



MATERNITY AND CARING EMPLOYEES SCHEME

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The audience of this document are made aware that a physical copy may not be the latest available version. The latest version, which supersedes all previous versions, is available on The Source at <http://intranet.bcc.lan/redirect?oid=Article-id-1920032>. Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with Policy requirements at all times.

History of most recent Policy Changes – **Must be completed**

Date	Page	Change	Origin of Change (e.g. TU request, change in legislation etc)
6 December 2018	23-24	Childcare Voucher Scheme closed to new applicants. Details of Tax-free Childcare added.	Change in legislation
12 September 2018	19	Corrected birthday age	Correction
25 April 2018	3-5 11-13 18; 20 27	Introduction and relevant sections updated. Time off to attend adoption appointments changed. Adoption Leave and Fostering Leave updated.	Policy acknowledges all types of parent / carer

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1. Introduction

Bristol City Council is fully committed to helping all its staff balance the needs of work and family life. This Scheme sets out the rights and responsibilities of employees who are pregnant, have recently given birth or are undertaking an adoption/surrogacy or fostering arrangement. This scheme also covers other policies applicable to those employees with caring responsibilities for children up to the age of 16 or a dependant adult who relies on the employee for care.

This scheme does not apply to Teachers. For Teachers, please refer to the Teachers Maternity scheme.

The following definitions are used;

'Expected week of childbirth' (EWC) means the week, starting on a Sunday, during which the employees GP or midwife expects her to give birth. 'Qualifying week' means the 15th week before the expected week of childbirth.

2. Maternity Scheme

2.1 Do the council's maternity provisions cover me?

Who does it apply to?	Exceptions	Where can I get further advice?
All women employees	<p>They may not apply if you are employed on a temporary, fixed term, casual or call-out contract. You will need to check the conditions and dates of your appointment and any projected contract termination date to establish your entitlements. This is because the Council can only grant you maternity leave, maternity pay, the right to return to work and certain other benefits if you have a current contract in force at the relevant time.</p> <p>For example, a woman employed on a temporary contract which covered the period 1 June 2010 to 31 January 2011 could commence maternity leave on 1 December 2010. She would not however be able to return to work after 31 January because beyond that date there is no contract of employment.</p> <p>In this instance, when her contract ends, she will no longer be entitled to be paid Occupational Maternity pay, but payroll will continue to pay her SMP until her entitlement is exhausted or is notified that she has found employment elsewhere.</p>	<p>You should discuss your contractual position and its effect upon your maternity entitlements under the Council Scheme with HR Advice Centre (MAPS) team.</p> <p>If your pregnancy or expected week of childbirth (ewc) falls outside your period of employment (in part or in full) with the council you should contact your local Department for Work and Pensions Office (formerly the Department of Social Security) to find out if you are entitled to any payments from the State.</p>

2.2 What am I entitled to under the Council's maternity scheme?

If you qualify for the Council's scheme, you are entitled to the following benefits, which are explained in more detail below:

- Time-off with pay for antenatal care.
- Time off with pay for fertility treatment.
- Maternity & Adoption leave up to a maximum of 52 weeks.

- Maternity & Adoption pay.
- Maximum 10 paid keeping-in-touch days, without affecting your maternity rights. See section 5.5.
- The right to return to work after maternity leave- See section 5.3 ;and section 2.1 if you are on a fixed term contract.
- The right not to be unfairly treated because of your pregnancy or for a reason connected with your pregnancy.
- Participation in the Council's Contact Scheme. See section 8.
- Paternity/Partner's leave.

2.3 Antenatal care

The Council believes in the importance of proper antenatal care as recommended by your doctor or medical advisor. During your pregnancy you will be entitled to paid time off as necessary for appointments which have been advised by your midwife, health visitor or GP. You may be asked to produce evidence of appointments (e.g. an appointment card) by your manager. Antenatal care may include up to 6 relaxation or parent craft classes that your GP, midwife or health visitor has advised you to attend, in addition to medical examinations.

2.4 Fathers-to-be/partners (including same sex partners) time off for ante-natal appointments

If you are employed by the Council and your partner is pregnant you are entitled to a half-day's paid leave to attend one antenatal session with them. Your manager may require you to produce your partners certificate of expected week of childbirth (MATB1)

2.5 Time off for Fertility treatment

Paid time off for fertility treatment will be granted to both partners (including same sex partners), who are Council employees, to attend one fertility programme of treatment. You may be asked to produce evidence of appointments.

2.6 Maternity leave - how much can I have and how soon can it start?

When does it apply from?	How much?	When is earliest date I can take it?	When is the latest date I can take it?
Your first day of employment	Up to 52 weeks You must take a minimum of two weeks following the birth of your baby. See Note 1 below	Beginning of 11 th week before your baby is due See Note 2 below	The date that your baby is born. However if you are off sick for a reason associated with your pregnancy less than four weeks before the birth, your maternity leave will start automatically (See 2.11)

Note 1: It is recommended that you take more leave than this, in order to give yourself enough time for recovery. Working right up to the birth no longer affects the maternity payments you receive however, it is not normally recommended that you work beyond 4 weeks before the birth. This is so that you can take adequate rest, although this will vary according to individual circumstances and the nature of the work you do.

Note 2: If you leave work before the 11th week prior to the expected week of childbirth, without your line manager's agreement or without a doctor's certificate, you will be in breach of contract. You may not be eligible to claim OMP or SMP from the Council although you may qualify for maternity allowance from the Department of Work and Pensions

2.7 What must I tell the Council and when?

In order to receive these entitlements to maternity leave and to other benefits such as the right to return to work, you must provide the Council with all the necessary information within time:

Who do I tell?	What must I tell them in writing and send to them?	When must I tell them?	What will they do?
Your manager and HR Advice Centre (MAPS) Team	<p>That you are taking maternity leave to have a baby.</p> <p>The expected date of birth of your child</p> <p>Completed maternity scheme form and MATB1 certificate</p> <p>Please send the HR Advice Centre (MAPS) Team scanned copies of your Maternity Leave Notification forms and MATB1 certificate. If you are unable to scan them then you can post a photocopy of your MATB1 and retain the original certificate for future reference.</p>	At least 15 weeks before the expected week of childbirth to enable your employer to plan for your leave	<p>The HR Advice Centre (MAPS) Team will confirm with you the support that is available from the Council and will also supply you with the relevant documentation & information, including the Maternity Scheme forms. Any approach made in the early stages of pregnancy (before your condition is apparent) will be treated in the fullest confidence.</p> <p>You will receive an acknowledgement within 28 days setting out the date that you are expected to return to work if you take your full entitlement to maternity leave. It will be assumed that you will be returning on this date unless you inform the Council otherwise. However, it would be helpful that you also confirm your return to work date with the HR Advice Centre (MAPS) Team 28 days before the actual return date.</p>

Associated paperwork can be found on the [Maternity and Caring Employee Scheme information page](#).

2.7.1 I intend to return to work at the end of my full entitlement

If you take your full entitlement to maternity leave (52 weeks), you will not be expected to give notice of your intention to return to work, as this will have already been set out in the acknowledgement letter referred to above. We will write to you during the 6th month following the birth of your baby asking whether it is still your intention to return to work. It would be helpful, if, at this stage, you could confirm your return to work date with the HR Advice Centre (MAPS) Team .

Unless an agreement has been drawn up between yourself and your manager, prior to your return, then you will be expected to return to work on the same hours and similar duties that you worked prior to your maternity leave. See section 5.3 (and section 2.1 if on a fixed term contract). This is subject to contractual terms and conditions. See section 4.

2.7.2 I intend to return to work before my full entitlement

Who do I tell?	What must I tell them in writing and send to them?	When must I tell them?	What will they do?
Your manager and the HR Advice Centre (MAPS) Team	When you want to return If you want to return on a flexible basis see Note 1	As soon as possible and at least 8 weeks in advance of your intended return to work date	If you do not give 8 weeks notice of your return to work date, your manager could postpone your return to work to ensure that the required 8 weeks notice period is given. The postponement cannot extend beyond the end of the maternity leave period. Your manager may agree with you a shorter notice period. If they do it should be confirmed in writing

Note 1: If you are interested in returning to work on a flexible basis you must discuss this possibility with your line manager well in advance of your return. This is very important if arrangements need to be made, for example, to recruit a job share partner. For further information refer to section 6.

2.7.3 I have found a new job or I am in custody

If any time during your maternity leave you commence work for another employer or you are in legal custody you must inform your manager and HR Advice Centre (MAPS) Team. No further maternity payment will be paid.

2.8 Maternity pay - how much do I get and for how long?

Maternity pay is broken down into two elements, occupational and statutory. Please refer to HR Employee Life Cycle for exact details of your particular entitlement.

2.8.1 Occupational maternity pay (OMP)

- Still be pregnant at the 11th week before the week the baby is due or have had the baby by that time
- Have given medical evidence of the date the baby is due or born within three weeks of the start of the maternity pay period.
- Have stopped working to go on maternity leave
- Have given at least 15 weeks' notice of the expected date of the birth of your child and given at least 28 days' notice of the exact date that you wish your maternity absence to start

First 6 weeks	Next 12 weeks	Final 21 weeks	After 39 weeks
90% of basic earnings	Up to 50% of basic earnings, plus lower rate SMP can be paid as well if the qualifying conditions are met as outlined in 2.8.2 below.	Basic rate SMP or 90% of earnings if less.	Unpaid

2.8.2 Criteria for entitlement to Statutory Maternity Pay

To get Statutory Maternity Pay (SMP) you must satisfy **all** these conditions:

- Have been employed continuously by Bristol City Council for at least 26 weeks up to the end of 15th week before the baby is due. This 15th week is known as the "qualifying week".
- Have weekly earnings of not less than the lower earnings limit for the payment of National Insurance, which applies at the end of the qualifying week.
- Still be pregnant at the 11th week before the week the baby is due or have had the baby by that time.
- Have given medical evidence of the date the baby is due or born within 28 days of the start of the maternity pay period (MATB1).
- Have stopped working to go on maternity leave
- Have given and confirmed notice of the exact date that your maternity absence is due to start at least 28 days before the expected week of childbirth.

If you satisfy both the continuous employment rule and the earnings rule, the Council will pay you only SMP if your contract ends at some time after the start of the 15th week before the week your baby is due.

The payments due for this scheme are:-

- For the first six weeks - 90% of pay (using the average of the last two calendar months pay before the end of the qualifying week as a basis for calculation). This is known as higher rate Statutory Maternity Pay.
- 33 weeks lower rate Statutory Maternity Pay

If you do not qualify for Statutory Maternity Pay you may be entitled to Maternity Allowance from the Department for Work and Pensions in which case please contact HR Employee Life Cycle for further information.

If you are due to go out on maternity leave and get called to undertake jury service (and this would fall within the period when maternity pay is calculated) the Council will continue to pay you at the contractual rate when you are called to jury service and you can claim any loss of income (e.g. expenses and travel) from the court.

2.9 What happens to my pension?

If you are a member of the Local Government Pension Scheme (LGPS), the 39-week paid maternity leave period will count as pensionable service. This also means that deductions for your pension will be made automatically from all maternity pay that you receive from the Council during the 39 weeks.

You can choose to pay contributions for the unpaid period of maternity leave upon your return to work. This would mean that your total period of absence on maternity leave is counted for pension purposes - as though you had never been away. You should contact HR Employee Life Cycle upon your return to work to ask about how to make retrospective contributions and how this will work.

2.10 Probationary Period

If you commence your maternity leave whilst you are within your probationary period, the probationary period will be stayed and any outstanding time will recommence upon your return from maternity leave.

2.11 Sickness absence immediately before your maternity leave

Pregnancy related sickness absence will not count towards trigger points under the Managing Attendance policy. If your sickness is unrelated to pregnancy, it will be treated as normal sickness absence. If the illness continues past the date you have said that you wish to begin maternity leave, then your maternity leave will start at this date, as will maternity pay rather than sick pay.

If you choose to work beyond the four weeks before the expected week of childbirth and are sick during this period for a pregnancy related reason, your maternity leave will start from the first day of sickness. You will receive maternity pay rather than sick pay from this date.

2.12 Sickness absence at the end of your maternity leave or absence

If you are ill and cannot return to work at the end of your maternity leave you must inform your manager immediately. The provisions of the Managing Attendance Policy will then apply.

2.13 Dismissal during pregnancy

You have a statutory right not to be dismissed because of your pregnancy or for a reason connected with your pregnancy. Such a dismissal would automatically be unfair. If your pregnancy made it impossible for you to do your job or it was against the law for you to do that particular job while you were pregnant the City Council will undertake to redeploy you into a suitable alternative job.

2.14 Premature Births

If your baby is born prematurely before the start of your maternity pay period, you must inform your line manager in writing as soon as reasonably practicable informing him/her of the actual date of the birth. This is so that your maternity pay can be correctly calculated and paid. Where the birth is before or during the qualifying week, "average earnings" for SMP purposes will be calculated on the 8 weeks immediately before the week during which the birth occurred. The start of your maternity leave and Maternity Pay Period will be calculated following the birth.

2.15 Stillbirths

If your baby is stillborn and the stillbirth occurs after the start of the 25th week of pregnancy you will be entitled to the same rights to maternity leave and pay. If the stillbirth occurs before reaching the 25th week of pregnancy you will not receive maternity pay but you will be eligible for Statutory Sick Pay or incapacity benefit.

If your baby dies during the maternity pay period, full maternity entitlement (SMP & OMP) would continue.

You should approach your manager to discuss your individual needs together with the advice from your doctor. Your manager may discuss with you a referral to Occupational Health, who can arrange for counselling and can give advice with regards to workplace adjustments and/or return to work arrangements.

2.16 Transfer of maternity rights

In cases where the mother dies or becomes permanently incapacitated following the birth, maternity leave and pay entitlements may be transferred to her partner, if Bristol City Council employs him/her. This includes same sex partners.

Related guidance and associated paperwork on these methods can be found on the [Maternity and Caring Employee Scheme information page](#).

3. Health and Safety Provisions

3.1 Introduction

Health & Safety provisions cover employees who are pregnant or recent mothers. They apply from the time you notify your manager that you are pregnant until 6 months from the date of birth of your child, or until you stop breast feeding, whichever is the later date. As soon as you contact the HR Advice Centre (MAPS) Team you will be sent a risk assessment pack containing all the relevant paperwork/information for completion.

3.2 Risk assessment

A risk assessment must be undertaken by your manager with your involvement as soon as practicable to consider any potential risks. Your line manager can contact Occupational Health and Welfare or the Departmental Safety Advisor for help. This risk assessment must be reviewed whenever there is a change, which significantly alters the level of risk.

Where an unacceptable risk is identified in your work-place or where you have a doctor's note stating the potential risks to you and your unborn child, the council will take any preventative or protective measure required by health and safety legislation to eliminate the risk. Where this does not avoid the risk, then the following options will apply in the order stated, to remove you from the risk: -

- Temporary adjustment of your working conditions;

or if this is not possible

- Redeployment to another job; or if this is not possible
- Paid leave

It is envisaged that in the majority of cases the first option will be to remove the risk, and that only in exceptional circumstances would the third option be used. If alternative work is found for you during this period, it may be quite different from the work you were originally employed to do. Your normal rate of pay will be maintained, excluding any non-contractual overtime payments but including average bonus over the preceding 8 weeks if applicable.

A facility to lie down or recline should be provided at locations with over 100 employees.

3.3 Emergency situations

You may find it useful to advise your local first aider that you are an expectant or new mother. The first aider may be called to assist you in cases of emergency.

Further information regarding Health and Safety Provisions can be found in the related policies and guidance section within the [Maternity and Caring Employee Scheme information page](#).

4. Adoption and Surrogacy Leave

Bristol City Council is fully committed to helping all its staff balance the needs of work and family life. In line with this approach, Bristol City Council provides adoption benefits including adoption pay and time off that are above the statutory minimum to match the provisions in relation to Maternity Leave.

These provisions also cover eligible employees having a child through surrogacy. Although not an adoption, adoption leave and pay is available to eligible employees who become the legal parents following an application for adoption or parental order.

For Adoption – The employee must be matched with the child by an adoption agency, which must be recognised in the UK

For Surrogacy – The employee must have applied, or be intending to apply for a Parental Order in relation to the child.

All employees who are notified that they have been newly matched (individually or jointly as a couple (including same sex couples)) with a child for adoption, or those staff who are intended parents subject to a Parental Order as described above, are entitled to adoption leave totalling 52 weeks regardless of their length of service or numbers of hours worked.

The right to adoption leave is available to one member only of a couple jointly adopting, or one of the intended parents subject to a surrogacy Parental Order. It is up to the adoptive/intended parents to decide which of them takes this leave. Employees who are going to be the secondary carer will have an entitlement to ordinary and additional paternity/partner’s leave. This includes same sex partners. See section 7

4.1 Information on Adoption leave

Who does it apply to?	How long?	Who must I tell in writing?	What must I tell them?	When must I tell them?
Parents adopting a child or children up to age of 18	Up to 52 weeks (39 weeks OAL and 13 AAL) See Note 1 below	Your manager and HR Advice Centre (MAPS) Team	Your intention to adopt. When the child is due to be placed with you. When you want your leave to start (see note 2 below). Provide original documentary evidence as proof of your entitlement to adoption leave. The adoption agency will be able to provide you with a matching certificate. If you are adopting a child from overseas you must be able to provide official notification.	Within 7 days of being notified by your adoption agency that you have been matched with a child, unless this is not reasonably practicable

Note 1: OAL = ordinary adoption leave, AAL = additional adoption leave.

Note 2: You can choose to start your leave either from date of the child’s placement or from a fixed date, which can be up to 14 days before the expected date of placement. You can change your mind about the date on which you want your leave to start but you must give your manager 28 days’ notice and notify the HR Advice Centre (MAPS) Team.
Use Form SC4 BCC

4.2 Time off to attend Adoption Appointments

Eligible employees and agency workers with 12 weeks service are entitled to paid time off to attend **all** mandatory adoption appointments, including training:

- If a couple is adopting a child jointly then paid time-off to attend mandatory adoption appointments apply to both the primary and secondary adopter. This is because they are both required to attend mandatory appointments and training to complete the adoption process.
- You will be asked to produce evidence of appointments by your manager.

The intended parents in a surrogacy arrangement who are eligible and intend to apply for a Parental Order are entitled to paid time off to accompany the surrogate mother to up to two antenatal appointments.

4.3 Am I entitled to paid adoptive leave?

To be eligible for paid adoptive leave you must have weekly earnings of not less than the lower earnings limit for the payment of National Insurance. If you do not qualify for paid adoptive leave you may be able to seek financial support from other sources. Further information is available from the Department for Work and Pensions.

4.4 How much Adoption pay will I get?

Adoption pay is broken down into two elements, occupational and statutory. Please refer to HR Advice Centre (MAPS) Team for exact/ details of your particular entitlement.

4.4.1 Occupational Adoption pay (OAP)

- Have provided the manager with evidence of the adoption and have been matched to a child by the adoption agency
- Have stopped working to go on adoption leave

First 6 weeks	Next 12 weeks	Next 21 weeks	Remaining 13 weeks
90% of basic earnings	Up to 50% of basic earnings, plus Statutory Adoptive Pay (SAP) can be paid if the qualifying conditions are met	Basic rate SAP or 90% of your average weekly earnings if this is less	Unpaid

It can start from the date of the child's placement or up to 14 days before the expected date of the placement.

4.4.2 Statutory Adoption Pay (SAP)

If you do not qualify for OAP, then you may qualify for Statutory Adoption Pay.

To qualify for SAP you must:

- Have provided the manager with evidence of the adoption and have been matched to a child by the adoption agency
- Have been employed without a break for at least 26 weeks up to and including

- the week the adoption agency told you that you had been matched with a child for adoption
- have average earnings of at least £107 per week (before tax) (2012-13)

First 39 weeks	Remaining 13 weeks
Basic rate SAP or 90 per cent of your average weekly earnings if this is less	Unpaid

It can start from the date of the child's placement or up to 14 days before the expected date of the placement.

4.5 I have found a new job or I am in custody

If any time during your adoption leave you commence work for another employer or you are in legal custody you must inform your manager and HR Advice Centre (MAPS) Team. No further maternity payment will be paid.

4.6 What happens to my pension?

If you are a member of the LGPS the 39-week paid adoptive leave will count as pensionable service. This means that deductions will be made from all adoptive pay received from the Council during the first 39 weeks. As with maternity leave you can elect to pay contributions for the unpaid period of adoptive leave when you return to work.

4.7 What about the secondary carer / my partner?

Employees who are going to be the secondary carer will have an entitlement to ordinary & additional paternity/partner's leave. This includes same sex partners. See Section 7.

4.8 What if the adoption is delayed or disrupted?

You must be sure that the placement is going ahead if you are starting adoption leave before the actual date of placement, as you cannot stop the leave and start again if there are any delays. Where adoption is disrupted, adoption leave and pay will end 8 weeks after the event in question. This may be one of the following:

- The death of the child
- Ending of the placement
- The placement not going ahead

4.9 What about returning to work?

You will have received an acknowledgement from the HR Advice Centre (MAPS) Team setting out the date you are expected to return if you take your full entitlement to adoption leave. If it is your intention to return to work at the end of your full adoption leave entitlement (52 weeks) you do not have to give any further notification but it would be helpful if you could confirm with the HR Advice Centre (MAPS) Team, your return to work date at least 28 days before this date. If you are returning to work before the end of your adoption leave period you must give your manager 8 weeks' notice of the date you intend to return. If you do not give this

notice, your manager may postpone the date of your return.

Associated paperwork, related policies and guidance can be found on the [Maternity and Caring Employees Scheme information page](#).

5. Maternity and Adoption rights

5.1 Annual leave

When you are on maternity leave or adoption leave you accrue an annual leave entitlement during the period of your paid and unpaid leave. You are advised to take any annual leave accrued from the start of your leave year to the date of your maternity or adoption leave before going on your maternity or adoption leave. You are advised to discuss with your line manager when you will be taking annual leave accrued during your maternity or adoption leave. Accrued annual leave can be carried forward from one leave year to another if it has not been possible to take this within the leave year in question.

Employees continue to accrue an entitlement for paid bank holiday's during Maternity/Adoption leave in the same way that they would if not absent. Any untaken bank holidays accrued within the maternity/adoption leave period should be added to their leave upon return to work.

5.2 Sickness absence at the end of your maternity leave or absence

If you are ill and cannot return to work at the end of your maternity or adoption leave you must inform your manager immediately. The provisions of the Managing Attendance Policy will then apply.

5.3 Your right to return

Providing you have a current contract of employment at the date when you would like to return to work and you have completed the compulsory period of maternity or adoption leave, your right to return is as follows;

- i) If you return within 26 weeks of maternity/adoption leave, you have the right to return to the same job as that which you were employed to do before you went on maternity leave, on the same terms and conditions as if you had not been absent.
- ii) If you return after 26 weeks of your maternity/adoption leave, you have the right to return to the same job as that which you were employed to do before you went on maternity leave. However, if it is not reasonably practical for your manager to allow you to return to the same job, you will be offered a suitable and appropriate job, not necessarily at the same location on terms and conditions no less favourable than if you had not taken maternity leave.

Consideration will be given to ensure that your working location does not change to cause you a unreasonable detriment.

If you are at risk of redundancy whilst on maternity leave, you must be offered a suitable alternative vacancy where one exists. There is no requirement for you to compete for a role, although an exploratory meeting can be undertaken if you agree to it. If you do not agree to an exploratory interview, you should be directly appointed to the post in question. This right is subject to you complying with the appropriate provisions on notifying your line manager of your intention to return.

5.4 Employees resigning during maternity or adoption leave

If you have advised that you intend to return to work and then decide while on maternity or adoption leave that you do not want to come back, you should write to the HR Advice Centre (MAPS) Team and your manager to formally resign in accordance with the terms of your contract. If the notice period will expire after your maternity leave has ended, your manager can require you to return to work for the remainder of your notice period. Your resignation will take effect from the date we receive your letter. Payroll will need to have written confirmation of your resignation so that they can issue you with your P45.

5.5 Contact from your manager whilst on maternity leave and 'Keeping in touch' days

Your manager is entitled to make reasonable contact with you (and you with them) whilst on maternity or adoption leave without this being treated as work. The purposes of such contact would be for such things as informing you about work place developments, vacancies which will be advertised and clarifying return to work arrangements. The frequency and nature of reasonable contact will depend upon things like; the nature of the work and your job, any agreement that you may have reached with your manager before you went on leave and whether you, or your manager need to communicate important information to the other, such as changes in the workplace that might effect you upon your return.

In addition to this, 'keeping-in-touch' (KIT) days enable you to agree with your manager to undertake work for up to 10 days during your statutory maternity or adoption leave period without

- i) bringing the period of maternity or adoption leave to an end and;
- ii) without the loss of a week's statutory maternity or adoption pay as a result of carrying out that work.

You may choose to work only a few hours on each occasion, however the hours worked will count as 'days' under the scheme. You will be paid at your contractual rate for any hours worked under the keeping in touch days scheme.

KIT days may only be worked if both you, and your manager agree in advance what work will be undertaken and the duration of any such work. For these purposes, 'work' may include training or any other agreed activity undertaken to support your return to work. This could include attending conferences, appraisals or team meetings. The opportunity to work 'keeping in touch' days will apply to the entire period of ordinary and additional maternity or adoption leave, except during the initial 2 weeks after childbirth, which is a period of compulsory maternity leave during which you are prohibited from working. You will be responsible for any childcare costs arising from working keeping in touch days.

Related guidance and associated paperwork on these methods can be found on the [Maternity and Caring Employee Scheme information page](#).

6. Job Share and other forms of Flexible Working

6.1 Working on a Flexible basis

Flexible working is an option that a parent or carer may wish to consider. All employees have a statutory right to apply for flexible working (provided they have at

least 26 weeks continuous service at the date of application). You can apply for flexible working under the [Flexible Working Policy](#), which you are advised to read if you are considering any form of flexible working. Employees can apply:

- For a change to the hours they work
- For a change to the times they work
- To work from home.

The right does not extend to agency workers.

6.2 What do I do?

You must submit a written application using the [Flexible Working application form](#) and send this to your manager stating the working pattern you wish to undertake, the date from which you would like it to be effective from and an explanation of how your manager may accommodate your request. You must also state whether you would like the change to be made on a temporary or permanent basis.

6.3 What happens next?

Within 28 days of receipt of your application, your manager will arrange to meet you to discuss your desired work pattern and how it might be accommodated. This meeting will also provide an opportunity to consider alternative-working patterns should there be any problems in facilitating the proposed arrangement. You may bring a colleague to the meeting if you wish. Within 14 days after the date of the meeting your manager will write to you to either agree to a new work pattern and a start date; or to provide a clear business case as to why the application cannot be accepted.

6.4 Why might my application be refused?

Your application may be refused on the following grounds:

- Burden of additional costs
- Detrimental effect on the ability to meet customer demand
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during periods employee proposes to work
- Planned structural changes

6.5 What happens if my request is not agreed to?

If you do not agree with the decision made, you may use the [Flexible Working Policy's appeal procedure](#), by putting your appeal in writing using the [Flexible Working Policy's appeals form](#).

6.6 Career Break/Short Term Unpaid Leave

The council is committed to helping all its employees achieve a balance between their working life and other priorities such as parental and caring responsibilities. It

may be possible / advantageous for you to take unpaid leave for an agreed period of up to 12 months without pay following your maternity leave. It is also acknowledged that there may be occasions when an employee needs time off which is not covered under the emergency carer's or parental leave provisions, but is nevertheless as a result of caring for dependants. Details of applying for a career break are outlined in the Leave Policy and Flexible Working Policy.

- 6.7 If you take a career break immediately after maternity leave and then become pregnant again during the career break, occupational maternity pay cannot be claimed unless you return to work between the career break and your next maternity leave for a minimum period of three months. This is separate to parental leave.
- 6.8 Existing temporary Flexible Working arrangements will be suspended during the maternity leave period. On return the employee can then return back on these arrangements for the remaining period of the original arrangements. (See [Maternity, Carers, Paternity and Adoption leave: FAQs](#) on the Source)

[Associated paperwork, related policies and guidance can be found on the Maternity and Caring Employee Scheme information page.](#)

7. Paternity/Partner's Leave & Paternity/Partner's Adoption Leave

Partners or fathers are entitled to 10 days ordinary paternity/partner's leave. Please also refer to the council's [Shared Parental Leave Policy](#).

7.1 Ordinary Paternity/Partner's Leave

Who does it apply to?	How long?	Who must I tell in writing	What must I tell them?	When?
Partners of mothers expecting a child	A single block of 6 or 10 days during the 12 weeks following the birth or date of placement	Your manager and HR Advice Centre (MAPS) Team	When the baby is due	At least 15 weeks before the baby is due
Primary carers for expectant mothers			How long you intend to take	For adoption - Within 7 days of being notified by your adoption agency that you have been matched with a child, unless this is not reasonably practicable
Partners of a person adopting a child (see note 1) This includes same sex couples.			When you want the leave to start	See note 2
			A completed self certificate form SC3 BCC	

Note 1: This leave is not available in circumstances where a child is not newly matched for adoption, for example when a stepparent is adopting a partner's children.

Note 2: In both cases you can change your mind about the date on which you want your leave to start or how many days you require but you must give your manager 28 days notice, unless this is not reasonably practicable.

[Form SC3 BCC - Ordinary Paternity Leave - Request for Leave following the Birth of a Child](#)

How much will I be paid?

First 6 working days	Next 4 working days
Full basic pay	For most employees this will be unpaid (unless you qualify for Statutory Paternity Pay (SPP) for these days) and you may wish to consider taking annual leave as an alternative. You are advised to seek advice from the HR Advice Centre about your entitlement.

The Council is not liable to pay SPP if an employee works for another employer during this leave. However, if you have two employers and are eligible for SPP from both, you may receive SPP from one whilst working for the other.

Statutory paternity/partner's leave and pay does not apply to immediate relatives. However, in cases where a relative is the only person available they may be able to access the initial 6 days leave for care around the birth of a child as outlined in section 7.1.1.

To qualify for statutory paternity pay (SPP) an employee must have worked continuously for their employer for at least 26 weeks ending with the week immediately preceding the 14th week before the expected week of the child's birth. If you do not meet this criteria and wish to take the full 10 days paternity/partner's leave, this will have an effect on your salary as we will be unable to claim statutory paternity pay on your behalf.

8. Fostering Leave

8.1 What is Fostering leave

As a Fostering Friendly Employer, we understand that foster carers who do other work in addition to fostering need some flexibility in their working arrangements in order to meet the needs of their fostered child.

Bristol City Council values and will support employees fostering children by giving paid time off in any 12 month period of .up to 5 days paid leave and 15 days unpaid leave (pro rata for part timers). This is to attend training or meetings during the fostering assessment and approval process and at the start of a long term foster placement.

8.2 Eligibility

The Council's fostering provisions apply to all employees who have contracts of

employment. You will need to produce evidence of the fostering assessment and/or approval process.

8.3 Notice arrangements

Employees must give a minimum of 7 days' notice for fostering leave periods of 1 week or less. For periods in excess of 1 week, 21 days' notice is required. Notice must be given in writing to the line manager. In special circumstances fostering leave may be granted without the required notice at the manager's discretion.

9. Parental Leave

9.1 What is Parental Leave?

Right to applies from?	Applies to?	How Much and when?	What for?	Paid/unpaid?
First day of employment	All employees with parental responsibilities (see note 1)	<p>Up to a total of 18 weeks for each child born or adopted</p> <p>Leave can be taken in a single block or a number of shorter periods of a day or more</p> <p>It can also be taken in patterns (whole days), which provide a part-time reduced hours working arrangement for a period, equivalent to taking 18 weeks leave.</p> <p>The entitlement is pro rata for part-time workers.</p>	<p>To care for a child or make arrangements for the child's welfare:</p> <ul style="list-style-type: none"> • up to the 18th birthday of a child • up to the 18th birthday of the adopted of a child • up to the 18th birthday of a disabled child) <p>In the case of twins or multiple births, leave can be taken for each child, for example if they have twins, both parents can take 18 weeks for each child.</p>	The leave is unpaid

Note 1: Such as birth and adoptive parents, foster parents, adoptive parents prior to placement, grandparents with a significant parenting role and stepparents, including same sex couples.

9.2 Notice arrangements

Employees must give a minimum of 7 days' notice for parental leave periods of 1 week or less. For periods in excess of 1 week, 21 days' notice is required. Notice must be given in writing to the line manager. In special circumstances parental leave may be granted without the required notice at the manager's discretion. For emergencies see section 10.

9.3 Postponement

Parental leave may be postponed by the manager if business needs will be unduly disrupted, but not for any longer than 3 months. Postponement should be avoided if at all possible. Where it is necessary, efforts should be made to agree on an alternative arrangement. These might include:

- A different pattern of leave
- A shorter or longer period of leave
- Alternative dates within the 3-month period.

Reasons for the postponement must be supplied in writing to the employee within 7 days of their request. Postponement cannot be used in the following circumstances:

- Following maternity leave
- Following leave around the birth of a child
- At the time of adoption.

9.4 Pension Implications

Employees should be aware of the pension implications of taking parental leave. Contributions must be paid for the first 30 days, for any leave taken in excess of 30 days employees are advised that they can pay arrears contributions.

9.5 Sickness

Employees who become sick during a period of parental leave and provide the relevant notification are entitled to pay under the sickness scheme and the period will not count towards their parental leave entitlement.

9.6 Return to work

Employees returning to work after a period of parental leave of 4 weeks or less, have the right to return the same job. For periods of parental leave lasting longer than 4 weeks, or where parental leave has been added to other statutory leave e.g maternity leave, paternity/partners leave. Employees have the right to return to the same job or a suitable alternative, if it is not reasonably practicable to return to the same job. Employees at risk of redundancy whilst on parental leave will be treated in accordance with the Managing Change policy. The Council will endeavour to meet individual requirements for training whilst on parental leave and where requested to attend training, employees will be paid.

9.7 Record-Keeping

The Council can make any enquiries of a previous employer or seek a declaration from an employee about how much parental leave they have taken. Line managers should keep records of the amount of parental leave taken by every employee (see Request form attached to Work Life Balance policy) and pass this information to any other Directorate where the employee is transferred, redeployed or promoted.

9.8 Do employees denied parental leave have any rights?

Employees have the right to appeal against the decision made by their manager through the employee grievance procedure. An employee who takes parental leave is also protected from victimisation, including dismissal, for taking it. Please refer to the **Grievance procedure** for further information.

**Associated paperwork, related policies and guidance can be found on the [Maternity and Caring employees Scheme information page](#).
[Parental Leave Request Form](#)**

10. Contact Scheme

10.1 Introduction

This scheme is designed to make it easier for employees to combine their home, childcare and career responsibilities. However, the Council realises that some employees will prefer to stop working altogether while their children are young. It offers employees a formal means of maintaining contact with the council so that they can keep up to date with developments in the Council and in their former work area, making it easier to resume work in the future.

10.2 Who is eligible to take part in the Contact Scheme?

The Contact Scheme has been devised for employees, whatever their job, who opt to become the primary carer immediately after the birth of a baby or adoption of a child but think they may want to work again at some future date. Employees can access this scheme within 12 months of the birth or adoption of the child as long as they are the primary carers. The primary carer is defined as someone who:

- Has or expects to have primary responsibility for the child's upbringing
- And are the biological or adoptive mother or father, or the mother's spouse or partner (including same sex couples).

This scheme may also be accessed if a career break is taken immediately after maternity leave on the basis that the time on the scheme stems from the birth of the baby.

10.3 How does the scheme operate?

The HR Advice Centre (MAPS) Team coordinates the Scheme and its main features are as follows: -

- You will be required to return to the Council for two weeks each year, based on your contractual hours of work, (these can be taken together or separately) to undertake a work placement and/or refresher training, if appropriate;

- The Council will provide appropriate refresher training, or organise suitable work placements for you at the same or similar level of responsibility prior to your going on the Contact Scheme. The Council will ensure that you have sufficient notice in order to make childcare arrangements. Childcare costs incurred through registered childcare provision will be met during your placement (receipts will be required).

Wherever possible, we will try and arrange the work placements in your previous department. During the two weeks you will be paid at the same rate of pay (pro rata) that you were receiving when you left the Council, adjusted in line with national pay awards and re-grading if appropriate. Unless there are exceptional circumstances, you will be expected to undertake your first refresher period within 15 months of your entry on to the scheme. The Directorate where you will be placed will pay your salary and expenses for the duration of your placement.

If you are in a professional field, we strongly recommend that you maintain your membership of professional bodies and continue receiving professional journals.

10.4 How long can I remain on the Contact Scheme?

You may remain on the Contact Scheme for a period of 8 years from the time you resign from maternity leave/career break. Please note that when you resign you are terminating your employment. If you return to work with the Council within 8 years your service prior to the career breaks will count towards sickness, maternity and annual leave entitlements. However, only service accrued since your return to work will be taken into consideration for the calculation of redundancy payments and length of notice period.

All vacancies are advertised in line with Council's Recruitment and Selection policy and all appointments will be made solely on the basis of merit. Therefore, you will not receive preferential consideration for jobs.

11. School Holiday Voucher Scheme for Rising 5 to 12 Year Olds

The School Holiday Voucher scheme is available as a salary benefit for Bristol City Council employees with childcare responsibilities for children aged between 5 to 12 years old. Bristol City Council vouchers offer employees £4 per child per day during school holidays.

11.1 How do I obtain Bristol City Council school holiday vouchers?

Contact the HR Advice Centre to request a registration form. After parents/carers have registered their child/children on to the appropriate scheme, they must return the registration form promptly to the Childcare Voucher Scheme mailbox.

11.2 Where can I use the Bristol City Council school holiday vouchers?

In order to qualify for the vouchers parents must choose providers that are registered under part 3 of the Childcare Act 2006 on the Early Years Register, The General Childcare Register (compulsory or voluntary part), Schools or premises covered by the inspection of the whole school activity by Ofsted or equivalent

inspection board. If the school holiday play scheme that parents choose is not registered, they are advised to contact them and ask them to consider joining.

11.3 What do I need to provide to the holiday play scheme staff?

Parents must produce a Council employee identification card upon registration/payment at the school holiday play scheme they choose.

11.4 When can the vouchers be used?

The vouchers can only be redeemed during the relevant school holiday periods. They cannot be used on in-service days or for after-school care.

11.5 What do I do with the unused vouchers?

Unused vouchers must be returned to the HR Advice Centre. Parents are advised not to destroy the vouchers. Parents are only entitled to use one voucher per child per day. The vouchers cannot be re-issued or replaced under any circumstances.

Associated paperwork, related policies and guidance can be found on the [Maternity and Caring employees Scheme information page](#).

12. Tax-Free Childcare and Bristol City Council's Salary Sacrifice Childcare Voucher Scheme (CVS)

Following the implementation of the government's new Tax-Free Childcare, with effect from 1st September 2018 the council's salary sacrifice Childcare Voucher Scheme (CVS) is no longer open to new applicants.

However, if you are an active member of the CVS (or have temporarily left the scheme within the last 52 weeks (on a rolling basis)) you can remain in the council's CVS scheme until you wish to leave the scheme permanently or you make a claim under the Tax-Free Childcare scheme.

For information on Tax-Free Childcare visit the government's gov.uk website.

12.1 What are Childcare VoucherS (CVS)?

Childcare VoucherS are electronic payments that employees with parental responsibility for a child can use to pay for childcare services from a wide range of registered childcare providers. Childcare VoucherS are paid as part of your salary through a salary sacrifice scheme and are free of income tax and National Insurance (NI) contributions, effectively reducing the cost of childcare by the value of tax and NI saved (approximately 32%).

12.2 How does the Childcare Voucher scheme operate?

The voucher scheme operates as a salary sacrifice scheme. Users determine how much of their salary they would like to sacrifice as childcare vouchers rather than as cash, up to a maximum of £243 per month (the tax relief ceiling).

12.3 Are there any changes to my contract?

Your employment contract is amended to reflect this change and the amount taken as childcare vouchers is then exempt from income tax and national insurance charges, both to the employer and the employee.

12.4 Who is eligible to apply?

The CVS scheme is not open to new applicants after 1st September 2018 but employees already participating in the scheme can remain in the scheme.

12.5 What childcare providers can be used?

You must use registered or approved childcare. For further information please email vouchers@bristol.gov.uk.

12.6 What childcare provision is excluded?

Childcare provided in the child's own home will not qualify if the person approved to give that childcare is a relative of the child.

12.7 Other Implications?

There will be no implications for your Local Authority pension. There may be some small negative effect on state pension or other state benefits, because of the reduced NI contributions made. Potential users are advised to check with HMRC for advice. Staff currently earning below the income tax personal allowance threshold will not benefit, as they do not pay NI contributions.

[Associated paperwork, related policies and guidance can be found on the Source.](#)

13. Emergency Care Leave

Everyone has to cope with emergencies from time to time. As a parent or carer, you may be more likely to have sudden emergencies to deal with. For an urgent and unplanned emergency, employees who have responsibility for children up to the age of 16 or a dependant adult, who normally relies on the employee for care, are entitled to take up to 6 days paid leave each year (pro rata for part-time employees) This enables carers to make alternative and longer term care arrangements.

Who does it apply to?	How long?	Paid or Unpaid?	What for?	Who must I tell and when?
All employees who are the primary carers of children up to age of 16 or dependent adults. This includes same sex couples.	Up to 6 days a leave year (Pro rata for part-time employees) (see note 1)	Paid	<p>To attend to emergencies (unforeseen events that the primary carer has to deal with) for example - to provide assistance or make arrangements for care when a dependant falls ill, unexpectedly gives birth or is injured or assaulted.</p> <p>To attend to issues relating to the death of a dependant. This can be in addition to compassionate leave in certain circumstances.</p> <p>To deal with unexpected disruption or termination of arrangements for the care of a dependant.</p> <p>To deal with an unexpected incident which involves a dependant child and which occurs during the school day or whilst on a school trip.</p>	Your manager before 10.00am or as soon as reasonably practicable on the first day that you take the leave. For absences, which exceed three days, you must send them a doctor's statement with the reason for the dependant's need for personal care.

Note 1: The leave can only be taken when the unforeseen event occurs. You will be entitled to reasonable paid time off to deal with the emergency incident. In most cases one or two days will be the most that are needed to deal with the immediate care issues and deal with longer term care arrangements if needed. If the situation is on going you must take annual leave, flexitime or ask for unpaid leave.

Associated paperwork can be found on the [Maternity and Caring Employees Scheme information page](#).

Please see also [the Leave Policy](#).

14. Further Information

We hope that this scheme has answered most of the questions you might want to ask. However, depending on your own circumstances you may need more detailed information on some points or have particular issues you would like to raise. In this case please contact the HR Advice Centre (MAPS) Team.

Associated paperwork, related policies and guidance can be found on the [Maternity and Caring Employees Scheme information page](#).