

## **FAMILY LEAVE POLICY**

(This Policy was reviewed by the full Council at its AGM held on 17 May 2023, minute 20/23-24.)

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**1. PURPOSE**

The Swanscombe and Greenhithe Town Council recognises that employees may have family responsibilities and obligations in addition to the responsibilities they have to the Town Council. It also appreciates that, at times, it is difficult to balance these demands and that undue stress and hardship is caused when a conflict occurs between work and family life. The Town Council wishes to enable an employee to fulfil their family responsibilities during urgent or emergency situations without having to use their paid annual leave entitlement. Leave as described in this Policy, will be in addition to any other leave entitlements to which the employee is eligible.

This Policy details the eligibility, requirements, entitlements and associated procedures relating to a range of circumstances, which may allow or necessitate an employee to take additional leave for parental or family reasons.

**2. APPLICATION**

This Policy applies to all employees' who meet the eligibility requirements as described within each Section.

**3. PARENTAL LEAVE**

3.1 All employees with at least one year's continuous service with Swanscombe and Greenhithe Town Council will be eligible for unpaid Parental Leave in order to look after a child or to make arrangements for the good of a child. This right applies to mothers and fathers and to a person who has obtained formal parental responsibility for a child under the Children Act. Parents are able to start taking parental leave when the child is born or placed for adoption or as soon as they have completed one year's service, whichever is the later, subject to the following:

- The employee must be the parent, or have acquired formal parental responsibility, for a child under the age of five years. Alternatively, the employee must have adopted a child, who is under the age of eighteen, within the last five years.
- The leave may be taken either within 5 years of the child's birth, or within 18 years where the child is disabled or within 5 years of the date of adoption or the child's 18th birthday, whichever is the sooner. A disabled child is defined as a child for whom disability allowance is being paid.
- A total of thirteen weeks unpaid leave over the specified period is available for each child as described above (Eighteen weeks for parents of disabled children). Entitlement is therefore increased in the case of multiple births. Entitlement is reduced on a proportionate basis for part-time employees.

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- The total leave entitlement includes any parental leave already taken for a child during any period of previous employment with another employer (employment references will be obtained).
  - Parental leave may be taken in blocks of one normal working week upwards. Only complete weeks are taken into account, therefore part of a normal working week taken as parental leave will reduce the employee's entitlement by a full week. The maximum leave that can be taken in any one year is 4 weeks, however, the Town Council will consider extending this in exceptional circumstances. Each case will be considered on its merits.
  - The only exception to taking parental leave in blocks of at least one week is where the employee intends to take parental leave with respect to a disabled child, in which case the leave may be taken as single days, if necessary.
  - Requests for parental leave will be granted unless the Town Council's business could suffer severe disruption by the employee taking such leave. In such cases the leave can be postponed to a mutually agreed date, or to a suitable future period, but will not be postponed for more than six months from the date on which the employee wanted to start their leave. However, leave cannot be postponed when the employee gives notice to take it immediately after the child is born or is placed with the family for adoption.
- 3.2 Employment with the Town Council will be treated as continuous service during the period of parental leave and employees will continue to receive the following benefits:
- Upon returning to work from a period of parental leave the employee will have the right to return to his/her previous position.
  - Normal annual leave entitlement will continue to accrue for the period of absence due to parental leave.
  - If the employee belongs to the KCC Pension Scheme, there will be no change to the terms under which the Town Council pays contributions into the pension fund during the parental leave period. Employees may opt to make up contributions during the period of absence or may make a lump sum payment upon their return to work in order to make up any shortfall in their contributions as a result of the parental leave.

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### **4. ADOPTION LEAVE**

Where an employee is considering becoming an adoptive parent, the necessary documentation to support the adoption should be provided to the Town Clerk, to enable the following provision:

- Pre-adoption interviews and Adoption Order interviews should, whenever possible, be arranged outside working hours. However, where this proves to be impractical, or visits to children are arranged, time off with pay may be granted.

It is understood that on occasions very little notice is given of the placement of the child(ren). Subject to the job and business requirements, management will therefore make every effort to release employees for some of the above leave at short notice if necessary.

To apply for adoption leave the employee should write to the Town Clerk, giving as much notice as possible. At the very least, the Town Clerk should be informed that an adoption is pending.

### **5. PATERNITY OR MATERNITY SUPPORT LEAVE**

All employees who become fathers who have at least one year's continuous service with Swanscombe and Greenhithe Town Council will be eligible for additional time off work at or around the time of the birth.

This leave may be extended, at the discretion of the Town Council, to include a nominated carer of the expectant mother, but it should be noted that Statutory paternity Pay cannot usually be reclaimed for these carers. A nominated carer is defined as the person nominated, in writing, by the mother as the primary provider of support at or around the time of the birth. In most cases such care and support would be provided by the father, however, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother and/or child.

Fathers may request up to ten days leave, with pay, within 56 days of the birth of each child. No additional paid time off will be granted for multiple births. The ten days entitlement is in addition to Parental Leave (see Section 3), and may be taken in half or full days but must include any absence at the time of confinement.

Fathers wishing to take advantage of the provision of Paternity Leave must inform the Town Clerk in writing and provide the date of confinement. ALL leave requires prior written consent from the Town Clerk.



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### **6. LEAVE FOR FAMILY EMERGENCIES**

All employees have the right to take a reasonable period of time off work to deal with an emergency involving a dependant, and not to be victimised for doing so. Unpaid leave can be taken (unless it meets the criteria as described in Section 7). Employees may take time off to deal with a sudden problem and make any necessary longer term arrangements if:

- a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically;
- a partner is having a baby;
- they need to make longer term care arrangements for a dependant who is ill or injured;
- they need to deal with the death of a dependant; for example, to make funeral arrangements or to attend a funeral;
- they need to deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, when the childminder or nurse fails to turn up;
- they need to deal with an incident involving the employee's child during school hours; for example, if the child has been involved in a fight or is being suspended from school.

#### **Who counts as a dependant?**

A dependant is the partner, child or parent of the employee, or someone who lives with the employee as part of their family. For example, this could be an elderly aunt or grandparent who lives in the household. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, for example, a live-in housekeeper. In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

#### **How much time off must be allowed?**

There is not a set limit to the amount of time off which can be taken. In most cases, the amount of unpaid leave will be one or two days at the most, but this will depend on individual circumstances, although an employee can request a longer period with the agreement of the Town Clerk. For example, if a child falls ill, the leave should be enough to help the employee cope with the crisis - to deal with the immediate care of the child, visiting the doctor if necessary, and to make longer term care arrangements. It does not mean that the employee may take two weeks leave to look after a sick child. However any requests to deal with such emergencies will be dealt with sympathetically and unpaid leave may be extended at the discretion of the Town Clerk. Additionally employees may request to take part of their annual leave.

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### **7. COMPASSIONATE LEAVE**

The Town Council will grant time off work when staff need to care for the health, welfare or well being of their partner, or relatives.

Like all leave requests, compassionate leave must be authorised by the Town Clerk. Employees should endeavour to have leave authorised before they take it. It is recognised, however, that emergencies may arise. Employees should telephone the Town Clerk as soon as possible to request compassionate leave and keep him informed.

Leave is based on the following criteria:

- Closeness of relative
- Responsibility for formal arrangements etc.
- Domestic arrangements
- Travelling distances involved.

Up to three days leave with pay may be granted for the serious illness, temporary incapacity or death of relatives of the employee or employee's spouse/partner listed below:

- Wife/Husband
- Son/Daughter
- Father/Mother
- Sister/Brother
- Grandparent/Grandchild
- Uncle/Aunt

Requests for additional time off without pay will be treated sympathetically, if they fall outside the rights conferred under section 6.

### **8. APPLYING FOR LEAVE**

Employees wishing to take leave as described in this policy must complete their Annual Leave Application Form, giving the Town Clerk notice of the date they intend to commence the leave. Wherever possible, an employee should give at least 10 working days' notice that he/she wishes take leave. Where there is an emergency and notice is not possible, the employee concerned must notify the Town Clerk of the situation at the earliest opportunity and inform them of the reason for the absence as soon as reasonably practicable. Employees should still follow the normal absence reporting requirements and advise the Town Clerk how long they expect to be absent.

A continuous record must be kept on the Annual Leave Request Forms, and parental leave taken in previous years must be brought forward onto new Annual Leave Request Forms each year, until the time limits for eligibility are exhausted. Line Managers should monitor

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the amount of parental leave taken. This information will be passed to future employers, in the event of the employee leaving the Town Council's employment, upon request.

Employees must inform the Town Clerk in writing, of each and every authorised request for *parental leave and for any other leave that has been requested to be taken*. The Responsible Financial Officer will need to ensure that the necessary deductions for unpaid leave are made to an employee's salary.

The Town Council reserves the right to ask for documentary evidence to support a request for leave under this Policy. An employee falsely claiming an entitlement to leave will be subject to the Town Council's disciplinary procedure, which may result in disciplinary action up to and including dismissal.

