

Family Friendly Policy



Walsall Council

Version Control

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Purpose	To detail all of the procedures relating to family friendly provisions (maternity, adoption, paternity, maternity support shared parental leave, ordinary parental leave and foster care leave).		

This policy links to:

- Our Council Plan
- Walsall Proud
- Leave and Time Off Policy
- Organisational Development Strategy
- Workforce Strategy
- Behaviour & Standards Framework

This list is not exhaustive.

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are customer focused effective, efficient and equitable, and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 This policy details the processes in place for employees and managers regarding requests for taking leave, work arrangements and pay in relation to family friendly provisions.

2.0 Scope

- 2.1 This procedure applies to all Council employees,
- 2.2 With the exception of;
 - 2.2.1 School based employees where the governing body has delegated authority and for whom separate arrangements apply.
 - 2.2.2 Agency workers, contractors or external consultants.

3.0 Principles

- 3.1 This policy outlines employee statutory and occupational entitlements in respect of leave and pay, as well as the processes that should be used to assist and support employees during the following circumstances;
- Maternity
 - Adoption
 - Paternity
 - Maternity support
 - Share parental leave (SPL)
 - Ordinary parental leave (OPL)
 - Foster care leave.
- 3.3 The law entitles employee who are pregnant to:
- Paid time off to attend antenatal care
 - A period of maternity leave (26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave)
 - The first two weeks of leave (following childbirth) is compulsory leave during which new mothers are prohibited from working.
 - The right to return to the same job held before the start of maternity leave on the same terms and conditions, unless after ordinary maternity leave this is not reasonably practicable, then a suitable alternative job on no less favourable terms and conditions must be found.
- 3.4 The provision for adoption leave mirror that of maternity leave rights.
- 3.5 Most employees will qualify for the appropriate statutory pay (maternity, adoption, paternity, shared parental). Eligibility is laid down in legislation.
- 3.6 New fathers/partners and adoptive parents who are eligible are entitled to take either one or two weeks paternity leave.
- 3.7 Shared parental leave and pay gives parents more flexibility in how they share the care of their child in the first year following birth or adoption.
- 3.8 Employees who have responsibility for a child are entitled to ordinary parental leave, up to 18 weeks unpaid leave per child with a maximum of 4 weeks in any one year.
- 3.9 Employees have the right not to be dismissed or subject to detrimental treatment on grounds of pregnancy, childbirth, maternity or for taking a statutory entitlement to leave (maternity).
- 3.10 Separate arrangements apply other leave and time off such as emergency time off for dependents, carers leave, and other compassionate leave (see the leave and time off policy).

4.0 Accountabilities

4.1 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's aim and priorities and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- Taking responsibility for monitoring and managing their employees' attendance and absence;
- Completing the appropriate risk assessments, especially with regard to new and expectant mothers.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's aim and priorities, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- To submit notifications and leave requests to their line manager and Payroll as appropriate.
- Comply with the requirements of this policy and procedure.

5.0 Maternity Policy

Maternity key stages and the employees' and managers' accountabilities overview can be seen in appendix 1.

5.1 Announcing pregnancy

A pregnant employee must notify their manager in writing, as soon as possible but no later than the end of the 15th week before the expected week of childbirth (EWC) of:

- the pregnancy;
- the expected week of childbirth, this must be confirmed by providing a medical certificate (MATB1);
- the date she plans to start her maternity leave via a Maternity Leave request form.

5.2 Manager's responsibilities following pregnancy announcement

Conduct a workplace risk assessment

Managers have a legal obligation to ensure the health, safety and welfare of pregnant employees as soon as they are aware that they are pregnant and until six months after childbirth, or until the employee stops breastfeeding, whichever is later.

Managers need to complete a workplace risk assessment (or review an existing risk assessment) and review as necessary throughout the pregnancy and post pregnancy (as relevant). A model new and expectant mother risk assessment can be found on the Health and Safety pages of the HR intranet.

Managers should explore with employees any temporary measures required to support the employee, this may include; limiting external travel, reassessing work spaces to ensure equipment provides adequate support, utilising the flexi-time scheme to agree later start times etc. Guidance and support documentation can be found within the Safety Management Standards.

Where an unacceptable risk is identified and cannot be avoided, managers may:

- Alter the employees working conditions or hours - or if this is not reasonable, offer suitable alternative employment.
- Offer suitable alternative employment (or failing that paid leave) if the employee works at night and they produce a medical certificate which states that their health and safety is at risk from this.

Where there is a medical room available, this can be used by expectant mothers to rest and in the absence of a medical room alternative arrangements should be arranged in conjunction with the manager.

Support discussions

Employees and managers are encouraged to discuss the following in order for appropriate support to be provided:

- Provision of any emergency contact details.
- What sort of contact employees would like to have whilst on maternity leave and the best methods for this.
- Annual leave entitlement and how this might be taken.

5.3 Antenatal provisions

5.3.1 Mothers

Pregnant employees have a right to paid time off for antenatal care appointments. These appointments should be made where ever possible at either the start or end of the working day or when less disruption is caused to the service. Paid time off for parent classes or similar is only granted when these courses are prescribed by a medical practitioner.

Employees using the Flexi-time Scheme, whose appointments are scheduled during normal working hours, are entitled to a credit up to their normal standard hours.

Apart from the first appointment employees may be asked to produce evidence of the appointments and a copy of the last page of the pregnancy notes will usually suffice. Employees should however try and give their manager as much notice as possible of these appointments.

5.3.2 Fathers to be and partners

Fathers to be and partners (including same sex partners) of pregnant women are entitled to paid time off to attend up to two antenatal care appointments (not exceeding 6.5 hours each) that have been made on the advice of a medical practitioner. This excludes parental classes or similar appointments that have not been prescribed by a medical practitioner.

5.3.3 Parents in surrogacy cases

Both intended parents in a surrogacy case who meet certain criteria set out under the Human Embryology and fertilization Act 2000 will have the right to unpaid leave to attend up to two antenatal appointments (not exceeding 6.5 hours each) that have been made on the advice of a medical practitioner. Where the intended parent is the biological father they are entitled to paid time off to attend up to 2 appointments (this

is a maximum of 2 appointments, not 2 as the biological father and 2 as the parental order parent).

5.4 Maternity Leave

Duration

Pregnant employees can take up to 52 weeks maternity leave made up of 26 weeks of ordinary maternity leave (OML) followed by 26 weeks of additional maternity leave (AML), regardless of length of service. Employees are entitled to all contractual benefits, except pay, for the full 52 weeks of maternity leave.

New mothers must take a minimum of 2 weeks maternity leave (compulsory period) following the birth of the baby.

Mothers can choose to share their maternity leave (once they have taken the compulsory period) with their partner / co-parent by ending their period of maternity leave and instead taking shared parental leave (refer to section 8).

Start date

The earliest a woman can start her maternity leave is 11 weeks before the EWC. The latest a woman can start her maternity leave is her expected due date. Employees must give their manager at least 28 days notice in writing of the date they would like their maternity leave to commence. The employee may request to change this date after giving notice and they should give their manager as much notice as possible if they wish to do this.

If the baby is born earlier than the date which the employee had planned to commence maternity leave then the period of maternity leave will commence automatically. In this situation the employee should inform their manager of the baby's date of birth as soon as possible and the manager should notify HR Payroll Services.

If the employee is absent from work with a pregnancy-related illness, within 4 weeks of their due date, maternity leave will start automatically, even if they had intended to start their maternity leave later.

Returning to work

Employees are under no obligation to tell their manager of their intentions to return to work before they commence their maternity leave. Any discussions at this point are not binding and employees are not required to finalise any arrangements at this time.

For statutory maternity pay (SMP) purposes, employees who are not returning after the birth should not resign from their post until the end of their maternity leave. They should just indicate that they do not wish for the occupational maternity payment to be made to them and resign in writing giving their contractual notice.

5.5 Maternity Pay

Types of maternity pay and qualifying criteria

1. **Occupational Maternity Pay (OMP)** – to qualify for OMP employees need to have completed a minimum of 1 year's continuous service by the 15th week before the EWC.
2. **Statutory Maternity Pay (SMP)** – to qualify for SMP employees need to have completed a minimum of 26 weeks continuous service with Walsall Council by the 15th week before the EWC and their average weekly earnings must not be less than the lower earnings limit for National Insurance contributions.
3. **Maternity Allowance (MA)** – employees who are not eligible for SMP may instead be eligible for maternity allowance. Employees in this category should contact Payroll who will provide further advice regarding how maternity allowance should be claimed from the Department of Work and Pensions.

Maternity pay entitlement is calculated by Payroll on receipt of a completed Maternity Leave and Pay Provisions Application Form and the submission of a MATB1 form. The MATB1 is issued by a doctor or midwife at around week 20 – 24 of pregnancy. The original of the MATB1 is required in order to receive maternity pay. Additional copies of the MATB1 certificate should be made if required as it cannot normally be re-issued.

Once maternity pay entitlement has been calculated, HR Payroll Services will contact employees providing details of pay entitlement and significant dates. The statutory entitlement is based on the salary at the qualifying week (15th week before EWC) and OMP is based on salary at the commencement of maternity leave.

Employees who are not entitled to OMP, SMP or maternity allowance will still be entitled to 52 weeks unpaid maternity leave.

Maternity pay entitlement

Maternity leave period	Statutory Maternity Pay (SMP)	Occupational Maternity Pay (OMP)
Weeks 1 - 6	90% of employees average weekly earnings	90% of employees average weekly earnings (pay offset against any payments made by way of SMP or MA)
Weeks 7 - 18	SMP standard rate Where employees normal earnings are lower than SMP, they will receive 90% of normal earnings instead of SMP rate	Half normal weekly pay This will be in addition to SMP standard rate or MA (providing the total does not exceed normal pay)
Weeks 19 – 39	SMP standard rate Where employees normal earnings are lower than SMP, they will receive 90% of normal earnings instead of SMP rate	n/a
Weeks 40 - 52	n/a	n/a

A summary of entitlement can be found in appendix 2.

Payments are based on an employee's current salary and will be adjusted to reflect any pay increases during the maternity leave period.

Employees are required to return to work for a minimum of 12 weeks at the end of their maternity leave period to qualify for half pay OMP. If employees do not return for the required time then any half pay OMP paid to them will be claimed back. If employees are unsure of their intentions to return, they can elect to have their half pay OMP deferred and paid usually in a lump sum at a later date.

If an employee has more than one contract of employment with the Council and only returns to one of these contracts, they will not be required to pay back any half pay OMP, provided they complete 3 months service in at least one of their contracts.

Employees are not required to pay back any SMP received, even if they do not return to work.

5.6 Other entitlements and requirements

5.6.1 Contractual status whilst on Maternity Leave

On maternity leave employees are still employed by Walsall Council and should not enter into any other form of contractual employment (paid or otherwise) during this time. They may however, undertake training courses. Employees may move to another employer during maternity leave but leave is not transferable from the Council. If an employee commences work with a non local government / modification order employer

(having followed procedure for resigning from their post), maternity leave will cease and any outstanding SMP / half pay OMP will not be paid. Any half pay OMP paid before this time would be reclaimed. If however an employee takes up employment with another recognised body (such as a local authority) their service will be considered continuous and SMP / half pay OMP will not be reclaimed under these circumstances.

If the employee has completed 26 weeks of continuous employment with Walsall Council by the 15th week before the expected week of childbirth and earns enough to qualify for SMP, the employee will still be entitled to statutory maternity pay if they voluntarily leave employment, as long as it is on or after the 15th week before the expected week of childbirth.

5.6.2 Minimum contact

Whilst on maternity leave employees should expect to receive a reasonable level of contact with their manager to keep them informed of any changes or information, including:

- Payslips
- Current vacancies specifically relating to the immediate department
- Details of any 'Team Days' or training courses
- Details of any restructures / organisational changes that affect the employee
- Any other documentation relating to a consultation process

The manager may make reasonable contact with the employee to discuss plans to return to work, or any other changes that the employee may wish to make, such as working hours or pattern. This should be at a time that is mutually convenient to both parties.

5.6.3 Keeping in touch (KIT) days

Keeping in Touch (KIT) days allow an employee to do some very limited work under the terms of their contract without losing SMP for the week in which the work is done. This is limited to a maximum of 10 days (with the legal exception of 2 weeks after the birth) and must be agreed between the employee and their manager. Neither side is able to insist that KIT days are worked. Any days or sessions worked do not extend maternity leave – it remains at 52 weeks.

Examples of this include attendance at team 'away days' / training sessions or time with the team prior to returning from maternity leave. Specific project work may also be considered suitable for KIT days. The 10 days do not have to be taken as a whole day and can be worked on an hourly basis – working for any part of a day will count as a full day for KIT purposes.

Payment for these days is at an employees' normal contractual pay rate for the number of hours worked during that day and any SMP due is offset against this payment.

Where the period of time worked generates a payment less than the SMP rate, no payment will be made.

Employees working KIT days should claim for this via an overtime form within 28 days. It is normally paid in the next pay cycle – subject to payroll requirements. Alternatively an employee can opt to have a KIT day credited to their TOIL entitlement.

Health and Safety implications must be considered if undertaking any KIT days and a risk assessment should be completed prior to these days commencing.

Outside of KIT days employees are welcome to visit the team whilst on maternity leave though they should check with the manager that the visit is at a convenient time – especially if the employee is bringing their baby in to work.

5.6.4 Annual leave and bank holidays

Employees accrue annual leave throughout normal and additional maternity leave. If an employee returns to work on a part-time basis, leave will be accrued pro rata from the date the contract is changed. The contract should not change until the employee returns to work.

It is normally advised that individuals take their annual leave entitlement for the year before maternity leave starts, but this should be agreed with the manager. As far as possible, leave should be taken in the current leave year. However, where this isn't possible, outstanding leave can be carried over.

Any outstanding annual leave can be paid to an employee during the maternity leave period – whilst in a period of nil pay (after week 39 of AML). This payment should be requested direct from the manager by the employee in writing during maternity leave.

Subject to approval with the manager annual leave can sometimes be taken in the first weeks back at work, effectively extending the maternity leave period. However, any such period of annual leave will be subject to operational requirements.

Bank Holidays and other statutory days are accrued whilst the employee is on maternity leave on a TOIL basis, this leave can be taken at any time and is not subject to any carry over restrictions.

5.6.5 Pension

If the employee is a member of the local government pension scheme, pension contributions will be deducted from the maternity and contractual pay entitlement whilst on maternity leave, unless indicated otherwise by the employee. This period will count as service for pension purposes in the normal way. When maternity pay runs out and the employee goes into nil pay, the employee can choose whether to make contributions.

The employee will be offered the opportunity to pay for the missing service at the end of their maternity break.

If the employee does not pay any contributions during this time, the period will not count as service for pension purposes.

5.6.6 Redundancy

Maternity leave counts as continuous service for redundancy purposes and does not affect the right to a redundancy payment.

5.6.7 Car parking permits

Whilst on maternity leave, an employee can opt to retain their staffing car parking permit and continue to use the parking facility whilst on maternity leave, however payments will continue to be taken during the leave period. Alternatively permits can be surrendered back to the car parks office and payment ceased.

5.6.8 Strike action

Calculation of maternity pay entitlement is unaffected by Industrial Action. Pregnant employees and those on maternity leave are normally requested to be exempt from strike action. There are also rules regarding lone working for pregnant employees during a period of industrial action.

5.6.9 Returning to work

Employees may take as much of their 52 week entitlement as they wish. To simplify notice procedures, it is now assumed that all employees will take their 52 week entitlement.

If an employee wishes to return early, at any point before the end of the 52 week period, they should give the manager at least 8 weeks' notice in writing of their intention to return. If an employee is intending to make any changes to their working pattern, this should have been raised with the manager before this time. The manager must contact the employee to confirm this date and to make arrangements for the employees return.

If correct notice is not given, the manager can delay the employees return but not beyond the end of the 52 weeks.

If an employee wishes to return at the end of the 52 week period, then no notice is required and they should simply return at the start of the following week, this date is confirmed to the employee at the time of going on maternity leave.

A notification of return to work form should be completed for Payroll, to put the returning employee back onto payroll on return from maternity leave, if there are any changes

or this is before the 52nd week. If no form is received the employee will be re-instated on the same terms at the end of the 52 weeks maternity leave.

5.6.10 Working arrangements

As part of a planned return to work, the employee should meet with the manager to discuss their return, prior to the minimum notice periods required. This can be classed as a KIT day if there is still an outstanding allowance of KIT days. This discussion should cover any flexible working requests, using annual leave on return to work or other arrangements which can be put in place to support the employee returning.

5.6.11 Not returning from maternity leave

Not returning from maternity leave constitutes a resignation so there will be no statutory right to return to work if the employee changes their mind. Employees are encouraged to think carefully about this decision and discuss all the options with the manager.

If employees have received Occupational Maternity Pay they will need to repay the 12 weeks at half pay.

Employees will then receive a final payment which will also take into account any outstanding annual leave, flexi or TOIL. This will be treated as a normal leaver from the Council and arrangements will be made for the collection of any personal possessions and the return of any ID, car park pass or any other council property.

Should the employee be unable to return to work at the end of the period of maternity leave due to sickness then this absence should be reported as per the normal sickness reporting process. This only applies after the agreed return to work date.

5.6.12 Flexible working

Once the employee has given notice of their intention to return to work, there are a number of things to consider.

In the normal course of employment, the employee has a right to return to the job in which they were employed under the original contract of employment. If changes have taken place the employee is entitled to be offered suitable alternative employment. Specific circumstances (e.g. redundancies) could, of course, affect this.

The employee will also have a statutory right to request flexible working such as changing/reducing contractual hours which the Council will consider. The employee does not have an absolute right to return to work on different terms, as the right to return after maternity leave relates to the position held before the leave began. However, if an employee thinks they may like to change their hours (or other conditions), they should discuss the matter with their manager as soon as possible before the date of return.

Returning part time does not affect an employee's entitlement to retain 12 weeks OMP, providing the employee returns to work for the minimum period of 3 months.

5.6.13 Breastfeeding

Should an employee wish to continue with breastfeeding and need to feed or express breast milk once they have returned to work, they will be supported with time away from work and a facility for this. Managers should discuss this with the HR Team in the first instance as the facilities available will depend upon work location.

Any required nursing breaks are paid at full pay and managers should be advised of times in advance, where possible.

5.6.14 Following a return to work

Once the employee has returned to work, the manager should complete another risk assessment as a returning mother. This will take into consideration any adaptations that now have to be made. This normally happens at the return to work meeting on the employee's first day back. Other sections of this procedure may also become relevant such as unpaid ordinary parental leave.

5.6.15 Maternity rights

Unfair treatment and dismissal

During pregnancy, whilst on maternity leave and on return from maternity leave, employees have a right to be protected from unfair treatment or dismissal which is connected to pregnancy. During maternity leave, employees must be consulted with over any restructures or redundancies.

Returning from maternity leave

Employees returning from maternity leave, have a right to return to work on terms and conditions no less favourable than those which would have applied, had the employee not been absent.

If a post is made redundant, or there are other exceptional circumstances, for example a reorganisation/ restructure during maternity leave, employees are entitled to be offered a suitable alternative vacancy, where this exists.

5.6.16 What if something goes wrong?

Whilst it is hoped that a pregnancy goes according to plan, the Council will support employees as much as possible if anything goes wrong. The Employee Assistance Programme may be able to help with any concerns, though any non work related

issues should be raised with the GP/Midwife. Counselling support is available for employees 24/7 on 0330 380 0658.

If an employee suffers a miscarriage or the baby dies before 24 weeks of pregnancy the employee will be eligible for sick pay and/or possibly special leave according to the circumstances.

If the baby is stillborn or dies after 24 weeks of pregnancy an employee will still be entitled to maternity pay / leave. The employee will also be entitled to parental bereavement leave (see the leave and time off policy).

If the baby is born before 30 weeks and survives, the Council will consider requests for extended leave on an individual basis. Provision can be made for maternity leave to be 'paused' until the baby leaves hospital or a time the employee requests. Maternity leave can also be extended beyond the normal leave periods in certain cases. This is an exceptional circumstance and the manager should contact the HR Operational Team in this situation.

6.0 Adoption Policy

Adoption leave and pay will be available to employees who meet the eligibility criteria and are matched with a child for adoption or have a child through a surrogacy arrangement.

Adoption leave and pay will be available to one member of a couple who adopt jointly. This individual is classed as the “main adopter”. The partner of an individual who adopts, or the “secondary adopter”, may be entitled to paternity leave and pay or shared parental leave. This is regardless of gender.

6.1 Pre-adoption provision

Statutory pre-adoption provision

Employees are entitled to take paid time off work to attend adoption meetings:

- Time off must be taken in the period between being notified of match with the child and the date the child joins the family.
- Single adopters are entitled to paid time off to attend up to 5 adoption meetings
- In the case of dual adopters, the main adopter (who plans to take the adoption leave) will be entitled to paid time off to attend up to 5 meetings, and the other adopter (who may take paternity leave) is entitled to paid time off to attend up to 2 meetings

Documentary evidence should be provided by the employee for approval of time off with pay.

Occupational pre-adoption provision

To support the adoption process the council will also allow employees up to 5 days paid leave to attend an adoption preparation course (usually 4 days plus 1 day follow up 3 months later) before being matched with a child.

In the event of both adopters being employed by the council, they will both be entitled to the above. This leave is available to all employees regardless of length of service.

Employees may also request time off as part of the introduction to the child (usually 1-2 weeks depending on the age of the child). Employees are expected to use annual/flexi leave for this purpose, and managers should ensure that where possible requests for this leave are granted as the timing is dependent upon the adoption agency.

6.2 Statutory adoption leave

Adoption leave is a ‘day 1 right’ meaning employees do not need to have a qualifying period of service to qualify for Statutory Adoption leave (SAL), however they must meet certain eligibility criteria, which differs for UK and overseas adoptions;

UK Adoptions	Overseas Adoptions
Qualifying criteria	Qualifying criteria
<p>An employee qualifies for SAL if they:</p> <ol style="list-style-type: none"> 1) have been matched to a child to be placed with them by a UK adoption agency 2) have notified the agency that they agree the child should be placed with them and agree the date of the placement 3) have given the Council the correct notice (see below) 	<p>An employee qualifies for SAL if they:</p> <ol style="list-style-type: none"> 1) have received official notification from the relevant UK authority (usually the Department of Health) of their eligibility to adopt a child from overseas. <p>The notification confirms either:</p> <ol style="list-style-type: none"> a) that the authority is prepared to issue a certificate to the overseas authority dealing with the adoption of the child, or; b) that the authority has issued a certificate and sent it to the overseas authority <ol style="list-style-type: none"> 2) have provided the correct notification of the overseas adoption 3) have given the Council the correct notice (see below)

UK Adoptions	Overseas Adoptions
Notice	Notice
<p>Within 7 days of being matched with a child, the employee must tell the council;</p> <ul style="list-style-type: none"> • how much leave they want • the date on which they want their adoption leave to start (giving at least 28 days notice, unless the time between the child being matched and placed is less than that) • the date of placement (i.e. the expected date or actual date the child is placed with them) 	<p>Within 28 days of getting the notification, the employee must tell the council the date of their ‘official notification’ and the expected date the child arrives in the UK.</p> <p>Within 28 days of the child arriving in the UK, the employee must tell the council the actual date of arrival.</p> <p>The employee must tell the council;</p> <ul style="list-style-type: none"> • how much leave they want • the date on which they want their adoption leave to start (giving at least 28 days notice, where reasonable practicable)

Employees must notify the council, by completing the adoption leave and pay application form, at least 28 days before they want the adoption leave and statutory adoption pay to start, or as soon as is reasonably practicable.

Employees will be able to change their mind about the date on which they want their leave to start providing they tell the council at least 28 days in advance (unless this is not reasonably practicable).

Employees will not qualify for adoption leave (or adoption pay) if they:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a family member or stepchild
- have a child with the help of a surrogate mother, where the intended parents are not eligible for a Parental Order or where they meet the conditions but do not intend to apply for a Parental Order.

Duration

The statutory adoption leave (SAL) period is made up of 26 weeks' ordinary adoption leave (OAL) followed by 26 weeks' additional adoption leave (AAL), regardless of length of service. Employees are entitled to all contractual benefits, except pay, for the full 52 weeks of adoption leave.

The main adopter can choose to share their adoption leave with their partner / secondary adopter by ending their period of adoption leave and instead taking shared parental leave. They must take at least 2 weeks of adoption leave before starting any shared parental leave.

Adoption leave will end if the placement does not take place or breaks down. The employee must inform their manager if this occurs.

Start Date

Adoption leave can start:

- on the date the child starts living with the employee or up to 14 days before the expected placement date (for UK adoptions only)
- when an employee has been matched with a child to be placed with them by a UK adoption agency
- on the date the child starts living with the employee or up to 14 days before the expected placement date providing that the child has arrived in the UK (for overseas adoptions).

- the day the child is born or the day after (for parents in surrogacy arrangements)

Returning to work

Employees are under no obligation to tell their manager of their intentions to return to work before they commence their adoption leave. Any discussions at this point are not binding and employees are not required to finalise any arrangements at this time.

For statutory adoption pay (SAP) purposes, employees who choose not to return should not resign from their post until the end of their adoption leave. They should just indicate that they do not wish for the occupational adoption pay (OAP) to be paid to them and resign in writing giving their contractual notice.

6.3 Adoption pay

To qualify for adoption pay employees must:

- give the Council the correct notice (see above, the notice is same as that required for statutory adoption leave)
- give the Council proof of the adoption, and
- meet the employment qualifying criteria

The employee must declare that they are the main adopter and are therefore taking adoption leave and/or pay, not paternity leave and/or pay (see the adoption leave and pay application form).

Proof of the adoption

UK Adoptions	Overseas Adoptions
<p>The evidence must show:</p> <ul style="list-style-type: none"> • the name and address of the adoption agency and employee • date the child was matched, e.g. the matching certificate • the expected or actual date of placement, e.g. a letter from the agency 	<p>The evidence must show:</p> <ul style="list-style-type: none"> • the name and address of the adoption agency/authority and employee • the relevant UK authority's 'official notification' • the date the child arrived in the UK, e.g. plane ticket

Employees should ask their adoption agency for a matching certificate (or 'official notification' for overseas adoptions) which will includes basic information on matching and expected placement dates.

Employment qualifying criteria

UK Adoptions	Overseas Adoptions
STATUTORY ADOPTION PAY (SAP)	
To qualify for SAP employees need to have completed a minimum of 26 weeks' continuous service with Walsall Council by the week in which they were notified of having been matched with the child (i.e. the 'matching week'), and their average weekly earnings must not be less than the earnings limit for National Insurance contributions.	To qualify for SAP employees need to have completed a minimum of 26 weeks' continuous service with Walsall Council by the week that they receive official notification of adoption, or by the time they want to start their SAP to begin, whichever is later, and their average weekly earnings must not be less than the earnings limit for National Insurance contributions.
OCCUPATIONAL ADOPTION PAY (OAP)	
To qualify for OAP employees need to have completed a minimum of 1 year's continuous service by the week in which they were notified of having been matched with the child (i.e. the 'matching week'). The matching week starts on a Sunday and ends on a Saturday.	To qualify for OAP employees need to have completed a minimum of 1 year's continuous service by the week that they receive official notification of adoption, or by the time they want to start their SAP to begin, whichever is later.

Employees who are not eligible for SAP may be eligible for other welfare benefits and should contact their adoption agency or local Job Centre Plus office.

Adoption pay entitlement

Adoption leave period	Statutory Adoption Pay (SAP)	Occupational Adoption Pay (OAP)
Weeks 1-6	90% of employees average weekly earnings	90% of employees average weekly earnings (pay offset against any payments made by way of SMP or MA)
Weeks 7-18	SAP standard rate Where employees normal earnings are lower than SAP, they will receive 90% of normal earnings instead of SAP rate	50% of employees average weekly earnings This will be in addition to SAP standard rate or MA (providing the total does not exceed normal pay)
Weeks 19-39	SAP standard rate Where employees normal earnings are lower than SAP, they will receive 90% of normal earnings instead of SAP rate	n/a
Weeks 40-52	n/a	n/a

A summary of entitlement can be found in appendix 2.

Payments are based on an employee's current salary and will be adjusted to reflect any pay increases during the adoption leave period.

Employees are required to return to work for a minimum of 12 weeks at the end of their adoption leave period to qualify for OAP. If employees do not return for the required time then any OAP paid to them will be claimed back. If employees are unsure of their intentions to return, they can elect to have their OAP deferred and paid usually in a lump sum at a later date.

If an employee has more than one contract of employment with the Council and only returns to one of these contracts, they will not be required to pay back any OAP, provided they complete 12 weeks service in at least one of their contracts.

Employees are not required to pay back any SAP received, even if they do not return to work.

6.4 Other entitlements and requirements

Those taking adoption leave are also entitled to the same protections as those on maternity leave. Please see section 3.5 for other related entitlements and requirements. Where maternity is mentioned adoption should be substituted, likewise SMP/OMP with SAP/OAP.

6.5 Specific adoption cases

Foster carers who adopt

Ordinarily foster carers are not eligible for adoption leave and pay. However, the main prospective adopter who has a child placed with the under section 22C of the Children Act 1989 with a view to them adopting that child (sometimes referred to as "fostering for adoption"), are entitled to adoption pay and leave from when the child comes to live with them (initially for fostering). The partner or secondary adopter may be entitled to paternity leave and pay.

Adoption through surrogacy

The main intended parent in surrogacy arrangement, where they are eligible for and intend to apply for a Parental Order making them legal parents of the child, are entitled to adoption pay and leave.

To qualify for adoption leave:

- employees will have to give the Council a 'statutory declaration' (i.e. written declaration signed by the individual in the presence of a qualified person, such as a solicitor) confirming they intend to apply for a parental order in the 6 months after the baby's birth
- employees have to tell the council at least 15 weeks before the due date, when the baby is due and when they want their adoption leave to start.

To qualify for adoption pay:

Statutory Adoption Pay	To qualify for SAP employees need to have completed a minimum of 26 weeks continuous service with Walsall Council by the 15th week before the baby is due and their average weekly earnings must not be less than the lower earnings limit for National Insurance contributions.
Occupational Adoption Pay	To qualify for OAP employees need to have completed a minimum of 1 year's continuous service by the 15 th week before the baby is due.

The partner or second Parental Order parent may be entitled to paternity leave and pay or shared parental leave.

Where the Parental Order is refused by the court the adoption leave will end 8 weeks later or at the end of the 52 weeks, whichever is earlier.

Both intended Parental Order parents are entitled to take unpaid leave to accompany the surrogate mother to up to 2 for her antenatal appointments (up to 6.5 hours for each appointment) that have been made on the advice of a medical practitioner. Where the parental order parent is the biological father they are entitled to paid time off to attend up to 2 appointments (this is a maximum of 2 appointments, not 2 as the biological father and 2 as the parental order parent).

7.0 Paternity Policy

Employees may be entitled to Paternity Leave where their partner is having a baby, where they are adopting a child or having a baby through surrogacy arrangements. Whilst this will normally apply to fathers, same sex partners may be entitled providing they meet the eligibility criteria.

7.1 Entitlement to Paternity Leave

Fathers to be / adoptive fathers (or same sex partners) are entitled to take one or two week's paternity leave at or within 56 days of the birth (or placement for adoption). Leave cannot start before the birth or in adoption cases the date of placement. Employees can choose to take one week or two weeks as leave, however this must be as one block of leave not as separate weeks.

Only one period of leave is provided per pregnancy/adoption process regardless of the number of children.

To be eligible for Paternity Leave, employees must be:

- The biological father, or are married to the mother, or are a partner of the mother (or main adopter), or are the intended parent (if having a baby through a surrogacy arrangement), and;
- Will be taking leave to care for the child and / or support the mother, and;
- Have 26 weeks continuous service with Walsall Council by the end of the 15th week before the baby is due (or by the 'matching week' in adoption cases), and;
- Have been employed continuously from the 15th week before the baby is due until the actual date of birth (qualifying week).

7.2 Eligibility for Statutory Paternity Pay

Employees who qualify for Statutory Paternity Leave will also qualify for Statutory Paternity Pay (SPP) provided they are earning at least the Lower Earnings Limit for National Insurance at the end of the Qualifying Week.

Fathers to be / adoptive fathers (or same sex partners) are entitled to one week at full pay and one week at Statutory Paternity Pay when taking Paternity Leave.

The rate of Statutory Paternity Pay will be the same as the standard rate of Statutory Maternity Pay.

7.3 Notice required for Paternity Leave and Pay

To receive SPP and take paternity leave the employee must provide the following information in writing to the manager by the end of the 15th week before EWC;

- the date of EWC.

- the length of leave requested
- the date the leave is intended to start

Employees are required to complete a Paternity Leave/Maternity Support Leave Application Form.

8.0 Maternity Support Policy

Maternity Support Leave (MSL) of 5 days with pay is provided under the NJC Conditions of Service for Local Government Services (the Green Book). It is special leave which may be granted in addition to annual leave to employees to support an expectant mother. Some employees may also be eligible to apply for Paternity Leave, and they should select the Scheme which is most suitable for them.

Employees should complete the Paternity Leave/Maternity Support Leave Application Form.

8.1 Eligibility for maternity support leave

The Scheme applies to all employees irrespective of their length of service with the Council. In most cases this will be the child's father or co-parent. However, in certain circumstances the mother may need to nominate an alternative person to be the primary provider of care or support on or around the time of the birth, for example, if the father is in the forces abroad. This individual is called the "nominated person" and is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth. In all cases the employee applying for MSL will be expected to produce the original MATB1 which confirms the mother's expected date of childbirth.

8.2 Period of leave

Employees applying for maternity support leave will be granted 5 days leave with pay at or around the time (within 56 days) of birth. Leave cannot start before the birth or in adoption cases the date of placement.

8.3 Maternity Support Leave & Paternity Leave

An employee may be eligible for both Maternity Support Leave and Paternity Leave. Those employees who qualify for both will be entitled to:

- 5 days MSL at full pay (MSL offset by SPP);
- the second week as paternity leave at the SPP rate

Employees do not need to take both weeks, but where they do this must be as one block of leave not as separate weeks.

9.0 Shared Parental Leave Policy

Shared Parental Leave (SPL) is designed to give parents more choice and flexibility in how they share the care of their child in the first year following birth or adoption.

SPL allows mothers, fathers, partners and adopters to choose how to share a period of leave between them after their child is born or matched / placed for adoption. This could include both parents being off work at the same time and/or taking it in turns to have periods of leave to look after the child.

9.1 Maternity Leave & Shared Parental Leave

Mothers will continue to be entitled to 52 weeks maternity leave, however SPL allows them flexibility as to whether to take all 52 weeks as maternity leave or share some of their maternity leave with their partner.

Mothers must take two weeks compulsory maternity leave then following this the remaining leave can be taken either as maternity leave or as SPL, provided the mother (or main adopter) has opted out of her maternity leave and both parents meet the required eligibility criteria for SPL.

Fathers / partners will continue to be entitled to two weeks paternity leave immediately after a child's birth, following which they will be able to apply for SPL, provided the mother (or main adopter) has opted out of her maternity leave and both parents meet the required eligibility criteria for SPL.

Parents can choose to opt into SPL at any point providing that there is some untaken maternity leave left to share.

The combined leave taken by both parents in total must not exceed 52 weeks (including any maternity leave or adoption leave).

9.2 Eligibility for Shared Parental Leave (SPL)

To qualify for SPL;

- the mother must have ended her period of maternity leave or returned to work;
- and both parents (birth / adoptive parents) must be working and individually meet the following criteria:
 - both parents must have / expect to have main caring responsibilities for the child
 - 26 weeks continuous service with Walsall Council by the end of the 15th week before the expected week of childbirth (EWC) or the notified week of adoption;
 - still be employed in the week before SPL is due to start;

- have given the required notice (see notice requirements - SPL section 8.5);
- have provided any evidence requested;
- the employee’s partner must also satisfy the economic activity test (see www.gov.uk), which at the time of writing requires the partner to;
 - have worked for any 26 weeks out of the 66 weeks before the EWC (or the ‘matching week’ in adoption cases), and;
 - earned at least £390 in total in any 13 of the 66 weeks

Each parent must qualify for SPL in their own right.

For the mother to qualify for SPL she must be entitled to statutory maternity leave (SML) and have curtailed that leave.

For the father/partner to qualify for SPL, the mother must be entitled to SMP/maternity allowance/ SML, and have curtailed that pay/allowance/leave.

9.3 Eligibility for Statutory Shared Parental Pay (ShPP)

To qualify for ShPP;

- the employees’ average salary for 8 weeks before the 15th week before the EWC must be at least the lower earnings limit (the current limit can be checked on www.gov.uk).
- The employee must have 26 weeks continuous service with Walsall Council by the end of the 15th week before the EWC.
- Have given the required notice (see notice requirements - ShPP section 8.5).

Each parent must qualify for ShPP in their own right.

9.4 Statutory Shared Parental Pay (ShPP) entitlement

ShPP entitlement is equivalent to SMP entitlement and is paid at the same rate.

Shared Parental Leave period	Statutory Shared Parental Pay (ShPP)
Weeks 3 - 6	90% of employees average weekly earnings This will be the average weekly earnings of the employee who is on leave during that particular week
Weeks 7 - 39	SMP standard rate Where employees normal earnings are lower than SMP, they will receive 90% of normal earnings instead of SMP rate

Weeks 1-2 will be compulsory maternity leave for which the mother will receive SMP. Total statutory pay will not exceed 39 weeks combined. Adopters must take at least two weeks adoption leave to be able to access shared parental leave.

9.5 Notice requirements for SPL and ShPP

Mothers/Adopters are required to provide written notice in order to end their maternity/adoption leave before being eligible for SPL.

Employees are required to provide at least 8 weeks written notice of their intention to take SPL prior to SPL commencing (unless the child is born early and this has not been possible). This first notification should include an indication of the expected pattern of leave they will be taking; however the pattern of leave is not binding at this stage. Form SPL1 details the information which must be provided when informing the Council of the intention to take SPL.

Both parents have to notify their employers.

Employees are required to provide at least 8 weeks written notice of each period of shared parental leave they will be taking. Any notice given to take SPL is binding once submitted, unless notice was given before the birth, in which case employees can change their mind up to 6 weeks after the birth. If a mother revokes her notice following the birth she will be able to opt into SPL at a later date.

Employees are able to notify the Council up to a maximum of three times to request periods of leave and/or any changes to the leave periods they have requested (the original notification and up to two further notifications or changes). Any change requests to previously notified arrangements which are mutually agreed as changes between the Council and the employee can be made as long as both parties agree and these will not count towards the maximum of three notifications allowed.

9.6 Requesting shared parental leave

Once employees have provided written notice of their entitlement and intention to take SPL, they must book each period of leave, providing at least 8 weeks written notice before the start of each period of leave using Form SPL2. Employees can submit up to three separate notices (including any change requests for previously booked periods of leave – where change requests are mutually agreeable they do not count towards the maximum of 3 requests that can be submitted).

Each notice can be for a block of continuous leave, or the notice may request a pattern of discontinuous leave involving different periods of leave.

Requests for a continuous block of leave will be granted. The Council may attempt to discuss and seek agreement to modify a continuous leave requests, however employees are under no obligation to accept any modifications to a continuous leave request.

Requests for a discontinuous block of leave will be considered in line with the needs of the service. The outcome which, will be provided within 14 calendar days of the request being received, may be anyone of the following;

1. That the request for a discontinuous block of leave is granted
2. That an alternative pattern of either discontinuous or continuous leave (as appropriate to the service) is proposed by the Council and agreement sought with the employee
3. That the discontinuous leave request be refused

Where the outcome is either option 2 or 3 the employee can withdraw their request on or before the 15th day after the request was originally made and it will not count as one of their three requests. If the employee does not withdraw their request, they must take the total amount of leave they had requested in one continuous block. The employee can choose when this leave period will begin within 19 days (i.e. 5 days after the 14th day) of the date the request was given to the employer but it cannot start sooner than the initially requested start date. If the employee does not request an alternative start date within the 19 day period, the leave will begin on the starting date stated in the original request.

9.7 Right to retain a job

If the period of leave does not exceed 26 weeks, the employee has the right to return to the same job. This will apply whether or not the leave is taken continuously. If the period of leave exceeds 26 weeks, the employee has a right to return to the same job or, if not reasonably practicable, a similar job.

9.8 Shared Parental Leave in touch (SPLIT) days

Each employee may take up to 20 in-touch (SPLIT) days during a period of shared parental leave without it bringing the leave to an end. These 20 days are in addition to the 10 'Keeping In Touch' (KIT) days that are available to those on maternity or adoption leave.

SPLIT days follow the same principles as KIT days.

9.9 Shared parental leave in adoption and surrogacy

Shared parental leave will also be available to adoptive parents and intended parents through surrogacy. The following points apply:

- Adopters will have the same rights as other parents to maternity leave and pay and if eligible, will be entitled to share parental leave.
- Surrogate parents who meet the criteria to apply for a Parental Order will be eligible for statutory adoption leave and pay and shared parental leave and pay again if they meet the qualifying criteria.

10. Ordinary Parental Leave Policy

Ordinary parental leave (OPL) is separate to shared parental leave (SPL) and entitles eligible employees the right to take 18 weeks unpaid time off work to look after a child or make arrangements for the welfare of a child.

OPL is available to both male and female employees, irrespective of any current working arrangements or previous applications. OPL is granted per child born or adoptee, and not per employee, so in the case of twins or multiple adoptions (i.e. twins or siblings adopted at the same time) parents' entitlement is per child.

Employees remain employed during any period of unpaid parental leave and are not permitted to use their parental leave to take up any other employment.

Employees can use their OPL for a variety of reasons, such as;

- To spend more time with a child
- To support a child whilst in hospital
- To investigate nurseries or schools or to make other caring arrangements

10.1 Eligibility for OPL

To qualify for OPL the employee:

- Must have at least 1 year's continuous service;
- Must be named on the child's birth or adoption certificate, or have/expected to have parental responsibility for a child, and;
- The child is under 18 years of age

Foster parents are not eligible for OPL unless they have secured parental responsibility through the courts.

10.2 OPL entitlement

Eligible employees are entitled to take up to 18 weeks unpaid leave in total for each child. Leave can be taken at any point once the child is born or matched / placed for adoption, up to the child's 18th birthday. The limit on how much OPL each employee can take in a year is 4 weeks per child.

OPL may be taken as:

- A single block of up to 4 weeks in any one year, or;
- A number of shorter blocks of leave that must be taken in multiples of a week, unless the child is disabled, in which case the leave can be taken in individual days.

Employees who work part time will have their OPL allowance on a pro-rata basis. Therefore a week's leave will be equal to the length of time that employee normally

works during a week, i.e. 5 days for an employee who works Monday through to Friday or 2 days for an employee who works Tuesday and Wednesday only.

10.4 Applying for a period of unpaid OPL

Form OPL1 is required to be submitted giving a minimum of 21 days notice of a request to take ordinary parental leave.

The provisions in place in respect of fathers who wish to take a period of parental leave beginning when their child is born are slightly different. In this case, the notice must be given at least 21 days before the expected week of childbirth, and must specify the expected week of childbirth and the duration of the period of parental leave requested.

Similarly, where parental leave is requested to begin on an adopted child's placement, the employee's notice must be given at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. The notice must specify the week in which the adoption placement is expected to occur and the duration of the period of parental leave requested.

10.5 Postponement of OPL

In most cases, a period of OPL requested by an employee may be postponed if the employee's absence at the time requested would cause undue disruption to the business. If this is the case, the line manager must:

- give the employee written notice of the postponement;
- state the reason why the postponement is necessary; and
- suggest alternative dates for the employee to take an equivalent period of parental leave within the next six months.

The notice of postponement must be given to the employee no more than seven days after receipt of the employee's notice requesting OPL.

The manager may not, however, postpone OPL where the period of leave has been requested to coincide with the birth of the child or the child's adoptive placement. This is the case irrespective of whether the dates requested are likely to cause inconvenience or disruption to the business.

10.6 Rights on return to work after OPL

Employees are not required to give any specific notice of their return from OPL, as the return date will have been agreed at the outset. The employee should simply turn up for work in the usual way on the appropriate date.

10.7 Pay and benefits during OPL

Terms and conditions remain the same for employees on OPL except the period of leave is unpaid. Time taken is treated as continuous service and employees continue to accrue annual leave and other holiday entitlements regardless of how the leave is taken.

Employees who are sick during OPL are entitled to sick pay (on provision of GP fit note) and they will be entitled to claim back the OPL entitlement.

10.8 Pension

If the employee is member of the local government pension scheme, the employee will be offered the opportunity to pay for the missing service at the end of their break, and should discuss how to do this with Payroll.

If the employee does not pay any contributions during this time, the period will not count as service for pension purposes.

11.0 Fostering Friendly Policy

The council recognises and values the contribution that foster carers make to the lives of children and young people in care. We understand that foster carers will need some flexibility in their working arrangements in order that they can meet the needs of their fostered child or young person.

The council is committed to support any staff member who is a foster carer or approved kinship carer. We will do this, wherever possible, by creating a fostering friendly organisation that offers flexible working arrangements which respond to the needs of all staff who are foster carers or approved kinship carers.

11.1 Entitlement to foster care leave

There is no statutory right to time off work to care for foster children. However, the council will allow employees paid leave if they meet the following eligibility criteria;

- they have completed a minimum of 26 weeks' continuous service by the time they want to take foster care leave;
- they are registered as a foster carer, or are applying to become a carer, with a local authority or registered foster care agency, and have proof of fostering (confirmed by a local authority as the corporate parent);
- they have, or expect to have, responsibility for a 'looked after child' (where a local authority is the child's corporate parent), and the leave is for the purpose of attending training and meetings related to a fostering placement. The placement can range from weekend respite through short term to long term and permanent arrangements.

It does not apply to the care of children who are family members, unless the employee is caring for a child under Regulation 24 arrangements as an approved connected foster carer or under a Child Arrangement Order or a Special Guardianship Order.

11.2 Foster care leave

The council recognises that employees interested in fostering must go through a robust assessment process and intensive training before they can be approved. Therefore, an employee applying to become a registered foster carer may take up to 5 days paid leave to attend pre-approval training, assessment and panel process to becoming a foster carer.

An employee who is a registered foster carer may take up to a maximum of 7 days paid leave per year whilst a child or children are placed with them. This maximum is regardless of the number of children or placements that the employee has. In addition, the employee may have paid time off to attend their statutory 6 monthly meetings.

The paid leave may be used at the commencement of a placement to help settle the child or to ensure child care arrangements can be put in place or to attend meetings, home visits or mandatory training related to the fostering placement.

Foster care leave is pro rata for part time employees.

Where a couple are applying to become foster carers and both are employees of the council each employee will be entitled to the above leave.

Leave may be taken in half or whole days, subject to the needs of the service. Documentary evidence that a placement is due to start or that the employee is required to attend meetings or training must be provided for approval of time off.

There is no legal entitlement to leave for fostering purposes; therefore under this procedure any leave not taken in a year cannot be carried forward to the following year.

Where additional leave is require beyond the 7 days employees may request to take annual leave, flexi leave, time off in lieu (TOIL) or unpaid leave. The manager will consider these requests in line with service delivery needs.

Foster to adopt

A foster carer who is approved as a prospective adopter, and the child is placed with them in a “foster to adopt” situation will be entitled to adoption leave and pay.

Other leave or working provision

Foster carers are entitled to the usual unpaid leave provisions, with the exception of Unpaid Parental Leave. There is no statutory right to unpaid parental leave for foster carers.

Employees may take a reasonable amount of time off to deal with emergencies concerning a foster child, such as when a child falls ill or is injured, or to deal with an incident which involves a child which occurs unexpectedly at an educational establishment. Time off in this instance is unpaid.

Employees are expected to use annual leave or flexi-leave to cover known caring commitments.

Employees may wish to consider making a change to their working arrangement; this can be considered in accordance with the right to request flexible working policy.

11.3 Expectations of managers and employees

The council recognises that foster carers will often need additional time off work as part of successful fostering. Managers should be sympathetic to requests for time off work and flexible working arrangements, and seek to accommodate these where there is no major detrimental effect on the service.

Employees are expected to minimise their request for leave by seeking to arrange meetings, home visits and training sessions etc in their own time. However, it is recognised that this is not always possible, in this case the employee should make requests for leave as far in advance as possible in order for requests to be properly considered and to enable cover arrangements to be made where required.

11.4 Requesting foster care leave

An employee who wishes to take foster care leave should give reasonable notice (at least 2 weeks' where possible) of the intention to take leave and set out the dates on which leave is to begin and end.

Documentary evidence must be provided by the employee for approval of time off with pay. If there are any confidentiality issues regarding supplying letters already held by the employee as supporting evidence, then the employee may request verification from their Family Support Worker or relevant local authority.

Leave will be authorised by the line manager, who will take into account the nature of the request and the needs of the service. There may be occasions when, due to service needs or insufficient notice, the manager may not be able to accommodate a request for leave.

11.5 Record of foster care leave

Foster care leave should be recorded on the employee's leave record card or a record kept by the line manager under the scheme used locally to record all leave.

Appendix 1 – Maternity Key Stages / Accountabilities

Significant Event Timeline requirements	Manager's Accountabilities	Employee's Accountabilities
Notification of pregnancy: As soon as applicable BUT prior to week 25 of pregnancy	Complete a Risk Assessment once informed of the employees pregnancy and review regularly.	Notify your manager of your pregnancy. Maternity information can be viewed at www.tommys.org
Submission of MATB1 As soon as supplied by Midwife / GP / Hospital	Send the MATB1 and application form to HR Payroll Services	Provide MATB1 form to manager with a completed Maternity Leave and Pay Provisions Application Form.
11 weeks before Expected week of confinement		This is the EARLIEST you can start your maternity leave
Period of sickness within 4 weeks of EWC	If an employee reports in sick during this time with a pregnancy related absence, Payroll should be instructed to commence an employee's maternity leave. The employee should be notified that this is the case.	
Week 39 of pregnancy or before (as appropriate)	Discuss the handover of any work. Consider the most appropriate way to deal with any outstanding annual leave.	
Week 40 of pregnancy	Confirm the start of the Maternity Leave.	If surrendering car parking permit return it to parking services.
During Maternity Leave	Send documents listed in 5.4.2 on a regular basis. Complete the Return to Work notification form. Arrange Keeping In Touch (KIT) days Discuss working arrangements post return to work Agree how annual leave will be taken following return to work (if any is going to be used)	Provide your manager with a copy of the child's birth certificate. Advise your manager if you wish to return from maternity leave early – 8 weeks' notice is required.
Upon return to work	Complete 'New Mother's Risk Assessment' – particularly important if the employee is breastfeeding Advise employee of facilities available for breastfeeding etc	Advise manager if you are breastfeeding.

Appendix 2 – Summary of Maternity Entitlement

Service at the beginning of the 15th week before the expected week of childbirth*	Pay entitlement	Leave entitlement
Less than 26 weeks service with Walsall Council and less than 1 year Local Government Service	No Statutory Maternity Pay - may be entitled to claim Maternity Allowance No Occupational Maternity Pay	Ordinary Maternity Leave 26 weeks Additional Maternity Leave 26 weeks i.e. 52 weeks in total
Less than 26 weeks service with Walsall Council but more than 1 year Local Government Service	No Statutory Maternity Pay - may be entitled to claim Maternity Allowance Entitled to Occupational Maternity Pay: Weeks 1-6 90% of normal pay Weeks 7-18 half pay (repayable if do not return to work for a minimum of 12 weeks) (OMP offset against any MA payments – the total cannot exceed normal pay.)	Ordinary Maternity Leave 26 weeks Additional Maternity Leave 26 weeks i.e. 52 weeks in total
More than 26 weeks service with Walsall Council but less than 1 year Local Government Service	Entitled to Statutory Maternity Pay** Weeks 1-6 90% of normal pay Weeks 7-39 SMP rate (dependent on earnings) No Occupational Maternity Pay	Ordinary Maternity Leave 26 weeks Additional Maternity Leave 26 weeks i.e. 52 weeks in total
More than 26 weeks service with Walsall Council and more than 1 year Local Government Service	Entitled to Statutory Maternity Pay** 39 weeks (dependent on earnings) Entitled to Occupational Maternity Pay: Weeks 1-6 90% of normal pay Weeks 7-18 half pay (repayable if do not return to work for a minimum of 12 weeks) (OMP offset against any SMP or MA payments – the total cannot exceed normal pay.)	Ordinary Maternity Leave 26 weeks Additional Maternity Leave 26 weeks i.e. 52 weeks in total

Adoption leave and pay entitlements mirrors that of maternity.

*for UK adoptions - service requirement is by the week in which notified of having been matched with the child (i.e. the 'matching week'),

**to qualify for SMP average earnings must be above the lower earnings limit for National Insurance contributions, where this is not the case a claim may be made for Maternity Allowance.