

Department:

Corporate Management Team Our ref: MGLA251116-4531

Date: 1 December 2016

Freedom of Information request

Thank you for your email, which was received by the Greater London Authority on 25 November 2016.

Our response to your request is as follows:

Under the freedom of information act I am requesting the details of the maternity policies and shared parental leave policies of the following departments you are responsible for under the GLA, namely:

- · TFL
- · Mayor's office for policing and Crime
- · London Fire and Emergency planning authority
- · London Fire Brigade
- · GLAP

Please find attached copies of the GLA's Maternity Policy and Shared Parental Leave Policy.

The GLA does not hold copies of the maternity policies and shared parental leave policies for the functional bodies, nor is it required for the purpose of the FOIA to obtain this information in response to information requests. You can request this information by contacting the following;

https://tfl.gov.uk/corporate/transparency/

https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-

mopac/governance-and-decision-making/freedom-information

http://www.london-fire.gov.uk/FOI.asp

Please note that GLA Land and Property (GLAP) is a subsidiary company of the Greater London Authority under the direction of the Mayor of London.

Yours sincerely

Siobhan Geraghty

Corporate Management Team

If you are unhappy with the way the GLA has handled your request, you may complain using the complaints procedure, available at: http://www.london.gov.uk/mayor-assembly/gla/governing-organisation/freedom-information.

Maternity policy

1. Introduction

1.1 This policy sets out the rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness and maternity leave and pay.

2. Scope of the policy

- 2.1 The policy applies where a woman's expected week of childbirth (EWC) is on or after 5 October 2008.
- 2.2 The policy incorporates statutory provisions which apply to all women employees. However, the GLA's provisions for paid maternity leave are dependent on length of service and employment status. Employees should contact the Human Resources group for detailed advice about the provisions that apply in individual cases.

3. Notification of pregnancy

- 3.1 The employee must tell her manager in writing, at least four weeks before her leave begins:
 - that she is pregnant;
 - the expected week of childbirth;
 - when she wants her maternity leave to start
 - whether or not she plans to return to work for the GLA for a period of at least six months at the end of her maternity leave.
- 3.2 The employee must produce a certificate from a registered medical practitioner or a certified midwife showing the EWC. This certificate is usually referred to as the MAT(B)1.
- 3.3 If it is not possible for the woman to tell her line manager in the timescales outlined above, she must do so as soon as reasonably possible.

4. Time off for antenatal care

- 4.1 Employees are entitled to reasonable paid time off to attend appointments for ante-natal care as advised by her doctor, registered midwife or registered health visitor. This may include medical examinations, parent craft and relaxation classes.
- 4.2 The employee is required to produce an appointment card or other documentation confirming the appointment if requested to do so.
- 4.3 The employee should endeavour to give as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

5. Health and safety

- 5.1 The GLA has a duty to take care of the heath and safety of all employees. The GLA is also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding.
- 5.2 Once the employee has informed her line manager that she is pregnant, she should contact the HR group to arrange a risk assessment. The employee will be advised about any risks identified in the risk assessment. If the assessment reveals that she will be exposed to health hazards in carrying out her normal job duties, the GLA will take such steps as are reasonably necessary to avoid those risks, which may include making temporary adjustments to job duties, working conditions and/or hours of work.
- 5.3 If it is not possible to alter the employee's working conditions to remove the risks to her health, and there is no suitable alternative work available to offer her on a temporary basis, the GLA may suspend the employee from work on maternity grounds until such time as there are no longer any risks to her health. This does not affect the employee's statutory or contractual employment and maternity rights, and she will continue to receive her normal salary and contractual benefits during the period of the suspension (unless she has unreasonably refused an offer of suitable alternative employment).

6. Sickness absence

- 6.1 If an employee is absent from work during her pregnancy because of illness, she will receive normal statutory and occupational sick pay as would be the case during any other sickness absence, provided that she has not yet begun maternity leave.
- 6.2 If the employee is absent from work wholly or partly because of pregnancy during the four weeks before her expected week of childbirth, maternity leave will start automatically from the day after the first day of absence.

7. Annual leave

- 7.1 Employees will continue to accrue annual leave while on maternity leave.
- 7.2 During periods of maternity leave, annual leave accrues pro rata to the employee's contractual entitlement of 30 days per leave year.
- 7.3 Employees will also accrue public holiday leave for any public holiday that falls within the period of maternity leave, on a day that the employee would normally work.
- 7.4 Only five days untaken annual leave may be carried over from one leave year to another. To prevent loss of any leave entitlement (for example, where the maternity leave spans two leave years) the employee will need to take her annual leave before the start of her maternity leave.

8. Maternity leave and maternity pay

8.1 The GLA has two maternity leave schemes.

8.2 Scheme A

- 8.2.1 Women employees who have been continuously employed by the GLA for a period of one year or more at the beginning of the eleventh week before the EWC are entitled to the provisions of this scheme, which provides:
 - a) up to 52 weeks' maternity leave with up to 40 weeks' paid leave as follows:
 - b) full pay for the first eighteen weeks of maternity leave *; and
 - c) the option of receiving either:
 - a further eleven weeks at full pay*, or
 - twenty two weeks at half pay **
 - * Statutory Maternity Pay (SMP) is included in this payment.
 - ** SMP will be paid in addition to this payment.
- 8.2.2 When the maternity leave ends the employee must return to work for the GLA (or another GLA Group employer) for at least six months. If the employee does not do this, she will have to repay any salary paid to her after the first eighteen weeks of her maternity leave in excess of SMP. Failure to repay could result in legal proceedings being taken to recover the money.

8.3 Scheme B

- 8.3.1 Women employees who have been continuously employed by the GLA for less than one year, at the beginning of the eleventh week before the EWC are entitled to up to 52 weeks maternity leave with up to 39 weeks paid leave as follows:
 - ten weeks at 9/10 pay *and
 - sixteen weeks at half pay** and, for employees with at least 26 week's
 continuous service at the end of the 15th week before the expected week of
 confinement
 - a further thirteen weeks SMP
 - * SMP is included in these payments.
 - ** For employees with at least 26 weeks continuous employment at the end of the 15th week before the expected week of childbirth, SMP will be paid in addition to this payment.
- 8.3.2 Women employees with less than 26 weeks' continuous service may be eligible to receive Maternity Allowance (MA). Maternity Allowance is paid by the Government to women who do not qualify for SMP.
- 8.3.3 When the maternity leave ends the employee must return to work for the GLA (or another GLA Group employer) for at least six months. If the employee does not do this, she will have to repay any salary paid to her after the first eighteen weeks of her maternity leave in excess of Statutory Maternity Pay. Failure to repay could result in legal proceedings being taken to recover the money.

9. Starting maternity leave

9.1 A woman may start her maternity leave not earlier than 11 weeks before the EWC which is shown on the MAT(B)1. However, while she is fit to work a woman may continue to work beyond this period up to the EWC.

10. Compulsory maternity leave

10.1 The law obliges all employees to take a minimum of two weeks maternity leave immediately following childbirth. The employee must send a copy of the baby's birth certificate to the HR group as soon as possible after the birth.

11 Stillbirth or miscarriage

- 11.1 If the employee has a stillbirth after 24 weeks or more, she is entitled to receive the benefits which would have applied if the baby had lived. This includes the right to paid and unpaid leave up to the full entitlement.
- 11.2 However, in these circumstances the employee may decide that it would be better to return to work when she has recovered or when her doctor advises that she is fit. However, the employee must give notice that she is returning to work and cannot, in any event, return to work during the two weeks immediately after the birth.
- 11.3 If the employee has a miscarriage before the 24th week of pregnancy, the employee will be treated as being on sick leave and she will have to provide a sickness certificate in line with the sickness notification procedure.
- 11.4 The employee must tell her manager as soon as possible so that appropriate leave or other arrangements can be made.

12. Contact during maternity leave

12.1 Shortly before the employee's maternity leave starts, the line manager will discuss the arrangements for her to keep in touch during the leave. In any event, the GLA reserves the right to maintain reasonable contact with the employee during maternity leave. This may be to discuss plans for the employee's return to work, to discuss any special arrangements to be made or training to be given to ease her return to work, or simply to update her on developments at work during her absence. Such contact will not constitute 'work' and will not count towards the 10 days specified below.

13. Keeping in touch days

13.1 Except during the first two weeks after childbirth, the employee can agree to attend work or training courses for the GLA for up to ten days during the period of her maternity leave, without that work bringing the maternity leave to an end and without the loss of a week's SMP. These are known as 'keeping-in-touch' days. Any work carried out on a day will constitute a day's work for these purposes.

13.2 There is no obligation on the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. The GLA will grant time off in lieu for any agreed work undertaken, which should be taken by the employee when she has returned to work following maternity leave. Any keeping-in-touch days do not extend the period of maternity leave.

14. Returning to work

- 14.1 Subject to the exception below, the employee has the right to return to the job in which she was employed under her contract of employment. This depends on any organisational change that may have happened during her leave. If her substantive post has been deleted she must be offered any suitable alternative post but the terms and conditions must be no less favourable as those that would have applied to her substantive post.
- 14.2 An employee on a fixed term contact, whose contract expires during the period of maternity leave, will have no right to return to work, regardless of her length of service.
- 14.3 The employee will have been formally advised in writing by the HR group of the date on which she is expected to return if she takes her full 52 week entitlement to maternity leave. The employee is expected to return on this date, unless she notifies the GLA otherwise. While there is no legal obligation for the employee to confirm that she will be returning on the expected date, it will assist the GLA if she does so.
- 14.4 If the employee wishes to return to work earlier than the expected date she must give at least eight weeks notice of her intended return date. If she does not do so, the GLA will retain the right to postpone her return until eight weeks notice has been given.
- 14.5 If the employee has already given notice of an early return date, and subsequently wants to return even earlier, she will need to give notice eight weeks before the new date. If the employee wants to postpone her early return date, she will need to give notice eight weeks before the original early return date.
- 14.6 If the employee wishes to return on a part-time or job share basis, or any other flexible working arrangements, she should discuss this with her line manager before the start of maternity leave, or at least twelve weeks before she is due to return. Although there is no automatic right to such changes in the employee's working patterns, where possible, depending on the needs of the service, every effort will be made to accommodate requests for part time or flexible working.

15. Resigning before maternity leave

15.1 Employees who have been continuously employed for a minimum of 26 weeks by the end of the 15th week before childbirth who leave the GLA at the start of their maternity leave will still be entitled to SMP. Employees wishing to resign will be required to give their normal period of contractual notice.

15.2 Employees with less than 26 weeks continuous service by the end of the 15th week before childbirth will not be entitled to SMP. Individuals may, however, be entitled to claim MA.

16. Resigning following maternity leave

- 16.1 If the employee decides not to return to work at the GLA following maternity leave she will need to give the normal period of contractual notice.
- 16.2 Any maternity pay in excess of SMP paid to the employee from the 19th week of absence (Scheme A) or the 11th week of absence (Scheme B) will need to be repaid, unless the employee is taking up a job with another organisation in the GLA Group.

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Shared Parental Leave Policy

1. Introduction

- 1.1 This policy will be implemented for a 12-month period ending in June 2016. In 2016 the policy will be reviewed, taking account of any changes in the legislation, staff take-up and associated costs.
- 1.2 You may be eligible to take shared parental leave (SPL) and statutory shared parental pay (ShPP) if;
 - Your baby is due on or after 5 April 2015
 - You adopt a child on or after 5 April 2015
- 1.3 To start shared parental leave or shared parental pay, the mother or primary adopter must give binding notice to end her/his maternity or adoption leave (for SPL) or her/his maternity or adoption pay or maternity allowance (for ShPP). If the mother doesn't get maternity leave, but she gives binding notice to end her maternity allowance her partner may still be eligible for SPL and ShPP.
- 1.4 Eligible parents/carers may take;
 - The remaining leave as SPL (Up to 52 weeks minus any weeks of maternity, adoption and shared parental leave already taken)
 - The remaining pay as ShPP (Up to 37 weeks minus any weeks of maternity, adoption, shared parental pay or maternity allowance taken)
 - NB: A minimum of two weeks compulsory maternity/adoption leave must be taken before maternity/adoption leave can be curtailed.
- 1.5 The two parents/carers are able to decide how they wish to split the remaining allowance between them.
- 1.6 This policy applies to employees of the Greater London Authority (GLA), whether they are the mother/primary adopter or the partner. If it is the mother/primary adopter who is employed by the GLA, her partner must (where relevant) submit any notifications to take shared parental leave to their own employer if they wish to take a period of Shared Parental Leave.
- 1.7 Similarly, if it is the partner who is employed by the GLA, the mother/primary adopter must (where relevant) submit any notifications to take shared parental leave to her own employer if they wish to take a period of Shared Parental Leave.

2. Amount of Shared Parental Leave available

- 2.1 The amount of shared parental leave to which an individual is entitled will depend on when the mother/primary adopter brings his/her maternity/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child.
- 2.2 The maximum period that parents can take as shared parental leave is 50 weeks between them (the first two weeks following the birth or placement for adoption must be taken by the mother/primary adopter as compulsory maternity/adoption leave).

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- 2.3 The mother/primary carer and partner must take any shared parental leave after the birth or placement for adoption day and before the child's first birthday or the first anniversary of the adoption placement.
- 2.4 Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block or as a number of discontinuous blocks. Employees requesting discontinuous blocks of leave must seek the agreement of their line manager and Assistant Director/Head of Service.

3. Amount of Shared Parental Leave Pay (ShPP) available

- 3.1 Employees who take a period of shared parental leave, may be eligible to receive pay for some of the leave period. Statutory shared parental pay (ShPP) is available for up to 37 weeks; the ShPP rate is set by the government (currently £139.58 per week for 2015/16).
- 3.2 The GLA offers two shared parental leave schemes; scheme A and B. Under these schemes, eligible employees may be entitled to some of their shared parental leave to be paid above the statutory rate.
- 3.3 Shared parental leave and pay is a joint entitlement with a total of 50 weeks leave between the two parents/carers. If you are eligible for shared parental leave pay (ShPP), your entitlement to 37 weeks statutory or enhanced pay is less any weeks of maternity, adoption or shared parental leave and pay already claimed by you or the other parent/carer.

3.4 Scheme A

- 3.4.1 Employees who have been continuously employed by the GLA for a period of one year or more at the beginning of the eleventh week before the expected week of birth, or
- 3.4.2 In the case of adoption, have been continuously employed by the GLA for a period of one year at the beginning of the week in which notification of matching is given by the adoption agency, are entitled to the provisions of this scheme;
- 3.4.3 Up to 50 weeks shared parental leave, with up to 37 weeks' paid leave, as follows;
 - Up to 29 weeks' paid at full pay*
 - Up to a further 8 weeks' paid at statutory shared parental pay (ShPP).
 - Please note Both entitlements are less any weeks pay already received by either parent/carer by way of maternity/adoption/shared parental pay

*ShPP is included in this payment

3.4.3 When the shared parental leave ends the employee must return to work for the GLA (or another GLA Group employer) for at least six months. If the employee does not do this, they will have to repay any salary paid to them after the first 18 weeks of shared parental pay in excess of ShPP.

3.5 Scheme B

3.5.1 Employees who have been continuously employed by the GLA for less than one year at the beginning of the eleventh week before the expected week of birth, or

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- 3.5.2 In the case of adoption, have been continuously employed by the GLA for less than one year at the beginning of the week in which notification of matching is given by the adoption agency, are entitled to the provisions of this scheme;
- 3.5.3 Up to 50 weeks shared parental leave, with up to 37 weeks paid leave, as follows;
 - Up to 8 weeks paid at 9/10 pay* and
 - Up to 16 weeks paid at half pay** and,
 - Up to a further 13 weeks may be paid at ShPP for employees with at least 26 weeks continuous service at the end of the 15th week before the expected week of childbirth.
 - Please note Both entitlements are less any weeks pay already received by either parent/carer by way of maternity/adoption/shared parental pay

- **For employees with at least 26 weeks continuous employment at the end of the 15th week before the expected week of childbirth, ShPP will be paid in addition to this payment.
- 3.5.4 When the shared parental leave ends the employee must return to work for the GLA (or another GLA Group employer) for at least six months. If the employee does not do this, they will have to repay any salary paid after the first eighteen weeks of shared parental leave in excess of ShPP.

4. Eligibility for shared parental leave

- 4.1 In order to be eligible for shared parental leave, an employee must satisfy the following criteria;
 - The mother must be entitled to maternity leave, statutory maternity pay or maternity allowance and must have given notice to end her maternity leave on a date no later than the end of the 51st week after childbirth or placement for adoption.
 - The employee must have, at the date of the birth or placement for adoption, the main responsibility for caring for the child along with their partner.
 - The employee must be the mother or father of the child or married to, the civil
 partner of, or the partner of, the child's mother. In the case of adoption, he/she
 must have been matched with the child for adoption, or married to, the civil
 partner of, or the partner of, the primary adopter. In both cases, he/she must be
 taking the leave to care for the child.
 - The employee must have a minimum 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or in which he/she was notified of having been matched for adoption with the child.
 - The employee must still be working for the GLA at the start of each period of shared parental leave
 - The employee's partner must meet the employment and earnings test
 - The employee must have correctly notified the GLA of their entitlement and provided the necessary evidence.

^{*}ShPP is included in this payment

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5. Notice requirements for shared parental leave

- 5.1 An employee who wishes to take shared parental leave must give their line manager at least 8 weeks' written notice of their intention to take the leave by completing the shared parental leave application form.
- 5.2 The GLA HR&OD unit may request for the employee to provide a copy of the child's birth or adoption certificate and the name and address of the other parent's employer (or a declaration that the other parent has no employer).
- 5.3 Before the mother or partner can take shared parental leave, the mother/primary adopter must either return to work before the end of her/his maternity/adoption leave (by giving 8 weeks' notice of her planned return) or tell her employer that she/he is ending her maternity leave early.

6. Varying a period of shared parental leave

6.1 The employee may vary or cancel his/her proposed shared parental leave dates, provided that he/she gives the GLA a minimum of 8 weeks' written notice. An employee can provide a combined total of up to three periods of leave notices or variations per pregnancy or adoption.

7. Contact during a period of shared parental leave

7.1 Shortly before the employee's shared parental leave starts, the line manager will discuss the arrangements for him/her to keep in touch during the leave period. In any event, the GLA reserves the right to maintain reasonable contact with the employee during shared parental leave. This may be to discuss plans for the employee's return to work, to discuss any special arrangements to be made or training to be given to ease the return to work, or simply to update on developments at work during the absence. Such contact will not constitute 'work'.

8. Shared parental leave in touch days

- 8.1 An employee can agree to work for the GLA (or to attend training) for up to 20 days during the period of shared parental leave without that work bringing the period of shared parental leave and pay to an end. These are known as shared parental leave in touch or 'SPLIT' days. Any work carried out on a day shall constitute a day's work for these purposes.
- 8.2 There is no obligation on the employee to carry out any work, and the employee has no right to undertake any work, during the period of shared parental leave. The GLA will grant time of in lieu for any agreed work undertaken, which should be taken by the employee when he/she returns to work following shared parental leave. Any SPLIT days worked do not extend the period of shared parental leave.

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9. Annual Leave

- 9.1 Employees will continue to accrue annual leave while on shared parental leave, pro rata to their contractual entitlement of 30 days per leave year.
- 9.2 Employees will also accrue public holiday leave for any public holiday that falls within the period of shared parental leave, on a day that the employee would normally work.
- 9.3 Only five days untaken annual leave may be carried over from one leave year to another. To prevent loss of any leave entitlement (for example, where the shared parental leave spans two leave years) the employee may need to take his/her outstanding leave entitlement before starting a period of shared parental leave unless this is not reasonably practicable.

10. Returning to work

- 10.1 Subject to the exception below, the employee has the right to return to the job in which he/she was employed under his/her contract of employment, provided that their period of SPL lasted no longer than 26 weeks, unless it is not reasonably practical for them to do so. Where it is not reasonably practicable, the employee has the right to return to a job that is both suitable and appropriate for them to do in the circumstances.
- 10.2 The right to return to the same job is also subject to any organisational change that may have happened during the period of leave. If the employee's substantive post has been deleted he/she must be offered any suitable alternative post but the terms and conditions must be no less favourable than those that would have applied to his/her substantive post.
- 10.3 An employee on a fixed term contract, whose contract expires during the period of shared parental leave, will have no right to return to work, regardless of his/her length of service.
- 10.4 The employee will have been formally advised in writing by the HR unit of the date on which he/she is expected to return to work. The employee is expected to return on this date, unless he/she notified the GLA otherwise. While there is no legal obligation for the employee to confirm that he/she will be returning on the expected date, it will assist the GLA if he/she does so.
- 10.5 If the employee wishes to return to work earlier than the expected date he/she must give at least eight weeks' notice of his/her intended return date.
- 10.6 If the employee wishes to return on a part-time or any other flexible working arrangements, he/she should discuss this with his/her line manager before the start of the shared parental leave, or at least twelve weeks before he/she is due to return. Although there is no automatic right to such changes in the employee's working patterns, where possible, depending on the needs of the service, every effort will be made to accommodate requests for part-time or flexible working.

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Document author	Claire Deo
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	The Mayor for all s. 67(1) appointments.
	The Mayor and Assembly for the Statutory Officers.
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