

Appendix 1

Parental Leave Policy

Date: January 2022

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1 Purpose

The purpose of this policy is to outline the Council's leave and benefit provision for each type of parental leave. Appendix 1 gives details of the entitlements and the associated qualifying service period for each type of benefit.

2 Scope

This policy applies to all Council employees with the exception of teachers directly employed by the council and all staff appointed by schools operating under local management of schools, which have their own policy. The policy does not apply to agency workers or contractors working in the Council.

3 General Principles

Parental leave is planned absence either for pregnancy; for adoption; to enable nominated carers to have time with their baby; to enable both parents to share in the care of their new baby after the birth; to enable employees to have additional time to attend fertility or IVF treatment; to enable employees to take time off following either a miscarriage, premature birth of their baby or following the death of a child. Parents/carers who have been employed by Haringey for one year, are entitled to take up to 18 weeks unpaid ordinary parental leave per child until the child is 18 years old which may be used for reasons such as to spend more time with family, to provide childcare during school holidays or for any other reason.

In addition to the statutory entitlement to pay and/or leave, the Council offers enhanced benefits which are dependent on the qualifying service of the employee. A full summary is given in Appendix 1.

This policy covers the following types of leave:

3.1 Maternity Leave & Shared Parental Leave

All employees who become pregnant are entitled to 52 weeks maternity leave, made up of 26 weeks of ordinary maternity leave and 26 weeks additional maternity leave. Depending on the amount of qualifying service that the employee has, the leave may be paid at an enhanced rate, whilst retaining the entitlement to receive statutory maternity pay. See Appendix 1 for details of this.

Maternity leave can be shared between parents / nominated carer to enable greater flexibility in looking after their baby, and to enable them to spend time with their child.

Shared parental leave can be taken where the person who will be taking on part of their partners maternity leave has been employed continuously by the council for at least one year by the start of the 11th week before the expected week of the birth. Appendix 1 gives details of qualifying service and rates of pay.

3.2 Adoption Leave

Most employees who choose to adopt will be entitled to 26 weeks ordinary adoption leave and may take a further 26 weeks of additional adoption leave. The amount of paid leave, the level of pay in addition to statutory adoption pay can be found in Appendix 1.

3.3 Nominated Carers Leave

This is available to employees who will have, or expects to have, responsibility for the child's upbringing and are either

- The baby's biological father
- The mother's husband or partner
- The spouse or partner of a primary adopter who has been matched with a child

If the nominated carer has

- Qualifying service of at least 26 weeks of continuous employment by the council by the 15th week before the expected week of birth or by the week the child is matched with the primary adopter, the entitlement is to two weeks paid leave on full pay.
- If the qualifying service of 26 weeks continuous employment isn't met, the entitlement is 5 days paid leave and one week of unpaid leave.

3.4 Keeping in Touch Days

To make the eventual return to work as smooth as possible, and to ensure that absent employees still feel part of their team, the employee on maternity or adoption leave is entitled to take up to ten KIT (Keep in Touch) days during the period of parental leave.

Those who have opted to share their maternity leave are also entitled to up to 20 days SPLIT (Shared Parental Leave In Touch) days which can be used in addition to the ten KIT days.

The days may be taken as a block or as single days and may be used by the employee to attend training, consultation meetings or just to enable them to keep up to date with the changes that will inevitably occur during the absence.

Both KIT and SPLIT days are paid at normal full pay if they are taken during a period of unpaid leave. If they are taken during a period of half pay they will be topped up to full pay for the hours worked. If they are taken during a period of full paid leave, no additional pay will be given.

3.5 Miscarriage

Pregnant employees who are unfortunate in experiencing a miscarriage before 24 weeks of pregnancy are likely to need time to come to terms with their experience. The Employee Assistance Programme is available for support, guidance or counselling if needed.

Managers should ensure that employees are reminded of the support that is available to them should they wish to use it. If sickness absence is taken following a miscarriage, it is considered to be pregnancy related and therefore won't impact on sickness trigger levels. In some cases, if it would be beneficial to the employee a period of special leave may be needed and this can be agreed by the Head of Service.

3.6 Premature birth

Parents or carers of babies born prematurely, either at, or before, 37 weeks of pregnancy, go through a stressful and worrying time while their baby is in hospital. As maternity leave and pay starts from the time that the baby is born, many parents need extra time to spend with their child in hospital, and to recognise this and to provide additional paid leave, birth mothers and their nominated carer will be able to claim one additional week on full pay for each week that their premature baby spends in hospital before the expected due date, or until the hospital discharge, whichever is earlier. The paid leave is added to the end of the normal maternity leave period or to the end of the nominated carers leave.

3.7 IVF / Fertility Treatment

It is recognised that employees who are undergoing fertility or IVF treatment are likely to need time off to attend appointments. To support prospective mothers or nominated carers, an additional 3 days paid leave per rolling calendar year will be given which may be taken in either half or full days to attend these appointments.

Any additional leave required may be taken as annual leave, unpaid leave or with the agreement of the line manager the time may be made up at a later date.

3.8 Ordinary Parental Leave

Parents or nominated carers can take up to 18 weeks of unpaid leave for each child once they have completed one year's service. This can be used up to the child's 18th birthday.

The leave must be taken in a block of one week (unless the child is disabled), up to a maximum of a 4 weeks in a leave year.

3.9 Parental Bereavement Leave

In the sad event of the death of a child under the age of 18, parental bereavement leave of up to two weeks paid leave can be taken, this may be taken flexibly to suit the needs of the parent and can be taken as two separate weeks or in one continuous period of leave. Leave can be taken within 56 weeks of the date of bereavement. Parental bereavement leave can be taken in addition to any special leave that may be given.

Parental bereavement leave can be granted to employees who have at least 26 weeks of service with the council before the week of bereavement and who are :

- birth parent (regardless of gender)
- and adoptive parent (regardless of gender) if the child was living with them
- a person who lived with the child and had responsibility for them, for at least four weeks before they died

- 'intended parent'-due to become the legal parent through surrogacy (regardless of gender).
- partner of the child's parent, if they live with the child and the child's parent (regardless of gender) in an enduring family relationship.

4 Returning to Work

4.1 On the return from parental leave, employees will return to their substantive job unless during the period of absence it has been affected by a restructure. If this has occurred, and if there is a broadly similar role in a new structure then the employee would have been assimilated to the new role. If the substantive role has been made redundant employees who are absent or returning from parental leave and have been placed on the redeployment register will be given priority over other affected redeployees for a suitable alternative role.

4.2 Annual leave will accrue during maternity or adoption leave (both paid and unpaid). However, annual leave will not accrue where additional unpaid leave has been agreed in excess of 51 weeks after the week in which the baby is born or a child is placed with the adoptive parents. The annual leave may be taken at the end of the period of the period of paid & unpaid maternity or adoption leave as days or weeks or it may be used to facilitate a phased return to work. Employees must discuss their intention with their line manager and any request for leave must be agreed in advance. Public holidays which occur during maternity or adoption leave cannot be added to the end of the maternity or adoption leave period.

4.3 If the employee is not well enough to return to work following maternity leave or adoption leave, the normal sickness absence policy should be followed. The line manager will need to be informed on the first and fourth day of absence and a fit note submitted after seven days. Sickness taken at the end of the parental leave period will be counted towards sickness trigger levels.

4.4 Line managers are responsible for arranging a "return to work" induction for the returning employee to bring them up to date with changes to processes and/or procedures and to let them know of any colleagues who have left or joined the team during the time their absence. It can be daunting to return to the work environment after a period of extended absence and the employee may need reassuring that support will be available, they may also be concerned about leaving their child and a phased return may be beneficial for them in order to allow them to make the transition.

4.6 Employees who are returning to work following a miscarriage or the death of a child will need to be supported and treated sympathetically.

4.7 Consideration will be given to approve a further period of unpaid leave (up to 52 weeks) in exceptional circumstances. In this circumstance this period of leave will be classed as Special Unpaid Leave and must be claimed using the Special Leave form on the Intranet. No annual leave will accrue during this period. The Council cannot guarantee the right to return to the employee's original job if any extension of maternity leave is taken.

Temporary and Fixed Term Employees

4.8 If an employee is employed on a temporary contract (which also includes fixed term contracts) which is due to end during their parental leave and it is not renewed, this is considered as a dismissal.

If the contract would have been renewed, but for the pregnancy then dismissal would be pregnancy related which would be direct discrimination, however, if the contract would not have been renewed regardless of the pregnancy or adoption leave, a discussion should be held with the pregnant employee to discuss the reasons for the decision not to renew. A temporary employee with over 51 weeks continuous service with Haringey whose contract ends, should wherever possible, be redeployed into a suitable alternative post. The Organisational Change policy gives further details.

4.9 The eligibility of temporary employees for statutory maternity pay (SMP) is dependent on the date of the ending and non-renewal of the contract. For example:

- If the contract ends and isn't renewed before the 15th week before the expected week of birth then there is no eligibility for SMP
- If the contract ends and isn't renewed during the 15th week before the expected week of birth and the employee worked during that week, they remain eligible for SMP
- If the contract ends and isn't renewed after the 15th week before the expected week of birth they remain eligible for SMP

Organisational Change During Family Leave

4.10 If, during a period of an employee's parental leave, a reorganisation of the team or section is being undertaken, the employee must be kept fully informed of the restructure and receive the same documents which are made available to those affected by the proposed change. These must be posted to the employee's home address or via personal email so that they receive the same information as close a time as reasonably possible as their colleagues. Any employee who is absent due to extended parental leave must be afforded the same opportunity as other to comment on the proposals.

4.11 If the employees substantive post is affected and a redundancy situation occurs, in line with Regulation 10 of the Maternity and Parental Leave Regulations 1999 the Council has a statutory obligation to offer an "at risk" employee who is absent due to maternity leave, adoption leave or shared parental leave at the start of consultation, any suitable alternative vacancy that exists within the new structure.

In these circumstances, as part of the consultation period, the staff member on maternity leave will be offered a suitable role of equivalent terms and conditions (if available) within the new structure and will not need to submit an application or undergo a competitive interview process. Although they have a priority right to such a post, they will still be considered as part of the overall selection process. Further details relating to reorganisations can be found in the Change Management Policy.

5 Not Returning to Work

5.1 If, following a period of maternity or adoption leave, the employee decides not to return to work, an element of the enhanced maternity / adoption pay must be repaid, for details of this see the Parental Leave Practice Notes. However, if the employee returns to work for at least 3 months there is no requirement to repay maternity / adoption pay. Part time working, absence on a phased return, annual leave, public and privilege holidays, or sickness at full or half pay count towards the return period.

5.2 In the event that the employee decides to resign from the Council to take up continuous employment with another Council or with another public sector employer (identified on the Redundancy Modification Order) during the course of the maternity / adoption leave, there will be no requirement to repay any pay received.

6 Roles and Responsibilities

Further details can be found in the Parental Leave Practice Notes.

6.1 Employees

- Must notify their line manager, in writing, at the appropriate time, of their intention to take each type of parental leave by completing the relevant claim forms outlined in the Parental Leave Practice Notes.
- Pregnant employees must provide their line manager with a copy of the MatB1 form as soon as practicable.
- Employees intending to take adoption leave must provide written notification and a copy of the Matching Certificate once the match is confirmed.
- Employees intending to return from maternity leave must provide written notice of their intended date of return at least 21 days before if returning on same hours. If returning on reduced hours, a discussion about their options must be arranged with their line manager. Options may include a phased return, taking annual leave at the end of the maternity leave, amending their working hours to a compressed hour week or fortnight or permanently reducing their hours of work. Leave can be extended by taking annual leave from the intended date of return
- Employees returning from adoption leave must give written notice of their intention to return to their substantive job at least 21 days before the date of their return. A request to return on a working arrangement other than the substantive hours (these may be the same as outlined in the paragraph above) must first be discussed with the line manager and then written notice of their intention provided. Accrued annual leave may be claimed from the intended date of return.

6.2 Line Managers

- Maintain communication by agreeing dates for KIT or SPLIT days. The days may be used to enable the employee to attend meetings or training courses or to maintain contact with their work area. KIT days may be taken in blocks or in single days (attending for part of a day would be counted as one full day). If attending a KIT or SPLIT day during a period of unpaid leave, pay for the day(s) of attendance will be on full pay. If attendance is during a period of full pay, additional pay will not be given.
- There are specific issues which affect pregnant employees, new mothers and mothers who are breastfeeding. To enable a safe working environment for these group, line managers will be required to undertake a risk assessment for the pregnant employee as soon as they are made aware of the pregnancy and to update it as necessary over the period of the parental leave. The outcome of the assessment should be discussed with the employee and if needed, temporary reasonable adjustments put in place to meet the specific needs identified.
- Be sympathetic to employees who may have experienced either a miscarriage or the death of a child. Allowing the employee time to adjust to the situation will be needed and a period of special leave or unpaid leave may be needed. During this transition, support is available from the Employee Assistance Programme or they can signpost to other sources of support, guidance or advice if needed.

6.3 Human Resources

- Provide advice and guidance on the implementation of this policy or on the operational implementation of the practice notes.
- Will confirm, in writing, receipt of documents giving the employee's intention to take parental leave or to return from parental leave.

7 Appendices

Appendix 1: Summary of Entitlements

8 Further Advice

Parental Leave Practice Notes

Change Management Policy & Practice Notes

Document Control

Key Information	
Title	<i>Parental Leave Policy</i>
Document Type	<i>Policy</i>
Document Status	<i>Final draft for review</i>
Author	<i>HR Employment & Reward Manager</i>
Owner	<i>Dan Paul, Chief People Officer</i>
Contact	
Approving body	<i>Staffing & Remuneration committee</i>
Date of Publication	
Date of Review	

Revision History			
Version	Date	Summary of Changes	Name
<i>0.11</i>	<i>11/1/22</i>	<i>Final draft – DP / KG comments</i>	<i>CE/KG</i>