

**Personnel Committee – 14<sup>th</sup> September 2016**

**Family Friendly Procedure**

**1. Summary of report**

The purpose of this report is to seek approval for the revised Family Friendly Procedure (Appendix 1) in order to help managers and employees understand the leave provisions related to maternity, paternity, adoption, foster care, shared parental leave and unpaid parental leave.

**2. Recommendations**

Personnel Committee is recommended to:-

- Agree the attached Family Friendly Procedure to take effect from 1 October 2016.

**3. Background**

The Family Friendly Procedure sets out the Council's approach to the management of a number of internal procedures which are the interpretation of legislative requirements relating to maternity, paternity and shared parental leave. This policy is a key element of our employment practices and it is vital that it meets the needs of the employees and managers who use it.

This is in part a revision of the existing Family Friendly Procedure implemented April 2015. The procedure put forward for consideration now incorporates Adoption leave and Pay, and Maternity Support leave, which are currently in separate documents. The inclusion of these procedures brings together all of the options regarding the operation of leave around the birth or adoption of a child. This revised Family Friendly Procedure also introduces paid time off for foster carers.

Legislative changes to adoption provision have now been included in the procedure, including:

- Adoption leave as a day one right (rather than having to have 26 weeks service);
- Statutory Adoption Pay mirroring Statutory Maternity Pay;
- New groups being eligible for adoption leave and pay (i.e. 'fostering for adoption' situations and surrogate 'parental order' parents);
- Right to paid time off to attend up to 5 adoption appointments.

Further amendments have been made to the adoption procedure whilst transferring it into Family Friendly Procedure:

- Amendment to the Occupational Adoption Pay scheme to mirror the Occupational Maternity Pay scheme (given that Statutory Adoption Pay has changed).
- Removal of the scope allowing for paid time off in relation to the adoption of step children, as statutory adoption regulations exclude adoptions of step children.
- Removal of the phased return to work following adoption leave as this was previously removed for maternity leave. Phased return can be done by the provisions of the keeping in touch days and annual leave.

Other minor amendments have also been made to the Family Friendly procedure for clarification following queries received over the past 12 months and the integration of procedures into one document. These include:

- Amendment to the notice required if employees wish to return to work before the end of the 52 week entitlement for maternity and adoption leave, to 8 weeks' notice in line with statutory rights;
- Changes to antenatal provision for intended parents in surrogacy cases, clarifying where the intended parent is the biological father;
- Clarification on SPLIT and KIT days under Shared Parental Leave;
- Clarification of unpaid parental leave up to the child's 18<sup>th</sup> birthday.
- Rewording of the paternity leave section to give clarification on when time off can be taken.
- Maternity Support Leave, which is a separate document on the HR intranet has also been inserted into the procedure.

With regards to foster care leave; Foster Carers currently have no statutory right to time off work to care for foster children, as the parental responsibility is considered to be with the local authority. However, many organisations and local authorities are adopting a fostering friendly approach. It shows the council as a modern and caring employer, which looks to attract people to work from across our communities, and supports the corporate parenting responsibility given to the local authority.

The foster care leave section includes up to 5 days paid leave for attending training and assessments before being approved as a foster carer. This mirrors the adoption procedure where 5 days paid leave is given to attend the adoption preparation course. Following the initial assessment, once they are registered as foster carer with a placement the procedure allows up to 5 days paid leave per year. From benchmarking this is within the range offered by other local authorities (between 3 and 10 days) and is the most common allowance from those benchmarked.

#### **4. Resource and Legal Considerations**

The procedure has been reviewed by Legal Services. It appears to be compliant with statutory requirements and there are no adverse legal issues arising.

There are no direct financial implications arising from changes outlined in this report. Should services require any temporary cover arrangements to be put in place then such additional costs will need to be funded from existing resources.

#### **5. Citizen Impact**

There is no direct impact on our citizens as a result of this procedure. The procedure is however, part of the employment framework that helps to ensure that residents of Walsall get the best possible services from council employees.

#### **6. Performance and Risk Management issues**

There are no identifiable risks associated with this implementation, indeed this procedure attempts to address the risks currently in place of non compliance with the law.

#### **7. Equality Implications**

An Equality Impact Assessment is attached (Appendix 2).

#### **8. Consultation**

The procedure has been consulted upon with senior managers across the Council and recognised Trade Unions between 8 – 27 June 2016.

The Trade Unions have raised no issues or concerns with this procedure.

CMT reviewed the revised procedure on 8 September 2016 for subsequent Personnel Committee approval.

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