

West Suffolk Joint Staff Consultative Panel

Title:	Agenda		
Date:	Monday 20 July 2015		
Time:	3.00 pm		
Venue:	GFR13 West Suffolk House Western Way Bury St Edmunds		
Full Members:	<u>St Edmundsbury Borough Council</u> (3) (Employers' Side) Bob Cockle Clive Springett Patricia Warby	<u>Forest Heath District Council</u> (3) (Employers' Side) Ruth Bowman Rona Burt Stephen Edwards	<u>Staff Representatives</u> (6) (Employees' Side) Lizzi Cocker Mark Johnson Claire McKenna Jane Orton Julie Roberts Vacancy
Substitutes:	Carol Bull Becky Hopfensperger	Brian Harvey Carol Lynch	Dawn Goss Vacancy
The membership of this Panel needs not to be politically balanced			
This meeting will be preceded at 2.30pm by the usual pre-briefings for the Employers' Side (GFR13) and the Employees' Side (Mayor's Parlour)			
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.		
Quorum:	Three Members; comprising a minimum of one SEBC Councillor, one FHDC Councillor and one Staff Representative		
Committee administrator:	Helen Hardinge Committee Administrator & FHDC Scrutiny Support Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk		

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Procedural Matters

WHILST THESE AGENDA PAPERS ARE NOT COVERED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985, IN RESPECT OF THOSE ITEMS WHICH ARE LISTED AS CONTAINING EXEMPT/CONFIDENTIAL, MEMBERS OF THE PANEL ARE REQUESTED TO TREAT THEM AS SUCH

Part 1

1. Election of Chairman for 2015/2016

*To be appointed from the **Employers' Side***

(Extract from the Panel's Terms of Reference:

"2.7 The Panel shall elect a Chairman and Vice-Chairman from its members. When the Chairman is a member of one side of the Panel, the Vice-Chairman shall be a member of the other side. The Chairman of the Panel shall be rotated on an annual basis between the Employees' and Employers' side. The Chairman of the meeting shall not have a casting vote.")

The Chairman and Vice Chairman for 2014/2015 were:

Mark Johnson - Chairman (Employees' Side)

Councillor Angela Rushen – Vice Chairman (Employers' Side)

2. Election of Vice Chairman for 2015/2016

*To be appointed from the **Employees' Side***

3. Apologies for Absence

4. Substitutes

5. Minutes

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To confirm the minutes of the meeting held on 26 January 2015 (copy attached).

6. Politically Restricted Posts

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Report No: **JSP/JT/15/002**

7. Shared Parental Leave and Pay Guidance

13 - 26

Report No: **JSP/JT/15/003**

8. Pensions Discretion Policy

Verbal report

9. Workforce Data

Verbal report

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West Suffolk Joint Staff Consultative Panel



Minutes of a meeting of the **West Suffolk Joint Staff Consultative Panel** held on **Monday 26 January 2015** at **3.00 pm** at **Room GFR13, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present:

Chairman Mark Johnson
Vice Chairman Cllr Angela Rushen

<u>St Edmundsbury Borough Council</u> (Employers' Side)	<u>Forest Heath District Council</u> (Employers' Side)	<u>Staff Representatives</u> (Employees' Side)
Cllr Bob Cockle Cllr Angela Rushen	Cllr Stephen Edwards Cllr Tony Simmons	Mark Johnson Jane Orton Julie Roberts

By Invitation

Cllr David Ray

1. **Apologies for Absence**

Apologies for absence were received from Councillor Geoffrey Jaggard (Forest Heath District Council – Employers' Side), Councillor Clive Springett (St Edmundsbury Borough Council – Employers' Side) as well as from Lizzi Cocker and Claire McKenna (Staff Representatives – Employees' Side).

It was also noted that Samantha Rackham (Staff Representatives – Employees' Side) no longer worked for either West Suffolk authority having left for alternative employment.

2. **Substitutes**

There were no substitutes at the meeting.

3. **Minutes**

The minutes of the meeting held on 15 September 2014 were received and noted.

Mark Johnson made reference to Minute No 034 and the reference therein to the requirement for individuals who made mileage claims to retain their receipts for fuel purchases. He inquired as to how long these receipts needed to be kept.

The Head of HR, Legal and Democratic Services explained that the HMRC advised a period of 7 years, however, scans or photographs of the receipts would suffice.

Mark Johnson also made comment with regard to Minute No 039 which concerned the Member Development Charter.

The Head of HR, Legal and Democratic Services explained that certificates for achieving the Charter had been presented to meetings of both authorities and they were now displayed in West Suffolk House and the District Offices.

4. **Employee Volunteering Scheme (Report No. JSP/JT/15/001)**

The Head of HR, Legal and Democratic Services presented this report which set out a Joint Employee Volunteering Scheme designed to support West Suffolk employees that already volunteered and to encourage new volunteers to get involved in opportunities to share their skills and experience, to develop new skills and to contribute to the local community.

The Panel were advised that Forest Heath District Council had previously operated a similar scheme which specified that a maximum of 10 days would be permitted as time off from work towards volunteering (St Edmundsbury Borough Council had never adopted a volunteering scheme in the past). However, whilst the proposed joint scheme was not as prescriptive in this respect (in that no maximum limit was set), the scheme would need to be effectively managed with the support of HR to ensure that there was no detriment to the service delivery of the West Suffolk authorities.

The Panel as a whole spoke in support of the scheme and asked a number of questions which were responded to by the Officers present.

With the vote being unanimous, it was

RESOLVED:

That the West Suffolk Employee Volunteering Scheme, attached as Appendix A to Report No JSP/JT/15/001, be noted and supported.

5. **Question from Unison West Suffolk Branch with regard to the Anglia Revenues Partnership Employment Model and Response from the Head of HR, Legal & Democratic Services**

Jane Orton presented the question from Unison West Suffolk Branch which concerned the Anglia Revenues Partnership employment model and highlighted some of the anomalies concerning the terms and conditions of staff who undertook the exact same role but which were employed by different authorities.

Whilst the branch appreciated there was no 'quick fix' for this, they just wanted to raise awareness with the Panel.

The Head of HR, Legal and Democratic Services then spoke on her response to this question, as made on behalf of the West Suffolk Councils. She highlighted the considerable work which had been undertaken over the years

to align the employment models such as Flexible Working and Sickness/Absence Policies.

However, the ARP staff were employed by seven different authorities and each received parity and equal pay based on comparison with the other employees of their specific Council.

The Head of HR, Legal and Democratic Services requested that the branch advise her of any specific employment policy (similar to those which had already been addressed) that the ARP staff would like to be considered by HR in order to achieve further alignment, where possible.

With the vote being unanimous, it was

RESOLVED:

That the question and response was noted by the Panel.

6. Workforce Data

The HR Business Partner delivered a presentation to the Panel which set out the West Suffolk workforce data for the period 1 April – 30 September 2014. It contained various information including; age and gender analysis, reasons for leaving and staff turnover.

Reference was made to a recent article which had appeared in the local press which stated that West Suffolk staff's sickness absence had increased due to stress. To quantify, the Officer explained that the figures quoted by the journalist concerned just 27 employees, of which 72% were suffering stress caused by entirely non-work related matters. Overall, the average West Suffolk sickness level was still far below the average nationally for Local Government employees.

The Head of HR, Legal and Democratic Services outlined the proactive and comprehensive way the authorities supported members of staff in sickness absence. Mark Johnson also spoke in support of the way in which the Unison West Suffolk Branch worked closely with HR.

The Panel requested that the headline figures from the workforce data presentation be forwarded to them for their reference and Officers agreed to action this.

Lastly, elected Members were reminded of the Member Development Session that was being arranged for 16 April 2015 which would include focus on Shared Services and corporate working practices.

With the vote being unanimous, it was

RESOLVED:

That the verbal report be noted.

7. **Any Other Business**

Changes to Parental Leave – 5 April 2015

The HR Business Partner advised the Panel that nationally the law was changing with regard to Parental Leave on 5 April 2015; a new system of shared parental leave would be introduced which would allow parents to share leave and pay and which would replace additional paternity leave and pay.

This legislative change would, therefore, be incorporated into all relevant West Suffolk policies.

With the vote being unanimous, it was

RESOLVED:

That the update be noted.

The meeting concluded at 3.52pm

Signed by:

Chairman

West Suffolk Joint Staff Consultative Panel

Forest Heath & St Edmundsbury councils

West Suffolk
working together

Title of Report:	Politically Restricted Posts	
Report No:	JST/JT/15/002	
Report to and date/s:	West Suffolk Joint Staff Consultative Panel	20 July 2015
Portfolio holder:	Councillor Stephen Edwards Portfolio Holder for Resources and Performance Tel: 07904389982 Email: stephen.edwards@forest-heath.gov.uk	Councillor Ian Houlder Portfolio Holder for Resources and Performance Tel: 07597961069 Email: ian.houlder@stedsbcc.gov.uk
Lead officer:	Karen Points Head of HR, Legal & Democratic Services Tel: 01284 757015 Email: karen.points@westsuffolk.gov.uk	
Purpose of report:	Guidance has been produced to ensure that employees in politically restricted posts do not allow any perception to arise that their own personal or political opinions may have influenced or improperly interfered with their work.	
Recommendation:	It is recommended that the West Suffolk Joint Staff Consultative Panel note and support the contents of the Politically Restricted Posts: Guidance for Officers (attached as Appendix A).	
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	N/A	
Alternative option(s):	None	
Implications:		
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Are there any legal and/or policy implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Are there any equality implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Risk/opportunity assessment:	N/A
Ward(s) affected:	N/A
Background papers: (all background papers are to be published on the website and a link included)	None
Documents attached:	Appendix A – Politically Restricted Posts: Guidance for Officers

Politically Restricted Posts –
Guidance for Officers

March 2015

What does it mean to be Politically Restricted?

1. Introduction
 - 1.1 Certain posts are 'politically restricted', which means that while individuals who hold them may belong to a political party they are effectively prevented from having any active political role either in or outside the workplace. This not only debars post holders from holding or standing for elected office (specifically a county, borough or district councillor, an MP, a Member of the European Parliament or a Police and Crime Commissioner), but also excludes them from the following:
 - 1.2 Participating in political activities, such as publicly expressing support for a political party or being an officer of a political party, or undertaking other activities such as canvassing on behalf of a person who seeks to be a candidate; and
 - 1.3 Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party.
 - 1.4 The cumulative effect of these restrictions is to limit the holders of politically restricted posts to bare membership of political parties, with no active participation within the party permitted.
 - 1.5 These restrictions aim to prevent politics coming into play where an employee is in a politically influential position. This could be where an employee implements the authority's policies, gives advice to, or speaks on behalf of, the authority.
 - 1.6 These restrictions do not prevent the holders of politically restricted posts being elected as parish/town councillors, or being involved with a parish/town council where that does not involve allegiance to any political party or group.
2. Legislation Update
 - 2.1 With effect from 12 January 2010, the Local Democracy, Economic Development and Construction Act 2009 changed the approach to identifying posts which are politically restricted under Section 2 of the Local Government and Housing Act 1989 (LGHA).
 - 2.2 Originally posts were deemed to be politically restricted if they were earning above spinal column point 44 (£37,206 pa), at 31 March 2010. Section 30 of the 2009 Act has now removed the concept of political restriction by salary level.

3. Categories of Politically Restricted Posts
 - 3.1 Posts will now only be considered to be politically restricted if they fall into the following two broad categories:
 - Specified Posts
 - Sensitive Posts
 - 3.2 Specified Posts
 - 3.3 Specified posts are automatically subject to restrictions on public political activity and as such, there is no right of appeal. These posts are listed as follows:
 - The Head of Paid Service (Section 4 LGHA)
 - The statutory Chief Officers
 - Non-statutory Chief Officers (Directors and Heads of Service)
 - Deputy Chief Officers (where applicable)
 - The Monitoring Officer (Section 5 LGHA)
 - The Chief Finance Officer (Section 5 151 LGA)
 - Officers exercising delegated powers, i.e. persons whose posts are for the time being specified by the Council in a list maintained in accordance with S 100G(2) of the LGA
 - Assistants to political groups
 - 3.4 Sensitive Posts
 - 3.5 A sensitive post is one which meets one or both of the following duties-related criteria:
 - 3.6 Giving advice on a regular basis to a Council itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; to the Cabinet, to any committee of the Cabinet; or to any member of the Cabinet; and / or
 - 3.7 Speaking on behalf of the authority on a regular basis to journalists or broadcasters.
 - 3.8 It is the Council's duty to prepare and maintain the list of politically restricted posts. This list will be held and maintained by Human Resources and employees will be notified personally of any amendments that affect their post.
 - 3.9 All Service Managers (SMT as at 1 March 2015) are considered to be employed in politically restricted roles as a result of 3.6 above.
4. Advertising a Politically Restricted Post
 - 4.1 When recruiting to a new post, the criteria must be used to determine whether the post is politically restricted and on what grounds it is

restricted. If the post is politically restricted this will be included in the job pack and be stated in the employee's Contract of Employment.

4.2 If the post is politically restricted, what this means must be discussed with candidates at interview.

5. Holders of Politically Restricted Posts

5.1 The primary objective of this policy is to ensure that employees in politically restricted posts do not allow any perception to arise that their own personal or political opinions may have influenced or improperly interfered with their work.

5.2 This policy only applies to post holders of politically restricted posts, although all employees are required to observe the Councils' Code of Conduct which requires all staff to be politically neutral in respect of their employment duties.

5.3 Holders of politically restricted posts will be notified of their restricted status.

6. Restrictions on Speaking and Writing in Public

6.1 The regulations also address the post holder's conduct outside his/her employment in far wider terms. Post holders are not permitted to speak in public where there is an apparent intention to affect public support for a political party. Similarly, such post holders are not permitted to publish any written or artistic work whether as author or editor, nor can they authorise or permit another person to publish such work if the work appears to be intended to affect public support for a political party.

6.2 This includes writing or 'speaking' on social media for example on blogs, on-line forums, Facebook and twitter, where the work appears to be intended to affect public support for a political party. However, this prohibition does not preclude the display of a poster or other document at the post holder's home or on his or her car or other personal possessions. These restrictions are to be interpreted so as not to prevent the officer from carrying out their official duties.

7. Appeal Procedure

Officers who will be politically restricted on the basis that it appears to the Council that their post is 'sensitive' have the right to appeal. Any officer wishing to appeal against their political restrictions should contact the Head of Human Resources, Legal and Democratic Services (HRLDS) in the first instance, stating the grounds of their appeal.

The HRLDS will then consult with the Monitoring Officer, who will then make arrangements to consider the appeal.

Date	Author	
March 2015	Karen Points	Guidance created from new

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West Suffolk Joint Staff Consultative Panel



Title of Report:	Shared Parental Leave and Pay Guidance	
Report No:	JST/JT/15/003	
Report to and date/s:	West Suffolk Joint Staff Consultative Panel	20 July 2015
Portfolio holder:	Councillor Stephen Edwards Portfolio Holder for Resources and Performance Tel: 07904389982 Email: stephen.edwards@forest-heath.gov.uk	Councillor Ian Houlder Portfolio Holder for Resources and Performance Tel: 07597961069 Email: ian.houlder@stedsbcc.gov.uk
Lead officer:	Karen Points Head of HR, Legal & Democratic Services Tel: 01284 757015 Email: karen.points@westsuffolk.gov.uk	
Purpose of report:	The Shared Parental Leave and Pay Guidance provides employees with information relating to their statutory rights with effect from 5 April 2015.	
Recommendation:	It is recommended that the West Suffolk Joint Staff Consultative Panel note and support the contents of the Shared Parental Leave and Pay Guidance (attached as Appendix A).	
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	Undertaken with Unison	
Alternative option(s):	None	
Implications:		
<i>Are there any financial implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • Statutory Entitlement	
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Are there any legal and/or policy implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Are there any equality implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Ward(s) affected:	N/A
Background papers: (all background papers are to be published on the website and a link included)	None
Documents attached:	Appendix A – Shared Parental Leave and Pay Guidance

Shared Parental Leave and Pay
Guidance

July 2015

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1. **Introduction**

- 1.1 We assist employees to achieve a work-life balance through various policies and support available to staff.
- 1.2 Shared parental leave is a statutory parental right for both parents/adopters and this guidance explains your rights and how we can support you.
- 1.3 If your baby is due, or you are adopting a child on or after 5 April 2015, you may be entitled to Shared Parental Leave (SPL) and Shared Parental Pay (ShPP). SPL and ShPP give parents the opportunity to share an entitlement to time off and pay during the first year of a child's life, or the first year following adoption.
- 1.4 The right to maternity or adoption leave and pay remains in place, but, if the employee chooses to bring their maternity or adoption leave and pay to an early end, then eligible working parents will be able to share the balance of the remaining leave and statutory pay as SPL and ShPP. Partners of the mother or primary adopter maintain their entitlement to up to two weeks paternity leave and pay, but this will be deducted from any available SPL and ShPP.
- 1.5 Depending on your eligibility, SPL and/or ShPP may be available to one or both parents.

2. **Eligibility**

2.1 Shared Parental Leave (SPL)

- 2.2 To be eligible for SPL, the child's mother or the other adoptive parent must be eligible for maternity leave or pay, maternity allowance or adoption leave or pay.
- 2.3 If you wish to take SPL you must:
 - have a least 26 weeks continuous service with the Company by the end of the 15th week before the due date (or by the date you are notified of a match for adoption),
 - still be employed by the council when you take SPL,
 - have or expect to have parental responsibility for the child, and
 - give the correct notice, including a declaration that your partner meets the employment and income requirements for SPL. See the notification form for details.
- 2.4 The other parent must have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold in 13 of the 66 weeks.

2.5 Shared Parental Pay (ShPP)

2.6 You may be eligible for ShPP during a period of SPL if:

- you qualify for Statutory Maternity Pay, or Statutory Adoption Pay, or
- you qualify for Statutory Paternity Pay and your partner qualifies for Statutory Maternity Pay, or Statutory Adoption Pay.

2.7 ShPP is paid at the statutory entitlement, which is Statutory Maternity Pay (SMP). SMP is paid for up to 39 weeks. You get:

- 90% of your average weekly earnings (before tax) for the first six weeks
- a rate, which is reviewed every April, or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks.

2.8 Information on the current rates is available on: www.gov.uk/maternity-paternity-calculator.

2.9 If both parents qualify for ShPP, they must decide who will receive it, or how it will be divided, and they must each inform their employer of their entitlement.

2.10 To qualify for ShPP an employee needs to have met the *'continuity of employment test' and their partner must meet the *'employment and earnings test'. In addition, the employee must, also, have earned above the 'lower earnings limit' in the eight weeks leading up to and including the 15th week before their child's due date/matching date and still be employed with the same employer at the start of the first period of ShPP.

*To qualify for SPL you must satisfy the employment and earnings test, ie you must have been employed or self-employed for at least 26 weeks in the 66 weeks before the baby is born and you must have earned an average of £30 in 13 of those 66 weeks.

3. **Entitlement**

3.1 If you are eligible and you or your partner bring your maternity or adoption leave and pay to an end early, then you may:

- take the remaining balance of the 52 weeks' leave as SPL
- be paid ShPP for the balance of the 39 weeks' pay period.

3.2 The mother must take a minimum of two weeks' maternity leave following the birth. Therefore, the maximum leave can be shared is 50 weeks and the maximum pay to be shared is 37 weeks.

3.3 If your partner is eligible for SPL you can take the leave together or at different times.

3.4 You may request SPL in continuous or discontinuous periods. A continuous period would be where you take your SPL in a fixed block of, for example, one month. A discontinuous period would be where you ask to take your leave in shorter blocks, so, for example, you might ask to take every other week off over a period of eight weeks.

4. **Starting and taking SPL**

4.1 For SPL to begin, the mother or adopter must:

- end their maternity or adoption leave
- give us/their employer binding notice of the date when they'll end their maternity or adoption leave (at least eight weeks beforehand)
- end adoption pay, maternity pay or Maternity Allowance (if they are not entitled to maternity leave)

4.2 SPL can start for the partner whilst the mother or adopter is still on maternity or adoption leave provided the mother/adopter has given binding notice to end their leave (or pay if they are not entitled to leave).

5. **Notification requirements**

5.1 Written notice of entitlement

5.2 If you wish to take SPL you must give us written notice of your entitlement to SPL and ShPP.

5.3 This notice must include the following information:

- Your partner's name
- The start and end dates of maternity or adoption leave
- The total amount of SPL and ShPP available and how much you and your partner intend to take
- Confirmation that you are sharing childcare responsibility with your partner

5.4 You must, also, give us a signed declaration from your partner, stating the following:

- Their name, address and national insurance number
- Confirmation that they satisfy the qualifying requirements for SPL
- That they agree to you taking SPL and ShPP.

5.5 If we ask you for a copy of the child's birth certificate and the name and address of your partner's employer you must provide us with this within 14 days.

5.6 Any dates indicated in your notice of entitlement are not binding and, having given us this notice of entitlement you may vary it, provided you still have at least eight weeks to go before you are due to start a period of SPL. Any variation notice must also be signed by your partner.

- 5.7 Notice to take SPL
- 5.8 In addition to giving us the notice of entitlement set out above, you must give us notice of each particular period of SPL you wish to take. The notice must be given at least eight weeks before the start date of the first period of leave you are requesting.
- 5.9 Notice for SPL at the time of the birth or adoption
- 5.10 If you are giving notice for a period of SPL just after the expected birth or adoption, then the notice must contain a start date that is on the birth/adoption of the child or that is expressed as a number of days following the birth or adoption, and an end date expressed as a number of days following the birth or adoption.
- 5.11 Notice of a continuous period of leave
- 5.12 If you give us notice of a continuous period of SPL (eg, to take one month of SPL in one go) you will be entitled to take that leave.
- 5.13 Notice of a discontinuous period of leave
- 5.14 If you request discontinuous periods of SPL (eg, you ask to take every other week off over a period of eight weeks), then we will consider your request and give you a decision within two weeks of receiving it. We may agree to the leave, propose alternative dates to you or refuse the request. Your manager will usually want to meet with you to discuss your request if we do not think we can agree to it.
- 5.15 If we agree to the requested SPL dates or we agree alternative dates with you within that two weeks, then the agreement is binding and you are entitled to take that leave.
- 5.16 If we cannot reach agreement within the two weeks, then you may choose to take the total amount of SPL requested in one continuous block. Where this is the case, you must choose a start date of SPL which cannot be sooner than eight weeks after your original notice was given. You must give us your new start date within five days of the end of the two-week original notice.
- 5.17 You may, if you wish, decide to withdraw a request for discontinuous SPL. Provided you do so before we have agreed a period of leave with you, and within 14 days of giving us notice of your request, this request will not count towards the three blocks of leave that you can request.
- 5.18 Requesting a variation to leave
- 5.19 If you wish to request a variation to either a period of continuous or discontinuous leave, you must set out your request in writing. Your request should set out the SPL periods you are entitled to (ie, what has already been agreed) and then you may:

- Vary the start or end of any period of SPL (Provided you give at least eight weeks' notice)
- Ask for a single period of leave to become discontinuous or vice versa
- Cancel completely or vary the amount of leave requested (provided you give at least eight weeks' notice)

5.20 Total number of notices

5.21 You may only give a maximum three notices to take SPL. The following do not count towards this maximum:

- Any notices withdrawn at our request because the request is for discontinuous leave.
- Any notice that varies an earlier notice because the child is born earlier or later than expected.
- Any notice where you change your mind giving at least eight weeks' notice before the original start date.

5.22 Cancelling the decision to end maternity or adoption leave

5.23 In certain circumstances the mother or adopter may be able to change the decision to end maternity or adoption leave early provided the planned end date has not already passed and she has not already returned to work.

5.24 These circumstances are where:

- You find out during the eight week notice period that neither partner is eligible for SPL or ShPP
- The mother or adopter's partner has died, or
- The mother gave notice before the birth and then tells her employer less than six weeks after the birth.
- Exceptional circumstances that can be discussed and agreed with the mother or adopter and the employer.

6. **Shared Parental Leave In Touch (SPLIT) Days**

6.1 You and your partner can work for up to 20 days each during SPL. These days are known as SPLIT days.

6.2 Whilst on maternity or adoption leave, you continue to be entitled to your 10 Keeping in Touch (KIT) days.

6.3 There is no obligation for you to work, or for us to offer you any SPLIT days, but, where such days are agreed, payment will be agreed in advance and provided you do not work more than the maximum, your entitlement to ShPP will be unaffected.

7. **Pension**

7.1 The employee may wish to talk to the Pensions team regarding their pension contributions if taking unpaid leave SPL.

7.2 Information can be found on the Suffolk LGPS web site.
<http://www.suffolkpensionfund.org/>

8. **Annual Leave**

8.1 Annual leave will be accrued during the SPL period.

9. **Flexible Working**

9.1 Employees have the right to request flexible working. Information on flexible working can be found on the intranet, request should be made as early as possible.

10. **Questions about SPL**

10.1 The eligibility criteria and the notification requirements for SPL are complex. If you are considering taking SPL you are encouraged to talk to your manager about the sort of arrangements you might like as discussion may mean you can reach agreement and then formalise the arrangement through the notification process.

FAQ's are also available. If after reading the policy and FAQ's you require further advice, please contact the HR team.

Shared Parental Leave: Frequently Asked Questions

Q: What is Shared Parental leave (SPL)?

A: SPL is a legal entitlement for eligible parents, giving the opportunity to return from maternity or adoption leave and share the unused balance of the leave with the eligible partner. It enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave.

Q: What rate is Shared Parental Pay (ShPP) paid at?

A: ShPP is paid at the statutory entitlement, which is Statutory Maternity Pay (SMP). SMP is paid for up to 39 weeks. You get:

- 90% of your average weekly earnings (before tax) for the first six weeks
- a rate, which is reviewed every April, or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks.

Information on the current rates is available on: www.gov.uk/maternity-paternity-calculator.

Q: Who pays for Shared Parental Pay (ShPP)?

A: If both parents qualify for ShPP they must decide who will receive it, or how it will be divided, and they must each inform their employer of their entitlement. It is paid by the employer of the employee, ie, if the parents decide to share ShPP their employer pays.

Q: When do I have to use my SPL by?

A: SPL and ShPP must be taken between the baby's birth and first birthday (or within one year of adoption).

Q: The policy refers to three separate notices, is a request of discontinuous leave logged as one notice?

A: Yes. An employee is entitled to submit three separate notices to book leave. Leave must be taken in complete weeks and may be taken either in a continuous period, or in a discontinuous period.

Q: Can a request of discontinuous leave be refused?

A: Yes. A continuous period of leave cannot be refused. However, a discontinuous period can be refused by the employer. If a request for discontinuous leave is refused then the total amount of leave request in the notice will automatically become a continuous block, unless it is withdrawn or an alternative can be agreed.

Q: How do I calculate my entitlement?

A: There is a calculator available as part of this guidance. Please complete the calculator to assist discussions about your entitlement and submit with your request to take SPL and ShPP.

Q: How many SPLIT days am I entitled to?

A: The employee is entitled to 20 Shared Parental Leave in Touch (SPLIT) days. There is no obligation on the employer to offer these days or for the employee to agree to them. SPLIT days can be used in situations where both parties feel it would be beneficial for the employee to attend a work-related activity, for example, a training session or a team meeting, or to work part of a week to help the employee return to their role in a gradual way.

These days are in addition to the 10 [‘keeping in touch’](#) (or KIT) days available to those on maternity or adoption leave.

Once you have finished your maternity leave, you cannot carry over KIT days into your SPL and add them onto your SPLIT days.

Q: Where can I find the Family and Flexible Working Policies?

A: They are available on the intranet site, under the heading of ‘HR Policies and Guidance’.

Q: What is Parental Leave?

A: Parental Leave is different to shared parental leave. Parental Leave is for employees to take time off work to look after a child’s welfare. This leave is normally unpaid, and is available for each child up to their 18th birthday. Information on Parental Leave can, also, be found on the acas.org.uk website.

Q: Is additional Paternity Leave still available?

A: No. Partners/fathers are still entitled to two weeks’ paternity leave straight after a child’s birth. However, Shared Parental Leave has replaced the additional Paternity Leave entitlement.

Q: What notice does my partner need to give?

A: Please refer to the **‘Notification Requirements’** section within this guidance, which is based on statutory notice requirements. Please note, your partner must apply to their own employer if they, also, want SPL or ShPP, and their requirements may vary.

Q: What does my partner need to do to notify their employer?

A: Your partner must apply to their own employer if they, also, want SPL or ShPP. If their employer does not have any guidance or forms, then they can agree with their employer to use the information and forms available on the acas.org.uk website.

The legislation on SPL is very complex and the information required confirming eligibility, entitlement and details of the request are very specific. Therefore, using the forms available on the [acas](http://www.acas.org.uk) website may be helpful for both your partner and their employer. The ACAS form is titled “Notification that Partner is intending to take SPL (for Partner’s Employer)”
<http://www.acas.org.uk/index.aspx?articleid=4911>

Your partner must notify their employer of their entitlement as early as possible or at least eight weeks before the start of any Shared Parental Leave starts.

Q: Where can I find more information on SPL?

A: You can find more information on the ACAS website <http://www.acas.org.uk> and/or the government website <https://www.gov.uk>. In addition, you can discuss with your manager and HR team.

Visions

Date of review or revision	Reason	Author
July 2015	Guidance created from new	Kay Vincent

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