

<b>EMPLOYMENT COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>18 JUNE 2020</b>	<b>PUBLIC REPORT</b>

Report of:	Mandy Pullen, Assistant Director HR and Organisational Development	
Cabinet Member(s) responsible:	Councillor Farooq, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Mandy Pullen, Assistant Director HR and Organisational Development	Tel. 863628

**REVISED EMPLOYMENT POLICIES**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM: Assistant Director of HR and Development</b>	<b>Deadline date: 30 June 2020</b>
<p>It is recommended that Employment Committee approve the five updated and one new employment policies. (The policies are the Employee Code of Conduct, the Officer Gifts and Hospitality policy, Shared Parental Leave policy, Time Off policy and Menopause policy).</p>	

**1. ORIGIN OF REPORT**

1.1 This report follows changes made to the Shared Parental Leave policy after a scheduled review, the Code of Conduct and Gifts & Hospitality Policies as a result of the outcome of audit recommendations and the Maternity Policy after an annual review. The Menopause policy is presented jointly by Unison and the council. These policies (except the Maternity Policy) were agreed with the trade unions at the Joint Consultative Forum on 6 January 2020. The Time Off policy has been amended and also takes account of statutory changes.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of the report is to obtain approval to the changes made to the employment policies and documents detailed above. Changes that have been made to the policies are generally indicated on the documents in red or pink text (lighter text).

2.2 This report is for the Employment Committee to consider under its Terms of Reference No. 2.3.2.6  
*To promote and pursue a policy of equal opportunities in employment.*

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	
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**4. BACKGROUND AND KEY ISSUES**

4.1 Officer Code of Conduct

The Constitution and Ethics Committee (C&E) reviewed this document as a result of the outcome of audit recommendations in this area. The committee approved the changes on 8 July 2019.

The majority of the changes are included to capture gaps which have inevitably occurred as time has elapsed.

The updated policy is at Appendix 1.

#### 4.2 Officer Gifts and Hospitality Policy

The Constitution and Ethics Committee reviewed this document as a result of the outcome of audit recommendations in this area. The committee approved the changes on 8 July 2019.

Gifts and Hospitality used to form part of the Officer Code of Conduct, but it was decided that it should be a standalone policy document to increase its visibility.

The updated policy is at Appendix 2.

#### 4.3 Shared Parental Leave Policy

There have been minor changes as detailed in red, and the inclusion of a process flow diagram.

The updated policy and process flows are included at Appendix 3.

#### 4.4 Menopause Policy

Further to the Unison and ACAS Menopause Workplace Guides (both published in October 2019), and increased focus and understanding of how menopause can affect women in the workplace, this new policy and guidance has been developed. It is hoped that this policy and guidance will allow everyone to understand what menopause is, can confidently have good conversations and are clear on the council's policy and practices, supported by staff from Human Resources and Occupational Health.

The policy is attached at Appendix 4.

#### 4.5 Time Off Policy

Two parts of this policy have been updated as detailed at 4.5.1 and 4.5.2.

##### 4.5.1 Special Constables

The council are already signed up to the Employer Supported Policing scheme but currently do not allow any volunteers any paid time off (other than for attending court). In conjunction with Cambridgeshire County Council, we are recommending that we now allow staff 5 paid days off for the initial mandatory training in their first year. Thereafter 3 paid days per year should be granted for them to use for training or towards some of their volunteering hours. This will support staff who decide to assist the police and community in this way. (However, there is no legal obligation to offer special constables time off or pay for their duties).

##### 4.5.2 Parental Bereavement Leave

For members information, the Time Off policy has been updated to take account of the Parental Bereavement Leave and Pay Act 2018 legislation which provides paid time off for bereaved parents. This is a statutory right which comes into effect on 1 April 2020. This is for members information only.

#### 4.6 Maternity Scheme

The Maternity Scheme has been updated to take into account that bank holidays now accrue during any maternity leave, regardless of length of service.

We have signed up to the Armed Forces Covenant, thereby committing us to not treat any armed forces spouses differently to any other employee. The policy has been updated to reflect that, should the employee's spouse be posted resulting in the employee being unable to return to work, they do not have to pay back any occupational maternity pay that has been paid to them.

## **5. CONSULTATION**

5.1 All Policies referred for approval in this Report have been shared with the joint trade unions.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 Once members have agreed to these changes, this information will be published and shared on the council's intranet.

## **7. REASON FOR THE RECOMMENDATION**

7.1 The updated and new documents provide clearer guidance for managers and employees. The additional time off for those who volunteer as a Special Constable supports the community and our police colleagues.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 As the Parental Bereavement Leave is a statutory requirement, there is no alternative to this. For the other proposed changes, the status quo is the only alternative.

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 None

### **Legal Implications**

9.2 The legal implications and obligations are as set out in the main body of the Report.

### **Equalities Implications**

9.3 All of the Policies recommended for approval reflect the Council's ongoing commitment to ensure equality in the workplace and as

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 None

## **11. APPENDICES**

- 11.1 **Appendix 1** – Code of Conduct Policy  
**Appendix 2** – Officer Gifts and Hospitality Policy  
**Appendix 3** – Shared Parental Leave Policy  
**Appendix 4** – Menopause Policy and Managers Guidance  
**Appendix 5** – Maternity Scheme Policy



## APPENDIX 1

### THE EMPLOYEES CODE OF CONDUCT TABLE OF CONTENTS

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Appendix A: Gifts and Hospitality Policy

#### 1. INTRODUCTION

1.1. As a local government employee you are expected to give the highest possible standard of service to the public in fulfilling your roles. The purpose of this document is to set out the standards of behaviour Peterborough City Council expect from you whilst you are an employee.

1.2. This Code should be read in conjunction with other policies, procedures and codes of practice adopted by the Council and forms part of your contract of employment. Any breach of the Code may be treated as a disciplinary offence including gross misconduct which will be dealt with, as appropriate, under the Council's Disciplinary Policy and Procedure.

1.3. The provisions of this code apply to all employees of the Council regardless of whether they work full time, part time, casually or on a relief/interim basis. except those employed directly by schools, although the schools' Governing Bodies are recommended to adopt the principles of this policy.

1.4. References to Peterborough City Council ("the Council") within this document should be interpreted to also apply to authorities you provide services to or in respect of which joint working arrangements exist.

1.5. Any employee who is not clear about the application of this code in relation to particular circumstances should seek guidance from their line manager or their departmental HR Advisor.

1.6. Any employee who is not clear about the application of this code in relation to particular circumstances should seek guidance from their line manager or their departmental HR Advisor.

#### 2. INTEGRITY AND TRUST

2.1. You must at all times act in accordance with the trust that the public is entitled to place in you. You should remember that the Council is a public body and you have a responsibility to the community you serve.

2.2. You must perform your duties with honesty, integrity, impartiality and objectivity and provide courteous, efficient and impartial service delivery to all groups and individuals within the community.

2.3. You should treat all Members, colleagues, service users and people with whom they have contact in the course of their employment with courtesy and respect and in accordance with the Council's agreed policies and procedures.

2.4. You are expected to attend work without being under the influence of alcohol or drugs and comply with the requirements of the Council's Substance Misuse and Alcohol Policy.

### 3. EQUALITIES

3.1. You should at all times recognise the diverse needs of individuals and groups within the community and you should ensure that the Council's Equality Policy is complied with in addition to the law. You should recognise that all members of the local community, customers and other employees have a right to be treated with dignity, fairness and equity.

### 4. PUBLIC FUNDS

4.1. You must:

(a) Follow the Council's Contract Procedure Rules and Financial Regulations in any financial transactions and other dealings on its behalf;

(b) Use any public funds entrusted to or handled by you in a responsible and lawful manner. It is a serious criminal offence for you to receive or give in a corrupt manner any gift, loan, fee, reward or advantage from or to another person;

(c) Fulfil your legal obligations when in receipt of Council Administered Benefits. For example, if you are in receipt of any allowances or rebates administered by the Council (e.g. rent allowances or council tax rebates) you must notify the appropriate department promptly, in writing, of any change in circumstances that may affect entitlement. To deliberately fail to notify any material change of circumstance that results in overpayments being made may be deemed a fraudulent act against the employer. **This will be regarded as gross misconduct and may lead to dismissal as well as criminal sanctions.**

(d) Notify the appropriate department promptly if you have any reason to suspect that a member of the public is claiming Council administered benefits fraudulently, regardless of the circumstances as to how this information is obtained.

### 5. USING COUNCIL PROPERTY, FACILITIES AND EQUIPMENT

5.1. You should use Council property, facilities and equipment (to include but not limited to: plant, materials/stores, money, and services), for the Council's purposes only.

5.2. You may borrow some items of equipment (to include laptop computers and mobile telephones) provided that prior approval has been obtained from the appropriate senior employee with responsibility for the allocation of that equipment.;

5.3. If you have authorised an employee to borrow something you must keep a record of this easily be found and kept under review. You must also let the person know the terms of use to include drawing their attention to any relevant Council policies.

5.4. You should treat Council property and equipment with care and respect. It must be used only in a proper and safe manner and in accordance with valid instructions and any relevant Council Policies including this Code.

5.5. The copying of proprietary software programmes (those produced by a company for use under licence by a third party) is prohibited.

5.6. The loading of proprietary software programmes for which a licence is required but not held, is prohibited. This means that software obtained for your personal use must not be loaded onto Council computers.

5.7. Intellectual property, such as data/e-mail, that is created for Council business remains the property of the Council. If you wish to share or transfer such property to an external source you should seek authorisation from your manager.

5.8. The e-mail and internet system must not be abused and must be in accordance

with the Council's ICT Policies.

## 6. ACCURACY OF RECORDS AND OTHER DOCUMENTS

6.1. You should not deliberately falsify any records or other documents for financial advantage or otherwise. This will be regarded as gross misconduct and may lead to dismissal as well as criminal sanctions.

## 7. CONTRACTS

7.1. If you have a direct financial interest in a contract or proposed contract, or other matter involving the Council (within the meaning of sections 94 and 95 of the Local Government Act 1972), you are required by s.117 of the Local Government Act 1972 to declare that in writing to your Director who will inform the Council's s.151 Officer of the contents of the declaration. If you do have a financial interest, it will not be appropriate for you to be involved in that particular issue so it is important that you make a declaration whenever a close relative (grandparent, parent, brother, sister, child, grandchild and inlaws) is a member of the company and/or if you are a business partner, personal partner or in the employment of a person in whose favour the contract has or is being made. If in doubt, declare the interest

7.2. If you have a non-financial interest in a contract or proposed contract you must also inform your Director of this in writing as soon as possible. For instance, if your role involves the engagement or supervision of contractors and you have previously had or currently have a relationship with an existing or potential contractor in a private or personal capacity. This may not necessarily mean that you cannot be involved in the particular matter under consideration. However, it is the responsibility of the Director to consider this with you and make that decision.

7.3. In all circumstances you must ensure that no special favour is shown to current or former partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior capacity. You must ensure that no special favour is shown to current or former partners, close relatives or associates in awarding contracts to businesses run by them or employing them. Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.

7.4. If you are involved in the tendering process and dealing with contractors, you should be clear on the separation of client and contractor roles within the Council and be aware of the need for accountability and openness.

7.5. If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any party or organisation without express authority.

## 8. CONFLICTS AND REGISTRATION OF INTERESTS

8.1. You must not in your official or personal capacity:

(a) Allow yourself to be put in a position where your personal interests to conflict with your public duties and you must tell your manager if you have any personal interests that could create a conflict and where an interest is particularly sensitive (for example membership of a secret society) this can be done in confidence; or

(b) use your position to improperly confer an advantage or disadvantage on any person including yourself. For instance (but not limited to) if you are involved in the determination of regulatory matters (e.g. planning, licensing, council tax and housing benefit), you must take no part either directly or indirectly in consideration any application made by yourself, a relative, a friend, a close associated or a neighbour.

8.2. You must comply with any requirements of the Council: (a) to

register or declare interests;

(b) to declare hospitality, benefits or gifts received as a consequence of your employment.

## **9. SECONDARY EMPLOYMENT**

9.1. The Council recognises that you may wish to undertake secondary employment including voluntary and paid work. However, you must not do this without gaining permission from your Director/Head of Service in writing and before you start the secondary employment.

9.2. Permission will normally be granted where the work does not involve the preparation/completion or assistance with the following items dealt with by the Council:

- (a) Plans;
- (b) Drawings;
- (c) Applications for:- Grants (renovation/improvement grants etc.) - Benefits (rent rebates, council tax, housing benefits) - Planning/building control - Housing waiting lists/homeless - Licences - Job application forms - Tender documents for PCC contracts.

9.3. Permission to undertake additional work will not normally be granted where:

- (a) It is to be undertaken for a Contractor used by the Council. (Exceptions may be subject to conditions and written approval by the relevant Director in conjunction with the Chief Internal Auditor);
- (b) Private work is to be undertaken for members of the public who are clients of the employee during the course of their normal Council duties;
- (c) It is for work for which the Council may be competing; and
- (d) The total work time involved could result in the provision of the Working Time Regulations being breached. In other circumstances, permission will not be unreasonably withheld.

9.4. If you do undertake secondary employment, you should ensure that your total working time does not exceed an average of 48 hours per week in total. The Council may require you to disclose your total working hours and commitments.

9.5. If you do undertake secondary employment, it should not conflict with the Council's interests, nor bring it into disrepute and it must be undertaken outside your normal working hours. You should not undertake any private work in Council premises or using Council property or equipment without the express consent of your line manager which will only be given in exceptional circumstances.

9.6. If you consider that your employer has unreasonably withheld their permission, you may seek redress through the internal grievance process

## **10. RELATIONSHIPS WITH MEMBERS AND POLITICAL NEUTRALITY**

10.1. You should not place yourself in a position where close familiarity with a Member prejudices your work and you should have regard to the Council's Member Officer Protocol.

10.2. You must serve the Council as a whole, serving all elected members and not just those of the controlling group. You should give advice which does not compromise your political neutrality.



10.3. You must follow the lawfully expressed policies of the Council and not allow your personal or political opinions to interfere with your work. Where you are required to advise any political group, you should ensure that you have notified your line manager or Director and you should ensure that there are adequate safeguards to protect your political neutrality.

10.4. If you hold a politically restricted post under the Local Government and Housing Act 1989 you must comply with the requirements of the Act.

## 11. RELATIONSHIPS WITH OTHER EMPLOYEES

11.1. You should not be involved in a relationship with your line manager or vice versa.

11.2. If you have a close personal relationship at work and evidence exists that it causes or appears to cause a problem it may be necessary to relocate one or both of you to avoid further problems.

11.3. The Council defines a close personal relationship as one between employees who work together in the same unit or section and who are:

- (a) married;
- (b) co-habiting; (c) Dating;
- (d) immediate family members; and
- (e) any other individuals regarded as having a familiar or close personal relationship.

11.4. It is your responsibility to ensure that your relationship does not affect your work or the work of your colleagues. It is a manager's responsibility to work with you to ensure that any problems arising from a close personal relationship are resolved, including relocation if this is necessary to avoid problems.

11.5. If you do have a close personal relationship you must advise your Director (or other Senior Manager) of their circumstances. The Director (or Senior Manager) will then decide whether to instigate a move of one or both of you. If a Director agrees that you can both remain in the same location, regular reviews will take place to ensure the situation does not affect the day to day business of the Council.

11.6. If you refuse to comply with the Director or line manager's instructions, there may be occasions where the Council has no option but to consider issuing a formal notice of the move, and in limited circumstances, considering the future of your employment.

## 12. MEDIA

12.1. You should not communicate with the media on matters relating to the activities of the Council without the prior approval of your line manager or Director. You should direct any media enquiries to the Communications Team.

12.2. If you use social networking sites either in your work or private life you should have regard to the Council's Social Media Policy.

## 13. RELATIONS WITH SUPPLIERS AND SERVICE USERS

13.1. You should adhere to the following guidelines, to ensure that all contact that you have with suppliers and service users is conducted on a professional basis:

### 13.1.1. Buying/Selling of Goods/Services

13.1.1.1. Employees must not in the course of their employment: (a) buy anything

from a service user;

(b) sell anything to a service user;

(c) buy anything on behalf of service users either with or without commission unless it is a requirement of their role;

(d) sell anything on behalf of service users either with or without commission;

(e) act on behalf of a third party to buy anything from a service user;

and

(f) act on behalf of a third party to sell anything to a service user e.g. via mail order agencies etc.

## **13.2. Lending/Borrowing Money or Other Valuables**

13.2.1. You must not engage in personal financial transactions with, or on behalf of, service users. This means that the lending or borrowing of money and/or any other valuable assets to or from service users is prohibited.

## **13.3. Wills**

13.3.1. You must not witness or be an executor of a service user's will and you should not knowingly accept money or property bequeathed in a service user's will. Any such benefits must be returned to the estate of the deceased, although bequests to the Council are permitted.

## **13.4. Obtaining Benefits for Others**

13.4.1. You must not seek to obtain benefits from service users on behalf of close relatives or knowingly allow this to happen. This would include gifts/bequests/loans etc that you would not be able to accept under the terms of the Code of Conduct which are being transferred to one of your family members to circumvent that.

## **13.5. Personal Relationships with Service Users**

13.5.1. Close personal relationships with service users are prohibited. Service users may be from vulnerable groups in society (e.g. by age, disability, mental health etc.) and the correct balance between friendly interest and the professional relationship must be maintained at all times, so they are not exploited. If a problem arises from a service user misinterpreting friendly interest as evidence of a deeper, more personal relationship developing, you must immediately report the matter to your line manager for advice on the way to proceed.

## **14. FINANCIAL INDUCEMENTS, GIFTS & HOSPITALITY**

14.1. Section 117 of the Local Government Act 1972 provides that it is an offence for any employee to accept any fee or reward other than his or her proper remuneration in the course of their duties. It is important that you are able to recognise what is and what is not acceptable and you should therefore have regard to the Council's Gifts and Hospitality Policy.

## **15. APPOINTMENTS AND OTHER EMPLOYMENT DECISIONS**

15.1. Recruitment decisions must be taken in compliance with the Officer Employment Procedure Rules and the Council's relevant policies and procedure (e.g. Recruitment Policy and Disciplinary Policy and Procedure).

15.2. You may only assist others in the completion of application forms to be submitted to the Council in the following circumstances:

(a) When assistance is provided as part of your official duties, especially if you complete the application form;

(b) When assistance is provided to a friend, relative or partner;

(c) In either case your involvement should be clearly identified on the form by including your name and post title however, this is not necessary in cases where only general advice is given.

15.3. Where you are involved in appointments you should ensure that these are made on merit and you must not involve yourself in an appointment and/or give a reference where you are related to the applicant or have a close personal relationship with them.

15.4. You should not be involved in decisions relating to discipline or other sanction or in decisions relating to pay where you are related to or have a close personal relationship with the employee who is subject to the decision.

15.5. All employees who are under suspension without prejudice from the Council's employment are entitled to receive the same general information about Council activities, vacancies etc. as other employees but all communication should be channelled via the officially nominated contact.

## **16. DISCLOSURE OF INFORMATION**

16.1. The Council is committed to open Government. The law requires that certain types of information must be available to Members, auditors, Government Departments, service users and the public. The Council may itself decide to be open about other types of information however, care should always be taken to ensure that any disclosure is in accordance with the Council's information governance requirements.

16.2. You should not communicate to the public the proceedings of any Committee or internal meeting or the contents of any document relating to the Council or information relating to any individual where that information is confidential or exempt unless expressly authorised to do so. If you are in any doubt you should speak to your line manager and/or the author of the document/minutes to seek their specific consent to disclose.

16.3. In all circumstances where you have been asked to provide information to an external source you should consider whether or not to record the request with the Council's Data Protection Officer/Team.

16.4. You have a duty of confidentiality to your employer. You should not use any information obtained in the course of your employment for personal gain or benefit nor should you pass it on to others who might use it in such a way.

16.5. Intellectual property (the generic term which includes for example, inventions, creative writings, software and drawings) arising in the course of your employment are the property of the Council and you should not use that intellectual property for personal benefit.

## **17. PUBLIC CONCERN & WHISTLE BLOWING**

17.1 The Council does not tolerate any form of malpractice. As an employee of the Council you have an important role to play in reporting any suspected irregularity/fraud to your line-manager or Director as soon as possible. In some instances and depending on the nature of the issues identified it may be necessary to raise your concern in accordance with the Council's Whistleblowing Policy.

## **APPENDIX 2**

### **GIFTS AND HOSPITALITY**

#### **INTRODUCTION**

This Policy sets out guidance for employees on the principles governing the acceptance of gifts, prizes and hospitality made to employees and/or members of their family as a result of their employment with the Council. References to 'employees' within this policy should therefore also be taken to include members of their family.

The overriding objective is to ensure transparency in the dealings of the Council, which in turn is a safeguard against allegations of misconduct.

The fundamental principle of this Policy is that an employee should not do anything that might give rise to the inference that they have or may have been influenced by a gift or hospitality, to show bias for or against anybody or any organisation in carrying out their duties.

The Council expects all employees to comply with this Policy. Failure to do so may result in action under the staff disciplinary procedure and could lead to dismissal.

#### **GIFTS & PRIZES**

Employees should report the offer of a gift or prize to their line manager using the Form at Appendix B. The line manager will consider the nature, value and origin of the offer and whether it should be refused, accepted or donated to charity.

In general, all gifts and prizes should be refused unless this would cause offence and it is of small value for example:

- (a) Advertising paraphernalia e.g. calendars and diaries;
- (b) Stationery e.g. pens;
- (c) Token gifts received during official courtesy visits; and
- (d) Seasonal gifts in kind, (e.g. a mince pie).

Cash should not be accepted under any circumstances.

It is not necessary to ascertain the exact value of the gift but anything that appears to be 'of significance' (which will generally be something worth more than £25 but could be less depending on the circumstances) should not be accepted. Careful judgement must be exercised in such cases.

It is important to note that if several gifts, with a value of £25 or less are received from the same donor, within a period of 12-months, then these should be recorded when the accumulative value exceeds £25.

## HOSPITALITY

Employees should report the offer of hospitality to their line manager using the Form at Appendix B. The line manager will consider the nature, value and origin and whether it should be refused or accepted.

Working lunches on a modest scale, and on an occasional basis, are a part of normal business practice and employees do not require formal approval to attend them. However, if individuals receive a prior invitation to a more formal lunch or dinner or regular working lunches, they must seek approval from their line manager using the Form contained at Appendix B of this Policy.

Hospitality shall only be permitted where it is given in the proper course of Council business. Even in these circumstances it should not exceed a level beyond which the Council can reasonably reciprocate.

Hospitality shall usually only be received or given within the employee's normal working hours. Any exception shall only be made with the prior authorisation of the appropriate Director/line manager.

Where the refusal of an invitation may cause embarrassment or appear discourteous this will be taken into account when a decision is made. Consideration will also be given to the timing of an invitation in relation to decisions which the Council may be taking that affect those offering the hospitality.

Invitations to other events such as launches, conferences, arts or sporting events should be dealt with in the same way. However, annual conferences are national events at which it is reasonable for employees to accept offers up to the level of an evening meal per delegate from any individual/company.

Invitations to attend all-expenses paid study tours, site inspections or product demonstrations should always be the subject of prior approval, particularly if overseas travel is involved.

Frequent or regular hospitality, provided or received, is unacceptable even if it is of a relatively modest level.

Employees must not use their employment with the Council to obtain the benefit of discount from other companies/organisations other than those negotiated for the benefit of all employees. Therefore, any discount offered to an employee in their personal capacity in excess of those generally available to members of the public must be declined.

## REGISTER AND GOVERNANCE

In order to counter any possible accusations or suspicion of improper conduct, the Council will maintain a central register of gifts and hospitality.

All gifts (except gifts of low value) and offers of hospitality (except to modest working lunches) should be recorded centrally. The line manager, following discussion with the employee will register the offer of a gift or hospitality together with the decision taken as to whether or not it should be accepted by sending the completed Form to [giftsandhospitality@peterborough.gov.uk](mailto:giftsandhospitality@peterborough.gov.uk)

All declarations should be made within 28 days of receipt of offer.

The central register will be kept by Democratic Services and will be inspected and reviewed regularly by them with any findings/recommendations notified to the Director of Governance during routine meetings of the DMT as appropriate.

In the event of any concerns being identified they will be passed to the Chief Internal Auditor for independent investigation as required.

## APPENDIX 3

# SHARED PARENTAL LEAVE POLICY

## 1. Introduction

This policy should be read in conjunction with the Adoption Policy; Maternity Policy, Shared Parental Leave All Staff Guidance, and Manager's Shared Parental Leave Guidance.

## 2. Purpose

The purpose of this policy is to enable employees to understand their entitlements to leave and pay when having a child or adopting a child or children from the UK or overseas.

This applies to all employees excluding teachers regardless of their status or length of service.

This document does not form part of any employee's contract of employment. It may be amended from time to time.

## 3. Definitions

The following abbreviations are used in this policy:

SPL	Shared Parental Leave	SML	Statutory Maternity Leave
EWC	Expected week of childbirth	SSPP	Statutory Shared Paternity Pay
SMP	Statutory Maternity Pay	SAL	Statutory Adoption Leave
SAP	Statutory Adoption Pay		

## 4. Key Principles

The entitlement to Shared Parental Leave (SPL) is created by the maternity or adoption leave coming to an end before the full entitlement has been taken. The remaining period of this leave then becomes SPL.

### Eligibility:

- Both parents must meet the eligibility criteria for shared parental leave to apply.
- Both parents must have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth or by the end of the week that they are informed they have been matched with a child.
- In maternity cases both parents must meet the statutory earnings test (normal weekly earnings which are not lower than the Maternity Allowance threshold).
- In adoption cases, the employee must have average weekly earnings in the 8 weeks ending with the 'relevant week' of not less than the lower earnings threshold applicable in that week.
- The mother/main adopter must be entitled to SML/SAL or to SMP/SAP and have curtailed their SML/SAL.
- Both parents must have, at the time of the child's birth or placement, the main responsibility for the care of the child.
- The parent who intends to take SPL must satisfy the continuity of employment test and their partner must meet the employment and earnings test.

### Shared Parental Leave:

Shared parental leave is available for up to 50 weeks in maternity cases and can begin at any time after the two-week period of compulsory maternity. SPL is available for up to 52 weeks in adoption cases.



The mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that they are entitled to take up to two weeks' paternity leave following the birth of their child, which they will lose if shared parental leave is taken first).

Shared parental leave must be taken in multiples of complete weeks. This may be taken as one continuous period or with breaks of complete weeks in between. The mother and partner must take any shared parental leave within 52 weeks of birth.

Shared parental leave must not exceed the balance of untaken maternity or adoption leave.

### **Notice requirements for shared parental leave**

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- a "maternity leave curtailment notice" from the mother setting out when they propose to end their maternity leave (unless the mother has already returned to work from maternity leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that they are requesting.

### **Statutory Shared Parental Pay:**

The entitlement to SSPP is 39 weeks, less the number of weeks in which SMP, MA or SAP has been payable to the mother or main adopter. SSPP must not exceed the balance of untaken maternity or adoption pay or maternity allowance available at the point at which the employee returns or plans to return to work. To be eligible for SSPP the employee should have normal weekly earnings for the 8 weeks ending with the EWC that are not lower than the lower earnings limit.

In maternity leave cases the mother must take two weeks compulsory maternity leave meaning that SSPP is payable for a maximum of 37 weeks. This does not apply to adoption.

SSPP is not payable after the end of the 52 weeks following the birth of the baby.

If there is a need for the manager to discuss an application for SPL then they can be accompanied by a workplace colleague, trade union representative or a friend or family member.

### **Contact during Shared Parental Leave**

The organisation reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

### **Return to work**

When an employee returns to work following a period of SPL they are entitled to return to the same job if their combined leave totalled 26 weeks or less. (Combined leave = maternity/paternity and SPL). This is unaffected by unpaid parental leave of up to four weeks.

Where the number of weeks of maternity/paternity/adoption and SPL exceeds 26 weeks the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, the employee has the right to return to another job that is suitable and appropriate on terms and conditions that are no less favourable.

In most cases (even after 26 weeks) it would be difficult to justify any changes to the employee's role.

### **Data protection**

When managing an employee's shared parental leave and pay, the council processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs the organisation that they plan to take shared parental leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their shared parental leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

**SAMPLE FORM FOR REFERENCE ONLY  
ACTUAL FORM WILL BE SENT BY HR SUPPORT**

Please return this form to the Human Resources department.

This is to confirm that I elect to receive my OSPP as follows:-  
(Please delete clearly the one which does not apply)

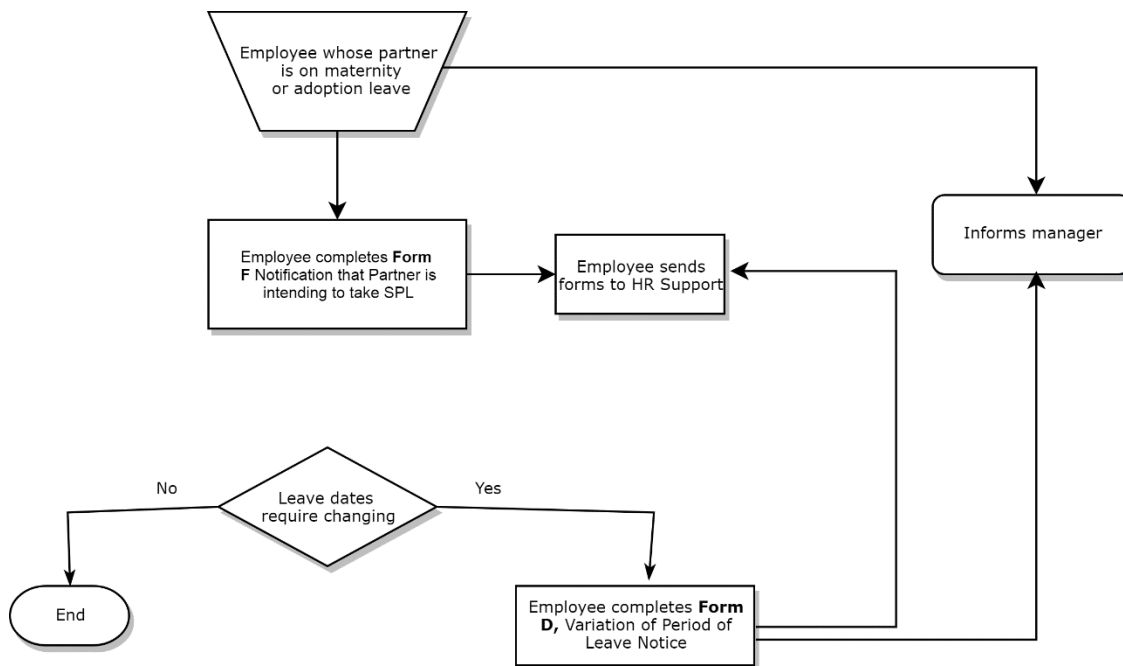
**A:** 12 weeks half pay paid at the same time as the first twelve weeks of the 33 weeks standard SPP, (during SPL)

**or**

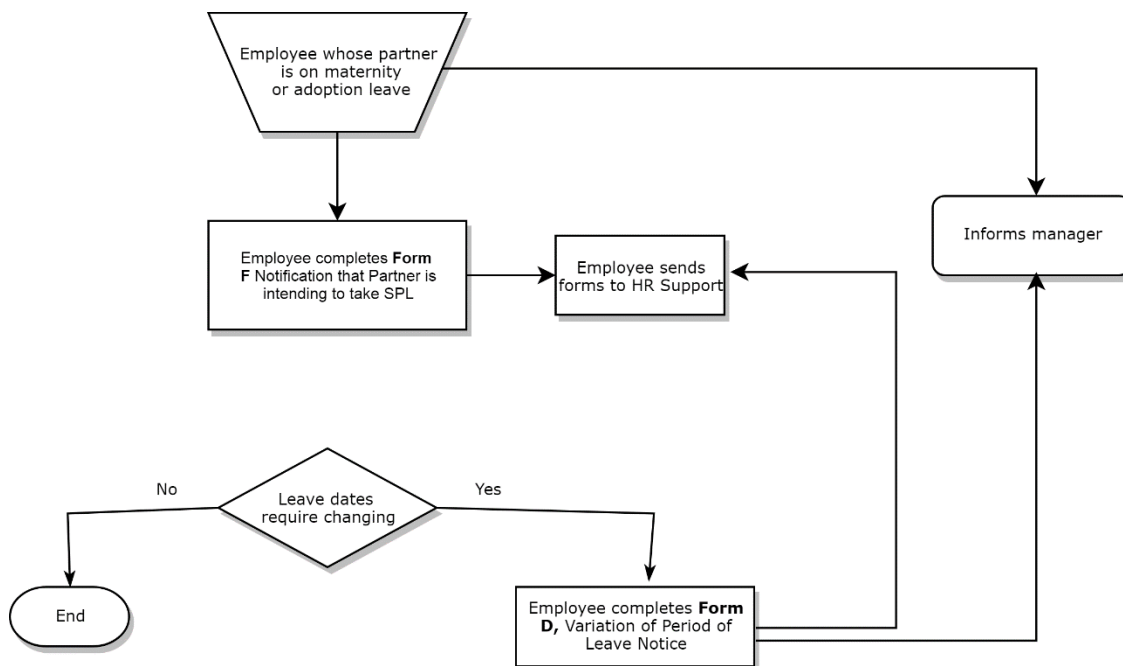
**B:** 6 weeks at full pay paid as a lump sum following return from shared parental leave

EMPLOYEE DECLARATION	
I understand that I will automatically receive vacancy information and I <i>do/do not</i> want to receive weekly news bulletins - delete as applicable.	
I will repay the OSPP if I do not return, and remain at work, for a period of at least three months after SPL.	
I understand that the total of SMP or SAP and OSPP will not exceed normal full pay, regardless of the option I choose, or when the payment is made.	
In the case of both partners working for Peterborough City Council this is to confirm that we both agree that OSPP should be paid to:-	
Employee Name:	Payroll Number:
Signed by both partners:	Date:
Employee Name:	Payroll Number:
Employee Name:	Payroll Number:

### Flow Chart for employees currently on maternity or adoption leave



### Flowchart for Employees whose partners (non-PCC employees) are on maternity or adoption leave



# MENOPAUSE POLICY

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Introduction
Purpose
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## 1. Introduction

The council is committed to providing an inclusive and supportive working environment for everyone who works here.

Menopause is a natural part of every woman’s life, and it isn’t always an easy transition. With the right support, it can be much better. Whilst every woman does not suffer with symptoms, supporting those who do will improve their experience at work.

Menopause should not be taboo or ‘hidden’. We want everyone to understand what menopause is, and to be able to talk about it openly, without embarrassment.

This is not just an issue for women, men should be aware too.

The changing age of the UK's workforce means that between 75% and 80% of menopausal women are in work. Research shows that the majority of women are unwilling to discuss menopause-related health problems with their line manager, nor ask for the support or adjustments that they may need.

Note that this policy refers to 'women' throughout, but the principles equally apply to trans employees with menopausal symptoms.

It is not contractual and does not form part of the terms and conditions of employment.

## **2. Purpose**

The purpose of this policy is to:

- Foster an environment in which colleagues can openly and comfortably instigate conversations or engage in discussions about menopause.
- Ensure everyone understands what menopause is, can confidently have good conversations, and are clear on the council's policy and practices, supported by Human Resources and Occupational Health.
- Reduce absenteeism due to menopausal symptoms.
- Assure women that we are a responsible employer, committed to supporting their needs during menopause.

## **3. Scope**

These arrangements apply to all City Council employees. Schools are recommended to adopt the principles of this procedure into their individual school policies.

## **4. Definition**

Menopause is defined as a biological stage in a woman's life that occurs when she stops menstruating and reaches the end of her natural reproductive life. Usually, it is defined as having occurred when a woman has not had a period for twelve consecutive months (for women reaching menopause naturally).

The average age for a woman to reach menopause is 51, however, it can be earlier or later than this due to surgery, illness or other reasons.

Perimenopause is the time leading up to menopause when a woman may experience changes, such as irregular periods or other menopausal symptoms. This can be years before menopause.

Postmenopause is the time after menopause has occurred, starting when a woman has not had a period for twelve consecutive months.

## **5. Symptoms of menopause**

It is important to note that not every woman will notice every symptom, or even need help or support. However, an estimated 80% of women do experience some symptoms, with some experiencing symptoms that are classed as so severe the symptoms have a significant impact on the woman's everyday life.

Symptoms can manifest both physically and psychologically including, but not exclusively,

- psychological issues such as mood disturbances, anxiety and/or depression, memory loss, panic attacks, loss of confidence and reduced concentration
- hot flushes (brief and sudden surges of heat usually felt in the face, neck and chest)
- sleep disturbance that can make people feel tired and irritable
- night sweats (hot flushes that happen during the night)
- irregular periods and/or periods can become light or heavy
- muscle and joint stiffness, aches and pains
- recurrent urinary tract infections (UTIs) including cystitis
- headaches
- weight gain
- palpitations (heartbeats that become more noticeable)

- skin changes (dryness, acne, general itchiness)
- reduced sex drive

## 6. Support available

We all need to be supported in the workplace in order to do our best work and feel valued. Menopause symptoms can affect a woman's comfort and performance at work so we are committed to making any reasonable adjustments that we can to help employees manage the symptoms they are experiencing.

We encourage employees to tell their line manager that they are experiencing menopausal symptoms at an early stage. This will ensure that symptoms are treated as an ongoing Health issue and will help line managers to agree how best to support their direct reports.

If employees do not feel able to discuss their symptoms with their direct line manager, they may find it helpful to have an initial discussion with a trusted colleague, their union representative, another manager or an HR Advisor.

## 7. Respect at Work

We expect all council employees to conduct themselves in a helpful and open-minded manner. It is not acceptable for employees to experience negative behaviour because of symptoms that they are experiencing or because adjustments have been made to help them at work. If an employee experiences unacceptable behaviour they should raise these concerns using our Grievance Policy.

## 8. Roles and responsibilities

### Members of Staff:

All staff are responsible for:

- Taking a personal responsibility to look after their health;
- Being open and honest in conversations with managers/HR and Occupational Health;
- Contributing to a respectful and productive working environment;
- Being willing to help and support their colleagues;
- Understanding any necessary adjustments their colleagues are receiving as a result of their menopausal symptoms.

### Line Managers

All line managers should:

- Familiarise themselves with the Menopause Policy and Guidance;
- Be ready and willing to have open discussions about menopause, appreciating the personal nature of the conversation, and treating the discussion sensitively and professionally;
- Use the menopause guidance in signposting and reviewing together, before agreeing with the individual how best they can be supported, and any adjustments required;
- Record adjustments agreed, and actions to be implemented;
- Ensure ongoing dialogue and review dates;
- Ensure that all agreed adjustments are adhered to.

Where adjustments are unsuccessful, or if symptoms are proving more problematic, the Line Manager may:

- Discuss a referral to Occupational Health for further advice;
- Refer the employee to Occupational Health;
- Review Occupational Health advice, and implement any recommendations, where reasonably practical;
- Update the action plan and continue to review.

### Occupational Health

The role of Occupational Health is to:

- Signpost to appropriate sources of help and advice;
- Provide support and advice to HR and Line Managers in determining and agreeing reasonable adjustments, if required;
- Monitor referrals due to menopause symptoms, and provide additional signposting, where

required;

## **Human Resources (HR)**

HR will:

- Offer guidance to managers on the interpretation of this Policy and Guidance;
- Monitor and evaluate the effectiveness of this policy in respect of related absence levels and performance.

## **9. Employee Assistance Programme**

Ongoing and additional support is available through the Employee Assistance Programme (EAP). Council staff can access the service on freephone 0800 030 5182, 24 hours a day.

## **10. Further Information**

Further information can be found by following these external links:

National Institute for Health and Care Excellence (NICE) guidelines.

<https://www.nice.org.uk/guidance/ng23/ifp/chapter/About-this-information>.

The National Health Service provides an overview of menopause.

<http://www.nhs.uk/Conditions/Menopause/Pages/Introduction.aspx>.

Women's Health Concern (the patient arm of the British Menopause Society) –

[www.womens-health-concern.org](http://www.womens-health-concern.org)

British Menopause Society – <https://thebms.org.uk>

Support for premature menopause – [www.daisynetwork.org.uk](http://www.daisynetwork.org.uk)

Faculty of Occupational Medicine – <http://www.fom.ac.uk/health-at-work-2/information-for-employers/dealing-with-health-problems-in-the-workplace/advice-on-the-menopause>

Henpicked, Menopause in the Workplace – <https://henpicked.net/menopause-at-work/>

Menopause Café – 'gather to eat cake, drink tea and discuss menopause' –

[www.menopausecafe.net](http://www.menopausecafe.net)

Talking Menopause – [www.talkingmenopause.co.uk](http://www.talkingmenopause.co.uk)

# Menopause at Work - a practical guide for line managers

These guidelines should be read in conjunction with the Menopause Policy available through InSite.

## Contents

About this guide
What every manager needs to know about the menopause
Your role as a line manager
It's good to talk
Carry out a risk assessment
Discuss appropriate adjustments
Manage performance proactively and positively
Practical tips for supporting the menopause transition
Employee Assistance Programme
Useful resources

### 1. About this guide

Whether you have a large or small team, chances are you manage at least one woman. Most women will experience menopausal symptoms at some stage, but some may not feel confident to talk with their line manager about the menopause. It's a natural stage of life experienced by half of the workforce at some point and yet its a taboo subject in many workplaces.

This means many employees with menopause symptoms, which can be severe, suffer in silence. The menopause needn't be an awkward or embarrassing topic. It certainly shouldn't mean that a woman needs to press pause on her working life. Often a few simple changes to someone's working environment can make a world of difference - enabling someone experiencing menopausal symptoms to continue performing and contributing to their full potential. Even talking about it openly can reduce the impact of someones symptoms.

This guide will help you to:

- be confident about your role in managing and supporting colleagues with menopausal symptoms
- understand and reduce the barriers that could potentially prevent a colleague going through the menopause transition from performing and or developing to their full potential
- identify appropriate workplace changes or adjustments to support team members and help them thrive at work
- foster an inclusive working environment in which everyone is treated fairly



Note that this guide refers to 'women' throughout, but the principles equally apply to trans employees with menopausal symptoms.

## 2. What every manager needs to know about the menopause

Every manager should know what the menopause is, when it happens and how it can affect people.

### What is it?

It's a natural stage of life when a woman's oestrogen levels decline and she stops having periods. As menopausal symptoms are typically experienced for several years, it is best described as a transition rather than a one off event.

### When does it happen?

The menopause typically happens between age 45 and 55.

The perimenopause is the phase leading up to the menopause, when a woman's hormone balance starts to change. For some women this can start as early as their twenties or as late as their late forties.

The average age for a woman to undergo the menopause in the UK is 51, but around 1 in 100 experience it before the age of 40. This is known as premature ovarian insufficiency (POI), or 'premature menopause'. Often there is no clear cause for the early onset of menopause, but it can be as a result of surgery (for example hysterectomy, oophorectomy), illness or treatment (such as chemotherapy).

### What are the symptoms?

The menopause can cause a wide range of physical and psychological symptoms that can last for several years. The majority of menopausal women experience symptoms, but everyone is different. Symptoms can fluctuate and be felt to varying degrees. Experiencing any of the typical symptoms can pose a challenge for women as they go about their daily lives, including at work.

Some of the most typical symptoms of the menopause include:

- psychological issues such as mood disturbances, anxiety and/or depression, memory loss, panic attacks, loss of confidence and reduced concentration
- hot flushes (brief and sudden surges of heat usually felt in the face, neck and chest)
- sleep disturbance that can make people feel tired and irritable
- night sweats (hot flushes that happen during the night)
- irregular periods and/or periods can become light or heavy
- muscle and joint stiffness, aches and pains
- recurrent urinary tract infections (UTIs) including cystitis
- headaches
- weight gain
- palpitations (heartbeats that become more noticeable)
- skin changes (dryness, acne, general itchiness)
- reduced sex drive

## 3. Your role as a line manager

You have an important role to play in ensuring that anyone experiencing menopausal symptoms gets the same support and understanding as if they had any other health issue.

Effective management of team members with menopausal symptoms that are impacting on their work will help you to improve your team's morale, retain valuable skills and talent, and reduce sickness absence.

Good people management is fundamental to supporting employee health and well-being, spotting early signs of ill health or distress, and initiating early intervention.

As a line manager, you will typically be:

- the first point of contact if someone needs to discuss their health concerns or needs a change or adjustment to their work or working hours, to enable them to perform to their full potential
- responsible for implementing the people management policies and practices that can help someone experiencing the menopause to feel supported, and to be effective in their role
- responsible for managing absence and keeping in touch if someone is off work ill or because of their menopausal symptoms, as well as supporting an effective return to work.

The level of trust you build with employees will determine the extent to which female colleagues are able to discuss menopausal symptoms and any support or adjustments they need at work.

If there are regular and informal one-to-ones between a manager and employee, this can provide the forum for a conversation about any changes to someone's health situation, including the menopause.

### **TOP TIP**

Simple changes to your management style can make a world of difference

- Building relationships based on trust, empathy and respect will make it easier for an employee to feel comfortable about raising a health issue like the menopause.
- Regular and informal one-to-ones with members of your team can provide the forum for a conversation about any changes to someone's health situation, including the menopause.
- Asking people how they are on a regular basis will help to create an open and inclusive culture, and encourage someone to raise any concerns.
- Don't make assumptions – everyone is different, so take your lead from the individual.

## **4. It's good to talk**

The easier you make it for someone to open up to you, the easier it will be to identify the support they need.

Menopause can affect people's confidence and it can be very daunting talking to someone who has no knowledge/awareness of the menopause.

The more supportive and knowledgeable you are about the range of menopausal symptoms, the less likely that women will feel embarrassed to approach you and discuss how the menopause is affecting their health and their work. Awareness about the symptoms and range of support available in the organisation will also increase your own confidence in discussing the issue.

While any health condition can understandably be a sensitive and personal issue for many, some of the symptoms associated with the menopause can manifest themselves in a particularly intimate, even visible, way. It's therefore understandable why many women could feel embarrassed and reluctant to discuss the impact of their symptoms.

However, most people would prefer a concerned and genuine enquiry about how they are as opposed to silence.

Don't make assumptions about someone's health condition or ask them a direct question as to whether they have menopause symptoms. If you have concerns about someone's well-being or performance, ask general, open questions such as, 'How are you doing at the moment?' or 'I've noticed you've been arriving late recently, and I wondered if you're okay?' It's up to the individual to disclose any particular symptoms or health issues they may be experiencing.

Approach conversations with empathy, and try not to be embarrassed by the issue and how the individual is feeling. Regular catch-ups or one-to-ones are an opportunity to start the conversation, which should always be in a private, confidential setting where the employee feels at ease.

### **CONFIDENTIALITY**

If someone tells you about their health condition, including menopausal symptoms, this should be treated as confidential. If they want information about their condition to be shared, consent must be explicit. You should discuss with them who will be told and by whom, as well as the information they do or don't want shared with colleagues.

## **TOP TIP**

How to approach a sensitive conversation

It's important to set the right tone when opening a conversation about any sensitive issue. But try not to worry too much – being over-sensitive will stop you from doing or saying anything.

Review this checklist before approaching a sensitive conversation, and you won't go far wrong:

- Avoid interruptions – switch off phones, ensure colleagues can't walk in and interrupt.
- Ask simple, open, non-judgemental questions.
- Avoid judgemental or patronising responses.
- Speak calmly.
- Maintain good eye contact.
- Listen actively and carefully.
- Encourage the employee to talk.
- Give the employee ample opportunity to explain the situation in their own words.
- Show empathy and understanding.
- Be prepared for some silences and be patient.
- Focus on the person, not the problem.
- Avoid making assumptions or being prescriptive

## **5. Carry out a risk assessment**

Fulfilling your legal responsibility for health and safety will help ensure an employee's symptoms are not being exacerbated by their job.

Employers have a legal duty to make a suitable and sufficient assessment of the workplace risks to the health and safety of their employees.

Risk assessments should consider the specific needs of menopausal women and ensure that the working environment will not make their symptoms worse. Often, making simple changes to the working environment can help to alleviate the impact of some symptoms.

## **TOP TIP**

A risk assessment should look at issues such as:

- temperature and ventilation
- the materials used in any uniform or corporate clothing
- access to toilet facilities and access to cold water.

Check out the Health and Safety page on Insite for further details.

## **6. Discuss appropriate adjustments**

Simple changes to someone's role or working environment can help ensure the menopause does not become a barrier to performance.

Certain aspects of a job or the workplace can represent a barrier for someone experiencing menopausal symptoms. As a manager, you have a responsibility to consider and put in place reasonable adjustments to alleviate or remove these barriers wherever possible, so that women experiencing symptoms can carry on performing in their role.

Start by having a confidential, two-way conversation with the individual concerned, to identify the specific issues that person is experiencing. Consider involving relevant experts where appropriate, such as occupational health, to help identify appropriate adjustments that could be put in place to help ease the impact of their symptoms on their work.

Record any specific needs (and agreed adjustments) and review these at least annually. Symptoms of the menopause can fluctuate over time, so make sure you have regular discussions with the person concerned to ensure that the support still meets their needs.

### **What kind of adjustments could help?**

Examples of adjustments that could be made to support women experiencing menopausal symptoms include:

- Providing private areas for women to rest, recover or make a telephone call to access personal or professional support.
- Ensuring working time arrangements are flexible enough to meet the needs of menopausal women. For example, they may also need more breaks during the day, or may need to leave work suddenly if their symptoms become severe.
- Facilitating a comfortable working environment wherever possible – including adequate drinking water supplies, temperature-controlled areas, and access to toilets and showers or washing facilities.

## **7. Manage Performance proactively and positively**

If someone's performance is suffering, it's important to help them address the root cause. In some cases, menopausal symptoms can be so serious that they affect a person's performance at work. In this situation, it's in everyone's interest to discuss potential adjustments that could help the individual perform to their full potential.

Where there are suspected or known health issues, these should be explored, prior to any formal processes for underperformance. Performance management should not just be a one-off annual appraisal meeting. It is most effective when it's proactive, informal and based on regular and constructive feedback and discussion. This helps to build trust-based relationships and two-way dialogue, making it easier to address any underlying health issues. If you don't address the root causes of poor performance, any solutions are unlikely to fully resolve the issue – and problems can spiral into sickness absence.

### **TOP TIP**

How to manage health issues and performance

- Have regular, informal catch-ups with employees.
- Approach performance conversations supportively and positively.
- Take any health issues fully into account where there is underperformance on the part of an individual.
- Identify any extra support or coaching the person may benefit from.
- Set reasonable timescales for improvements.

For more information on managing health issues and performance, please read the following policies and guidance:

- Attendance and Absence Management Policy and Guidelines
- Capability Policy and Guidance

## **8. Practical tips for supporting the menopause transition**

The menopause affects people in different ways, but there are some practical steps you can take to support women experiencing the menopause at work, and help to minimise some of the most common symptoms.

### **Sleep disruption and/or night sweats**

- Recognise someone may take more short-term absence if they've had a difficult night.
- Consider a change to shift patterns or the ability to swap shifts on a temporary basis.
- Offer a flexible working arrangement, for example a later start and finish time.
- Explore the possibility of working from home on an ad hoc basis if they've had a rough night.

### **Hot flushes and/or daytime sweats**

- Look at ways to cool the working environment, for example a USB fan
- Provide easy access to cold drinking water and washrooms.
- Adapt uniforms to improve comfort.
- Limit the time wearing personal protective equipment (PPE) such as face masks.

### **Heavy or irregular periods**

- Provide easy access to washroom and toilet facilities.
- Allow for more frequent breaks to go to the toilet.
- Allow someone to temporarily work from home if they have very heavy bleeding.
- Make it easy to request extra uniforms if needed.

### **Headaches and fatigue**

- Consider a temporary adjustment to someone's work duties.
- Provide a quiet area to work.
- Offer easy access to drinking water.
- Allow regular breaks and opportunities to take medication.

### **Muscular aches, and bone and joint pain**

- Make any necessary temporary adjustments through review of risk assessments and work schedules.
- Allow someone to move around or stay mobile, if that helps.

### **Psychological issues (for example loss of confidence, poor concentration, anxiety, and so on)**

- Encourage employees to discuss concerns at one-to-one meetings with you and/or occupational health.
- Discuss possible adjustments to tasks and duties that are proving a challenge.
- Address work-related stress by carrying out a stress risk assessment
- Signpost to the employee assistance programme or refer to Occupational Health
- Identify a supportive colleague to talk to away from the office or work area,
- Allow time out from others when needed, to have some quiet time or undertake relaxation or mindfulness activities.
- Provide access to a quiet space to work or the opportunity to work from home.
- Have agreed protected time to catch up with work.
- Discuss whether it would be helpful for the employee to visit their GP, if they haven't already.

## **9. Employee Assistance Programme**

Ongoing and additional support is available through the Employee Assistance Programme (EAP). Council staff can access the service on freephone 0800 030 5182, 24 hours a day.

## **10. Useful Resources**

NHS guidance on menopause – [www.nhs.uk/conditions/menopause/](http://www.nhs.uk/conditions/menopause/)

British Menopause Society – <https://thebms.org.uk>

Support for premature menopause – [www.daisynetwork.org.uk](http://www.daisynetwork.org.uk)

Henpicked, Menopause in the Workplace – <https://henpicked.net/menopause-at-work/>

Menopause Café – 'gather to eat cake, drink tea and discuss menopause' –

[www.menopausecafe.net](http://www.menopausecafe.net)

Talking Menopause – [www.talkingmenopause.co.uk](http://www.talkingmenopause.co.uk)

The Menopause Exchange – [www.menopause-exchange.co.uk](http://www.menopause-exchange.co.uk)

Menopause Matters – [www.menopausematters.co.uk](http://www.menopausematters.co.uk)

Menopause Support – <https://menopausesupport.co.uk/>

Meg's Menopause – <https://megsmenopause.com/menopause/>

## APPENDIX 5 – MATERNITY SCHEME POLICY



### Maternity Scheme

#### Abbreviations

The following abbreviations and definitions are used in this document:

EWC	"Expected week of childbirth"	The week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.
QW	"Qualifying week"	The 15 <sup>th</sup> week before the expected week of childbirth.
MATB1	Maternity Form	Form provided by midwife giving confirmation of the EWC
OML/AML	Ordinary or Additional Maternity Leave	A period of 26 weeks OML and 26 weeks AML
MA	Maternity Allowance	Allowance paid to employees who do not qualify for SMP
SMP	Statutory Maternity Pay	Basic allowance paid to employees who qualify
OMP	Occupational Maternity Pay	Enhanced allowance paid to employees who qualify
SPL	Shared Parental Leave	Mothers can choose to end their maternity leave after the initial two week compulsory maternity leave and then share the remaining leave with their working partner.
SSPP	Statutory Shared Parental Pay	Statutory Maternity Pay shared by another rather than all taken by the mother
CML	Compulsory Maternity Leave	Women must take two weeks compulsory maternity leave after the birth of their child
KIT	Keeping In Touch days	Up to 10 days that can be worked during the OML/AML period
SPLIT	Shared Parental Leave In Touch days	An additional 20 days that can be worked during the SPL period without bringing the SPL to an end
Continuous Service	Includes previous service with another public authority which will be advised in the employees contract of employment where relevant or where an employee returns to local government following a break for maternity reasons, or reasons concerned with caring for children or other dependants provided the break is no longer than 8 years and that no permanent paid full time employment has intervened or where a TUPE transfer occurs to another organisation and is transferred back to PCC within 5 years of the original transfer.	

**Principles**

This scheme will **not** apply to employees of Peterborough City Council who are employed centrally on Teachers or Agenda for Change terms and conditions.



## 1. STAGE ONE – PRIOR TO BIRTH

### Fertility Treatment

Reasonable time off will be given to employees undergoing fertility treatment. This will be in accordance with the Attendance Policy.

### Notification of Pregnancy

On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there may be health and safety considerations.

Before the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee must provide written confirmation of the following to their line manager:

- the fact that she is pregnant;
- her Expected Week of Childbirth; and
- The date on which she intends to start her maternity leave (“the intended start date”).

***It is the responsibility of the line manager to hold a maternity meeting with the employee once she has given notification of her pregnancy. A maternity leave checklist is available and will provide useful information on what should be covered at this meeting.***

The employee must also provide a MAT B1 Form, which is a certificate from a doctor or midwife confirming the EWC. The form must have either the doctor's name and address or the midwife's name and registration number on it.

The Council will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

### Time off for Antenatal Care

Employees will be entitled to take reasonable paid time off during working hours for ante-natal care. This may include specific appointments or classes that the employee's doctor, registered midwife or registered health visitor has advised them to attend.

When requesting time off for antenatal care, employees will be required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Fathers and partners of pregnant women are able to take unpaid time off work to attend up to two antenatal appointments. Up to 6.5 hours can be taken for each appointment. Line managers may ask the employee to provide a signed declaration of their entitlement to take time off.

### Health and Safety

The Council has a duty to carry out a risk assessment to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.

It is the responsibility of the employee's line manager to arrange the risk assessment as soon as they have been informed of an employee's pregnancy. The risk assessment form is available through the Health

and Safety pages on the intranet. The completed risk assessment should be regularly reviewed and adapted as necessary.

The employee's line manager will provide them with information as to any risks identified in the risk assessment and any preventative or protective measures that have been or will be taken. If it is considered that as a new or expectant mother, the employee would be exposed to health hazards in carrying out their normal work, any such steps as are necessary (for as long as they are necessary) will be taken to avoid those risks. This may involve:

- changing the employee's working conditions or hours of work;
- offering the employee suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- Suspending the employee on full pay unless they have unreasonably refused suitable alternative work.

Suitable places for rest periods and places to rest shall be provided for new and expectant mothers.

### **Miscarriage or Still-Birth**

Although the vast majority of pregnancies are healthy, clearly problems can arise. The Council acknowledges that the needs of each individual employee will differ as employees handle difficult circumstances in their own way. However, the Council will react sympathetically to employees. If support or guidance is required then the employee should contact their HR Business Partner or line manager who may have access to external resources which may help the employee deal with their situation.

#### **Miscarriage**

If the employee should suffer a miscarriage, at any time up to and including the 24<sup>th</sup> week of pregnancy, then the provisions of the maternity policy will not apply. If the employee is unfit to work following the miscarriage then the provisions of the Attendance Policy will apply.

#### **Stillbirth**

If a child is still born after the 24<sup>th</sup> week of pregnancy, or dies within the period of Maternity leave, the terms of the maternity policy apply in full in respect of maternity pay, allowances, and maternity leave. If the employee is unfit to return to work at the end of their maternity leave then the provisions of the Attendance Policy will apply.

### **Sickness Absence**

Periods of pregnancy-related sickness absence shall be paid in accordance with the Attendance Policy in the same manner as any other sickness absence. Any payment in excess of this as a result of the pregnancy-related sickness will be entirely at the Council's discretion.

If an employee is absent due to an illness wholly or partly related to pregnancy, the maternity leave will start automatically on the day after the first day of absence if the employee is absent from work during the 4<sup>th</sup> week before the EWC, regardless of the planned maternity leave start date.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the EWC, she must notify the Council in writing of this as soon as possible.

If an employee is absent due to a condition not related to the pregnancy then the sick leave will continue up to the date that was the notified intended date for the maternity leave.

All other absences will be dealt with in accordance with the Council's Attendance Policy.[Text Wrapping Break]

Periods of pregnancy-related absence from the start of the employee's pregnancy until the end of their maternity leave will be recorded separately from sickness absences and will be disregarded in any future employment-related decisions.

## **2. STAGE TWO – MATERNITY LEAVE PERIOD**

## Maternity Leave

All pregnant women are entitled to take up to 26 weeks' OML and up to 26 weeks' AML (one year's leave in total) regardless of length of service. AML begins on the day after OML ends.

All pregnant women must take a two week period of Compulsory Maternity Leave immediately following the birth of a child (or a four-week period where the woman works in a factory). It is a criminal offence to require or allow a woman to work during compulsory maternity leave.

OML can start at any time after the beginning of the 11<sup>th</sup> week before the employee's EWC (unless the child is born prematurely before that date in which case it will start earlier).

OML will start on whichever date is the earlier of:

- the intended start date (if notification is given in accordance with section 3 of this document);
- the day after the employee gives birth; or
- The day after any day, on which the employee is absent for a pregnancy related reason in the four weeks before the EWC.

Employees may postpone their intended start date by informing their line manager in writing at least 28 days before the original intended start date or, if that is not possible, as soon as reasonably practicable.

Employees may bring forward the intended start date by informing their line manager at least 28 days before the newly proposed start date or if that is not possible as soon as reasonably practicable. The newly proposed start date should not be earlier than the 11<sup>th</sup> week before the employee's EWC.

At the discretion of the manager, the employee may be allowed leave with or without pay in excess of the 26 week period, for example, where a baby is born prematurely consideration should be given to allowing an extension of the maternity leave period. Any decision made is discretionary and considered on a case by case basis.

If the employee gives birth before her maternity leave was due to start, she must notify the Council in writing of the date of the birth as soon as reasonably practicable.

## Maternity Pay

### Maternity Allowance (MA)

Employees whose average earnings are below the lower earnings limit of National Insurance at the qualifying week will not be entitled to SMP.

Form SMP1 will be issued to in these circumstances and dependent upon earnings the employee may be able to claim MA. Further advice in this respect can be obtained by the employee from the Jobcentre Plus.

### Statutory Maternity Pay (SMP)

SMP is payable for up to 39 weeks. SMP will stop being payable if the employee returns to work (see ['keeping in touch'](#) days section).

Employees will be entitled to SMP if:

- they have been continuously employed for at least 26 weeks at the end of the qualifying week and are still employed during that week;
- their average weekly earnings during the eight weeks ending with the qualifying week ("the Relevant Period") are not less than the lower earnings limit sent by the Government;

- they have provided their line manager with a doctor or midwife's certificate (MAT B1 Form) stating their EWC;
- they have given at least 28 days' notice (or if that is not possible as much notice as they are able) of their intention to take maternity leave; and
- They are still pregnant 11 weeks before the start of the EWC or have already given birth.

SMP is calculated as follows:

- First six weeks: SMP is paid at the earnings-related rate of 90% of the employee's average weekly earnings calculated over the relevant period;
- Remaining 33 weeks: SMP is paid at the prescribed rate which is set by the Government for the relevant tax year or the earnings-related rate if this is lower.

The definition of a weeks' pay for SMP purposes is all the earnings which are taken into account for national insurance contributions

SMP accrues from the day on which the employee commences OML and afterwards at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

If an employee becomes eligible for a pay rise before the end of their maternity leave they will be treated for SMP purposes as if the pay rise had applied throughout the relevant period. This means that SMP will be recalculated and increased retrospectively or that the employee may qualify for SMP when they did not previously. In those circumstances arrangements should be made for the employee to be paid a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the earnings related rate (if any) will also be increased as necessary.

An employee will still be eligible for SMP if they leave employment for any reason after the start date of the qualifying week (for example they resign or are made redundant). In such cases, if maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:

- The week following the week in which employment ends; or
- The eleventh week before the EWC.

A pregnant employee is disqualified from receiving SSP throughout the whole of her 39 week period of entitlement to SMP (or MA period if applicable. This applies even if she resumes work during the 39 week period and then falls ill before the end of that period. If this happens she can go back to receiving SMP but not SSP.

### **Occupational Maternity Pay (OMP)**

Employees who have completed 1 year's continuous local government service at the beginning of the 11<sup>th</sup> week prior to the EWC are entitled to additional benefits under the Peterborough City Council OMP scheme.

The total of SMP and OMP or MA plus any allowances and OMP should not exceed normal full pay, regardless of the option taken below, or when the payment is made.

Employees can choose from one of the following options in addition to their SMP or MA:-

- **Option A: 12 weeks at half salary paid during Weeks 7-18; OR**
- **Option B: 06 weeks full pay paid in a lump sum on return from maternity leave**

In order to claim OMP the employee must provide written notification of their intention to return to work at Peterborough City Council after their maternity leave. A sample form is attached at Appendix A. This form will be sent to all qualifying employees by HR Support. Although there is no specified date by which this notification should be given, payment of OMP will only be made when the employee feels able to make an informed decision to return.

OMP shall be paid only on the understanding that the employee will return to employment at the Council for a period of at least three months following her maternity leave.

If an employee decides not to return to work, payments during the subsequent 20 weeks will be paid at the SMP rate only and if any OMP was claimed then the total sum of OMP is refundable to the Council. In such circumstances, the line manager must be informed immediately, and arrangements made to reimburse the sum in full.

Payments made to the employee by way of SMP are not refundable.  
OMP will not be payable to the partner of the mother where shared parental leave is being taken.

*Definition of a week's pay:*

- A week's pay for employees whose remuneration for normal working hours does not vary with the amount of work done in the period is the normal week's pay.
- Where there are no normal working hours a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

If an employee becomes eligible for a pay rise before the end of their maternity leave they will be treated for OMP purposes as if the pay rise had applied throughout the relevant period. This means that OMP will be recalculated and increased retrospectively. In those circumstances arrangements should be made for the employee to be paid a lump sum to make up the difference between any OMP already paid and the amount payable by virtue of the pay rise. Any future OMP payments at the earnings related rate (if any) will also be increased as necessary.

We have signed up to the Military Covenant. This means that if an employee is not able to return from maternity leave because their partner is posted to another location, she will not be required to pay back any contractual maternity pay. This only applies if the employee did not know about her partner's new posting before starting maternity leave.

Employees who do not qualify for SMP but have one years' continuous service 11 weeks before the EWC

Employees who earn below the lower earnings limit for national insurance at the qualifying week will not be entitled to SMP. However, these employees will be entitled to OMP if they have one year's service at the 29<sup>th</sup> week of pregnancy. For the first six weeks of absence the employee shall be entitled to 90% of a weeks' pay offset against any MA payable (which should be declared to the employer). An employee who declares in writing that they intend to return to work will for the subsequent 12 weeks receive half a weeks' pay providing that the combined MA, any allowances, plus OMP do not exceed full pay. The 12 weeks half pay can be paid as per the options (A and B) detailed above.

## Maternity Support Leave

### Eligibility:

Maternity Support Leave may be granted to the baby's father, or the partner or the nominated carer of an expectant mother at or around the time of birth. A nominated carer 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 the birth.

### Entitlement:

Maternity Support Leave is one week's duration paid at full (normal) pay. (Where there are no normal working hours a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

### How to claim:

Applications should be made to the line manager using the Maternity Support Leave Request Form at least 21 days before the leave is due to commence.

## Paternity Leave

**Eligibility:**

Paternity Leave may be granted to the father, or the mother's partner, who expects to have responsibility for the upbringing of the child, for the purposes of caring for a child or supporting the child's mother. The employee must have 26 weeks' continuous service by the end of the 15<sup>th</sup> week before the EWC with average weekly earnings at the lower earnings limit for NI contributions at the end of the QW.

**Entitlement:**

Paternity Leave is one week's paternity leave (offset against the employee's maternity support leave and paid as full pay) plus one week's standard paternity leave (paid as Statutory Paternity Pay). Regardless of the number of children born there is entitlement to only one period of leave. Leave can start on any day of the week on or following the child's birth but must be completed within 56 days of the actual date of birth of the child. The leave must be taken in a period of one consecutive week and not on odd days.

**How to claim:**

Applications should be made to the line manager using the Paternity Leave Request Form at least 28 days before the leave is due to commence.

**Other considerations (Maternity Support Leave and Paternity Leave)**

The employee can change the date that they wish the leave to start provided 28 days' notice is given where practicable. The employee may vary their notice more than once. It is understood that in the event of premature birth it may not be possible to give notice.

The employee must inform the employer of the date the child was born as soon as reasonably practicable.

**Terms and Conditions**

An employee is entitled to receive some of the same terms and conditions as follows:

**Pension Arrangements (LGPS)**

During the paid period of maternity, paternity or adoption leave, pension contributions will continue to be made.

Employees can choose whether or not to pay contributions to cover the pension 'lost' during periods of authorised unpaid leave of absence. This includes any period of unpaid additional maternity, paternity or adoption leave. This unpaid period must follow a period of ordinary maternity, paternity or adoption leave and any paid additional maternity, paternity or adoption leave.

To buy back the amount of pension 'lost' during the period of absence the employee would need to elect to pay an Additional Pension Contribution (known as an APC).

The election can be made at any time following a return to work, however providing the election is made within 30 days of returning to work the employee pays 1/3<sup>rd</sup> of the cost and the employer pays 2/3<sup>rd</sup>s of the cost of the APC. If the election is made after the 30 day period then the cost of the APC will be fully met by the employee.

Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had she not gone on maternity leave.

Employees are advised to contact payroll or the pension scheme to discuss their individual circumstances.

**Trade Union Subscriptions**

During the period of paid maternity leave/SPL contributions will continue to be made. When maternity pay ceases the employee must contact their union to make their own arrangements.

**Annual Leave**

Employees are encouraged to take any outstanding annual leave due to them before the commencement of OML/SPL. Annual leave will continue to accrue during the period of OML, AML and SPL and may be taken at the end of the annual leave year once they return. The normal rules apply regarding the standard leave year and carry-over of annual leave.

When the holiday year is due to end during the maternity leave or shared parental leave period, the employee should take the full year’s entitlement before starting the leave. However, in exceptional circumstances where this is not possible, Peterborough City Council will allow carryover of annual leave entitlement up to the statutory 28 days allowance (inclusive of bank holidays).

Employees will continue to accrue both statutory, any additional contractual annual leave and bank holiday entitlement during both OML and AML. An employee who has requested maternity leave will be advised before she starts the leave whether or not she has any outstanding holiday entitlement. The council may:

- require the employee to take such outstanding holiday before commencing OML;
- agree in conjunction with the relevant department manager that the employee should carry the leave over and take it on return to work after maternity leave;

These options will be discussed with the employee prior to the start of OML.

The employee must then make arrangements to take the carried over leave within the next leave year at a time which is fully agreed by the manager.

### Bank Holidays

Employees on a period of maternity leave who have less than 5 years’ service must receive a minimum of 28 days per annum to comply with the Working Time Regulations. Therefore, they will be entitled to accrue a maximum of 4 bank holidays in order to meet this minimum requirement. For those with more than 5 years’ service who already receive 29 days annual leave entitlement, there will be no accrual of bank holidays.

Bank holidays that occur during the OML and AML will be in addition to any accrued statutory and contractual holiday entitlement calculation

### Salary Sacrifice – Childcare Vouchers

SMP is calculated on the salary earned in the 8 weeks prior to maternity leave. If childcare vouchers are taken during this period, these would not be considered part of salary, hence lowering the maternity pay that the employee may be eligible for. Employees participating in the scheme who become pregnant and ultimately due to take maternity leave are advised to contact HMRC for advice on whether to opt out of the salary sacrifice scheme or not. The following is a summary of either continuing with salary sacrifice or terminating the agreement:-

	As the employee, if you <b>continue</b> your salary sacrifice arrangement		As the employee, if you <b>terminate</b> your salary sacrifice arrangement	
	The value of your SMP will be lower than it would be if no salary sacrifice arrangement was in place.		The value of your SMP will be greater than if you continue your salary sacrifice.	
	The value of your OMP will be lower than it would be if no salary sacrifice arrangement was in place – as your salary is reduced by the salary sacrifice.		The value of your OMP will be greater than if you continue your salary sacrifice – as your salary will no longer be reduced.	
	You will continue to receive your		You will cease to receive your	

	childcare vouchers non-cash benefit throughout the period of maternity leave.		childcare vouchers non-cash benefit when you terminate your salary sacrifice arrangement prior to the period of maternity leave.	
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If an employee starts maternity leave without any childcare voucher benefit in place, they may enter into a salary sacrifice agreement during a maternity leave period but will not receive the revised salary or benefit until they return to work. An employee on SPL may enter into a salary sacrifice agreement during a maternity leave period but will not receive the revised salary or benefit until they return to work.

Pension implications of salary sacrifice – LGPS/NHS/TPS pension contributions are calculated on your salary paid after the salary sacrifice deductions. Entering into a salary sacrifice arrangement that reduces gross pensionable pay will have a negative effect on the amount of pension built up in that year.

Further information on childcare vouchers is available through InSite.

**Contact during Maternity Leave/SPL**

The Line Manager should where possible discuss with the employee appropriate arrangements for staying in touch before maternity leave or SPL commences.

The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during the maternity leave or SPL. This may be to discuss for example, significant workplace developments, the employee's plans to return to work, any required special arrangements, training opportunities and vacancies.

All employees are entitled to receive the vacancy bulletin whilst on maternity leave or SPL. An email address should be supplied to Business Support HR (Serco) who will then arrange for each issue to be sent electronically. This can also be supplied by post to employees with no email. Externally advertised jobs are available through the Council website. The employee can also request that HR Support send them the Council's weekly news bulletin.

**Keeping-in-touch (KIT) days (Maternity Leave)**

Except during the first two weeks after childbirth (four weeks for a factory worker), employees can work up to 10 days during their maternity leave. These days are called 'keeping in touch days'. Keeping in Touch days are optional – both the employee and employer need to agree to them. The KIT form must be completed for each day worked.

The type of work and pay employees get should be agreed before they come into work. The employee's right to maternity leave and pay isn't affected by taking keeping in touch days. The SMP continues to be paid and any additional pay should be agreed beforehand. The employee will be paid their contractual hourly rate for the hours that they actually work less any SMP to ensure they earn the correct rate.

An employee on Maternity Leave cannot undertake election duties. Unless the employee works in the elections team they are also unable to use a Keeping in Touch day to undertake election duties.

**Work on SPLIT days (Shared Parental Leave)**

An employee can work for up to 20 days during a period of SPL without bringing the SPL to an end. "Work" can include any training or activity undertaken for keeping in touch with the place of work. These SPLIT days are in addition to the 10 KIT days.

The Council has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during the maternity leave or SPL. Any work undertaken, including the amount of salary paid for any work done is entirely a matter for agreement between the Council and the employee. Days worked do not extend the period of maternity leave or SPL. Once the days have been used up, the employee will lose a week's SMP/SSPP for any week in which work is carried out for the Council. It may also bring ML/SPL to an end.



The days should be recorded on the form and sent to payroll within the normal deadline dates. The employee will be entitled to their full contractual remuneration, less any SMP/SSPP amount. The sum paid will not exceed full pay.

An employee on Shared Parental Leave cannot undertake election duties. Unless the employee works in the elections team they are also unable to use a SPLIT day to undertake election duties.

### **3. STAGE THREE – RETURN TO WORK**

#### **Returning to work from Maternity leave**

The employee will have been formally advised in writing by the Council of the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless she notifies the Council otherwise.

If the employee is unable to attend work at the end of her maternity leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply. Where work is interrupted (due to industrial action or some other reason), the employee must return when work resumes, or as soon as possible thereafter. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist the Council if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, she must give the Council at least eight weeks' notice of her date of early return, preferably in writing. If insufficient notice is given, the Council may postpone the employee's return date until 8 weeks after notice was given or to the expected return date if sooner.

An employee who has confirmed that she wishes to return to work before the end of her AML is entitled to change her mind. However, in these circumstances she will then need to give eight weeks' notice of the change of date.

If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, the Council may require the employee to return to work for the remainder of the notice period. Any annual leave accrued during the OML or AML period may be taken at the end of the maternity leave period to reduce or prevent this requirement.

#### **Rights On and After Return to Work from Maternity Leave**

On resuming work after OML, the employee is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent.

On resuming work after AML the employee is again entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable for the Council to allow the employee to return to the same job, the employee may be offered suitable alternative work on terms and conditions that are not substantially less favourable than would have applied if she had not been absent. It is good practice to consult with employees about any proposed changes to their job at the end of their maternity leave if it is possible to do so.

An employee who worked full-time prior to her maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Council's business.

If an employee would like to propose a change to their working pattern she should write to her line manager as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request. Managers must take the needs of breastfeeding employees into account if this is a factor when considering a flexible working request. The procedure for dealing with such requests is set out in the Council's Worklife Balance Policy.

Periods of OML and AML shall be regarded as continuous service for the purposes of NJC sickness and maternity schemes and annual leave.

### **Shared Parental Leave (for employees with an EWC beginning on or after 5<sup>th</sup> April 2015)**

The entitlement to Shared Parental Leave (SPL) is created by the mother ending her maternity leave before she has taken her full entitlement. The remaining period then becomes SPL.

#### **Eligibility:**

- Both parents must meet the eligibility criteria for shared parental leave to apply.
- Both parents must have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth.
- Both parents must meet the statutory employment test (employed for at least 26 weeks out of the 66 weeks preceding the EWC) and earnings test (normal weekly earnings which are not lower than the Maternity Allowance threshold).
- The mother must be entitled to SMP and have chosen to end her SML or have returned to work.
- Both parents must have at the time of the child's birth the main responsibility for the care of the child.

#### **Entitlement – Shared Parental Leave:**

Shared parental leave is available for up to 50 weeks and can begin at any time after the two week period of compulsory maternity leave.

Shared parental leave must be taken in multiples of complete weeks. This may be taken as one continuous period or with breaks of complete weeks in between.

Shared parental leave must not exceed the balance of untaken maternity leave.

#### **Entitlement – Statutory Shared Parental Pay:**

The entitlement to Statutory Shared Parental Pay is 39 weeks, less the number of weeks in which SMP or MA has been payable to the mother. SSPP must not exceed the balance of untaken maternity pay or maternity allowance available at the point at which the woman returns or plans to return to work. To be eligible for SSPP the employee should have normal weekly earnings for the 8 weeks ending with the EWC that are not lower than the lower earnings limit.

As the mother must take two weeks compulsory maternity leave this means that there is a maximum of 37 weeks SSPP.

An employee can be absent on shared parental leave at the same time as another employee is absent on maternity leave, adoption leave, parental leave, or paternity leave in respect of the same child.

SSPP is not payable after the end of the 52 weeks following the birth of the baby.

If there is a need for the manager to discuss an application for SPL then they can be accompanied by a workplace colleague, trade union representative or a friend or family member.

#### **How to apply:**

The mother can give notice to return to work early. This must be done at least 21 days before the return date. However, if the leave is to be shared then each parent will have to give not less than eight weeks' notice of their entitlement to SPL. This needs to be not less than eight weeks' before the start date of the first period of SPL to be taken by each of the parents. This should be done using the relevant forms on Insite.

If the parent wants to vary the dates then a notice form should be provided at least eight weeks before the beginning of the first week of leave to the line manager. This form should also be completed for cancelling leave that has been previously arranged. The employee can give three notices to vary. Notices that are withdrawn by the employee, given because the baby was born earlier or later than the EWC, or given because the employer has requested it, will not count towards the three.

If the leave request is for one continuous period of SPL then the employee is entitled to take that leave. Where discontinuous periods of leave are requested then (within two weeks of the request) the employer may either agree to it, propose alternative dates, or refuse the leave.

If the mother changes her mind then she can submit a cancellation notice in accordance with the statutory rules.

On receipt of the forms the employee will be asked to submit a copy of the birth certificate and the name and address of their employer or their partner's employer.

#### **Other considerations:**

The employer can insist that the employee takes agreed SPL if the parent informs their employer that they no longer meet the criteria for SPL less than eight weeks before the leave is due to start.

The employee is entitled to return to work after SPL to the same job provided that the period of SPL when added to any other period of statutory leave taken by the employee in relation to the child is 26 weeks or less. If the time off is more than 26 weeks then they should either return to the same job or to another job which is suitable for the employee and appropriate in the circumstances.

#### **Redundancy**

In the event that the employee's post is affected by a proposed restructure or other situation through which their post may become at risk of redundancy during their maternity leave or SPL they should be consulted in accordance with the Managing Change Policy.

Employees on maternity leave or SPL shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills. If the employee is offered a suitable alternative vacancy then they are entitled to a four week trial period in which to decide whether the employment is suitable.

#### **Other policies that may be applicable**

##### **Parental Leave following Maternity Leave**

Parents with one year's continuous service can take parental leave of 13 weeks per child or 18 weeks where the child is entitled to disability living allowance

##### **Time Off for Dependents (Special Leave)**

All employees can take reasonable unpaid leave to take action in relation to dependants

For further information regarding these rights refer to the Council's Worklife Balance Policy on the intranet.

## APPENDIX A

### **SAMPLE FORM FOR REFERENCE ONLY ACTUAL FORM WILL BE SENT BY HR SUPPORT**

Please return this form to the Human Resources department.

This is to confirm that I elect to receive my OMP as follows:-  
(Please delete clearly the one which does not apply)

**A:** 12 weeks half pay paid at the same time as the first twelve weeks of the 33 weeks standard SMP, (during OML)

**or**

**B:** 6 weeks at full pay paid as a lump sum following return from maternity leave

**1. I understand that the total of Statutory Maternity Pay and Occupational Maternity Pay or Maternity Allowance plus any allowances and Occupational Maternity Pay will not exceed normal full pay regardless of the option I choose, or when payment is to be made.**

2. I understand that I will be required to repay this Occupational Maternity Pay if I do not return to work after maternity leave and remain at work for a period of at least three months.

**I understand that I will automatically receive vacancy information and I *do/do not* want to receive weekly news bulletins - delete as applicable.**

<b>Signed:</b>	<b>Date:</b>
<b>Employee Name:</b>	<b>Payroll Number:</b>