



## **Personnel Committee**

Date: Wednesday, 22 March 2023

Time: 2.10 pm (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 Public Gallery**

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.

**There is no public access from any other entrance.**

### **Filming and broadcast of the meeting**

Meetings of the Personnel Committee are 'webcast'. These meetings are filmed and broadcast live on the Internet. If you attend this meeting you should be aware that you might be filmed and included in that transmission.

## **Membership of the Personnel Committee**

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**Councillors** - Akbar (Chair), Bridges, Craig, Hacking, Igbon, Midgley, Leech, Rahman, Rawlins, T Robinson, Stanton and White

## Agenda

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- 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. Minutes** 5 - 6  
To approve as a correct record the minutes of the meeting held on 19 October 2022.
- 5. Draft Pay Policy Statement 2023-24** 7 - 28  
Report of the Director of Human Resources, Organisational Development and Transformation attached.
- 6. Draft Revised Family Friendly Policy** 29 - 84  
Report of the Director of Human Resources, Organisational Development and Transformation attached.

## Information about the Committee

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The Personnel Committee is made up of the Leader of the Council, the other nine Members of the Executive, the Deputy Executive Member (Finance and Human Resources), and a member 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,  
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Manchester, M60 2LA

## Further Information

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

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This agenda was issued on **Tuesday, 14 March 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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## Personnel Committee

### Minutes of the meeting held on Wednesday, 19 October 2022

**Present:** Councillor Akbar (Chair) – in the Chair

**Councillors:** Bridges, Hacking, Igbon, Midgley, Leech, T Robinson, Stanton and White

**Apologies:** Councillor Craig, Rahman and Rawlins

**Also present:** Councillors Ahmed Ali, Butt

#### PE/22/7 Minutes

##### Decision

To approve the minutes of the meeting held on 16 March 2022 as a correct record.

#### PE/22/8 Arrangements between the City Council and NHS

The Committee considered a report of the Director of Human Resources and Organisation Development, which detailed the arrangements for the Manchester Place Based Lead for GM Integrated Care System, and the Deputy Place Based Lead as well as an agreement to create a joint post of Director of Equalities, Inclusion and Engagement with the NHS.

The role of a single responsible Place Lead for Integrated Care had been recognised as a core feature of the locality approach intended as part of GM's development as an integrated care system. Their responsibility would include driving the local integration of health and social care and connecting that to wider public services to address the social determinants of health, with the purpose of improving health outcomes, improving the quality of care, reducing health inequalities and maximising the value of public resource

In Manchester, it had been decided that the Place Based Lead would be the Chief Executive of Manchester City Council (Joanne Roney), Joanne had been performing this role (as well as her substantive role of Chief Executive) since implementation on 1 July 2022.

A post of Deputy Place Based Lead had been created and an external appointment had been made, with the candidate aiming to start in January 2023. In the meantime, the Director of Population Health (David Regan) had been appointed as Interim Deputy Place Based Lead to cover until the substantive post holder is in place including a period of handover. As a consequence of this cover arrangements for the Director of Population Health had been put into place with the appointment of Cordelle Ofori as Interim Deputy Director for Public Health.

In addition, there was currently, in the former MHCC structure, a post of Director of Workforce, OD and Inclusion and this post was now part of the functions set under

the Place Based Lead. It had been agreed to rescope this role to be a Joint Director (across health and local government) and retitled to Joint Director of Equality, Inclusion and Health Engagement. The Council would fund half of this post which would reflect the focus on health but also the wider council requirements. The post would be responsible for the current council equalities team and their work programme which would be synthesised with wider work on Marmot and engagement and would report into the Director of Population Health. The current postholder, an NHS employee, would remain so, on existing terms and conditions and pay, so would not appear on the payroll of the Council.

## **Decisions**

The Committee:-

- (1) Note that the Chief Executive has also taken on the role of Place Based Lead, under a secondment agreement.
- (2) Note that the role of Deputy Place Based Lead has gone to external recruitment with an appointment having been made and note that in the meantime the Director of Population Health is acting up into this role, retaining his statutory DPH responsibilities.
- (3) Note that cover for the Director of Public Health will be provided by Cordelle Ofori in the capacity of Interim Deputy Director for Public Health.
- (4) Note the creation of a Joint Director of Equalities, Inclusion and Engagement with the NHS and the transfer of the City Council Equalities Team to that post.

**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee – 22 March 2023

**Subject:** Draft Pay Policy Statement 2023-24

**Report of:** Director of Human Resources, Organisational Development and Transformation

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### Summary

This report introduces the draft Manchester City Council Pay Policy Statement for 2023/24 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 2023/24 budget. It sets out the direction of travel in relation to pay for Manchester's officers for the year ahead in line with the organisational priorities.

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 asked to:

1. Note the content of the draft Pay Policy Statement and commend it for approval by the Council at its meeting on 29 March 2023.
  2. Note the organisation's Pay and Grading Structure for the financial year 2023/24 appended to the draft Pay Policy Statement and commend it for approval by the Council at its meeting on 29 March 2023.
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**Wards Affected:** All

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| <p><b>Environmental Impact Assessment</b> - the impact of the issues addressed in this report on achieving the zero-carbon target for the city</p> |
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| <p>This report covers the remuneration of all employees. Fairness and equitable treatment in relation to pay is an important component of attracting and retaining staff all of whom are engaged and essential to achieving this target.</p> |
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| Our Manchester Strategy outcomes  | Summary of how this report aligns to the OMS  |
|---|---|
| A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities | The Council is a major employer in the City and the Pay Policy Statement proposed sets out arrangements which seek to balance the need for the proper remuneration of its employees, existing and prospective, to attract and retain the skills needed to deliver the organisation and the City's objectives (Our Manchester) and the cost of this to the communities it serves.<br><br>The Council's most senior managers drive the work of the organisation to transform and deliver its obligations and objectives. The Pay Policy Statement 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                                     |   |

### Contact Officers:

Name: Deb Clarke  
 Position: Director of Human Resources, Organisational Development and Transformation  
 Telephone: 07812 502614  
 E-mail: deb.clarke@manchester.gov.uk

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

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, 13 March 2019: *Pay Policy Statement*

Report to Personnel Committee, 11 March 2020: *Pay Policy Statement*

Report to Personnel Committee, 17 March 2021: *Pay Policy Statement*

Report to Personnel Committee, 16 March 2022: *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 mainly 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 16 March 2022 and approved by Council on 30 March 2022.

1.4 The 2023/24 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 and is a key contributor to the priorities set out within the Council 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.

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.

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<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 in the Glossary of Terms within the Pay Policy Statement for background.

## 2.0 The Pay Policy Statement

- 2.1 The draft Pay Policy Statement for 2023/24 is appended to this report. The statement summarises the organisation's approach to pay and remuneration for the year ahead.
- 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 draft 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 November 2022, 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 7.08:1. This represents a slight decrease on the multiple as set out within the 2022/23 statement (7.84:1). 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.
- 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 2023, 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. Pay awards for 2022/23 have been agreed for all Council employees with £1925 added to each spinal column point. This incorporates NJC employees, JNC for local authority Chief Officers and JNC for Chief Executives.
- 2.7 The pay award for 2022/23 also includes:
- The deletion of Spinal Column Point 1 from April 2023
  - An extra day's leave for all 'Green Book' employees from April 2023.
- 2.8 The pay agreement for Chief Officers (JNC) does not include the extra day's leave from April 2023. It is proposed that a local agreement is put in place to agree the additional day's leave for this group of Officers, reflecting that if an additional day's leave were agreed at any future pay agreement, then these employees would not receive the additional day's leave again.
- 2.9 The pay award also does not specify how the additional day of annual leave should be treated in relation to those with 'protected' leave under the Part 3 Framework Agreement (currently circa 700 officers). On this occasion it is

proposed that the additional day be extended to those with 'protected' leave via a local agreement.

- 2.10 Discussions with all national negotiating bodies have begun for the 2023/24 period. When 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 Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
- 3.2 The headline figure is a mean gap of 4.6% and median gap of 3.1%<sup>2</sup>. This represents a reduction in the gap between the average pay of men and women from the previous year. This is significantly below the mean and median gap for the UK of 13.9% and 14.9%<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.
- 3.2 Although not a subject of this report, members may be interested to know that for the first time a report has been produced and shared with the Trade Unions on the Ethnicity Pay Gap and further work will take place to refine that report.

### **4.0 Manchester Living Wage**

- 4.1 Manchester City Council is an accredited 'Living Wage Employer' and as such is committed to paying the Living Wage Foundation's 'real' living wage (also known as the Foundation living wage). In September 2022, the Living Wage Foundation announced the new real living wage hourly rate for the coming year of £10.90 per hour, an increase of £1.00 per hour. Accredited Living Wage Employers are required to implement the rise by 14 May 2023. The Manchester Living Wage (MLW) will therefore be aligned to the new real living wage rate from 1 April 2023.
- 4.2 There is a longer term and continuing challenge to ensure the NJC pay spine can absorb the impact of significant annual increases to the statutory National Living Wage which are forecast to continue. The organisation's overarching strategy will continue to ensure the cost of its workforce falls within the budget allocation agreed by the Council in March 2023 as part of the organisation's overall budget for 2023/24 whilst working to ensure the pay structure is able to absorb National Living Wage increases in future years.

### **5.0 Comments from the Trade Unions**

None.

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

<sup>3</sup> All employees as per ONS, Gender Pay Gap in the UK: October 2022 - Provisional

## **6.0 Conclusion**

- 6.1 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 tenth 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.
- 6.2 Members are asked to note the content of the draft Pay Policy Statement 2023/24 and commend it for approval by the Council at its meeting on 29 March 2023.



# **Pay Policy Statement: 2023/24**

## 1.Introduction and Purpose

The Pay Policy Statement sets out the Council's policy regarding remuneration in accordance with the requirements of Section 38 of the Localism Act 2011 (The 'Act') and associated statutory guidance. The purpose of the statement is to provide transparency regarding the Council's approach to setting the pay of its employees and includes:

- The methods by which salaries of all employees are identified
- The detail and level of remuneration of the most senior employees
- The detail and level of remuneration of the lowest paid employees
- The relationship between the remuneration of the highest paid and other employees
- 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

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. The Personnel Committee will also refer to Council any decisions affecting newly graded posts or regraded posts where the salary becomes £100,000 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 Pay Policy Statement will come into effect on 1<sup>st</sup> April 2023 and will be subject to annual review.

### ***Legislative framework***

In determining pay 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 Favourable Treatment) Regulations 2000, the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended), Agency Workers Regulations 2010, 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 supersede 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.

## **2. Determining pay**

Salary levels for the workforce are set via analytical mechanisms. The Council operates a job evaluation scheme for officers at Grade 12 and below and a senior job evaluation scheme for roles at Grades SS1 – SS5 including Deputy Chief Executive (DCX) and Chief Executive (CEX) spot points. The pay and main contractual conditions of all employees of the Council are linked to a national pay bargaining structure relevant to the role (see *Collective Bargaining* below).

Pay can include 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, honoraria, which can be time limited and are 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). 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 adhere to the principle of value for money.

### ***Collective Bargaining***

The Council has a strong commitment to collective bargaining based on national salary structures and to full and open engagement with its workforce.

The continued requirement for cost reduction by the organisation will mean that in 2023/24 a balance will need to be struck between any proposed increases in individual pay and the need to ensure that workforce expenditure remains in line with the agreed budget for the workforce set in the context of the Living Wage Foundation's Living Wage and market conditions.

There is also a continuing challenge to ensure the NJC pay spine can absorb the impact of significant annual increases to the statutory National Living Wage which are forecast to continue. The organisation's overarching strategy will continue to ensure the cost of its workforce falls within the budget allocation agreed by the Council in March 2023 as part of the organisation's overall budget for 2023/24 whilst working to ensure the pay structure is able to absorb National Living Wage increases in future years.

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. Details of the pay awards agreed to date for 2022/23 are provided below.

For employees within the scope of the National Joint Council (NJC) for local government services, the following pay agreement has been reached:

1. With effect from 1 April 2022, an increase of £1,925 on all NJC pay points 1 and above and an increase of 4.04% on all NJC allowances
2. With effect from 1 April 2023, an increase of one day to all employees' annual leave entitlement
3. The pay award does not specify how the additional day of annual leave should be treated in relation to those with 'protected' leave under the Part 3 Framework Agreement. On this occasion the additional day has been extended to those with 'protected' leave via a local agreement.
4. With effect from 1 April 2023, the deletion of pay point 1 (SCP1) from the NJC pay spine with SCP2 now becoming the first pay point

Point 4 above, the deletion of pay point 1 (SCP1) will be implemented as follows:-

- SCP1 will be deleted.
- The Council currently has an additional local spine point (SCP 1A) within grade 1 which will also be deleted given the national agreement means that SCP2 becomes the first pay point.
- Grade 1 will consist of SCP 2 only – staff within Grade 1 on SCP1 and SCP1A will be assimilated onto SCP2
- Grade 2 will consist of SCP 3 only – staff within Grade 2 on SCP2 will be assimilated onto SCP3
- New starters appointed to Grade 2 will commence at SCP 3.

Appendix A sets out the new pay and grading structure for 2023/24 (subject to the agreement of the pay award).

For officers falling within the scope of the Joint National Council for Chief Officers, a pay award of £1,925 on individual basic salaries has been agreed with effect from 1 April 2022. The pay agreement for Chief Officers (JNC) does not include an increase of one day to annual leave entitlement leave from April 2023. However, the additional day has been extended to Chief Officers via a local agreement on the basis that if an additional day's leave effective from 1 April 2023 is agreed within any future pay agreement for Chief Officers (JNC), then such officers would not receive the additional day's leave again.

For Chief Executives a pay award of £1925 on individual basic salaries has been agreed with effect from 1 April 2022.

Discussions with all national negotiating bodies are yet to begin for the 2023/24 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.

### ***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. 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.

The Personnel Committee is responsible for making appropriate recommendations to Council in relation to decisions affecting the remuneration of any newly established or upwardly regraded post whose remuneration is or is proposed to be or would become £100,000 p.a.

Relevant Chief Officers are responsible for determining pay for senior roles alongside the Director of HR, OD & T. Salary levels are proposed in accordance with an analytical job 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 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.

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.

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

The Council's policy regarding the recruitment of all officers including senior officers is set out within the Recruitment and Selection Policy (this includes information relating to re-engagement). As indicated above, the Council aims to set appropriate pay 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 skills, notably in roles where there is a national or regional shortage of such skills. Payments will be made in line with the Market Rate Supplement policy.

Statutory posts including the Chief Executive and Chief Officers can only be appointed to by a sub-committee of the Personnel Committee.

Non statutory posts are appointments by officers of the council. In some cases, consultation with relevant Executive Members may be appropriate.

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.

### ***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 engage 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).

### ***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.

### ***Living Wage Employer***

The Council aims to ensure that wages (salaries) in the City can sustain families and individuals and underpin a thriving economy. 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 Manchester Living Wage embodies the Council's commitment to the Living Wage Policy noted above. The Council is formally accredited by the Living Wage Foundation as a 'Living Wage Employer' and the Manchester Living Wage aligns to Living Wage Foundation's real living wage – referred to as the Foundation Living Wage in the remainder of this statement.

In September 2022, the Living Wage Foundation announced the new Foundation living wage hourly rate for the coming year of £10.90 per hour, an increase of £1 per hour. Accredited Living Wage Employers are required to implement the rise by 14 May 2023. The Manchester Living Wage (MLW) will therefore be aligned to the new Foundation living wage rate from 1 April 2023.

### ***Lowest Paid Employees***

The lowest hourly rate of pay for a Council employee will be £11.20 per hour from 1 April 2023 following implementation of the NJC pay award for 2022/23.

### ***Pay Award for 2022/23***

Pay awards have been agreed for 2022/23 for Chief Executives, Chief Officers and all officers covered by National Joint Council (NJC) terms and conditions as detailed above. Discussions with all national negotiating bodies are also yet to begin for the 2023/24 period. 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. 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 November 2022, 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 7.08:1.

This ratio results from the detailed implementation of the pay policies set out in this document and will vary with time dependent on the structure of nationally agreed pay awards and as the shape of the organisation and roles change.

#### **4. 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 (including any Pension Strain costs) will be approved by Council before they are agreed. This policy applies to severance packages 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.

The Council has adopted [the statutory guidance on Special Severance Payments](#) where non-contractual exit payments above certain thresholds are subject to additional scrutiny, approval and disclosure processes. This is to comply with our best value duty as set out in section 3 of the Local Government Act 1999. Further details will be set out in the Special Severance Payments Guidance.

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.

Employers are 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 is fully compliant with this requirement.

#### ***Exit Pay Cap and pension reforms***

Following revoke of the Restrictions of Public Sector Exit Payments Regulations 2020, it has been expected that further changes will be presented for consultation. There remains no timeframe for this at present, and requirements will be incorporated into this statement at the appropriate time.

#### **5. Gender Pay Reporting**

The Council is required by law to carry out Gender Pay Reporting on an annual basis in line with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. Reporting is based on a 'snapshot' date of 31 March 2022 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 sound 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 2022.

Table A: Gender Pay Gap

| Gender Pay Gap (difference in hourly pay) |      |        |
|---|------|--------|
|   | Mean | Median |
| Hourly Pay                                | 4.6% | 3.1%   |

The table above shows the percentage difference between the mean (average) and median (middle value) hourly rate of pay of male and female employees. A positive percentage shows that, on average, female employees are paid less than male 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 within each Pay Quartile |       |        |
|---------------------------------------|-------|--------|
| Hourly Pay Quartile                   | Male  | Female |
| Upper Quartile                        | 38.7% | 61.3%  |
| Upper Middle Quartile                 | 34.2% | 65.8%  |
| Lower Middle Quartile                 | 38.2% | 61.8%  |
| Lower Quartile                        | 31.2% | 68.8%  |

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.

The Council's mean gap of 4.6% (*previous year: 6.6%*) and median gap of 3.1% (*previous year: 6.3%*) remains significantly below the mean and median gap for the UK of 13.9% and 14.9%<sup>1</sup> respectively. However, the Council is committed to reducing its pay gap even further.

The proportion of low paid staff within the gender pay gap calculations (c.15% 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 the Council's overall pay gap.

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 (Our Ways of Working programme) across the organisation to identify and promote increased flexibility is ongoing, supporting employees to more effectively balance home and work commitments, and driving increased flexibility as the norm in roles at all levels of the organisation.
- 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.
- The six-month LeadHERship Development coaching programme has been designed specifically to better equip Black, Asian, and Minority Ethnic women to help develop the critical skills of staff with ambitions to lead, influence and mentor. The wider Leadership Development programme also aims to support all employees to develop into leadership positions.
- All workforce policies are subject to Equality Impact Assessment as part of the review process. This ensures that any potential impacts relating to gender are identified at an early stage and addressed to ensure employment approaches are fair for all and specific requirements are built into policy and guidance.

A Government consultation took place last year closing on 8<sup>th</sup> April 2022 and will inform how we approach disability pay gap reporting in future. The outcomes of the consultation are yet to be published.

## 6. 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.

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<sup>1</sup> All employees as per ONS, Gender Pay Gap in the UK: October 2022 - Provisional

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 18.5% 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.

### ***Foundation Living Wage***

Also known as the 'real' Living Wage. This is a voluntary rate of pay announced annually by the Living Wage Foundation and is based on an independent assessment of the real cost of living based on a number of indicators, including goods and services, which represent what people need to meet their basic everyday needs.



***FTE - Full Time Equivalent***

This term stands for full-time equivalent (not full-time employee) and translates the total hours worked by part-time employees into the number of equivalent full-time employees.

***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 maintaining service delivery. An approval process is in place for any payments made. Any honorarium payment made to an employee at Grade 12, SCP 51 or above, or where the honorarium is ongoing for over 12 months, requires approval by the relevant Chief Officer and the Director of HR, OD and T.

***Manchester Living Wage***

The Council's commitment to paying a living wage is reflected by the Manchester Living Wage. The Council is formally accredited by the Living Wage Foundation as a 'Living Wage Employer' and the Manchester Living Wage aligns to the Foundation's 'real' Living wage (also known as the Foundation living wage).

***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 vacant posts, casual members of staff, contractors, and other non-employees are not used for the purposes of this calculation. The current median salary is £30,151.

***National Living Wage***

The National Living Wage is the statutory hourly rate of pay for those aged 23 and over.

***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 grounds 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

### ***Special Severance Payment***

Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment in public service.

## Appendix A: Pay &amp; Grading Structure 2023/24 (subject to pay award)

| Grade   | SCP     | Basic Pay | Grade    | SCP     | Basic Pay | Grade    | SCP      | Basic Pay |
|---------|---------|-----------|----------|---------|-----------|----------|----------|-----------|
| Grade 1 | 2       | £20,441   | Grade 8  | 31      | £37,261   | SS2**    | 21       | £73,567   |
| Grade 2 | 3       | £20,812   |          | 32      | £38,296   |          | 22       | £75,002   |
| Grade 3 | 4       | £21,189   |          | 33      | £39,493   |          | 23       | £76,463   |
|         | 5       | £21,575   |          | 34      | £40,478   |          | 24       | £79,474   |
|         | 6*      | £21,968   | 35*      | £41,496 | SS3**     | 31       | £84,018  |           |
| Grade 4 | 7       | £22,369   | Grade 9  | 36      |           | £42,503  | 32       | £85,659   |
|         | 8       | £22,777   |          | 37      |           | £43,516  | 33       | £87,334   |
|         | 9       | £23,194   |          | 38      | £44,539   | 34       | £92,884  |           |
|         | 10      | £23,620   |          | 39      | £45,495   | SS4**    | 41       | £101,996  |
| 11*     | £24,054 | 40*       | £46,549  | 42      | £103,996  |          |          |           |
| Grade 5 | 13      | £24,948   | Grade 10 | 41      | £47,573   |          | 43       | £106,038  |
|         | 14      | £25,409   |          | 42      | £48,587   | 44       | £108,121 |           |
|         | 15      | £25,878   | Grade 11 | 43*     | £49,590   | 45       | £112,411 |           |
|         | 17      | £26,845   |          | 44      | £50,906   | SS5*     | 51       | £131,377  |
| 19*     | £27,852 | 45        |          | £51,960 | 52        |          | £134,747 |           |
| Grade 6 | 21      | £28,900   | 46       | £53,235 | 53        |          | £140,282 |           |
|         | 22      | £29,439   | 47*      | £54,342 | 54        | £150,626 |          |           |
|         | 23      | £30,151   | Grade 12 | 48      | £55,564   | DCX      | £161,491 |           |
|         | 24      | £31,099   |          | 49      | £56,718   | CEX      | £213,509 |           |
|         | 25*     | £32,020   |          | 50      | £57,895   |          |          |           |
| Grade 7 | 26      | £32,909   | 51*      | £59,086 |           |          |          |           |
|         | 27      | £33,820   | SS1**    | 11      | £65,550   |          |          |           |
|         | 28      | £34,723   |          | 12      | £66,814   |          |          |           |
|         | 29      | £35,411   |          | 13      | £68,111   |          |          |           |
|         | 30*     | £36,298   |          | 14      | £70,785   |          |          |           |

\* Progression subject to competency review

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

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**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee – 22 March 2023

**Subject:** Human Resources Organisational Development Revised Policy:  
Draft Family Friendly Policy

**Report of:** Director of Human Resources Organisational Development and  
Transformation

### Summary

To outline minor revisions to an employment policy for the Committee's consideration: the revised Family Friendly Policy Framework, first approved by the Committee in March 2020.

### Recommendations

The Committee is requested to approve the revised policy attached to this report.

### Wards Affected: All

**Environmental Impact Assessment** - the impact of the issues addressed in this report on achieving the zero-carbon target for the city

This report covers how we support prospective and new parents and those who experience pregnancy loss. Fairness and equitable treatment in relation to our employee offer is an important component of attracting and retaining staff all of whom are engaged and essential to achieving this target.

| Our Manchester Strategy outcomes  | Summary of how this report aligns to the OMS  |
|---|---|
| A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities | The proposed offer of enhanced shared parental pay to all partners with responsibility for raising a child is an employee benefit that will attract candidates to the Council as an employer. This aligns it to the existing offer of enhanced shared parental pay for adoptive parents. Taking the Pregnancy Loss Pledge shows that we are a supportive employer and will again attract candidates to our brand. |
| 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 |  |

**Contact Officers:**

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

None.

## **1.0 Introduction**

- 1.1 Two minor amendments have been made to the Family Friendly Policy Framework, first to enhance occupational shared parental pay for all partners (currently limited to adoptive partners) and secondly to sign the Pregnancy Loss Pledge, supporting those officers who experience a miscarriage.

## **2.0 Context for the review**

- 2.1 The Family Friendly Policy covers a number of arrangements for statutory and occupational leave and pay for maternity leave, adoption leave, maternity support leave and shared parental leave.
- 2.2 The driver for the review is that there is a disparity between shared parental pay for partners and adoptive partners, in that the former are paid at statutory rates and the latter at occupational rates. This has been revised in the attached draft so that both are paid at occupational rates subject to eligibility criteria.
- 2.3 The Pregnancy Loss Pledge has also been incorporated into the revised Policy. This encourages a supportive work environment for those who feel able to discuss and disclose pregnancy loss and help them back to work. This is backed by the Miscarriage Association which estimates that one in four pregnancies ends in miscarriage. With 65% of our officers reporting as female, the commitment to the Pledge will reinforce the supportive work environment for those who experience pregnancy loss.

## **3.0 Policy Content**

- 3.1 This is a summary of the notable changes in the policy:
  - The draft revised policy notes in paragraph 2.4 that occupational maternity, adoption and shared parental pay are all paid at the same rates subject to eligibility requirements.
  - The details of the Pregnancy Loss Pledge are included in paragraph 2.21, stating that the Council encourages a supportive work environment where employees feel able to discuss and disclose pregnancy and/or loss without fear of being disadvantaged or discriminated against. Managers are encouraged to be responsive to the needs of those who experience a miscarriage, showing flexibility where possible.

## **4.0 Policy Engagement and Implementation**

- 4.1 HR Business Partners and the Employee Lifecycle Team have been monitoring requests for Shared Parental Leave by partners to ensure that occupational rates are applied where they are eligible.
- 4.2 The Pregnancy and Maternity Staff Network is supportive of the enhancement to Shared Parental Pay and the introduction of the Pregnancy Loss Pledge.

Communications are being planned about our commitment to the Pledge and how managers can support staff who are affected.

**5. Comments from Trade Unions**

5.1 None.

**6.0 Recommendation**

6.1 Personnel Committee are requested to approve the changes to the Draft Family Friendly Policy Framework.



## Appendix A

**DRAFT FOR CONSULTATION****Family Friendly Policy**

|          |   |
|----------|---|
| Author   | Human Resources and Organisational Development  |
| Scope    | <p>This policy applies to:</p> <ul style="list-style-type: none"> <li>• Employees of Manchester City Council</li> <li>• staff deployed to the Manchester Local Care Organisation (MLCO)</li> <li>• Employees on secondment outside of the council but who remain on Manchester City Council terms</li> </ul> <p>This policy does not apply to:</p> <ul style="list-style-type: none"> <li>• Staff employed directly by schools</li> </ul> |
| Purpose  | <p>The purpose of this policy is to set out eligibility criteria for:</p> <ul style="list-style-type: none"> <li>• Maternity Leave</li> <li>• Maternity Support Leave (and occupational Parental Leave)</li> <li>• Adoption Leave</li> <li>• Shared Parental Leave</li> </ul>   |
| Approval | 25 March 2020   |
| Review   | The policy will usually be reviewed every 3 years, but may be reviewed sooner if there are changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.   |

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## 1. 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

Equality

- 1.7 Manchester City Council is committed to becoming a fair and inclusive employer with a workforce that is representative of the communities we serve.

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:

Annual Leave and Bank Holidays

- 1.10 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.

Sickness Absence

- 1.11 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.

Rights during Family Friendly Leave

- 1.12 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.

## 2 Maternity

### Introduction

2.1 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 and 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  |

### Risk Assessments

2.2 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.

### Maternity Leave

2.3 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.

### Maternity Pay

- 2.4 Maternity pay is dependent 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. Occupational Maternity, Adoption and Shared Parental Pay are all paid at the same rate, subject to eligibility requirements:

| <b>Length of service by the 15th week before the baby is due</b>  | <b>Entitlement</b>   |
|---|--|
| Less than 26 weeks  | Not entitled to Occupational or Statutory Maternity Pay.<br>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  | 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> </ul>  |

| <b>Length of service by the 15th week before the baby is due</b>   | <b>Entitlement</b>   |
|--|--|
| for the Council for less than 26 weeks.  | 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.   |
| Over 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>• 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> |

#### Notification requirements

2.5 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.

#### 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.

#### Maternity Allowance

- 2.7 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.

#### Appeals

- 2.8 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.

#### Commencement of Statutory Maternity Leave

- 2.9 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 in the above paragraph: Notification Requirements. 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.

#### Commencement of Statutory Maternity Pay



- 2.10 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.

#### Rate of Statutory Maternity Pay

- 2.11 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 at 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

##### Overview

- 2.12 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.

#### Payment of Occupational Maternity Pay

- 2.13 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.

#### Commencement of OMP and OML

- 2.14 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.

#### Pregnancy Related Illness

- 2.15 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.

#### Sickness

- 2.16 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.

#### Dismissal or Resignation

- 2.17 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.

#### Multiple Employments

- 2.18 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.

#### Premature Births

- 2.19 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.

#### Miscarriages

- 2.20 If a miscarriage occurs earlier than the 24th 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.

#### Pregnancy Loss Pledge

- 2.21 Manchester City Council is a signatory of the Miscarriage Association's Pregnancy Loss Pledge, and as such the Council encourages a supportive work environment where colleagues feel able to discuss and disclose pregnancy and/or loss without fear of being disadvantaged or discriminated against. The Council is also mindful of the needs of partners and encourages managers to seek guidance in supporting someone experiencing pregnancy loss.

The Council supports colleagues back to work following a pregnancy loss by being responsive to their needs and showing flexibility wherever possible.

#### Stillbirths

- 2.22 If an employee has a stillbirth from the 24th 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.

#### Work During the Maternity Leave Period

- 2.23 "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.

### Return to Work

#### 2.24 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.

#### 2.25 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.

### Employee Support

#### 2.26 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)

- 2.27 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.

### Terms and Conditions of Employment During Maternity Leave

- 2.28 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.

### Returning to work for at least three months

- 2.29 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.

## **3. Adoption Leave**

### Introduction

- 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 2 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

#### Fostering for Adoption

- 3.3 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).

#### Surrogate Parents

- 3.4 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.

#### Notification Requirements

- 3.5 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:

- a) Provide a declaration that they have chosen to receive statutory adoption pay and not statutory paternity pay.
- b) 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.

### Pre-Adoption Leave

- 3.6 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).

## **4. Maternity Support Leave**

### 4.1 Introduction

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.

#### Conditions of Entitlement

- 4.4 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.

### Special Guardians

- 4.5 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.

## 5. Shared Parental Leave

### Overview

- 5.1 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

|                            |  |
|----------------------------|--|
| <b>SPL</b>                 | Shared Parental Leave  |
| <b>ShPP</b>                | Shared Parental Pay  |
| <b>Continuous Leave</b>    | One block of SPL   |
| <b>Discontinuous Leave</b> | SPL taken in up to 3 separate blocks of at least one week at a time. |
| <b>SPLIT days</b>          | 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.

### Eligibility for SPL and ShPP

#### 5.2 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.

### Qualifying Criteria – Shared Parental Leave

#### 5.3 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.

#### Qualifying Criteria – Shared Parental Pay

- 5.4 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 and occupational maternity pay subject to eligibility requirements as detailed in the table in section 2.

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

##### Notification Requirements

- 5.5 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](#).

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

- 5.6 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.

#### Evidence Requirements

5.7 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).

#### Multiple Contracts of Employment

5.8 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.

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

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

#### Requests to take Continuous Leave

- 5.10 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.

#### Varying SPL and ShPP

- 5.11 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 request](#).

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.

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

- 5.12 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 paragraph 5.3.

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.

#### Returning to Work after Shared Parental Leave



- 5.13 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.

#### Extending SPL

- 5.14 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.

#### Change in Employee's Circumstances

- 5.15 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.

### **6 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.

### **7 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.

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.

## Appendix B

# Family Friendly Policy

|                 |   |
|-----------------|---|
| <b>Author</b>   | <b>Human Resources and Organisational Development</b>   |
| <b>Scope</b>    | <p>This policy applies to:</p> <ul style="list-style-type: none"> <li>• Employees of Manchester City Council</li> <li>• staff deployed to the Manchester Local Care Organisation (MLCO)</li> <li>• Employees on secondment outside of the council but who remain on Manchester City Council terms</li> </ul> <p>This policy does not apply to:</p> <ul style="list-style-type: none"> <li>• Staff employed directly by schools</li> </ul> |
| <b>Purpose</b>  | <p>The purpose of this policy is to set out eligibility criteria for:</p> <ul style="list-style-type: none"> <li>• Maternity Leave</li> <li>• Maternity Support Leave (and occupational Parental Leave)</li> <li>• Adoption Leave</li> <li>• Shared Parental Leave</li> </ul>   |
| <b>Approval</b> | 25 March 2020   |
| <b>Review</b>   | The policy will usually be reviewed every 3 years, but may be reviewed sooner if there are changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.   |

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## 1. 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

Equality

- 1.7 Manchester City Council is committed to becoming a fair and inclusive employer with a workforce that is representative of the communities we serve.

#### 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:

#### Annual Leave and Bank Holidays

- 1.10 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.

#### Sickness Absence

- 1.11 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.

#### Rights during Family Friendly Leave

- 1.12 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.

## 2 Maternity

### Introduction

#### 2.1 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 and 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  |

### Risk Assessments

- 2.2 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.

### Maternity Leave

- 2.3 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.

### Maternity Pay

- 2.4 Maternity pay is dependent 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.

| <b>Length of service by the 15th week before the baby is due</b>  | <b>Entitlement</b>   |
|---|--|
| Length of service by the 15th week before the baby is due   | Not entitled to Occupational or Statutory Maternity Pay.<br>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 <p>11 weeks at 90% of a week's pay, less any state maternity allowance receivable, followed by:</p> <p>13 weeks at 50% of a week's pay, without deduction of Statutory Maternity Pay or Maternity</p>   |



| Length of service by the 15th week before the baby is due  | Entitlement  |
|--|--|
|  | Allowance receivable except to the extent to which this exceeds full pay.  |
| Over 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>• 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> |

#### Notification requirements

2.5 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.

#### 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.

#### Maternity Allowance

- 2.7 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.

#### Appeals

- 2.8 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.

#### Commencement of Statutory Maternity Leave

- 2.9 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 in the above paragraph: Notification Requirements. 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.

#### Commencement of Statutory Maternity Pay

- 2.10 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.

#### Rate of Statutory Maternity Pay

- 2.11 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 at 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 Overview

- 2.12 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.

#### Payment of Occupational Maternity Pay

- 2.13 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.

#### Commencement of OMP and OML

- 2.14 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.

#### Pregnancy Related Illness

- 2.15 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.

#### Sickness

- 2.16 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.

#### Dismissal or Resignation

- 2.17 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.

#### Multiple Employments

- 2.18 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.

#### Premature Births

- 2.19 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.

#### Miscarriages

- 2.20 If a miscarriage occurs earlier than the 24th 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.

#### Stillbirths

- 2.22 If an employee has a stillbirth from the 24th 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.

#### Work During the Maternity Leave Period

- 2.23 "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.

## Return to Work

### 2.24 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.

### 2.25 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.

## Employee Support

### 2.26 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)

- 2.27 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.

Terms and Conditions of Employment During Maternity Leave

- 2.28 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.

Returning to work for at least three months

- 2.29 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.

### 3. Adoption Leave

Introduction

- 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 2 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

#### Fostering for Adoption

- 3.3 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).



### Surrogate Parents

- 3.4 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.

### Notification Requirements

- 3.5 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:

- a) Provide a declaration that they have chosen to receive statutory adoption pay and not statutory paternity pay.
- b) 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.

#### Pre-Adoption Leave

- 3.6 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).

## 4. Maternity Support Leave

### 4.1 Introduction

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.

#### Conditions of Entitlement

- 4.4 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.

### Special Guardians

- 4.5 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.

## 5. Shared Parental Leave

### Overview

- 5.1 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

|                            |  |
|----------------------------|--|
| <b>SPL</b>                 | Shared Parental Leave  |
| <b>ShPP</b>                | Shared Parental Pay  |
| <b>Continuous Leave</b>    | One block of SPL   |
| <b>Discontinuous Leave</b> | SPL taken in up to 3 separate blocks of at least one week at a time. |
| <b>SPLIT days</b>          | 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.

#### Eligibility for SPL and ShPP

##### 5.2 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.

#### Qualifying Criteria – Shared Parental Leave

##### 5.3 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.

#### Qualifying Criteria – Shared Parental Pay

- 5.4 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 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

##### Notification Requirements

- 5.5 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](#).

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

- 5.6 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.

#### Evidence Requirements

- 5.7 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).

#### Multiple Contracts of Employment

- 5.8 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.

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

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

#### Requests to take Continuous Leave

- 5.10 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.

#### Varying SPL and ShPP

- 5.11 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 request](#).

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.



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

- 5.12 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 paragraph 5.3.

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.

### Returning to Work after Shared Parental Leave

- 5.13 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.

### Extending SPL

- 5.14 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.

#### Change in Employee's Circumstances

- 5.15 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.

### **6 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.

### **7 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.

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.

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