

TONYREFAIL & DISTRICT COMMUNITY COUNCIL

STAFF ABSENCE POLICY

INDEX

1. Annual Leave.....	3
1.1 Annual leave entitlement	3
1.2 Leave year	3
1.3 Carrying over leave.....	3
1.4 Requesting leave	3
1.5 Sickness during leave.....	4
1.6 Payment of annual leave	4
1.7 Payment in lieu.....	4
2. Time off in lieu (TOIL)	5
2.1 Working Time Regulations	5
2.2 Principles governing the use of TOIL.....	5
2.3 TOIL accrued in the ordinary course of performing one's duties.....	5
3. Sickness Absence.....	7
3.1 What to do if you are unwell	7
3.2 Return-to-work meetings	7
3.3 Medical appointments	8
3.4 Council's Occupational Sick Pay	8
3.5 Statutory Sick Pay.....	9
3.6 Medical advice.....	9
3.7 Special Considerations	9
3.8 Persistent short-term absence	10
3.9 Trigger points for short term or frequent absence	11
3.10 Long-term absence	11
3.11 Return of the Town Council's equipment	12

3.12	Absence as a result of disability	12
3.13	Terminal Illness.....	12
4.	Maternity Leave.....	13
4.1	Procedure.....	13
4.2	Entitlements.....	13
4.3	Maternity pay.....	14
4.4	Council's Maternity / Adoption Pay	14
4.5	Shared Parental Leave (SPL)	15
4.6	The effect of maternity leave on contractual benefits	15
4.7	Maintaining contact during maternity leave	16
4.8	Your health and safety	17
5.	Paternity Leave	18
5.1	Eligibility	18
5.2	Ante-natal appointments.....	18
5.3	Ordinary Paternity Leave (OPL).....	18
5.4	Ordinary Statutory Paternity Pay (OSPP).....	19
5.5	Council's Paternity Pay	19
5.6	Shared Parental Leave (SPL)	19
5.7	Pay increases awarded during paternity leave.....	20
5.8	Returning to work	20
5.9	Additional paternity leave.....	20
6.	Bereavement Leave.....	21
6.1	Paid leave	21
6.2	Annual leave.....	21
6.3	Unpaid leave	22
6.4	Return to work.....	22
6.5	Employee support.....	22
6.6	Health and safety	22
6.7	Culture and diversity.....	22
7.	Data protection.....	23

1. Annual Leave

1.1 Annual leave entitlement

Your paid leave entitlement is set out in your contract of employment. The basic leave entitlement for a full-time member of staff is 25 days per annum, in addition to 8 Bank Holidays. This increases to 30 days per annum plus bank holidays after five years' continuous service. Part time employees receive a pro-rated entitlement according to their hours of work.

1.2 Leave year

The leave year runs from 1st April to 31st March. It is your responsibility to manage your leave in such a way that you are able to take it all during the leave year. Your annual leave entitlement will be pro-rated in your first and last year of employment with the Council.

1.3 Carrying over leave

Except in the very rare circumstances of a booked and agreed period of leave being cancelled at the Council's request, you may carry over a maximum of 5 days from one leave year to the next. No payment will be made for leave unused at the end of a leave year. Thus, leave untaken at the end of a leave year, in excess of the 5 permitted days carried over, is lost.

1.4 Requesting leave

You should request leave through the BrightPay employee portal and notify your line manager, giving as much notice as possible. This will allow the Council to plan workloads. Before granting leave we will consider:

- The team's workload,
- The need for office or team cover, and
- Whether other staff have or are likely to ask for the same time off (e.g. a popular holiday time).

The amount of notice required will depend on how much leave you are planning to take. While exceptions may be considered, notice of leave should be no less than:

Amount of leave requested	Notice to be given
1 day	48 hours (unless in the case of emergencies)
Up to one week	Two weeks
One to two weeks	Four weeks
Over two weeks	At least six weeks

You are advised not to make holiday bookings such as accommodation, flights, etc. until your leave has been approved as the Council will not be liable for any loss you incur should your leave request be denied.

The Council will balance your needs against the needs of other staff before agreeing to leave. If you take leave without permission, it will be treated as unauthorised absence and dealt with under the Disciplinary Procedure.

1.5 Sickness during leave

If you become ill during a period of paid annual leave, you must comply with the requirements of the sickness reporting and certification procedure if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact your line manager on the first day of sickness and keep the Council up to date during the period of sickness.

1.6 Payment of annual leave

The Council does not offer payment in lieu of leave entitlement unless you are leaving the Council and have not taken the leave entitlement accrued at the time of leaving.

1.7 Payment in lieu

If you leave during the course of a leave year and cannot take any outstanding leave before your last day, you will receive a payment in lieu of your outstanding accrued leave. In such a case, a calculation will be made of the amount of paid leave due to you, on a pro rata basis, for that part of the leave year up to the date of termination of the contract. Holiday pay will be based on your current rate of pay.

If, however, you have taken more paid leave than is due by this calculation, then a deduction will be made from your final salary payment for an amount at your basic daily rate for the days in question. Such a deduction will be deemed to be a contractually authorised deduction.

2. Time off in lieu (TOIL)

Time off In Lieu (TOIL) is time off which staff are allowed to take for hours worked beyond the normal working day. TOIL applies to additional periods of work either before or after the normal working day. It does not apply to lunch periods. Staff should ensure they get the appropriate lunch break each day, in compliance with Working Time Regulations 1998.

2.1 Working Time Regulations

These Regulations state that an individual:

- should not work more than an average of 48 hours per week over a rolling 17-week period unless they have "Opted Out" under the Working Time Regulations,
- must be allowed at least one day off each week or two days off in a fortnight. A rest day is not necessarily a Saturday or a Sunday,
- should have 11 hours uninterrupted rest in a 24-hour period,
- is given at least a 30-minute unpaid break during their shift if their shift lasts six hours or more.

2.2 Principles governing the use of TOIL

- That staff receive appropriate breaks during additional work in order to comply with the Health and Safety procedures set in place.
- Time off accumulated through TOIL arrangements must be equal to time actually worked.
- Staff are expected to keep a record of their hours worked and may be asked to evidence the TOIL accrued and taken.
- TOIL accrued and not redeemed as outlined below, will be considered lost and no monetary compensation will be offered. TOIL not taken within 6 months of accrual will be lost.
- Any suspected abuse of TOIL will be treated as a disciplinary matter.

2.3 TOIL accrued in the ordinary course of performing one's duties

The Council operates on a semi-flexible work system with the number of working hours to be completed each week, stipulated in contracts of employment.

Members of staff enjoy a degree of freedom in determining how their contracted hours are allocated across the working week.

Staff may be required to work additional hours from time to time in order to meet the operational requirements of their jobs. It is envisaged the additional hours are sporadic or required for a limited period of time only – if it is for a period longer than a month then the line manager should review the overall staffing needs for the area of operation to ensure working practices are effective.

Waged staff may opt for additional hours worked to be paid as overtime provided this has been agreed in advance with their line manager.

Salaried staff would not normally be paid overtime, as there is an expectation that they will work the hours necessary to carry out their normal duties.

TOIL may only be accumulated in agreement with the line manager in advance. If this agreement is not in place, then the additional hours will not qualify for the accrual of TOIL and will be lost.

When an employee identifies additional hours which might justify TOIL, he/she should raise this with his/her line manager in advance of the requirement to work them. TOIL will normally only be granted if agreed in advance with the relevant manager.

3. Sickness Absence

3.1 What to do if you are unwell

If you are away from work because of sickness you must:

- Contact your line manager, before your normal start time for work on the first day of absence providing details and how long you expect to be off. If you are unable to make contact personally, someone else may do so for you. It is your responsibility to ensure the Council is notified. You must then make contact again each day unless otherwise agreed with your line manager.
- If you are away for seven days or less (including weekends and other non-working days), you must complete a self-certification form and provide it to the Council when you are back at work.
- If you are away for more than seven days (including weekends and other non-working days), you must send in a 'fit to work' statement from your doctor and continue to do so as each new certificate is issued to you. This certificate gives details as to whether you are too ill to work or whether you are well enough to work with suitable support from the Council. This gives you and the Council the opportunity to discuss suitable arrangements which will support your return to work. The form also gives more space for the doctor to provide information about your condition and helpful tick boxes to suggest common ways to help you return to work.
- All sickness or injury absence will be entered on your employment record and will be monitored from time-to-time.

3.2 Return-to-work meetings

On the first day back at work after a period of sickness absence your line manager may want to meet informally. If this is not possible on your first day back, the meeting may take place later. The return-to-work meeting should take place in a private place, and all discussions should be private and confidential. The meeting would normally include:

- a welcome back to work,
- outline the purpose of the return-to-work meeting; which is to manage and monitor absence and attendance to identify any problem areas and offer support where appropriate,
- a discussion about the reasons for absence, in a supportive way and to understand whether the Council can take any steps to help your attendance,
- explain that the absence will be recorded,
- establish if medical advice has been sought (if appropriate),
- ensure the self-certification form has been completed or a fit note from the doctor has been provided,
- a discussion on absence over the last 52 weeks, the impact on pay and any next steps, and
- a handover of work where appropriate.

3.3 Medical appointments

The Council recognises that employees will, from time to time, need to attend medical appointments. Please try to arrange medical appointments in your own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to the Council. The Council will allow reasonable time off work for such appointments.

3.4 Council's Occupational Sick Pay

It is the Council's policy to pay you your normal basic rate of pay exclusive of overtime / allowances during periods of sickness absence as outlined in your Contract of Employment. This occupational sick pay will be for absences due to sickness calculated over the previous 52 weeks and will include your entitlement to SSP.

Your entitlement to sickness allowance in the event of your absence as a result of illness or injury is described in the National Agreement on Pay and Conditions of Service of the National Joint Council for Local Government Service and shown in the chart below:

Years of Service	Entitlement
During the 1 st year	1 month's full pay and (after completing four months service) 2 months half pay
During the 2 nd year	2 months full pay and 2 months half pay
During the 3 rd year	4 months full pay and 4 months half pay
During the 4 th & 5 th year	5 months full pay and 5 months half pay
After 5 years' service	6 months full pay and 6 months half pay

At the start of any period of illness your entitlement to sick pay will be calculated and will include the aggregate of all the sickness absences taken during the preceding twelve months.

Payment is, however, conditional upon you complying with the Council's procedure for notifying your line manager of the absence, attending an interview with your manager on request to discuss the absence and completing a self-certification form on return to work or providing a fit-note when requested. We may also ask you to attend an interview / examination with a nominated doctor at the request of the Council.

We may not pay you occupational sick pay where:

- you have failed to comply with the Council's sickness absence notification and evidence requirements,
- you unreasonably refuse to attend a sickness absence meeting with the Council on request,
- you are unable to work because you hurt yourself in dangerous sports / activities or any other occupation you have,
- you have misled the Council about your fitness to work,
- you have resigned, or
- where disciplinary proceedings are pending against you.

3.5 Statutory Sick Pay

If, in any 12-month period, you have reached the limit of your Occupational Sick Pay entitlement and you are ill and unable to attend work, you may be entitled to Statutory Sick Pay (SSP). SSP is currently paid after 4 Qualifying Days' absence from work. The Qualifying Days are your normal working days that are in your contract. Tax and National Insurance will be deducted from SSP and if you earn below the lower earnings limit, you will not qualify for SSP.

3.6 Medical advice

The Council may want to obtain advice on your fitness for work from occupational health advisers or medical practitioners. Examples of when the Council might refer to occupational health or a medical practitioner include the following:

- to seek a medical report on your illness or injury,
- to establish when you might be able to return to work,
- to understand when you are likely to be fully fit to resume your normal duties,
- to understand what alternative duties you might be fit to undertake if you are unfit to resume your normal duties,
- to understand when you are likely to be fit to undertake any alternative duties,
- to ask for guidance on your condition, for example if there is a possibility that you are disabled or ambiguity as to the exact nature of the condition,
- to ask what reasonable adjustments could be made to working conditions or premises to facilitate a return to work,
- to understand the likely recurrence of the illness or injury once you have returned to work, and
- to discuss any adjustments that could be made to accommodate your disability, if you are disabled.

The Council will pay the cost of the report and you will have the right to see it. The Council will also be provided with a copy of the report and once we have seen it, we will want to meet you to discuss the findings and consider options available to you.

If you choose not to consent to an Occupational Health referral or for the Council to have access to the report, any decisions in relation to your employment may be made without the benefit of those medical reports.

3.7 Special Considerations

Cosmetic Surgery (Elective/Reconstructive)

In most cases where an employee elects to undergo cosmetic surgery, no Occupational Sick Pay will be payable. However, Occupational Sick Pay may be payable in cases where written confirmation is received from the employee's medical practitioner that the surgery is essential for the physical and/or mental wellbeing of the individual.

Where an employee is undergoing cosmetic surgery for the purposes of reconstruction (for example, following a previous illness, accident or defect of birth), Occupational Sick

Pay may be payable. Whilst no Occupational sick pay is normally payable for elective cosmetic surgery, it may be paid if an employee develops serious complications following surgery necessitating hospital treatment.

Organ/Bone Marrow Donation/Fertility treatment

Occupational Sick Pay may be payable in cases where an employee donates an organ or bone marrow and may be payable if an employee attends for fertility treatment. However, the Council reserves the right to review such cases after ten days' absence and cease payment of Occupational Sick Pay.

Dangerous sports

The Council reserves the right to suspend Occupational sick pay if the employee regularly participates in a professional or dangerous sport likely to result in a higher level of sickness absence from work (and therefore incur excessive cost to the Council). Under such circumstances, employees are advised to take out insurance to cover loss of earnings arising from such an event.

3.8 Persistent short-term absence

Persistent short-term absence is where an employee is frequently absent from work for relatively short periods due to sickness. We understand most employees will have some short-term sickness absence from time to time. However, if you are frequently and persistently absent from work, this can damage efficiency and productivity and place an additional burden of work on your colleagues.

Therefore, it is essential that frequent absence is dealt with promptly and consistently and in some circumstances, the Council may begin a capability or disciplinary procedure as part of the absence management process.

If frequent absence is due to an underlying long-term health condition, then we will also request, with consent, a medical report either from an Occupational Health Physician or your GP or consultant to establish further information about your health and how the Council can support your attendance.

When considering the reasons for absence and deciding on whether a formal meeting is appropriate, the Council will not consider any pregnancy related absence. The Council will also make adjustments where absences are related to a disability by allowing a higher level of absence before considering whether disciplinary action is appropriate.

The Council will consider any alternative employment options before making any decision about ending employment. You will have the right to be accompanied by a work colleague or trade union representative at formal meetings and a right of appeal against a formal warning or dismissal sanction. The monitoring of absence operates on a rolling 52-week period.

Where it appears that there is no acceptable reason for an absence or if you have not followed the correct absence notification procedure, the matter should be treated as a conduct issue and dealt with under the disciplinary procedure.

3.9 Trigger points for short term or frequent absence

Absence triggers are in place in order to help line managers address an employee's absence appropriately and ensure that absence is managed consistently and fairly within the Council.

The absence triggers for employees who have completed their probationary period are:

- The third occasion of absence in a rolling 3-month period.
- Two or more occasions of absence totalling more than 10 working days in a rolling 12-month period. (The 10 working days trigger will be adjusted pro-rata for employees who work fewer than five days per week.)
- Over 14 continuous calendar days of absence.
- Pattern identified (eg. Every Tuesday).

During a probationary period, the trigger is the second occasion of absence or more than five working days.

When an absence trigger point is reached the line manager should review the employee's sickness record and arrange to meet with the employee to highlight the fact that a trigger has been reached and to discuss what action is appropriate. This meeting should be informal and the manager should follow up the discussion with a brief written summary of what was discussed.

Examples of actions that should be considered when an employee reaches an absence trigger are:

- Referral to occupational health,
- Implementation of reasonable adjustments,
- Formal disciplinary action in accordance with the Council's disciplinary procedure.

It may not be appropriate to take disciplinary action if, for example, all of the absences are related to an underlying medical condition. Advice should be sought from an appropriate external advisory body.

3.10 Long-term absence

As a guide, long term absence is any absence which lasts or is expected to last over 4 weeks. In all cases of long-term absence, it is essential for the Council to maintain contact with you. In cases where the return date is less certain this will take the form of consultation and will include:

- Discussions at the start of the absence and periodically throughout,
- Obtaining better information on your health and likely prognosis, ideally through an Occupational Health Physician,
- Where appropriate, alerting you to the fact that your absence is becoming a problem, and
- Allowing you the opportunity to state your opinion of your condition and giving consideration to that opinion.

Where ill-health means that you are unlikely to return to work for a long period of time, the Council may need to consider bringing your employment to an end. In these circumstances, the Council will:

- Review your absence record to assess whether or not it is sufficient to justify dismissal,
- Consult with you,
- Obtain up-to-date medical advice,
- Advise you in writing as soon as it is established that termination of employment has become a possibility,
- Meet with you to discuss the options and consider your views on continuing employment before any decisions are made, allowing you to be accompanied by a work colleague or trade union representative,
- Review if there are any alternative jobs that you could do prior to taking any decision on whether or not to dismiss,
- Allow a right of appeal against any decision to dismiss you on grounds of long-term ill health,
- Following this meeting, inform you of the final decision.

3.11 Return of the Town Council's equipment

If you are off sick for an extended period of time (e.g. one month or more), the Council may require you to return equipment, keys or documentation until you are well enough to return to work.

If you do not return to work following a period of sickness absence, you will be required to return all outstanding equipment belonging to the Council on the date of termination of your employment.

3.12 Absence as a result of disability

Where you experience sickness absence as a result of a disability, it will be treated in line with the provisions contained within the Equality Act 2010 (formerly as part of the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

3.13 Terminal Illness

The Council is committed to supporting terminally ill employees with dignity, respect and compassion.

An employee with a terminal diagnosis will not be dismissed because of their condition. Each case must be assessed and progressed on an individual basis ensuring that the employee's personal wishes (wherever possible), and relevant financial implications are considered including any death in service benefits, ill health retirement or termination of employment with a lump sum payment. The Council will seek HR Advice before a decision is made.

It is recognised that some employees may wish to remain in work as long as possible and if appropriate, reasonable adjustments will be considered to support the employee in this decision.

4. Maternity Leave

This policy applies to all current employees, whether full or part-time, temporary or fixed-term.

4.1 Procedure

Telling your manager that you are pregnant

As soon as you know that you are pregnant, you are encouraged to let us know. This is in your own interests and ensures that we can take any necessary steps to look after your health and safety and that of your baby.

As soon as you tell us that you are pregnant, we will conduct an assessment of any health and safety risks to you or your baby. Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before you expect the baby before telling us that you are pregnant. Either way, you are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT B1 and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change.

Note on the MAT B1 certificate

The MAT B1 is a form signed by a doctor / midwife confirming your expected week of childbirth (EWC). Hospitals and GP surgeries have different policies regarding when the MAT B1 should be signed and by whom. The MAT B1 is not always issued automatically and you may have to ask your doctor / midwife for a copy.

4.2 Entitlements

Ante-natal care

During your pregnancy, your doctor / midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic.

Maternity leave

You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML). You also have the right to return to work after the end of your OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week.

You can choose when to start your maternity leave. This can be any date from the beginning of the 11th week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

Sick leave during your pregnancy or maternity leave

If you are off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), then your maternity leave period will begin straight away.

If you are off sick due to a non-pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), it will be treated as sick leave in the usual way.

Any pregnancy related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.

Early births

If the birth of your baby occurs before the 11th week before the EWC or your planned date of leaving, your maternity leave will commence the day after your baby is born.

4.3 Maternity pay

You are eligible to receive 39 weeks statutory maternity pay (SMP) if:

- You have at least 26 weeks' continuous service with the Council by the end of the 15th week before the expected week of childbirth (EWC) ("the qualifying week"), and
- You have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.

If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this 39-week period, SMP is paid at 90% of your average weekly earnings; thereafter you will receive the weekly lower statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the 8 weeks prior to the end of your qualifying week (15th week before the EWC).

If you do not qualify for SMP you may be eligible to receive Maternity Allowance. If you are not entitled to statutory maternity pay, we will issue you an SMP1 form to allow you to claim the Maternity Allowance.

4.4 Council's Maternity / Adoption Pay

You will be eligible for the Council's Maternity / Adoption Pay if you have more than 12 months' continuous service at the 11th week before expected week of childbirth or date of placement and intend to come back full or part time for at least 13 weeks after your maternity leave has ended.

Type	Qualifying service	Duration/Amount
Statutory	Employed by the Council for 26 weeks into the 15 th week before the EWC (known as the Qualifying Week); To have	Statutory Maternity Pay (SMP): • 6 weeks at 90% of salary (weeks 1 - 6),

	worked in the Qualifying Week and earned at least as much as the lower earnings limit for paying National Insurance Contributions.	33 weeks at the SMP rate per week (weeks 7 – 39).
Contractual	1 year's Local Government service at the 11 th week before the EWC.	6 weeks (weeks 1 – 6) at 90% salary (offset against SMP or MA payments). Followed by:- 12 weeks' half pay (from week 7). The entitlement to half pay is fully recoverable if the employee does not return to work for the Council for three complete months (immediately following maternity leave, and any other leave that is taken following on from a period of maternity leave for instance, parental leave). and 33 weeks (weeks 7- 39) of SMP weekly rate, if entitled. SMP is in addition to Contractual Maternity Pay (Half Pay) but Half Pay plus SMP cannot exceed full pay.

4.5 Shared Parental Leave (SPL)

You are entitled to curtail your maternity leave and pay and instead take SPL and pay with your partner / the father of the child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

4.6 The effect of maternity leave on contractual benefits

During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (e.g. remuneration and allowances).

On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP Entitlements.

Annual leave

Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary or we may ask for an appropriate refund.

Pension scheme

Occupational pension contributions continue during OML and during any period of paid maternity absence.

4.7 Maintaining contact during maternity leave

Some people choose to have little if any contact with work during their maternity leave while others want to maintain a high level of contact. Before you start your maternity leave, we will meet with you to discuss reasonable contact arrangements during your maternity leave.

Below is a list of the sorts of information you may want to be kept informed about:

- Notes of important meetings or announcements affecting staff
- Details of internal vacancies which arise
- Details of significant developments to working practices
- Details of any training courses which are offered to the team

There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

Keep in Touch (KIT) Days

You may work for up to 10 days during your maternity leave. KIT days can only be worked by mutual agreement; that is to say both you and the Council must agree to the work / training taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off-set against Statutory Maternity Pay and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or in excess of the rate of SMP.

Returning to work

We will assume that you will take your full maternity leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless you notify us, in writing, or request otherwise. In other words, you do not have to notify us if you intend to return to work at the end of your AML.

If you want to return to work before the end of your maternity leave, you will need to notify us in writing giving at least eight weeks' notice of your intended return date. If you do not

give at least eight weeks' notice, we may delay your return to work by up to a further eight weeks where there is good reason.

You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

Requesting a change to your pattern of work

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria).

4.8 Your health and safety

Whilst most women are able to work normally during pregnancy there are some duties which are best avoided or minimised. We may be able to reorganise your work to avoid / minimise such duties or may arrange different work for you for health and safety reasons. Only in exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action.

Once you tell us of your pregnancy, we will hold a meeting with you to discuss health and safety issues. In consultation with you, we will complete a risk assessment, agreeing with you any measures to be taken. We will hold regular meetings with you throughout your pregnancy in order to review the initial assessment. If you have any concerns, please raise these directly with the Council.

5. Paternity Leave

5.1 Eligibility

To qualify for ordinary paternity leave and pay, you will need to have at least 26 weeks service by the end of the 15th week before the expected week of childbirth (EWC) or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have, responsibility for the upbringing of the child.

5.2 Ante-natal appointments

An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to two of her ante-natal appointments. The time off is capped at six and a half hours for each appointment.

“Partner” includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply for a Parental Order for the child born through that arrangement.

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

You should endeavour to give the Council as much notice as possible of when you need the time off for the ante-natal appointment. We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

5.3 Ordinary Paternity Leave (OPL)

An employee whose partner gives birth to a child, or who is the biological father or adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 56 days of the birth or date of placement. If the child is born early, OPL may be taken between the date of birth and up to the 56th day after the EWC.

Ordinary Paternity Leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

Notification of Ordinary Paternity Leave

You must inform the Council in writing of your intention to take OPL by the end of the qualifying week, unless this is not reasonably practicable. You must tell us:

- The week the baby is due,
- Whether you wish to take one- or two-weeks' leave, and
- When you want your leave to start.

In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no 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 you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

5.4 Ordinary Statutory Paternity Pay (OSPP)

You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

Paternity leave will be paid at the prevailing rate of SPP or 90% of average weekly earnings if this figure is less than OSPP.

5.5 Council's Paternity Pay

You are entitled to the Council's Paternity Leave (one week at full pay), regardless of how long you've been here, if you:

- are the partner of the child's mother, and
- expect to have the main responsibility for the upbringing of the child (apart from that of the mother).

You are also entitled to Ordinary Statutory Paternity Leave if you have parental responsibilities for the baby and have 26 weeks' continuous service at the end of the 15th week before the expected due date.

5.6 Shared Parental Leave (SPL)

The birth mother or primary adopter is entitled to curtail their maternity / adoption leave and pay and instead take SPL and pay in conjunction with the child's father (in the case of birth) or the spouse, civil partner or partner of the child's mother / adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

5.7 Pay increases awarded during paternity leave

We will ensure that whilst you are on PL you are not left out of a pay award which you would ordinarily have been entitled to. This means that if we make a pay award which takes effect during your PL, then when you return to work, you will return to the 'new' rate of pay that applies to the job you are returning to.

5.8 Returning to work

On resuming work after PL, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

Requesting a change to your pattern of work

You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria).

5.9 Additional paternity leave

Additional paternity leave is available to eligible employees who may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that the mother has returned to work.

6. Bereavement Leave

The Council acknowledges the personal nature of bereavement and grief and is committed to supporting employees in practical and reasonable ways.

You should notify your line manager of your need to take leave as soon as possible or, at latest, on the first day of absence. In exceptional circumstances, applications for leave will be considered after the first day of absence. Line managers have the right to exercise discretion in exceptional circumstances. Leave days do not have to be taken consecutively.

6.1 Paid leave

Bereavement leave is paid leave that allows an employee time off to deal with their personal distress and related practical arrangements, primarily, but not limited to, when a member of their family dies.

Bereavement impacts all individuals differently and the guidelines below are intended to show the leave an employee is entitled to following bereavement. Not all employees will need to take the full allowance, and some employees will need additional time, depending on their relationship with the person who has died and the circumstances of the death.

In the event of the death of a member of family, employees are allowed up to three working days paid leave, though this can be extended to five days at the line manager's discretion.

Family members include a spouse, civil partner or partner,* child,** parent, step-parent, sibling, mother/father-in-law, grandparents, grandchildren, son/daughter-in-law, or a person with whom the employee is in a relationship of domestic dependency. [**Partner includes someone with whom the employee is co-habiting but is not the employee's spouse or civil partner. **Child includes children in respect of whom the employee is the adoptive parent and legal guardians and carers.*]

Bereavement leave does not need to be taken consecutively and may be split to allow the employee time off following the death of a family member or personal close friend and time to attend the funeral.

Employees have the right to 2 weeks' parental bereavement leave if their child dies under the age of 18 or is stillborn after 24 weeks of pregnancy. The employee also has the right to additional unpaid leave if their child dies under the age of 18. Additionally, if a child is stillborn after 24 weeks of pregnancy, the birth parent is entitled to up to 52 weeks of statutory maternity leave and the father or partner is entitled to up to four weeks' paternity leave. Both are still entitled to parental bereavement leave after they have finished their maternity or paternity leave.

6.2 Annual leave

In the event of a bereavement, you will be able to take unpaid leave or annual leave at short notice to supplement your bereavement leave. Requests should be directed to your line manager.

An employee who suffers a family bereavement while on annual leave can convert their annual leave into bereavement leave and take their annual leave at a future date.

6.3 Unpaid leave

Unpaid leave on compassionate grounds up to a maximum of five days may be granted after bereavement. An employee must consult with their line manager before starting unpaid leave. An employee must consult with their line manager if they wish to discuss a longer period of unpaid leave after bereavement.

6.4 Return to work

In certain circumstances a full return to work may not be possible for an employee following the death of an immediate relative – for example, when the employee's grief is likely to impact on their ability to perform their role, or where new childcare arrangements have to be sourced or responsibility for the care of an elderly parent has transferred to the employee.

In such instances the Council will allow a phased return to work on a part-time or reduced hours basis where practicable. Alternative duties may also be considered. Any such arrangement would need to be agreed in advance by the line manager and would be subject to an agreed maximum number of days.

6.5 Employee support

Bereavement leave is intended to support employees in the immediate period around the death of a relative. However, the process of grief, the natural reaction and adjustment to loss and change may take a significant time and will be personal to each individual.

An employee with any concerns about the grieving process impacting on their work performance should discuss this in confidence with their line manager, to ensure that any reasonable adjustments that may be necessary are discussed and put in place and that the employee is supported in their return to the full range of duties and responsibilities that they had prior to the bereavement or their duties and responsibilities are adjusted (as necessary) with the prior agreement of line manager.

6.6 Health and safety

Bereavement can have an impact on concentration, sleep, and decision-making. The health and safety assessment of the workplace will include consideration of the impact of bereavement on employees, their duties and responsibilities, and the context in which they are working, e.g. do they operate heavy machinery?

Any employee who is concerned about their ability to conduct their duties safely in the weeks following a bereavement must discuss this with their line manager.

6.7 Culture and diversity

We recognise that different cultures respond to death in significantly different ways.

Line managers will check whether your religion or culture requires you to observe any particular practices or make special arrangements which would necessitate you being off

work at a particular time. You should not assume that your line manager is aware of any such requirements and should draw this to your line manager's attention as soon as possible.

Line managers who are unsure of how to respond to a bereaved employee from a different culture should ask the bereaved employee or someone else from their cultural group about what is appropriate.

7. Data protection

The Council will treat personal data collected during the absence management process in accordance with its data protection policy on processing special categories of personal data. Information about how your data is used and the basis for processing your data will be provided in our employee privacy notice. When relying on legitimate interests as the legal ground for processing your data, you can object to the processing.

This is a non-contractual procedure which will be reviewed from time to time.