

REVISED POLICY ON LEAVE FOR FAMILY CARE

7 December 2009

1 PURPOSE OF REPORT

1.1 To outline minor changes to the Policy on Leave for Family Care due to changes in legislation.

2 SUMMARY

2.1 The revised policy informs of the changes to maternity and adoption leave.

3 MAIN REPORT

3.1 Maternity and Adoption Leave is split into two parts:

a) Ordinary Leave – the first 26 weeks

b) Additional Leave – the remainder of the leave period, in the Joint Board this can be up to 37 weeks.

3.2 In the past the statutory position was that an employee was only entitled to receive contractual benefits other than pay (for example annual leave and public holidays) during Ordinary Leave. Most of these contractual benefits did not accrue during Additional Leave.

3.3 A better position has applied to Joint Board employees in respect of annual leave because of the national conditions of service provide that annual leave should continue to accrue during Additional Leave providing an employee returns to work.

3.4 The main change was that non-pay contractual benefits now continue to apply through maternity or adoption leave, not just in the first 26 weeks of Ordinary leave.

3.5 In addition, an employee must return from maternity or adoption leave with his/her seniority, pension and other similar rights intact (this position is already provided in the Joint Board).

3.6 The change in legislation does not affect pensions or the arrangements that exist for employees to make pension contributions to cover a period of maternity/adoption leave.

3.7 The main impact is that employees will now accrue public holidays during the Additional Leave period. Also employees will no longer have to meet the return to work requirement in order to accrue annual leave during the additional period. As happens now employees will be encouraged to use their accrued leave either before maternity/adoption leave begins or immediately prior to a return to work.

3.8 A draft of the revised Policy on Leave for Family Care is attached as Appendix 1. The Trade Union has confirmed their acceptance to the changes. The Joint Board is recommended to approve the Revised Policy on Leave for Family Care as a local collective agreement.

4 FINANCIAL IMPLICATIONS

4.1 There are no quantifiable financial implications arising from this report.

5 ENVIRONMENTAL IMPACT

5.1 There are no adverse environmental impacts arising from this report.

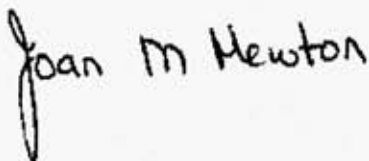
6 RECOMMENDATIONS

6.1 Lothian Valuation Joint Board is recommended to:

- a) note the contents of this report;
- b) approve the Revised Policy on Leave for Family Care as a local collective agreement.

Appendix

1. Draft Revised Policy on Leave for Family Care



Joan M Hewton
ASSESSOR

7 December 2009



DRAFT

**POLICY ON
LEAVE FOR
FAMILY CARE**

Personnel & Office Services
Reviewed August 2009

CONTENTS

SECTION	
1	Introduction
2	Scope and Application of the Policy
3	Maternity Leave and Pay
4	Adoption Leave and Pay
5	Maternity/Adoption Support Leave and Pay
6	Unpaid Parental Leave
7	Other Family-care Leave
8	Bereavement Leave
9	Contractual and Pensions Issues
10	Local Agreement

APPENDIX 1	Definitions
APPENDIX 2	Summary of Leave Provisions

Note – Applies to births or adoptions on or after 5 October 2008

POLICY ON LEAVE FOR FAMILY CARE

(covering all employees)

1 INTRODUCTION

- 1.1 Lothian Valuation Joint Board and the Trade Unions recognise that family-care responsibilities can impact on the working lives of employees. The aim of this Policy is to help employees combine their family-care responsibilities with employment without adversely affecting their continuity of employment or employment responsibilities.
- 1.2 This Policy takes account of individual statutory entitlements and any employee who exercises his/her statutory right to take leave for family-reasons will be protected against dismissal or detriment. The Policy also incorporates relevant terms contained in the various National Schemes of Pay and Conditions of Service where appropriate. Some of the provisions are more generous than the National Schemes of Conditions of Service. However, with the exception of such improvements the national provisions should continue to be regarded as the definitive statement of employees' entitlement.
- 1.3 This revised Policy will take general effect from 5 October 2008 but may apply earlier in the case of premature births/early adoption placements where the expected week of childbirth/adoption placement was on or after 5 October 2008.

2 SCOPE AND APPLICATION OF THE POLICY

- 2.1 The Policy on Leave for Family Care applies to all Joint Board employees and covers a range of circumstances when an employee may seek leave in order to provide support to a family member and/or a dependant.
- 2.2 The terms of the Policy will apply to employees on an individual basis unless otherwise stated. Employees who work part-time will have the same leave entitlements as full-time employees, applied on a pro-rata basis dependant on hours worked.
- 2.3 Entitlement to Statutory Maternity, Adoption or Paternity payments will be dependent on an employee having average earnings above the Lower Earnings Limit for National Insurance Contributions.
- 2.4 It is an overriding principle that, in considering applications for leave under this Policy, the needs of the Joint Board's services are given due priority. Accordingly, employees should give as much notice of an application for leave as is reasonably practicable and wherever possible be prepared to change appointment dates/times to assist in meeting the requirements of the service.
- 2.5 Employees may utilise annual leave and/or flexi leave in place of any unpaid leave granted under the Policy. In addition the Joint Board will, where practicable, support applications for annual leave or flexi leave which are requested at short notice for urgent family-care reasons.

3 /...

3 MATERNITY LEAVE AND PAY

3.1 The provisions in this section will apply to all employees.

Ante-Natal Care

3.2 A pregnant employee has the right to reasonable paid time off to attend for ante-natal care but must produce evidence of appointments.

Summary of Entitlements

3.3 An employee who has **26 weeks' continuous service** with the Joint Board at the beginning of the 15th week before the Expected Week of Childbirth (EWC) will be entitled to:-

- (a) **up to 63 weeks maternity leave** commencing no earlier than the 11th week before EWC and continuing no longer than 52 weeks from the week of childbirth
- (b) **maternity pay at the rate of 14 weeks normal pay** (offset against payments by way of SMP where due), followed by 25 weeks at the any remaining SMP entitlement and any further leave to be unpaid.

NOTES:

- (i) The maternity payments set out in paragraph 3.3 (b) above will be made on the understanding that the employee returns to Joint Board employment for a period of at least 3 months. An employee who does not return to work for the required period will refund to the Joint Board, at its discretion, the equivalent of 6 weeks' maternity pay issued at normal pay less any SMP paid as part of the 6 weeks' pay.
- (ii) Where an employee does not intend to return to work, the maternity pay at paragraph 3.3 (b) above will be restricted to 8 weeks normal pay plus any entitlement to SMP. An employee who is unsure if she will return to work can choose to receive 8 weeks normal pay and defer payment of any remaining entitlement until a later date.

3.4 An employee who has less **than 26 weeks' continuous service** with the Joint Board at the beginning of the 15th week before the Expected Week of Childbirth (EWC) will be entitled to **52 weeks ordinary maternity leave** and any Statutory Maternity Pay (SMP) or Maternity Allowance (MA) due.

Notification and Certification Requirements

3.5 To qualify for maternity leave and pay an employee must, at least 15 weeks before the Expected Week of Childbirth (EWC) or as soon as is reasonably practicable:-

- (a) notify the Human Resources Manager in writing that she is pregnant and indicate:-
 - (i) the Expected Week of Childbirth (EWC); and
 - (ii) the date that she intends to start her absence on maternity leave
- (b) /...

- (b) produce a certificate from a registered medical practitioner or a certified midwife stating the Expected Week of Childbirth (EWC)
- 3.6 An employee should notify the Human Resources Manager, as soon as reasonably practicable, of the date of the birth of her child.
- 3.7 The Human Resources Manager will write to the employee, within 28 days of receipt of the above notification, confirming the date when the employee is expected to return to work if she takes her full entitlement to maternity leave.
- 3.8 An employee may alter the date on which leave is to start by giving the Joint Board 28 days notice, in writing, where this is reasonably practicable.

Start of Maternity Leave

- 3.9 Maternity leave will start on any day of the week but no earlier than 11 weeks before the EWC or from the date of childbirth. However, an employee's maternity leave will commence automatically if she is absent from work due to a pregnancy-related illness during the 4 weeks before the Expected Week of Childbirth (EWC).

Compulsory Maternity Leave Period

- 3.10 An employee is required to take compulsory maternity leave of 2 weeks starting with the date of childbirth.

Transfer /Suspension on Health and Safety Grounds

- 3.11 An employee who is pregnant, has recently given birth or is breast feeding and who cannot carry out her normal duties because a risk to her health and safety has been identified, has the right to be offered suitable alternative work or if such work is not available to be suspended on normal pay/salary.

Return to Work at end of Maternity Leave

- 3.12 An employee has the right to return to work at the end of her full entitlement to maternity leave and no formal notification is required from the employee to do so. However, where an employee wishes to return to work **earlier** than the end of her full maternity leave period the following notice requirements will apply:-

- (a) **Employees who qualify for 52 weeks maternity leave**

The employee must notify the Joint Board of her proposed date of return at least 28 days before the day she intends to return. Failure to do so may result in a postponement of her return by the Joint Board for up to 7 days to a date not beyond the end of the 52-week period.

- (b) **Employees who qualify for extended maternity leave of 63 weeks**

The employee must notify the Joint Board of her proposed return date at least 28 days before the day she intends to return. If the appropriate notice is not given, then the Joint Board may postpone her return for up to 21 days to a date not later than the end of the extended maternity leave period.

- 3.13 /....

- 3.13 A "return to work" from Maternity Leave for an employee means the right to return to the job in which she was employed under her original contract of employment and on terms no less favourable. "Job" means the nature of the work which she is employed to do and the capacity and place in which she is employed. Where by reason of redundancy or other exceptional circumstances (eg a general reorganisation), an employee cannot return to her "job", she is entitled to be offered a suitable alternative vacancy where one exists.

Return to Work when Employee Terminates Employment

- 3.14 Where an employee has terminated her employment due to pregnancy or childbirth but the child does not live, she will be entitled to return to work provided:-
- a suitable vacancy exists (not necessarily the same post at the same grade and salary);
 - the employee submits, in writing, a doctor's statement that she is medically fit to return, if such a statement is required by the Joint Board
 - she satisfies the notification requirements in respect of the timing of her return to work

Maintaining Contact During Maternity Leave

- 3.15 Both an employee and her Manager should maintain reasonable contact during the Maternity Leave period. This will allow issues such as plans to return to work to be discussed and information on job vacancies, development opportunities or significant workplace developments etc. to be provided and help to keep the employee updated during her absence.
- 3.16 Where practicable, both the Manager and employee should discuss and agree suitable contact arrangements before the Maternity Leave begins, including the frequency of contact, method (for example by visit, telephone, letter, e-mail etc.). These arrangements can be amended by either side to suit changing circumstances.
- 3.17 Reasonable contact during the Maternity Leave period does not constitute work and would not count towards the 10 Keeping In Touch Days (see below).

Keeping in Touch Days (KIT Days)

- 3.18 A woman can work up to 10 Keeping In Touch Days (KIT Days) during her maternity leave (except the compulsory 2 week maternity period), without bringing the maternity leave to an end or extending its length.
- 3.19 The days can be used in a single block or separately for any activity that helps keep an employee informed and involved with events happening in the workplace, for example undertaking normal duties or a work project, shadowing a colleague, attending team meetings or training/development events etc.
- 3.20 The use of KIT days is optional, a Manager cannot insist a woman carries out any work and a woman cannot insist on being given work to do. Where practicable, both the Manager and employee should discuss and agree the activities and timing of KIT days before the Maternity Leave period begins.
- 3.21 Any day or part of a KIT day worked will count as a Keeping In Touch day and does not extend the maternity leave period. Normal pay will be paid for each KIT day worked (pay will be pro-rated for a part-day worked) and is inclusive of any Statutory Maternity Pay or Maternity Allowance.

/....

Breast Feeding Mothers Returning to Work

- 3.22 It is recognised that some employees may wish to continue to breastfeed on their return to work. For the period up until a child is 1 year old employees should, wherever practicable, be granted:-
- (a) paid time off and access to a private room/area, other than a toilet, for the purposes of expressing breast milk and a refrigerator to store such expressed milk; and/or
 - (b) unpaid time off during normal working hours to breastfeed a baby who is being cared for in a location within close proximity to their work locations.

Maternity Information Pack

- 3.23 A Maternity Information Pack for employees who are pregnant or planning a pregnancy is available from the Human Resources Manager.

4 ADOPTION LEAVE AND PAY

- 4.1 Adoption leave is the leave which can be granted to an employee who adopts a child or one member of a couple where the couple adopt jointly (the couple must choose who will take adoption leave, the other partner may qualify for adoption support leave, see paragraph 5 below).
- 4.2 The process of selection for becoming adoptive parents involves a number of assessment visits at home which both prospective parents must attend. The Joint Board will grant reasonable paid leave to **both** prospective adoptive parents to attend such meetings subject to reasonable notice being given and on production of evidence of the meetings.

Summary of Entitlements

- 4.3 An employee who has **26 weeks' continuous service** with the Joint Board prior to the week in which he/she is notified of being matched with a child for adoption will be entitled to:-
- (a) **52 weeks adoption leave** (ie 26 weeks ordinary adoption leave, followed by up to 26 weeks additional adoption leave), which can begin from the date of the child's placement or from a fixed date up to 14 days before the expected date of placement.
 - (b) **adoption pay at the rate of 14 weeks normal pay** (offset against payments by way of Statutory Adoption Pay (SAP) where due), followed by 25 weeks at any remaining SAP entitlement and any further leave to be unpaid.

NOTES:

- (i) The adoption payments set out in paragraph 4.3(b) above will be made on the understanding that the employee will return to Joint Board employment for a period of at least 3 months. An employee who does not return to work for the required period will refund to the Joint Board, at its discretion, the equivalent of 6 weeks adoption pay issued at normal pay, less any Statutory Adoption Pay (SAP) paid as part of the 6 weeks pay.
- (ii) /...

- (ii) For employees not intending to return to work, the adoption pay at paragraph 4.3(b) above will be restricted to 8 weeks normal pay plus any entitlement to SAP. An employee who is unsure of his/her intention to return to work may choose to receive 8 weeks normal pay and defer the payment of any remaining entitlement until a later date.

- 4.4 An employee who has **less than 26 weeks continuous service** with the Joint Board prior to the week in which he/she is notified of being matched for a child for adoption will be entitled to **52 weeks adoption leave without pay**.
- 4.5 Where more than one child is being adopted at the one time e.g. sisters and brothers from one family, only one period of adoption leave shall be granted irrespective of the number of children being adopted. Adoption leave will **not** be granted in circumstances where the child is already living as a family member (e.g. where the spouse/partner of a natural parent adopts his/her partner's children).
- 4.6 Where the child's placement ends for any reason during the adoption leave period (e.g. the child may be withdrawn or returned or the child dies), the adopter will be entitled to remain absent on adoption leave for up to 8 weeks after the end of the placement.

Notification and Certification Requirements

- 4.7 To qualify for adoption leave and pay an employee must, within 7 days of being notified by the adoption agency that he/she has been matched with a child for adoption or as soon as is reasonably practicable:-
 - (a) notify the Human Resources Manager, in writing, of the expected date of placement and the date on which they intend to start their adoption leave
 - (b) provide a matching certificate from the approved adoption agency - the certificate may not be immediately available.
- 4.8 The Human Resources Manager will write to the employee, within 28 days of receipt of the above notification, to confirm the latest date when the employee is expected to return to work if he/she takes his/her full entitlement to adoption leave.
- 4.9 An employee may alter the date on which his/her leave starts by giving the Joint Board 28 days' notice in writing, where this is reasonably practicable.

Return to Work at end of Adoption Leave

- 4.10 An employee has the right to return to work at the end of his/her full adoption leave entitlement and no formal notification is required from the employee to do so.
- 4.11 However, where an employee wishes to return to work **earlier**, he/she must notify the Joint Board of the proposed return date at least 28 days before the day he/she intends to return to work. If the appropriate notice is not given, then the Joint Board may postpone the return to work for up to 21 days to a date no later than the end of the full adoption leave period.

/....

Maintaining Contact During Adoption Leave

- 4.12 Both an employee and her Manager should maintain reasonable contact during the Adoption Leave period. This will allow issues such as plans to return to work to be discussed and information on job vacancies, development opportunities or significant workplace developments etc. to be provided and help to keep the employee updated during her absence.
- 4.13 Where practicable, both the Manager and employee should discuss and agree suitable contact arrangements before the Adoption Leave begins, including the frequency of contact, method (for example by visit, telephone, letter, e-mail etc.). These arrangements can be amended by either side to suit changing circumstances.
- 4.14 Reasonable contact during the Adoption Leave period does not constitute work and would not count towards the 10 Keeping In Touch Days (see below).

Keeping in Touch Days (KIT Days)

- 4.15 An employee can work up to 10 Keeping In Touch Days (KIT Days) during the Adoption Leave period, without bringing the adoption leave to an end or extending its length.
- 4.16 The days can be used in a single block or separately for any activity that helps keep an employee informed and involved with events happening in the workplace, for example undertaking normal duties or a work project, shadowing a colleague, attending team meetings or training/development events etc.
- 4.17 The use of KIT days is optional, a Manager cannot insist an employee carries out any work and an employee cannot insist on being given work to do. Where practicable, both the Manager and employee should discuss and agree the activities and timing of KIT days before the Adoption Leave period begins.
- 4.18 Any day or part of a KIT day worked will count as a Keeping In Touch day and does not extend the adoption leave period. Normal pay will be paid for each KIT day worked (pay will be pro-rated for a part-day worked) and is inclusive of any Statutory Adoption Pay.

5 MATERNITY/ADOPTION SUPPORT LEAVE AND PAY

Preparing for Birth/Adoption

- 5.1 An employee, who is the child's father or the partner or nominated carer of the expectant mother (see definitions - Appendix 1), will be granted reasonable paid leave to accompany the pregnant woman to up to 3 ante-natal appointments. Leave is subject to evidence and sufficient notice of appointments being provided and dependent upon the needs of the service.
- 5.2 Both adoptive parents will be granted up to a maximum of 3 working days paid leave to allow them to attend preparatory meetings required as part of the adoption process. Leave is subject to reasonable notice being given and the production of evidence of meetings that both prospective parents must attend.

/....

Entitlement to Maternity/Adoption Support Leave

- 5.3 Maternity/Adoption Support Leave is leave which can be granted to an employee at or around the time a child is born or a child is placed for adoption, in order to :-
- (a) care for the child; and/or
 - (b) support the mother or the adopter.
- 5.4 Only one period of leave is available to employees, irrespective of whether more than one child is placed for adoption or there is a multiple birth.
- 5.5 An employee will be entitled to 2 weeks leave with pay; 1 week at normal pay (offset by any entitlement to Statutory Paternity Pay (SPP), followed by 1 week SPP provided the following conditions are met:-
- (a) in the case of **births**, the employee has 26 weeks continuous service with the Joint Board by the 15th week before the EWC and is the child's father or the partner of the child's mother and has or expects to have responsibility for the upbringing of the child.
 - (b) in the case of **adoptions**, the employee has 26 weeks continuous service with the Joint Board by the week in which the child's adopter is notified of the match, is one of the named adopters or the partner of the named adopter and has or expects to have responsibility for the upbringing of the child.
- Note:** Maternity/Adoption Support Leave and pay will not be granted where the employee is receiving maternity leave and pay or adoption leave and pay.
- 5.6 Leave must be taken in either a 1-week or 2-week single block generally within 56 days of the baby's birth (or within 56 days of the start of the EWC if the baby is born early) or a child is placed with the adopter.
- 5.7 An employee who does not meet the above conditions and/or who is the "nominated carer" (ie a person nominated by the mother/adopter to assist in the care of the child and provide support at around the time of birth/adoption) will be granted 1 week's paid leave and up to 1 week's unpaid leave at or around the time of the birth/placement for adoption.
- 5.8 To qualify for Leave the employee must, by the 15th week before the child is expected, or as soon as is reasonably practicable, inform the Joint Board in writing:-
- (a) that the absence from work is to care for the child under 18 or to support the mother/adopter
 - (b) the week in which the child is due/adoption date
 - (c) whether he/she wishes to take 1 week or 2 weeks leave
 - (d) when he/she wants the leave to start.
- 5.9 An employee may alter the date when his/her leave starts by giving 28 days notice, in writing, where this is reasonably practicable. The Joint Board must then confirm the new latest return to work date.
- 6 /....

6 UNPAID PARENTAL LEAVE

- 6.1 All mothers, fathers, guardians and adoptive parents have a **statutory right** to take unpaid parental leave for the purposes of caring for a child provided they:-
- (a) have 1 year's continuous service with the Joint Board;
 - (b) are named on the child's birth certificate or they have or expect to have formal parental responsibilities for a child;
 - (c) they can provide evidence of (b) if requested to do so, and
 - (d) the child has not completed the first year of primary school or it is less than 5 years since the child was adopted *(see note at end of section).
- 6.2 Eligible employees are entitled to up to 13 weeks' unpaid leave in respect of each child. The leave may be taken in periods ranging from up to 1 week to a maximum of 4 weeks in any year. No more than 13 blocks of time-off will be granted.
- 6.3 In the case of a disabled child where the child is entitled to a disability living allowance, parental leave of up to 18 weeks may be taken until the child is 18 years old. The leave may be taken in days or weeks up to a maximum of 4 weeks in any year.
- 6.4 A minimum of 21 days notice must be given by an employee before the day on which he/she proposes to begin unpaid parental leave. Unpaid parental leave may be granted to an employee who has not given the required notice in special circumstances, at the discretion of the Assessor.
- 6.5 Unpaid parental leave **cannot** be postponed where leave is to be taken immediately following maternity leave or maternity/adoption support leave or at the time of adoption.
- 6.6 An unpaid parental leave period may be postponed **once** for up to six months where it is considered that **the business of the Joint Board would be unduly disrupted** if leave was taken on the dates notified. Where leave is postponed, the Joint Board must take the following action no later than 7 days from the date employee notice to take leave was given:-
- (a) discuss the postponement with the employee and determine a future date when leave can be taken (ie no later than 6 months after the date the leave was originally to start);
 - (b) confirm in writing to the employee:-
 - (i) the reason for the postponement; and
 - (ii) the start/end dates when the Joint Board has agreed that an equivalent period of unpaid parental leave can be taken.
- 6.7 Employees who take unpaid parental leave generally have a right to return to the same job. Where by reason of redundancy or other exceptional circumstances (eg a general reorganisation), an employee absent for a period exceeding 4 weeks cannot return to his/her "job", he/she will be entitled to be offered another suitable alternative vacancy.
- 6.8 /....

- 6.8 Employees will be protected against dismissal or detriment for requesting or taking such leave.

7 OTHER FAMILY-CARE LEAVE

- 7.1 It is recognised that employees may, from time to time, require time-off work in other circumstances to provide family care or to make alternative care arrangements. It will be for the Assessor to determine the extent of paid/unpaid leave which can be granted in such cases, subject to the specified maximums. The range of circumstances where discretion may be applied are summarised below.

Foster Carers Leave

- 7.2 An employee who is:-
- (a) a **prospective Foster Carer** may be granted up to a maximum of 3 working days paid leave to cover the preparation and assessment process to be registered as Foster Carers. Leave is subject to reasonable notice being given and the production of evidence of meetings/appointments
 - (b) an **accepted Foster Carer** may be granted up to 1 working day's paid leave and up to 4 working days unpaid leave in any 12 month period to enable him/her to attend urgent meetings convened in respect of the placement of a child. Additional unpaid leave to care for a placed child may be granted at the discretion of the Assessor.

Leave for Planned Health Care of a Young Child

- 7.3 A parent (see definitions - Appendix 1) who is required, in the first 5 years of the child's life, to accompany the child to post-natal childcare clinic(s); to visit a medical practitioner for the purposes of preventative medicine (eg inoculations etc.); or to developmental check-ups, may be granted:-
- (a) up to 5 working days paid leave in the 5-year period; and
 - (b) up to 5 working days unpaid leave in the 5-year period.
- 7.4 Eligibility for this form of leave will be subject to the other parent being at work at the time of the leave or unavailable to attend the clinic/medical practitioners with the child. The Assessor will be entitled to take into account the needs of the service and require the production of evidence of appointments.
- 7.5 Where both parents work for the Joint Board, the employee will be required to notify the Assessor of the number of days leave which has been granted for the planned health care of a young child to his/her partner at the time of the leave application to ensure than no more than the total leave entitlement under this provision is granted to both parents.

Leave for Dependants

- 7.6 Employees have a **statutory right** to take reasonable unpaid leave from work to deal with certain unexpected emergencies or to make arrangements for the provision of care for a dependant (see definitions - Appendix 1). In these circumstances employees may be granted:-
- (a) up to 5 working days paid leave in any 12-month period in the first instance; and
 - (b) reasonable unpaid leave.

- 7.7 /...

- 7.7 Leave for dependants may be taken:-
- (a) to provide assistance when a dependant falls ill, is injured or assaulted;
 - (b) to make arrangements for the provision of care for a dependant who is ill or injured; or
 - (c) because of an unexpected disruption or termination of arrangements for the care of a dependant.
- 7.8 It is recognised that some children and adults may have special care needs due to a specific medical condition or disability. The Assessor will have regard to these particular circumstances when determining the amount of leave to be granted (within the limits set) where an employee requests paid/unpaid leave to accompany a dependant for specialist hospital treatment/ appointments.
- 7.9 The employee should normally notify their section as early as possible on the first day of absence of the reason for the absence, the relationship that they have with the dependant and how long they expect to be absent from work. Where the absence continues beyond one day, the employee must agree with their line manager the frequency of contact which is to be maintained throughout the period of leave for dependants.

Extended Unpaid Leave for Serious Illness of a Dependant

- 7.10 In the case of serious illness of a dependant (see definitions - Appendix 1) where the employee has exhausted his/her entitlement to leave detailed in paragraph 7.7 above, revised working arrangements and/or unpaid leave up to a total period of 1 year may be granted. Up to 2 periods of extended unpaid leave under this provision will be granted to an employee providing that there is at least 3 years service between the first and second period of leave. It is emphasised that normally only 2 blocks of leave will be granted under this provision irrespective of whether each period of leave is for less than 1 year.
- 7.11 An application for leave under this provision must be accompanied by a statement from the dependant's medical practitioner indicating the anticipated period that the employee will require to be absent from work in the interests of the dependant's health. The employee must meet any cost incurred in obtaining such a medical statement.
- 7.12 The employee will be required to contact their section at least on a monthly basis, or more frequently if required, to confirm that there is an ongoing requirement for him/her to be absent. The section will make arrangements for the employee to be kept informed of any relevant developments in his/her work field and the Joint Board in general during their absence.
- 7.13 It is recognised that a change in circumstances could result in the employee's period of leave ceasing earlier. However, a period of 21 days' notice of an intention to return to work will normally be required.
- 7.14 An employee has the right to return to the job in which he/she was employed under his/her original contract of employment and on terms no less favourable at the end of the period of extended unpaid leave.
- 7.15 In the event that an employee does not require, or is unable due to financial or service implications, to take a complete break from work to care for a dependant who is seriously ill, he/she may request that his/her hours of work be reduced or re-arranged for a fixed-term period. Normally, the combination of leave and reduced or re-arranged working hours available under this provision will not exceed a total period of 12 months. The Assessor will treat any such requests for reduced or re-arranged working hours sympathetically, having regard to the employee's personal circumstances and the needs of the service. Where hours of work are reduced or re-arranged the employee's salary/wage will be adjusted accordingly.

/....

Breakdown of Normal Care Arrangements and for Incidents involving a Child at School

- 7.16 Up to 1 working day's paid leave in any 12-month period and reasonable unpaid leave may be granted to enable an employee to make alternative arrangements for a child/dependant care or to respond to an unexpected incident involving a child during school hours.

8 BEREAVEMENT LEAVE

- 8.1 The Assessor will have discretion to grant up to 5 working days paid leave where a family member or close friend (see definitions - Appendix 1) of an employee dies. In exercising discretion, the Assessor will take account of:-
- (a) the circumstances which justify leave to attend the funeral;
 - (b) the requirement of an employee to make funeral arrangements and/or deal with financial or legal issues which occur immediately around the time of the death; and/or
 - (c) the requirement for an employee to travel over long distances (for travel outside the UK absence may be part paid and part unpaid).
- 8.2 Where there are special circumstances, additional unpaid leave may be granted for longer periods than 5 working days and these cases should be judged on their merits by the Assessor.

9 CONTRACTUAL AND PENSIONS ISSUES

Maternity Leave

- 9.1 As Maternity Leave is not to be treated as sick leave it will not therefore be offset against other service-based entitlements such as sick leave
- 9.2 Authorised maternity leave will be regarded as continuous service on the employee's return to work.
- 9.3 During the Maternity Leave period all an employee's contractual terms and conditions of service, with the exception of remuneration are preserved.
- 9.4 All employees on maternity leave will accrue contractual annual leave and public holidays during the maternity leave period.

Adoption Leave

- 9.5 The above advice will similarly apply to employees who are adopting a child.

Pensions Issues

- 9.6 For employees who are members of the Local Government Pension Scheme and who qualify for occupational maternity/adoption pay or Statutory Maternity Pay, pension contributions will continue to be taken/....

- 9.6/ taken from the pay received. If the maternity/adoption leave continues for a period of unpaid leave, then it is for the employee to decide if he/she wishes to continue to pay pension contributions as if he/she was receiving maternity/adoption pay. An employee has 30 days from the date of his/her return to work or the date he/she inform the Joint Board of their intention to leave employment to decide if he/she wish to pay the extra contributions. If pension contributions are not paid for the unpaid period of maternity leave, then that period of absence will not count as membership of the Local Government Pension Scheme.
- 9.7 Where a period of unpaid leave granted is for 30 days or less, both the Joint Board and the employee must continue to pay normal pension contributions so that this time counts as a period of Pension Scheme membership. Where the period of unpaid leave is for longer than 30 days, the employee must decide within 30 days of their return to work if he/she wishes to pay the pension contributions for that period. If an employee chooses not to pay contributions the period may not count as membership of the Local Government Pension Scheme.

10 LOCAL AGREEMENT

- 10.1 This document is a local collective agreement between the Joint Board and the recognised Trade Unions. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of failure to reach agreement both parties reserve the right to terminate this local agreement by giving four months notice in writing. In such circumstances the terms of the local agreement will cease to apply to existing and future employees.

POLICY ON LEAVE FOR FAMILY-CARE PURPOSES

(covering all employees)

DEFINITIONS

TERM	MEANING
"Adoption"	Formal adoption of a child newly matched for adoption by an employee who is named on the approved adoption agency's matching certificate.
"Childbirth"	Means the birth of a living child or, after 24 weeks of pregnancy, the birth of a child whether living or dead.
"Continuous Service"	Means continuous service with Lothian Valuation Joint Board (or its predecessors) or any local authority or employer to which the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended) applies. Note: Certain exceptions apply for "Red Book" employees returning to local government service following a break for maternity reasons provided the break does not exceed 8 years and that no paid employment has intervened.
"Dependant"	Is a spouse, partner, child, parent or person living in the same household (excluding tenants, lodgers or boarders) or other person who relies on the employee: (a) for assistance in the event of illness, injury or assault; or (b) to make arrangements for the provision of care in the event of illness or injury
"Expected week of childbirth" (EWC)	"Week" in this context means the period of 7 days, beginning with midnight on Saturday/Sunday, in which the birth is expected to take place. In all other contexts, such as in "the 15 th week" before the expected week of birth, "week" is defined as a week (ie 7 days) ending with a Saturday.
"Family Member"	To be determined by the Assessor having regard to the nature of the relationship which the person has with the employee and the circumstances prevailing in each case. It is recognised that close friends may be covered by this definition, including former work colleagues of Lothian Valuation Joint Board (or its predecessors).
"Nominated Carer"	Is a person nominated by the mother/adopter to assist in the care of the child and to provide support to the mother/adopter at or around the time of the birth/adoption placement.
"Parent"	Is a child's mother, father, guardian or person with parental responsibility
"Partner"	Is a person (whether of a different sex or the same sex) who lives with the mother or adopter and the child in an enduring family relationship but is not a relative (eg parent, sister/brother, aunt/uncle etc).
"Qualifying week"	Is the 15 th week before the week in which the maternity certificate indicates the employee's baby is due.
"Serious Illness of a Dependant"	Is defined as an illness, injury or assault of a dependant which requires an employee to be absent from work for an extended period exceeding 10 working days in any 12-month period.
"Week's pay"	Where remuneration for normal working hours does not vary with the amount of work done in the period, a week's pay is the amount payable by the Joint Board to the employee under the current contract of employment for working his/her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

POLICY ON LEAVE FOR FAMILY-CARE PURPOSES

SUMMARY OF LEAVE PROVISIONS

This summary of the main provisions of the policy is for ease of reference. It must be read in conjunction with the relevant section(s) of the Policy for the definitive statement of the various provisions.

1. MATERNITY LEAVE AND PAY

Leave	Qualifying Conditions	At Assessor's Discretion	Paid Leave	Unpaid Leave
(a) For employees with at least 26 weeks continuous service with LVJB by 15 th week before EWC	<ul style="list-style-type: none"> - must fulfil certain notification and certification requirements - must satisfy eligibility criteria for payment of SMP - 6 weeks' full pay is only payable on the basis that employee returns to work for 3 months after maternity leave 	No	39 weeks; the first 14 weeks at normal pay (includes any SMP entitlement); followed by SMP at the lower weekly rate (up to 25 weeks)	Remainder unpaid (up to 52 weeks after birth). Total paid and unpaid leave cannot exceed 63 weeks but may be less dependent on when leave starts.
(a) For employees with less than 26 weeks continuous service with LVJB by 15 th week before EWC	<ul style="list-style-type: none"> - must fulfil the notification and certification requirements - must satisfy eligibility criteria for payment of SMP 	No	39 weeks (pay dependent upon entitlement to Maternity Allowance)	Further unpaid leave at the discretion of the Assessor (total paid and unpaid leave not to exceed 63 weeks)

2. ADOPTION LEAVE AND PAY

Leave	Qualifying Conditions	At Assessor's Discretion	Paid Leave	Unpaid Leave
(a) For "adopter" who has 26 weeks continuous service with LVJB prior to the week in which he/she is notified of being matched with a child for adoption	<ul style="list-style-type: none"> - must be newly matched with a child by an approved adoption agency - must comply with notification and certification requirements - must satisfy eligibility criteria for Statutory Adoption Pay - 6 weeks' full pay is only payable on the basis that employee returns to work for 3 months after adoption leave 	No	39 weeks; the first 14 weeks at normal pay (includes any SAP entitlement); followed by SAP at the lower weekly rate (25 weeks)	13 weeks
(b) For "adopter" who has less than 26 weeks continuous service with LVJB prior to the week in which he/she is notified of being matched with a child for adoption	<ul style="list-style-type: none"> - must be newly matched with a child by an approved adoption agency - must comply with notification and certification requirements 	No	N/A	Up to 26 weeks unpaid

3. MATERNITY/ADOPTION SUPPORT LEAVE

(a) PREPARATION FOR BIRTH/ADOPTION				
Type of Leave	Qualifying Conditions	At Assessor's Discretion	Paid Leave	Unpaid Leave
(i) Leave to accompany woman who is pregnant to ante-natal appointments	<ul style="list-style-type: none"> - must be the child's father or the partner or nominated carer of an expectant mother (see definitions) - must notify the Human Resources Manager as soon as possible of woman's pregnancy 	Yes	Paid leave to accompany woman to up to 3 ante-natal appointments	N/A
(ii) Leave to both prospective adoptive parents to attend meetings etc prior to adoption	<ul style="list-style-type: none"> - must notify the Human Resources Manager as soon as possible of intention to adopt 	Yes	Reasonable paid leave	N/A
(b) MATERNITY/ADOPTION SUPPORT LEAVE AND PAY AT/AROUND TIME OF BIRTH/ADOPTION				
Type of Leave	Qualifying Conditions	At Assessor's Discretion	Paid Leave	Unpaid Leave
Leave to care for a child or support the mother or adopter at/around the time of birth or adoption placement -: (i) for employees with 26 weeks continuous service with LVJB by: <ul style="list-style-type: none"> - 15th week before EWC (births) - week prior to placement (adoptions) 	<ul style="list-style-type: none"> - must be: <ul style="list-style-type: none"> • child's father (births), married to or the partner of the child's mother/ adopter • have or expect to have responsibility for the upbringing of the child • must fulfil certain notification and certification requirements 	No	2 weeks paid leave; 1 week at normal pay (including any entitlement to Statutory Paternity Pay (SPP)); 1 week SPP	N/A
(ii) for "nominated carers" or employees with less than 26 weeks continuous service with LVJB by: <ul style="list-style-type: none"> - 15th week before EWC (births) - week prior to placement (adoptions) 	<ul style="list-style-type: none"> - must be: <ul style="list-style-type: none"> • child's father (births), married to or the partner of the child's mother/ adopter; or a "nominated carer" (see definitions) - must fulfil certain notification and certification requirements 	No	1 week's paid leave	1 week's unpaid leave

4. UNPAID PARENTAL LEAVE

Type of Leave	Qualifying Conditions	At Assessor's Discretion	Paid Leave	Unpaid Leave
Leave to care for a child	- Must have 1 year's continuous service with LVJB	No	N/A	13 weeks (to be taken up to child is 5 years), maximum period of 4 weeks in any 1 year. The minimum block of leave is 1 week. For children born/adopted between 15/12/94 and 15/12/99 an employee is allowed up to 31 March 2005 to take any remaining parental leave entitlement

5. OTHER FAMILY-CARE LEAVE

(a) FOSTER CARERS LEAVE				
Type of Leave	Qualifying Conditions	At Assessor's Discretion	Paid Leave	Unpaid Leave
(i) Leave to prospective Foster Carers to cover preparation and assessment process to become registered	Reasonable notice where practicable. Evidence of meeting also to be provided.	Yes	Up to max. of 3 working days paid leave	N/A
(ii) Leave to attend urgent placement meetings	-	Yes	Up to 1 working day's paid leave in any 12 month period	Up to 4 working days unpaid leave.
(b) LEAVE FOR PLANNED HEALTH CARE OF A YOUNG CHILD				
Type of Leave	Qualifying Conditions	At Assessor's Discretion	Paid Leave	Unpaid Leave
Leave to take a child to post-natal child care clinic and to medical practitioners for purposes of preventative medicine (eg inoculations etc)	- The other parent must be at work or unavailable to provide necessary care	Yes	Up to 5 working days paid leave during first 5 years of child's life (if both parents work for the Joint Board, total of 5 days leave to be shared)	Up to 5 working days unpaid leave

5. OTHER FAMILY-CARE LEAVE (Continued)

(c) LEAVE FOR DEPENDANTS				
Type of Leave	Qualifying Conditions	At Assessor's Discretion	Paid Leave	Unpaid Leave
(i) Leave to care for a dependant (see definitions)	- Employee must notify section on 1 st and 2 nd days of absence to agree level of contact to be maintained throughout absence	Yes (paid leave only)	Up to 5 working days paid leave in any 12 month period	Reasonable unpaid leave
(ii) An extended period of leave to care for seriously ill dependant	- Employee must have exhausted provisions for leave to care for a dependant before he/she will be eligible for this form of leave	Yes	N/A	Up to 1 year's unpaid leave (on up to 2 occasions)
(iii) Reduced or re-arranged working hours for fixed period to care for seriously ill dependant	- Employee must provide statement from dependant's medical practitioner indicating need for the employee to be absent from work	Yes	N/A	Fixed period of re-arranged or reduced working hours not to exceed 1 year.
(d) SPECIAL LEAVE FOR BREAKDOWN OF NORMAL CARE ARRANGEMENTS AND FOR INCIDENTS INVOLVING A CHILD AT SCHOOL				
Type of Leave	Qualifying Conditions	At Assessor's Discretion	Paid Leave	Unpaid Leave
Leave to arrange alternative care where normal care arrangements break down or to respond to incidents involving a child at school	-	Yes	Up to 1 working day's paid leave in any 12 month period	Reasonable unpaid leave

6. BEREAVEMENT LEAVE

Type of Leave	Qualifying Conditions	At Assessor's Discretion	Paid Leave	Unpaid Leave
Leave where a family member of close friend dies (see definitions)	-	Yes	Up to 5 working days paid leave	Reasonable unpaid leave