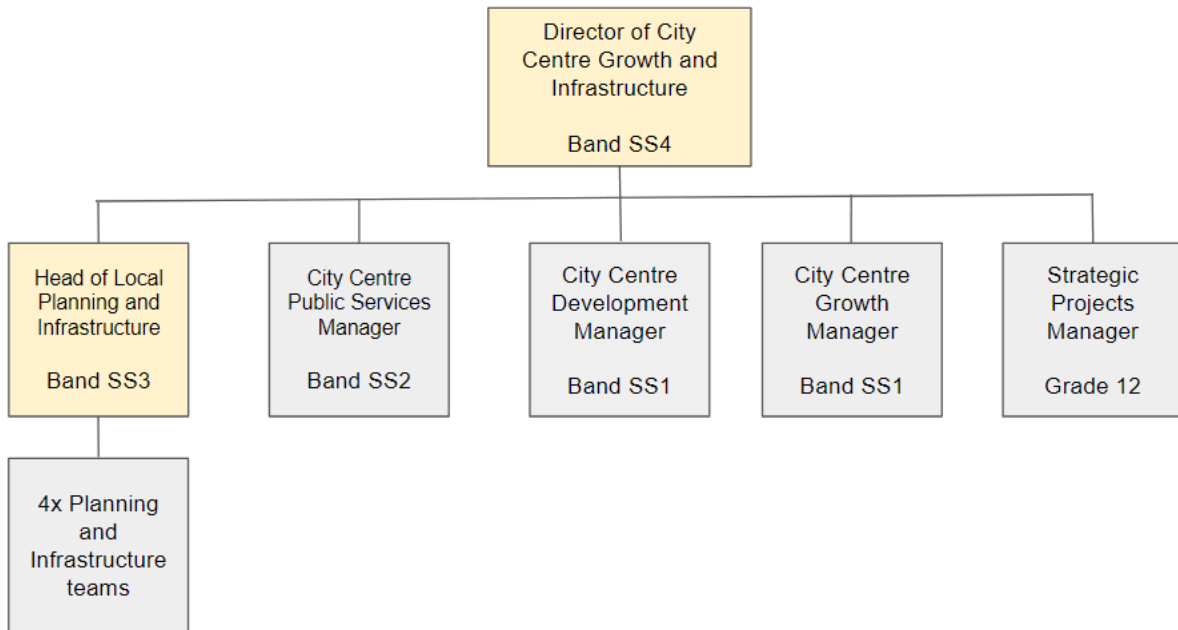
**Appendix 1 - Current Structure**



**Appendix 2 - Proposed structure - (also see appendix 2 a over page)**



**Appendix 2a - Proposed structure -  
(Director of City Centre and Infrastructure direct reports)**



**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee - 11 March 2020

**Subject:** HR and OD Service, Corporate Services Directorate

**Report of:** Deputy Chief Executive and City Treasurer

---

**Purpose of Report:**

To seek the approval of the Personnel Committee to create the post of Deputy Director of HR and OD in support of the restructure of the HR and OD Service and to recommend that Council approves use of a market supplement if required in recruiting to the Director of HR and OD post.

**Recommendations:**

Personnel Committee is requested to:

1. Approve the creation of the post of Deputy Director of HR and OD at grade SS3 (£78,715 - £87,217).
  2. In approving the establishment of this post, approve the deletion of the posts of Head of HR Operations (SS2) and Head of Workforce Strategy (SS2).
  3. Approve the redesignation of the post of Strategic Business Partner - Health and Social Care Integration as Strategic Lead - Health and Social Care Workforce.
  4. Recommend to Council that it approves a market rate recruitment supplement of up to £15,000 in seeking to appoint to the vacant Director of HR and OD post, if required, and delegate authority to the Deputy Chief Executive and City Treasurer, in consultation with the Chief Executive and Executive Member for Finance and HR, to decide whether to apply the market rate supplement and the amount of supplement to be applied, up to this limit.
  5. Note the contents of the report.
- 

**Wards affected:** All

**Financial implications for the revenue and capital budgets:**

The proposed changes to the senior posts will reduce costs of the senior management structure within HR & OD by c£69k, and this saving is being used as part of funding the ongoing wider restructure of the service which will ensure that there is an appropriate mix of grades to provide capacity to lead on the Our People Strategy.

There is no budget provision for any market rate supplement, but if a market rate supplement is required the costs of this will be funded from within existing HR & OD budgets.

---

**Contact Officers:**

Name: Carol Culley  
Position: Deputy Chief Executive and City Treasurer  
Telephone: 0161 234 3406 (internal code 800 33406)  
E-mail: c.culley@manchester.gov.uk

Name: Helen Grantham  
Position: Interim Director of HR and OD  
Telephone: 0161 600 8380  
E-mail: helen.grantham@manchester.gov.uk

**Background documents (available for public inspection):**

None



## **1. Background:**

- 1.1 When the previous Director - HR and OD left the Council in February 2019 it was determined that recruitment would be on a 'like for like' basis. Pending the recruitment process, extra capacity was procured on an interim part-time basis and has supported the service since April 2019.
- 1.2 An Executive Search and Selection partner was procured and a recruitment exercise commenced in May 2019. The Council was unable to appoint and the decision was made to continue with interim arrangements to review the potential market.
- 1.3 At the same time, other significant vacancies arose within the HR and OD senior management team and it was decided that a restructure was necessary to ensure appropriate arrangements going forward.
- 1.4 After discussion with the service and various stakeholders a revised structure was provided in December 2019. Formal consultation has ended and the structure is being implemented.
- 1.5 The previous structure and new structure is provided at appendix 1.
- 1.6 The Council is currently out to actively to recruit a Director of HR and OD. It is recognised that this is a challenging market with a shortage of experienced HR and OD Directors available. Indications are that the Manchester City Council pay band of SS4 (£95,953 - £105,940) is not competitive with levels of salaries paid in recent appointments and across other parts of the public sector.

## **2. Proposals**

- 2.1 The restructure of the HR Service was undertaken with some clear principles applied; namely to ensure appropriate capacity at the right levels with flexibility to balance reactive and proactive work and to provide fulfilling work for the team in delivering the Council's workforce priorities as set out Our People Plan.
- 2.2 Some key vacancies allowed for a fundamental review of the senior team which has been streamlined with realignment of key HR and OD functions. Further the resources from Our Manchester Team that focus on culture and behaviour have been brought into the structure from Policy, Performance and Reform. A new post will lead this reporting to the Director and be designated as the Head of Culture Development at grade 12. At the same time the Workforce Intelligence and Equality and Diversity Team line management is now provided by the Policy, Performance and Reform team.
- 2.3 The Strategic Business Partner for Health and Social Care Integration is now clearly aligned to the Director of HR and OD whilst being deployed to the Manchester Local Care Organisation. It is proposed to redesignate this

position as Strategic Lead - Health and Social Care Workforce reflecting the focus of the role being broader than integration.

- 2.4 The revised structure proposes that all strategic and transactional HR functions are under the leadership of one senior manager working alongside the Head of OD. This role will be responsible for the day to day leadership and management of the HR functions as well as providing a primary deputising function for the Director of HR and OD on strategic projects and partnerships. This will ensure that there is connectivity across the different HR specialisms and by having appropriate arrangements at the next level will give capacity to support the delivery of the council's workforce priorities.
- 2.5 It is therefore proposed that a new position of Deputy Director - HR and OD is established by combining and deleting the two SS2 posts of Head of HR Operations and Head of Workforce Strategy (SS2). Job Evaluation has been undertaken and indicates that the new role should be graded at SS3 (£78,715 - £87,217).
- 2.6 Further recruitment search and benchmarking activity is underway to recruit a Director of HR and OD. However given the urgent and critical nature of this appointment approval is sought for a delegation to the Deputy Chief Executive and City Treasurer in consultation with the Chief Executive and Executive Member for Finance and HR to be able to approve a market supplement of up to £15,000 if required. Any supplement will only be applied if necessary. This approval needs to be given by the Council on recommendation of the Personnel Committee. As the next Council meeting after 25th March is July, this delegation is being sought now so as to not to delay the appointment process.

### **3. Conclusion:**

- 3.1 After extensive consultation and co-production a revised HR Structure is being implemented. In providing appropriate leadership for a re-aligned structure it is proposed to create the post of Deputy Director - HR and OD at SS3 grade by combining two SS2 posts.
- 3.2 Progressing with the appointment of a Director of HR and OD is also essential in providing stable structure and leadership.

### **4. Comments from the Director of HROD**

- 4.1 The Council's senior manager job evaluation process has been applied in reviewing the proposed role and grade for the proposed post of Deputy Director - HR and OD.
- 4.2. In line with the Council's *m* People Processes the current Head of HR Operations will be entitled to be ring fenced for interview for the proposed Deputy Director post.

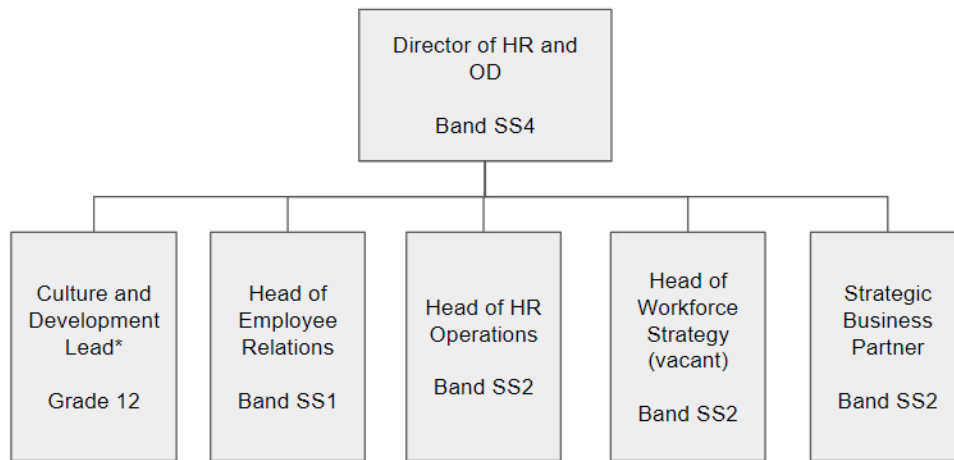
- 4.3 In line with the Constitution any salary package exceeding £100,000 must be approved by Full Council. The salary for the post of Director - HR and OD falls into this bracket. If the requested delegation was delayed until July then the recruitment to the vacant Director post would be delayed significantly.

**Comments from Trade Unions**

to be provided.

**Appendix 1**

**Current Senior Management Structure - HR and OD Service**



\*Role redesignation from OD Lead as part of service redesign

**Proposed Senior Management Structure - HR and OD Service**

