FAMILY LEAVE SCHEMES

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 *January 2013 –clarification on Statutory Adoption leave and pay entitlement*

 *March 2013 – confirmation of statutory change to parental leave with effect from 8/3/13*

 *April 2015 – update adoption provisions to reflect statutory position regarding adoption leave entitlement and update of parental leave provisions*

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 *December 2019 – insertion of partner/spouse antenatal leave*

 *February 2020 - clarification of paid and unpaid parental bereavement leave*

 *March 2021 - statutory pay rates updated*

 *September 2021 - updated template letters to include reference to sharing equality data*

 *March 2022 - statutory pay rates updated*

 *March 2023 – statutory pay rates updated*

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Are you the parent’s nominated carer? (see para 3.6)

**Entitled to 1 week’s paternity leave (average weekly pay)**

No entitlement to paternity leave or pay

Yes

 No

**As a Nominated Carer**

## Summary Of Paternity Rights (Birth)

No

**Entitled to 1 week’s paternity leave (average weekly pay)**

**plus**

**1 further week’s consecutive leave (statutory paternity pay only)**

Are you the child’s parent, or the spouse or civil partner/ partner (including same sex couples)? (see para 3.2)

No entitlement to paternity leave or pay

Will you have responsibility for the child’s upbringing?

Will you have 26 weeks continuous Croydon Service at the 15th week before the EWC?

**Entitled to 1 week’s paternity leave**

**(average weekly pay)**

No

No entitlement to paternity leave or pay

No

No

Yes

Yes

Yes

**As the Child’s Parent’s Spouse or Partner**

* Employees must inform their manager by the 15th week before the EWC of how much paternity leave they are intending to take and when they wish it to start.
* Employees taking paternity leave must complete a self-certificate confirming their entitlement. The self-certificate must be completed at least 28 days before the leave is due to start.
* Paternity leave and additional paternity leave must be taken in blocks of whole weeks but may start on any day of the week. Leave must be completed within 56 days of the baby’s birth date or the expected week of childbirth if the baby is born early.
* Employees continue to benefit from their normal terms and conditions during paternity leave and are entitled to return to the same job.

## Summary Of Adoption Rights

No

Are you or your spouse/partner (including same sex):

* legally adopting a child, through an approved adoption agency or local authority? or
* permanently fostering a child through a local authority

No entitlement

* **Notification For Adoption Leave and Pay**
* Within **7 days** of being notified that they have been matched with a child **and** at **least 28 days** before adoption leave starts, the employee must confirm in writing:
* when the child is expected to be placed with them, and
* when they want their adoption leave and pay to commence. Adoption leave can start from the date of placement or up to 14 days beforehand.

Will your spouse or partner (including same sex) be taking adoption leave from their employer?

No

Yes

No entitlement.

Yes

Do you have 26 weeks continuous service and will you have responsibility for the child’s upbringing?

Yes

**You are entitled to either 1 or 2 consecutive weeks paternity leave (SPP only)**

6 weeks at 90% of normal pay (incl. SAP) 2

*followed by*

33 weeks SAP

+

 12 weeks half-pay

(if returning to work) ³

------------------------------------

Up to 52 weeks adoption leave

39 weeks pay SAP (only)

Up to 52 weeks adoption leave

No entitlement to pay

Up to 52 weeks adoption leave

More than 1 year’s

service

Between 26 weeks

and 1 year’s service

Less than 26 weeks

service

**Adoption Leave Scheme** **applies**:

The amount of adoption pay and leave depends on your length of continuous Croydon service at the end of the week in which you are told that you have been matched with a child - see below.

Notes

1 SPP = Statutory Paternity Pay

2 SAP = Statutory Adoption Pay

3  To be eligible for half-pay, the adopter must return to work after their adoption leave for at least 3 months. Unless agreed otherwise, the half-pay will be paid for 12 weeks starting from the 7th week of adoption leave.

**Summary of Adoption Provisions**

* In the interests of longer term planning and cover arrangements employees are asked to discuss their arrangements with their manager at the earliest opportunity.
* **Pre-Placement Meetings**
* The adopter may have up to 5 days paid time off to attend pre-placement meetings.
* **Returning From Adoption Leave**
* It is assumed that an employee adopting will return to work at the end of their adoption leave. If so, no further notification is necessary. However, an adopter who wishes to return earlier, must give 8 weeks’ notice.
* Unless the job no longer exists (e.g. because of redundancy) an employee who has taken adoption leave is entitled to return to the job they had beforehand and on terms and conditions which are not less favourable.
* All employees have a right to apply to work flexibly. Managers may refuse requests for business reasons.
* **Terms and Conditions**
* **Contractual Benefits:** except for SAP and any half-pay as indicated above, all other payments of salary or wages will stop during adoption leave.Any other contractual benefits will continue for the first 26 weeks of adoption leave e.g. car lease payments, provision of a lease car, telephone rental payments, personal-issue equipment such as mobile phones and pagers.
* **Compulsory Car User Allowances:** during adoption leave, the employee is entitled to receive the allowance in full for the period of Ordinary Maternity Leave (i.e. 26 weeks).
* **Annual leave:** continues to accrue during the whole of an employee’s adoption leave.
* **Pension:** contributions are based on the pay actually received. Membership of the pension scheme continues throughout the first 26 weeks of adoption leave and the Council continues to pay contributions even if the employee does not receive pay. Employees can chose to pay contributions relating to unpaid part of adoption leave, but must elect to do so within 30 days of returning to work or resigning.
* **Paternity Leave (adoption)**
* Paternity leave, is available to a person of either sex in an adoption situation, and to the spouse, civil partner or partner (including same sex couples) of the biological parent of a child.
* Employees need to give at least 28 days written notice of when the child is expected to be placed with them, when they want their paternity leave and pay to start and whether they wish to take either one or two weeks leave. Where this is not possible, the information must be provided within 7 days of being notified by their adoption agency that they have been matched with a child for adoption.
* Paternity leave must be taken in blocks of whole weeks, but may start on any day of the week. Leave must be completed within 56 days of the child’s placement.
* Employees taking paternity leave and additional paternity leave must complete a self-certificate confirming their eligibility. These are available from departmental personnel sections.
* Employees continue to benefit from their normal terms and conditions during paternity leave and are entitled to return to the same job.
* **Adoption Leave & Pay**: depends on length of service as shown below:
* **Notification For Adoption Leave and Pay**
* Within **7 days** of being notified that s/he has been matched with a child **and** at **least 28 days** before her maternity leave starts, an employee adopting must confirm in writing:
* when the child is expected to be placed with them, and
* when they want their adoption leave and pay to commence. Adoption leave can start from the date of placement or up to 14 days beforehand.
* In the interests of longer term planning and cover arrangements employees are asked to discuss their arrangements with their manager at the earliest opportunity.

¹ the week in which the employee is notified by the adoption agency that they have been matched with a child

**FAMILY LEAVE SCHEMES**

# PARENTAL LEAVE

## Introduction

* + 1. On 15 December 1999 the Maternity and Parental Leave Regulations 1999 came into effect. The Regulations implemented into UK law the provisions of the Parental Leave Directive. For the very first time employees have a statutory right to leave for caring for each child under five years of age.

## Croydon's approach to parental leave

* + 1. Parental leave applies to all employees (subject to length of service eligibility) including same sex partner/spouse and regardless of gender identity or sexual orientation.
		2. The Council operates the Default Scheme included in the Regulations, with a variation in that the scheme extends to all parents of children under 5 years on 15/12/99 and is not limited to children born or adopted after that date.
		3. From 8 March 2013, the Parental Leave (EU Directive) Regulations 2013 increase the permitted period of parental leave following the birth or adoption of a child from 13 weeks to 18 weeks.
		4. From 5th April 2015, statutory regulations stipulate that eligible employees who are the parents of a birth or adoptive child are entitled to take up to 18 weeks parental leave before or on the date of the child’s 18th birthday.

### Key features

* From 5th April, the right to take18 weeks parental leave for each child born or adopted before or on the date of the child’s 18th birthday;
* the employee will remain employed while on parental leave; some terms such as contractual notice and redundancy terms will still apply;
* at the end of parental leave an employee is guaranteed the right to return to the same job as before, or, if that is not practicable, a suitable job which has the same terms and conditions as the old job; where the leave taken is for a period of 4 weeks or less, the employee will be entitled to go back to the same job.

### Main provisions

* the leave can only be taken in blocks or multiples of one week;
* the amount of leave is restricted to four weeks per child per year;
* the employer must give at least 21 days notice of any proposed period of parental leave. Parental leave may be postponed if it would unduly disrupt service provision for a period of no longer than six months;
* the leave cannot be postponed if the leave is to be taken upon the birth of a child or upon the placement of a child for adoption;
* parents of children with disabilities can take their leave in blocks and multiples of one day rather than one week.

## Who is entitled to parental leave?

* + 1. All employees who have been continuously employed for one year and have or expect to have responsibility for a child.
		2. An employee has responsibility for a child if:
* the employee is the named parent on the birth certificate of a child under 18 years old; or
* has adopted a child under the age of 18. The right lasts until the child's eighteenth birthday or
* has acquired parental responsibility under the Children Act 1989 for a child who is under eighteen years of age.

## Extent of the entitlement

* + 1. An employee is entitled to 18 weeks' unpaid leave in respect of any individual child.
		2. Where an employee's contractual hours **do not** vary, a week's leave for that employee is a period of absence from work which is equal in duration to the period of time that the employee would normally be required to work. For instance, an employee who works a straight Monday to Friday, 36 hour week would be entitled to 18 weeks Monday to Friday, 36 hour week off on parental leave. Another employee, who works Monday to Wednesday, 21 hour week would be entitled to 18 weeks of parental leave of a similar pattern of work.
		3. Where an employee's contractual hours vary from week to week or over a longer period, or where they are contractually required to work on some weeks but not on others, a week's leave is a period of absence from work which is equal in duration to the total number of periods which they are normally required to work in a year divided by 52.

## When can parental leave be taken?

* + 1. The right to parental leave lasts until the child is eighteen years old.

## Terms and conditions during periods of parental leave

* + 1. During parental leave the employee will remain an employee of the Authority. However, contractual obligations remain to the extent that the employee is entitled to:
* the implied duty of trust and confidence;
* notice of the termination of the employment contract;
* compensation in the event of redundancy; and
* disciplinary or grievance procedures.
	+ 1. During parental leave the employee is bound by:
* their implied obligation of good faith;
* notice periods to terminate the contract of employment
* the disclosure of confidential information;
* the acceptance of gifts or other benefits; and
* the employee's participation in any other business.

## Right to return after parental leave

* + 1. Where the leave is four weeks or less:
* Employees who take parental leave are entitled to return to the same position they held before they went on parental leave. See the position where parental leave of four weeks or less is taken straight after additional maternity leave.
	+ 1. Where the leave is more than four weeks:
* Employees who take parental leave are entitled to return to the same position they held before they went on parental leave OR if this is not reasonably practical to another suitable position.
	+ 1. After parental leave an employee is entitled to return to the same terms and conditions in respect of remuneration, seniority, pension rights and similar rights as if they had not been absent.
		2. Employers are permitted to defer requests for parental leave where their business would be unduly disrupted if the employee took parental leave at the time requested (see para 1.12)

## Remedies

* + 1. Employees will be able to complain to an Employment Tribunal where they are:
* prevented from taking parental leave; or
* where their parental leave is unduly delayed; or
* they suffer a detriment relating to parental leave.
	+ 1. It will be automatically unfair to dismiss an employee for reasons connected with parental leave.

## Parental leave and other HR policies

### Maternity

* + - 1. Where parental leave of four weeks or less is tagged on to the end of additional maternity leave the employee is entitled to return to the job they held before their maternity leave began. Except where it would not have been reasonably practical for the employee to return to that job even if they had returned at the end of their additional maternity leave. Otherwise the employee is entitled to return to another job which is both suitable for them and appropriate for them in the circumstances.

### Disciplinary

* + - 1. If an employee abuses the parental leave scheme in any way disciplinary action may be taken.

### Records

* + 1. Employers are not required to keep statutory records of any parental leave taken.

## Evidence

* + 1. The authority can request evidence of an employee's entitlement to parental leave (see Appendix 5). This may take the form of evidence of any or all of the following:
* evidence of the employee's responsibility or expected responsibility for the child in respect of whom parental leave is claimed;
* the child's date of birth or, in the case of a child who was placed with the employee for adoption, the date on which the placement began; and
* in the case of disabled children, evidence of the child's entitlement to Disability Living Allowance.

## Notice

* + 1. An employee wishing to take parental leave must provide 21 days notice specifying the date on which the period of leave is to begin and end.
		2. Where the spouse/partner (including same sex couples) who has parental responsibility of a child wishes to start parental leave on the date on which the child is born the required notice must specify:
* the expected week of childbirth; and
* the duration of the period of leave; and
* must be given to the employer at least 21 days before the expected week of childbirth.
	+ 1. In adoption cases, where parental leave is to start on the date of the placement the notice must:
* specify the week in which the placement is to occur; and
* specify the duration of the period of leave; and
* must be given to the employer at least 21 days before the beginning of that week, or if that is not reasonably practicable, as soon as is reasonably practicable.

## Postponement of parental leave

* + 1. Except where parental leave is to be taken on the birth of a child or placement of a child for adoption and the employee has given the required notice (as detailed above) the authority is permitted to postpone the taking of parental leave where it would unduly disrupt service delivery, for a period not in excess of six months.[[1]](#footnote-1)
		2. Where the authority wishes to postpone a period of parental leave it must within 7 days after the employee's notice is given:
* give the employee notice in writing of the postponement;
* state in the notice, the reason for the postponement; and
* specify the date on which the period of leave the authority agrees to permit the employee to take will begin and end.

## Minimum periods of leave

* + 1. An employee cannot take parental leave in blocks of less than a week. **Except** where the child in respect of whom leave is taken is entitled to a Disability Living Allowance, then leave may be taken in daily blocks.

## Maximum annual parental leave allowance

* + 1. An employee may not take more than four weeks leave in respect of any individual child during a particular year.
		2. A year is a period of 12 months beginning from:
* the date on which the employee first became entitled to take parental leave in respect of that particular child; or
* in a case where the employee's continuous service has been interrupted, on the date on which the employee most recently became entitled to take parental leave in respect of that child.

**1.15. Parental Bereavement Leave**

1.15.1. The death of an employee's child is one of the most sensitive situations that a line manager will ever face at work.

1.15.2 The government will introduce statutory parental bereavement leave and pay regulations from April 2020. This includes two weeks unpaid or paid leave for employees subject to service eligibility.

1.15.3 Croydon council (since 2019) have already introduced two weeks full paid leave to employees who experienced bereavement as parents of children under the age of 18 or who experienced stillbirth from 24 weeks. Relevant eligibility requirements applied.

1.15.4 Employees must have 26 weeks' continuous service (with Croydon) to receive two weeks full paid parental bereavement leave. *Staff with under 26 weeks service will be eligible for unpaid bereavement leave for this time period.*

1.15.5Line managers should be aware that employees are not required to provide written notice to take parental bereavement leave or provide evidence of the death of their child. An email or telephone call may be sufficient to take parental bereavement leave.

1.15.6 This leave will apply to employees who have ‘parental/caring’ responsibilities for the child, so will include adoptive parents, foster parents and guardians, as well as more informal groups such as close relatives or family friends regardless of gender identity or gender expression, who have taken responsibility for the child's care in the absence of parents

1.15.7 The employee should inform their line manager of what they would like colleagues to know about the situation and of any urgent tasks that other staff need to address/cover e.g. meetings.

1.15.8 Managers should also inform the employee about the support that the council offers (e.g. [EAP](https://intranet.croydon.gov.uk/working-croydon/your-health-and-wellbeing/employee-assistance-programme-and-chaplaincy), [Mental Health First Aiders,](https://intranet.croydon.gov.uk/working-croydon/health-and-wellbeing-staff/mental-health-and-wellbeing/what-can-organisation-do-me-0) [flexible and agile working options](https://intranet.croydon.gov.uk/working-croydon/flexible-and-agile-working-0/flexible-and-agile-working))

1.15.9 Following the initial contact, the employee and the line manager should keep in touch. The level of contact is a matter for agreement between the employee and the line manager.

1.15.10 Leave can either be taken in one block or in two separate blocks of one week. It can be taken within a 56 week window from the child's death, to allow time for moments such as anniversaries, and notice requirements will be flexible as agreed with line management.

1.15.11 In order to claim full paid parental bereavement leave, the employee will need to complete a declaration form (see [appendix 8](#_Appendix_8_–)). **However line managers should be aware of the needs of the employee at this time and obtain necessary information in a sensitive and discreet manner.**

1.15.12 Line managers should contact HR to ensure this leave is recorded on My Resources.

1.15.13 If a longer period of absence is required, for example for a trip to be made abroad, a combination of annual leave, and unpaid additional leave may be used to cover the absence. Employees can also apply for unpaid leave for up to 12 months under the Sabbatical Scheme.

## 1.16 Data protection

1.16.1. When managing an employee's parental leave, the council processes personal data collected in accordance with the **workforce data protection policy** which can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook). Data collected from the point at which an employee informs the council that they plan to take parental leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their parental leave.

1.16.2. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the council's workforce data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the council's disciplinary procedure.

# TIME OFF FOR DEPENDANTS

## Introduction

* + 1. All employees are entitled to a reasonable[[2]](#footnote-2) amount of unpaid time off to deal with certain unexpected or sudden emergencies affecting a dependant, including making any necessary longer-term arrangements.
		2. In many cases, paid flexible working arrangements can be used to cover the sort of absences shown below. Managers are encouraged to continue to provide such flexibility. The unpaid leave provisions in this document should be used as a last resort when paid time off is refused.

## Who is a dependant?

* + 1. A dependant is classed as:
* Their spouse (including same sex)/partner/civil partner
* Their children
* Their parents
* A person who lives in the same household as the employee[[3]](#footnote-3) but not someone working for the employee
* Any person who reasonably relies on the employee to make arrangements for the provision of their care

## When can the employee take time off?

* + 1. The employee can take time off in order to take action which is necessary:
* where a dependant falls ill, gives birth or is injured or assaulted.
* to make arrangements for the care of a dependent who is ill or injured.
* on the death of a dependant.
* due to the unexpected disruption or termination of care arrangements of a dependant.
* to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for them.

## What must an employee do to qualify

* + 1. There is no continuous service requirement. The employee must inform their manager as soon as they can of the reason for the absence and how long the absence is likely to last. Where possible, this should be done before the leave is taken.

**2.5. Antenatal leave for partners/spouse**

* With effect from 1 October 2014, under s.57ZE of the Employment Rights Act 1996, an employee who has a ["qualifying relationship"](https://www.gov.uk/paternity-pay-leave/leave) with a pregnant partner/spouse (including same sex couples) of the expected child has the right to take unpaid time off during working hours to accompany their partner/spouse to an antenatal appointment on up to two occasions for a maximum of six-and-a-half hours on each occasion
* The right, which does not require any qualifying service, applies only where the appointment is made on the advice of a registered medical practitioner, midwife or nurse.
* Further details are available in the [Maternity Leave Policy](https://intranet.croydon.gov.uk/sites/default/files/Maternity%20leave.doc) and the Time off for Medical Appointments Guidance.

## 2.6. Data protection

When an employee makes a request to their line manager for time off for dependants, the line manager should process any personal data collected in accordance with the council’s **workforce data protection policy** which can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook). In particular, line managers should record only the personal information required to deal with the employee's request for time off for dependants and keep this information only for as long as necessary to deal with the request.

# PATERNITY LEAVE AND PAY (BIRTH)

## Introduction

* + 1. Leave is granted to care for the child and/or support the spouse/partner (including same sex couples). In cases of adoption see the Adoptive Parents Scheme (see section 4.15).
		2. From 3 April 2011 an entitlement to Additional Paternity Leave has been introduced (see point 6 below)

## Eligibility and Entitlement

* + 1. Provided they meet the notification requirements (see 3.5), employees are eligible for one week’s paid leave (average weekly pay) if they are:
* the parental spouse or partner/civil partner (including same sex couples) and have responsibility for the child’s upbringing, **or**
* the nominated carer of the expectant employee (see 3.6)
	+ 1. Employees are eligible for a second week’s leave, paid at the rate of Statutory Paternity Pay, if they:
* have 26 weeks’ continuous employment (with Croydon) at the 15th week before the EWC **and**
* are the parent or spouse (including same sex) or partner/civil partner **and**
* have or expect to have responsibility for the child’s upbringing **and**
* met the notification requirements (see 3.5).
	+ 1. A partner is defined as a person who lives with the mother and the child in an enduring family relationship, but who is not a relative of the mother i.e. parent, grandparent, aunt, uncle, sister or brother. This definition includes same sex couples.
		2. Employees must complete a self-certificate (see **Appendix 1**) as evidence that they meet these eligibility conditions.

**3.3.**  **Length of paternity leave – initial period (see below for Additional Paternity Leave)**

3.3.1 Eligible employees may choose to take either one week’s leave or two consecutive weeks leave. Leave may only be taken in blocks of whole weeks (not odd days). Employees can choose to start their leave from:

* the date of the child’s birth (whether this is earlier or later than expected)
* a chosen number of days or weeks after the date of the child’s birth (whether this is earlier or later than expected), or
* a chosen date.

3.3.2 Leave can start on any day of the week on or following the child’s birth but must be completed:

* within 56 days of the actual date of birth of the child, or
* if the child is born early, within 56 days of the EWC

3.3.3 Only one period of leave will be available to employees irrespective of whether more than one child is born as a result of the same pregnancy.

## 3.4. Statutory Paternity Pay (see below for Additional Paternity Leave & Pay)

3.4.1 The rate of SPP will be the same as the standard rate of Statutory Maternity Pay. This is a flat-rate which is revised each year (see **Appendix 4** for current rate). If average weekly earning are lower than the set rate, SPP will be paid at 90% of average weekly earnings.

3.4.2 Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes (see **Appendix 4** for current rate) will not qualify for SPP. Employees who do not qualify for SPP, or who are normally low-paid, may be able to get Income Support whilst on paternity leave. Additional financial support may be available through Housing Benefit, Council Tax Benefit, Tax Credits or a Sure Start Maternity Grant. Further information is available from your local Jobcentre Plus office or Social Security office.

## 3.5. Notice of intention to take paternity leave

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3.5.1 Employees are required to inform their manager of their intention to take paternity leave by the 15th week before the baby is expected, unless this is not reasonably practicable. They will need to tell their manager:

* the week the baby is due
* whether they wish to take one or two weeks’ leave
* when they want their leave and pay to start. This can be: the date the child is born; a certain number of days after the birth; or on a pre-determined date after the first day of the EWC.

3.5.2 Employees must also complete the self-certificate confirming their entitlement to Paternity Pay/Leave at least 28 days in advance, unless this is not reasonably practicable. Employees should give 28 days notice if they change their mind about the date on which they want their leave to start (unless this is not reasonably practicable).

3.5.3 By completing the self certificate (Appendix 4), employees satisfy both the notice and evidence conditions for paternity leave and pay. The Council will only carry out any further checks in exceptional circumstances.

## 3.6. Nominated carer

3.6.1 A nominated carer is the person nominated by the employee to assist in the care of the child and to provide support to the employee at or around the time of the birth.

3.6.2 Managers will have to make the judgement in each case whether to grant leave to a staff member who is not the parent of the child or the employee’s spouse or partner but who is nominated as the carer based on the information provided. Advice may be sought from Departmental Personnel Managers where difficulties arise.

3.6.3 Leave should only be granted to a nominated carer (other than the parent of the child or partner/civil partner/same sex partner) only where there is no other person able to provide support to the employee.

3.6.4 A member of staff should normally be able to demonstrate that their relationship with the parent (as a close relative or friend) is such that they are the **“primary provider” of support to the parent and that there is no-one else who can fill that role at or around the time of birth.** For example, in cases where the other parent/ spouse/partner (including same sex couples) is not in contact with the employee (divorce or separation or death) or they are prevented by ill-health or disability from providing adequate support.

## 3.7. Contractual benefits

3.7.1 Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to wages or salary throughout their paternity leave. However, most employees will be entitled to SPP for this period.

## 3.8. Return to work after Paternity Leave

3.9.1 Employees will be entitled to return to the same job following paternity leave.

## 3.9. Protection from detriment and dismissal

3.9.1 Employees will be protected from suffering unfair treatment or dismissal for taking, or seeking to take Paternity Leave. Employees who believe they have been treated unfairly will be able to complain to an Employment Tribunal.

**3.10 Premature Birth**

3.10.1 The Council wants to take a proactive step to assist its employees (including those in same sex relationships) when dealing with the premature birth of their baby in compliance with our commitment to the ‘[Smallest Thing – Employer with a Heart’ charter](https://thesmallestthings.org/take-action/employers-with-heart-the-smallest-things-best-practice-charter/).

3.10.2 Parents (subject to eligibility) of babies born before 37 weeks will now be entitled to receive two weeks extra paternity paid leave upon the premature birth of their baby. This leave entitlement will be added to the end of the employee’s Paternity Leave period after this leave entitlement has been exhausted.

3.10.3 It is important that employees/line managers advise HR Consultancy of the premature birth so that the necessary arrangements for the Premature Baby Pay and leave can be made. The employee will need to complete a declaration form (see [Appendix 7](#App7)). Any queries regarding this scheme or extending an employee’s entitlement can be discussed with HR Consultancy (humanresources@croydon.gov.uk).

3.10.4 Employees will be eligible for this Premature Baby Leave entitlement if they meet the eligibility and entitlement criteria as outlined in 3.2.2 (above).

3.10.5 It is important to note that the employee’s normal entitlement to Paternity Leave will continue to apply and will not be affected by this scheme.

## 3.11. Data protection

3.11.1 When managing an employee's paternity leave and pay, the council processes personal data collected in accordance with the **workforce data protection policy** which can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook). Data collected from the point at which an employee informs the council that they plan to take paternity leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their paternity leave and pay.

3.11.2 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the council's workforce data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the council's disciplinary procedure.

# ADOPTION LEAVE

## Introduction

* + 1. This scheme applies to all Council employees including those school-based staff whose terms and conditions are governed by the NJC for local government services. It does not apply to teachers and lecturers.
		2. The scheme entitles eligible employees to take paid leave when a child is newly placed for adoption. Adoption leave is available to:
* Individuals who adopt
* One member of a couple (including same sex couples) where a couple adopt jointly (the couple may choose which partner takes adoption leave)
	+ 1. The partner of an individual who adopts, or the other member of a couple who are adopting jointly, is not entitled to adoption pay or leave but may be entitled to paternity leave and pay (see section 5).

## Scope

* + 1. The scheme applies only to legal adoption through an approved adoption agency or for permanent fostering through a local authority. It covers only where a child is matched and placed for adoption within the UK. In the case of adoptions from overseas, the changes will apply where the adopter’s child enters Great Britain on or after this date. It does not apply to:
* Short term fostering arrangements e.g. where a person undertakes regular short term fostering assignments for a local authority or temporarily cares for a relative’s child
* Cases where a legal adoption is being arranged after a period of fostering has already taken place; and
* A private adoption e.g. where the child of a close relative is being adopted and is known by the prospective parent

In the last two cases, it will be assumed that the child(ren) will already be familiar with the applicant, who will have made adequate arrangements for their care. In exceptional circumstances, e.g. where the child(ren) are unknown to the adoptive parents or the natural parents have recently died, the scheme may be extended at the Chief Officer’s discretion.

## Adoption leave – eligibility

* + 1. To be eligible, an employee must:
* Be the child’s adopter
* Have notified the adoption agency that they agree that the child should be placed with them and on the date of the placement.

## Notification

* + 1. Employees should give their Line Manager 28 days’ notice in writing of:
* when the child is expected to be placed with them, and
* when they want their adoption leave and pay to commence

Where this is not possible, employees are required to give the above information within 7 days of being notified by their adoption agency that they have been matched with a child for adoption.

* + 1. Adopters may change their mind about the date on which they want their leave and pay to start by giving their line manager at least 28 days’ notice (unless this is not reasonably practicable).
		2. Whilst the above timescales ensure compliance with the law, in the interests of longer term planning and cover arrangements, employees are asked to discuss their arrangements with their manager at the earliest opportunity.
		3. Within 28 days of receiving the notification, the Council will write to the adopter setting out the date on which they expect them to return to work if the full entitlement to adoption leave is taken.

## Adoption leave – length (see point 6 below for additional paternity leave & pay)

* + 1. The amount of adoption leave depends on the length of continuous service with the Council as shown below:
* All employees from the first day of service will be entitled to up to 26 weeks’ **ordinary adoption leave** followed immediately by up to 26 weeks’ **additional adoption leave**  - a total of up to 52 weeks’ leave.
	+ 1. Adopters can choose to start their leave:
* From the date of the child’s placement (whether this is earlier or later than expected), or
* From a fixed date which can be up to 14 days before the expected date of placement.
	+ 1. Leave can start on any day of the week. Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
		2. If the child’s placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to 8 weeks after the end of the placement (also see 4.9.3 below).

## Adoption Pay

* + 1. During their adoption leave, most, but not all, adopters will be entitled to Statutory Adoption Pay (SAP). Entitlement to pay depends on length of continuous service with the Council as shown below.

Payment for those with less then 26 weeks continuous service:

* no entitlement to SAP

Payment for those with between 26 weeks and 1 year’s continuous service:

* 39 weeks SAP

Payment for those with more than 1 year’s continuous service:

* 6 weeks at 90% of normal pay, including SAP

+

* 33 weeks at SAP

OR

* 12 weeks at 50% of normal pay plus SAP – (see para 4.6.2 below)
	+ 1. Half pay will be provided only if the adopter returns to work for the Council for a minimum period of 3 months after the end of adoption leave. If they do not return, they will be required to refund the half pay they have received. If doubt exists around whether the adopter will return to work, they may ask for the half pay to be paid in the form of a lump sum when they return to work in the same way as those returning from maternity leave. The definition of a week’s pay is the same as applied under the maternity leave provisions.
		2. SAP will be paid for up to 39 weeks. The rate of SAP will be the same as the standard rate of Statutory Maternity Pay. This is a flat-rate which is revised each year (see Appendix 4 for current rate). If average weekly earnings are lower than the set rate, SPP will be paid at 90% of average weekly earnings.
		3. Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance contributions (see Appendix 4 for current rate) will not quality for SAP. Employees in low-income families may be able to seek financial support from their local authorities. Additional financial support may be available through housing benefit, council tax benefit or tax credits. Further information is available from the local Jobcentre Plus office or Social Security Office.

## Matching certificate

* + 1. Adopters will have to provide documentary evidence – a ‘matching certificate’ – from their adoption agency as evidence of their entitlement to adoption pay and leave. Adopters should ask their adoption agency for a matching certificate, which gives basic information on matching and expected placement dates.

## Contractual benefits

* + 1. Adopters are entitled to the benefit of their normal terms and conditions of employment (other than wages or salary) throughout their 26-week **ordinary adoption leave** period on the same basis as for maternity leave. However, most adopters will be entitled to SAP during this period. During **additional adoption leave**, the employment contract continues and benefits and obligations remain in force e.g. compensation in the event of redundancy, notice periods, accrual of annual leave.

## Return to work after Adoption Leave

* + 1. Adopters who intend to return to work at the end of their full adoption leave entitlement will not have to give any further notification to their line managers.
		2. Adopters who want to return to work **before** the end of their adoption leave period must give their line mangers 8 weeks’ notice of the date they intend to return.
		3. If for any reason the child does not remain in the care of the adopter for the full period of the adoption leave, the adopter must inform their line manager immediately to arrange a return to work date. (also see 4.5.4)

## Altering an early return date

* + 1. If an employee wants to return even earlier than the date they have already notified they will have to give notice 8 weeks before the new date. If an employee wants to postpone their early return they will have to give notice 8 weeks before the original early return date.

## Protection from detriment and dismissal

* + 1. Adopters will be protected from suffering detriment or unfair dismissal for reasons related to taking or seeking to take adoption leave. Employees who think they have been treated unfairly will be able to complain to an Employment Tribunal.

## Time off for pre-placement meetings

* + 1. The adopter may have up to 5 days paid time off to attend pre-placement meetings/interviews and must produce evidence of appointments if required to do so by their line manager.

## Working during adoption leave

* + 1. An adopter can work for up to 10 days during adoption leave without bringing the adoption leave to an end or loosing SAP entitlement. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the work place.
		2. KIT days do not need to be worked as consecutive days and may be worked at any time during the adoption leave. In counting the number of KIT days worked, part of a day will count as a whole day.
		3. KIT days are worked by mutual agreement between the manager and the employee. Managers cannot insist that an adopter works during adoption leave and an adopter cannot insist on being given work to do.
		4. An adopter will receive normal pay for the hours worked on KIT days minus any entitlement to SMP or half-pay. The total duration of the adoption leave period remains at 52 weeks regardless of whether or not KIT days are worked.

## Contact during the adoption leave period

4.14.1 An employer and employee are permitted to make reasonable contact during maternity leave. This contact can be used to help with planning the return to work and advising employees about developments at work. This contact does not constitute ’work’ as referred to in 4.13 above.

## 4.15 Data protection

**4.15.1** When managing an employee's adoption leave and pay, the council processes personal data collected in accordance with the **workforce data protection policy** which can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook).

**4.15.2.** Data collected from the point at which an employee informs the council that they plan to take adoption leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their adoption leave and pay

**4.15.3.** Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the council's workforce data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the council's disciplinary procedure.

1. **PATERNITY LEAVE AND PAY (ADOPTION**) (see point 5 below)
	* 1. The spouse or partner of a person adopting a child (including same sex couples) may be eligible to take paid leave to care for their new child or to support the adopter. This is a separate provision to paid adoption leave (see 4.1 above) which is only available to one person in respect of any one adoption.

##  Eligibility

* + 1. Employees will need to satisfy the following conditions in order to quality for paternity leave. They must:
* Have or expect to have responsibility for the child’s upbringing
* Be the adopter’s spouse or partner (including same sex)
* Have worked continuously for Croydon for 26 weeks leading into the week in which the adopter is notified of being matched with a child
	+ 1. Employees will need to provide a self-certificate as evidence that they meet these eligibility conditions (see 5.1.6 below).

## Notification

Employees should give their Line Manager and the HR Consultancy 28 days’ notice in writing of:

* when the child is expected to be placed with them, and
* when they want their paternity leave and pay to commence
* whether they wish to take either one or two weeks leave

Where this is not possible, employees are required to give the above information within 7 days of being notified by their adoption agency that they have been matched with a child for adoption.

Adopters may change their mind about the date on which they want their leave and pay to start by giving their line manager at least 28 days’ notice (unless this is not reasonably practicable).

## Length of paternity leave

Eligible employees will be entitled to choose to take either one-week or two consecutive weeks’ paid paternity leave (not odd days). They can choose to start their leave:

* From the date of the child’s placement (whether this is earlier or later than expected), or
* From a chosen number of days or week after the date of the child’s placement (whether this is earlier or later than expected), or
* From a chosen date.

Leave can start on any day of the week on or following the child’s placement but must be completed within 56 days of the child’s placement.

Only one period of leave will be available to employees irrespective of whether more than one child is placed together.

## Statutory Paternity Pay

During their paternity leave, most employees will be entitled to Statutory Paternity Pay (SPP).

SPP will be paid for either one or two consecutive weeks as the employee has chosen. The rate of SPP will be the same as the standard rate of Statutory Maternity Pay. This is a flat-rate which is revised each year (see Appendix 4 for current rate). If average weekly earning are lower than the set rate, SPP will be paid at 90% of average weekly earnings.

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes (see Appendix 4 for current rate) will not quality for SPP. Employees who do not qualify for SPP, or who are normally low paid, may be able to get Income Support whilst on paternity leave. Additional financial support may be available from their local authorities. Additional financial support may be available through housing benefit, council tax benefit, tax credits or a Sure Start Maternity Grant. Further information is available from the local Jobcentre Plus office or Social Security Office.

## Self certificate

Employees will have to give their employers a completed self certificate as evidence of their entitlement to SPP. A model self certificate is attached at Appendix 3.

Line managers can also request a completed self certificate as evidence of entitlement to paternity leave. The self certificate must include a declaration that the employee meets certain eligibility conditions and provide the information specified above as part of the notice requirements. By providing a completed self certificate, employees will be able to satisfy both the notice and evidence conditions for paternity leave and pay. Employers will not be expected to carry out any further checks.

## Contractual benefits

Employees are entitled to the benefit of their normal terms and conditions of employment (other than wages or salary) throughout their paternity leave. However, most employees will be entitled to SPP during this period. Note however that paternity pay reduces the amount of SPP to which employees may be entitled.

## Return to work after paternity leave

Employees will be entitled to return to the same job following paternity leave.

## Protection from detriment and dismissal

Employees will be protected from suffering unfair treatment or dismissal for taking, or seeking to take, paternity leave. Employees who believe they have been treated unfairly will be able to complain to an Employment Tribunal.

## 5.1.12. Data protection

When managing an employee's paternity leave and pay, the council processes personal data collected in accordance with the **workforce data protection policy** which can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook). Data collected from the point at which an employee informs the council that they plan to take paternity leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their paternity leave and pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the council's workforce data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the council's disciplinary procedure.

1. **ADDITIONAL PATERNITY LEAVE & PAY FOR BIRTH & ADOPTION**

**From 5th April 2015: Additional Paternity Leave will be replaced by Shared Parental Leave – contact HR for further guidance.**

End

# Appendix 1 - Request For Paternity Leave/Pay (Birth)

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  | Employee Number (found on your payslip): |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Date baby is due or was born: |  | I would like to start my leave on: |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| I want to be away from work for (tick 1 box) |  1 week |  |  2 weeks |  |

**Complete either section 1 or 2 below**

**Section 1** - if you are able to tick **all 4 boxes** below, you can take 1 week’s leave (average pay) and choose to take one further week’s leave (Statutory Paternity Pay)

I declare that:

* I am: - the baby’s biological parent, or

 - married to the other parent (including same sex spouse), or

- living with the other parent in an enduring family relationship,

 but am not an immediate relative(including same sex)

* I have or will have responsibility for the child’s upbringing
* I will take time off work to support the other parent or care for the child
* I have been employed continuously by Croydon Council for

at least 26 weeks by the 15th week before the EWC.

***If you are unable to tick all 4 boxes, go to section 2 below***

 **Section 2** - if you can tick either box, you are eligible for only 1 week’s leave (average pay).

* I am the partner (including same sex) or the child’s parent

but d0 not have 26 week continuous employment by the 15th week before the EWC.

* I am the nominated carer of the expectant parent

*If nominated carer, please explain your relationship with the parent and the reason for being the “primary provider” of support to the parent:*

The council treats personal data collected while managing your paternity leave and pay in accordance with the **workforce data protection policy**. Information about how your data is used and the basis for processing your data is provided in the council’s **workforce privacy notice**. These documents can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook).

|  |  |  |  |
| --- | --- | --- | --- |
| Signature: |  | Date: |  |

**NB: it is a disciplinary offence to give false information on this form**

***This form should be returned to the Line Manager, who should then forward to the*** ***humanresources@croydon.gov.uk***

*As you know, the council is committed to* [*improving equality, diversity and inclusion*](https://intranet.croydon.gov.uk/news/share-make-difference-%E2%80%93-updating-your-equality-data) *for our workforce. To do this we frequently carry out equality analysis on our employment processes which feeds into* [*pay gap reporting*](https://www.croydon.gov.uk/community-and-safety/equality-and-diversity/strategies-and-publications/gender-pay-gap) *and production of our* [*workforce profile*](https://www.croydon.gov.uk/community-and-safety/equality-and-diversity/strategies-and-publications/workforce-profiles)*.*

*Please take this opportunity to check and update your* [*equality data.*](https://lbccloudadcroydongov.sharepoint.com/sites/col-15/MyR/Shared%20Documents/ESS/QRG%20-How%20to%20locate%20and%20update%20your%20Equality%20Data%20V1.docx)  *You can also complete your equality data directly via a* [*digital form*](https://forms.office.com/Pages/ResponsePage.aspx?id=0ZOUTUlp60iXF4UEbsog6IS7A2-VTjRAniGuWrmfyT1UQ1NWQ0xKSjAxRlJLMkdUOElYRFFFNlc3WS4u)*.* *Alternatively if you do not have a Council laptop you can contact Human Resources for a hard copy of the form to complete your data.*

# Appendix 2 - Model letter to acknowledge notification of adoption leave

Dear

Thank you for telling me that you will be adopting a child. I am writing to you about your adoption leave and pay.

As we have discussed, you are eligible for ***52 weeks’ adoption leave.***

You have told me that you would like to begin your adoption leave on (*insert date*).

Taking this date as the start of your adoption leave, I calculate that your adoption leave will end on (*insert date).* If you want to change the date your leave starts, you must give me 28 days notice, if at all possible . Please contact me if you wish to discuss this.

If you decide to return to work before (*insert date leave ends*), you must notify me at least 8 weeks before the new date. If, after having notified me of your early return, you want to postpone it you will have to give at least 8 weeks notice ending with the original early return date . If you do not give this notice, your return may be delayed.

As we discussed, you are eligible for ***26 weeks Statutory Adoption Pay (SAP)/not eligible for Statutory Adoption Pay (SAP)*** (*delete as appropriate*).

**Insert only one option from below**

**Option A**

* You have less than 26 weeks’ continuous service and are therefore not eligible for SAP

### Option B

* You have more than 26 weeks’ continuous service but less than one year’s continuous service and are therefore eligible for 39 weeks’ standard rate SAP

### Option C

* You have more than one years’ continuous service and are therefore eligible for
* 6 weeks at 90% pay (inc SAP)
* 33 weeks at the standards rate of SAP

PLUS (see section 4.6.2)

* 12 weeks at half pay (if returning to work)

### Option D

### The SAP1 form (enclosed) explains why you do not qualify for SAP. You should contact your adoption agency to find out if you can get any other help.

If you decide not to return to work, you must still give us the proper notice. Your decision will not affect your entitlement to SAP.

You will continue to accrue annual leave and bank holiday (between weeks 7 to 52) during your adoption leave. If you accrue annual leave during adoption leave you will be able to carry over up to your maximum entitlement (31 days) to the following leave year if that is when you return. If you are returning close to the end of the leave year you may need to add leave to the beginning or end of your adoption leave.

It will be expected however, that you return to work after adoption leave (and any carried over leave) with a **proportionate amount** of annual leave to take within the current leave year.

If you have any queries over your leave entitlement or if you want any advice about planning your leave, please contact me.

If you are a member of the Local Government Pension Scheme, contributions will continue to be deducted during the paid part of your adoption leave. Contributions will be based on the actual pay you receive, including SAP and any half-pay. During unpaid adoption leave, you will not be deducted any contributions. Should you wish to pay contributions relating to unpaid adoption leave, you must elect to do so within 30 days of returning to work or resigning.

If you are planning to take a career break following your adoption leave you will need to apply at least three months before you want the career break to start. However we ask that you discuss your intentions with your manager before you go on adoption leave in order to help longer term planning and cover arrangements.

During the period of adoption leave, we encourage you to keep in touch to discuss and plan for your return. I am happy to discuss the above and any other aspects relating to your adoption leave.

The council treats personal data collected while managing your adoption leave and pay in accordance with the council’s **workforce data protection policy.** Information about how your data is used and the basis for processing your data is provided in the council's workforce privacy notice. These documents can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook).

Yours sincerely

Manager/HR

*As you know, the council is committed to* [*improving equality, diversity and inclusion*](https://intranet.croydon.gov.uk/news/share-make-difference-%E2%80%93-updating-your-equality-data) *for our workforce. To do this we frequently carry out equality analysis on our employment processes which feeds into* [*pay gap reporting*](https://www.croydon.gov.uk/community-and-safety/equality-and-diversity/strategies-and-publications/gender-pay-gap) *and production of our* [*workforce profile*](https://www.croydon.gov.uk/community-and-safety/equality-and-diversity/strategies-and-publications/workforce-profiles)*.*

*Please take this opportunity to check and update your* [*equality data.*](https://lbccloudadcroydongov.sharepoint.com/sites/col-15/MyR/Shared%20Documents/ESS/QRG%20-How%20to%20locate%20and%20update%20your%20Equality%20Data%20V1.docx)  *You can also complete your equality data directly via a* [*digital form*](https://forms.office.com/Pages/ResponsePage.aspx?id=0ZOUTUlp60iXF4UEbsog6IS7A2-VTjRAniGuWrmfyT1UQ1NWQ0xKSjAxRlJLMkdUOElYRFFFNlc3WS4u)*.* *Alternatively if you do not have a Council laptop you can contact Human Resources for a hard copy of the form to complete your data.*

# Appendix 3 - Request For Paternity Leave/Pay (Adoption)

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  | Employee Number (found on your payslip): |  |

|  |  |
| --- | --- |
| The adoption agency told the person adopting the child that they had been matched with the child on (enter date): |  |

|  |  |
| --- | --- |
| The child is expected to be placed on (enter date): |  |

|  |  |
| --- | --- |
| I would like to start my paternity leave & SPP to start on (enter date): |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| I want to be away from work for (tick 1 box) |  1 week |  |  2 weeks |  |

**Declaration**

**You must tick this box if you are adopting a child with your partner**

**(including same sex). ✓**

I declare that I am adopting the child with my partner (including same sex couples) and I want to receive Statutory Paternity Pay and paternity leave, not Statutory Adoption Pay and adoption leave.

**You must be able to tick all three boxes to get Statutory Paternity Pay and leave.**

I declare that:

**✓**

* I am:
* married to the person adopting the child (including same sex couple), or
* living with the person adopting in the child an enduring family

relationship (including same sex couple), but am not an immediate relative, and

* I will have responsibility for the child’s upbringing
* I will take time off work to support the person adopting the child or to

care for the child

The council treats personal data collected while managing your paternity leave and pay in accordance with the **workforce data protection policy**. Information about how your data is used and the basis for processing your data is provided in the council’s **workforce privacy notice**. These documents can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook).

|  |  |  |  |
| --- | --- | --- | --- |
| Signature: |  | Date: |  |

**NB: it is a disciplinary offence to give false information on this form**

***This form should be returned to the Line Manager, who should then forward to humanresources@croydon.gov.uk***

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*Please take this opportunity to check and update your* [*equality data.*](https://lbccloudadcroydongov.sharepoint.com/sites/col-15/MyR/Shared%20Documents/ESS/QRG%20-How%20to%20locate%20and%20update%20your%20Equality%20Data%20V1.docx)  *You can also complete your equality data directly via a* [*digital form*](https://forms.office.com/Pages/ResponsePage.aspx?id=0ZOUTUlp60iXF4UEbsog6IS7A2-VTjRAniGuWrmfyT1UQ1NWQ0xKSjAxRlJLMkdUOElYRFFFNlc3WS4u)*.* *Alternatively if you do not have a Council laptop you can contact Human Resources for a hard copy of the form to complete your data.*

**Appendix 4 - Statutory Benefits Rates**

**With Effect From 2 April 2023**

* N.B. Paternity pay, is available to individuals regardless of gender identity or gender expression, and to the spouse, civil partner or partner (including same sex couples) of the biological parent of a child.

 Lower earnings limit £123.00 per week

Statutory Maternity Pay (SMP) £172.48 per week

 Statutory Paternity Pay (SPP) £172.48 per week

Statutory Adoption Pay (SAP) £172.48 per week

 Maternity Allowance (standard rate) £172.48 per week

 Shared Parental Pay (subject to eligibility) £172.48 per week

 Parental Bereavement Pay (subject to eligibility) £172.48 per week

These rates are subject to revision by the Department for Work and Pensions each April.

**Appendix 5 - Application for Parental Leave – to be completed by employee for each child**

You must give at least 21 days notice of the requested leave period. Parental leave must be taken in blocks of a week and is unpaid. When this form is completed, ask your line manager to approve this request and forward it to: **humanresources@croydon.gov.uk**. Please provide us with evidence of your relationship with the child and the child’s date of birth.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dept: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Employee. No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Start Date With LBC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ National Insurance No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of child: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Relationship to child: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do you want to take parental leave after the birth of a child? YES/NO

If YES, what is the expected week of childbirth? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do you wish to take this leave following the adoption of a child? YES/NO

If YES, what will be the date of the adoption? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Does this child have a disability? YES/NO

Reason for Parental Leave: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Previous parental leave taken: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(either with Croydon or any other employer)

Remaining entitlement after this leave is taken: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| I’d like to start my Parental Leave on | (date) |
| I’d like my Parental Leave to end on | (date) |
| Signature of applicant | (date) |

Signature of Line Manager: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved by Section/Divisional Head: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(if applicable)

**NB: It is a disciplinary offence to give false information on this formDeclaration of Parental Leave Record**

I …………………………………………………….., who commenced employment with the

London Borough of Croydon on ……………………….., declare that I have already taken

…….. weeks parental leave with previous employer(s) and am entitled to a further ……

weeks relating to this child to be taken by …………….

Name of child…………………………………………….

Date of Birth ……………………………………………..

Signed: ………………………………………………… Date: ……………………………..

Department: …………………………………………… Location: ………………………..

This form to be kept by the Departmental HR Advisor on the employee’s personal file.

Names and dates of birth of other children I may claim parental leave for:

Name ………………………………………………. Date of birth: …………………….

Name ………………………………………………. Date of birth: …………………….

Name ……………………………………………… Date of birth: …………………….

**NB: it is a disciplinary offence to give false information on this form**

The council treats personal data collected while managing your parental leave in accordance with the workforce data protection policy. Information about how your data is used and the basis for processing your data is provided in the council’s **workforce privacy notice**. These documents can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook).

***This form should be returned to the Line Manager, who should then forward to humanresources@croydon.gov.uk***

*As you know, the council is committed to* [*improving equality, diversity and inclusion*](https://intranet.croydon.gov.uk/news/share-make-difference-%E2%80%93-updating-your-equality-data) *for our workforce. To do this we frequently carry out equality analysis on our employment processes which feeds into* [*pay gap reporting*](https://www.croydon.gov.uk/community-and-safety/equality-and-diversity/strategies-and-publications/gender-pay-gap) *and production of our* [*workforce profile*](https://www.croydon.gov.uk/community-and-safety/equality-and-diversity/strategies-and-publications/workforce-profiles)*.*

*Please take this opportunity to check and update your* [*equality data.*](https://lbccloudadcroydongov.sharepoint.com/sites/col-15/MyR/Shared%20Documents/ESS/QRG%20-How%20to%20locate%20and%20update%20your%20Equality%20Data%20V1.docx)  *You can also complete your equality data directly via a* [*digital form*](https://forms.office.com/Pages/ResponsePage.aspx?id=0ZOUTUlp60iXF4UEbsog6IS7A2-VTjRAniGuWrmfyT1UQ1NWQ0xKSjAxRlJLMkdUOElYRFFFNlc3WS4u)*.* *Alternatively if you do not have a Council laptop you can contact Human Resources for a hard copy of the form to complete your data.*

**Appendix 6 – Record of Parental Leave**

|  |
| --- |
| **Record of parental leave****Name: Job Title:****Location: Department:****Name of child: Date of Birth:****Disability exists? YES/NO In receipt of Disability Living Allowance YES/NO****This child was adopted on (date)** |
| **Dates of Leave** | **Length of Leave** | **Remaining Entitlement** |
|  |  |  |
| Please note: This entitlement to parental leave relates to this child only. If this employee has another child, either naturally or by adoption, they will automatically become entitled to a further 18 weeks leave and another record form will need to be completed**.** |
| **This form to be kept on Personal File** |

|  |
| --- |
| **Checklist of documents seen** |
| Birth Certificate |  |
| Disability Living Allowance Book |  |
| Child Benefit Book |  |
| Adoption Certificate |  |

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#

# Appendix 7 - Request for Premature Baby Leave/Pay

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  | Employee Number (found on your payslip): |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Original date baby was due (according to EWC): |  | Actual date of birth |  |

I declare that:

* I am: - the baby’s biological parent, or

 - married to the other parent (including same sex spouse), or

- living with the other parent in an enduring family relationship

 (including same-sex partner) ,

 but am not an immediate relative (e.g. nominated carer)

* I have or will have responsibility for the child’s upbringing
* I will take time off work to support the parent or care for the child
* I have been employed continuously by Croydon Council for

at least 26 weeks by the 15th week before the EWC.

* ***I declare that the baby has been born prematurely (before 37 weeks)***

***A total of …………………… (working days/weeks) before their due date***

***I am claiming Maternity Premature Baby Pay and Leave for this time period.***

***N.B: Employees claiming paternity premature baby leave/pay will be eligible for two weeks extra paid leave.***

***I am claiming Paternity Premature Baby Pay/Leave (2 weeks).***

**NB: it is a disciplinary offence to give false information on this form**

The council treats personal data collected while managing your paternity leave and pay in accordance with the **workforce data protection policy**. Information about how your data is used and the basis for processing your data is provided in the council’s **workforce privacy notice**. These documents can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook).

|  |  |  |  |
| --- | --- | --- | --- |
| Signature: |  | Date: |  |

***This form should be returned to the Line Manager, who should then forward to the humanresources@croydon.gov.uk***

*As you know, the council is committed to* [*improving equality, diversity and inclusion*](https://intranet.croydon.gov.uk/news/share-make-difference-%E2%80%93-updating-your-equality-data) *for our workforce. To do this we frequently carry out equality analysis on our employment processes which feeds into* [*pay gap reporting*](https://www.croydon.gov.uk/community-and-safety/equality-and-diversity/strategies-and-publications/gender-pay-gap) *and production of our* [*workforce profile*](https://www.croydon.gov.uk/community-and-safety/equality-and-diversity/strategies-and-publications/workforce-profiles)*.*

*Please take this opportunity to check and update your* [*equality data.*](https://lbccloudadcroydongov.sharepoint.com/sites/col-15/MyR/Shared%20Documents/ESS/QRG%20-How%20to%20locate%20and%20update%20your%20Equality%20Data%20V1.docx)  *You can also complete your equality data directly via a* [*digital form*](https://forms.office.com/Pages/ResponsePage.aspx?id=0ZOUTUlp60iXF4UEbsog6IS7A2-VTjRAniGuWrmfyT1UQ1NWQ0xKSjAxRlJLMkdUOElYRFFFNlc3WS4u)*.* *Alternatively if you do not have a Council laptop you can contact Human Resources for a hard copy of the form to complete your data.*



|  |  |
| --- | --- |
| Appendix 8 – Request for Parental Bereavement Leave (paid)* **This leave is applicable for bereaved parents/carers of children under the age of 18 OR who experience stillbirth from 24 weeks onwards**
 |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  | Employee Number (found on your payslip): |  |

|  |  |
| --- | --- |
| I would like to start my leave on: | Dates(s) |

*Full paid parental bereavement leave will be granted for a two week period (which can be taken in one block or two separate blocks of one week) and must be taken within 56 weeks of the child’s death.*

* I am: - the child’s biological/adoptive parent, or

 - married to the other parent/adoptive parent (including same sex spouse), or

- living with the other parent in an enduring family relationship, or

- am a close relative/family friend

- am a nominated carer/foster carer/guardian

* I have taken parental responsibility for the child’s care
* I have been employed continuously by Croydon Council for \***yes/no**

at least 26 weeks

The council treats personal data collected while managing your bereavement leave in accordance with the **workforce data protection policy**. Information about how your data is used and the basis for processing your data is provided in the council’s **workforce privacy notice**. These documents can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook).

**NB: it is a disciplinary offence to give false information on this form**

|  |  |  |  |
| --- | --- | --- | --- |
| Signature: |  | Date: |  |

***This form should be returned to the Line Manager and then forwarded to*** ***humanresources@croydon.gov.uk***

1. Other factors which might count towards postponing the taking of leave could include a peak business period or a peak absence period, the level of the employee's skill and responsibility, or the difficulty in covering the absence. [↑](#footnote-ref-1)
2. In the majority of cases this will be one or two days, but it will depend on individual circumstances. [↑](#footnote-ref-2)
3. Includes partners and elderly relatives living in the same household, but excludes somebody working for the employee or residing as a tenant, lodger or boarder. [↑](#footnote-ref-3)