

Family Leave Policy



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Family Leave Policy

Introduction

The Council is fully committed to helping working parents balance the needs of work and family life and appreciates the importance of providing greater choice for parents in how they arrange parental care.

Family leave is available to all employees within the Council whether you have a permanent or temporary contract and irrespective of your work pattern, as long as you meet the requirements for the specific leave you are applying.

This policy sets out the rights, responsibilities, and eligibility for employees who are new parents or who are expecting a child either by birth, adoption, surrogacy and/or foster care.

This policy applies to all Council employees outlines the provisions for:

- [Maternity leave and pay](#)
- [Adoption and surrogacy leave and pay](#)
- [Paternity and nominated carers leave and pay](#)
- [Shared parental leave and pay](#)
- [Parental leave \(unpaid\)](#)

We recognise that, from time to time, employees may have questions or concerns relating to their rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As these provisions are complex, employees should clarify the relevant procedures with their People Manager or the HR Team to ensure that they are followed. This policy ensures compliance with equality, diversity & inclusion, making sure consideration is given to the needs of employees, balancing these with the needs of the Council.

Scope

The Council is committed to ensuring equality, diversity and inclusion across the organisation. The purpose of this 'Family Leave Policy' is to provide an opportunity for our employees to integrate the development of a career with family responsibilities. In addition to this 'Family Leave Policy' the Council provides a suite of 'Family Friendly' policies aimed at supporting employees to achieve work/life balance.

- [Time off Work Policy](#)
- [Flexible Working Policy](#)
- [Agile Working Policy](#)

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1. Pregnancy and Maternity

This section details all employment related matters regarding pregnancy and maternity.

1.1. Health and safety

It is essential that particular attention is paid to the health and safety requirements of employees who are pregnant, have given birth within the previous 6 months, or who are breastfeeding. To ensure this happens, it is important that your People Manager is made aware that you are pregnant as soon as possible. If risks cannot be mitigated sufficiently, the Council may consider medical suspension or redeployment to ensure the safety of the employee and their child. They should then carry out specific risk assessments and review them regularly using the guidance and template available on SharePoint - [Health and Safety](#). Further information is available in the [Health and Safety Executive's guidance on protecting pregnant workers](#). The legal protections also apply to transgender men, non-binary people, and people with variations in sex characteristics, or who are intersex. If you receive medical advice that recommends adaptations to your working environment, or if you have concerns relating to your work, then you should inform your People Manager immediately. Your People Manager can contact HR for support and advice.

1.2. Notification of Pregnancy

As your employer, it helps us to support you throughout your pregnancy if we are aware that you are expecting a baby. As soon as you feel comfortable to do so, you must inform your People Manager that you are pregnant. Managers will keep information regarding an employee's pregnancy confidential. It remains up to the employee if or when they announce their pregnancy to colleagues. This is important as there may be health and safety considerations to make around the role. As soon as you receive your maternity certificate known as MatB1 form, you should complete the 'Notification of Maternity Leave' form on the [HR and Payroll Portal](#) no later than 15 weeks' before the due date. If this is not possible, you should inform us as soon as you are able to. You must confirm:

- that you are pregnant
- the expected week of childbirth
- the date that you want to start maternity leave; this date cannot be any earlier than 11 weeks before the expected week of childbirth; and
- Provide a certificate from a registered medical practitioner or a certified midwife, confirming the expected week of childbirth.

1.3. Antenatal Care

You will be granted reasonable paid time off as appropriate for antenatal appointments arranged on the advice of a registered medical practitioner, including scans. You must be able to provide evidence of any such appointments upon request. You should discuss time off with your People Manager and submit the request via the Employee Self Service System

1.4. Sickness

If you are off sick during pregnancy, you are obliged to follow the normal sickness absence procedures. If your sickness is pregnancy-related you should inform your People Manager. Sickness during pregnancy will be recorded; however, pregnancy-related sickness will not be counted towards triggers as set out in the Absence and Sickness Management policy. If you are absent from work partly or wholly due to pregnancy in the 4 weeks before your baby is due, your maternity leave will be automatically triggered the day after your first day off.

1.5. Maternity Provisions

Maternity provisions refer to the leave and pay to which all pregnant employees may be entitled, and their right to resume employment with the Council following the period of leave. All employees have the right not to be subjected to a detriment on the grounds of pregnancy, childbirth, or maternity, irrespective of hours of work or service and have the right to demand a written statement of the reasons for dismissal if dismissed while pregnant. There is no distinction between live and still births in the granting of 'Maternity Leave.

Statutory Maternity Leave (SML) is a minimum level of entitlement of up to 52 weeks leave and is broken into:

- Ordinary Maternity Leave (OML) - the first 26-week period of maternity leave entitlement

- Additional Maternity Leave (AML) - the remaining 26-week period of maternity leave entitlement

If you are on a temporary contract your maternity leave will expire on the termination of your contract.

Your maternity leave can start from up to 11 weeks before your baby is due or the day you give birth. You must provide 28 days' notice of your intention to start maternity leave, where reasonably practicable. If your baby arrives earlier, contact your People Manager as soon as possible, and refer to the section on early birth. It is up to you to decide how much of the 52 weeks' 'Maternity Leave' you wish to take; the law requires that a minimum of two weeks' leave must be taken from the date of childbirth. If you are still working and the baby is born prematurely, 'Maternity Leave' will start from the day immediately after the date of the birth of the baby. After the compulsory 2-week 'Maternity Leave' period that follows the birth of the baby, the remaining leave may, subject to the eligible criteria, be transferred or shared under the provision of 'Shared Parental Leave'. If the baby is stillborn after the twenty fourth week of pregnancy, or if the baby is born alive but dies after birth, the birthing parent still qualifies for their right to a 52 week 'Maternity Leave Period'.

Maternity Leave and pay are separate entitlements.

Maternity leave is a "day one" entitlement. Entitlement to 'Maternity Pay' provisions will depend on your length of service, and on whether or not you return to work following the period of Maternity Leave.

1.6. Maternity Pay Entitlements

There are 3 ways in which your maternity pay is calculated depending on your service length. Payments will be subject to deductions for income tax, NI and pension.

Statutory Maternity Pay (SMP) you must:

- Have average earnings above the Lower Earnings Limit (LEL) for the 8 week "relevant" period between weeks 17- 25 of the pregnancy. The LEL is the amount you have to earn before you are treated as paying National Insurance contributions. -

If you satisfy the above criteria, then You will be eligible to:

- 39 weeks statutory paid Maternity Leave
- Followed by 13 weeks unpaid Maternity Leave

If you qualify for Statutory Maternity Pay you will receive:

- 90% of your average weekly earnings (before tax) for the first 6 weeks
- Followed by 33 weeks paid at the Government SMP Rate or 90% of your average weekly earnings (whichever is lower)
- Followed by 13 weeks unpaid Maternity Leave

For further details relating to Statutory Maternity pay, please visit [Maternity pay and leave: Pay - GOV.UK](#)

To qualify for **Occupational Maternity Pay (OMP)** you must:

- Be employed by the Council continuously for at least 52 weeks into the 11th week before the Expected Week of Childbirth (EWC)
- Have average earnings above the LEL (Lower Earnings Limit) for the 8 week “relevant” period between weeks 17- 25 of the pregnancy. The LEL is the amount you have to earn before you are treated as paying National Insurance contributions.

If you qualify for ‘Occupational Maternity Pay’ you will receive:

- 90% pay for the first 6 weeks of ‘Occupational Maternity Leave
- Followed by 12 weeks paid at 50% of their average weekly earnings (before tax) in addition to the Government SMP Rate
- Followed by 21 weeks paid at the Government SMP Rate or 90% of their average weekly earnings (whichever is lower)
- Followed by 13 weeks unpaid Maternity Leave

****If you satisfy the above criteria, and half pay plus SMP does not exceed your normal weekly pay entitlement, then you will be eligible to ‘Occupational Maternity Pay’ of 12 weeks of half pay in addition to ‘Statutory Maternity Pay’.***

Occupational Maternity Payments made by the Council during ‘Maternity Leave’ shall be made on the understanding that you will return to employment with the Council for a period of at least equivalent to 13 weeks at the number of hours for which half pay was calculated upon following a period of ‘Maternity Leave’. Should you choose not to return to work, then the Council may request that you repay the ‘Occupational Maternity Pay’ Payments made. ‘Statutory Maternity Pay’ is not repayable.

You can choose to hold this payment in abeyance should you be undecided about a return to work at the cessation of your maternity leave. Holding the payment in abeyance simply means not receiving this payment until you return to work after your period of maternity leave. However, if you decide to take Occupational Maternity Pay during maternity leave and do not return to work at the end of a period equivalent to 13 weeks at the number of hours for which half pay was calculated upon, you will be required to repay their Occupational Maternity Pay.

If you do not qualify for ‘Occupational Maternity Pay’ or ‘Statutory Maternity Pay’ you may qualify for ‘Maternity Allowance’. This is based on your earnings and is a state benefit.

‘Maternity Allowance’ can be claimed via your local Jobcentre Plus and further guidance can be found on the Government Website.

1.7. Surrogacy

If you are acting as a surrogate, you are entitled to the same maternity leave and pay. If someone is acting as surrogate for you, you are not entitled to maternity leave or pay, as entitlement is dependent on actual pregnancy and production of a MATB1 certificate.

1.8. Birth

You (or someone on your behalf) should notify your People Manager as soon as possible after the birth.

1.9. Early birth

If your baby is born before the start of your planned maternity leave, your maternity leave and payment of your SMP will commence the day after your baby was born.

1.10. Miscarriage

If a miscarriage happens in the first 24 weeks of pregnancy, there is no entitlement to maternity leave. However, as many see this as a bereavement, you should be supported in the same way. Any sickness absence should be categorised as 'pregnancy related' and not counted towards sickness triggers. Employees should be granted reasonable paid time off for any medical appointments related to the miscarriage. A miscarriage after 24 weeks is classed as a stillbirth.

1.11. Stillbirth/Death of a baby after birth

In the tragic event of giving birth to a stillborn baby, you are still entitled to maternity leave if the birth happens after 24 weeks of pregnancy. As with an early birth, should this happen before the planned start date of the maternity leave, your maternity leave and payment of SMP would commence the day following the stillbirth. If the stillbirth occurs before the end of the 24th week of pregnancy, you should take sick leave or special leave if appropriate. If your baby is born alive but then later dies, you are entitled to maternity leave.

1.12. Keeping in touch (KIT) days

Keeping in Touch (KIT) days are designed to encourage a smooth return to work for you following your maternity leave and allow you to return to work for up to 10 days without bringing your maternity leave to an end. KIT days are not compulsory and must be arranged by mutual agreement between you and your People Manager. Even if you don't have any KIT days, you may find it beneficial to keep in touch more informally during your maternity leave. Any work done, whether it is a one-hour team meeting, a two-hour training session, or a full day, would be classed as one of your KIT days. Your People Manager must record when your KIT days have been taken and the number of hours you worked on Employee Self Service System. You will be paid at your current spine point or rate of pay for the hours you work so your People Manager must enter details of these hours in order for you to be paid correctly. Your SMP will be offset against your earnings on a KIT Day.

1.13. Returning from Maternity Leave

You may return to work at any time during your maternity leave, subject to taking 2 weeks' compulsory maternity leave, which commences from the birth of the baby. No notification is required if you intend to return to work at the end of the maternity leave (52 weeks). However, if you choose to return before the end of the 52 weeks, you must give 21 days' notice in writing to your People Manager and HR. If insufficient notice is given, your department may postpone your return to ensure the required notice.

If you have notified us of your date of return but cannot return to work because of sickness, you are required to produce a doctor's certificate before the notified date of return. If you haven't yet informed us of your date of return, you must produce a Doctor's certificate at the expiry of your maternity leave period. At this stage, normal contractual sick pay arrangements apply.

You will be entitled to return to the post that you now occupy or a suitable alternative post where for some reason, e.g. redundancy or restructure, it is not practicable for you to return to the original post. If you wish to return to work on a job share or part time basis, it is important that you apply for this in line with the [Flexible Working Policy](#) at the earliest opportunity. If your request is agreed, you will be entitled to retain the 12 weeks ½ pay that you received during your maternity leave, as long as you work for at least 13 weeks upon your return.

You must return to work no later than 52 weeks after starting maternity leave, unless one of the following applies:

- You are not well enough to return to work; if this is the case then you should follow the guidance set out in the Council's 'Managing Sickness Absence Policy'. You are not well enough to return to work; if this is the case then you should follow the guidance set out in the Council's 'Absence, Sickness Management Absence Policy & Procedure'.
- Your return is delayed due to a statutory requirement prohibiting you from working in order to protect your health or that of your baby i.e. if there was a risk to you in the workplace that could affect breastfeeding your baby. if there was a risk to you in the workplace that could affect you breastfeeding your baby. Council may consider medical suspension or redeployment to ensure the safety of the employee and their child
- You choose to take time off under the 'Parental Leave Policy', if they are eligible to do so You choose to take time off under the 'Parental Leave Policy', if you are eligible to do so

Should you choose not to return to work at the end of 'Maternity Leave' then you should provide the minimum written notice as specified in your contract of employment.

1.14. Breastfeeding

The Council is required to provide an appropriate area for parents to rest and express milk. Toilets are not considered suitable for this. A risk assessment should be completed in line with health and safety guidelines, as referred to above. A suitable arrangement should be in place for parents to store milk, should they choose to express during the working day.

1.15. Holiday Entitlement

You are allowed to take your full holiday entitlement in the year in which your maternity leave falls on the understanding that you reimburse the Council as appropriate on a pro rata basis should you choose not to return to work. This applies if you are entitled to paid or unpaid maternity leave. You will also be entitled to any fixed holidays such as Bank Holidays

that fall during your paid or unpaid maternity leave. These fixed holidays will be treated as annual leave for this purpose and taking these days as leave, either before or after maternity leave, must be requested in the usual way. Your People Manager will advise HR of any bank holidays not taken. If your maternity leave straddles two leave years you will be permitted to carry over any untaken leave into the next leave year, should the need arise. Your People Manager will need to inform HR so the Employee Self Service System can be updated. Prior to your return to work following maternity leave HR will assess whether or not you are owed any annual leave entitlement. You cannot insist on payment for untaken annual leave unless you are leaving the Council. These arrangements will also apply to employees taking adoption leave and additional paternity leave.

1.16. Pension Contributions

Employees on 'Maternity Leave' who are in receipt of full pay will continue to have 'Employee Pension Contributions' deducted in the usual way. During periods of half pay or 'Statutory Maternity Pay', 'Employee Pension Contributions' will be deducted according to the total amount of pay received. The Council will make up the 'Employee's Pension Contributions' and pay the 'Employers' Pension Contributions' as if the employee were on full pay for the period.

During periods of unpaid leave, i.e. 13 weeks unpaid Maternity Leave, the Council will only pay pension contributions if the employee does.

1.17. Salary Progression

You will continue to receive spinal point increases up to the top of your Grade whilst on 'Maternity Leave'.

1.18. Continuity of Service

The contract of employment continues throughout any period of 'Maternity Leave'.

Continuity of service will not have been broken by a period of unpaid leave under the maternity provision, therefore entitlement to notice periods, holidays and sick leave which were accrued at the beginning of 'Maternity Leave' will not be lost.

1.19. Communications

It is recommended that you and your People Manager make arrangements to maintain reasonable contact during Maternity Leave in order to keep you informed of important developments at work and to discuss plans for returning to work. People Managers should draw particular attention to any changes in structures within the department and ensure that the employee is aware of any possible promotion opportunities. Employees on 'Maternity Leave' should also ensure that they keep themselves informed as appropriate for example by regularly reviewing the Council's current vacancies on the website. Maternity leave does not affect the employee's eligibility for applying for promotions.

2. Time off to Accompany a Pregnant employee to Antenatal Appointments

- 2.1. If you are an expectant parent (biologically) or the partner (including same sex) of a pregnant employee, you are entitled to take unpaid time off work to accompany them to up to 2 of their antenatal appointments. “Partner” includes the spouse or civil partner of the pregnant employee or a person who expects to take a parental role in the child’s life. There is no qualifying period for Council employees – this entitlement begins from the first day of employment.
- 2.2. The right applies whether the child has been conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.
- 2.3. If you are accompanying the expectant parent to their ante-natal appointments, you are entitled to unpaid leave up to 2 appointments, with each appointment capped at six and a half hours. The Council cannot request evidence of the antenatal appointments, such as an appointment card, as this is the property of the expectant parent. However, the Council can ask you to provide a declaration stating the date and time of the appointment, confirming your relationship with the expectant parent, or child, and verify that the time off is for the purpose of attending an antenatal appointment with the expectant parent, and verify that the time off is for an antenatal appointment advised by a registered medical practitioner, nurse or midwife.
- 2.4. Time off to accompany a pregnant woman or person for antenatal appointments must be recorded on the Employee Self Service System

3. Stillbirth or Miscarriage

- 3.1. The Council aim to be as flexible as possible to all employees who need to be away from work at such a difficult time. We take each employee’s personal circumstances into consideration to allow them a reasonable amount of time away from work.
- 3.2. The Council may grant up to 2 weeks (pro rata) bereavement leave if you have unfortunately suffered a miscarriage at less than 24 weeks pregnancy. Any time taken off after the initial 2 weeks will normally be processed as unpaid bereavement leave.
- 3.3. In exceptional circumstances, payment may be extended. You are advised to speak with your People Manager to confirm what options may be available for you.
- 3.4. Where a pregnancy ends in loss after 24 weeks the employee is entitled to maternity leave and maternity pay in full. Ten days (pro-rata) parental bereavement leave paid at contractual pay is available to parents and primary carers who lose a child through still birth after the 24th week of pregnancy.

4. Neonatal Care Leave and Pay

This policy outlines the entitlement to Neonatal Care Leave and Pay for employees whose babies require neonatal care, in accordance with the Neonatal Care (Leave and Pay) Act 2023.

- 4.1. Employees are eligible for Neonatal Care Leave if they have a parental or other personal relationship with a child receiving neonatal care. This includes parents, those married to the baby's parent, or individuals expected to have responsibility for raising the child.
- 4.2. You are entitled to up to 12 weeks of Neonatal Care Leave if your baby requires neonatal care. This leave is in addition to existing maternity or paternity leave entitlements. During this leave, employees will receive statutory neonatal care pay, provided they meet the eligibility criteria.
- 4.3. Neonatal Care Leave must be taken within the first 68 weeks following the child's birth. The leave can be taken in non-consecutive periods of at least one week.
- 4.4. You must provide notice and evidence of your baby's need for neonatal care. This may include medical documentation similar to a MAT1B certificate.

5. Paternity Leave

This section provides a summary of rights in relation to Paternity provisions. Paternity provisions refer to the leave and pay to which employees are entitled to under the statutory provision, and their right to resume employment with the Council, following the period of Paternity.

5.1. Eligibility

Following the birth of the child/placement of a child for adoption, eligible employees will have the right to request paid paternity leave to care for their new child or support the adopter. To apply for paternity leave and pay you must complete the Notification of Paternity Leave of the [HR and Payroll Portal](#), and complete the declaration that you are the biological parent of the child, or the spouse, partner (including same sex partners) or civil partner of the birthing parent/other adopter and:

- have or expect to have responsibility for the child's upbringing;
- will take time off work to support the parent/other adopter and/or the baby/adopted child will take time off work to support the birthing parent/other adopter and/or the baby/adopted child

Leave is available from the first day of employment but pay is subject to the qualification requirements as detailed below. A partner is defined as someone who is not an immediate relative and lives with their partner in an enduring family relationship. It may include a female partner in a same sex couple.

All employees seeking to take Paternity Leave and receive Paternity Pay must provide the Council with a copy of the MATB1 (Maternity Certificate) as soon as possible during the pregnancy.

5.2. Length of Paternity Leave

You can take either 1- or 2-weeks' leave. If you are taking 2 weeks, they can either be taken consecutively or separately. The amount of time is the same even if you have more than one child (for example twins). Leave cannot start before the birth. The start date must be one of the following:

- the actual date of birth
- a specified number of days after the birth
- a set date which is after the date of birth

Leave must finish within 52 weeks of the birth (or due date, if the baby is early).

If you are taking paternity leave because you are adopting, you can start your leave:

- on the date of placement
- an agreed number of days after the date of placement
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions)

Leave must be taken within 52 weeks of the date of the placement or arrival.

5.3. Pay

During paternity leave you will be able to apply for Statutory Paternity Pay (SPP) which is the same as the standard rate of Statutory Maternity Pay - the current rate can be found here [Paternity pay and leave: Pay - GOV.UK](#). To qualify for SPP you must continue to work with the Council right up until the baby is born or the child is placed for adoption. Employees who have average weekly earnings below £123 per week (gross) do not qualify for SPP. The Council also provides the option of paying one week's Occupational Paternity Pay, which is the equivalent of one week's full pay, to those employees who have been employed for 1 year at the beginning of the 11th week before the Expected Week of Childbirth (this date can be found on the employee's partner's MATB1 form).

5.4. Notice of Intention to take Paternity Leave

You will be required to inform us of your intention to take paternity leave at least 15 weeks before the baby is expected or within seven days of the adopter being notified by their adoption agency that you have been matched with a child unless this is not reasonably practicable. You will need to inform us:

- Of the baby's due date or the date when the child is expected to be placed;
- Whether you wish to take one- or two-weeks' leave;
- When you want your leave to start.

You should give at least 28 days' notice of the date that you expect any payments of Statutory Paternity Pay to start.

You may also be entitled to take Shared Parental Leave in addition to the 2 weeks Paternity Leave. Please see the 'Shared Parental Leave' section within the policy' for more information and for how to apply.

6. Paternity Bereavement Leave

This applies to all employees from their first day of employment. It covers bereaved parents dealing with the loss of their child's parent during childbirth, as well as bereaved parents of adopted children and children born through surrogacy arrangements.

6.1. Leave Entitlement

Bereaved partners are entitled to up to 52 weeks of paternity bereavement leave. This leave can be taken consecutively or intermittently within 18 months of the loss, providing flexibility to manage personal and family needs during this difficult time.

6.2. Notification

You must notify your immediate People Manager and/or the Human Resources team as soon as possible regarding their need for paternity bereavement leave. Documentation, such as a death certificate, may be required to process the leave request.

6.3. Entitlement to Pay

During the first 10 working days of paternity bereavement leave, you will receive your regular rate of pay. For the remaining leave period, compensation will be in accordance with statutory paternity pay regulations.

6.4. Keeping-in-Touch Days

If you are on paternity bereavement leave, you are entitled to up to 10 keeping-in-touch days. These days allow you to work, attend training, or maintain contact with the workplace without affecting your leave entitlement.

6.5. Job Protection

If you take paternity bereavement leave you will be reinstated to your original job or an equivalent position with the same pay, benefits, and terms and conditions of employment upon your return.

6.6. Support Services

The Council offers counselling and support services to employees dealing with the loss of a child's parent. People Managers should reflect the Council's intent and demonstrate compassion and empathy towards staff throughout this difficult time and as far as possible offer any support they might need. The Council has a range of options in place to help support staff at these difficult times including:

- [Employee Assistance Programme](#)
- Occupational Health Service
- [Flexible Working Policy](#) to help staff during significant life events
- [Workforce wellbeing guidance](#) which includes links to local and national organisations who offer emotional wellbeing support

7. Shared Parental Leave (ShPL)

7.1. Shared Parental Leave (ShPL) should not be confused with unpaid Parental Leave, which is unaffected by ShPL. Unpaid parental leave is the entitlement to up to 18 weeks' unpaid leave for parents who have responsibility for a child aged up to 18, detailed within this policy. This section outlines the statutory right to take Shared Parental Leave (ShPL) to care for a child due to be born or placed for adoption, and the arrangements and notification requirements before a period of ShPL and the entitlement to pay during ShPL.

7.2. ShPL gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 52 weeks' leave should they wish to do so. Parents taking ShPL can take leave in separate blocks, returning to work in between blocks, and can be on leave at the same time. Eligible employees are entitled to submit up to three 'period of leave' notices. Requests for continuous periods of leave will be granted. Employees and People Managers should, where possible, have an informal discussion prior to employees giving formal notification of intention to take ShPL so that entitlements to other types of leave and pay can be discussed, and to ensure that plans for any discontinuous periods of leave can be considered as early as possible.

7.3. Entitlement to Shared Parental Leave

To be entitled to Shared Parental Leave you must:

- be the biological parent or main adopter of the child, or the partner of the parent or main adopter (each will be referred to in this policy as a parent)
- have (or share with the other parent) the main responsibility for the care of the child;
- still be in continuous employment until the week before any ShPL is taken.
- leave is a "day one" entitlement, pay is subject to the qualification requirements as detailed below.

In addition, the other parent must:

- have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week

If the other parent meets those conditions, but does not qualify for ShPL, you may be entitled to the whole ShPL period – the main advantage being the ability to request leave in different blocks and return to work in between those blocks.

If you want to calculate your entitlement to ShPL and ShPP you can do so at [Plan your Shared Parental Leave and Pay - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/plan-your-shared-parental-leave-and-pay) To access your entitlement, you must also follow the statutory notification and information requirements detailed below.

7.4. Amount and Timing of ShPL

ShPL must be taken in blocks of at least one week and within a one-year period beginning with the date of the baby's birth or the child's placement for adoption. The maximum of 52 weeks' ShPL will be reduced by the number of weeks' maternity or adoption leave that has already been taken by the birthing parent or main adopter (or the number of weeks' statutory maternity/adoption pay, or maternity allowance already taken if the birthing parent or main adopter is not entitled to statutory maternity/adoption leave). After the birth of a child, it is compulsory to take two weeks' maternity leave, so in the majority of cases working parents will have the opportunity to split 50 weeks of ShPL.

ShPL is in addition to the statutory right to two weeks' paternity leave for parents and partners. If you wish to take maternity support leave or paternity leave you must do so before you take any ShPL.

7.5. Entitlement to Shared Parental Pay

In addition to the requirements regarding entitlement to leave outlined above, if you wish to claim shared parental pay (ShPP) within the one-year period following the baby's birth, you must have average weekly earnings equal to or above the Lower Earnings Limit over the eight-week period ending with the relevant week.

A maximum of 39 weeks' ShPP is payable, and this will be reduced by the number of weeks' statutory maternity/adoption pay or maternity allowance already taken by the parent or main adopter. The statutory ShPP is a standard weekly rate (or 90% of the employee's normal weekly earnings if this is lower) which is set by government each tax year.

The payment will be enhanced to include 12 weeks at half pay plus ShPP (subject to normal full pay not being exceeded) if the following conditions are met:

- ShPL to be taken as one continuous block;
- the occupational element must be repaid if you do not return to work for 3 months following your ShPL;
- in the event that both parents/adopters are employed by the Council the occupational element of 12 weeks half pay must be shared

To access your entitlement to ShPP you must follow the statutory notification and information requirements detailed below. Please consider carefully before joining any salary sacrifice schemes if you anticipate taking shared parental leave during the period of your agreement. This is because Shared Parental Pay (ShPP) is typically calculated based on average weekly earnings. Participating in a salary sacrifice arrangement will reduce your salary, and consequently, it will lower your ShPP.

7.6. Notification Requirements

The notification requirements for ShPL and ShPP are very specific and detailed.

Notice of entitlement and intention to take ShPL and ShPP

You must notify the Council in writing at least eight weeks before the start date of the first period of ShPL, but preferably sooner. You should do this by completing the form on the [HR and Payroll Portal](#) . The form will require the following information:

- Your name and your partner's name
- Your partners National Insurance number and DOB
- An indication of the start and end dates of the periods of ShPL and ShPP that you intend to take. This indication is not binding and can be amended at a later date.
- A declaration that you meet the conditions for entitlement to ShPL, the information provided is accurate and that you will notify the Council immediately if you cease to meet the conditions for entitlement.

A declaration from the other parent containing name, address and National Insurance number, confirmation that they meet the employment and earnings conditions, consents to the amount of leave the employee intends to take and will immediately inform you if cease to satisfy the employment and earnings conditions. You will receive written confirmation acknowledging the receipt of your notice of entitlement to take Shared Parental Leave (ShPL) and Shared Parental Pay (ShPP). After receiving this confirmation, you must book your leave through Employee Self-Serve.

When giving notice of entitlement this will include a Maternity/Adoption Leave Curtailment Notice which you, as the main adopter must sign to give your employer 8 weeks' notice of the date on which maternity/adoption leave is to end (or the date on which maternity/adoption pay is to end if you are not entitled to maternity/adoption leave).

If you are not entitled to ShPL but want to curtail your maternity/adoption leave and/or pay to free up the entitlement to ShPL for the other parent/adopter, you must also submit a curtailment notice. Your maternity allowance cannot be reinstated, so you are in effect giving consent for your partner to take the whole of any ShPP entitlement.

Notice of curtailment is usually binding, but may be revoked in the following circumstances:

- it becomes apparent that neither parent is entitled to ShPL or ShPP;
- if the curtailment notice was given before the birth and is revoked within six weeks of the birth (in this case another curtailment notice can be submitted);
- if the other parent dies.

In practice, at least the first period of ShPL will usually be identified in the initial notice of entitlement and intention to take ShPL . You are entitled to submit a maximum of a further two 'period of leave' notices – to do this email HR. Each notice must be given at least eight weeks before the start of a period of leave, stating the dates of the leave and the dates on which ShPP will be claimed, if applicable.

If the first 'period of leave' notice is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example 'starting two weeks after the baby is born for a period of four weeks.

The Council reserves the right to ask for further information to support this request.

7.7. Confirmation of ShPL and ShPP

If a continuous period of leave is requested in each period of leave notice, you will be entitled to take that period of leave, and this will be confirmed in writing. If more than one period of leave is requested in a period of leave notice, your People Manager will seek to accommodate the request, but this cannot be guaranteed. Your People Manager will discuss the request with you to determine if it can be accommodated. If it cannot be accommodated, there may be an alternative pattern of leave which can be agreed, or the request may be refused. The People Manager's decision will be confirmed in writing.

If no agreement is reached within two weeks of the period of leave notice being submitted, you can:

- take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
- take the continuous block starting on a new date, as long as the new date is later than the original start date, and you notify the Council of the new date within five days of the two-week period referred to above
- withdraw the request at any time up to the 15th day after it was originally made. If the request is withdrawn in these circumstances, it will not count as one of your three requests

7.8. Varying a Period of Leave

You are entitled to submit a request to vary a period of leave in the following ways:

- vary the start or end date as long as the variation is requested at least eight weeks before the original start date and the new start date;
- vary or cancel the amount of leave requested at least eight weeks before the original start date;
- request that a single period of leave become a discontinuous period of leave, or vice versa.

A variation will count as one of your three period of leave notices unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth;
- the Council has requested the variation
- the Council has agreed to accept more than three period of leave notices.

To cancel or vary a period of ShPL please email HR.

The usual eight-week notice requirement may be modified if your child is born early and the new start date for the period of leave is the same length of time following the birth as in the

original notice. In this case notice to vary the start date should be given as soon as reasonably practicable after the birth of the child.

7.9. Shared Parental Leave in Touch Days (SPLiT)

You may be asked to attend work on occasional days during your ShPL period. These days could be for training, to attend department meetings, or just for keeping in touch (SPLiT). You may work for up to 20 days without bringing the ShPL to an end but work during ShPL will not have the effect of extending your ShPL period. If you do work, you will be paid your normal rate of pay inclusive of any ShPP entitlement. You are under no obligation to work during ShPL, and the Council is under no obligation to offer work.

Any work done, whether it is a one-hour team meeting, a two-hour training session, or a full day, would be classed as one SPLiT day. You must record when SPLiT days have been taken and the number of hours worked. Payment will be at current spine point or rate of pay for the hours worked so your People Manager must enter details of these hours into the Employee Self Service System in order for you to be paid correctly.

The 20 SPLiT days available during ShPL are in addition to the 10 KIT days available during Maternity and Adoption Leave.

7.10. Terms and conditions during ShPL

Contractual benefits (apart from remuneration) will continue to be accrued during periods ShPL period.

Employees taking ShPL will continue to accrue contractual holiday entitlement.

Holiday entitlement accrued before ShPL

Entitlement to accrue holidays is not affected by ShPL and employees are entitled to accrue statutory and contractual holiday during the entire ShPL period.

Employees will be advised, prior to ShPL, of any holiday they are entitled to take before ShPL is due to start.

Holiday entitlement accrued during ShPL

Holiday entitlement continues to accrue during ShPL. Employees on ShPL will also be entitled to any fixed holidays such as Bank Holidays that fall during a period of ShPL. These fixed holidays will be treated as annual leave for this purpose and taking these days as leave must be requested in the usual way.

There may be discussions between People Managers and employees around the various options regarding holiday entitlement before a return to work. Requests to take annual leave should be made in compliance with the Council procedures for requesting annual leave.

7.11. Returning from ShPL

If you wish to return early from ShPL, or extend the period of your ShPL, you must notify the Council at least eight weeks' before both the original end date and the new end date.

If you return to work immediately after a period of ShPL which ,together with any statutory maternity/adoption leave you may have taken to care for the same child, was 26 weeks or less, you will return to work in the same job that you left.

If you return to work from a period of ShPL which, together with any maternity/ adoption leave you may have taken to care for the same child, was greater than 26 weeks, you will be entitled to return to the post that you now occupy or a suitable alternative post if, for some reason, e.g. redundancy or restructure, it is not practicable for you to return to the original post.

Your right to return means that you return on terms and conditions no less favourable than those that would have been applied if you had not been absent and with the same level of seniority, pension rights and other similar rights.

8. Ordinary Parental Leave (Unpaid)

8.1. An employee who is entitled to apply for parental leave is defined by the regulations as having ‘responsibility for a child’. This includes;

- A parent of the child
- The birthing parent
- Adoptive parent
- A Parent who was married to the other parent at the time of the birth or is registered as the child’s parent
- If not covered by the above, a parent who has acquired parental responsibility under the Children Act 1989
- The other parent if they were married to the birthing parent at the time of the birth or are registered as the child's parent
- If not covered by the above, the other parent if they have acquired parental responsibility under the Children Act 1989
- A legal guardian appointed under Section 5 of the Children Act 1989
- Nominated Carer (as defined in Appendix H of Local Conditions of Service), subject to production of documentary evidence of ‘responsibility for a child’ as defined below.

8.2. Agreements reached under the NJC for Local Government Services state that parental leave should also be extended to employees with parental responsibilities but who do not fall under the legal definition. This might include foster parents; adoptive parents prior to placement; grandparents with a significant parenting role.

8.3. A total of 18 weeks unpaid parental leave is available for eligible employees, per parent, per child, up to their 18th birthday. The aim of the leave is to support their child’s welfare, for example to:

- Spend more time with their children
- Look at new schools
- Settle children into new childcare arrangements
- Spend more time with family, such as visiting grandparent

8.4. A week is normally defined as an employee's contracted working week where this does not vary. Where the working pattern normally varies from week to week or over a longer period, or if the employee is normally required to work in some weeks and not others, a week is the total of all periods in which they work, divided by 52

8.5. Entitlement

To qualify to apply for parental leave you must:

- Have, or expect to have, responsibility for a child

An employee who qualifies to apply for parental leave is entitled to 18 weeks unpaid leave, in addition to leave granted under any other terms or conditions of service (except Maternity Support Leave), to be taken as follows:

- As block of a week or multiples of a week for a maximum of 4 weeks per year (per child), unless the child is disabled in which case it may be taken as individual days.
- The maximum of 4 weeks per year (per child) is the statutory guidance but can be varied with agreement.
- In patterns which provide a part time or reduced hours working arrangement for a period of time equivalent to taking 18 weeks leave.

Parental leave is an individual entitlement for each employee, meaning the statutory entitlement is attached to the employee, not each individual contract of employment. In circumstances where both parents, as defined in this policy, are employees, they may both apply to take parental leave, together or separately, in respect of the same child. You are entitled to apply for parental leave separately for each child for whom they have responsibility that meets the qualifying criteria.

8.6. Application Process

Every attempt should be made by you to give as much notice as possible with a minimum of 21 days' notice in writing required before the day on which you propose to take the leave. Employees should apply to HR specifying when the requested leave is to begin and end. In the case of multiple employments, you will be required to give notice to all relevant parties. You may apply to take parental leave immediately prior to or after annual leave, maternity leave, adoption leave, shared parental leave or maternity support leave.

If the parental leave is to be taken by a partner immediately after a child is born the notice must specify the expected week of childbirth, the amount of parental leave to be taken and be given at least 21 days before the beginning of the expected week of childbirth. Parents/partners who wish to apply for paid maternity support leave or paternity leave and pay may continue to do.

If parental leave is to be taken immediately after a child is placed for adoption, the notice must specify the expected week of placement, the amount of parental leave to be taken and be given at least 21 calendar days before the expected week of placement, or as soon as it is reasonably practicable.

Parental leave may be granted to you if you have not given the required notice in special circumstances at the discretion of the Head of Service. Such discretion shall not be unreasonably withheld.

It is the responsibility of both employees and relevant Supervisors/People Managers to keep accurate records in order to facilitate the granting of parental leave (to be processed in accordance with the Data Protection Act 1998).

8.7. Production of Evidence of Responsibility for a Child

The Council has the right to request to see reasonable evidence of the following:

- the child(ren)'s date of birth e.g. birth certificate
- an employee's responsibility or expected responsibility for the child(ren) e.g. Adoption papers

Evidence must be requested and produced prior to the granting of the initial period of parental leave for each child. Re-production of such evidence in respect of further requests for parental leave in respect of the same child may be necessary where the employing department changes or where an employee may have ceased to satisfy the qualifying criteria set down in the Regulations.

8.8. Postponement of the Timing of Parental Leave

By the Council

If you meet the qualifying conditions and give the required notice you are entitled to take the leave, and the request cannot be refused. In the case of multiple employments, agreement to take the leave will be subject to consultation between all relevant departments. Every attempt will be made to avoid postponement. In any event, leave shall not be postponed for more than three months except in exceptional circumstances.

However, in accordance with the Regulations, the Council may postpone the timing of parental leave if the operation of the business would be unduly disrupted. The Council may not postpone the parental leave in the following circumstances:

- Following maternity support leave
- Following maternity leave
- At the time of adoption, at times prior to adoption where the parent is required to be at home by the adoption process, or following adoption leave

In circumstances where the Council wishes to postpone a period of parental leave an employee must be notified in writing within 7 calendar days of receipt of the request for leave and the reason for the postponement.

The Council must consult with you with a view to coming to agreement over alternatives. These might include:

- A different pattern of leave – e.g. part time rather than full time
- A shorter or longer period of leave

- Alternative dates within a three-month period.

Where there is no agreement, the Council must as a minimum, permit the employee to take a period of leave of the same duration and beginning on a date determined in consultation with the employee no later than three months after the originally notified start date.

You may be accompanied by a Trade Union representative or work colleague during consultations with the Council.

By an Employee

You may postpone the timing or cancel a period of agreed parental leave where the Council considers that there are justifiable circumstances, for example:

- they no longer have responsibility for the child(ren) as defined by the regulations;
- if the leave was requested to cover a specific purpose (for example, absence of normal childcare arrangements, hospitalisation of child, absence of partner) and this need or purpose no longer exists.

In such circumstances an employee should, in the first instance, discuss the matter with their manager. Where it is then agreed that the cancellation or postponement of an agreed period of parental leave is justifiable, you must request the postponement or cancellation in writing, stating the dates of the agreed period of parental leave they wish to cancel/postpone and their reasons for doing so.

In normal circumstances, you must allow a minimum of 7 calendar days to elapse before rebooking the leave.

In exceptional circumstances, consideration may be given to a request to extend the agreed period of parental leave, where the maximum parental leave has not yet been taken.

Upon receipt of the written notification of postponement/cancellation or extension, the manager must notify HR immediately, to ensure that the appropriate amendment to pay may be made without delay.

8.9. Right to Return

An employee has the right to return to the same job or, if that is not reasonably practicable, to another suitable and appropriate job, unless the leave is for 4 weeks or less and does not immediately follow additional maternity leave, in which case an employee has the right to return to the same job. Upon return to the workplace, an employee's terms and conditions must be no less favourable than they would have been had they not been absent from work. Periods of unpaid parental leave may have some effect on certain employee rights (e.g. pension fund) but will not affect continuous service.

Protection from Detriment/Unfair Dismissal/Redundancy

An employee is protected from detriment (i.e. an act, or failure to act) and dismissal or selection for redundancy on the grounds that they:

- took, or sought to take, parental leave
- declined to sign a workforce agreement, or
- performed functions or activities (or proposed to do so) as a workforce representative, or a candidate for election to representative, under the Regulations.

8.10. Deduction of Pay

Corresponding deductions will be made from an employee's remuneration in the next available pay period after notification. Wherever possible this will be in the same pay period as the leave is taken.

9. Foster Care and Placement Leave

9.1. The Council recognises and values the contribution that foster carers make to society and especially the lives of children in care. 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. The Council is committed to supporting employees who are a main or linked foster carer and those who are applying to be a foster carer with a local authority or independent fostering service. We will, wherever possible, create a fostering friendly organisation that offers flexible working arrangements which respond to the needs of employees who are foster carers.

9.2. This section of the policy sets out the additional time off that we will offer foster carers and those going through the approval process. It recognises that the process of seeking approval to become a foster carer can be lengthy and places a number of reasonable but demanding expectations upon prospective carers, particularly in relation to the training, assessment and approval process. It also recognises the circumstances when employees who are foster carers are taking on a placement/child under a short or long-term fostering arrangement.

9.3. Foster Care Leave

Foster care leave is available to you if you:

- are applying to become a foster carer
- are an approved foster carer and have a child in placement (or have had a child in placement for 75% of the previous 12 months)

The Council values and will support you by giving paid time off in any 12-month period as follows:

- assessment and initial training prior to approval as a foster carer - up to three days
- attendance at panel for approval – half a day
- looked after child statutory review meetings, child review meetings, annual foster carer review meeting and training – up to five days.

Your People Manager will approve the leave on a discretionary basis taking into account individual circumstances of each case and operational requirements of the business. The

leave will be considered and approved on a pro rata basis. You will need to provide necessary evidence to support your request for leave if requested. Foster care leave should be requested via the [HR and Payroll Portal](#)

9.4. Foster Placement Leave

To qualify for leave when taking on a placement/child under a short or long-term fostering arrangement, staff members must:

- provide a notice of acceptance for a placement
- have not taken child placement leave in the last 12 months
- be the primary carer of the child

In exceptional circumstances, when the needs of the child requires both carers' full-time involvement, leave may be granted even if you are not the primary carer. You are eligible for up to six weeks paid leave of absence following the placement being made. If the Council employs both foster carers, then you are only entitled to receive a single allocation of leave, however it may be split between both carers with agreement from the appropriate Heads of Service.

Where only one foster carer works for the Council, you will be entitled to leave, provided that your partner is working but not entitled to claim equivalent leave. There will be no entitlement where your partner is not working unless there are exceptional circumstances when the needs of the child require both carers' full-time involvement. There is only one period of leave and/or pay available irrespective of the number of children being fostered.

Where the child placed is under five years of age on the day of placement:

- weeks 1–3 inclusive will be paid at 90 per cent of pay
- weeks 4–6 inclusive will be paid at half pay. Employees not returning to work by the first day of the seventh week shall repay the three weeks at half pay.

Where the child placed is over five years of age on the day of placement, one week's leave with pay will be available to you as the primary carer in consultation with your People Manager. In exceptional circumstances, when the needs of the child require your full-time involvement for a longer period of time, the leave entitlement for a child under five years of age may apply at the discretion of the Head of Service.

10. Adoption Leave

- 10.1. The Work and Families Act 2006 introduced provisions for employees who are adopting a child to have an entitlement to statutory adoption leave and pay. These provisions have been extended by the Children and Families Act 2014, which provides additional rights and entitlements to eligible adopters; to surrogate parents who intend to apply for a parental order and to foster parents where they intend to adopt (known as dual approved prospective adopters/ foster-to-adopt).

10.2. Adoption leave and pay is available to you if you are a sole adopter, or to one member of a couple where a couple jointly adopts (including same sex partners and civil partners) where both qualify and are employed by the Council. A couple who jointly adopt must choose which partner will take adoption leave. The other partner may choose to take paternity leave. If you want to share the equivalent of the adoption leave period, you can end the adoption leave and enter into shared parental leave arrangements.

10.3. Eligibility for Adoption Leave

To qualify for adoption leave, you must:

- be newly matched with a child for adoption by an approved adoption agency recognised in the UK;
- have notified the adoption agency that you agree the child will be placed with you and have an agreed date of placement;
- given the correct notice to the Council
- produce documentary evidence confirming the adoption is taking place – usually a ‘matching certificate’ from the adoption agency Although adoption leave is a “day one” entitlement, adoption pay is subject to the qualification requirements as detailed below.

10.4. Adoption Pay

Statutory adoption pay is the statutory minimum adoption pay set by the government that employers must pay employees. In order to qualify for statutory adoption pay, the employee must have:

- 26 weeks continuous employment with the same employer at the ‘qualifying week’
- Have earned, on average, at least the lower earnings level for national insurance contributions in the 8 weeks leading up to the date you were notified of a match with a child by the adoption agency. Details of the lower earning level for national insurance contributions can be found at [:https://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions](https://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions)

In order to qualify for occupational adoption pay (OAP), you must have continuous local government service of at least one year or more by the end of the ‘qualifying week’. OAP will only be paid if you make a written declaration that you intend to return to work for a period of at least 3 months following your adoption leave; if you do not return you will have to repay the OAP paid to you.

You will not qualify for adoption leave and statutory pay in the following circumstances:

- Private adoption i.e. not by an approved adoption agency recognised in the UK
- Becoming a special guardian or kinship carer
- Adopting a stepchild
- Adopting a family member

Please consider carefully before joining any salary sacrifice schemes if you anticipate taking adoption leave during the period of your agreement. This is because Occupational Adoption Pay (OAP) is typically calculated based on average weekly earnings. Participating in a salary sacrifice arrangement will reduce your salary, and consequently, it will lower your OAP.

10.5. Surrogate Parents

If you are in a surrogacy arrangement and are entitled to and intend to apply for a Parental Order under section 54 of the Human Embryology and Fertilisation Act 2008, you will be able to take adoption leave and pay, if you meet the qualifying conditions. A parental order transfers the legal rights from the surrogate to the intended parents when a surrogate has been used to have a child.

To apply for a Parental Order, you must be genetically related to the child (i.e. the egg or sperm donor) and in a relationship where you and your partner are either:

- married
- civil partners
- living as partners

To qualify for adoption leave and/or pay, the conditions are that:

- the intended parent gains a parental order in respect of the child; or
- they intend to apply for such an order within 6 months of the child's birth and they expect the order will be made
- Sign form SC6 (available on the gov.uk website) if they are adopting a child from overseas with their partner. This official notification is permission from a UK authority that you can adopt from abroad. Form SC6 confirms you're not taking paternity leave or pay.

If you are in a surrogacy arrangement and are adopting a child through a registered adoption agency, you will be entitled to take adoption leave and pay, providing you meet the normal qualifying conditions set out above.

10.6. Fostering for Adoption

Dual Approved Prospective Adopters are foster parents who foster a child in the expectation that they will adopt that child in accordance with section 22C of the Children's Act 1989.

To be eligible for adoption leave and/or pay, you must:

- be a local authority foster parent who has been approved as suitable to adopt the child that you will initially foster;
- have been notified by the local authority of its decision to place a child with you; and
- have notified the local authority that you have agreed to the placement (initially for fostering) and the date that it will take place.

As a dual approved prospective adopter, you are entitled to take adoption leave and pay from up to 2 weeks before the child is placed with the family in accordance with section 22C

of the Children Act 1989 (i.e. from up to 2 weeks before the child joins your family, initially for fostering).

You will only be eligible for statutory adoption pay if they meet all of the conditions for adoption leave and also have:

- Earned, on average, at least the lower earnings level in the 8 weeks leading up to the date they were notified of a match with a child;
- Notified their employer that they are entitled to statutory adoption pay and when this is to begin;
- Stopped working for the employer;
- Elected to receive statutory adoption pay.

Adoption leave and pay is not available to other types of foster carers.

Notification

You should always aim to have early conversations with your People Manager about your proposed adoption plans, so that forward planning can take place. Formal notice to take adoption leave must be given by you within 7 days of being informed that you have been matched for adoption by the adoption agency (unless there is a reason that makes this impossible). In rare cases you are unable to give 7 days' notice, People Managers do have the discretion to delay the start date of the adoption leave and pay, but not after the start of the placement date.

To give formal notice, you must provide notification via the [HR and Payroll Portal](#) – Family Leave Notification and provide the matching certificate. You will then receive written confirmation, outlining the conditions of your maternity leave and your entitlement.

As a surrogate parent, you will also need to confirm in writing the expected week of child's birth and will also need to confirm the date the child was born (after the child's birth). This should be given as soon as reasonably practicable.

Changing the Start Date

You may bring forward or postpone the adoption leave start date, by providing written notification at least 28 days before the new start date.

10.7. Time off to Attend Adoption Appointments

If you intend to adopt a child, you have the right to paid time off to attend up to five appointments for any purpose connected with the adoption. There is no qualifying period of service, meaning the right can be exercised from the first day of employment.

If you are adopting a child or children on your own (i.e. without a partner), you will be entitled to paid time off to attend up to five appointments. This will also apply to joint adopters where there is only one qualifying employee.

If you are a joint adopter (i.e. adopting with a partner) where both are qualifying employees of the Council, you will need to choose which member of the couple will take paid time off to

attend up to five appointments, while your partner may take unpaid time off to attend up to two appointments. Please note, the adopter employee who takes paid time off for appointments cannot claim paternity leave and pay. This means that the parent who intends to take adoption leave and pay should take the paid time off for pre-adoption leave.

The time off available for each appointment (whether paid or unpaid) is a maximum of six and a half hours. Time off cannot be taken on or after the date of the child's placement. Only those officially adopting the child are entitled to time off to attend adoption appointments.

As an intended parent of a child in a surrogacy arrangement, you will also be eligible for unpaid time off to accompany a pregnant employee with whom they are having a child of up to two antenatal appointments (of up to six and a half hours for each appointment).

If you wish to make a request for time off for pre-adoption leave, you should put your request in writing to your People Manager.

10.8. Adoption Leave

Adoption leave is for a period of up to 52 weeks, consisting of 26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave.

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. For overseas adoptions, the adoption leave may start from the date the child arrives in the UK or within 28 days of this date.

To ensure service delivery is not disrupted, you should discuss the timing of your adoption leave with your People Manager as early as possible.

If you wish to return to work before the end of the 52-week adoption leave period, you will need to give 8 weeks' notice. If the child's placement ends during the adoption leave period, you will be able to continue adoption leave for up to eight weeks after the end of the placement.

Periods of unpaid leave may have implications for members of the pension fund

10.9. Keeping in Touch

Keeping in Touch (KIT) days are optional and intended to help you keep in touch with the workplace and ease an eventual return to work. You may do up to ten KIT days during the adoption leave period. These are paid at your normal pay rate and do not affect your adoption leave/pay.

There is no legal requirement for KIT days and both you and your People Manager must agree to these days. KIT days can be used to attend a conference, undertake training, attend a team meeting or carry out any activity that would be classed as work under the employees' contract.

Working for part of a day will count as one day. For example, if you work for 2 hours, you will receive payment for these hours, but this will count as one full 'KIT' day. Your manager must enter details of these hours into the Employee Self Service System in order for you to be paid correctly.

10.10. Contact During Adoption Leave

The Council reserves the right to maintain reasonable contact with you during adoption leave. This may be to discuss your plans to return to work, discuss any training to ease you back into your return to work, or to provide an update on developments at work during your absence.

10.11. Returning to Work

You will be entitled to return to the post that you now occupy or a suitable alternative post where for some reason, e.g. redundancy or restructure, it is not practicable for you to return to the original post.

10.12. Shared Parental Leave

Shared parental leave is available to the main adopter and their partner, allowing both adoptive parents to share their leave and pay. If you and your partner meet the qualifying requirements and wish to take shared parental leave and/or pay, the main adopter must formally end their adoption leave and pay.

11. Parental Bereavement Leave

The Parental Bereavement Leave and Pay Regulations (known as Jack's Law) provides parents who suffer the devastating loss of a child 2 week's statutory leave. This leave gives parents the opportunity to take leave at a time that feels right for them up until the first anniversary of the child's death.

Qualification

To be eligible for this leave, employees will have:

- Lost a child under the age of 18 or
- Suffered a still birth from 24 weeks of pregnancy

The leave entitlement is from 'day one' of the loss therefore no qualifying service is required.

Entitlement

Eligible employees will be able to take 2 weeks statutory leave.

Leave can be taken as either a block of 2 weeks, or as 2 separate blocks of one week each taken at different times up until the first anniversary of the child's death.

This leave is in addition to existing parental leave and special leave entitlements. 1

Payment

The Council has agreed that, regardless of service, employees will be paid full pay for the duration of the 2 weeks Parental Bereavement Leave

Support

Losing a child is every parent's worst fear, but no-one could ever fully understand the utter devastation of such a loss. People Managers should reflect the Council's intent and demonstrate compassion and empathy towards employees throughout this difficult time and as far as possible offer any support they might need.

The Council has a range of options in place to help support employees at these difficult times including:

- [Employee Assistance Programme](#)
- Occupational Health Service
- [Flexible Working Policy](#) to help staff during significant life events
- [Workforce wellbeing guidance](#) which includes links to local and national organisations who offer emotional wellbeing support

People Managers should record the absence on the Employee Self Service System seeking advice on how to do this if needed.

12. Data Protection

The Council processes personal data in accordance with its Data Protection policy. In particular, data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the recruitment exercise effectively to decide to whom to offer the job. Inappropriate access or disclosure of job applicant data constitutes a data breach and should be reported in accordance with the Council's Data Protection policy immediately.

Appendix 1: Pregnancy checklist

1. Notify your manager and complete a Maternity Form on HR Portal
2. Your manager will carry out risk assessment.
3. Upload your MATB1 to the HR Portal upon receipt
4. Human Resources (HR) will notify you in writing of the conditions of your maternity leave.
5. Notify your manager of antenatal appointments
6. Give 28 days' notice of your intention to start your maternity leave. You can choose to start your maternity leave any time 11 weeks before your due date
7. Notify HR when your baby is born
8. Arrange any required KIT days
9. Notify your manager of the date you are returning to work (you must give at least 21 days' notice if you are returning before the end of your maternity leave (52 weeks)