



ADUR & WORTHING
COUNCILS

Family Friendly Policy (Paternity Leave, Parental Leave, and Childcare Subsidy Policy)

1.0 Overview

- 1.1 The Councils are committed to all its staff being able to enjoy a quality of life. This Family Friendly Policy is intended to help staff achieve a healthy work-life balance.
- 1.2 Areas covered in this policy include paternity leave; parental leave and childcare subsidy.
- 1.3 This policy only applies to employees, with the exception of the right to time off for antenatal appointments.
- 1.4 This policy does not form part of any individual's contract of employment and it may be amended.

2.0 Areas of responsibility

- 2.1 All employees have the responsibility for complying with this policy. Individual areas of responsibility are:
 - **Corporate Leadership Team** – publicising the policy
 - **HR team** - reviewing this policy to ensure it is effective and advising managers on the interpretation and consistent application of the policy and on best practice
 - **Managers** - responsibility for ensuring the fair application of this policy, liaising with employees before and during leave.
 - **Employees and those working on behalf of the Councils** – complying with the spirit and wording of this policy, ensuring they read and understand this policy and submit relevant documentation as required.

3.0 Paternity leave

Length of leave and timing

- 3.1 Paternity leave of two weeks is available to employees working for the Councils.
- 3.2 The leave must be taken during the first 56 days (eight weeks) of the birth or adoption of a child, or within 56 days of the first day of the Expected Week of Childbirth (if the child was born early).
- 3.3 The leave must be taken in a single block of one or two weeks (not as individual days or two one week blocks).

Entitlement to paternity leave

- 3.4 Paternity leave is available for the purpose of caring for a child and supporting the child's other parent in the following cases:
 - a. On the birth of a child, where either:
 - I. be the baby's biological father, or married to or in a civil partnership with the mother, or living with the mother in an enduring relationship, but not be an immediate relative;
 - II. have or expect to have responsibility for the upbringing of the child;
 - III. by making the request to help care for the child or to support the child's mother.
 - b. On the birth of a child to a surrogate mother where you are, or your partner is, one of the child's biological parents, and you expect to obtain a parental order giving you and your partner responsibility for the child.
 - c. Where an adoption agency places a child with you and/or your partner for adoption and you expect to have main responsibility (with your partner) for the child's upbringing.
 - d. Where a local authority places a child with you and/or your partner under a fostering for adoption arrangement and you expect to have main responsibility (with your partner) for the child's upbringing.
- 3.5 To be eligible for this leave, employees must:
 - have continuous service of at least 26 weeks by the end of the 15th week before the Expected Week of Childbirth or by the week in which you or your partner are notified by the adoption agency or local authority that you/they have been matched with a child and
 - not have already taken shared parental leave in respect of the same child and
 - given the correct notice.

Notification requirements

- 3.6 To take paternity leave, employees must provide written notice by the end of the 15th week before the Expected Week of Childbirth or no more than seven days after the employee and/or Partner were notified of having been matched with the child, or as soon as is reasonable stating:
- a. the Expected Week of Childbirth or the Expected Placement Date (see section 6.2(b));
 - b. the date the employee wants the leave to start (which may be a specified date after the start of the Expected Week of Childbirth or the Expected Placement Date, the actual date of birth or a specified number of days after birth) and
 - c. whether the employee intends to take one week or two weeks' leave.

Changing leave dates or cancelling leave

- 3.7 Employees may vary the start date of the paternity leave if notice is given as follows:
- a. If the employee wishes to start their leave on the day of the child's birth or on the day that the child is placed with them, notice of at least 28 days before the first day of the Expected Week of Childbirth or the Expected Placement Date.
 - b. If the employee wishes to start their leave on a specified number of days after the child's birth or placement, notice of at least 28 days (minus the specified number of days) before the first day or the Expected Week of Childbirth or the Expected Placement Date.
 - c. If the employee wishes to start their leave on a specified date that is different to the original start date the employee informed of, notice of at least 28 days before that date.

- 3.8 If 28 days' written notice is not possible, the employee should provide as much notice as possible.

Statutory Paternity pay

- 3.9 Paternity pay is paid at either 90% of a week's pay or at statutory paternity pay, whichever is the highest. This pay is treated as earnings and is therefore subject to the normal pay deductions (i.e. national insurance, income tax and pension contributions). Paternity Pay will include those commissions, overtime payments, Out of Hours payments and other allowances that are made regularly, excluding expenses. An average of the previous 12 weeks income will be used as a guide. In order to qualify for paternity pay, the average weekly earnings cannot be less than the lower earnings limit set by the government.

- 3.10 To be eligible for paternity pay, the individual must complete the form available on the intranet or in the workplace and provide a copy of the MAT B1 form or proof of adoption. This form must be given to their manager at least 15 weeks before the Expected Week of Childbirth or, for adoption, as soon as they find out the Expected Placement Date.

4.0 Parental Leave

- 4.1 Eligible employees can take unpaid parental leave for the purposes of caring for a child, e.g. settle children into new childcare arrangements, look at new schools or spend more time with family.
- 4.2 Individuals taking parental leave are entitled to return to the job they were employed to do and are entitled to terms and conditions no less favourable than if they had not been absent.
- 4.3 Parental leave is unpaid. Individuals are entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday with a limit of 4 weeks each year for each child (unless the manager agrees otherwise).
- 4.4 Parental leave is usually taken as whole weeks (e.g. 1 week, 2 weeks etc.) rather than individual days, unless the manager agrees otherwise or if the child is disabled. For the purposes of this policy, a child is disabled if the child would be considered disabled by the terms of the 2010 Equality Act.

Eligible employees

- 4.5 Individuals qualify for parental leave if all of the following apply:
- they are an employee (i.e. not a self-employed contractor or a 'worker')
 - they have been working for the Councils for more than a year
 - they are named on the child's birth or adoption certificate or they have or expect to have parental responsibility
 - they are not a foster parent (unless they have secured parental responsibility through the courts),
 - the child is under 18 and
 - they are a step parent through marriage/civil partnership.
- 4.6 Before the initial period of parental leave, managers may ask to see evidence of:
- a) the employee's responsibility or expected responsibility for the child, such as birth certificate, adoption or matching certificate, parental responsibility agreement or court order.
 - b) the child's date of birth or date of adoption placement.

Notice

- 4.7 Employees should make every endeavour to give at least 21 days notice before they intend to start their period of parental leave but are encouraged to give as much notice as possible of their intention to take parental leave. The notice must specify the dates on which the period of leave is to begin and end.
- 4.8 Employees wishing to take parental leave commencing immediately on the birth of a child or the adoption of a child shall give at least 21 days notice before the start of the Expected Week of Childbirth/placement. If this is not possible, as much notice as possible should be given. The notice must specify the Expected Week of Childbirth/placement and the duration of the period of leave required.
- 4.9 Employees should make every endeavour to give at least 21 days' notice of the need to take Parental Leave. However, it is understood that there will be unprecedented events which will leave employees with a need for Parental Leave which falls outside of Emergency Leave. For example, the serious and unexpected illness of a child. In such instances, the requirement for 21 days' notice will be waived.
- 4.10 Managers will make all efforts to agree the leave and not postpone it, unless there is a significant reason for not agreeing it, e.g. it would cause serious disruption to the service. If there is a significant reason, the manager should speak to their HR Business Partner.
- 4.11 If the manager needs to postpone the leave, the employee will be consulted about alternative dates. The manager must notify the employee in writing of the reason for postponement and the new start and end dates of the parental leave. The postponed date must be within six months of the requested start date.
- 4.12 Requests for parental leave to start immediately on the birth or adoption of a child will not be postponed. Requests will also not be postponed if it would result in the leave being taken after the child's 18th birthday.

5.0 Childcare Subsidy Scheme

- 5.1 The intention of the childcare subsidy scheme is to support those employees of the Councils who might otherwise not be able to continue/return to work because of childcare responsibilities.
- 5.2 This scheme is in addition to childcare voucher schemes (pre April 18) that are available for all employees and detailed on the intranet and in the place of work.
- 5.3 The Childcare Subsidy Scheme is a discretionary benefit for all employees who fall into the below category of:
- being an employee of the Councils
 - having pre-school age children who do not yet qualify for child care state funding
 - being paid a salary not exceeding grade 5

- 5.4 The scheme is funded by the team budget in which the individual works, therefore the manager will need to review each application and the budget available at the point of application.
- 5.5 Where more than one application is requested in the same period, the following factors may be taken into consideration in determining who (if any) of the applicants will receive this benefit:
- whether the employee has sole or main responsibility for their children
 - the employee's salary
 - whether the employee comes within the categories of people who are underrepresented within the Council's' workforce
 - budgetary restraints

Amount that can be claimed for childcare

- 5.6 The maximum payable is around £45 per week, or if there are two children, around £80. Full details can be obtained via the payroll team.
- 5.7 The following calculation is used to determine the amount to be paid on a monthly basis:

$$\frac{\text{Total hours worked/hours child is in childcare on working day}^*}{37} \times \text{subsidy entitlement}$$

*whichever is the lesser

- 5.8 Individuals should inform their manager as soon as possible if their circumstances change and their right to claim under this scheme may be impacted. Failure to do so may lead to the immediate removal of this benefit, repayment of the subsidy and disciplinary action.
- 5.9 The allowance will continue to be payable for periods of absence due to annual leave, bank holidays and sickness. The payment will be linked to the period of paid sickness entitlement, with the manager reserving the right to review each case on its individual merits if appropriate.
- 5.10 Any payment is subject to tax and national insurance deductions.

The application process

- 5.11 The application process (including the relevant forms) is available on the intranet or in the workplace.
- 5.12 The Councils reserve the right to review the provisions of the scheme, amend the criteria for eligibility and method of payment if necessary. Claimants will be given reasonable notice (at least three months) of any changes to the scheme which would result in a financial detriment.

- 5.13 This scheme is discretionary. As such, if an individual's request is not approved, there is no appeals procedure or resource to the grievance policy.

6.0 Pension regulations

- 6.1 Those receiving paternity leave pay (occupational or statutory) who contribute to the local government pension scheme must continue to pay pension contributions. This will be based on the actual remuneration (including statutory pay) received.
- 6.2 Anyone taking additional unpaid leave has a choice of whether or not to pay pension contributions for the period of unpaid leave. The Payroll Section will write to individuals concerned at the appropriate time asking for notification of whether the individual is intending to pay pension contributions or not.
- 6.3 If the individual wants to pay additional contributions, this will be based on the actual remuneration received immediately before the unpaid period. If an individual chooses not to pay pensions contributions, this period will not count as service for pension purposes.

7.0 Annual leave

- 7.1 Holiday entitlement will continue to accrue during paternity leave in accordance with the employee's contract of employment.
- 7.2 If an employee takes paternity leave and returns to work in a new annual leave year, the employee has the option to:
- a. use their leave to 'return to work' at an earlier point (but be on annual leave)
 - b. use the leave in the first weeks of their return to 'phase' back into work or
 - c. attach it to the end of their leave.
- 7.3 Employees who are planning a period of family leave that is likely to last beyond the end of the holiday year should discuss their holiday plans with their manager in good time before starting the family leave. Any holiday entitlement for the year that cannot reasonably be taken before starting the family leave can be carried over to the next holiday year.
- 7.4 Any holiday carried over should be taken within three months of returning to work after the family leave.

8.0 Flexible working

- 8.1 Requests to change the working pattern (such as working part-time) after the parental leave will be dealt with in accordance with the Councils' Flexible Working

Policy. It is helpful if flexible working requests are made as early as possible.

9.0 Monitoring and Review

- 9.1 This policy will be monitored and reviewed on a regular basis by the HR team. It does not form part of any contract of employment.

Date policy agreed with Unison: (31st March 2021)

Date agreed by Joint Staff Committee: (date)

Date policy formally adopted: (date)

Date for review: 3 years from formal adoption of policy (date)