

WEST DUNBARTONSHIRE COUNCIL

Report by Joint Secretary (Management) to the LNCT

Local Negotiating Committee for Teachers: 15 March 2011

Subject: Maternity and Adoption Leave Notification Procedures

1. Purpose

- 1.1** The Committee is asked to agree the enclosed local amendments to the Maternity and Adoption leave notification procedures.

2. Background

- 2.1** On 21 May 2010 the SNCT reached agreement on changes to annual leave provision arising from sickness and maternity / adoption leave – section 7 of the SNCT handbook, Family Leave (Appendix one).
- 2.2** Included in this Guidance are procedures to be followed when notifying employees of their annual leave entitlements – 7.24 to 7.26 of the employee handbook.
- 2.2** Since the new procedure was launched in May 2010 the department has been working with the SNCT Guidance and has highlighted a few amendments which will result in a more streamlined, accurate and personal service for WDC employees.

3. Main Issues

Notification Statements

- 3.1** The SNCT Guidance details entitlements for employees on maternity / adoption with regard to
- a) the leave that employees have taken in the year,
 - b) the leave which employees are entitled to carry over until the next leave year and
 - c) the leave which employees are entitled to take on return from their maternity / adoption leave.

The Guidance also details the amount of statutory leave which they are required to take.

- 3.2** The Guidance further suggests that when issuing these letters to employees on maternity spanning two leave years that they shall receive a statement at the end of the first leave year (circa 31 August).

- 3.3** Due to the pre-agreed nature of school holidays, and subsequently the working year for teachers calculating what leave has and will be taken, is straightforward. In line with this it is suggested that employees are issued with notification of their leave entitlement when they advise the department of their pregnancy and proposed dates of maternity / adoption leave, rather than waiting until the end of the leave year to issue these letters, regardless of whether the leave year spans 1 or 2 leave years.

This will provide employees with more timely information to assist planning at individual and establishment level.

- 3.4** In the event that no suggested return date is provided by the employee when notifying the department of their pregnancy or adoption and the date they wish their leave to start, entitlement will be based on one year's maternity / adoption leave.
- 3.5** All letters will clearly detail the dates used for calculation, the leave taken and the leave they are entitled to on return. Employees will also be reminded of their obligations to provide the authority with 28 days notice of their return and that any change in dates will have an impact on leave entitlement.
- 3.6** Any changes in dates will result in a subsequent notification letter being sent to the employee.

Communication

- 3.7** The department has experienced problems with communication between the employee, management and HR.
- 3.8** It has been agreed that any communication with the employee regarding annual leave entitlement will be copied to the employing establishment to facilitate discussions on how this leave will be taken at establishment level.

Record Keeping

- 3.9** Following a return from maternity leave it is common for an employee to use annual leave to reduce the working week and, having used all their leave, subsequently reduce their hours. There have been a few issues with communication and record keeping which have incurred pay implications.

To ensure that these changes are recorded and communicated between employee, establishment and payroll / HR, standard forms and templates will be issued to record leave and any subsequent reduction in hours.

Payment in lieu of leave

- 3.10** 7.23 of the SNCT guidance details that an employee can be paid in lieu for the balance of annual leave if this is agreed between the employee and the Council.

- 3.11** In light of the national shortage of teaching jobs and the wealth of supply teachers currently on the supply list it is felt that payment for leave would only be a consideration in exceptional circumstances where cover and skills cannot be found and continued leave is detrimental to the service provided. This provides cover opportunities for supply staff and assists continued consistency for the children, e.g. the person covering maternity leave also covers additional leave.

4. Personnel Issues

- 4.1** These amendments have been discussed with the relevant trade unions and there are no outstanding personnel issues.

5. Financial Implications

- 5.1** There are no financial implications.

6. Risk Analysis

- 6.1** There was no requirement for a risk assessment

7. Equalities Impact

- 7.1** As these amendments are merely process issues and do not change an employee's entitlement under SNCT Guidance, no significant issues were identified in a screening for potential equality impact of these amendments.

8. Conclusions and Recommendations

- 8.1** SNCT Guidance details the entitlements due to employees who are on maternity / adoption leave. The department has highlighted some amendments which will result in a more streamlined, accurate and personal service for WDC employees, in particular in relation to leave entitlements..
- 8.2** Members are asked to approve the proposed procedures listed in section 3.3 to 3.6 and 3.8 to 3.11 of this report.

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Appendices:

Appendix One - Section 7, Family Leave. SNCT
Handbook Revised 06/10

Background Papers:

SNCT Handbook

Wards Affected:

All Wards.