

Public Document Pack



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28 February 2025

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **GENERAL PURPOSES COMMITTEE** will be held in the at these Offices on Monday 10 March 2025 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Democratic Services on (01304) 872304 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'N. Pout', written over a light blue horizontal line.

Chief Executive

General Purposes Committee Membership:

J L Pout (Chairman)
S B Blair (Vice-Chairman)
D R Friend
M W Moorhouse
M P Porter

AGENDA

1 **APOLOGIES** (Page 4)

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS** (Page 5)

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 6)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 7 - 8)

To consider the attached Minutes of the meeting held on 19 March 2024.

5 **CARER'S LEAVE POLICY** (Pages 9 - 14)

To consider the attached report of the Head of Paid Service.

6 **UPDATED FLEXIBLE WORKING POLICY** (Pages 15 - 38)

To consider the attached report of the Head of Paid Service.

7 **UPDATED MATERNITY, PATERNITY, ADOPTION AND NEONATAL CARE LEAVE POLICY** (Pages 39 - 63)

To consider the attached report of the Head of Paid Service.

8 **UPDATED SHARED PARENTAL LEAVE (SPL) POLICY** (Pages 64 - 86)

To consider the attached report of the Head of Paid Service.

9 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 87)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

10 **PAY AWARD 2025** (Pages 88 - 98)

To consider the attached report of the Head of Paid Service.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- In order to facilitate the broadcast of meetings there have been cameras set up in the Council Chamber that communicate with Microsoft Teams Live. This enables meetings held in the Council Chamber to be broadcast for public viewing through the Council's website.

The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) Dover Joint Transportation Advisory Board; (d) General Purposes Committee; (e) Electoral Matters Committee; (f) Governance Committee; (g) Planning Committee; and (h) Overview and Scrutiny Committee. Only agenda items open to the press and public to view will be broadcast.

- These recordings will be retained for 30 days from the date of the meeting. The recordings will be uploaded to YouTube as soon as practicable after the day of the meeting. In normal circumstances this would be within 2 working days of the meeting. However, there may be circumstances where it will take longer. The recordings can be viewed on the Council's YouTube Channel - [Council meetings - YouTube \(@doverdc\)](#)
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- The Council will not make available copies of the recordings either in whole or in part other than in compliance with a legal requirement arising under The Freedom of Information Act 2000, UK GDPR, The Data Protection Act 2018 or some other enactment, rule of law or direction of a court or tribunal which is binding on it.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- Members of the Council may receive confidential information relating to personal data as part of an item of an exempt or confidential business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

For further information about how this information should be processed, please view the Council's Data Protection Policy and Appropriate Policy Document at www.dover.gov.uk/Corporate-Information/PDF/Data-Protection-Policy.pdf

- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Democratic Services, democraticservices@dover.gov.uk, telephone: (01304) 872304 or email: democraticservices@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

APOLOGIES

To receive any apologies for absence.

APPOINTMENT OF SUBSTITUTE MEMBERS

To note the appointment of Substitute Members.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **GENERAL PURPOSES COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 19 March 2024 at 2.00 pm

Present:

Chairman: Councillor J L Pout

Councillors: D R Friend
K Mills (as substitute for Councillor P M Brivio)
M P Porter
C D Zosseder

Officers: Chief Executive
Strategic Director (Corporate and Regulatory)
Head of HR, Payroll and Communications
HR Manager
Democratic Services Officer

8 APOLOGIES

An apology for absence was received from Councillor P M Brivio.

9 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

10 DECLARATIONS OF INTEREST

It was noted that, in accordance with Council Procedure Rule 4, Councillor K Mills had been appointed as substitute for Councillor P M Brivio.

11 MINUTES

The Minutes of the meeting held on 11 December 2023 were approved as a correct record for signing by the Chairman.

12 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor D R Friend, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involved the likely disclosure of exempt information as defined in paragraph 4 of Part I of Schedule 12A of the Act.

13 PAY AWARD 2024

The Strategic Director (Corporate and Regulatory) presented the report on the Pay Award 2024 to the Committee.

RESOLVED: (a) That a pay award of 5% on the base salary of all staff from 1 April 2024 and increase car and fuel allowances by the same amount be approved.

(b) That the following be approved in order to maintain the National Living Wage (NLW) for 2024:

- Increase entry point band L3 by an additional 2.58% to meet the requirements of the NLW.
- Remove scale point K2 to retain differentials between grades L & K.

The meeting ended at 2.04 pm.

Subject:	CARER'S LEAVE POLICY
Meeting and Date:	General Purposes Committee – 10 March 2025
Report of:	Nadeem Aziz, Head of Paid Service
Classification:	Unrestricted

Purpose of the report:	To consider the adoption of a new Carer's Leave policy.
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Recommendation:	That the Committee adopts the new Carer's Leave policy to be implemented from 11 March 2025.
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1. Summary

1.1 This report seeks General Purposes Committee approval for the adoption of a new Carer's Leave policy (appendix 1), applicable to all Dover District Council (the Council) employees.

2. Introduction and Background

2.1 This report is designed to appraise Members on the proposed Carer's Leave Policy.

2.2 Due to legislative changes resultant from the Carer's Leave Act 2023 which came into effect on 6 April 2024, the Council recognises that there is a need to implement a new Carer's Leave policy to set out the process staff and managers should follow when a staff member requests carer's leave.

2.3 The Council do not currently have a Carer's Leave policy. Anyone wishing to assert their statutory right must do so in accordance with information available outside of the Council. In lieu of an adopted policy, the Council has been following statutory guidance.

2.4 The policy is compliant with employment law and is consistent with ACAS guidance.

2.5 The policy was approved by CMT on 16 April 2024 and Unions have been consulted, with no comments.

3. Key details of the policy

3.1 The entire policy is a newly prepared policy.

3.2 The policy provides for carers to take up to a week of unpaid leave in a 12-month period.

3.3 The leave can be taken in blocks of half days up to one week.

3.4 Notice must be given by the employee, but the leave cannot be refused (but it can be delayed slightly if there would be a serious negative impact on the business).

3.5 The leave can be granted to those who care for someone with an illness or injury that has lasted longer than 3 months, has a disability and to those who care for someone with care needs due to their old age.

3.6 It is important to have a policy that specifically recognises carer's leave in order to clearly distinguish between other types of statutory leaves – e.g. time off for dependents, where no notice is required or for situations where their dependents are not covered by any type of leave.

4. Identification of Options

- 4.1 Option 1 - The General Purposes Committee agree to adopt the new Carer's Leave Policy from 11 March 2025.
- 4.2 Option 2 - The General Purposes Committee rejects the new Carer's Leave Policy and refers the policy back to HR for further consideration.
5. **Evaluation of Options**
- 5.1 For the reasons set out in this report, option 1, agree the adoption of the updated Carer's Leave Policy from 11 March 2025 is the recommended option.
6. **Resource Implications**
- 6.1 It is not expected that this change will have a significant impact on the current 2024/25 budget for the Council nor any future years.
7. **Climate Change and Environmental Implications**
- James Traynor, Climate Change Officer has been consulted in the preparation in this report and assessed that there is limited impact to climate change or the environment from this report.
8. **Corporate Implications**
- 8.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted in the preparation of this report and has no further comment to add. (HM).
- 8.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 8.3 Comment from the Equalities Officer: In considering the report it is noted that this will potentially have a positive impact some of the protected characteristic groups. It is recommended that an Equality Impact Assessment be prepared as part of the adoption of the new Carer's Leave Policy. The Equality Officer has no further comment to make, other than to remind Members that in discharging their duties, they are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
9. **Appendices**
- Appendix 1 – Carer's Leave Policy
10. **Background Papers**
- Carer's Leave Act 2023

Contact Officer: Lucy Shah – HR Advisor



Carer's Leave Policy

Version: February 2025

Implemented: March 2025

Review: March 2026

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1. About this policy

- 1.1 Dover District Council (“the Council”) is committed to being a socially responsible employer and has developed this Carer’s Leave policy to support employees and managers to understand and implement legislation regarding carer’s leave in terms of the Carer’s Leave Act 2023 which came into force in April 2024.
- 1.2 It is the Council’s policy to encourage open discussion with employees and, therefore, any employees who are considering using carer’s leave are encouraged to contact their manager for guidance.
- 1.3 This policy has been subject to consultation with the Trade Unions, staff and final agreement by the General Purposes Committee.
- 1.4 This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time subject to agreement with the Unison and GMB Trade Unions and the Councils General Purposes Committee.

2. Who does this policy apply to?

- 2.1 This policy applies to all employees from the start of their employment.

3. Who is responsible for this policy?

- 3.1 The Strategic Director of Environment and Place (Deputy Chief Executive) has overall responsibility for the effective operation of this policy. The Strategic Director has delegated responsibility for overseeing its implementation to the Head of HR.
- 3.2 Any questions you may have about the day-to-day application of this policy should be referred to your line manager or the HR team in the first instance.
- 3.3 This policy is reviewed annually by HR in consultation with Unison and GMB Trade Unions. It may be reviewed earlier than annually to meet changes in legislation or the Council's business or service needs.

4. Eligibility

- 4.1 Every employee has a statutory right to use carer’s leave from day one of employment. Employment rights are protected (e.g. holidays and returning to their job).
- 4.2 This right applies from the first day of employment.
- 4.3 The employee can only take carer’s leave where they have caring responsibilities.
- 4.4 The leave can be used to provide or arrange care for a dependent with long term care needs.
- 4.5 This includes those with:
 - a. Illnesses or injuries (physical or mental) requiring care for more than three months
 - b. Anyone with a condition that meets the definition of a disability under the equality Act 2010
 - c. Those with care needs because of their old age.

5. Entitlement

- 5.1 Those who qualify can take up to one week of unpaid leave.
- 5.2 The leave can be taken in half days, whole days or a whole week.

- 5.3 Up to one full week can be taken in a 12 month period.
- 5.4 A week refers to your normal working week and will therefore be pro rata'd for part time employees.
- 5.5 Those employees who work variable or irregular working patterns will have their entitlement calculated by
 - a. Adding up the total number of hours worked in the previous 12 months
 - b. Divide that total by 52 (or however many weeks since they started the job, if they've been in the job less than a year).
 - c. This is the amount of carer's leave they are entitled to.
 - d. If an employee wants to take carer's leave in their first week, use the amount they're expected to work in a week as the amount of leave they can take
- 5.6 Employees can only take one week of unpaid leave even if you have to care for more than one person.

6. Notice and evidence

- 6.1 Employees are required to give notice before they want their carer's leave to start.
- 6.2 The notice does not need to be in writing.
- 6.3 If the request is for half a day or a whole day, the notice period must be at least 3 days.
- 6.4 If the request is for more than one day the notice period must be twice as long as the period of leave being taken. For example, if the employee requests 2 days of leave, they need to give at least 4 days' notice.
- 6.5 The notice period must be in full days even if the request includes half days.
- 6.6 Employees do not need to provide any evidence of their dependent's care needs.
- 6.7 Time off for emergency situations is covered under the 'Time off for dependents policy'.

7. Delaying a request for carer's leave

- 7.1 Requests for carer's leave cannot be refused but the Council can ask the employee to take it at a different time. This would only be done if taking the carer's leave at that time would cause a serious disruption to the organisation.
- 7.2 If a delay is required, the Council will:
 - a. Agree another date within one month of the requested date for the leave
 - b. Write to the employee stating the reason for the delay and the new date. This must be confirmed within 7 days of the original request and before the requested start date of the leave.
- 7.3 There is no right of appeal.

Subject:	UPDATED FLEXIBLE WORKING POLICY
Meeting and Date:	General Purposes Committee – 10 March 2025
Report of:	Nadeem Aziz, Head of Paid Service
Classification:	Unrestricted

Purpose of the report:	To update the Council’s Flexible Working.
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Recommendation:	That the Committee approves the updated policy to be implemented from 11 March 2025
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1. Summary

1.1 This report seeks General Purposes Committee approval to adopt the updated Flexible Working Policy (appendix 1), applicable to all Dover District Council (the Council) employees.

2. Introduction and Background

- 2.1 This report is designed to update the Flexible Working Policy.
- 2.2 The HR team acknowledge the need to update the Flexible Working Policy due to legislative changes which came into force on 6 April 2024 due to the Employment Rights (Flexible Working) Act 2023.
- 2.3 Although the HR team have been working to statutory regulations, the current flexible working policy does not reflect these legislative changes and therefore requires updating. Updating this policy will enable managers and staff to make and process flexible working requests in accordance with legislation.
- 2.4 The policy will be compliant with employment law and be consistent with ACAS guidance.
- 2.5 The policy was approved by CMT on 19th March 2024 and Unions have been consulted, with no comments.
- 2.6 Changes made to the policy reflect statutory changes with some stylistic and practical changes to the format of the policy and application of the process. A summary of the changes can be found in appendix 2. The current policy (Flexible Working Arrangements Policy and Procedure) can be found in appendix 3.

3. Identification of Options

- 3.1 Option 1 - The General Purposes Committee agree to adopt the updated Flexible Working Policy (replacing the current Flexible Working Arrangements Policy and Procedure) 11 March 2025.
- 3.2 Option 2 - The General Purposes Committee rejects the new Flexible Working Policy and refers the policy back to the Council for further consideration.

4. Evaluation of Options

4.1 For the reasons set out in this report, option 1, the adoption of the Flexible Working Policy from 11 March 2025 is the recommended option.

5. Resource Implications

5.1 It is not expected that this change will have a significant impact on the current 2025/26 budget for the Council nor any future years.

- 5.2 The changes in this policy may increase the number of flexible working applications, which in turn need to be processed by and managed by line managers and HR, however staff will have a legal right to do this in any event.

6. Climate Change and Environmental Implications

- 6.1 James Traynor, Climate Change Officer has been consulted in the preparation of this report and assessed that flexible working could enable a small reduction in grey fleet commuting emissions, but the policy in general will have a limited impact of council emissions.

7. Corporate Implications

- 7.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted in the preparation of this report and has no further comment to add. (HM). *[The information must only be provided by the relevant Accountant. Ideally it will reflect that all financial matters have been dealt with in the report.]*
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 7.3 Comment from the Equalities Officer: In considering the report regarding the updates to the Flexible Working Policy it is recommended that an Equality Impact Assessment be prepared to identify any impact upon the protected characteristics. The Equality Officer has no further comment to make, other than to remind Members that in discharging their duties, they are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

8. Appendices

Appendix 1 – Flexible Working Policy

Appendix 2 – Summary of changes to the Flexible Working Policy

Appendix 3 – Current Flexible Working Arrangements Policy and Procedure

9. Background Papers

Employment Relations (Flexible Working) Act 2023

Contact Officer: Lucy Shah – HR Advisor



Flexible Working Policy

Version: February 2025

Implemented: March 2025

Review: March 2026

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1. About this policy

- 1.1. Dover District Council (“the Council”) recognises that a better work-life balance can improve employee motivation, performance and productivity and reduce stress. This policy aims to encourage employees to consider flexible working arrangements, to help them to manage personal priorities such as caring responsibilities, leisure activities, further learning and other interests. The Council is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the Council and the employee can be met.
- 1.2. It is the Council’s policy to encourage open discussion with employees and, therefore, any employees who think they may benefit from flexible working are encouraged to contact their manager for an informal discussion.
- 1.3. To avoid unnecessary delays, the Council will use, as appropriate, different means of both written and verbal communication.
- 1.4. This policy has been subject to consultation with the Trade Unions, staff and final agreement by the General Purposes Committee.
- 1.5. This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time subject to agreement with the Unison and GMB Trade Unions and the Councils General Purposes Committee.

2. Who does this policy apply to?

- 2.1. This policy applies to all employees from the start of their employment.

3. Who is responsible for this policy?

- 3.1. The Director of Environment & Place (Deputy Chief Executive) has overall responsibility for the effective operation of this policy. The Director has delegated responsibility for overseeing its implementation to the Head of HR.
- 3.2. Any questions you may have about the day-to-day application of this policy should be referred to your line manager or the HR team in the first instance.
- 3.3. This policy is reviewed annually by HR in consultation with Unison and GMB Trade Unions. It may be reviewed earlier than annually to meet changes in legislation or the Council's business or service needs.

4. Eligibility

- 4.1. Every employee has a statutory right to request flexible working. This right applies from the first day of employment.
- 4.2. The Council recognises that some roles require employees to work set hours or in a set location, due to the needs of the service, the requirements of the job or practical issues. If the employee’s personal circumstances change, and greater flexibility is required, the Council will endeavour to work with the employee to identify potential solutions.

5. Types of Flexible Working

- 5.1. Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. Typical working arrangements include, but are not limited to:
- Annualised Hours – where an employee’s contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.
 - Compressed Hours – where an employee works their usual full-time hours in fewer days by working longer blocks meaning that there is no reduction in their pay.
 - Hybrid Working (outside of the Hybrid Working Policy) – where an employee regularly carries out all or part of their duties from home. Working outside of the UK will not be considered.
 - Job-sharing – where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities and a proportionate share of pay and benefits. The skills and the hours each employee wish to work must be compatible and meet the needs of the Council.
 - Part-time working – this covers any arrangement where an employee is contracted to work anything less than typical full-time hours for the type of work in question.
- 5.2. The suitability of roles for flexible working arrangements such as part-time working or job-sharing will normally be stated in any internal or external advertisements, and flexible working arrangements for new employees will be discussed and agreed during the final stages of the recruitment process.
- 5.3. The flexible working application process is intended to facilitate the implementation of permanent changes to working practices. However, if temporary flexibility is required, employees should discuss this with their manager.
- 5.4. Employees do not have a contractual right to any particular working arrangement. Each application for a change in working arrangements will be decided on a discretionary basis.

6. Submitting a Flexible Working Request

- 6.1. All employees are entitled to submit two flexible working requests in any twelve-month period. An employee is entitled to make additional requests if they relate to a statutory entitlement, for example, the Equality Act 2010 right to request reasonable adjustments.
- 6.2. Prior to submitting a written request, the Council recommends that employees have an informal discussion with their manager to establish how the required working arrangements might be implemented.
- 6.3. All requests must be made to the employee’s manager, by filling out the Flexible Working Application Form (Appendix 1), and include the following information:
- The date of the application.

- The changes that the employee wishes to make in their application.
 - The date from when the employee would like the proposed change to come into effect.
 - Whether the employee has a statutory right to make the request, or not.
 - Whether the employee is making a request in relation to the Equality Act 2010.
 - Whether any previous applications for flexible working have been made in the last 12 months.
 - The dates of any previous applications.
- 6.4. If the employee is making the request in relation to the Equality Act, for example as a reasonable adjustment relating to a disability, this should be made clear in the application. Human Resources will advise on the correct approach to manage such requests.
- 6.5. If the application does not contain the required information, the Council may request that the employee re-submits the request.
- 6.6. An employee may have only one live request for flexible working with their employer at any one time. Once a request has been made, it remains live until any of the following occur:
- A decision about the request is made by the employer.
 - The request is withdrawn.
 - An outcome is mutually agreed.
 - The statutory two-month period for deciding requests ends.

7. Responding to a Flexible Working Request

- 7.1. Flexible Working Applications must be considered and decided upon, including any appeal, within two months of the date on which the application was received by the Council, unless the employee and the Council both agree to extend this period.
- 7.2. Upon receiving a Flexible Working Application Form, the employee's manager will normally seek to arrange a meeting with the employee to discuss the request, find out more about the proposed working arrangements and discuss the benefits for both the employee and the Council. However, a meeting is not always necessary, provided both parties agree.
- 7.3. If a meeting is arranged, it will be held within a reasonable timeframe of the Council receiving the request.
- 7.4. The employee will be given advance notice of the time, date, and place of the meeting. If the initial date is problematic, then one further date will be proposed. If a face-to-face meeting is difficult to arrange, the meeting may be held by telephone or Teams, in order to not delay the meeting taking place. If the employee fails to attend the meeting, it may be rearranged. If the employee fails to attend the second meeting without good reason, their application will be deemed to have been withdrawn.

- 7.5. Although there is no statutory right to be accompanied at the meeting, the employee may be accompanied by a colleague, or a Trade Union representative provided this does not unduly delay the process.
- 7.6. Where a request can, without further discussion, be approved as stated in the employee's written application, a meeting to discuss the request may not be necessary. In this case, the employee will be informed of the Council's agreement to the request by a confirmation letter and a change of terms and conditions form will be completed.
- 7.7. When considering a request for flexible working, the Council will take into consideration a range of factors including, but not limited to, those set out in Appendix 1. At the meeting, the manager may suggest alternative working arrangements if this might lead to a compromise or to a different arrangement that both parties find acceptable.
- 7.8. The employee's request will be considered by their manager, taking into account the potential benefits and adverse effects to the employee and to the Council in implementing the proposed changes.
- 7.9. Each request will be considered on a case-by-case basis, based on business need and taking a fair and consistent approach. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their work pattern.
- 7.10. The employee will be informed in writing of the Council's decision as soon as is reasonably practicable.
- 7.11. The request may be granted in full, in part or refused. The Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.
- 7.12. A flexible working application may only be refused on the following grounds:
- It will cost too much for the organisation.
 - Work cannot be reorganised amongst other employees.
 - The department cannot recruit more employees.
 - There will be a negative effect on quality.
 - There will be a negative effect on the business' ability to meet customer demand.
 - There will be a negative effect on performance.
 - There's not enough work for you to do when you've requested to work.
 - There are planned changes to the business, for example, your employer plans to reorganise or change the business and thinks the request will not fit with these plans.
- 7.13. If a trial period is agreed, the Council will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of the new arrangement. The purpose of the trial period is to establish whether the flexible working arrangement is practicable for both the employee and the Council. The Council may reduce or lengthen the trial period where necessary with the agreement of the employee. At the end of the trial

period, the Council reserves the right to require the employee to revert to their previous working arrangement.

- 7.14. If the trial period would expire after the deadline expires for a decision on the request to be made, written agreement from the employee must be given to extend the time to consider the application to accommodate the entire trial period.
- 7.15. For all changes to the employee's working pattern, whether temporary or permanent, the employee will be sent a variation to contract letter detailing the new arrangements. The employee should contact their manager if they wish to discuss the new arrangements further or have any concerns.

8. Right to Appeal

- 8.1. There is no statutory right to appeal against a decision about a request for flexible working, however we do allow employees to appeal the decision if their request is refused or is only agreed in part.
- 8.2. The employee may lodge an appeal within 3 working days of being notified of a decision on their application. This should be done in writing and clearly state the grounds on which they are appealing. The appeal will be heard within a reasonable timeframe and the employee will be informed of the outcome of their appeal within a reasonable timeframe of the appeal meeting. These time limits may be extended with the agreement of both the employee and the manager.
- 8.3. Any appeals must fall within the period of two months from when the employer first receives the request. The employer and employee may agree to extend this period. If an extension is agreed, the employer should confirm this in writing to the employee.
- 8.4. Although there is no statutory right to be accompanied at this meeting, the employee may be accompanied by a colleague, or a Trade Union representative provided this does not unduly delay the process.
- 8.5. The outcome of the appeal will be final, and the employee has no further right to appeal thereafter.

9. Varying an Employee's Contract

- 9.1. Where flexible working practices are agreed as a permanent change of contractual terms, a variation will be made to the employee's contract of employment. The employee will be notified in writing no later than 28 days after approval of the flexible working arrangement.
- 9.2. The employee does not have the right to revert to their original terms and conditions of employment. However, they may make a further statutory request for a different flexible working arrangement, provided they have not already made two requests within 12 months.
- 9.3. It is recognised that an employee's personal circumstances may change, and they may wish to vary the flexible working arrangement. Although there is no automatic right to do this, the Council will endeavour to be flexible. Employees should speak to their manager in the first instance.

- 9.4. If the employee has questions or concerns about their new contract of employment, they should speak to their manager.
- 9.5. Where a trial period has been arranged, the Council will provide the employee with a change to Terms and Conditions form. The employee will be informed in writing of the start and end dates of the trial period and, as a result, the start and end dates of the variation to the employee's terms and conditions. If the trial period results in the Council's decision to decline the employee's flexible working application, the employee's terms and conditions will revert to those in place prior to the trial period.

Appendix 1: Flexible Working Application Form

(PLEASE NOTE: a Word version of this form can be located on the Staff Hub)

Note to the employee:

You can use this form to make an application to work flexibly under the right provided in law to employees. Before completing this form, read the guidance on the [right to request flexible working on GOV.UK](#), and check that you are eligible to make a request.

You should note that under the right it may take up to two months for DDC to consider a request and possibly longer where you have agreed to a longer decision period with your employer. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid.

Once you have completed the form, you should immediately forward it to your line manager (you might want to keep a copy for your own records). If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

Note to the manager:

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications in a reasonable manner. You have two months after the day you received this application in which to decide whether to grant the request. This period can be extended if you agree to a longer deadline with the employee; any such agreement must be made either within the period in which the decision is to be made or in the two months immediately following the end of that deadline.

You should confirm receipt of this application using the attached confirmation slip

Please contact HR to support you with this process.

1. Personal Details

Name:	
Line Manager:	

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

I have not made two previous requests to work flexibly under this right during the past 12 months.	
Date(s) of any previous request to work flexibly under this right.	

If you are not sure whether you meet any of the criteria, information can be found on www.gov.uk or in the Flexible Working Arrangements Policy.

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked):

2c. I would like this working pattern to commence from:	
--	--

3a. Are you making this request under the Equality Act 2010?	
3b. If yes, why?	

Employee signature:	
Date:	

Appendix 2 – Summary of key changes to Flexible Working Policy

1. Statutory Changes

On 6th April 2024 the Employment Relations (Flexible Working) Act 2023 became law. The following amendments to current law included:

- The right to make requests for flexible working became a day one employment right. The legislation formally required the employee to be employed continuously for 26 weeks.
- Employees are able to make two applications for flexible working in any 12-month period: this was formally limited to one.
- Employers need to reach a decision within two months of receiving the request, reduced from three months.
- Employers can no longer expect employees to consider and mitigate effects on the business in their application.

2. Summary of Updated Changes

- Changed the style of the policy to reflect DDC's updated policy format.
- Amended wording throughout to remove pronouns and replace with gender neutral.
- Point 4.1 of the existing policy has been updated in line with legislation to reflect Flexible Working Requests being a day one right.
- Point 5 Removed reference to Remote Working and replaced with Hybrid because of the new hybrid working policy replacing the 'remote working policy'.
- Point 6.1 updated in line with statutory right to submit two requests in 12 months.
- Point 6.1 Removed "However, the Council may at its sole discretion, permit employees to submit more than two flexible working requests in exceptional circumstances."
- Point 6.3 removed impact on business from the process list.
- Point 7.1 updated in line with legislation to reflect requirement to give outcome within 2 months.
- Point 7.2 amended to recommend a meeting takes place within a reasonable time frame rather than within 10 days of receipt in line with the reduction in time to process applications.
- Point 7.14 added to reflect that if a trial period takes the application over the 2-month deadline, written agreement from the employee will be required to extend the decision period to accommodate this trial period.
- Point 8.2 changed appeal time to 3 working days from 5. Not a statutory right to appeal although good practice to do so and this will support the Council in its new responsibilities to complete the process within 2 months (including any appeals).
- Point 8.3 added from ACAS to reflect appeal having to take place within the two-month period unless agreed otherwise.
- Point 9.2 updated to reflect new legislation.
- Section 10 titled "Complaints" was removed from the policy. We already provide an appeal period which is not a statutory requirement and staff would have the option to raise a grievance about the process (not decision which would be dealt with via the appeal). Although this is not highlighted in the policy.

- Removed “If you do not meet the eligibility criteria then you do not qualify to make a request to work flexibly under the statutory procedure. However, the Council may consider your request, depending on the circumstances. Please speak to your manager in the first instance.” from the application form.
- Updated the application form (appendix 1 of the policy) based on new legislation and updated it in an easier to use format.

FLEXIBLE WORKING ARRANGEMENTS POLICY AND PROCEDURE

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1.0 INTRODUCTION

- 1.1 Dover District Council (“the Council”) recognises that a better work-life balance can improve employee motivation, performance and productivity and reduce stress. This policy aims to encourage employees to consider flexible working arrangements, to help them to manage personal priorities such as caring responsibilities, leisure activities, further learning and other interests. The Council is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the Council and the employee can be met.
- 1.2 It is the Council’s policy to encourage open discussion with employees and, therefore, any employees who think they may benefit from flexible working are encouraged to contact their manager for an informal discussion.
- 1.3 To avoid unnecessary delays, the Council will use, as appropriate, different means of both written and verbal communication.

2.0 ELIGIBILITY

- 2.1 All employees with at least 26 weeks of continuous service with the Council have a statutory right to request flexible working. However, the Council reserves the right to consider flexible working applications from employees who do not have 26 weeks of continuous service, depending on the particular circumstances.
- 2.2 The Council recognises that some roles require employees to work set hours or in a set location, due to the needs of the service, the requirements of the job or practical issues. If the employee’s personal circumstances change, and greater flexibility is required, the Council will endeavor to work with the employee to identify potential solutions.

3.0 TYPES OF FLEXIBLE WORKING

- 3.1 Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. Typical working arrangements include, but are not limited to:

- Annualised Hours – where an employee’s contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.
 - Compressed Hours – where an employee works their usual full-time hours in fewer days by working longer blocks meaning that there is no reduction in their pay.
 - Homeworking – where an employee regularly carries out all or part of their duties from home.
 - Job-sharing – where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities and a proportionate share of pay and benefits. The skills and the hours each employee wishes to work must be compatible and meet the needs of the Council.
 - Part-time working – this covers any arrangement where an employee is contracted to work anything less than typical full-time hours for the type of work in question.
- 3.2 The suitability of roles for flexible working arrangements such as part-time working or job-sharing will normally be stated in any internal or external advertisements, and flexible working arrangements for new employees will be discussed and agreed during the final stages of the recruitment process.
- 3.3 The flexible working application process is intended to facilitate the implementation of long-term changes to working practices. If short-term, temporary flexibility is required, employees should discuss this with their manager.
- 3.4 Employees do not have a contractual right to any particular working arrangement. Each application for a change in working arrangements will be decided on a discretionary basis.

4.0 SUBMITTING A FLEXIBLE WORKING REQUEST

- 4.1 All eligible employees are entitled to submit one flexible working request in any twelve-month period. However, the Council may at its sole discretion, permit employees to submit more than one flexible working request in exceptional circumstances. An employee is entitled to make additional requests if they relate to a statutory entitlement, for example, the Equality Act 2010 right to request reasonable adjustments.
- 4.2 Prior to submitting a written request, the Council recommends that employees have an informal discussion with their manager to establish how the required working arrangements might be implemented.
- 4.3 All requests must be made to the employee’s manager, by filling out the Flexible Working Application Form (Appendix 1), and include the following information:
- The date of the application.
 - The changes that the employee is seeking to their terms and conditions.
 - The date from when the employee would like the proposed change to come

- into effect.
 - What effect the employee thinks the requested change would have on the Council.
 - How, in their view, any such effect could be dealt with.
 - Whether the employee has a statutory right to make the request, or not.
 - Whether the employee is making a request in relation to the Equality Act 2010.
 - Whether a previous application for flexible working has been made in the last 12 months.
 - The dates of any previous applications.
- 4.4 If the employee is making the request in relation to the Equality Act, for example as a reasonable adjustment relating to a disability, this should be made clear in the application.
- 4.5 If the application does not contain the required information, the Council may request that the employee re-submits the request.

5.0 RESPONDING TO A FLEXIBLE WORKING REQUEST

- 5.1 Flexible Working Applications must be considered and decided upon, including any appeal, within 3 months of the date on which the application was received by the Council, unless the employee and the Council both agree to extend this period.
- 5.2 Upon receiving a Flexible Working Application Form, the employee's manager will normally seek to arrange a meeting with the employee to discuss the request, find out more about the proposed working arrangements and discuss the benefits for both the employee and the Council. However, a meeting is not always necessary, provided both parties agree.
- 5.3 If a meeting is arranged it will be held within a reasonable timeframe of the Council receiving the request. With 5.1 in mind, it is recommended that this meeting takes place within 10 working days of receipt of the application.
- 5.4 The employee will be given advance notice of the time, date, and place of the meeting. If the initial date is problematic, then one further date will be proposed. If a face-to-face meeting is difficult to arrange, the meeting may be held by telephone or facetime, provided both the employee and the manager agree. If the employee fails to attend the meeting, it may be rearranged. If the employee fails to attend the second meeting without good reason, their application will be deemed to have been withdrawn.
- 5.5 Although there is no statutory right to be accompanied at the meeting, the employee may be accompanied by a colleague, or a Trade Union representative provided this does not unduly delay the process.
- 5.6 Where a request can, without further discussion, be approved as stated in the employee's written application, a meeting to discuss the request may not be necessary. In this case, the employee will be informed of the Council's agreement to the request by a confirmation letter and a change of terms and conditions form will be completed.
- 5.7 When considering a request for flexible working, the Council will take into consideration a range of factors including, but not limited to, those set out in

Appendix 1. At the meeting, the manager may suggest alternative working arrangements if this might lead to a compromise or to a different arrangement that both parties find acceptable.

- 5.8 The employee's request will be considered by his or her manager, taking into account the potential benefits and adverse effects to the employee and to the Council in implementing the proposed changes.
- 5.9 Each request will be considered on a case-by-case basis, based on business need and taking a fair and consistent approach. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his or her work pattern.
- 5.10 The employee will be informed in writing of the Council's decision as soon as is reasonably practicable.
- 5.11 The request may be granted in full, in part or refused. The Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.
- 5.12 A flexible working application may only be refused on the following grounds:
- the burden of additional costs
 - an inability to reorganise work amongst existing staff
 - an inability to recruit additional staff
 - a detrimental impact on quality
 - a detrimental impact on performance
 - detrimental effect on ability to meet customer demand
 - insufficient work for the periods the employee proposes to work
 - a planned structural change to the business.
- 5.13 If a trial period is agreed, the Council will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of the new arrangement. The purpose of the trial period is to establish whether the flexible working arrangement is practicable for both the employee and the Council. The Council may reduce or lengthen the trial period where necessary with the agreement of the employee. At the end of the trial period, the Council reserves the right to require the employee to revert to their previous working arrangement.
- 5.14 For all changes to the employee's working pattern, whether temporary or permanent, the employee will be sent a change to Terms and Conditions form. A confirmation letter may also be sent, including details of the new arrangements. The employee should contact their manager if they wish to discuss the new arrangements further or have any concerns.

6.0 RIGHT TO APPEAL

- 6.1 The employee has the right to appeal the decision if his or her request is refused or is only agreed in part.
- 6.2 The employee may lodge an appeal within 14 days of being notified of a decision on their application. This should be done in writing and clearly state

the grounds on which they are appealing. The appeal will be heard within a reasonable timeframe and the employee will be informed of the outcome of their appeal within a reasonable timeframe of the appeal meeting. These time limits may be extended with the agreement of both the employee and the manager.

- 6.3 Although there is no statutory right to be accompanied at this meeting, the employee may be accompanied by a colleague, or a Trade Union representative provided this does not unduly delay the process.
- 6.4 The outcome of the appeal will be final and the employee has no further right to appeal thereafter.

7.0 VARYING AN EMPLOYEE'S CONTRACT

- 7.1 Where flexible working practices are agreed as a permanent change of contractual terms, a variation will be made to the employee's contract of employment. The employee will be notified in writing no later than 28 days after approval of the flexible working arrangement.
- 7.2 The employee does not have the right to revert to his or her original terms and conditions of employment. However, he or she may make a further statutory request for a different flexible working arrangement, provided this is made no sooner than 12 months after the original request was made.
- 7.3 It is recognised that an employee's personal circumstances may change, and he or she may wish to vary the flexible working arrangement. Although there is no automatic right to do this, the Council will endeavor to be flexible. Employees should speak to their manager in the first instance.
- 7.4 If the employee has questions or concerns about their new contract of employment, they should speak to their manager.
- 7.5 Where a trial period has been arranged, the Council will provide the employee with a change to Terms and Conditions form. The employee will be informed in writing of the start and end dates of the trial period and, as a result, the start and end dates of the variation to the employee's terms and conditions. If the trial period results in the Council's decision to decline the employee's flexible working application, the employee's terms and conditions will revert back to those in place prior to the trial period.

8.0 COMPLAINTS

- 8.1 The Council is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements. In the application of this policy, the Council will not discriminate on the grounds of age, religion, sex, race, disability, status, fixed term or part-time work.
- 8.2 If an employee feels they have been unfairly treated or are dissatisfied with any stage of the flexible working application process, they should raise their concerns with their manager or with another manager in their department.
- 8.3 If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the Council's grievance procedure.

Appendix 1: Flexible Working Application Form

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law to eligible employees. Before completing this form, read the guidance on the right to request flexible working on GOV.UK, and check that you are eligible to make a request.

You should note that under the right it may take up to 3 months for your employer to consider a request and possibly longer where you have agreed to a longer decision period with your employer. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

Once you have completed the form, you should immediately forward it to your employer (you might want to keep a copy for your own records). If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

Note to the manager

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications in a reasonable manner. You have three months after the day you received this application in which to decide whether to grant the request. This period can be extended if you agree to a longer deadline with the employee; any such agreement must be made either within the period in which the decision is to be made or in the three months immediately following the end of that deadline.

You should confirm receipt of this application using the attached confirmation slip.

Forms accompanying the guidance have been provided for you to respond to this application.

1. Personal Details

Name:	
Manager:	

To the employer

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

I have worked continuously as an employee of the company for the last 26 weeks.	
I am making this request in relation to the Equality Act 2010	
I have not made a request to work flexibly under this right during the past 12 months.	

Date of any previous request to work flexibly under this right	
--	--

If you are not sure whether you meet any of the criteria, information can be found on www.gov.uk or in the Flexible Working Arrangements Policy.

If you do not meet the eligibility criteria then you do not qualify to make a request to work flexibly under the statutory procedure. However, the Council may consider your request, depending on the particular circumstances. Please speak to your manager in the first instance.

2a. Describe your current working pattern (days/hours/times worked):
2b. Describe the working pattern you would like to work in future (days/hours/times worked):

2c. I would like this working pattern to commence from:
Date:

3. Impact of the new working pattern
I think this change in my working pattern will affect the Council and my colleagues as

follows:

4. Accommodating the new working pattern

I think the effect on the Council and my colleagues can be dealt with as follows:

Name:

Date:

NOW PASS THIS APPLICATION TO YOUR MANAGER



Cut this slip off and return it to your employee in order to confirm your receipt of their application

Confirmation of Receipt (to be completed and returned to employee)

Dear

I confirm that I received your request to change your work pattern on:

Date:

I shall notify you of my decision on this application within three months of this date, unless we agree a longer deadline for this decision.

Manager's signature

Manager's name

Appendix 2: Flexible working applications – factors to consider

Impact of the arrangement on the role, department, and colleagues:

- Whether the working hours proposed will meet business requirements, and whether there is sufficient operational work to justify any extended hours.
- The degree and nature of contact with customers, both internal and external, and what arrangements can be made to cover customer queries when the employee is not in the office.
- Any possible adverse effect on the quality of service. Adequate cover by appropriately skilled staff must be available to ensure service delivery is not impaired.
- The need to avoid any unacceptable fluctuations in colleagues' workloads and any inconvenience to the rest of the team.
- The employee's working style and preferences.
- The requirements of the rest of the team members and, if necessary, what arrangements can be made which fit within the current working arrangements of the team (for example, which non-working days, hours at work, home-days, etc.).

Practical considerations:

- The cost of the proposed arrangements.
- Access to buildings, security and personal safety.
- The potential effect on the employee of working long periods, such as excessive fatigue, accidents, sickness and reduced productivity.
- The objectives and targets that will need to be set for any work performed without supervision, and arrangements for monitoring output.
- How working hours are to be recorded.
- The need to comply with the Working Time Regulations.
- The availability of relevant ICT systems and support outside the normal working hours. ICT support is normally available between 8.30am and 5.30pm.
- How often the arrangements will be reviewed.

Hours of work:

- Employees working at the Council offices may only work between the hours of 7.30am and 7.30pm, Monday to Friday.
- If an employee's contract requires attendance anywhere at other times, or it is appropriate to the needs of the service, managers may agree with their employees that they can work outside those times as long as access arrangements permit.
- No flexible working request will be accepted if it results in the Council breaching Working Time Regulations in respect of that particular employee.
- For employees working from home there is greater flexibility over hours of work. However, specified core hours may need to be agreed for reasons of communication, system availability or ICT support.
- Where it is necessary to satisfy a service need, managers may set core times for certain sections of teams.
- Employees are expected to be in the office when business levels demand it, unless on holiday, absent due to illness or exercising a statutory right (for example, maternity or parental leave, dependent leave, jury service).

Subject: **UPDATED MATERNITY, PATERNITY, ADOPTION AND NEONATAL CARE LEAVE POLICY**

Meeting and Date: **General Purposes Committee – 10 March 2025**

Report of: **Nadeem Aziz, Head of Paid Service**

Classification: **Unrestricted**

Purpose of the report: To approve an update to the Council’s Maternity, Paternity, Adoption and Neonatal Care Leave policy.

Recommendation: That the Committee approves the updated policy to be implemented from 11 March 2025.

1. Summary

1.1 This report seeks General Purposes Committee approval for the implementation of an updated Maternity, Paternity, Adoption and Neonatal Care Leave Policy (appendix 1), applicable to all Dover District Council (the Council) employees and replaces the existing Maternity, Paternity and Adoption Leave Policy (appendix 2).

2. Introduction and Background

- 2.1 This report is designed to update Maternity, Paternity and Adoption Leave Policy.
- 2.2 The HR team acknowledged the need to update the Maternity, Paternity and Adoption Leave Policy due to legislative changes under the Paternity Leave (Amendment) Regulations 2024 which came into force on the 6th April 2024. The Council has also extended the policy to include legislative changes coming into effect on 6 April 2025 as a result of the Neonatal Care (Leave and Pay) Act 2023 the Neonatal Care Leave and Miscellaneous Amendments Regulations 2025 and the Statutory Neonatal Care Pay (General) Regulations 2025.
- 2.3 The policy will be compliant with employment law and be consistent with ACAS guidance.
- 2.4 The policy was approved by CMT on 16 April 2024 and Unions have been consulted, with no comments.

3. Summary of Key changes

3.1 A summary of the key changes and additions to the policy can be found in appendix 3.

4. Identification of Options

- 4.1 Option 1 - The General Purposes Committee agree to adopt the updated Maternity, Paternity, Adoption and Neonatal Care Leave Policy (replacing the current Maternity, Paternity and Adoption Leave Policy) from 11 March 2025.
- 4.2 Option 2 - The General Purposes Committee rejects the new Maternity, Paternity, Adoption and Neonatal Care Leave Policy and refers the policy back to the Council for further consideration.

5. Evaluation of Options

5.1 For the reasons set out in this report, option 1, the adoption of the updated Maternity, Paternity, Adoption and Neonatal Care Leave Policy is the recommended option.

6. Resource Implications

6.1 It is not expected that this change will have a significant impact on the current 2024/25 budget for the Council nor any future years.

7. Climate Change and Environmental Implications

7.1 James Traynor, Climate Change Officer has been consulted with in the preparation of this report and determined that there is limited impact to climate change or the environment from this report.

8. Corporate Implications

8.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted in the preparation of this report and has no further comment to add. (HM).

8.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

8.3 Comment from the Equalities Officer: In considering the report regarding the updates to the Maternity, Paternity, Adoption and NCL Policy it is recommended that an Equality Impact Assessment be prepared to identify any impact upon the protected characteristics. The Equality Officer has no further comment to make, other than to remind Members that in discharging their duties, they are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

9. Appendices

Appendix 1 – Updated Maternity, Paternity, Adoption and Neonatal Care Leave Policy

Appendix 2 – Current Maternity, Paternity, and Adoption Leave Policy

Appendix 3 – Summary of key changes

10. Background Papers

The Paternity Leave (Amendment) Regulations 2024

Neonatal Care (Leave and Pay) Act 2023

The Neonatal Care Leave and Miscellaneous Amendments Regulations 2025

The Statutory Neonatal Care Pay (General) Regulations 2025

Contact Officer: Lucy Shah – HR Advisor



MATERNITY, PATERNITY, ADOPTION & NEONATAL CARE POLICY

Version: February 2025

Implemented: March 2025

Review: March 2026

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1. Introduction

- 1.1. Dover District Council (“the Council”) recognise the need to support employees who are looking to start a family.
- 1.2. This policy sets out the obligations and responsibilities of both the Council and employees who are looking to enter into a period of maternity, paternity or adoption leave.
- 1.3. The policy applies to all employees (including those on zero hours) of the Council, irrespective of grade. Where this policy conflicts with an employee’s statutory entitlement, and this has the effect of causing detriment to the employee, the statutory entitlement will prevail.
- 1.4. Separate arrangements for maternity, paternity or adoption may apply to individuals who are engaged by the Council on casual contracts, and who are classified as “workers”. Such individuals should contact HR for advice.
- 1.5. Employees continue to be employed during any period of maternity, paternity or adoption leave and, therefore, this period counts towards continuous employment for the purpose of calculating any entitlements based on length of service.
- 1.6. Definitions of some key terms are provided in Section 19.

2. Obligations on the Employee

- 2.1. The employee must continue to be employed by the Council (whether at work or not) until immediately before the beginning of the 15th week before the Expected Week of Childbirth (“EWC”) or the expected date of placement in the case of adoption.
- 2.2. The employee must not remain at work if certified medically unfit to do so.
- 2.3. The employee must provide a MATB1 certificate from a registered medical practitioner or a certified midwife stating the expected week of childbirth for maternity pay (this is not required for paternity pay). In the case of adoption, the employee must provide documentary proof that they have the right to paid Statutory Adoption Leave. This is usually a matching certificate from an adoption agency which is recognised in the UK.
- 2.4. Employees are subject to all requirements of the employment contract, other than the requirement to attend work, during any period of maternity, paternity or adoption leave.

3. Maternity and Adoption Leave

- 3.1. Subject to correctly notifying the Council, all employees are entitled to 26 weeks Ordinary Maternity or Adoption Leave and 26 weeks Additional Maternity or Adoption Leave.
- 3.2. The earliest date that maternity leave can commence is 11 weeks before the EWC.
- 3.3. Maternity leave will commence on the day after the date of birth if this is earlier than the notified leave date.
- 3.4. Adoption leave may start on the date on which the child starts living with the employee (the placement date) or on a date no earlier than 14 days before the placement date. In any case, leave must start no later than the placement date, unless the child is being adopted from abroad, in which case the leave may start on the day the child arrives in the UK or within 28 days of that date.

- 3.5. If a couple jointly adopt a child, only one may take adoption leave.
- 3.6. An employee who acts as the birth mother in a surrogacy arrangement has the same entitlement to maternity pay and leave irrespective of what they do with the child following the birth.
- 3.7. An eligible employee who, through a parental or adoption order, becomes the legal parent of child following a surrogacy arrangement is entitled to adoption leave. Adoption leave can start the day of the birth or the day after. Employees must tell their employers at least 15 weeks before the baby is due and that they intend to take adoption leave.

4. Maternity and Adoption Pay

- 4.1. To be eligible for statutory maternity or adoption pay, an employee must have average earnings at least equal to the lower earnings limit for National Insurance contributions. Employees in this position may be able to make a claim for Maternity Allowance.
- 4.2. An eligible employee who, through a parental or adoption order, becomes the legal parent of a child following a surrogacy arrangement is entitled to adoption pay.
- 4.3. Subject to 4.1 and to correctly notifying the Council, employees with more than 1 years' service at the beginning of the 15th week before the EWC (in the case of maternity pay) or at the end of the week in which the employee is notified of being matched with the child (in the case of adoption pay) are entitled to:
 - 6 weeks at 90% of average weekly earnings, followed by:
 - 12 weeks at 50% of normal earnings in addition to Statutory Maternity / Adoption Pay (SMP/SAP), dependent on entitlement and not exceeding normal earnings, followed by:
 - a further 21 weeks at SMP/SAP only, followed by:
 - 13 weeks of unpaid Statutory Maternity / Adoption Leave.
- 4.4. Subject to 4.1 and to correctly notifying the Council, employees with less than 1 years' service but more than 26 weeks' service at the beginning of the 15th week before EWC (in the case of maternity pay) or at the end of the week in which the employee is notified of being matched with the child (in the case of adoption pay), regardless of hours of work are entitled to:
- 4.5. Employees with less than 26 weeks' service at the beginning of the 15th week before the EWC (in the case of maternity pay) or at the end of the week in which the employee is notified of being matched with the child (in the case of adoption pay), are not eligible for SMP/SAP. The Council will provide pregnant employees in this position with a copy of form SMP1 which may enable the employee to make a claim for Maternity Allowance. Further information can be found at <https://www.gov.uk/maternity-allowance/overview>.

5. Paternity Leave

- 5.1. Employees whose partner is having a child or adopting a child may be entitled to paternity leave and pay. Employees who are genetically related to a child they are having through a surrogacy arrangement may also be entitled to paternity leave and pay.

- 5.2. Employees are entitled to paternity leave and pay if they:
- Have or expect to have responsibility for the child's upbringing.
 - Are the biological father of the child or the mother's husband or partner (including same sex relationships);
 - Have worked continuously for their employer for 26 weeks ending with the 15th week before the EWC, or the end of the week in which the child's adopter is notified of being matched with the child (UK adoption), or the date the child enters the UK (overseas adoptions).
- 5.3. Employees should tell their employer as soon as possible that they wish to take paternity leave, but no later than 28 days prior to the date they wish for the paternity leave to start. They should say when the baby is due, if they are going to take one or two weeks off, and when they expect their paternity leave to start. Those who are eligible can choose to take either one week, two consecutive weeks¹ or two separate one-week blocks of paternity leave (not odd days).
- 5.4. Employees can take their paternity leave anytime within the first 52 weeks after the actual date of birth of the child. Paternity leave cannot start until the birth of the baby. However, employees may be able to take some annual leave beforehand, subject to normal approval.
- 5.5. A period of Paternity leave when adopting a child can start:
- An agreed number of days after the date of placement.
 - On the date the child arrives in the UK or an agreed number of days after (for overseas adoption).
 - The day the child is born or the day after for surrogate parents.

6. Paternity Pay

- 6.1. Paid paternity leave of 1 week (pro rata) is granted to all employees whose partner is having a child, adopting a child or having a child through a surrogacy arrangement, irrespective of length of service. A week is the same number of days the employee normally works in the week. The employee will be paid their normal earnings (which includes Statutory Paternity Pay). Employees who have claimed paid paternity leave may not also claim Maternity Support Leave.
- 6.2. Thereafter, employees with 26 weeks continuous service at the beginning of the qualifying week may be entitled to take a further 1 week of paternity leave, which will be paid at the Statutory Paternity Pay rate only.
- 6.3. To be eligible for Statutory Paternity Pay, an employee must have average earnings at least equal to the lower earnings limit for National Insurance contributions.

7. Relationship with Sickness

- 7.1. Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sick leave. If the employee falls ill after the

36 week, i.e. 4 weeks before the EWC and it is pregnancy related the maternity leave will automatically commence.

- 7.2. Both Ordinary and Additional Maternity & Adoption Leave shall be regarded as continuous service for the purposes of the Council's sickness scheme.
- 7.3. If an employee becomes ill following the start of Ordinary or Additional Maternity or Adoption Leave, he or she must give the Council 8 weeks' notice that they wish to end their Maternity or Adoption Leave and commence sick leave. Sick leave will commence on the first day after the day on which Ordinary or Additional Maternity or Adoption Leave ends. If the employee becomes ill within 8 weeks of the end of Additional Maternity or Adoption leave, and is unable to return to work as planned, he or she is requested to inform the Council following the normal absence reporting procedures.

8. Notional Deductions

- 8.1. There is an obligation on the employee, with no entitlement to SMP, to both claim and declare their entitlement to maternity allowance. Account will only be taken of the amount of SMP or maternity allowance actually received.

9. Maternity and Adoption Support Leave

- 9.1. Maternity or adoption support leave of 5 days pro rata with pay shall be granted to the child's father or partner or nominated carer of an expectant mother or main adopter at or around the time of birth. A nominated carer is the person nominated by the mother or main adopter to assist in the care of the child and to provide support to the mother or main adopter at or around the time of birth.
- 9.2. Requests can be made after the 15th week before the EWC. Leave must be approved by the relevant Head of Service or Director in conjunction with HR.
- 9.3. Maternity Support Leave and Paternity Leave (and pay associated with both) are corresponding rights, therefore an employee will only be eligible for one or the other.

10. Notification of Maternity Leave

- 10.1. Employees are required to notify the Council of their intention to take maternity leave by the 15th week before the EWC.
- 10.2. The maternity leave notification form should be completed online, confirming:
 - That the employee is pregnant and when the baby is due.
 - The date on which maternity leave starts.
- 10.3. HR will respond to the notification within the 28-days of receipt, setting out the date they expect the employee to return to work.
- 10.4. The employee should notify their line manager of any changes to the date of commencement of maternity leave at least 28 days in advance.

11. Notification of Adoption Leave

- 11.1. Employees are required to notify the Council within 7 days of being informed that they have been matched with a child or, if this is not possible, as soon as is reasonably practicable afterwards.

12. Annual Leave and Bank Holidays

- 12.1. Employees continue to accrue annual leave and bank holiday entitlement during both Ordinary & Additional Maternity & Adoption leave and during Paternity Leave.
- 12.2. Any accrued outstanding annual leave and bank holiday entitlement due at the point of maternity or adoption leave should ideally be taken prior to going on maternity or adoption leave.
- 12.3. Any annual leave and bank holiday entitlement accrued during maternity or adoption leave may be carried forward to the next leave year.

13. Antenatal Care and Adoption Appointments

- 13.1. Any pregnant employee has the right to reasonable paid time off to attend antenatal care and should produce evidence of appointments (except for the first appointment) to their line manager.
- 13.2. An employee who is adopting a child (as the main adopter) is able to take paid time off for up to 5 adoption appointments. A secondary adopter (i.e. the father, partner or civil partner of the main adopter) may take unpaid time off for up to 2 adoption appointments.
- 13.3. A father, partner or civil partner has the right to take unpaid time off to accompany their partner to up to two antenatal appointments. This includes the intended parents if they are having a baby through a surrogacy arrangement and if they expect to satisfy the conditions for, and expect to apply for, a Parental Order for the child.

14. Benefits during Maternity, Paternity and Adoption Leave

- 14.1. All normal terms and conditions of employment prevail during any period of maternity, paternity or adoption leave, with the exception of:
 - Remuneration and any pay-related benefits;
 - Pension contributions will continue during ordinary maternity, paternity and adoption leave and paid additional maternity or adoption leave, based on an average of the employee's pay prior to the leave commencing (the employee will only pay contributions on any pay they receive);
 - Pension benefits will not continue to accrue during any period of unpaid additional maternity, paternity or adoption leave. Employees may elect to cover the period of pension "lost" by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract within 30 days of their return to work.
 - Essential Car users lump sum allowance, this will be paid at 90% for the first 6 weeks, and at half pay for 20 weeks.

- Cash for car allowance will continue in full
- Private medical insurance.
- Salary sacrifice payments will continue, where confirmed in your agreement.

15. Neonatal Care Leave and Pay

- 15.1. The Council is committed to supporting parents who have a baby born which needs neonatal medical care during this incredibly challenging time. The Council will enable parents to spend more time with their babies who are having specialist care, without the worry of taking unpaid leave or having to return to work due to leave running out.
- 15.2. For the purposes of this policy, the definition of neonatal care will be deemed to be a baby receiving seven or more days of medical or palliative care in the first 28 days after birth.
- 15.3. To be eligible to take neonatal care leave and pay, the employee needs to be either the baby's parents, married to, in a civil partnership with or living with (and in a relationship with) the baby's parent or expected to have parental responsibility for bringing up the child.
- 15.4. Parents will have the right to take up to 12 weeks of additional neonatal care leave in addition to other leave entitlements such as paternity, maternity, and shared parental leave.
- 15.5. The length of leave the employee is entitled to will correspond with how long the baby spends in hospital, up to a maximum of 12 weeks.
- 15.6. There are two categories of neonatal leave depending upon when the leave is taken, and these are referred to as Tier One or Tier Two periods. In 'Tier One' periods, the period of leave is taken whilst the baby is still receiving care. It begins with the day the child starts receiving neonatal care and ends seven days after the day the neonatal care ends (7 days after discharge). Tier One leave must be taken in whole weeks but can be in non-consecutive periods. In 'Tier Two' period - the remainder of the 68-week period – the neonatal leave must be taken in one continuous block.
- 15.7. Neonatal care leave must be taken within the first 68 weeks of the baby's life.
- 15.8. Neonatal care leave should be taken after other types of leave e.g. maternity leave, adoption leave, shared parental leave, have ended. For a mother taking maternity leave, they would take neonatal care leave once they have ended their maternity leave.
- 15.9. Although the Council acknowledges that it will be difficult to provide advanced notice to take neonatal care leave, advanced notice is required. The notice periods differ for Tier One and Tier Two neonatal leave. For each week of Tier One leave, notice must be given before the employee is due to start work on the employee's first day of absence from work that week, or as soon as is reasonably practicable. For Tier Two neonatal leave, for a single week of leave, notice must be given no later than 15 days before the first day of the intended period of leave. For more than two weeks of Tier Two neonatal leave, notice must be given no later than 28 days before the first day of the intended leave.
- 15.10. The notice must include:
 - The name of the parent
 - Confirmation of the employee's relationship to the baby
 - The baby's date of birth
 - The date the neonatal care started (and ended if applicable)
 - The required dates of absence

- The number of weeks requested
 - That the leave is in order to look after the baby
 - That they meet the eligibility criteria
- 15.11. For any period where more than one child is in receipt of neonatal care at the same time, entitlement can only be accrued in that period in respect of one child. The maximum number of weeks in respect of which the employee is entitled to neonatal care leave remains unchanged where more than one child is receiving neonatal care. The 68-week period in which an employee may take their leave begins with the date on which the first child is born.
- 15.12. The Council will not require parents to provide evidence that specifies what condition(s) the baby has that necessitates inpatient medical care, but parents may have to provide some sort of evidence that their baby is receiving inpatient care and for what duration.
- 15.13. The right to take neonatal care leave will be a day 1 right, however, statutory neonatal care pay can only be claimed if the parent has been employed by the Council for a continuous period of at least 26 weeks ending with the relevant week (which is the 15th week before the week in which the baby is due (approximately the 25th week of pregnancy) and earns on average more than lower earnings limit (currently £123 per week) over the 'relevant period' as determined by the Act.
- 15.14. Neonatal care leave pay will be paid at the same rates as statutory maternity pay and statutory paternity pay.
- 15.15. Employees will be entitled to return to the same job if they return to work after an isolated period of neonatal care leave. Employees will be entitled to return to the same job if they returned to work after the last of two or more consecutive periods of statutory leave which did not include more than 4 weeks of parental leave or which did not total more than 26 weeks (excluding parental leave) of statutory leave. So for example, if an employee took a period of maternity leave as well as neonatal care leave, they would be entitled to return to the same job if the total amount of leave did not exceed 26 weeks.
- 15.16. In all other cases employees are entitled to return to the same job or, if that is not reasonably practicable, they have the right to return to another job which is both suitable and appropriate. This is the same right as those returning from Additional Maternity Leave.
- 15.17. If the employee has taken neonatal care leave for at least 6 continuous weeks, they will have priority for suitable alternative employment during the neonatal care leave and from the day after they have taken 6 continuous weeks of neonatal care leave until 18 months from the date of childbirth.

16. Returning to Work

- 16.1. All employees are prohibited from returning to work within 2 weeks of childbirth. If an employee wishes to return before their statutory maternity or adoption leave entitlement finishes, they must give 8 weeks' notice in writing. The Council may be prepared to waive some of this notice after discussion with the manager, individual and HR.

- 16.2. If adoption leave has started and the placement is not made or the child returns to the adoption agency, leave will normally finish 8 weeks later. Statutory adoption pay will also finish 8 weeks later, or at the end of the statutory adoption pay period if earlier.
- 16.3. No adoption leave or pay can be taken if the employee finds out that the placement is not taking place prior to the start of leave or pay.
- 16.4. Subject to 15.5, an employee has the right to return to the job in which they were employed under their original contract of employment and on terms and conditions no less favourable than those which would have been applicable had they not been absent.
- 16.5. Where it is not practicable, by reason of redundancy, for the Council to permit the employee to return to work in their job as defined in 15.4 above, the employee shall be entitled to be offered a suitable alternative vacancy where one exists. This is provided that the work to be done in that post is suitable to them and appropriate to the circumstances, and that the capacity and place in which they are to be employed, and the terms and conditions of employment are not substantially less favourable than if they had been able to return to the job in which they were originally employed.
- 16.6. If exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which they were employed prior to the absence, the Council may offer suitable alternative employment. The work to be done should be suitable and appropriate to the circumstances and the capacity and place in which they are to be employed, and their terms and conditions of employment should not be less favourable than if they had been able to return to the job in which they were originally employed.
- 16.7. If the employee decides not to return to work after maternity or adoption leave, they will be required to pay back the occupational maternity or adoption pay element. HR will be able to provide further information. Employees will be required to give notice in accordance with the Council's policy. The employee may elect, prior to the start of their maternity or adoption leave, not to receive the occupational maternity or adoption pay element, if they do not intend to return to work after the leave.
- 16.8. Any return of three months or more will be classed as a return to work for the purposes of 16.7 above.
- 16.9. Employees are entitled to return to the same job on the same terms and conditions of employment after a period of Paternity Leave (unless a redundancy situation has arisen).
- 16.10. On return to work from maternity leave, employees have the right to be offered suitable alternative employment in a redundancy situation, for up to 18 months from the child's date of birth if notified to the Council before the end of maternity leave (or 18 months from the Expected Week of Childbirth if not notified), or for adoption leave for 18 months from the date of placement or entry to Great Britain (if adoption is overseas).

17. Keeping In Touch Days

- 17.1. Employees may, by prior agreement, with the line manager and HR, do up to 10 days paid work known as Keeping in Touch (KIT) Days, under their contract of employment during the maternity or adoption pay period.

- 17.2. The line manager should complete the online KIT Days Notification Form after the KIT Day has taken place.
- 17.3. KIT Days may be worked at any time during the maternity or adoption pay period except within the 2 weeks Compulsory Leave Period.
- 17.4. Working during the maternity or adoption leave period may only take place by agreement between both parties. The Council may not require an employee to work during maternity or adoption leave if she does not wish to, nor does the employee have the right to work if the Council does not agree to it.
- 17.5. KIT Days should be agreed in advance and the payments do not affect the employee's rights to receive Statutory Maternity or Adoption Pay. Payment will be made based on the employee's normal earnings less any maternity or adoption payments that are due for that period. Employees will be paid for a full day, based on their normal earnings prior to the commencement of leave, irrespective of how many hours are worked.

18. Health and Safety

- 18.1. Upon notification of your pregnancy, your line manager will be responsible for the ongoing risk assessment process and will conduct a risk assessment, using the Council's Maternity Risk Assessment Form, to identify any hazards or risks to the employee at work and any control measures to be taken.
- 18.2. Where reasonable adjustments or a suitable alternative role (with no less favourable terms and conditions) cannot be provided, employees who can no longer continue in their role due to health and safety risk will be suspended on full pay.

19. Definitions

- 19.1. The term "normal earnings" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working his or her normal hours in a week. Where there are no normal working hours, normal earnings 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.
- 19.2. "Average weekly earnings" for the purpose of calculating Statutory Maternity, Adoption or Paternity Pay includes all earnings on which class 1 NICs are or would be due in the period 8 weeks prior to the Qualifying Week (for Statutory Maternity Pay purposes) or the Matching Week (for Statutory Adoption Pay purposes).
- 19.3. The "Qualifying Week" is the 15th week (Sunday to Saturday) before the baby is due.
- 19.4. The "Matching Week" is the week (Sunday to Saturday) when the adoption agency told the employee they have been matched with a child.
- 19.5. "Childbirth" means the birth of a child, whether living or stillborn, after 24 weeks of pregnancy.
- 19.6. Ordinary Maternity Leave ("OML") is the first 26 weeks of maternity leave. If they return to work at the end of OML employees have the right to return to their old job.

- 19.7. Additional Maternity Leave (“AML”) is the second 26 weeks of maternity leave, which starts on the day after OML finishes. If the employee returns to work during or after a period of AML, they have the right to return to their old job, unless it is not reasonably practical for the Council to do so. In this case, the employee must be offered a similar role on no less favourable terms and conditions.

OMMATERNITY, PATERNITY & ADOPTION POLICY

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1.0 INTRODUCTION

- 1.1 Dover District Council (“the Council”) recognise the need to support employees who are looking to start a family.
- 1.2 This policy sets out the obligations and responsibilities of both the Council and employees who are looking to enter into a period of maternity, paternity or adoption leave.
- 1.3 The policy applies to all employees (including those on zero hours) of the Council, irrespective of grade. Where this policy conflicts with an employee’s statutory entitlement, and this has the effect of causing detriment to the employee, the statutory entitlement will prevail.
- 1.4 Separate arrangements for maternity, paternity or adoption may apply to individuals who are engaged by the Council on casual contracts, and who are classified as “workers”. Such individuals should contact HR for advice.
- 1.5 Employees continue to be employed during any period of maternity, paternity or adoption leave and, therefore, this period counts towards continuous employment for the purpose of calculating any entitlements based on length of service.
- 1.6 Definitions of some key terms are provided in Section 19.

2.0 OBLIGATIONS ON THE EMPLOYEE

- 2.1 The employee must continue to be employed by the Council (whether at work or not) until immediately before the beginning of the 11th week before the Expected Week of Childbirth (“EWC”) or the expected date of placement in the case of adoption.
- 2.2 The employee must not remain at work if certified medically unfit to do so.
- 2.3 The employee must provide a MATB1 certificate from a registered medical practitioner or a certified midwife stating the expected week of childbirth for maternity pay (this is not required for Paternity pay). In the case of adoption, provides documentary proof that he or she has the right to paid Statutory Adoption Leave. This is usually a matching certificate from an adoption agency which is recognised in the UK.
- 2.4 Employees are subject to all requirements of the employment contract, other than the requirement to attend work, during any period of maternity, paternity or adoption leave.

3.0 MATERNITY & ADOPTION LEAVE

- 3.1 Subject to correctly notifying the Council, all employees are entitled to 26 weeks Ordinary Maternity or Adoption Leave and 26 weeks Additional Maternity or Adoption Leave.
- 3.2 The earliest date that maternity leave can commence is 11 weeks before the EWC.
- 3.3 Maternity leave will commence on the day after the date of birth if this is earlier than the notified leave date.
- 3.4 Adoption leave may start on the date on which the child starts living with the employee (the placement date) or on a date no earlier than 14 days before the placement date. In any case, leave must start no later than the placement date, unless the child is being adopted from abroad, in which case the leave may start on the day the child arrives in the UK or within 28 days of that date.
- 3.5 If a couple jointly adopt a child, only one may take adoption leave.
- 3.6 An employee who acts as the birth mother in a surrogacy arrangement has the same entitlement to maternity pay and leave irrespective of what she does with the child following the birth.
- 3.7 An eligible employee who, through a parental or adoption order, becomes the legal parent of child following a surrogacy arrangement is entitled to adoption leave. Adoption leave can start the day of the birth or the day after. Employees must tell their employers at least 15 weeks before the baby is due and that they intend to take adoption leave.

4.0 MATERNITY & ADOPTION PAY

- 4.1 To be eligible for statutory maternity or adoption pay, an employee must have average earnings at least equal to the lower earnings limit for National Insurance contributions. Employees in this position may be able to make a claim for Maternity Allowance.

An eligible employee who, through a parental or adoption order, becomes the legal parent of a child following a surrogacy arrangement is entitled to adoption pay.

- 4.2 Subject to 4.1 and to correctly notifying the Council, employees with more than 1 years' service at the beginning of the 15th week before the EWC (in the case of maternity pay) or at the end of the week in which the employee is notified of being matched with the child (in the case of adoption pay) are entitled to:
- 6 weeks at 90% of average weekly earnings, followed by:
 - 12 weeks at 50% of normal earnings in addition to Statutory Maternity / Adoption Pay (SMP/SAP), dependent on entitlement and not exceeding normal earnings, followed by:
 - a further 21 weeks at SMP/SAP only, followed by:
 - 13 weeks of unpaid Statutory Maternity / Adoption Leave.
- 4.3 Subject to 4.1 and to correctly notifying the Council, employees with less than 1 years' service but more than 26 weeks' service at the beginning of the 15th week before EWC (in the case of maternity pay) or at the end of the week in which the employee is notified of being matched with the child (in the case of adoption pay), regardless of hours of work are entitled to:
- 6 weeks at 90% of average weekly earnings, followed by:
 - 33 weeks at SMP/SAP.
- 4.4 Employees with less than 26 weeks' service at the beginning of the 15th week before the EWC (in the case of maternity pay) or at the end of the week in which the employee is notified of being matched with the child (in the case of adoption pay), are not eligible for SMP/SAP. The Council will provide pregnant employees in this position with a copy of form SMP1 which may enable the employee to make a claim for Maternity Allowance. Further information can be found at <https://www.gov.uk/maternity-allowance/overview>.

5.0 PATERNITY LEAVE

- 5.1 Employees whose partner is having a child or adopting a child may be entitled to paternity leave and pay. Employees who are genetically related to a child they are having through a surrogacy arrangement may also be entitled to paternity leave and pay.
- 5.2 Employees are entitled to paternity leave and pay if they:
- Have or expect to have responsibility for the child's upbringing.
 - Are the biological father of the child or the mother's husband or partner (including same sex relationships);?
 - Have worked continuously for their employer for 26 weeks ending with the 15th week before the EWC, or the end of the week in which the child's adopter is notified of being matched with the child (UK adoption), or the date the child enters the UK (overseas adoptions).
- 5.3 Employees should tell their employer as soon as possible that they wish to take paternity leave, but no later than the end of the 15th week before the EWC. They should say when the baby is due, if they are going to take one or two weeks off, and when they expect their paternity leave to start. Those who are eligible can choose to take either one week or two consecutive weeks' paid paternity leave (not odd days).

Employees will need to take their paternity leave within 56 days of the actual date of birth of the child. Paternity leave cannot start until the birth of the baby. However, employees may be able to take some annual leave beforehand, subject to normal approval.

A period of Paternity leave when adopting a child can start:

- On the date of placement.
- An agreed number of days after the date of placement.
- On the date the child arrives in the UK or an agreed number of days after (for overseas adoption).
- The day the child is born or the day after for surrogate parents.

6.0 PATERNITY PAY

- 6.1 Paid paternity leave of 1 week (pro rata) is granted to all employees whose partner is having a child, adopting a child or having a child through a surrogacy arrangement, irrespective of length of service. A week is the same number of days the employee normally works in the week. The employee will be paid their normal earnings (which includes Statutory Paternity Pay). Employees who have claimed paid paternity leave may not also claim Maternity Support Leave.
- 6.2 Thereafter, employees with 26 weeks continuous service at the beginning of the qualifying week may be entitled to take a further 1 week of paternity leave, which will be paid at the Statutory Paternity Pay rate only.
- 6.3 To be eligible for Statutory Paternity Pay, an employee must have average earnings at least equal to the lower earnings limit for National Insurance contributions.

7.0 RELATIONSHIP WITH SICKNESS

- 7.1 Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sick leave. If the employee falls ill after the 36 week, i.e. 4 weeks before the EWC and it is pregnancy related the maternity leave will automatically commence.
- 7.2 Both Ordinary and Additional Maternity & Adoption Leave shall be regarded as continuous service for the purposes of the Council's sickness scheme.
- 7.3 If an employee becomes ill following the start of Ordinary or Additional Maternity or Adoption Leave, he or she must give the Council 8 weeks' notice that they wish to end their Maternity or Adoption Leave and commence sick leave. Sick leave will commence on the first day after the day on which Ordinary or Additional Maternity or Adoption Leave ends. If the employee becomes ill within 8 weeks of the end of Additional Maternity or Adoption leave, and is unable to return to work as planned, he or she is requested to inform the Council following the normal absence reporting procedures.

8.0 NOTIONAL DEDUCTIONS

8.1 There is an obligation on the employee, with no entitlement to SMP, to both claim and declare their entitlement to maternity allowance. Account will only be taken of the amount of SMP or maternity allowance actually received.

9.0 MATERNITY AND ADOPTION SUPPORT LEAVE

9.1 Maternity or adoption support leave of 5 days pro rata with pay shall be granted to the child's father or partner or nominated carer of an expectant mother or main adopter at or around the time of birth. A nominated carer is the person nominated by the mother or main adopter to assist in the care of the child and to provide support to the mother or main adopter at or around the time of birth.

9.2 Requests can be made after the 15th week before the EWC. Leave must be approved by the relevant Head of Service or Director in conjunction with HR.

9.3 Maternity Support Leave and Paternity Leave (and pay associated with both) are corresponding rights, therefore an employee will only be eligible for one or the other.

10.0 NOTIFICATION OF MATERNITY LEAVE

10.1 Employees are required to notify the Council of their intention to take maternity leave by the 15th week before the EWC.

10.2 The maternity leave notification form should be completed online, confirming:

- (i) That the employee is pregnant and when the baby is due.
- (ii) The date on which maternity leave starts.

10.3 HR will respond to the notification within the 28-days of receipt, setting out the date they expect the employee to return to work.

10.4 The employee should notify their line manager of any changes to the date of commencement of maternity leave at least 28 days in advance.

11.0 NOTIFICATION OF ADOPTION LEAVE

11.1 Employees are required to notify the Council within 7 days of being informed that they have been matched with a child or, if this is not possible, as soon as is reasonably practicable afterwards.

12.0 ANNUAL LEAVE & BANK HOLIDAYS

12.1 Employees continue to accrue annual leave and bank holiday entitlement during both Ordinary & Additional Maternity & Adoption leave and during Paternity Leave.

- 12.2 Any accrued outstanding annual leave and bank holiday entitlement due at the point of maternity or adoption leave should ideally be taken prior to going on maternity or adoption leave.
- 12.3 Any annual leave and bank holiday entitlement accrued during maternity or adoption leave may be carried forward to the next leave year.

13.0 ANTE-NATAL CARE AND ADOPTION APPOINTMENTS

- 13.1 Any pregnant employee has the right to reasonable paid time off to attend antenatal care and should produce evidence of appointments (except for the first appointment) to their line manager.
- 13.2 An employee who is adopting a child (as the main adopter) is able to take paid time off for up to 5 adoption appointments. A secondary adopter (i.e. the father, partner or civil partner of the main adopter) may take unpaid time off for up to 2 adoption appointments.
- 13.3 A father, partner or civil partner has the right to take unpaid time off to accompany their partner to up to two antenatal appointments. This includes the intended parents if they are having a baby through a surrogacy arrangement and if they expect to satisfy the conditions for, and expect to apply for, a Parental Order for the child.

14.0 BENEFITS DURING MATERNITY, PATERNITY & ADOPTION LEAVE

- 14.1 All normal terms and conditions of employment prevail during any period of maternity, paternity or adoption leave, with the exception of:
- remuneration and any pay-related benefits;
 - pension contributions will continue during ordinary maternity, paternity and adoption leave and paid additional maternity or adoption leave, based on an average of the employee's pay prior to the leave commencing (the employee will only pay contributions on any pay he or she receives);
 - pension benefits will not continue to accrue during any period of unpaid additional maternity, paternity or adoption leave. Employees may elect to cover the period of pension "lost" by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract within 30 days of their return to work.
-
- Essential Car users lump sum allowance, this will be paid at 90% for the first 6 weeks, and at half pay for 20 weeks.
 - Cash for car allowance will continue in full
 - Private medical insurance.

15.0 RETURNING TO WORK

- 15.1 All employees are prohibited from returning to work within 2 weeks of childbirth. If an employee wishes to return before their statutory maternity or adoption leave entitlement finishes they must give 8 weeks notice in writing. The Council may be prepared to waive some of this notice after discussion with the manager, individual and HR.

- 15.2 If adoption leave has started and the placement is not made or the child returns to the adoption agency, leave will normally finish 8 weeks later. Statutory adoption pay will also finish 8 weeks later, or at the end of the statutory adoption pay period if earlier.
- 15.3 No adoption leave or pay can be taken if the employee finds out that the placement is not taking place prior to the start of leave or pay.
- 15.4 Subject to 15.5, an employee has the right to return to the job in which he or she was employed under their original contract of employment and on terms and conditions no less favorable than those which would have been applicable had he or she not been absent.
- 15.5 Where it is not practicable, by reason of redundancy, for the Council to permit the employee to return to work in his or her job as defined in 15.4 above, the employee shall be entitled to be offered a suitable alternative vacancy where one exists. This is provided that the work to be done in that post is suitable to him or her and appropriate to the circumstances, and that the capacity and place in which he or she is to be employed and the terms and conditions of employment are not substantially less favorable than if he or she had been able to return to the job in which he or she was originally employed.
- 15.6 If exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which he or she was employed prior to the absence, the Council may offer suitable alternative employment. The work to be done should be suitable and appropriate to the circumstances and the capacity and place in which he or she is to be employed and his or her terms and conditions of employment should not be less favorable than if he or she had been able to return to the job in which he or she was originally employed.
- 15.7 If the employee decides not to return to work after maternity or adoption leave, he or she will be required to pay back the occupational maternity or adoption pay element. HR will be able to provide further information. Employees will be required to give notice in accordance with the Council's policy. The employee may elect, prior to the start of their maternity or adoption leave, not to receive the occupational maternity or adoption pay element, if they do not intend to return to work after the leave.
- 15.8 Any return of three months or more will be classed as a return to work for the purposes of 15.7 above.
- 15.9 Employees are entitled to return to the same job on the same terms and conditions of employment after a period of Paternity Leave (unless a redundancy situation has arisen).

16.0 CONTACT DURING MATERNITY, PATERNITY OR ADOPTION LEAVE

- 16.1 During the maternity, paternity or adoption leave period, the Council may make reasonable contact with an employee, and, in the same way, an employee may wish to make reasonable contact with the Council.
- 16.2 The manager will keep the employee informed of promotion opportunities and other information relating to his or her job that he or she would normally be made aware of if he or she was working. The process for this will be agreed prior to the employee's departure.

17.0 KEEPING IN TOUCH DAYS

- 17.1 Employees may, by prior agreement, with the line manager and HR, do up to 10 days paid work known as Keeping in Touch (KIT) Days, under their contract of employment during the maternity or adoption pay period.
- 17.2 The line manager should complete the online KIT Days Notification Form after the KIT day has taken place.
- 17.3 KIT Days may be worked at any time during the maternity or adoption pay period except within the 2 weeks Compulsory Leave Period.
- 17.4 Working during the maternity or adoption leave period may only take place by agreement between both parties. The Council may not require an employee to work during maternity or adoption leave if she does not wish to, nor does the employee have the right to work if the Council does not agree to it.
- 17.5 KIT Days should be agreed in advance and the payments do not affect the employee's rights to receive Statutory Maternity or Adoption Pay. Payment will be made based on the employee's normal earnings less any maternity or adoption payments that are due for that period. Employees will be paid for a full day, based on their normal earnings prior to the commencement of leave, irrespective of how many hours are worked.

18.0 HEALTH AND SAFETY

- 18.1 Upon notification of your pregnancy, your line manager will be responsible for the ongoing risk assessment process and will conduct a risk assessment, using the Council's Maternity Risk Assessment Form, to identify any hazards or risks to the employee at work and any control measures to be taken.
- 18.2 Where reasonable adjustments or a suitable alternative role (with no less favourable terms and conditions) cannot be provided, employees who can no longer continue in their role due to health and safety risk will be suspended on full pay.

19.0 DEFINITIONS

- 19.1 The term "normal earnings" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working his or her normal hours in a week. Where there are no normal working hours, normal earnings 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.
- 19.2 "Average weekly earnings" for the purpose of calculating Statutory Maternity, Adoption or Paternity Pay includes all earnings on which class 1 NICs are or would be due in the period 8 weeks prior to the Qualifying Week (for Statutory Maternity Pay purposes) or the Matching Week (for Statutory Adoption Pay purposes).
- 19.3 The "Qualifying Week" is the 15th week (Sunday to Saturday) before the baby is due.

- 19.4 The “Matching Week” is the week (Sunday to Saturday) when the adoption agency told the employee that he or she had been matched with a child.
- 19.5 “Childbirth” means the birth of a child, whether living or stillborn, after 24 weeks of pregnancy.
- 19.6 Ordinary Maternity Leave (“OML”) is the first 26 weeks of maternity leave. If they return to work at the end of OML employees have the right to return to their old job.
- 19.7 Additional Maternity Leave (“AML”) is the second 26 weeks of maternity leave, which starts on the day after OML finishes. If the employee returns to work during or after a period of AML, they have the right to return to their old job, unless it is not reasonably practical for the Council to do so. In this case, the employee must be offered a similar role on no less favorable terms and conditions.

Maternity, Paternity, Adoption & Neonatal Care Policy

Appendix 3 – Summary of Key Changes

1. Amendments to clause 5.3 resultant to the legislative changes from Paternity Leave (Amendment) Regulations 2024:
 - Employees are able to take their two-week paternity leave entitlement as two separate one-week blocks rather than having to take one week in total or two consecutive weeks. Policy has been amended to confirm that paid paternity leave can be taken in two separate one week blocks (the current policy said “either one week or two consecutive weeks' paid paternity leave”).
 - Employees are able to take paternity leave at any time in the first 52 weeks following childbirth rather than having to take the leave within 56 days following childbirth. The policy has been amended to confirm that paid paternity leave can be taken within the first 52 weeks of birth (the current policy said “within 56 days of the actual birth”)
 - Employees now only need to give 28 days’ notice of their intention to take paternity leave. This has been reduced from the requirement to give notice 15 weeks before the expected week of childbirth. The policy has been amended to confirm that notice of taking paternity leave is 28 days (the current policy said “no later than the end of the 15th week before the EWC”).
2. Addition of new clause 16.10 to include legislative changes from the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 (which take effect in April 2024) where rights for protection of redundancy are continued for 18 months after the birth of the child or the date the adoption takes place. This also impacts on Shared parental leave but this is covered in the shared parental leave policy.
3. The policy has been updated to be more inclusive by removing the use of gender stereotypes such as ‘he’ and ‘she’.
4. Changed the style of the policy to reflect DDC’s updated policy format.
5. Additional clauses related to Neonatal Care Leave:

The Neonatal Care (Leave and Pay) Act 2023 (NCL) is due to come into force in April 2025 and the entitlement will be available to employees. This piece of legislation will support families who have a baby born which needs neonatal medical care. This will allow parents to spend more time with their babies who are having specialist care, without the worry of taking unpaid leave or returning to work.

The main changes to current practice will be that:

- Parents will have the right to take up to 12 weeks of paid leave (minimum of 1 week) in addition to other leave entitlements such as paternity, maternity and shared parental leave

- It will be a day 1 right
- It will apply to parents of babies admitted to hospital as an inpatient lasting more than 7 calendar days within the first 28 days of life
- Pay is going to be based on statutory pay for the period
- To qualify for the pay element the employee will be required to be employed for a minimum of 26 weeks prior to the leave being requested and earnings on average of at least £123 (current rates @March 2024) a week. This mirrors the entitlement to maternity pay
- The leave must be taken within 68 days of the baby's birth
- The rights will also sit alongside shared parental leave regs

Subject:	UPDATED SHARED PARENTAL LEAVE (SPL) POLICY
Meeting and Date:	General Purposes Committee – 10 March 2025
Report of:	Nadeem Aziz, Head of Paid Service
Classification:	Unrestricted

Purpose of the report:	To update and approve the Council’s Shared Parental Leave Policy.
Recommendation:	That the Committee approves the updated policy to be implemented from 11 March 2025.

1. Summary

1.1 This report seeks General Purposes Committee approval to adopt the updated Shared Parental Leave (SPL) Policy (appendix 1), applicable to all Dover District Council (the Council) employees.

2. Introduction and Background

2.1 This report is designed to update the Shared Parental Leave (SPL) Policy. The current policy can be found in Appendix 2.

2.2 The HR team acknowledge the need to update the SPL Policy due to legislative changes prompted by the Protection from Redundancy (Pregnancy and Family Leave) Act 2023, which came into force on the 6 April 2024, statutory changes to the lower threshold for earnings and the Neonatal Care (Leave and Pay) Act 2023 which is due to come into force on 6 April 2025.

2.3 Although the HR team have been working to statutory regulations, the current SPL policy does not reflect these legislative changes and therefore requires updating.

2.4 The policy will be compliant with employment law and be consistent with ACAS guidance.

2.5 The policy was approved by CMT on 16 April 2024 and Unions have been consulted, with no comments.

2.6 Changes made to the policy reflect statutory changes with some stylistic and practical changes to the format of the policy and application of the process.

3. Summary of Key changes

3.1 An amendment has been made to clause 2.3 updating the qualifying average earnings a partner must earn from £30 per week to £123 per week.

3.2 A new clause has been added to include legislative changes from the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 (which took effect in April 2024) where rights for protection of redundancy are continued for 18 months after the birth of the child or the date the adoption takes place.

3.3 A new clause was added in to include legislative changes surrounding Neonatal Care (Leave and Pay) Act 2023 to confirm the leave that parents using Shared Parental Leave will be entitled to under this Act.

3.4 The policy has been reviewed and updates made to the eligibility criteria and definitions with clear information for each category.

3.5 The policy has been updated to be more inclusive by removing the use of gender stereotypes such as he and she.

4. Identification of Options

4.1 Option 1 - The General Purposes Committee adopt the updated Shared Parental Leave Policy from 11 March 2025.

4.2 Option 2 - The General Purposes Committee rejects the updated Shared Parental Leave Policy and refers the Policy back to the Council for further consideration.

5. Evaluation of Options

5.1 For the reasons set out in this report, option 1, the adoption of the updated Shared Parental Leave Policy from 11 March 2025 is the recommended option.

6. Resource Implications

6.1 It is not expected that this change will have a significant impact on the current 2024/25 budget for the Council nor any future years.

7. Climate Change and Environmental Implications

7.1 James Traynor, Climate Change Officer has been consulted in the preparation of this report and assessed that there is limited impact to climate change or the environment from this report.

8. Corporate Implications

8.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comment to add. (HM).

8.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make

8.3 Comment from the Equalities Officer: In considering the report regarding the updates to the Shared Parental Leave Policy it is recommended that an Equality Impact Assessment be completed to identify any impact upon the protected characteristics. The Equality Officer has no further comment to make, other than to remind Members that in discharging their duties, they are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

9. Appendices

Appendix 1 – Updated Shared Parental Leave Policy

Appendix 2 – Current Shared Parental Leave Policy

10. Background Papers

Protection from Redundancy (Pregnancy and Family Leave) Act 2023

Neonatal Care (Leave and Pay) Act 2023

Contact Officer: Lucy Shah – HR Advisor



SHARED PARENTAL LEAVE (“SPL”) POLICY & PROCEDURE

Version: February 2025

Implemented: March 2025

Review: March 2026

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1. Introduction

- 1.1. Dover District Council (“the Council”) has developed a Shared Parental Leave (“SPL”) Policy to set out how it will apply the statutory entitlements to Shared Parental Leave and Pay. The Policy applies to all employees of the Council.
- 1.2. SPL enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take SPL. There may also be an entitlement to some Shared Parental Pay.
- 1.3. Where the provisions of this policy conflict with the statutory entitlements, and this has the effect of putting the employee at a disadvantage, the statutory provisions will apply.

2. Eligibility

- 2.1. SPL can only be used by two people:
 - The mother/adopter¹ and
 - One of the following:
 - o The biological father of the child (in the case of birth) or
 - o The spouse, civil partner or a partner who is living with the child's mother/ adopter.
¹ The individual who gives birth to a child or the primary adopter (the person, who is eligible for adoption leave and/or pay).
- 2.2. Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.
- 2.3. Additionally, an employee seeking to take SPL must satisfy each of the following criteria:
 - Both birth parents must meet the same eligibility criteria to get SPL and ShPP. You must:
 - o Have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date.
 - o Stay with the same employer until you start your SPL.
 - o To be eligible for ShPP, you must each earn on average at least £123 a week. If you usually earn an average of £123 or more a week each.
- 2.4. If the birth mother’s partner wants to take the SPL and ShPP, both the mother and the mother’s partner must meet some eligibility requirements.
 - The mother must:
 - o Have been working for at least 26 weeks out of the 66 weeks before the week the baby’s due (the 26 weeks do not need to be in a row).
 - o Have earned at least £390 in total across any 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row).
 - The mother’s partner must:
 - o Have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date.
 - o Stay with the same employer until they start their SPL.
 - o To be eligible for ShPP, the partner must earn on average at least £123 a week.
- 2.5. For the birth mother to take SPL and ShPP, both the mother’s partner and the mother must meet some eligibility criteria.

- The mother's partner must:
 - Have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row)
 - Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row)
 - The mother must:
 - Have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date.
 - Stay with the same employer until they start their SPL.
- 2.6. For those adopting a child or using a surrogate to be eligible for SPL and ShPP, adoptive parents or both parents using a surrogate must share responsibility for the child from:
- The child's due date or birth date if you're using a surrogate
 - The date the child is placed with you, if you're adopting or fostering to adopt
- 2.7. Both parents must also meet the work and earnings criteria. The criteria are different depending on which parent wants to use the shared parental leave and pay.
- To be eligible for SPL and ShPP, you must stay with the same employer until you start your SPL. You must be employed continuously by them for at least 26 weeks, by either:
 - The end of the week you or your partner are matched with a child if you're adopting.
 - The end of the 15th week before the due date if you're using a surrogate.
- 2.8. If only one of the parents wants to take the SPL and ShPP both parents must meet some eligibility criteria.
- The parent who wants to take the leave and pay must stay with the same employer until they start their SPL.
 - They must also have been employed continuously by the same employer for at least 26 weeks, by either:
 - The end of the week you or your partner are matched with a child if you're adopting
 - The end of the 15th week before the due date if you're using a surrogate
 - To be eligible for ShPP, you must each earn on average at least £123 a week. If you usually earn an average of £123 or more a week each.
 - The other parent must:
 - Have been working for at least 26 weeks out of the 66 weeks before the week the child was placed with you (the 26 weeks do not need to be in a row).
 - Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row).
 - The mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements.
 - The employee must still be working for the organisation at the start of each period of SPL.
 - To qualify for both SPL and ShPP the employee must have a minimum of 26 weeks' service with the Council by the end of the 15th week before the child's expected due date/matching date.
 - The employee must correctly notify the Council of their entitlement and provide evidence as required.

- 2.9. To be eligible for Statutory Shared Parental Pay (ShPP) the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for the Council for at least 26 weeks and earned an average of at least £123 (this is correct as of 2024 but may change annually) a week in any 13 of those weeks.

3. Entitlement

- 3.1. Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement, then their partner may opt-in to the SPL system and take any remaining weeks as SPL.
- 3.2. A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.
- 3.3. If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.
- 3.4. SPL can commence as follows:
- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child.
 - The adopter can take SPL after taking at least two weeks of adoption leave.
 - The father/partner/spouse can take SPL immediately following the birth/placement of the child but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or Shared Parental Pay (ShPP)).
- 3.5. Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.
- 3.6. SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" (5.2) and "Variations to arranged Shared Parental Leave" (5.6) below).
- 3.7. If the employee is eligible to receive it, ShPP may be paid for some, or all, of the SPL period (see "Shared Parental Pay" (section 7) below).
- 3.8. SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.
- 3.9. In the case of multiple births, the employee is entitled to the same amount of SPL and ShPP as for a single birth.

4. Notifying the Council of an Entitlement to Shared Parental Leave

- 4.1. An employee entitled and intending to take SPL must give their manager notification of their entitlement and intention to take SPL at least eight weeks before they can take any period of SPL.
- 4.2. Part of the eligibility criteria requires the employee to provide the Council with correct notification, which must be in writing and include the following:
 - The name of the employee.
 - The name of the other parent.
 - The start and end dates of any maternity / adoption leave or pay or maternity allowance, taken in respect of the child and the total amount of SPL available.
 - The date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption.
 - The amount of SPL the employee and their partner each intend to take.
 - A non-binding indication of when the employee expects to take the leave.
- 4.3. The employee must provide the Council with a signed declaration stating:
 - That they meet, or will meet the eligibility conditions and are entitled to take SPL;
 - That the information they have given is accurate.
 - If they are not the mother / adopter they must confirm that they are either the father / adopter of the child, or the spouse, civil partner or partner of the mother / adopter.
 - Should they cease to be eligible, they will immediately inform the Council.
- 4.4. The employee must provide the Council with a signed declaration from their partner confirming:
- 4.5. The Council may, within 14 days of the SPL entitlement notification being given, request:
 - The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead).
 - In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth);
 - In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.
- 4.6. In order to be entitled to SPL, the employee must produce this information within 14 days of the Council's request.

5. SPL Process

- 5.1. Initial Discussions
 - Any employees who plan to take SPL are encouraged to contact their manager as early as possible to discuss their potential entitlement, their plans and to enable the Council to provide support. Managers may contact HR for support and advice.
 - Upon receiving a notification of entitlement to take SPL, a manager may seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement. Managers are encouraged to seek advice

from HR prior to such discussion.

- Upon receiving a leave booking notice, the manager will usually arrange a discussion. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved, a meeting may not be necessary.
- Where a meeting is arranged, it should take place in private and be arranged in advance. If the proposed date is problematic, then another date will be arranged if possible. If an alternative date cannot be arranged, then the meeting may be held over the telephone.
- The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Council and what the outcome may be if no agreement is reached.

5.2. Booking SPL

- In addition to notifying the employer of entitlement to SPL, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.
- An employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL begins on a Tuesday, it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.
- The employee must book SPL by giving the correct notification at least 8 weeks before the date on which they wish to start the leave.

5.3. Continuous Leave Notifications

- A notification can be for a period of continuous leave, which means a number of weeks taken in a single unbroken period of leave (for example, 6 weeks in a row).
- An employee has the right to take a continuous block of leave notified in a single notification, so long as this does not exceed the total number of weeks of SPL available to the employee and he or she has given at least eight weeks' notice.
- An employee may submit up to three separate notifications for continuous periods of leave.

5.4. Discontinuous Leave Notifications

- A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take 6 weeks of SPL over a 3-month period, working every other week).
- Where there is concern over accommodating the notification, the Council or the

employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Council.

- The Council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it or can take the leave in a single continuous block.

5.5. Responding to an SPL notification

- Once the manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.
- All notices for continuous leave will be confirmed in writing.
- All requests for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
- The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the Council may propose a modified version of the request.
- If a discontinuous leave pattern is refused, then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks requested in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

5.6. Varying SPL arrangements

- The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Council in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book / vary leave by one. However, a change as a result of a child being born early, or as a result of the Council requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Council.

6. Return from Leave

- 6.1. The employee will have been formally advised in writing by the Council of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the Council otherwise. If they are unable to attend work due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any

- other case, late return without prior authorisation will be treated as unauthorised absence.
- 6.2. If the employee wishes to return to work earlier than the expected return date, they may provide written notice to vary the leave and must give the Council at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave, then the Council does not have to accept the notice to return early but may do so if it is considered to be reasonably practicable.
 - 6.3. On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity / paternity / adoption leave and SPL amounts to 26 weeks or less. The same job is the job in which they were occupied immediately before commencing maternity / paternity / adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
 - 6.4. If the employee's aggregate maternity / paternity / adoption leave and SPL amounts to more than 26 weeks, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
 - 6.5. If the employee also takes a period of unpaid parental leave of 4 weeks or less, this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity / paternity / adoption and SPL do not exceed 26 weeks.
 - 6.6. If an employee takes a period of 5 weeks or unpaid parental leave, even if the total aggregate weeks of maternity / paternity / adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.
 - 6.7. On return to work from SPL, employees have the right to be offered suitable alternative employment in a redundancy situation, for up to 18 months from the child's date of birth if more than 6 continuous weeks of SPL is taken (inclusive of any time spent on statutory leave). If you have taken 6 weeks' of shared parental leave, but those 6 weeks were not continuous, the priority for suitable alternative employment will apply only during the period of shared parental leave.

7. Statutory Shared Parental Pay (ShPP)

- 7.1. Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother / adopter reduces their maternity / adoption pay period or maternity allowance period.
- 7.2. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 7.3. In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
 - The mother / adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity / adoption pay period or maternity allowance period.

- The employee must intend to care for the child during the week in which ShPP is payable.
 - The employee must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date of no less than the lower earnings limit in force for national insurance contributions.
 - The employee must remain in continuous employment until the first week of ShPP has begun.
 - The employee must give proper notification in accordance with the rules set out below.
- 7.4. Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.
- 7.5. In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- The start and end dates of any maternity / adoption pay or maternity allowance.
 - The total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim and a non-binding indication of when the employee expects to claim ShPP.
 - A signed declaration from the employee confirming that the information they have given is correct, that they meet or will meet the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible.
- 7.6. The employee's notification must be accompanied by a signed declaration from their partner confirming:
- Their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee.
 - (In the case where the partner is the mother / adopter) that they have reduced their maternity / adoption pay or maternity allowance;
 - (In the case where the partner is the mother / adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 7.7. Any ShPP due will be paid at a rate set by the Government for the relevant tax year.
- 7.8. Salary sacrifice payments will continue, where confirmed in your agreement.

8. Terms and Conditions During SPL

- 8.1. During the period of SPL, the employee's contract of employment remains in force, and they are entitled to receive all contractual benefits, except for salary.
- 8.2. Any period of SPL will count as pensionable service, whether or not ShPP is being paid. However, an employee's pension contributions may be affected depending on their level of pay during SPL and the employee will be contacted separately in relation to this.
- 8.3. Contractual annual leave entitlement will continue to accrue during any period of SPL.
- 8.4. SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

- 8.5. If an employee's pay during SPL is not sufficient to cover any deductions (such as childcare vouchers), the employee will be contacted to agree how this might be resolved.

9. SPL in Touch ("SPLIT") Days

- 9.1. An employee can agree to work for the Council (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave in Touch" ("SPLIT") days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- 9.2. The Council has no right to require the employee to carry out any work and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the Council and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will effectively be 'topped up' so that the employee receives their normal pay for the day in question. Any SPLIT days worked do not extend the period of SPL.
- 9.3. An employee, with the agreement of the Council, may use SPLIT days to work part of a week during SPL. The Council and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

10. Neonatal Care Leave and Pay

Where an employee has begun SHL, they may be entitled to neonatal care leave and/or pay. Further information on neonatal care leave and pay can be found in the Maternity, Paternity, Adoption and Neonatal Care Leave policy.

11. Contact During SPL

Before an employee's SPL begins, the Council will discuss the arrangements for them to keep in touch during their leave. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

12. Fraudulent Claims

The Council can, where there is a suspicion that fraudulent information may have been provided or where the Council has been informed by HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual performance and conduct procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

SHARED PARENTAL LEAVE (“SPL”) POLICY & PROCEDURE

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1. Introduction

- 1.1 Dover District Council (“the Council”) has developed a Shared Parental Leave (“SPL”) Policy to set out how it will apply the statutory entitlements to Shared Parental Leave and Pay. The Policy applies to all employees of the Council.
- 1.2 SPL enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take SPL. There may also be an entitlement to some Shared Parental Pay.
- 1.3 Where the provisions of this policy conflict with the statutory entitlements, and this has the effect of putting the employee at a disadvantage, the statutory provisions will apply.

2. Eligibility

- 2.1 SPL can only be used by two people:
 - The mother/adopter ¹and
 - One of the following:
 - The biological father of the child (in the case of birth)or
 - the spouse, civil partner or a partner who is living with the child's mother/ adopter.

¹ The woman who gives birth to a child or the primary adopter (the person, male or female, who is eligible for adoption leave and/or pay,

- 2.2. Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.
- 2.3. Additionally, an employee seeking to take SPL must satisfy each of the following criteria:
 - the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements.
 - the employee must still be working for the organisation at the start of each period of SPL.
 - the employee must have a minimum of 26 weeks' service with the Council at the end of the 15th week before the child's expected due date/matching date;
 - the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for the Council for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks.
 - the employee must correctly notify the Council of their entitlement and provide evidence as required.

3. Entitlement

- 3.1. Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement, then their partner may opt-in to the SPL system and take any remaining weeks as SPL.
- 3.2. A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.
- 3.3. If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.
- 3.4. SPL can commence as follows:
 - The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
 - The adopter can take SPL after taking at least two weeks of adoption leave
 - The father/partner/spouse can take SPL immediately following the birth/placement of the child but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or Shared Parental Pay (ShPP)).

- 3.5. Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.
- 3.6. SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" (5.2) and "Variations to arranged Shared Parental Leave" (5.6) below).
- 3.7. If the employee is eligible to receive it, ShPP may be paid for some, or all, of the SPL period (see "Shared Parental Pay" (section 7) below).
- 3.8. SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.
- 3.9. In the case of multiple births, the employee is entitled to the same amount of SPL and ShPP as for a single birth.

4. Notifying the Council of an entitlement to Shared Parental Leave

- 4.1. An employee entitled and intending to take SPL must give their manager notification of their entitlement and intention to take SPL at least eight weeks before they can take any period of SPL.
- 4.2. Part of the eligibility criteria requires the employee to provide the Council with correct notification, which must be in writing and include the following:
 - The name of the employee.
 - The name of the other parent.
 - The start and end dates of any maternity / adoption leave or pay or maternity allowance, taken in respect of the child and the total amount of SPL available.
 - The date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption.
 - The amount of SPL the employee and their partner each intend to take.
 - A non-binding indication of when the employee expects to take the leave.
- 4.3. The employee must provide the Council with a signed declaration stating:
 - That they meet, or will meet the eligibility conditions and are entitled to take SPL;
 - That the information they have given is accurate.
 - If they are not the mother / adopter they must confirm that they are either the father / adopter of the child, or the spouse, civil partner or partner of the mother / adopter.
 - That should they cease to be eligible, they will immediately inform the Council.
- 4.4. The employee must provide the Council with a signed declaration from their partner confirming:

- Their name, address and national insurance number (or a declaration that they do not have a national insurance number);
 - That they are the mother / adopter of the child or they are the father / adopter of the child, or are the spouse, civil partner or partner of the mother / adopter;
 - That they satisfy the 'employment and earnings test (see Eligibility section 2.3) and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee.
 - That they consent to the amount of SPL that the employee intends to take.
 - That they consent to the Council processing the information contained in the declaration form; and
 - in the case where the partner is the mother / adopter, they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 4.5. The Council may, within 14 days of the SPL entitlement notification being given, request:
- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead).
 - In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth);
 - In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.
- 4.6. In order to be entitled to SPL, the employee must produce this information within 14 days of the Council's request

5. SPL Process

5.1. Initial Discussions

Any employees who plan to take SPL are encouraged to contact their manager to as early as possible to discuss their potential entitlement, their plans and to enable the Council to provide support. Managers may contact HR for support and advice.

Upon receiving a notification of entitlement to take SPL, a manager may seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement. Managers are encouraged to seek advice from HR prior to such discussion.

Upon receiving a leave booking notice, the manager will usually arrange a discussion. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved, a meeting may not be necessary.

Where a meeting is arranged, it should take place in private and be arranged in advance. If the proposed date is problematic, then another date will be arranged if possible. If an alternative date cannot be arranged, then the meeting may be held over the telephone.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous

leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Council and what the outcome may be if no agreement is reached.

5.2. Booking SPL

In addition to notifying the employer of entitlement to SPL, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

An employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL begins on a Tuesday, it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least 8 weeks before the date on which they wish to start the leave.

5.3. Continuous Leave Notifications

A notification can be for a period of continuous leave, which means a number of weeks taken in a single unbroken period of leave (for example, 6 weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as this does not exceed the total number of weeks of SPL available to the employee and he or she has given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

5.4. Discontinuous Leave Notifications

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take 6 weeks of SPL over a 3-month period, working every other week).

Where there is concern over accommodating the notification, the Council or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Council.

The Council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it or can take the leave in a single continuous block.

5.5. Responding to an SPL notification

Once the manager receives the leave booking notice, it will be dealt with as soon

as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the Council may propose a modified version of the request.

If a discontinuous leave pattern is refused, then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks requested in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

5.6. Varying SPL arrangements

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Council in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book / vary leave by one. However, a change as a result of a child being born early, or as a result of the Council requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Council.

6. Return from leave

- 6.1. The employee will have been formally advised in writing by the Council of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the Council otherwise. If they are unable to attend work due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 6.2. If the employee wishes to return to work earlier than the expected return date, they may provide written notice to vary the leave and must give the Council at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the Council does not have to accept the notice to return early but may do so if it is considered to be reasonably practicable.

- 6.3. On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity / paternity / adoption leave and SPL amounts to 26 weeks or less. The same job is the job in which they were occupied immediately before commencing maternity / paternity / adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
- 6.4. If the employee's aggregate maternity / paternity / adoption leave and SPL amounts to more than 26 weeks, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favorable.
- 6.5. If the employee also takes a period of unpaid parental leave of 4 weeks or less, this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity / paternity / adoption and SPL do not exceed 26 weeks.
- 6.6. If an employee takes a period of 5 weeks or unpaid parental leave, even if the total aggregate weeks of maternity / paternity / adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

7. Statutory Shared Parental Pay (ShPP)

- 7.1. Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother / adopter reduces their maternity / adoption pay period or maternity allowance period.
- 7.2. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 7.3. In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
 - The mother / adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity / adoption pay period or maternity allowance period.
 - The employee must intend to care for the child during the week in which ShPP is payable;
 - The employee must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date of no less than the lower earnings limit in force for national insurance contributions.
 - The employee must remain in continuous employment until the first week of ShPP has begun.
 - The employee must give proper notification in accordance with the rules set out below.

- 7.4. Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.
- 7.5. In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- The start and end dates of any maternity / adoption pay or maternity allowance.
 - The total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim and a non-binding indication of when the employee expects to claim ShPP.
 - A signed declaration from the employee confirming that the information they have given is correct, that they meet or will meet the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible.
- 7.6. The employee's notification must be accompanied by a signed declaration from their partner confirming:
- Their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee.
 - (in the case where the partner is the mother / adopter) that they have reduced their maternity / adoption pay or maternity allowance;
 - (In the case where the partner is the mother / adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 7.7. Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

8. Terms and Conditions during SPL

- 8.1. During the period of SPL, the employee's contract of employment remains in force, and they are entitled to receive all contractual benefits, except for salary.
- 8.2. Any period of SPL will count as pensionable service, whether or not ShPP is being paid. However, an employee's pension contributions may be affected depending on their level of pay during SPL and the employee will be contacted separately in relation to this.
- 8.3. Contractual annual leave entitlement will continue to accrue during any period of SPL.
- 8.4. SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.
- 8.5. If an employee's pay during SPL is not sufficient to cover any deductions (such as childcare vouchers), the employee will be contacted to agree how this might be resolved.

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- 9.1. An employee can agree to work for the Council (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as “Shared Parental Leave in Touch” (“SPLIT”) days. Any work carried out on a day or part of a day shall constitute a day’s work for these purposes.
- 9.2. The Council has no right to require the employee to carry out any work and is under no obligation to offer the employee any work, during the employee’s SPL. Any work undertaken is a matter for agreement between the Council and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will effectively be ‘topped up’ so that the employee receives their normal pay for the day in question. Any SPLIT days worked do not extend the period of SPL.
- 9.3. An employee, with the agreement of the Council, may use SPLIT days to work part of a week during SPL. The Council and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

10. Contact during SPL

Before an employee’s SPL begins, the Council will discuss the arrangements for them to keep in touch during their leave. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee’s plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

11. Fraudulent Claims

The Council can, where there is a suspicion that fraudulent information may have been provided or where the Council has been informed by HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual performance and conduct procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

DOVER DISTRICT COUNCIL

GENERAL PURPOSES COMMITTEE – 10 March 2025

EXCLUSION OF THE PRESS AND PUBLIC

Recommendation

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
10 – Pay Award 2025	4	Information relating to any consultations or negotiations

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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