

23 May 2024

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### Official Information Act request

Thank you for your email of Friday 17 May 2024, in which you requested copies of the Social Wellbeing Agency's "parental leave policy and any relevant documents that outline support extended to employees during parental leave and returning to work".

The Social Wellbeing Agency is committed to supporting our people through a variety of family friendly provisions, including parental leave. Our policy provides support, leave and job protection in line with, and in addition to, the Parental Leave and Employment Protection Act. It is based on our value of Tāngata and is implemented in a way that recognises the importance of whānau, is flexible and supportive of our peoples' changing needs, and minimises the impact of parenthood on career development.

A copy of our parental leave policy is attached. If you require any further information, please let us know. Please note that our agency will become the Social Investment Agency on 1 July 2024. If you wish to add our agency to your list of parental leave policies, we suggest you do this after 1 July 2024. We can supply our logo at this time, should you need it.

If you are not satisfied with this response, you have a right to seek an investigation or review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by calling 0800 802 602.

As part of our commitment to transparency, we proactively release our responses to information requests where possible. This response, with your personal details removed, will be published on our website shortly.

Nāku iti noa, nā



Kirsty Anderson

**Manager Communications and Engagement**

## Parental Leave

<b>Intent</b>	<b>We support our people who are growing their whānau. We provide support to new parents before, during and after parental leave.</b>
<b>Our values</b>	<p><b>Tāngata – We’re about people</b> Our people who take parental leave are supported.</p> <p><b>Puaretanga – We’re transparent by nature</b> Our people are aware of their entitlements.</p>
<b>Purpose</b>	We support our people as they grow their whānau through a variety of family friendly provisions, including parental leave. This policy sets out how parental leave works, what to do and what support is available to you. Our policy provides support, leave and job protection in line with, and in addition to, the Parental Leave and Employment Protection Act.
<b>Definition</b>	Parental leave is an overarching leave type (made up of Primary Carer Leave, Partner’s Leave and Extended Leave). It provides leave for either a person who is pregnant or has given birth, their partner or an employee taking on permanent primary care for a child under six years. The criteria and leave types are provided via the Parental Leave and Employment Protection Act 1987 (the Act). We have some provisions that are enhancements to the Act. In addition, paid parental leave may be available through <a href="#">Inland Revenue</a> .
<b>Principles</b>	<p>Our parental leave policy is based on our value of Tāngata and should be implemented in that way that:</p> <ul style="list-style-type: none"> <li>• Recognises the importance of whānau.</li> <li>• Supports you to have a positive experience when your whānau grows.</li> <li>• Is as flexible as possible to support your changing needs.</li> <li>• Minimises the impact of parenthood on career development and does not contribute to a gender pay gap.</li> <li>• Supports your return to work</li> </ul>
<b>What you can expect</b>	<ul style="list-style-type: none"> <li>• Your service is continuous during a period of parental leave (i.e. it is not broken or reduced by the time you are away).</li> <li>• You will continue to be part of our team and we keep in touch to ensure you are informed about any announcements or changes that may impact you or be of interest. You are welcome to come and visit us with your baby.</li> <li>• You can continue to access Vitae (0508 664 981) for confidential counselling services while on parental leave.</li> <li>• You will be eligible for a salary review during the annual remuneration review while on parental leave. We will recognise relevant skills developed during your period of leave.</li> <li>• We will keep your position (or a position of a similar nature) protected for you while you’re on parental leave unless it is impacted by a restructure.</li> <li>• We encourage you to return to work following parental leave and flexible working arrangements may be agreed.</li> </ul>

## Eligibility

Parental leave is available for all SWA staff (excluding casuals and contractors) who are growing their whānau either through the birth of a baby or becoming responsible for the permanent care of a child under six years old.

The six and 12 month criteria below determines the length of parental leave you will be eligible for.

### Six month criteria

If you have worked for us for at least an average of 10 hours a week in the six months before your baby's due date (or the date you become responsible for the permanent care of a child under six years) you will be entitled to 26 weeks' parental leave.

### 12 month criteria

If you have worked for us for at least an average of 10 hours a week for the 12 months before your baby's due date (or the date you become responsible for the permanent care of a child under six years) you will be entitled to 52 weeks' parental leave.

### Other eligibility principles

- If you are on a fixed term agreement, parental leave will not extend beyond the end date of your agreement.
- The amount of parental leave available is the same for one child as it is multiple births.
- You will be eligible for a further period of parental leave for another child after you have been back at work from the previous parental leave for at least six months.

## Types of leave

You can find more information about the different types of parental leave

[here](#)

### Primary Carer leave

Primary Carer leave is up to 22 weeks unpaid leave which must be taken as one continuous period starting up to six weeks before the baby's expected due date or date you take responsibility for the care of a child under six years.

### Enhanced Partner's leave

If you are the spouse or partner of the primary carer, you may take in one continuous block either one or two weeks paid Partner's leave (depending on whether you meet the six month or 12 month criteria above) respectively. This leave can be taken 21 days before the due date of a baby, or the date your partner becomes a primary carer, and up to 21 days after the baby is born or the date your partner becomes a primary carer.

### Extended leave

Extended leave is unpaid leave up to a maximum of either 26 weeks or 52 weeks (less any Primary Carer leave taken) dependent on meeting the six month or 12 month employment criteria.

As per the Act this leave can start any time after the birth of the baby and must end on either:

- the date the baby turns 6 months or 12 months old; or
- by the 6 or 12 month anniversary of the becoming the primary carer of the child (dependent on whether you are eligible for 26 or 52 weeks parental leave respectively).

For example, if you are entitled to 52 weeks parental leave and take 22 weeks Primary Carer leave there are 30 weeks leave left for you to take as Extended leave before your baby turns 12 months old.

Under the Act extended leave can be shared (either separately or at the same time) between both you and your partner (assuming you both meet the 6-month or 12-month employment criteria for parental leave). It can be taken in one block, or in two or more blocks, however, if taken in more than one block the dates must be agreed with the employer.

**Special leave**

If you are pregnant, you may take an additional 10 days leave without pay for pregnancy-related reasons (e.g. antenatal classes, scans or midwife appointments). This leave is only available before Primary Carer leave begins.

**Negotiated Carer Leave**

If you don't qualify for Primary Carer leave you can request to take unpaid Negotiated Carer leave from SWA to care for your child and receive paid parental leave from Inland Revenue. For example, you recently joined SWA but your previous employment means you meet the paid parental leave criteria. The [MBIE website](#) has examples of when Negotiated Carer leave may be declined.

**Other provisions**

**Paid Parental Leave**

You may be eligible for government funded paid parental leave which is administered by Inland Revenue. You can read about paid parental leave and how to apply on [Inland Revenue's website](#). If you have a preterm baby you may be eligible for a preterm payment from Inland Revenue.

**Keeping in touch days**

You can agree with your manager to work a limited amount of time during parental leave, (for example attending a team day). These are referred to as "Keeping in Touch" (KIT) days. KIT days enable you to work up to a total of 64 hours without parental leave ending. This paid work must be at least 28 days after the baby's birth; however there are different provisions for primary carers of a preterm baby which you can find on [MBIE's website](#)

**Preferential re-employment status**

If you resign to care for preschool child, you will have preferential re-employment status if you apply for a vacant position within four years from the date of resignation or five years from the date of taking parental leave.

You will receive preferential re-employment status where:

- The position you are applying is substantially the same as the position you previously held; and
- You have the necessary skills for the role.

In practice this means that if you meet these criteria, you will be interviewed for the vacancy and offered the position in preference to any other person.

If you are not appointed to a position within six months of reapplying your preferential status will lapse.

The period of absence is counted as unbroken service with SWA but will not count for any service-related leave entitlement or provisions.

**Parental leave  
payment**

To provide you with additional support during parental leave you may receive six weeks (30 working days) pay via an ex-gratia payment. You can choose to:

- Have it paid as one lump sum at the start of your parental leave (with a signed agreement that you will refund the payment if you resign before you return from parental leave and complete six months service); or
- Have it paid as one lump sum after being back at work for six months; or
- Receive the equivalent payment in fortnightly pro-rated payments for six months from the date you return to work. Request this option in writing as soon as you return to work.

The ex-gratia payment is based on your normal rate of pay and hours of work **before** you went on parental leave.

To qualify you must have:

- Been on Primary Carer Leave and/or extended leave; and
- Had care of your child in terms of the Parental Leave and Employment Protection Act 1987; and
- Completed six months service since your return.

The payment is pro-rated if you take less than six weeks parental leave. It is not paid for periods of Partner's leave taken.

If you receive the ex-gratia payment fortnightly and leave SWA before six months you will not receive the remaining amount.

If your partner also works in the public sector and they took parental leave for the same child, only one of you can claim an ex-gratia payment.

## Procedures

**Going on  
parental  
leave**

**Notice**

You need to let us know in writing of your intention to take Parental Leave at least one month prior to when you want to take a form of Parental Leave.

**How to apply for leave**

1. Write to your manager advising of your intention to take parental leave, including the following information:
  - » The expected due date of baby's birth or the date you will take responsibility for the care of a child under six years. Attach either a certificate from the midwife or medical practitioner, or documentation confirming you will be taking permanent primary responsibility for a child under six years.
  - » The date you want to start parental leave.
  - » The date you want to return from parental leave.

The People & Culture team can help you navigate your parental leave requirements

- » Whether your spouse or partner intends to share extended leave (if so, how much leave they will be taking; their name and the details of their place of work if employed). The combined amount of parental leave both parents want to take (which can't exceed 52 weeks).
- 2. Enter a parental leave request in myHR.
- 3. Your manager will approve your leave application in myHR and confirm your parental leave in writing.
- 4. You can apply for Paid Parental Leave through [Inland Revenue's website](#).

<b>Annual leave</b>	You can apply to use annual leave prior to going on parental leave. Any requests to anticipate annual leave before commencing parental leave is at the discretion of the manager on a case by case basis.
<b>Planning</b>	<p>You and your manager discuss and agree the handover process.</p> <p>You and your manager can agree how much contact you would like during your leave and whether you will utilise any "Keeping in Touch" days.</p>
<b>During parental leave</b>	<p><b>Contact</b></p> <p>You are welcome to come and visit with your baby while you are on parental leave.</p> <p>You may apply for vacancies during your leave. Keep in touch to find out about positions of interest.</p> <p>We will get in touch if there are any change proposals that will impact on your position.</p>
<b>Annual leave</b>	<p>You will continue to accrue annual leave while you are on parental leave. When you have returned to work and take this annual leave we will pay it at the rate of your ordinary weekly earnings (rather than your average weekly earnings as per the Holidays Act which are usually significantly lower following a period of unpaid leave).</p> <p>If you resign while you are taking parental leave, your resignation is treated as taking effect from the day you started parental leave. This means you won't be entitled to be paid any annual leave accrued during the period of parental leave.</p>
<b>Superannuation contributions</b>	Your employee and employer superannuation contributions will pause during parental leave. You can contact your scheme provider for information about the effect of parental leave on contributions and to explore options for continuing contribution payments during parental leave.

**Returning  
from parental  
leave**

**Notice**

You need to confirm your intention to return to work by writing to your manager one month before your planned to return to work date.

**Flexible working  
arrangements**

When returning to work you may seek to make temporary or permanent changes to your terms and conditions of employment by way of flexible working arrangements (i.e. change to hours of work, days of work or place of work). You should write to your manager to request a change to your terms and conditions one month before returning to work.

**Transition support**

You and your manager will agree a plan for your transition back to work. This may include how any flexible working changes will work, additional support or mentoring that may be appropriate, any refresher training required.

**Extending parental  
leave**

If you have applied for less than your full entitlement of parental leave and you want to extend your leave beyond what you originally planned, your manager may approve additional leave up to the maximum of your entitlement. Write to your manager at least one month before your planned return to work date.

**Early return**

You may request to return to work earlier than previously agreed. Contact your manager and discuss what you want to do.

**Breastfeeding or  
expressing at work**

We recognise the importance of breastfeeding and expressing for mothers and their child and we will support mothers to balance breastfeeding or expressing with their work.

Before your return to work we will discuss with you the break options and facilities available to enable you to breastfeed or express as far as it is reasonable and practical in the circumstances.

**Resigning from work**

If you decide not to return to work, you are required to give your manager one month's notice of your resignation in writing. If you are resigning to continue caring for your child, you should include this in your resignation letter to ensure you can get preferential re-employment status.