

# **Family Friendly Policies**

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# 1. Introduction

## Purpose

This policy sets out principles and practical guidance about the different types of family leave that are available for those who have or expect to have parental responsibilities. We are keen to make sure that we do the best for you and as such we offer generous family leave. We have specific provisions for carers under our [Carers Policy](#).

## Scope

This policy applies to all permanent and temporary employees. This policy does not apply to social service employers, workers, contractors or social work students.

## Legislation

This policy has also considered the following legislation:

- Employment Rights Act 1996
- Equality Act 2010
- Health and Safety at Work etc. Act 1974
- Maternity and Parental Leave etc Regulations 1999

## Data protection

We will process any personal data collected in relation to this policy keeping to our [Data Protection Policy](#) and will record only the personal information required and keep the information only for as long as necessary.

## Monitor and review

Human Resources and the Partnership Forum are responsible for monitoring this policy to make sure that we are fairly and consistently applying it and that we meet the stated principles and values. We will review this policy every three years (or earlier if legislation changes) and make appropriate amendments in consultation with the Partnership Forum. We will outline minor amendments in the change log and update the version control. Where there are major changes, we will consult more widely and follow the consultation cycle – Equality Impact Assessment, Operational Management Team, Partnership Forum, Executive Management Team and Council.

# 2. Principles

## Guiding Principles

The following principles apply to this policy.

- We support you to be fully aware of your rights and responsibilities under this policy.
- We create an environment where you feel comfortable to use the provisions under this policy to take time off to support your children.
- We consider your requests for time off promptly and try to accommodate your request wherever possible.

- We conduct risk assessments and make appropriate adjustments to make sure that you can work safely.
- We are fair and consistent in making decisions always considering your personal circumstances.
- We adopt a flexible and supportive approach when you request time off or when you ask for more information on how this policy operates.

## 3. Values

In everything we do, we believe the people of Scotland have the right to be safe when accessing social care services. We do this by listening, learning and doing the right thing.

### **Work together**

We treat each other with kindness and respect and value the contribution every member of staff makes.

- We will make sure you have access to advice, support and guidance to help you understand this policy and the options available to you.
- We recognise the value of positive and constructive involvement and participation from the recognised trade union. Our commitment to partnership working is integral to the development and maintenance of harmonious employee relations.

### **Accept responsibility and accountability**

We recognise the trust placed in us to ensure the safety and wellbeing of people who use social services and that is our guiding mission.

- We will respect confidentiality regarding your request for leave and only share your information with those who have good reason to know.
- We will make sure that you are paid correctly and any changes are administered in a timely manner.

### **Recognition and respect for others**

We value the social service workforce and the life changing work they do. Our work increases recognition of, and further develops, their role. All our stakeholders contribute to our success and we recognise and respect their views.

- The terms of this policy have been designed to apply equally to same sex relationships.
- We will make sure that you understand your entitlements under this policy and that you feel able to exercise your rights.
- We will support and encourage you to take time off to attend antenatal and related classes.

## 4. Roles and responsibilities

### 4.1 Council

People management policies which include any of the following are reserved for Council:

- associated extra costs that are outwith the current budget
- any proposed fundamental change to terms and conditions of employment
- where the Council has a clearly defined role to play.

Council is responsible for:

- approving this policy and procedure
- making sure that the application of this policy does not breach any statutory requirement placed upon the SSSC
- making sure that the Chief Executive and EMT have in place appropriate and up to date policies and procedures for the effective management of employees
- making sure we apply policies and procedures fairly and in keeping with the law.

## 4.2 Executive Management Team

The EMT is responsible for:

- overall responsibility for the implementation and review of the policy and creating a culture in which employees can flourish through interesting and rewarding work
- delegating responsibilities related to the policy to the Operational Management Team (OMT) and line managers
- making sure that managers and employees receive appropriate development, support and training to implement the policy appropriately
- making sure that the application of this policy and procedure does not breach any statutory requirement placed upon us.

## 4.3 Operational Management Team

The OMT is responsible for:

- making sure their managers and employees are aware of and understand the processes within this policy and procedure
- making sure that we treat employees consistently and fairly, being mindful of the needs of the organisation as well as that of the individual
- reviewing and updating policies within their own specialist areas to support the implementation of this policy.

## 4.4 Line managers

Line managers are responsible for:

- acting in a fair and consistent way, being open and honest
- dealing with issues kindly, sensitively and showing compassion
- respecting confidentiality and only sharing information, as appropriate, with relevant employees
- considering our responsibilities under the Health and Safety at Work etc. Act 1974 and, where appropriate, putting in place risk assessments, mitigation and other measures to make work a safe activity
- considering our responsibilities under the Equality Act 2010 and, where appropriate, making reasonable adjustments for any individual who may have a disability or other protected characteristic
- considering any health impact and considering supports such as occupational health.

## 4.5 Employees

Employees are responsible for:

- complying with our Code of Conduct for Employees. We expect the highest standards of integrity and conduct from all employees
- working in partnership with their manager to identify how they will carry out their role
- seeking advice and support from your manager where you have questions
- following your duties and obligations to work safely
- following the correct notification requirements and planning your leave.

## 4.6 Human resources (HR)

Human resources are responsible for:

- updating this policy and procedure in line with the agreed schedule or as changes occur to comply with employment and other pertinent legislation, best practice and our People Strategy
- developing this process and procedure collaboratively to meet legal and business requirements
- developing template letters, forms and guidance
- offering advice on how to apply the policy and procedure
- making sure we follow the process in line with the policy and procedure
- reminding employees and managers of their responsibilities under the policy and procedure if required
- monitoring the use of the policy and processes and reporting any non-compliance to Heads of Department / Directors.

## 5. Policy

We are committed to supporting you throughout your working life. You may already have parental responsibilities or may take these on when working for us and wish to take extra time off to spend with your children. It is important to us that we support you to do so wherever we can. Many of the types of leave are paid at rates above the legal requirement as part of our commitment to promoting and encouraging a diverse workforce and a healthy work-life balance.

Throughout this policy we use the following terms.

- 'Expected week of childbirth' or 'expected week of placement' is the week in which a pregnant woman is expected to deliver as identified on her MATB1 form or the week in which an adopter is notified that a child is being placed with them.
- 'Qualifying week' is the 15<sup>th</sup> week before the expected week of childbirth.
- 'Compulsory leave' is the two weeks following childbirth that the mother must take as maternity leave.
- 'Ordinary leave' is the first 26 weeks of leave taken.
- 'Additional leave' is the following period of 26 weeks taken.
- 'Statutory adoption pay', 'statutory maternity pay', 'statutory shared parental leave pay' are references to the payments that we must pay to you by law.
- 'Occupational pay' is the enhanced rate of pay that we pay you where you meet the qualifying criteria.

Where you wish to take time off due to a surrogacy or fostering circumstance please contact a member of HR to discuss the equivalent arrangements.

## 6. Maternity leave

### 6.1 During pregnancy

When you become pregnant it is important that you tell us as soon as possible as we have a duty to look after your health and safety and to carry out a risk assessment. You can request that your pregnancy is kept confidential but we must carry out the risk assessment. If your risk assessment shows risks to your health and safety, we will discuss this with you and take measures to eliminate all risks. If you have any concerns about your health and safety, you must speak to your manager.

We need the following information from you in writing before the end of the Qualifying Week so you can have maternity leave and maternity pay:

- confirmation that you are pregnant
- the date of the week, starting on a Sunday, that your baby is due
- the date you want your maternity leave to begin
- the date when you will start claiming statutory maternity pay.

We need a form called a MATB1 from you as soon as possible. This is signed by your doctor or midwife and confirms the date of the week your baby is due. If we do not receive this in time, you may not receive the correct maternity pay.

## 6.2 Antenatal appointments (mother)

As a pregnant woman you are entitled to paid time off for antenatal appointments during working hours. We ask for as much notice as possible and we will want to see confirmation of your pregnancy and an appointment card for all but the initial appointment. Antenatal care includes medical examinations and parenting skill classes.

## 6.3 Antenatal appointments (partner)

If you have a qualifying relationship with a pregnant woman or the unborn child, you are entitled to paid time off to accompany her to a maximum of two antenatal appointments. This applies to each pregnancy. A qualifying relationship is one where you are:

- the baby's father
- the pregnant woman's spouse
- the pregnant woman's partner.

We expect you to give us as much notice as possible and you must only take a maximum of 6.5 hours off work for each appointment. This includes travelling and waiting time. To attend any subsequent appointments you will need to request time off as annual leave or use flexitime.

You must provide a signed statement showing the date and time of each appointment. It must also confirm that:

- you are eligible under the qualifying relationship criteria
- the time off is solely to accompany the woman to her appointment
- a doctor, midwife or nurse has advised that the woman needs the appointment.

## 6.4 Pregnancy related absences

- If you are ill during your pregnancy you are entitled to occupational or statutory sick pay in the same way as during any other sickness absence. Pregnancy related absences do not count towards trigger levels in the [Maximising Attendance Policy](#).
- If there is anything relating to your job that is making it difficult for you to attend work, then please speak to your line manager for advice. If you are absent from work due to a pregnancy related illness after the beginning of the fourth week before your expected week of childbirth then this absence will automatically trigger the start of your maternity leave.

## 6.5 Miscarriage and death of a child

We will support you by being flexible and empathetic if you miscarry or if your child dies following birth. Where this occurs after 24 weeks your entitlements to maternity leave and to maternity pay are still available. We will respond sensitively to time off for miscarriage before week 24 through our [Maximising Attendance Policy](#). Managers must contact HR for advice in this situation so that we can identify extra support.

## 6.6 Requesting maternity leave

You can decide when you want your maternity leave to begin as long as it's not earlier than 11 weeks before your expected week of childbirth. HR will write to you within 28 days of you telling us that you are pregnant (by submitting your MATB1) to tell you when your maternity leave will end.

You can change the start date for your maternity leave if we have the new date in writing at least 28 days before the earlier of your original start date or your new start date. HR will write to you within 28 days of you giving us the new date to inform you of your updated maternity leave end date.

You are entitled to 52 weeks' maternity leave. This consists of 26 weeks' 'ordinary' maternity leave and 26 weeks' 'additional' maternity leave — your rights are slightly different during the additional maternity leave, as set out in this policy. You are entitled to this time off regardless of how long you have worked for us or how many hours you work. Your maternity leave may start earlier than the date you wanted if you are off work because of your pregnancy at any time in the four weeks leading up to your expected week of childbirth. Maternity leave will also start early if your baby is born before your preferred start date.

If you and your spouse or partner are both eligible you may want to use the shared parental leave scheme so that you have more flexibility around your childcare in the first year after birth. The mother is not allowed to come back to work for the two weeks immediately after your baby is born. This period is called compulsory maternity leave.

## 6.7 Statutory maternity pay

You are entitled to statutory maternity pay if you have at least 26 weeks' service with us by the end of the Qualifying Week. Whether or not you then qualify depends on whether:

- your average weekly earnings are at or above the National Insurance Lower Earnings Limit
- you can give at least 28 days' notice that you intend taking maternity leave (or as much notice as you can)
- you are still pregnant or have already had your baby, 11 weeks before the expected week of childbirth.

We calculate average weekly earnings during the eight weeks that end with the Qualifying Week and calculate any pay rise that occurs before the end of your maternity leave.

You will receive statutory maternity pay for up to 39 weeks. This is paid at 90% of your average weekly earnings for the first six weeks and paid at the standard statutory maternity pay rate for the remaining 33 weeks. The standard rate is set by the government and we will tell you how much you will receive. We will pay statutory maternity pay at 90% of your average weekly earnings for all your maternity leave if your average weekly earnings fall below the standard rate.

If you do not provide the necessary evidence (eg MATB1) this will mean we cannot pay your maternity pay or the payment may be delayed. We will respond in writing to you within 28 days of receiving your MATB1 form. This response will state your entitlement and the last possible date that you must return to work.

## 6.8 Occupational maternity pay

If you have been continuously employed for at least a year by the end of the Qualifying Week you could receive occupational maternity pay. You must also meet the criteria specified in 6.7 above.

We pay occupational maternity pay as follows:

- 26 weeks at 100% of your average weekly pay
- 13 weeks at statutory maternity pay
- After 39 weeks, maternity leave is unpaid.

If the total of your occupational maternity pay and statutory pay is more than your normal pay then payment is adjusted to match your normal earnings. We only pay occupational maternity leave when you remain an employee of ours.

## 7. Shared parental leave

If you want more flexibility in the first year after your baby is born, you and your partner may want to consider shared parental leave instead of taking maternity and paternity leave. Provided that you are both eligible, shared parental leave allows you to split the available leave between you so that you are off work at the same time or consecutively.

There is a total of 52 weeks of shared parental leave available, less any weeks the mother has either been on maternity leave or receiving statutory maternity pay or maternity allowance if she is not entitled to maternity leave. Shared parental leave is additional to paternity leave.

You or your partner could take shared parental leave if at least one of the following apply:

- you are the mother and share the main childcare responsibility with the child's father or your partner
- you are the father and share the main childcare responsibility with the child's mother
- you are the mother's partner and share the main childcare responsibility with the mother in place of the father.

You must also satisfy all the following requirements:

- you have worked for us for at least 26 continuous weeks by the end of the Qualifying Week and are still employed by us before you take shared parental leave
- the other parent has worked at least 26 of the 66 weeks before the expected week of childbirth — as an employee or self-employed — and had weekly earnings averaging at least £30 during 13 of the weeks
- you and the other parent fulfil the notice and other requirements detailed below.

The child's mother cannot start shared parental leave until the end of the compulsory maternity leave period. This is two weeks after birth. The child's father or the mother's partner may consider using their two weeks' paternity leave before starting shared parental leave as once shared parental leave starts any paternity leave not already taken is lost.

## 7.1 Requesting shared parental leave

You must tell us in writing at least eight weeks before you intend your shared parental leave to begin that you want to opt into the shared parental leave scheme. We will need to know:

- your name and the other parent's name
- the start and end dates of the mother's maternity leave (or the statutory maternity pay or maternity allowance start and end dates if she is not eligible for maternity leave)
- how many weeks of shared parental leave is available — that is, 52 weeks less maternity leave, statutory maternity pay or maternity allowance already taken by the mother or planned
- how many weeks shared parental leave you will take and how many the other parent will take — you can change this by telling us in writing and you do not have to take your full allowance
- the total statutory shared parental pay available — that is, 39 weeks less the number of weeks of statutory maternity pay or maternity allowance already taken or planned
- how many weeks of the statutory shared parental pay available is allocated to you and how many to the other parent — you can change this by writing to us and you do not need to use all your allocation
- the pattern of leave you want to take, with start and end dates for each block of leave — although this is not binding, it will help us if you give us as much information as possible
- that you and the other parent are both eligible to claim shared parental leave and statutory shared parental pay — we will need signed declarations from both of you.

If you are the child's mother, you must give us at least eight weeks' notice in writing ending your maternity leave. This is called a curtailment notice. We need this curtailment notice at the same time as you supply the shared parental leave opt-in notice and you cannot take shared parental leave unless we have it. In the notice, you must tell us the date your maternity leave will end. This is at least two weeks after the baby is born.

If your partner is the one taking shared parental leave, we need a written declaration that their employer has received an opt-in notice and they have made all the necessary declarations. They can take shared parental leave from their employer before your maternity leave ends, but only if we have received your curtailment notice (ie a notification that they wish to end their maternity or adoption leave).

Curtailment notices are binding and are only revoked if your maternity leave has yet to finish and you meet one of these conditions:

- you find out that neither you nor the other parent is eligible for shared parental leave or statutory shared parental pay — in this case you can revoke the curtailment notice by writing to us any time up to eight weeks after it was given or
- the curtailment notice was issued before the birth and you are revoking it in writing during the six weeks after the birth or
- the child's other parent has died.

You cannot opt back into the shared parental leave scheme after you revoke a curtailment notice except if the notice was given to us before the birth and it is revoked in writing during the six weeks following the birth.

If the mother is still on maternity leave or claiming statutory maternity pay or maternity allowance, you as the partner are unable to start shared parental leave until she:

- has returned to work or
- has given a curtailment notice to her employer to finish her maternity leave or
- has given a curtailment notice to her employer to finish her statutory maternity pay or
- has given the benefits office a curtailment notice ending her maternity allowance.

We will ask you to provide the following:

- a copy of your child's birth certificate or a signed declaration of the date and place of birth if you have yet to get the certificate and
- contact details for the other parent's employer or a declaration that they do not have an employer.

## 7.2 Organising shared parental leave

Once you have opted into the shared parental leave scheme, you need to give us a 'period of leave' notice to book your time off. You can give us this at the same time as your opt-in notice or at any other time if it is at least eight weeks before the first period of shared parental leave begins.

On the 'period of leave' notice you can either give us specific dates or the number of days after the birth that you want shared parental leave to start and finish. You may prefer the second option if you plan taking paternity leave as soon as the baby is born and want shared parental leave to run on from it. You must take shared parental leave in blocks of at least one week at a time.

You are automatically entitled to take a single continuous block of shared parental leave, but we will consider any request for separate blocks of shared parental leave as detailed below.

You may lodge up to three 'period of leave' notices, which may allow you to take up to three separate shared parental leave blocks with periods at work in between. If you later vary or cancel one of the blocks, this will generally count as a further 'period of leave' notice.

To make it easier for us to consider allowing you to take shared parental leave in more than one block, please discuss your requirements with your manager as early as possible before you submit your formal 'period of leave' notice.

If you want separate blocks of shared parental leave, you must give us details of the pattern you want to follow in your 'period of leave' notice. Once we have received this, we will either agree immediately or we will start a discussion period with you which will last for two weeks. If we reach agreement, HR will confirm this in writing before the end of the two-week period. If we fail to agree, you can take all the shared parental leave you asked for in one continuous block, beginning on the start date you gave us in your notice. For example, if you asked for three four-week periods, we will combine them into one continuous 12-week leave period.

The other way we can approach this is if you agree to the following:

- choosing a new start date and telling us what it is within five days of the two-week discussion period ending. At least eight weeks after the start date of the first of the blocks you asked for; or
- withdrawing the notice and informing us within two days of the two-week discussion period ending. This is not counted as a 'period of leave' notice and you are free to submit a fresh one.

If you need to cancel a period of shared parental leave, you must put your request in writing at least eight weeks ahead of the relevant block start date.

If you want to change a start date, you must put your request in writing at least eight weeks before whichever is the earlier of the original and new start dates. Similarly, you can change the end date if you inform us at least eight weeks before whichever is the earlier of the original or new end dates.

If you want to combine blocks of shared parental leave into one continuous period, you will need to give us the new start or end date, whichever is relevant.

If you want to split a continuous period of shared parental leave into two or more periods separated by periods at work, you will need to tell us the new start or end date. We may not accommodate you but are prepared to approach your request as if you had asked for separate blocks of shared parental leave in the first place.

If you submit a notice to change or cancel a block of leave, we will count this as one of your three 'period of leave' notices. There are three exceptions to this rule, which are:

- if the change is because your baby was born earlier or later than the expected week of childbirth
- if you cancel a request for separate blocks of leave within two days the two-week discussion period ending
- we ask you to make the change.

## 7.3 During shared parental leave

If your baby is born before the beginning of the expected week of childbirth, we may allow you to start shared parental leave during the eight weeks following birth. To enable us to do so we need to apply the following rules:

- if your 'period of leave' notice gave us a set date within the eight weeks following the expected week of childbirth for your shared parental leave to start, you can move the date forward by the same number of days if you write to tell us as soon as possible
- if you want to take shared parental leave in the eight weeks following birth and your baby arrives early, you will need to give us your opt-in notice and 'period of leave' notice as soon as possible.

If you had a start date of a set number of days — rather than a set date — after the birth in your 'period of leave' notice, you do not need to do anything.

## 7.4 Statutory shared parental pay

If you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week, you could claim statutory shared parental pay for up to 37 weeks (39 weeks where the mother dies in childbirth). We will pay this at the rate set annually by the government. You qualify if your average earnings are not less than the lower earnings limit set each tax year.

When you give us your 'period of leave' notice (or notices), you must notify us that you intend claiming statutory shared parental pay while you are on shared parental leave. You can also write to us at least eight weeks before the date you want us to start paying your statutory shared parental pay if you have not already told us in a 'period of leave' notice.

## 7.5 Occupational shared parental pay

You can claim occupational shared parental pay if you have been continuously employed for at least a year by the end of the Qualifying Week. You must also meet the criteria specified in 7.4 above.

We pay occupational shared parental pay in the same manner as occupational maternity leave. We average weekly earnings during the eight weeks that end with the Qualifying Week and calculate any pay rise that occurs before the end of your shared parental leave. We pay occupational shared parental pay as follows:

- 26 weeks at 100% of your average weekly pay (normally 24 weeks due to the compulsory maternity leave period)
- 13 weeks at statutory shared parental pay
- After 39 weeks, shared parental leave is unpaid.

# 8. Adoption leave

## 8.1 Adoption appointments

You are entitled to time off to attend an adoption appointment. This is an appointment arranged by an adoption agency, usually for you to get to know the child placed with you but sometimes for other reasons related to the adoption.

If more than one child is being placed with you at the same time, we treat this as one adoption and will not give you time off to attend additional appointments. Time off for this type of appointment is taken before any child is placed with you.

You may attend up to five appointments per adoption on paid time off if you are adopting on your own. Where you are jointly adopting a child you may attend up to five appointments on paid leave and the other adopter can attend up to two appointments on paid leave.

Where the child that you are adopting has experienced trauma you can request reasonable extra paid time off from your manager. Your manager will consult with HR regarding your request to make sure that we are consistent in our approach and application to granting paid time off.

You are entitled to take up to 6.5 hours for each appointment. This includes travelling and waiting time. We will need a signed statement with details of the time and date of the appointment as well as confirmation that:

- the adoption agency has arranged or requested the appointment
- you are either adopting the child on your own or jointly with someone else
- you are electing to take either paid or unpaid time off work if you are adopting jointly.

It is sometimes necessary to ask you to rearrange an appointment and we reserve the right to refuse a request for a particular day or time in exceptional circumstances. We will never do this without good reason.

## 8.2 Adoption leave

To qualify for adoption leave you must tell us in writing within 7 days of your being matched of:

- your intention to take adoption leave
- when you want the leave to start
- the child's expected placement date

You can decide when you want your adoption leave to begin as long as it's not earlier than 14 days before the date of placement. The automatic start of maternity leave if you are ill in the four weeks prior to the child arriving does not apply to adoption leave. We will write to you within 28 days of you telling us that you have been placed with a child to tell you when your adoption leave will end.

You can change the start date for your adoption leave if we have the new date in writing at least 28 days before the earlier of the original or revised date. We will write to you within 28 days of you giving us the new date to tell you when your adoption leave will now end.

You are entitled to 52 weeks' adoption leave. This consists of 26 weeks' 'ordinary' adoption leave and 26 weeks' 'additional' adoption leave — your rights are slightly different during the additional adoption leave, as set out in this policy. This is your right regardless of how long you have worked for us or how many hours you work.

If you and your spouse or partner are both eligible, you may want to use the shared parental leave scheme so that you have more flexibility around your childcare in the first year after placement. Please note, you cannot both take adoption leave.

## 8.3 Statutory adoption pay

You are entitled to statutory adoption pay if you have at least 26 weeks' service with us by the week that you were matched with a child. Whether or not you then qualify then depends on whether:

- your average weekly earnings are at or above the National Insurance Lower Earnings Limit
- you follow the notification requirements detailed under adoption leave
- provide proof of the adoption.

You will receive statutory adoption pay for up to 39 weeks. This is paid at 90% of your average weekly earnings for the first six weeks and paid at the standard statutory adoption

pay rate for the remaining 33 weeks. The standard rate is set by the government and we will tell you how much you will receive. We will pay statutory adoption pay at 90% of your average weekly earnings for all your adoption leave if your average weekly earnings fall below the standard rate.

## 8.4 Occupational adoption pay

You are entitled to occupational adoption pay if you have been continuously employed for at least a year by the week that you were matched with a child. Whether or not you then qualify then depends on whether you have given the correct notification.

We pay occupational adoption pay in the same manner as occupational maternity leave. We average weekly earnings during the eight weeks that end with the week that you were matched with a child and calculate any pay rise that occurs before the end of your adoption leave.

We pay occupational adoption pay as follows:

- 26 weeks at 100% of your average weekly pay
- 13 weeks at statutory adoption pay
- After 39 weeks, adoption leave is unpaid.

If you do not provide the necessary notification and evidence this will mean we cannot pay your adoption pay or we may delay paying this.

## 9. Collective provisions

### 9.1 Maintaining contact

We may need to contact you from time to time while you are on leave to discuss arrangements for when you return or to keep you up to date on what is happening at work. Your manager will talk this through with you before your leave starts so we know how much contact you want to maintain. You may prefer to have a nominated 'buddy' who is a colleague who becomes responsible for maintaining regular contact during your leave.

### 9.2 Keeping in touch days

Keeping in touch days are a way for you to attend work for up to 10 days without ending your maternity or adoption leave. Where you take shared parental leave you can use up to 20 days without ending your leave - these are in addition to the 10 days the mother is entitled to during her maternity leave.

Keeping in touch days are commonly used to keep up to date with key projects, attend training or other special events.

If you are offered a keeping in touch day or where you wish to use one, this is agreed between you and your manager. You receive your normal rate of pay for this day. We will offset your keeping in touch pay against any pay you receive for family leave. Your decision whether to work some or all of them will not affect your right to leave and pay.

## 9.3 Occupational pay

Where the total of your occupational pay and statutory pay is more than your normal pay then the payments are adjusted to match your normal earnings. Where you do not return to work following leave and have received occupational pay then you may need to repay this. HR will write to you to clarify where this applies.

We count any period of occupational maternity and paternity pay for the same child towards your occupational shared parental leave pay entitlement.

## 9.4 Terms and conditions

You will continue to receive benefits due to you under your employment contract while on leave. Except for terms relating to pay, all your normal terms and conditions will apply and you will continue to accrue annual leave entitlement. If you are due any annual leave before your leave begins, please try to take it.

When you return from leave you will have accrued more annual leave. Please discuss with your manager how and when is best to take this accrued leave on your return. You may wish to use the accrued annual leave to stagger your return to a full working week or to take the leave as single block. There are many options open to you and the sooner you discuss these with your manager the more likely it is that they can agree to this.

## 9.5 Pension

During your leave there are changes and options regarding your pension that you need to know about.

### **Contributions during paid leave**

We will continue to deduct pension contributions from your pay while on leave, whether on full pay, half pay or statutory pay. We will continue deductions from your salary at your usual tiered percentage rate. We will pay employer contributions based on assumed pensionable pay (the level of earnings you would have received if you were not on leave) but employee contributions are only based on your actual pay.

### **Pension during unpaid leave**

If you have a period of authorised leave on no pay you will not build up pension during that period. You can buy back the amount of pension you lost during that period by paying Additional Pension Contributions (APCs). You can do this regardless of whether you are in the main or 50/50 section of the pension scheme – further information is available from the [Tayside Pension Fund](#).

If you wish to buy back lost pension resulting from unpaid leave, the SSSC will meet two thirds of the cost provided you make an election to do so while you are an active member of the Scheme and within six months of returning to work after the period of absence (please note that the standard time frame in which to do this is 30 days and the extension to six months is a discretionary benefit provided by the SSSC). You are responsible for paying the other third of the cost. If you make an election after six months and while still an active member you can still buy back the amount of lost pension but at whole cost to you.

You must contact HR in the first instance to get confirmation of the pension section that you were in at the time of absence (50/50 or main) and the amount of lost pensionable pay. Once these details are confirmed, you can obtain a quote from the LGPS Scotland member site and give this completed quote to HR for processing. Full details on purchasing missed pension benefits are available on the [LGPS Scotland](#) member site.

## 9.6 Return to work

There is no need to let us know if you intend to return to work at the end of your full leave entitlement. If you want to return at an earlier date you must give your manager at least eight weeks written notice. If you do not give us eight weeks written notice we may delay your return to work by up to eight weeks or until the end of your leave if that's earlier.

You are entitled to take up the same job you had before going on leave where you return to work immediately after your ordinary leave ends. Where you return after taking additional leave, we can offer you a similar job if it is not reasonably practical for you to resume your previous role.

When you return after leave you will meet your manager to discuss what has happened during your absence and any practical arrangements to consider.

If your job is one that has been identified as posing a risk to your health and safety as a new mother or because you are breastfeeding, we will notify you and take measures to eliminate all risks. If you have any concerns about your health and safety, please speak to your manager.

You must tell us in writing as soon as possible if you decide not to return at all after leave and give notice as required under your employment contract

## 10. Parental leave

Parental leave is taken at any time until a child's 18th birthday and comprises 18 weeks' unpaid leave. If you are named on the child's birth certificate or adoption certificate or where you have parental responsibilities for a child (and are not a foster parent) you are entitled to take parental leave. Those eligible include the registered father and anyone else with formal parental responsibility for the child.

You must have worked for us for at least a year before you can take parental leave, already have — or expect to have — responsibility for a child and intend using the leave only to care for the child or otherwise spend time with them.

You can take up to four weeks of parental leave per child per year in blocks of a single week or more. You cannot take less than a week at a time unless the child is disabled.

You need to give your manager 21 days' notice that you intend taking parental leave. We will always try to accommodate your request but may have to rearrange your dates if your absence would disrupt our service delivery. If we need to postpone your leave, we will tell you why in writing within seven days of your request and provide you with new start and end dates.

We are unable to postpone parental leave if you have asked us for it to start immediately after a child's birth or adoption. We are also unable to postpone parental leave beyond six months or beyond the child's 18th birthday.

Your employment contract and all its terms and conditions remain in force throughout ordinary parental leave and your annual leave entitlement continues to accrue.

## 11. Paternity leave

Statutory paternity leave is two weeks and is taken after the birth or placement of an adopted child to care for the child and/or support the mother. You can take a single week's paternity leave or two consecutive weeks, but not separate weeks or as odd days.

You must take your paternity leave within 56 days of the child's birth or placement. Where the baby is born early, paternity leave is taken within 56 days of the date it was due.

You must have worked for us for at least 26 weeks either by the qualifying week or by the end of the week that you are matched with the child and are:

- the biological father and have the main responsibility with the mother for the child's upbringing or
- the mother's partner and expect to have the main responsibility with the mother for the child's upbringing or
- the biological father and have some responsibility for the child's upbringing or
- the adoptive parent or the partner of an adoptive parent of a child and you expect to have the main responsibility (with your partner) for the child's upbringing.

To request paternity leave you must fill in the paternity leave form and issue this to your manager by the Qualifying Week. You must include a copy of the MATB1 certificate from a registered medical practitioner or midwife stating the expected week of childbirth at least 28 days before the date you wish to begin the paternity leave.

If you wish to request paternity leave for an adopted child you must give your manager written notice using the paternity leave form within seven days of being told by the adoption agency that you have been matched with a child. We may ask for further evidence such as a matching certificate.

While you are on paternity leave, all the terms and conditions not relating to pay in your employment contract will apply. When you return, you have the right to the same job with the same terms and conditions as you had before your paternity leave began.

If you would like time off to attend antenatal classes please see 6.2 above.

### 11.1 Paternity pay

We pay paternity leave at your normal rate of pay. Tax and National Insurance contributions are deducted in the usual way. If your average weekly earnings are below the lower earnings limit for national insurance contributions you are not eligible for paternity pay in the second week.

Pension contributions continue during any period when you are receiving paternity pay.

## 12. Further information

### 12.1 Learning and development

To support the fair and consistent application of this policy, we will identify the opportunities and implications for managers. We will do this by incorporating training on this policy within line management development programmes. We will consider the implications for employees and make sure that they receive suitable training. We will also provide refresher training.

### 12.2 Sources of support

Further sources of support include:

- day to day support from line managers
- the employee assistance programme
- help advice and support from recognised trade union representatives
- ACAS
- Health and safety
- Human resources.

### 12.3 Related documents

This policy has strong links to other people management policies and guidance. We have listed these below.

- [Carers Policy](#)
- [Flexible Working Policy](#)
- [Health and Safety Policy](#)
- [Maximising Attendance Policy](#)
- [Special Leave Policy](#)



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We promote equality by removing unlawful and unfair treatment on the grounds of any protected characteristic wherever possible.

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