

Human Resources

Entitlement and Procedures for Time Off Policy



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I. ADOPTION LEAVE (UK & OVERSEAS)

I.1 Introduction

The following policy and notes of guidance provide information on the statutory provisions for adoption leave and pay. Paid adoption leave is provided for adoptive parents of either sex.

Statutory Adoption leave comprises;

- 962 Hours (Pro-rata for Part Time) Ordinary Adoption Leave and;
- 962 Hours (Pro-rata for Part Time) Additional Adoption Leave

In addition, eligible employees, will receive a further 37 Hours (Pro-rata) leave with pay in order to attend adoption appointments after being matched with a child. (Refer 5.9)

For practical reasons, the detailed operation of the statutory schemes for UK and overseas adoptions, fostering for adoption and having a child through surrogacy differ in certain respects. Therefore, employees and managers should read this guidance carefully to note the different criteria that may apply according to the circumstances of each adoption.

I.2 Eligibility

I.2.1 UK Adoptions

To qualify for adoption leave, an employee must:

- Be the child's adopter;
- Be notified of a matching, or accept a placement,
- Be newly matched with a child for adoption by an approved adoption agency, i.e. bringing the child or young person into the family for the first time; existing step parents or long term foster parents are not eligible.
- Provide proof of the adoption, fostering for adoption or surrogacy;
- Give the correct notice, (see I.3.1 & I.3.2 below);
- Where a couple adopt, only one member of the couple may take adoption leave and pay (the other may be entitled to Shared Parental Leave, where the child was placed for Adoption on or after 5th April 2015, provided their partner ends their Maternity or Adoption leave early,).

1.2.2 Overseas Adoptions

In addition to the above requirements in 1.2.1, an employee must:

- Have received an official notification (a written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue, or has already issued and sent, a certificate to the overseas authority concerned with the child's adoption, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent).
- Have worked continuously for the Council for at least 26 weeks, ending with the week in which the official notification was received or starting with the week in which his/her employment with the Council began.

1.3 Notice of Intention to take Adoption Leave

1.3.1 UK Adoptions

Employees are required to inform their line manager and Human Resources of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. Employees will need to advise:

- When the child is expected to be placed with them;
- When they want the adoption leave to start;
- The length of leave required.

Adopters can change their mind about the date on which they want their leave to start providing they tell their line manager/Human Resources at least 28 days in advance (unless this is not reasonably practicable). Employees must tell their line manager/Human Resources the date they expect any payments of Statutory Adoption Pay to start at least 28 days in advance, unless this is not reasonably practicable.

Adoption leave may start from either the date the child is placed, or a fixed date up to 14 days before the expected date of placement. A copy of the Adoption Matching Certificate must be produced (see section on Evidence of Adoption).

1.3.2 Overseas Adoptions

In order to be entitled to take adoption leave and receive adoption pay, an employee is required to give the Council written notification of his/her intention to take adoption leave. No later than 28 days after the date he/she receives official notification, or the date on which he/she completes 26 weeks' continuous service with the Council (whichever is later), he/she must give notice of both the date the official notification was received and the date the child is expected to enter Great Britain.

At least 28 days prior to the date that he/she has chosen as the beginning of his/her adoption leave period, he/she must give notice of the chosen start date. He/she must also produce a copy of the official notification (see section 6.0 on Evidence of Adoption).

Within 28 days of the child's entry into Great Britain the employee must inform the Council of the date of entry and provide evidence of this date in the form of a plane ticket or copies of entry clearance documents.

1.3.3 Surrogate Parents

Employees will be required to provide written confirmation of the due date of the baby and provide notice of intended adoption leave dates at least 15 weeks before the expected week of birth. Leave may start from the date the baby is born.

In addition the employee(s) will be asked to provide a 'statutory declaration' to confirm that he/she/they have or will apply for a [parental order](#) in the 6 months after the child's birth.

1.4 Planning for Leave Requirements

Although there is no requirement for employees to provide any more than 7 days notice of a matching, or 28 days in the case of an overseas adoption, some employees may feel able to advise their line manager, in confidence, that they may have some leave requirements at an earlier stage. Where this happens, it will assist in planning the needs of the service. Managers should, however, be sensitive to such information as an adoption may not be approved or take place as envisaged.

1.5 Changes to Proposed Leave Start Dates

Employees may change their minds about the date on which they want their leave to start, providing they tell their line manager and Human Resources at least 28 days in advance, unless this is not reasonably practicable. Please note; notice periods for shared parental leave differ, please refer to the Shared Parental Leave Policy).

1.6 Making a Request for Adoption Leave – UK & Overseas Adoptions

Requests for adoption leave must be made on the correct form (see Appendix A, Request for Adoption Leave & Pay (UK Adoption) form, and Appendix B, Request for Adoption Leave & Pay (Overseas Adoption) form).

Human Resources will respond within 28 days to the employee's completed request for adoption leave form. Human Resources will write to the employee, setting out the date on which they expect the employee to return to work if the full entitlement to adoption leave is taken. (See Appendix C, model letter)

1.7 Adoption Pay Provisions

1.7.1 Statutory Provisions

To be eligible for Statutory Adoption pay an employee must;

- Have worked continuously for the Council for at least 26 weeks by the week of matching with the child;
- Earn on average at least the lower earnings limit for National Insurance;
- Provide the correct notice period;
- Provide proof of the adoption or surrogacy.

Adoption pay starts on the same date as the Adoption leave.

Eligible employees will receive paid adoption leave for up to 39 weeks at the rate of;

- 90% of average weekly earnings for the first 6 weeks;
- Statutory Adoption Pay or 90% of average weekly earnings if this is less for the remaining 33 weeks

Adoptive parents who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions do not qualify for Statutory Adoption Pay. They should contact their adoption agency as they may be able to receive financial support in relation to their adoption payment. Additional financial support may be available through Housing Benefit, Council Tax Benefit or Tax Credits. Further information is available through your local Jobcentre Plus office or Social Security office.

1.8 Termination of placement

In some cases, an adoption placement may be terminated part way through a period of adoption leave. This could be for many reasons, including the death of the placed child. If the child's placement ends during the adoption leave period, the employee will be able to continue adoption leave for up to 8 weeks 296 Hours (pro-rata part time) after the end of the placement. However, if the employee wishes to return to work earlier they should follow the procedure outlined in 1.13.

1.9 Evidence of adoption

1.9.1 UK Adoptions

Employees must provide documentary evidence of their intention to adopt, known as a "matching certificate". This will be provided by the adoption agency as evidence of their entitlement to Statutory Adoption Pay and leave. This should be provided to the Human Resources with the individual's completed Request for Adoption Leave form. (See Appendix D, example of matching certificate).

1.9.2 Overseas Adoptions

Employees adopting from overseas will receive an official notification, which is a written document, issued by or on behalf of the relevant domestic authority (usually the Department of Health), that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

By no later than 28 days after the child's entry into Great Britain, employees must tell their line manager and Human Resources the date of the child's entry into the UK. Evidence of entry must be provided, such as copies of entry clearance documents.

1.10 During Adoption Leave

1.10.1 Terms & Conditions

During ordinary adoption leave (1st 26 weeks) an employee is entitled to all their terms and conditions, apart from remuneration.

Annual leave and bank holidays will accrue during the period of ordinary adoption leave and annual leave will accrue during any period of additional adoption leave.

1.11 Pension Scheme

During ordinary adoption leave periods (1st 26 weeks) the Council must pay pension contributions based on the pay the employee would have received had they been at work. The employee's contributions are based on the amount of pay they have actually received during this period.

During the unpaid period of additional adoption leave (the last 13 weeks); the employee will not make any contributions. However, after the end of the adoption leave period the employee may elect, within 30 days, to pay contributions for this unpaid period. The contributions will be based on the pay received immediately before the unpaid additional leave period commenced.

More advice on pension's issues may be obtained from Human Resources.

1.12 Work During Adoption Leave

Employees are able to agree with their manager to work for up to 74 Hours (pro-rata Part time) during adoption leave without that work bringing adoption leave to an end and without loss of a week's statutory adoption pay.

1.13 Returning to work

Employees who intend to return to work at the end of their full adoption leave entitlement will not have to give any further notification. Employees who wish to change the return to work date must give their line manager 28 days notice of the revised return to work date. The line manager must inform Human Resources. Managers are able to make reasonable contact with employees to help plan their return to work.

An employee who returns to work after taking only ordinary adoption leave (first 26 weeks) will be entitled to return to the job in which they were employed before the leave began. If an employee takes additional adoption leave or parental leave of more than 148 Hours (Pro rata part time) 4 weeks they are entitled to return to the same job, or if that is not reasonably practicable, to another job which is suitable and appropriate.

1.14 Further Information

Employees may find the DTI website www.dti.gov.uk a source of useful information. Information and advice on inter-country adoption requirements and procedures for UK and other countries can be obtained from the Overseas Adoption Helpline, 0990 168742, website www.oah.org.uk.

With effect from 5th April 2015 the above entitlements extend to those fostering under the 'fostering for adoption' scheme.

2. BEREAVEMENT LEAVE

2.1. Definition

Bereavement leave relates to time off to deal with the initial emotional shock and later funeral or other arrangements.

2.2 Entitlements

7.4 Hours (Pro-rata for part time) for the funeral for a close relative, i.e. husband, wife, partner, mother, father, son, daughter, grandparents and, in addition, up to 22.2 Hours (Pro-rata for part time) leave to deal with emotional shock and funeral arrangements.

7.4 Hours (Pro-rata for part time) leave to attend the funeral of any other relative by blood or marriage.

Up to 7.4 Hours (Pro-rata for part time) to attend the funeral of a close colleague.

Time off to attend the funeral of a friend, etc. will not be unreasonably refused, but the time taken will need to be made up or taken as time off in lieu, unpaid or annual leave.

The above is a guideline only to ensure consistency of approach across all service areas. However, each application should be judged on the specific circumstances relating to the individual case and extra paid or unpaid leave can be agreed at the discretion of Directors in liaison with Human Resources.

3. Carers Leave

Anyone who is legally classed as an employee can take time off to help a dependant who needs long-term care.

The right to take carer's leave applies from the first day of work.
An employee can take carer's leave to give or arrange care for a dependant who needs long-term care.

3.1 Definition

A carer is an employee with responsibility for a 'dependant' defined as:

- A spouse
- A civil partner
- A child
- A parent
- A person who lives with you other than as your tenant or lodger.
- Any other person who would reasonably rely on you for care such as an elderly neighbour.

3.2 What counts as a long-term care need

A dependant has a long-term care need if they:

- have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
- have a condition that amounts to a disability under the Equality Act 2010; or
- require care for a reason connected to their old age.

This statutory right to carer's leave applies to a wide range of caring situations, but excludes general childcare, except where your child meets the definition of a dependant with a long-term care need.

3.3 What carer's leave can be used for

Examples of when an employee could use carer's leave include:

- taking their disabled child to a hospital appointment
- moving their parent who has dementia into a care home
- accompanying a housebound dependant on a day trip

- providing meals and company for an elderly neighbour while their main carer is away with work for the day

3.4 Entitlement

All employees (irrespective of length of service and whether they are part time or full time) are entitled to take up to a week of carer's leave every 12 months. This would be unpaid.

An employee can take the leave in one continuous block, as individual days, or as half days.

An employee is entitled to a period of leave that is equal to their usual working week. For example, if someone works 3 days a week, they can take 3 days of carer's leave.

Extra paid or unpaid leave can be agreed at the discretion of Directors in liaison with Human Resources in order to achieve consistency. In addition to this in some cases it may be expected that as well as the above provisions employees may use some annual leave.

Directors are encouraged to consult Human Resources on any situations about which they are unsure.

3.5 If an employee cares for more than one dependant

If an employee cares for more than one dependant, they do not have a separate entitlement to carer's leave for each dependant.

3.6 Giving notice to take carer's leave

Employees must give their manager notice before the start of their leave.

Employees are asked to give as much notice as possible when requesting carer's leave so that managers can plan for their absence.

The minimum notice an employee must give will depend on how many days of leave they want to take.

Minimum notice requirements

| Number of days requested | Minimum notice required |
|---------------------------------|--------------------------------|
| Half a day to 1 day | 3 days' notice |
| 1.5 to 2 days | 4 days' notice |

| Number of days requested | Minimum notice required |
|---|--------------------------------|
| 2.5 to 3 days | 6 days' notice |
| 3.5 to 4 days | 8 days' notice |
| 4.5 to 5 days | 10 days' notice |
| 6 days (if an employee works 6 days a week) | 12 days' notice |

The statutory right to carer's leave is intended to be for planned and foreseen caring commitments. If an employee needs to take time off to manage an unexpected or sudden problem relating to a dependant and make any necessary longer-term caring arrangements, then see time off for dependants (see section 4).

Managers cannot refuse someone's request for carer's leave. However, where the employee's absence would cause serious disruption to the organisation, Managers can ask for this to be taken at a different time.

If a Manager needs to delay the leave, they must:

- agree another date within 1 month of the date the employee originally requested leave for
- explain in writing why they need to delay the leave – they must do this within 7 days of the request or before the leave starts, whichever is the earlier

If the employee needs to cancel their request for carer's leave, they should do this as soon as possible. It's good practice for the Manager to consider this but they do not have to agree to it.

4. TIME OFF FOR DEPENDANTS

4.1 Definition

An employee's 'dependant' can include:

- A spouse
- A civil partner
- A child
- A parent
- A person who lives with you other than as your tenant or lodger.
- Any other person who would reasonably rely on you for assistance if he/she fell ill or was injured or assaulted, or who would rely on you to make arrangements for the provision of care in the event of illness or injury; or
- In relation to the disruption or termination of care for a dependant, any other person who reasonably relies on you to make arrangements for the provision of care.

4.2 Entitlement

All employees (irrespective of length of service and whether they are part time or full time) are entitled to take a reasonable amount of time off during working hours in order to take necessary action:

- To provide assistance when a dependant falls ill, gives birth or is injured or assaulted
- To make arrangements for the provision of care for an ill or injured dependant
- Because of the unexpected disruption or termination of arrangements for the care of a dependant
- To deal with an incident that involves their child and occurs unexpectedly while the child is at school/other educational establishment

Employees must inform their manager of the reason for his/her absence and how long he/she expects to be absent as soon as is reasonably practicable. Time off work under this right is envisaged as being no more than one or two days in most cases.

Up to a week can be granted for time off to care for one of the above, subject to the time being made up later. Any additional leave can be agreed by Directors.

Where staff do not have the ability to make time up any time off would need to be taken as annual or unpaid leave.

Extra paid or unpaid leave can be agreed at the discretion of Directors in liaison with Human Resources in order to achieve consistency. In addition to this in some cases it may be expected that as well as the above provisions employees may have to use some annual leave.

Issues for managers to consider when granting time off;

- Closeness to employee of member of family involved
- Nature of problem/illness – seriousness, both physical and emotional problems should be considered
- Suddenness of problem – did the employee have any time to plan/prepare

Directors are encouraged to consult Human Resources on any situations about which they are unsure.

5. RIGHT TO REQUEST FLEXIBLE WORKING

5.1 Introduction

The right to request flexible working is available to employees who have a minimum of 26 weeks' continuous service. This has to be given serious consideration by the line manager. If flexible working is agreed it is recommended that a trial period is

implemented in order for both parties to review how the new arrangements work in practice.

5.2 Change in Working Pattern

A new working pattern will be a permanent change. There is no statutory right to revert back to any former hours of work. The only exception will be where an agreement is made at the outset that the new working arrangement will be time limited. In such circumstances, this will be confirmed in the letter setting out the new arrangements.

5.3 Making an Application

Employees who wish to submit a flexible working application need to put their request in writing to their manager stating the following:

- The change applied for e.g. a new working pattern and the date you wish it to become effective
- The effect that you envisage the change will have on the service area including how it might be accommodated.

5.4 The Decision

If the manager agrees to the request this will be confirmed in writing within 28 days of the request being received.

If it has not been possible to agree to the request you will be advised of this within 28 days of the request being received. There will be an opportunity for discussion with the manager around alternative arrangements if there are problems in accommodating the original request.

5.5 Refusal

If the request is refused the grounds for refusal will be provided to you and can consist of the following:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Employees will be provided with a sufficient explanation as to why the business reason applies in the circumstances.

5.6 Appeal

An employee has 14 calendar days after the date they are notified of the decision to appeal by letter setting out the grounds of appeal. Appeals will be heard by the Service Manager or Service Director where they did not make the original decision.

6. MATERNITY SCHEME

6.1 Introduction

These notes are designed to provide basic information on maternity benefits and the procedures that need to be followed to take maternity leave and exercise the right to return to work.

Essentially Local Government employees are covered by two separate schemes:

- Statutory Maternity Pay (SMP) and Leave
- The Local Government occupational scheme

The schemes interact with one another and determining actual entitlements can therefore be complex. The following generally sets out the benefits and rights contained in each scheme and the entitlements.

6.2 Definitions

The following terms are frequently referred to during this policy and are explained in more detail below for ease of reference:

6.2.1 Expected Week of Confinement/Childbirth (EWC)

This is the expected week that the baby is due. It is a key date for the calculation of benefits. The week is confirmed by the employee's GP or midwife normally no earlier than 20 weeks before EWC. A MAT B1 certificate will be issued, which confirms the expected week.

The earliest maternity leave can commence and maternity pay received is the 11th week before EWC.

6.2.2 Eligibility

This is the length of your period of employment. It must be continuous employment i.e. no breaks of a week or more. If you have previous employment with another

local authority and this is continuous this will count towards assessing your entitlements under the local government scheme.

6.3 Health and Safety

The Council has a duty to have regard to any health and safety implications at work arising from pregnancy. The minimum notice requirements for the employee to notify the Council of pregnancy are set out below. However, in order that the Council can properly consider any health and safety matters the line manager should be informed of the pregnancy as soon as possible. The line manager must then carry out an assessment of the risks to the employee's health and safety to which she is exposed whilst at work. In the majority of cases this will involve little if any modification to work or working conditions. If there are any concerns regarding these issues reference should be made to a Safety Representative, line manager or the Health and Safety Manager.

6.4 Maternity Benefit

6.4.1 Statutory Benefits – Statutory Maternity Pay (SMP)

- All pregnant employees are entitled to 52 weeks maternity leave whether they qualify for Statutory Maternity Pay (SMP) or not.

The entitlement is broken down under two headings as:

Ordinary Maternity Leave - which is the first 26 weeks leave and

Additional Maternity Leave which is a further 26 weeks making 52 weeks in total.

- Those who qualify for SMP are entitled to 39 weeks (six higher rate/earnings-related weeks and 33 standard rate weeks) of SMP, subject to the earnings qualification, which is the same as the National Insurance Threshold.
 - (i) 9/10ths of a weeks pay is payable for the first 6 weeks
 - (ii) SMP (or 9/10ths of your normal week's pay if this is lower) is payable for the next 33 weeks.
- Maternity leave and SMP can start on any day of the week.
- The employee and employer are allowed to agree up to 10 'keeping in touch' days where the employee can work during the maternity leave and not lose any maternity pay entitlements. The employee does not have to work a full day and will be paid for the hours actually worked (up to their standard working day). If the employee works less than a full day this will still count as one of the keeping in touch days allowed. Managers must inform payroll of

the days and times worked so that appropriate payment can be made. For more details please contact Payroll Services.

6.4.2 Statutory Benefits - Maternity Allowance (MA)

If an employee does not meet the qualifying conditions and is not entitled to SMP, a form (SMPI) is issued by payroll as to the reasons for ineligibility and alternatively the employee may be entitled to Maternity Allowance which is payable by Jobcentre Plus.

- Those who qualify are entitled to 39 weeks MA currently payable at the rate set by government or 90% of earnings, if less.

In addition to the above the employee may be entitled to an occupational payment made under the Local Government Scheme (see below for details).

6.5 Maternity Benefits-Local Government Scheme

6.5.1 Maternity Scheme

If an employee is in receipt of Statutory Maternity Pay or Maternity Allowance and has at least 1 year's service (at the beginning of the 11th week before EWC) and has said that she intends to return to work she will, in addition to Statutory Maternity Pay as detailed above, also be entitled to

- Receive 12 weeks at half pay (any SMP or MA payments for which the employee may be entitled are payable in addition to this half pay provided this does not exceed normal full pay). The employee must however return to work for three months otherwise the half pay has to be repaid. (For more information on return to work see below).

If an employee qualifies for half pay she has a choice as to when and how this payment (i.e. 6 weeks pay) is made. This can be discussed with Payroll Services when maternity leave start date is agreed.

6.6 Right to Return to Work

All employees who take maternity leave have the right to return to work subject to the requirements set out below being followed. Consideration will be given to requests from a full timer to return on a part time basis taking into account the needs of the service. If an employee wishes to be considered for this option they should speak to their manager at the earliest opportunity. A change to part time working has to be agreed by the Council before the employee returns.

6.7 Commencement of Maternity Leave

The employee may choose to start maternity leave any time from the 11th week before the EWC. If she has not yet started maternity leave it will be automatically triggered if her baby is born. It will also be automatically triggered if, after the start of the 4th week before EWC the employee becomes ill and the illness is related to pregnancy. The minimum period of leave is two weeks, known as compulsory maternity leave, which commences from the day after the baby is born.

6.8 Notification Requirement

5.8.1 Prior to Maternity Leave

To qualify for maternity pay, leave and right to return to work the employee should notify the Council in writing i.e. their manager, no later than the 15th week before the baby is due that:

- She is pregnant
- When the expected week of childbirth will be and provide an original MAT B1 certificate
- When she intends maternity leave to start

The leaving date can be subsequently changed provided 28 days notice is given.

The manager will pass on the notification to Payroll. The employee will receive an acknowledgement of her letter and confirm the date maternity leave will end.

It would be helpful to the Council if the employee could indicate if she plans to return to work before the end of maternity leave and when this might be.

6.8.2 Return to Work

6.8.2.1 Ordinary Maternity Leave

- if the employee wishes to return before the end of the 26 weeks a minimum of 7 days notice must be given (but as indicated above it would be helpful if as much notice as possible could be given)

6.8.2.2 Additional Maternity Leave

- the employee must return immediately at the end of maternity leave or
- If she wishes to return before the end of the 52 weeks a minimum of 21 days notice must be given. However as stated above if she is returning early as much notice as possible would be helpful.

6.9 Ante Natal Care

All pregnant employees are entitled to be paid time-off for antenatal care regardless of eligibility for maternity pay/leave, to a maximum of 6.5 hours per appointment. The primary parent in cases of adoption are entitled to paid time-off for up to 5 antenatal appointments. Evidence of appointment may be requested.

In addition, the baby's father, mother's spouse, civil partner or partner, (of either sex), in an enduring relationship or the parent of a child in adoption or surrogacy arrangements, can also apply for 14.8 Hours (pro rata part time) unpaid leave, (to a maximum of 6.5 hrs each), in order to attend ante-natal appointments.

6.10 Keeping in Touch

Whilst on Maternity Leave it is helpful if the employee keeps in touch with the employing service and lets them know if she subsequently decides not to return to work. During this period the employee's line manager should also keep in contact with them.

6.11 Pension Implications

If the employee is a member of the Local Government Pension Scheme who takes maternity leave superannuation contributions must be paid on the pay and SMP actually received during the period of paid maternity absence. When this paid period ends the option will be given to continue contributions during the unpaid period of maternity leave. For more details please contact the Payroll Section in Human Resources.

The Payroll Section will write to the employee after maternity leave has commenced to ascertain her decision on this matter.

6.12 Holiday Entitlement

Holiday entitlement continues to accrue during maternity leave,

The pregnant employee may request to take some or all outstanding holiday entitlement prior to the start of maternity leave or to do the same for newly accrued holidays at the end of her maternity leave in which case she should submit a written request giving the relevant notice in accordance with the Council procedures for requesting annual holiday.

The Council reserves the right to require an employee to take all or part of her outstanding holiday entitlement before maternity leave commences or the newly accrued holiday entitlement immediately after maternity leave ends. Thereafter, annual leave requests will be managed in accordance with normal Council procedures.

6.13 Returning to work after Maternity Leave

Consideration will be given to requests from a full time employee to return on a part time basis taking into account the operational needs of the Council. If an employee wishes to be considered for this option they should speak to their line manager at the earliest opportunity. A change to part time working has to be agreed by the Council before the employee returns, otherwise needs to be requested under Flexible Working Hours Policy.

6.14 Sickness

Maternity leave is not treated as sickness. If at the end of maternity leave the employee is unable to return to work on the expected day due to sickness the absence will be covered by the sickness in the normal way.

7. PARENTAL LEAVE

7.1 Introduction

The Parental Leave Regulations entitle eligible employees to a right to be absent from work for the purpose of caring for a child. Parents have a statutory right to a total of 18 weeks' unpaid leave for each eligible child.

This right is for an employee who:

- is the parent of a child up to the child's eighteenth birthday, or
- has a child placed for adoption from the date on which the child is placed for adoption until the child's eighteenth birthday, or
- has acquired **formal** parental responsibility for a child who is under 18 years old. This might include foster parents, adoptive parents, prior to placement, grandparents with a significant parenting role and step-parents
- The right is for a total of 18 weeks for each child, including multiple births.

7.2 Eligibility

The policy applies to all Council employees who;

- Have one year's continuous service;
- Is named on the child's birth or adoption certificate;
- Have or expect to have parental responsibility for a child;
- Has a child under 18 years of age.

In all instances, Parental Leave must be used to care for a child. Part time employees receive a pro rata entitlement.

7.3 Notice

The employee should attempt to give as much notice as possible with a minimum of 21 days notice in writing before the day on which he/she proposes to take the leave.

Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the Service Director, in liaison with Human Resources in order to achieve consistency. Such discretion will not be unreasonably withheld.

7.4 Postponements

Requests from eligible employees for leave at or around the time of birth or adoption cannot be postponed by CCC.

However, in exceptional circumstances, applications for leave at other times can be postponed for up to three months for operational reasons.

The leave period should be agreed by both employee and line manager but if agreement cannot be reached, then the line manager is responsible for guaranteeing that the employee can take the leave at a time, no more than 3 months ahead, which best suits the needs of the service and the employee.

If the application is postponed the line manager must give written notice of the postponement (within 7 days of the request), giving the reasons for the postponement and an indication when the leave can be taken (within the next 3 months).

The leave cannot be postponed beyond the date of the child's eighteenth birthday.

The employee has the right to complain to an Employment Tribunal if applications for parental leave are unreasonably refused.

7.5 Leave Periods

Parental leave must be taken by the child's 18th birthday, but leave may be taken flexibly, subject to the needs of the service, as follows:

- As a block of 4 weeks per child per year;
- In blocks of single weeks;
- In patterns which provide a part-time or reduced hours working arrangement for a period equivalent to taking 4 weeks per child per year in a single block.

7.6 Contractual Position

During the period of parental leave the contract will continue and both employer and employee will be bound by the duty of good faith and confidentiality. The employee retains the right to return to the same or similar job and if a redundancy situation arises the employee must be treated as though at work. During periods of parental leave, annual leave will continue to accrue. For any period of unpaid leave amounting to less than 31 days, pension contributions must be paid on the lost pay. In such instances, pension's contributions are automatically deducted through the payroll. For any period of unpaid leave in excess of 30 days, the member must elect within 30 days of their return to work to pay pension contributions on the lost pay, otherwise the period will not count towards their pension entitlement. Employees are advised to contact Human Resources for further information.

7.7 Record Keeping

Line Managers should advise Payroll Services when Parental Leave is taken and a record will be kept by them of leave requested and taken.

7.8 Evidence

A copy of the child's birth certificate or other evidence/explanation of parental responsibility should be requested and sent to Human Resources in all cases before the first period of parental leave is granted.

In addition, employees will be required to provide confirmation of previous periods of parental leave which may impact on their remaining entitlement, particularly where these have been with another employer.

7.9 Abuse of Policy

Any abuse of this policy could lead to disciplinary action.

7.10 Further Advice

Any queries on the application of this policy should be referred to Human Resources.

N.B. From 5th April 2015 shared parental leave came into force, please see separate policy on this subject for details.

8. PATERNITY LEAVE AND PAY SCHEME

8.1 Introduction

This policy is designed to provide basic information on paternity benefits and the procedures that need to be followed to take paternity leave.

8.2 Eligibility

Employee's whose wife, civil partner, partner or surrogate gives birth to a child is entitled to paternity leave provided that he or she has 26 weeks' continuous service by the week that falls 15 weeks before the week in which the child is expected. For your employment to be counted as continuous, you must not have had any breaks in service of a week or more. If you have previous employment with another local authority and this is continuous this will count towards assessing your entitlements under the local government scheme.

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave. Please see section one on adoption leave.

8.3 Paternity Leave and Pay

A maximum of 74 Hours (pro rata part time) equivalent of 2 working weeks, Ordinary Paternity leave is available for eligible employees.

Pay during paternity leave for the first week is full pay (occupational) and the second will be at the standard rate for Statutory Paternity Pay (SPP) or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than the SPP rate. However, if your average weekly earnings are below the lower earnings limit for national insurance contributions you will not be eligible for statutory paternity pay.

8.4 Notification Requirement

Where an employee wishes to request paternity leave in respect of a birth child, he or she must give their line manager 15 weeks' written notice of the date on which his or her partner's baby is due, the length of paternity leave he or she wishes to take and the date on which he or she wishes the leave to commence.

In the case of an adopted child, the employee must give written notice of his or her intention to take paternity leave not later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start paternity leave, the length of the intended paternity leave period and the date on which the adopter was notified of having been matched with the child.

If the employee subsequently wishes to change the timing of the paternity leave, he or she must give 28 days' written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that he or she is entitled to paternity leave and statutory paternity pay.

Paternity leave is granted in addition to an employee's normal annual holiday entitlement. Paternity leave must be taken in a single block of one or two weeks, cannot start before the birth of the child and must end within 56 days of the birth or adoption of the child.

In addition, employees will be required to provide confirmation of previous periods of paternity leave which may impact on their remaining entitlement, particularly where these have been with another employer.

With effect from 5th April 2015 the above entitlements extend to those fostering under the 'fostering for adoption' scheme.

9. TIME OFF FOR PUBLIC DUTIES

9.1 Introduction

Employment legislation gives employees who hold certain public positions, an entitlement to take reasonable time off during working hours for performing the duties associated with that position.

There is no code of practice which assists organisations in determining what reasonable time off is, nor does the legislation itself give direction to ways of balancing operational needs of the service and time off for public duties.

The provisions of this Policy accord with the general guidance issued by the Department of Business, Innovation and Skills.

9.2 Scope

The provisions contained within this policy apply to all employees of the Council who hold a position as a:-

- (a) justice of the peace;
- (b) member of a local authority;
- (c) member of a police authority;
- (d) member of any statutory tribunal;
- (e) member of a relevant health body (see below);
- (f) member of the managing or governing body of an educational establishment maintained by a local education authority and members of the governing body of a further or higher education corporation;
- (g) member of the General Teaching Councils for England and Wales;

- (h) member of the boards of prison visitors;
- (i) member of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
- (j) member of a Water Customer Consultative Panel.

A relevant health body means:

- A National Health Service trust established under Part I of the National Health Service and Community Care Act 1990;
- An NHS foundation trust;
- A Strategic Health Authority or Health Authority established under section 8 of the National Health Service Act 1977, a Special Health Authority established under section 11 of that Act, or a Primary Care Trust established under section 16A of that Act;

9.3 Duties Which Attract Time Off

The duties for which an employer is required to permit reasonable time off are any of the duties of a Justice of the Peace, or duties which relate to membership of any one of the bodies listed in Section 2.

Duties include:-

- (a) Attendance at meetings of the body or any of its committees or sub-committees;
- (b) Performance of duties approved by the body which need to be done in discharging its functions, or those of any of its committees or sub-committees.

9.4 The Amount of Time Off

The amount of time off allowed, the frequency and any conditions subject to which time off may be taken, are defined as “those that are reasonable in all the circumstances”, having regard in particular to:-

- (a) How much time off is required overall to perform the duties and how much time off is required to perform the particular duty in question;
- (b) How much time off the employee has already been permitted for this purpose or for trade union duties and/or activities; and
- (c) The circumstances of the employer’s business and the effect of the employee’s absence on the running of the business.

For an employee who is a Justice of the Peace, leave with pay may be granted up to a maximum of 10 days in any one leave year.

Under the Local Government and Housing Act 1989, it is unlawful for the council to allow an employee who is a Member of a local authority, more than 208 hours of paid time off in a financial year (12 month period ending on 31 March), to perform the duties of a Member of a local authority, with the exception of the duties of chairperson of that authority.

This legislation does not preclude further unpaid leave being granted nor does it limit the paid time off to the chairperson of an authority. (see Section 6).

When considering paid time off for part-time employees who undertake public duties, regard should be given to:

- The number of hours worked
- The pattern of work and/or shift pattern
- The nature and frequency of the duties

For part-time employees, the duties may fall on non-working days and there may be no need for paid time off from work. However, some employees may require the entitlement to be granted pro-rata.

9.5 Payment for Time Off

With all cases reasonable time off with pay, according to individual circumstances, will be allowed.

The only exception to this is a Member of a local authority, who can be granted unpaid leave if he/she requires time off for public duties in excess of the agreed 208 hours paid leave in a financial year (see Section 4).

9.6 Procedures

- 9.6.1 An employee requesting time off for public duties must notify their line manager, in writing, of the intended date/s, duration and reason for their absence, giving as much advance notice as possible.
- 9.6.2 The line manager will be responsible for granting or refusing the request. If the request is refused then the line manager should clearly express the reason for the refusal in line with section 4 above.
- 9.6.3 The employing service area should maintain a running total of time off for public duties for each employee.
- 9.6.4 It is the responsibility of the employing service to ensure that such paid time off granted, for duties as a Member of a Local Authority, does not exceed 208 hours in a financial year.

- 9.6.5 An employee who is a Member of a local authority may be granted unpaid leave if he/she requires time off for public duties in excess of the agreed 208 hours paid leave in a financial year (see Section 4).

9.7 Jury Service

Employees are required to attend jury service by virtue of the Juries Act 1974. In addition, employees are required, under National Conditions of Service to receive paid leave of absence for jury service. It is the Council's policy that an employee serving on a jury will continue to receive normal salary payment for contracted hours via the payroll and should **NOT** claim the allowance for loss of earnings under the current Juror's Allowances Regulations. Pension and other contributions and deductions will, therefore, be processed as normal. Any employee found to have claimed the Jurors Allowance in addition to their normal CCC salary will be subject to investigation and action under the Council's Disciplinary Policy.

Employees should not be required to work a night shift immediately before or after attending jury service.

9.8 Attendance as a Witness

Employees will be given paid leave if summoned as a witness.

9.9 Reserves of the Armed Forces

- 9.9.1 The reserves of the Armed Forces include the Regular and Volunteer Reserves of the Royal Navy, Army and Royal Air Force.
- 9.9.2 Reservists are required to take part in an annual training event. Employees who are members of the Reserves are allowed to take up to 74 hours (pro-rata for part-timers) additional paid leave for Reserve training and duties.
- 9.9.3 The Reserves of the Armed Forces play an important part on the country's defence forces, and may be called out – mobilised – in times of need. For the majority of requirements, it is intended that only Reservists who volunteer, and have the consent of their employers, will be mobilised. However, should it become necessary, the Government may mobilise Reservists compulsorily, without the consent of the Reservist or employer. Employers and Reservists may apply for exemption or deferral of mobilisation.

The employment of Reservists, whether voluntarily or compulsorily mobilised, is protected for the period of their mobilisation. The Council will reinstate Reservists at the end of their period of permanent service.

- 9.9.4 Reservists will be compensated for any financial loss associated with mobilisation and therefore they will require unpaid leave from their normal employment. Employers may claim any costs associated with temporarily replacing Reservists in the workplace.

The Secretary of State will make provision for the payment of a pension in respect of members of the Reserve forces; alternatively, the Secretary of State will make payments towards the provision of an existing pension. In practice this means that a Reservist who is mobilised may remain in the Local Government Pension Scheme with the employer's contribution made up by the Secretary of State. The Reservist must make provision to pay in their normal contributions.

9.10 Retained Fire-fighters

Retained fire-fighters are entitled to two weeks paid leave of absence per annum for fire-fighting duties.

9.11 Special Constables

Special constables are rarely required for duty during Council working hours. However, on the rare occasions required, paid leave of absence may be granted on production of evidence of their requirement for duty. Special constables shall also receive two weeks paid leave in line with the policy for Retained Fire-Fighters.

10 UNPAID LEAVE

10.1 Reasons for Unpaid Leave

Planned unpaid leave will be considered in circumstances that may include but is not limited to;

- Taking an extended holiday to visit relatives abroad;
- To get married abroad;
- To provide an opportunity to participate in voluntary activities.

In addition, unpaid leave will be considered in unplanned circumstances that may include but is not limited to;

- To provide additional time to respond to and / or manage incidents requiring an extended period of absence.

10.2 Principles

The following key principles will apply but may be varied in exceptional circumstances to respond, in particular, to unplanned unpaid leave requests.

- The granting of unpaid leave is at the discretion of the relevant Service Manager, as determined by operational needs. Managers should liaise with Human Resources in order to achieve consistency.
- Each request for unpaid leave will be considered upon its own merits.
- Up to a maximum of 4 weeks unpaid leave may be granted for full time employees and is pro-rata for part time employees.
- Employees will normally contribute a proportion of their annual leave entitlement towards the total period requested.
- Unpaid leave should be taken in blocks of one week, or combined weeks, unless otherwise agreed by the Service Manager.
- Only one application for unpaid leave will normally be granted in a 12 month rolling period.
- Continuity of employment will be preserved for statutory and/or contractual purposes and benefits, including annual leave, which will continue to accrue at the normal rate during the maximum 4 week unpaid, leave period (pro-rata for part time staff).

During the 4 week unpaid leave period full pension membership continues and the employee will pay the pension contributions due at the normal level, (where applicable).

10.3 Process

Applications for unpaid leave must be;

- submitted by the greater of **either**;
 - two months in advance **or**
 - equal to the individual's contractual notice period

This requirement may be varied by the Service Manager and / or when responding to unplanned unpaid leave requests;

- submitted to the relevant Service Manager for approval and authorisation;
- submitted on a completed Unpaid Leave Application Form;

- where possible, all applications should be approved, or otherwise, within 10 working days of receipt.

10.4 Exceptions

Unpaid leave cannot be utilised to:

- cover a period of sickness absence or a recovery period following surgery, (this must be recorded as sickness absence);
- work in other paid employment
- cover single day absences as these are provided for elsewhere within this policy or by terms and conditions of employment.

11. VOLUNTEERING

11.1 Introduction

11.1.1 Chelmsford City Council recognise the contribution that volunteers make to the community and are committed to providing opportunities for members of staff to engage in volunteering activities that will benefit the residents of the city and support the Council's community leadership role.

11.1.2 Volunteering also provides opportunities for employees to contribute to their local community and in doing so, build relationships, increase confidence and acquire new skills which will benefit them, their team, and their community.

11.1.3 The purpose of this policy and procedure is to outline the Council's approach to employee volunteering and the procedure that managers and employees need to follow to agree time off for volunteering.

11.2 Scope

11.2.1 This policy and procedure applies to all employees of the Council on successful completion of their probationary period.

11.3 Definitions

11.3.1 The meaning of some key words and phrases, for the purposes of this policy, are explained below:

Volunteering: any activity that involves spending time, without payment, doing something that aims to benefit individuals (other than close relatives), groups or the environment.

For the purposes of this policy and procedure volunteering will include regular activity at a voluntary organisation or supporting a one-off, specific event which benefits the community.

Volunteer organisation: a registered charity or other not for profit organisation that benefits the community. For the purposes of this policy and procedure a volunteer organisation may include schools, hospitals or other caring/community based organisations where the work being undertaken is not paid employment.

11.4 Responsibilities

11.4.1 Employees are responsible for:

- identifying appropriate volunteering opportunities and for requesting time off in writing to their manager using the Employee Volunteering form.
- ensuring that they adhere to the Council's policies and procedures including Codes of Conduct when undertaking voluntary activities. This includes notifying the volunteer organisation and their manager and terminating the arrangement if they believe the activity may represent a conflict of interest.
- satisfying themselves that the volunteer organisation has in place its own public and employers liability insurance.

11.4.1 Managers are responsible for complying with the requirements of this policy and procedure and for ensuring that employees are aware of their responsibilities.

11.5 Time allowed for volunteering

11.5.1 Employees can request a maximum of 2 days or 15 hours unpaid time away from work during any 12 month period for volunteering activities that will be of benefit to the residents of Chelmsford City (pro rata for part time employees).

11.5.2 The time may be taken as a whole block or spread across the year but must be a minimum of a half day (3.75 hours) per request.

11.5.3 Where travel to and/or from the activity occurs within the employee's normal working hours this will also count towards the 2 days or 15 hours allowed.

11.5.4 Time off for volunteering is in addition to other time off allowed under the Entitlements to Time Off policy e.g. jury service, school governor, magistrate, reservist, trade union activities, special constables.

11.5.5 Should an employee wish to undertake volunteering for more than 2 days per year they may request additional leave in the normal way e.g. annual leave,

11.5.6 Please note that time cannot be taken in lieu of volunteering undertaken during normal leisure time.

11.5.7 In times of emergency the Council may ask staff to volunteer to help in the community to support affected individuals e.g. fire, floods, clinical emergencies. This does not count towards the 2 days employee volunteering.

11.6 Travel and associated costs

11.6.1 Travel costs will not be reimbursed by the Council however the voluntary organisation may reimburse reasonable out of pocket expenses, brought about through the employees volunteering.

11.7 Training, checks and insurance

11.7.1 Employees who will be working with children and/or vulnerable adults will require a Disclosure and Barring Service (DBS) check before commencing any voluntary work. This will be the responsibility of the volunteer organisation to arrange although, with their permission, the Council can carry out the check as an 'umbrella body'.

11.7.2 Whilst the Council encourages employees to undertake volunteering activities, we cannot accept responsibility for insuring employees when engaged on activities with other organisations. Individuals must therefore ensure that they are adequately covered by their chosen voluntary organisation.

11.8 Procedure

11.8.1 An employee who has identified a volunteering opportunity should complete an Employee Volunteering Request Form and send it to their line manager to authorise, giving a minimum of 4 weeks' notice.

11.8.2 The form should include the name of the volunteer organisation and its purpose, the nature of the volunteering work to be undertaken and the dates and time required. The employee must also attach a letter from the volunteering organisation confirming the arrangements.

11.8.3 If the employee intends to take 2 days off in one block they only need to complete the form once. If the employee wishes to split the two days over separate activities they should complete a form for each activity, giving a minimum of 4 weeks' notice on each occasion.

11.8.4 The line manager will consider the application, check that the request complies with the requirements of the volunteering policy and confirm the decision to agree or refuse the request, seeking further information from the employee first, if required.

11.8.5 When authorising volunteering activities managers must be satisfied that:

- the employee has provided evidence (for example a letter from the volunteering organisation) that the activity being undertaken will be of benefit to residents of Chelmsford City and confirming the volunteering arrangements.
- the employee is not receiving payment for time worked

- there is no conflict of interest with the employee's work (or with the council in general)
- that the time allocated will not disrupt or adversely affect service delivery
- the activity is not part of normal work responsibilities and duties
- the activity will not bring the Council into disrepute

11.8.6 If the request is refused, the reason(s) will be discussed with the employee and recorded on the form. Reasons for refusal may include (but are not limited to) impact on service delivery, insufficient notice, or lack of cover.

11.8.7 The completed Employee Volunteering form should be sent to the HR Support Team so that this can be put on the employee's personal file. A copy will be given to payroll so that they can make any necessary adjustments to the employee's pay.

11.8.8 If an employee is unable to attend their volunteering activity due to sickness or an unforeseen event they should inform the volunteer organisation and their line manager as soon as possible following Council policy reporting requirements as appropriate. If the employee is unable to attend their voluntary activity due to sickness the time will not be deducted from their volunteer hours 'allowance'.

11.9 Compliance

11.9.1 Failure to follow this policy and procedure may impact on good employee relations and the reputation of the Council as a good employer. Therefore, appropriate action will be taken for employees who fail to follow this procedure.

11.9.2 Any employee found to have falsely requested time off for volunteering activities or who act in an inappropriate way whilst carrying out volunteering activities may be subject to disciplinary action.

11.9.3 If an employee considers themselves to have been treated unfairly they should initially raise this informally with their manager. If this is not appropriate or does not result in a satisfactory outcome, they should raise it formally by making use of the Council's Grievance Policy.

11.10 Monitoring

11.10.1 Human Resources will monitor the effectiveness of the policy through information received via feedback from managers and employees through, for example, senior manager meetings, staff surveys and exit interviews, as well as the number of employees using this procedure.

11.10.2 Human Resources will monitor and report on the extent and range of volunteering activities across the organisation on an annual basis.

Appendix A – Request for Adoption Leave & Pay (UK Adoption) **CONFIDENTIAL**

To: Human Resources (cc Line Manager)
Civic Centre
Duke Street
Chelmsford
Essex
CMI IJE

The notes on the reverse of this form will assist you in completing the form and in assessing your possible entitlement to adoption leave and pay.
Human Resources will notify you, within 28 days of receipt of this fully completed form, of your actual entitlements.

Last name:..... First name(s):.....
Service Area:..... Job Title:.....
Contracted hours: Payroll no:.....

The following information and the declaration at the bottom of this form are required to assess your entitlement to adoption leave and pay.

| | | |
|--|----------|---------------------|
| Date on which you were notified of being matched with a child for adoption | | See Note 1 overleaf |
| Expected date of placement | | See Note 2 overleaf |
| Date you would like adoption leave to start | | See Note 2 overleaf |
| Would you like to apply for Ordinary Adoption Leave? | YES / NO | See Note 3 overleaf |
| Would you also like to apply for Additional Adoption Leave? | YES / NO | |

Declaration:

| | | |
|---|---|---------------------|
| | √ | |
| I confirm that I have been matched with a child for adoption by an approved adoption agency | | See Note 4 overleaf |
| My partner will <u>not</u> also be in receipt of Adoption leave | | See Note 5 overleaf |
| This is an adoption agency placement | | See Note 6 overleaf |

Please attach a copy of your Adoption Matching Certificate.

Signed:..... Date:

REQUEST FOR ADOPTION LEAVE – UK ADOPTION

NOTES OF GUIDANCE

| | | |
|--------|---|--|
| Note 1 | <p>An employee must give as much notice as possible, but no later than within 7 days of having been informed, of a match.</p> <p>An employee must have 26 weeks service with the Council, leading into the week in which they were notified of being matched to a child for adoption, in order to qualify for Statutory Adoption Leave. (See also Note 3)</p> | |
| Note 2 | <p>Adoption leave may start from either:</p> <p>(i) the date on which the child is placed or born if surrogacy; or</p> <p>(ii) a fixed date up to 14 days before the expected date of placement</p> <p>An employee may change the start date of leave, subject to giving the Council 28 days notice in writing.</p> | |
| Note 3 | Less than 26 weeks continuous LG service | More than 26 weeks continuous LG service |
| | No entitlement | <p>Weeks 1-6</p> <ul style="list-style-type: none"> 6 weeks at 90% of pay (offset against statutory adoption pay). <p>Weeks 7-26</p> <ul style="list-style-type: none"> Remainder of ordinary adoption leave period paid at rate of statutory adoption pay (or 90% of average weekly earnings if this is less than the rate set for statutory adoption pay). <p>Weeks 27-39</p> <ul style="list-style-type: none"> Additional adoption leave (paid) <p>Weeks 40 - 52</p> <ul style="list-style-type: none"> Additional adoption leave (unpaid) |
| Note 4 | <p>An employee must adopt a child through an approved adoption agency in order to qualify for adoption leave.</p> | |
| Note 5 | <p>Only one parent may receive Adoption Leave. The other parent may be entitled to Paternity Leave (see Paternity Leave & Pay, Policy & Notes of Guidance).</p> | |
| Note 6 | <p>Adoption leave applies only in cases of an adoption agency placement e.g. excludes adoption of a step-child.</p> | |

Appendix B – Request for Adoption Leave & Pay (Overseas Adoption) **CONFIDENTIAL**

To: Human Resources (cc Line Manager)
Civic Centre
Duke Street
Chelmsford
Essex
CMI IJE

The notes on the reverse of this form will assist you in completing the form and in assessing your possible entitlement to adoption leave and pay.

Human Resources will notify you, within 28 days of receipt of this fully completed form, of your actual entitlements.

Last name: First name(s):
Service Area: Job Title:
Contracted hours: Payroll no:

The following information and the declaration at the bottom of this form are required to assess your entitlement to adoption leave and pay.

| | | |
|---|----------|---------------------|
| Date on which you received official notification | | See Note 1 overleaf |
| Date on which child is expected to enter Great Britain | | See Note 2 overleaf |
| Date you would like adoption leave to start | | See Note 2 overleaf |
| Would you like to apply for Ordinary Adoption Leave? | YES / NO | See Note 3 overleaf |
| Would you also like to apply for Additional Adoption Leave? | YES / NO | |

Declaration:

| | | |
|--|---|---------------------|
| | √ | |
| I confirm that I have been assessed and approved as a suitable adoptive parent | | See Note 4 overleaf |
| My partner will <u>not</u> also be in receipt of Adoption leave | | See Note 5 overleaf |
| I have received an official notification | | See Note 6 overleaf |

Please attach a copy of your Official Notification

Signed: Date:

REQUEST FOR ADOPTION LEAVE – OVERSEAS ADOPTION

NOTES OF GUIDANCE

| | | |
|--------|--|---|
| Note 1 | <p>An employee is required to inform the employer within 28 days of receiving official notification.</p> <p>An employee must have 26 weeks service with their employer. This is either 26 weeks ending with the week in which they receive their official notification or 26 weeks from the start of their employment in order to qualify for Statutory Adoption Leave. (See also Note 3)</p> | |
| Note 2 | <p>Adoption leave may start from either:</p> <ul style="list-style-type: none"> (i) the date on which the child enters Great Britain; or (ii) a fixed date up to 28 days after the date the child enters Great Britain <p>An employee may change the start date of leave, subject to giving their employer 28 days notice in writing (or notice that is reasonably practicable).</p> | |
| Note 3 | Less than 26 weeks continuous LG service | More than 26 weeks continuous LG service |
| | No entitlement | <p>Weeks 1-6</p> <ul style="list-style-type: none"> 6 weeks at 90% of pay (offset against statutory adoption pay). <p>Weeks 7-26</p> <ul style="list-style-type: none"> Remainder of ordinary adoption leave period paid at rate of statutory adoption pay (or 90% of average weekly earnings if this is less than the statutory adoption pay). <p>Weeks 27-39</p> <ul style="list-style-type: none"> Additional adoption leave (paid) <p>Weeks 40 - 52</p> <ul style="list-style-type: none"> Additional adoption leave (unpaid) |
| Note 4 | <p>An employee must be an assessed and approved adoptive parent and have received an official notification in order to qualify for adoption leave.</p> | |
| Note 5 | <p>Only one parent may receive Adoption Leave. The other parent may be entitled to Paternity Leave (see Paternity Leave & Pay, Policy & Notes of Guidance).</p> | |
| Note 6 | <p>Official notification means a written notification, issued by or on behalf of the relevant domestic authority (usually the Department of Health), that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.</p> | |

Appendix C - Model Letter responding to Request for Adoption Leave

Dear

Thank you for advising me that you will be adopting a child on..... I am writing to you about your request for adoption leave and pay.

You are eligible for up to 52 weeks' adoption leave/you are not eligible for adoption leave. You are eligible for 39 weeks' Adoption Pay/not eligible for Adoption Pay.

Given your chosen start date of (), your adoption leave will end on (). If you want to change the date your leave starts you must give me 28 days notice, if at all possible. Please contact me if this you wish to discuss this.

If you decide to return to work before (), you must give me at least 28 days notice.

Your adoption pay will be based on (dependent upon continuous service, number of weeks at appropriate %).

During ordinary adoption leave periods (1st 39 weeks) the Council will pay pension contributions based on the pay you would have received had you been at work.

Your contributions will be based on the amount of pay you actually receive during this period.

During a period of additional adoption leave, where you will receive no pay, you will not make any contributions. However, after the end of the adoption leave period you may elect, within 30 days, to pay contributions for this unpaid period. The contributions will be based on the pay you received immediately before the unpaid additional leave period commenced.

More advice on pension's issues may be obtained from Pensions Services.

Or

The SAPI form (enclosed) explains why you do not qualify for Statutory Adoption Leave and Pay. You should contact your adoption agency to find out if you can get any other financial assistance.

If you decide not to return to work at the end of your adoption leave, you must still give the Council proper notice. Your decision will not affect your entitlement to Adoption Pay.

If you have any questions about any aspect of your adoption entitlements please do not hesitate to get in touch with me.

Yours sincerely

Human Resources

Cc Line Manager & Pensions Service

Appendix D – Unpaid Leave Application Form

| | |
|--|--|
| <i>To be completed by Employee</i> | |
| Name: | Job Title: |
| Service: | Section: |
| Reason for Unpaid Leave: | |
| On what date would you like the unpaid leave to commence? | Total number of weeks required: |
| How would you like to take your unpaid leave, (if not in one continuous block)? | |

I wish to apply for a period of unpaid leave as indicated above and understand that I will be required to use a proportion of my annual leave entitlement towards the total leave period. I understand that this is a discretionary policy and approval is subject to operational requirements.

Signed..... Date.....

To be completed as appropriate and returned to HR.

Application for unpaid leave approved ☐

I am not approving the above application because;

.....

Name..... (Service Manager)

Signed..... Date.....

Appendix E: Evaluation Form – Staff Volunteering

Employee name:

Name of voluntary organisation:

Number of days or hours you volunteered for:

Describe the voluntary activity you undertook?

How did you find the voluntary activity?

How have you benefitted from the activity?

| | YES | NO |
|---|--------------------------|--------------------------|
| Have you volunteered for this organisation previously? | <input type="checkbox"/> | <input type="checkbox"/> |
| Would you recommend this activity to others? | <input type="checkbox"/> | <input type="checkbox"/> |
| Will you be doing any more volunteering for this organisation? | <input type="checkbox"/> | <input type="checkbox"/> |
| Do you think you will use your 2 paid volunteering days next year? | <input type="checkbox"/> | <input type="checkbox"/> |
| Would you be happy to help the Council publicise the staff volunteering days? | <input type="checkbox"/> | <input type="checkbox"/> |
| Do you think any changes need to be made to the staff volunteering policy? | <input type="checkbox"/> | <input type="checkbox"/> |

Comment from voluntary organisation (optional)

Employee Volunteering Request Form

Employee name:

Name of voluntary organisation:

Dates and time on which you would like to volunteer:

Please describe the activity you will be undertaking:

I understand that if my request is agreed I will not be paid for the dates above and my pay will be adjusted accordingly.

Employee signature:..... Date:.....

For the line manager to complete

Manager name:.....

Do you agree to the request for unpaid time off on the date/s listed above:

Yes ☐

No ☐

If no, please provide your reason/s below:

Please send the completed form to the HR Strategy and Development Team.

| Version Number | Creation Date | Changes Made | Changes Made By: | Authorised /Checked? | Date of Changes |
|----------------|---------------|--|------------------|----------------------|-----------------|
| 3.7 | Feb 25 | Added time off for dependants | K Knowles | Y | Feb 2025 |
| 3.6 | July 2019 | Removed numerical rates of pay | K Knowles | | July 2019 |
| 3.5 | - | Unpaid leave authorisation | HR Team | Y | Dec 2018 |
| 3.4 | March 2010 | Replaced two ticks with disability confident | M Barnett | Y | 18/10/16 |
| 3.3 | July 2016 | Updated to section Reserves of the Armed Forces 8.9.2 Additional Paid Leave Entitlement | M Connor | | 14/07/16 |
| 3.2 | July 2015 | Updated to reflect Statutory Changes Re: Adoption, Parental & Paternity Leave. Policy change Re: Bereavement Leave & Payment during Jury Service. | D Piccolo | Y | 09/07/15 |
| 3.1 | March 2010 | I have updated the Entitlement to Time Off Policy with a more detailed version of Holiday Entitlement and Returning to Work for Maternity Leave. This is sections 5.12-5.13. | H Dungate | Y | 07/01/2015 |
| 3.0 | March 2010 | Updated sections in the Maternity and Paternity Scheme, for all figures of the standard rate of pay to £138.18, and national insurance threshold to £481 | H Dungate | Y | 04/12/2014 |

