



East Dunbartonshire Council

Work Life Balance Policy

Revisions March 2015

Report: CST/019/15/AMC
Appendix 1 – Work Life Balance Policy

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Monitoring and Review

This policy will be reviewed in line with:

- Legislative Change
- Other external factors
- Feedback on the effectiveness of the policy
- Requests for review by Elected Members, Trade Unions and/or Management

Alternative Formats

All Customer Services and Transformation Team policies and procedures can be found on The Hub.

The policy and procedure can also be made available (on request) in a variety of formats. These can be requested from the Customer Services and Transformation Team by contacting 0141 578 8471. Information will be made available in line with the Council Accessible Information Policy.

1. INTRODUCTION

This policy recognises the different work life balance requirements of employees at different points in life. These procedures are aimed to be as clear and comprehensive to ensure that employees are aware of their entitlements.

2. SCOPE

These guidelines cover all Single Status; Craft and Chief Officer employee group within East Dunbartonshire Council. This policy covers:

- Maternity Leave
- Paternity Leave
- Paternal Leave
- Adoption Leave
- Fertility Treatment
- Fostering

Teachers and those employed on SNCT Conditions of Service should refer to Education Procedure Manual: Family Leave and SNCT Handbook Part 2, Section 7, Family Leave.

3. AIM

This policy aims to outline the support and entitlements for employees in terms of leave, pay and the responsibilities of the Council and employees in the provision of these.

4. OBJECTIVES, OUTCOMES & BENEFITS

The policy promotes best practice in retaining and supporting employees when they have a lifestyle change involving maternity, paternity, adoption, parental or fostering responsibilities.

The **objectives** of the policy are to:

- Highlight entitlements to employees in line with statutory and Council provisions
- Ensure that employees and line managers take the appropriate action when a lifestyle change occurs

The intended **outcomes** of the policy are:

- A culture which encourages and supports positive work life balance
- A workforce which has a positive approach to work life balance

Customer Service and Transformation

On being notified of an employee's requirement for leave, the HR Employee Services Team will issue the appropriate information to employees which will include:

- All relevant forms
- A copy of this policy
- Any other relevant guidance which will assist the employee or line manager.

Line Managers

On being notified of a requirement for leave, their line manager should:

- Notify the HR Employee Services Team of the requirement within the appropriate timescales
- Undertake any actions required in terms of Health & Safety

- ~~Make any arrangements for Keeping in Touch (KIT) days~~
- Maintain reasonable contact with the employee to update of changes and corporate updates throughout the period of leave
- Ensure that notification to return has been received within the prescribed timescales

On an **employee returning to work**, line managers should:

- Meet with the employee on their first day back. If a manager is unable to meet with the employee, a call must take place in the meantime.
- Ensure that all relevant provisions have been made for supporting the employees return.

Employees

Employees must ensure that they:

- Work positively with line managers to ensure Risk Assessments are completed taking into account the health & safety of employees and their unborn child.
- Inform your line manager and HR Employee Services Team as soon as you know that you are pregnant.
- All necessary documentation is completed and returned to Line Managers/HR Employee Services Team within time periods specified.
- That you keep in touch with your line manager while on leave.

5. MATERNITY LEAVE

5.1 Entitlements to Maternity Leave & Pay

All pregnant employees regardless of length of service are entitled to 52 weeks maternity leave with length of service determining pay or maternity allowance entitlements.

| Leave Entitlement | Pay Entitlement |
|--|---|
| Scheme A | |
| Employees with less than 26 weeks continuous service by the 15th week before the baby is due will be entitled to 52 weeks maternity leave. | Maternity Allowance paid for 39 weeks at the current rate of SMP. Remaining 13 weeks will be unpaid |
| Scheme B | |
| Employees with 26 weeks continuous service by the 15th week before the baby is due will be entitled to 52 weeks maternity leave. | Subject to qualifying conditions you will be entitled to: First 6 weeks = 90% of normal contractual weekly pay. 12 weeks = 50% of normal contractual pay + SMP* 21 weeks = SMP* 13 weeks = Unpaid * Subject to satisfying NI Earnings Criteria |

5.2 Notification of Pregnancy

Employees should ensure that they inform their line manager of their pregnancy as soon as possible. It is also recommended that employees notify the HR Employee Services Team to ensure that the relevant documentation can be issued. The 'Application for Maternity Leave & Pay Form' should be completed. This will detail:

- That you are pregnant
- Your expected date of childbirth
- The date that you intend to begin Maternity Leave. (Mat B1 Form)

5.3 Changing the start date of maternity leave

After giving notification, an employee can change her intended start date as long as she notifies you of the new start date. This must be done by whichever is the earlier of:

- 28 days before the date originally intended to start leave.
- 28 days before the new date to start leave.

Where this is not possible, as much notice from an employee as possible would be appreciated.

5.4 Risk Assessment Procedures

The Management of Health and Safety at Work Regulations 1999 place a duty on the Council to assess the workplace risks for all their employees and take action to control these risks. There are obligations for the Council before and after the maternity leave period.

Advice can be sought from the Health and Safety Team. A Risk Assessment must also be completed for any training courses or other activities outwith the daily workplace of the employee.

5.5 Deployment

Where a risk assessment identifies risks which cannot be eliminated, minimised or lessened, there may be a requirement to redeploy an employee for a temporary period to alleviate the risks posed.

An expectant employee will have the right to request alternative work where any risks to the employees' health or the baby can be avoided.

5.6 Ante-Natal Care

All expectant employees will be entitled to reasonable time off at the normal daily rate of pay to attend ante-natal appointments, such as doctors, midwife appointments.

This entitlement will include travel time and the duration of the appointment. It is therefore expected that employees will endeavour to make appointments that have minimal disruption to their working day by requesting appointments at the beginning or end of the working day, where possible.

With the exception of the first appointment, Line Managers will have the right to request an appointment card if deemed necessary.

5.7 Sickness Absence

Any pregnancy related sickness absence within the last 4 weeks leading up to Maternity Leave will automatically begin someone's Maternity Leave and Pay. Illness which is unrelated to pregnancy will not affect maternity leave and the maternity arrangements made will remain as agreed.

Expectant mothers will not be subject to disciplinary procedures through the Wellbeing at Work Policy processes where absences are related to pregnancy.

5.8 Premature Birth

Where an employee's baby is born before their maternity leave period is due to start, maternity leave and pay will be rescheduled and will begin the day after the baby is born.

5.9 Overdue Birth

If an employee has their baby later than the expected week in which it was due, the intended start date and pay arrangements will not change.

5.10 Miscarriage or Still Births

In the unfortunate event that an employee loses their child before the 24th of the pregnancy, employees will not be entitled to Maternity Leave or pay but will be eligible for appropriate provisions for sick leave and pay.

If this occurs on or after the 25th week of pregnancy, full maternity leave and relevant payments will apply.

The Council will make contact with employees after a reasonable time period to offer support. The Employee Relations and Wellbeing Team will contact employees to discuss any appropriate support.

5.11 Contact while on Maternity Leave

Employees can undertake up to 10 days work during maternity leave. Keeping in Touch days (KIT) can be used for employees to keep updated with developments throughout their leave period. These days are optional and are not limited to the employee's usual job. Keeping in Touch days may include training, conferences, team meetings or other events.

KIT days should be arranged by agreement with the line manager and will be paid at the normal hourly rate of employee pay inclusive of SMP, SAP or Maternity Allowance, as appropriate for any hours of work undertaken.

Employees will be provided with Corporate & Service updates via their Line Manager or Team Leader while on Maternity Leave.

5.12 Terms and conditions during maternity/adoption leave

Employees are entitled to benefit from all their contractual terms and conditions – excluding wages and salary - throughout the entire maternity / adoption leave period. This will include the provision of non cash benefits via salary sacrifice.

Pension contributions will be paid for the paid period of maternity leave (39 weeks) and employees will have the opportunity to 'buy back' periods of time from unpaid leave.

5.13 Annual Leave

Annual Leave and Public Holiday entitlements continue to accrue throughout the 52 weeks of Maternity Leave. The employee will be entitled to these holidays following the return from Maternity Leave.

If an employee wishes to take annual leave at the end of their maternity leave period this should be requested on their 'Notification of Return from Maternity Leave' form.

5.14 Pensions, Service & Benefits

Employees on ordinary maternity leave (OML) will be entitled to return to the same job, with seniority and other rights unaffected and on no less favourable terms. After additional maternity leave (AML), an employee has the right to return to the same job unless this is not reasonably practicable. If this is the case suitable alternative employment on terms and conditions not less favourable than the original job must be offered.

The employment contract will continue whilst on Maternity Leave unless it is terminated by either employer or employee with the standard notice periods under the Single Status terms & conditions applying for either party.

Pension contributions will be paid for the paid period of maternity leave (39 weeks) and employees will have the opportunity to 'buy back' periods of time from unpaid leave. The S4 Pension Form must be completed **within 30 days** of an employee returning to duty.

5.15 Notification of Return

Employees should complete and return the 'Notification of Return from Maternity Leave' form no later than 8 weeks before the intended date of return to payroll. This which will include:

- Proposed Date of Return
- Actual Date of Return
- Any annual leave or public holiday entitlement to be used.
- Any other applications being made (flexible working etc.)

It is unlawful for employees to return to work within the first 2 weeks following childbirth.

If an employee wishes to return to work **before** the planned return date, they must give at least eight weeks' notice before their new return date. If an employee wishes to return to work **after** the planned return date, they must give at least eight weeks' notice before the original planned return date.

5.16 Failure to Return following Maternity Leave

Employees must return to work for a period of 3 months following Maternity Leave. If an employee makes the decision to resign within this period they will be expected to repay the 12 weeks at half pay.

6. PATERNITY LEAVE

6.1 Who qualifies?

The right to paternity leave and pay applies to the partner of either a woman who has given birth or someone who is adopting a child if they:

- Have – or expect to have responsibility for the baby's upbringing.
- Are the biological father of the baby and/or the mother's husband or partner.

Eligibility will also be dependent on the employee being in an enduring family relationship with the mother with responsibility for the child's upbringing using the leave to support the child's mother or care for the child.

The employee must inform the Council completing the information requested on the Paternity Leave Request Form. In the case of paternity leave for adoptions, notice must be given no more than 7 days after the adopter is notified of being matched with a child.

6.2 Paternity Leave for Adoptions

Employees will qualify when adopting a child in the UK if they:

- Are either one of two parents jointly adopting a child or the partner of someone adopting a child individually.
- Have or expect to have responsibility for the child's upbringing with the other joint adoptive parent or the individual adopter.
- Are not taking statutory adoption leave and pay.
- Continuously employed for at least 26 weeks ending with the week they are notified to be matched with the child.
- Have given notice of taking SPL no more than seven days after the adopter is notified that they've been matched with a child.
- Time off will be taken to support the adopter and/or take care of the child.

6.3 Entitlement and Payment while on Paternity Leave

Employees who have 26 weeks continuous service by the 15th week before the EWC will be entitled to 2 weeks paternity leave to be taken in the 4 week period before the anticipated birth date and /or the 8 week period after the child's birth. Leave can be taken in separate week blocks however, paternity leave cannot start until the baby is born.

Paternity Leave will count towards an employee's period of continuous service with terms and conditions continuing as though the employee was at work except in relation to wages and salary. Payment will be made by 1 week full pay (average weekly pay) and 1 week at 90% of average weekly pay

Employees have the right to the same role on the same terms and conditions of employment as if they had not been absent on paternity leave.

In the unfortunate event that a stillbirth occurs after the 25th week of pregnancy, the employee will still be entitled to paternity leave.

7. ADOPTION LEAVE

7.1 Who qualifies?

An employee qualifies for 52 weeks Statutory Adoption Leave (SAL) when they adopt a child if they:

- Have been matched with a child to be placed with them by a UK adoption agency.
- Have notified that they agree that the child should be placed with them and agree the date of placement.
- The main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.
- Notify taking their SAL no more than seven days after they are notified that they have been matched with a child.
- Some surrogate parents will become eligible for adoption leave. Provided they meet the eligibility criteria parents who have a child through surrogacy will be permitted to take ordinary paternity leave and pay, adoption leave and pay and shared parental leave and pay. Both parents will also be entitled to take unpaid time off to attend two antenatal appointments with the woman carrying the child.

7.2 Overseas Adoptions

Employees must:

- Have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad.
- Have worked for the Council continuously for 26 weeks by the time they have received official notification or by the time the SAL is due to begin.
- Are the child's adopter.

This leave can be requested using the Application for Adoption Leave/Pay and a Matching Certificate from the approved adoption agency must be submitted as evidence of entitlement to Adoption Leave and Pay.

Additional Adopting Leave can be requested using the SC8 Form for the parent or SC9 form for adopting a child from abroad.

7.3 Entitlements

Employees who qualify will be entitled to 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave.

| Leave Entitlement | Pay Entitlement |
|--|---|
| Adoption leave will become a "day one" right, so employees will no longer need to have 26 weeks' continuous employment to be eligible. | <p>First 6 weeks = 90% of normal contractual weekly pay.</p> <p>12 weeks = 50% of normal contractual pay + SAP</p> <p>21 weeks = SAP</p> <p>13 weeks = Unpaid</p> |

7.4 Contact while on Adoption Leave

Employees can undertake up to 10 days work during adoption leave. Keeping in Touch days

(KIT) can be used for employees to keep updated with developments throughout their leave period. These days are optional and are not limited to the employee's usual job. Keeping in Touch days may include training, conferences, team meetings or other events.

KIT days should be arranged by agreement with the line manager and will be paid at the normal hourly rate of employee pay inclusive of SMP, SAP or Maternity Allowance, as appropriate for any hours of work undertaken.

Employees will be provided with Corporate & Service updates via their Line Manager or Team Leader while on Adoption Leave.

7.5 Terms and Conditions during Adoption Leave

Eligible employees' will be able to "opt" into the new Shared Parental Leave scheme.

An employee's contract of employment continues throughout both ordinary adoption leave (OAL) and additional adoption leave (AAL) unless either party expressly ends it or it expires.

Employees are entitled to benefit from all their contractual terms and conditions – excluding wages and salary - throughout the entire adoption leave period. This will include the provision of non cash benefits via salary sacrifice.

Pension contributions will be paid for the paid period of adoption leave (39 weeks) and employees will have the opportunity to 'buy back' periods of time from unpaid leave.

Following adoption leave, employees are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

7.6 Annual Leave

Annual Leave and Public Holiday entitlements continue to accrue throughout the 52 weeks of Adoption Leave. If an employee wishes to take annual leave at the end of their adoption leave period this should be requested on their 'Notification of Return from Adoption Leave' form.

7.7 Notification of Return

Employees should complete and return the 'Notification of Return from Adoption Leave' form. Employees must give at least 8 weeks' notice of the intention to return following adoption leave.

If an employee wishes to return to work **before** the planned return date, they must give at least eight weeks' notice before their new return date.

If an employee wishes to return to work **after** the planned return date, they must give at least eight weeks' notice before the original planned return date.

7.8 Failure to Return following Adoption Leave

Employees must return to work for a period of 3 months following Adoption Leave. If an employee makes the decision to resign within this period they will be expected to repay the 12 weeks at half pay.

8. PARENTAL LEAVE

8.1 Overview

Parents can use parental leave to spend more time with children and have a balance between work and family commitments. This is the term generally used where the period of leave is one of 1 week up to a maximum of 18 weeks per child and is unpaid.

8.2 Who qualifies?

If an employee has completed one year's service with an employer, they are entitled to 18 weeks unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later. Employees can take it at any time up to the child's fifth birthday (or until five years after placement in the case of adoption). If the child has disabilities, they can take 18 weeks up to the child's 18th birthday.

8.3 Duration of Parental Leave

Employees will be entitled to 18 weeks in total for each child's up to the age of 5 years old. Parents of a disabled child in receipt of Disability Living Allowance are entitled to 18 weeks in total up to the child's 18th birthday.

On completing the Application to Qualify for Parental Leave Form', an employee may be requested by the manager or HR Employee Services Team to provide:

- The child/children's birth certificate.
- The child/children's adoption papers or the date of placement in adoption cases.
- The Disability Living Allowance information for the child.

Parental leave must be taken in blocks, or multiples, of one week. If a period of less than one complete week is requested, this will still count as a full week for the purposes of calculating the total parental leave allowance. Although it should be noted that it will only be the actual number of leave days taken which will be deducted from pay. Parents of children in receipt of Living Disability Allowance can request single days without losing a week from their full entitlement.

Annual leave will not accrue during parental leave of 1 calendar month or more. Employees cannot substitute days in lieu or pay in lieu for public holidays occurring in the parental leave period.

9. Fertility Treatment

An employee will be entitled to time off with pay for the purpose of attending appointments related to fertility treatment.

10. Fostering

Employees with at least one year continuous service shall be entitled to one paid half day per week for 3 weeks to enable a child to meet with and get to know the foster parents prior to commencement of fostering. The leave should not exceed six half days in a six week period.

Requests should be made at least 2 months prior to commencement of Foster Care placement using the confirmation from the Fostering Authority to support this application.

Further time off may be available through unpaid leave however it is in the employees interest to use annual/flexi leave.

11. SUPPORT FOR EMPLOYEES

11.1 Breastfeeding

Nursing mother will be allowed time off during their working hours of up to 60 minutes per day for the purposes of breastfeeding or expressing milk.

11.2 Flexible Working

Employees should refer to the Flexibility in Employment policy for all information relating to flexible working requests. Employees who wish to apply for Flexible Working hours following maternity/adoption leave should forward a 'Flexible Working Application Form' to their Director at least 3 months before the proposed change.

11.3 Flexible Working Policies

The Council has a range of policies designed to complement work-life balance. These are designed to allow for employees to accommodate different daily demands in line with service requirements.

11.4 Special Leave Policy

The Special Leave Policy defines the circumstances which employees can take time off in line with service requirements, which may be with or without pay. The policy sets out the provisions for leave for a wide range of circumstances.