HR08 – Maternity and Family Friendly Policy

Welshpool Town Council

Adopted:
Revised:
Review: Biannually or as changes are required.

Council HR and Governance Support
Excellence in all we do

HR08 - Maternity & Family Friendly Policy

1. Introduction

1.1. Mothers, fathers and partners (including same-sex partners) and adoptive parents all have statutory rights to family leave. In the UK, there are several different types of family leave and some of them overlap

1.2. This Policy explains the rules[1] relating to:

a Maternity Leave and pay

b Adoption Leave and pay

c Paternity Leave and pay

d Shared Parental Leave and pay

e Parental Bereavement Leave and pay

1.3. We have used abbreviations and acronyms in this Policy for ease. They are detailed in bold in the Policy itself and are listed in the glossary at the end of the Policy.

1.4. This Policy applies to all employees of the Council.

1.5. This Policy does not form part of your contract of employment. We reserve the right to amend or remove this Policy. If there is any conflict between the terms of this Policy and the statutory rights which it covers, then the statutory rights will prevail.

2. Maternity Leave

2.1. You are entitled to take up to 52 weeks of time off work when you have a child. This is known as **Maternity Leave**. This is your right regardless of how long you have worked for us or how many hours you work.

2.2. The rules relating to Maternity Leave separate the time off into an initial period of 26 weeks, which is known as Ordinary Maternity Leave (**OML**), and the following 26 weeks, which is known as Additional Maternity Leave (**AML**).

3. Telling us about your pregnancy

3.1. Once you are aware that you are pregnant, please let us know as soon as possible. This is so that we can review any health and safety implications and start to plan for your absence. Once you have told us you are pregnant, we will arrange for a risk assessment of your work environment to be carried out.

3.2. You should work out what your expected week of confinement (**EWC**) is. Your EWC is the week (beginning on Sunday and ending on Saturday) when your due date falls. Your EWC is used as the basis for several rules relating to maternity rights.

[1] This Policy is drafted to reflect statutory entitlements. If you offer any enhanced entitlements to leave and/or pay, then you should insert details of these entitlements as well.

3.3. No later than the 15th week before your EWC (**Qualifying Week**) you must:

a Tell us what your EWC is.

b Tell us the date that you want your Maternity Leave to start. This date cannot usually be earlier than the 11th week before your EWC.

Once you have sent us these details, we will write to you stating the date we expect you to return to work (this will be calculated based on the assumption that you will be taking your full period of Maternity Leave) (**Assumed Return Date**).

3.4. Please provide us with a copy of your MATB1 form, which you will receive from your midwife.

4. Starting Maternity Leave

4.1. Maternity Leave cannot usually begin until the 11th week before your EWC (unless your child is born before this date). Maternity Leave will automatically begin when you give birth if it has not already started before this.

4.2. If you want to change the start date for your Maternity Leave, then you should let us know in writing at least 28 days before the earliest of the original start date or the new start date (if you are bringing your leave earlier). We will then write to you with an adjusted Assumed Return Date.

4.3. Your Maternity Leave will start automatically if you are off sick for a pregnancy-related reason at any point in the four weeks before your EWC.

5. Statutory Maternity Pay

5.1. You will be eligible for Statutory Maternity Pay (**SMP**) if you:

a Have 26 weeks' continuous service with us by the Qualifying Week

b Earned at least the average amount set by the Government each year in the eight weeks before the Qualifying Week

c Provided us with a copy of your MATB1

d Gave us at least 28 days' notice of your proposed Maternity Leave start date.

5.2. You will receive SMP for up to 39 weeks. This will be paid at 90% of your average weekly earnings for the first six weeks and at the standard SMP rate for the remaining 33 weeks. The standard SMP rate is set by the government, and you can see the current rate at the link below. We will pay SMP at 90% of your average weekly earnings for all of your Maternity Leave if your average weekly earnings fall below the standard rate.

5.3. We will deduct tax and National Insurance contributions from your SMP in the same way as we do from your regular salary.

5.4. If you do not have 26 weeks' service by the Qualifying Week, then you may still be eligible for Maternity Allowance (**MA**). MA is administered by the Government rather than us. You should complete the online forms which you can access using the links below. We have no involvement in the administration of MA. This is your personal responsibility.

6. During Maternity Leave

6.1. We will contact you from time to time while you are on Maternity Leave – for example, to discuss arrangements for your return to work, possible internal job vacancies or qualification expiry dates. If you'd prefer us not to contact you during your Maternity Leave, please tell us.

6.2. You will continue to receive benefits due to you under your employment contract while on Maternity Leave. Except for terms relating to pay, all your normal terms and conditions will apply.

7. Time off for antenatal appointments

7.1. You are entitled to paid time off for antenatal appointments during working hours. We ask for as much notice as possible, and we may want to see confirmation of your pregnancy and an appointment card for all but the initial appointment.

7.2. If you have what is known as a 'qualifying relationship' with a pregnant woman or the unborn child, you are entitled to unpaid time off to accompany her to a maximum of two antenatal appointments. This applies to each pregnancy. A 'qualifying relationship' is one where you are one of the following:

a The child's father

b The pregnant woman's spouse

c The pregnant woman's partner

7.3. We expect you to give us as much notice as possible. Legally, you are only entitled to 6.5 hours off work for each appointment (which includes travelling and waiting time), but if you need more time, please discuss it with us. To attend any further appointments, you will need to request time off as holiday (which will be managed as laid out in our policies around annual leave) or unpaid leave.

7.4. You must provide a signed statement showing the date and time of each appointment. It must confirm that:

a You are eligible under the 'qualifying relationship' criteria

b The time off is solely to accompany the woman to her appointment

c A doctor, midwife or nurse has advised that the woman needs the appointment

7.5. You may be entitled to time off to attend up to two antenatal appointments if you are having a child by surrogate. For guidance, ask the Town Clerk.

8. Time off for adoption appointments

8.1. You are entitled to time off to attend an adoption appointment. This is an appointment arranged by an adoption agency, usually for you to get to know the child who will be placed with you, but sometimes for other reasons related to the adoption.

8.2. If more than one child is being placed with you at the same time, then we treat this as one adoption and will not give you time off to attend additional appointments. Time off for this type of appointment must be taken before any child is placed with you.

8.3. You may attend up to five appointments per adoption, on paid time off if you are adopting on your own or will be the primary adopter. You may attend up to two appointments, on unpaid leave, if you are the secondary adopter.

8.4. You are entitled to take up to 6.5 hours for each appointment. This includes travelling and waiting time. We will need a signed statement with details of the time and date of the appointment as well as confirmation that:

a The adoption agency has arranged or requested the appointment.

b You are either adopting the child on your own or jointly with someone else.

c You are electing to take either paid or unpaid time off work if you are adopting jointly.

8.5. It may be necessary to ask you to rearrange an appointment, and we may refuse a request for a particular day or time in exceptional circumstances. We will, however, never do this without good reason.

9. Adoption Leave

9.1. You are entitled to take up to 52 weeks off work if you are the primary adopter in an adoption process (**Adoption Leave**). Adoption Leave is split into an initial period of 26 weeks, which is referred to as Ordinary Adoption Leave (**OAL**) and a further period of 26 weeks, which is referred to as Additional Adoption Leave (**AAL**).

9.2. You will be eligible for Adoption Leave if you are adopting and meet the following requirements:

a You are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter.

b The adoption agency or local authority has given you written notice that it has matched you with a child and has told you the expected date of placement.

c You have told the agency or local authority that you agree to the placement.

9.3. Adoption Leave is also available in certain surrogacy cases if you meet the following conditions:

a A surrogate mother gives birth to a child who is biologically the child of either you or your spouse or partner (or both of you).

b You expect to be given parental responsibility under a Parental Order from the court. The child must live with you, and you must apply for the Parental Order within six months of birth.

9.4. Only one parent can take Adoption Leave (the **Primary Adopter**). The other parent may be eligible for **Paternity Leave** (see below). In some cases, you may be able to take **Shared Parental Leave** with your partner (see below).

9.5. All of your terms and conditions of employment will continue as normal during Adoption Leave, save those that relate to pay.

10. Notification of adoption or surrogacy

10.1. If you are adopting or fostering for adoption, then you should let us know as soon as you receive an expected date of placement (**EDP**) from the local authority. When you provide us with this information, you should also let us know when you would like your Adoption Leave to start (**Intended Adoption Leave Start Date**). We ask that you provide us with this information within seven days of receiving notification of a match, but we understand that this will not always be possible. Please let us know as soon as possible.

10.2. Please provide us with a copy of your matching certificate as soon as you receive it. We will store and process your matching certificate in accordance with our *Data Protection Policy*.

10.3. In a surrogacy case, you must inform us in writing of your intention to take Adoption Leave and give the expected week of childbirth (**EWC**) and your Intended Adoption Leave Start Date. You must give this information by the end of the 15th week before the EWC, or, if that is not reasonably practicable, as soon as you can. When the child is born, you must tell us the date of birth as Adoption Leave in surrogacy cases usually starts on the day that the child is born.

10.4. Once you have provided us with this information, we will write to you and confirm our understanding of your assumed return to work date (**Assumed Return Date**), which will be calculated on the assumption that you will be taking your full entitlement to Adoption Leave.

11. Starting Adoption Leave

11.1. In an adoption or fostering for adoption case, you can elect to start Adoption Leave at any point from 14 days before the EDP up to the EDP but not later.

11.2. In a surrogacy case, Adoption Leave will begin on the date that the child is born (or the following day if you are at work on the day that the child is born).

12. Adoption Pay

12.1. If you are the Primary Adopter and have at least 26 weeks' continuous service with us by the 15th week before the date of receiving notification of a match, or EWC in a surrogacy case, then you may be eligible for statutory adoption pay (**SAP**). SAP is paid for up to 39 weeks at the same rate as SMP – see above for details.

13. Returning from Maternity or Adoption Leave

13.1. We will have told you our Assumed Return Date for you when you contacted us with details of your EWC or EDP. If you wish to return from Maternity Leave or Adoption Leave earlier than the Assumed Return Date, then you must let us know your new date in writing at least eight weeks before your altered return date (**Altered Return Date**). If you don't give us eight weeks' notice, then we can delay your return until the eight weeks' notice has been given (or you reach your Assumed Return Date if this is earlier).

13.2. If you want to come back to work later than your Assumed Return Date then you should consider applying for a period of Parental Leave (see below) or taking holiday.

13.3. If you decide not to return to work following Maternity Leave or Adoption Leave, then you should let us know in writing as soon as possible. You must give us at least the amount of notice set out in your contract of employment. Once you have told us that you do not wish to

return to work following Maternity Leave or Adoption Leave, then you cannot change your mind without our agreement.

13.4. If you want to return to work with altered hours, days or times of work, then you should consider making a flexible working request under our policies relating to flexible working. Any application should be made in good time before you are due to return from Maternity Leave or Adoption Leave to allow sufficient time for us to consider your request.

13.5. Shortly before you are due to return to work, we may invite you to have a discussion about the arrangements for your return. This may cover:

a Letting you know about any changes in the business whilst you have been off

b Identifying any training needs you might have on return

c Any changes to working arrangements (especially if you have made a flexible working request under our policies relating to flexible working)

13.6. If you return from Maternity Leave or Adoption Leave before the end of OML or OAL, then you can normally return to the role that you had before you started Maternity Leave or Adoption Leave. If you return from Maternity Leave during or at the end of AML or AAL, then, if it is not reasonably practicable for us to allow you to return to the same role, we may give you another suitable and appropriate role on terms and conditions that are not less favourable.

14. Keeping in touch on Maternity Leave or Adoption Leave

14.1. You may be offered up to 10 days' work while you are on Maternity Leave or Adoption Leave at a rate of pay agreed in advance. These days are sometimes used for purposes such as keeping a qualification valid or attending key meetings, corporate training days, appraisals or consultation meetings. You are not obliged to make use of these days. Your decision about whether you use some or all of these days will not affect your right to leave and pay. These days are known as Keeping In Touch days (**KIT days**).

15. Relationship between Maternity Leave and Adoption Leave and Shared Parental Leave

15.1. If you are on a period of Maternity Leave or Adoption Leave, then you and your spouse or partner may be eligible to transfer to a period of Shared Parental Leave (see below). This gives you the flexibility to share leave and pay entitlements in the year after birth.

15.2. You need to give us eight weeks' notice if you want to end your Maternity Leave or Adoption Leave and move to a period of Shared Parental Leave. You can give us this notice at any time, but if you have given birth, you must stay on Maternity Leave for at least the first two weeks after birth (**Compulsory Maternity Leave**). After this time, you can share the leave with your partner in accordance with the rules set out below.

16. Shared Parental Leave

16.1. If you want more flexibility in the first year after your child is born or placed with you, you and your partner may want to consider Shared Parental Leave (**ShPL**) instead of just taking Maternity Leave/Adoption Leave and Paternity Leave. Provided that you are both eligible, ShPL allows you to split the available leave between you so that you can be off work at the same time or consecutively.

16.2. There is a total of 52 weeks of ShPL available, less any weeks the mother has either been on Maternity Leave (including the compulsory period) or receiving SMP or MA or any weeks when the Primary Adopter has been on Adoption Leave or receiving SAP or MA.

16.3. You or your partner may be eligible for ShPL if:

a You are:

(i) the mother and share the main childcare responsibility with the child's father or your partner; or

(ii) the father and share the main childcare responsibility with the child's mother; or

(iii) the mother's partner and share the main childcare responsibility with the mother in place of the father;

b Either:

(i) A UK adoption agency places a child with you and/or your partner for adoption, or;

(ii) A child in local authority care is placed with you and/or your partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme, or

(iii) You adopt a child from overseas with UK government approval; or

(iv) You have a child with a surrogate mother and the court has made or is expected to make a Parental Order.

c You have worked for us for at least 26 continuous weeks by the end of the Qualifying Week and you will still be employed by us before you take ShPL; and

d The other parent has worked at least 26 of the 66 weeks before the EWC – this can be as an employee or self-employed – and had weekly earnings averaging at least £30 during 13 of the weeks; and

e You and the other parent fulfil the notice and other requirements detailed below.

16.4. The child's mother cannot start ShPL until the end of Compulsory Maternity Leave.

16.5. ShPL is additional to Paternity Leave (see below). The child's father, or the mother's partner, may consider using their two weeks' Paternity Leave before starting ShPL as once ShPL starts, any Paternity Leave not already taken is lost.

17. Notification of Shared Parental Leave

17.1. You must tell us in writing at least eight weeks before you intend your ShPL to begin that you want to opt in to the ShPL scheme. We will also need to know:

a Your name and the other parent's name.

b the start and end dates of the mother's Maternity Leave or the Primary Adopter's Adoption Leave (or the SMP/SAP or MA start and end dates if they are not eligible for Maternity Leave or Adoption Leave).

c How many weeks of ShPL are available – that is, 52 weeks less Maternity Leave, Adoption Leave, SMP or MA already taken by the mother/Primary Adopter or due to be taken.

d How many weeks of ShPL you will take and how many the other parent will take – you can change this by telling us in writing, and you do not have to take your full allowance.

e The total Statutory Shared Parental Pay (**ShPP**) available – that is, 39 weeks less the number of weeks of SMP, SAP or MA already taken or due to be taken.

f How many weeks of the ShPP available is to be allocated to you and how many weeks are to be allocated to the other parent – you can change this by telling us in writing, and you do not have to use your full allocation.

g The pattern of leave you want to take, with start and end dates for each block of leave. Although this is not binding, it will help us if you give us as much information as possible.

h That you and the other parent are both eligible to claim ShPL and ShPP – we will need signed declarations from both of you.

17.2. If you are the child's mother or Primary Adopter, you must give us at least eight weeks' notice in writing to end your Maternity Leave or Adoption Leave. We need this curtailment notice at the same time as you supply the ShPL opt-in notice, and you cannot take ShPL unless we have both. In the curtailment notice, you must tell us the date your Maternity Leave or Adoption Leave will end, which must be after the Compulsory Maternity Leave period for Maternity Leave.

17.3. If your partner is the one taking ShPL, we need a written declaration that their employer has received an opt-in notice and all the necessary declarations have been made. They may be able to take ShPL from their employer before your Maternity Leave or Adoption Leave ends, but only if we have received your curtailment notice.

17.4. Curtailment notices are binding and can only be revoked if your Maternity Leave or Adoption Leave has yet to finish and you meet one of the following conditions:

a You have found out that neither you nor the other parent is eligible for ShPL or ShPP – in this case, you can revoke the curtailment notice by writing to us any time up to eight weeks after it was given.

b The curtailment notice was issued before the birth and you are revoking it in writing during the six weeks after the birth.

c The child's other parent has died.

17.5. You cannot opt back in to the ShPL scheme after you revoke a curtailment notice except if the notice was given to us before the birth and it is revoked in writing during the six weeks following the birth.

17.6. If the mother is still on Maternity Leave or the Primary Adopter is still on Adoption Leave or claiming SMP/SAP or MA, the partner will be unable to start ShPL until one of the following has happened:

a The mother has returned to work.

b The mother has given a curtailment notice to their employer to finish their Maternity Leave or Adoption Leave.

c The mother has given a curtailment notice to their employer to finish their SMP or SAP.

d The mother has given the benefits office a curtailment notice ending their MA.

17.7. We may also ask you to provide the following:

a A copy of your child's birth certificate or a signed declaration of the date and place of birth if you have yet to get the certificate

b Contact details for the other parent's employer, or a declaration that they do not have an employer

c In a UK adoption case, one or more documents from the adoption agency showing the agency's name and address and the EDP

d In an overseas adoption case, a copy of your Official Notification

e In a surrogacy case, the Parental Order from the court (if it has been granted)

18. Organising Shared Parental Leave

18.1. Once you have opted in to the ShPL scheme, you need to give us a 'period of leave' notice to book your time off. You can give us your period of leave notice at the same time as your opt-in notice or at any other time, as long as we receive your period of leave notice at least eight weeks before the first period of ShPL begins.

18.2. On your period of leave notice, you can either give us specific dates or the number of days after the birth that you want ShPL to start and finish. You may prefer the second option if the father plans to take Paternity Leave as soon as the child is born and wants ShPL to run on from it. You must take ShPL in blocks of at least one week at a time.

18.3. You are automatically entitled to take a single continuous block of ShPL (but we will consider any request for separate blocks of ShPL as detailed in the following paragraphs).

18.4. You may lodge up to three period of leave notices, which may allow you to take up to three separate ShPL blocks with periods at work in between. If you later reschedule or cancel one of the blocks, it nevertheless counts towards your three notices.

18.5. To make it easier for us to consider your request to take ShPL in more than one block, you should discuss your requirements with your *line manager* as early as possible before you submit your formal period of leave notice.

18.6. If you want separate blocks of ShPL, you must give us details of the pattern you want to follow in your period of leave notice. Once we have received your period of leave notice, we will either agree immediately or we will start a discussion period with you, which will last for a maximum of two weeks. If we reach agreement, we will confirm this in writing before the end of the two-week period. If we fail to agree, you can take all the ShPL you asked for in one continuous block, beginning on the start date you gave us in your notice. For example, if you asked for three separate three-week periods, you can combine them into one continuous 9-week leave period.

18.7. The other way we can approach this is if you agree to do one of the following:

a Choose a new start date and tell us what it is within five days of the end of the two-week discussion period. The new date has to be at least eight weeks after the start date of the first of the blocks you asked for.

b Withdraw the notice and inform us within two days of the end of the two-week discussion period. This will not be counted as a period of leave notice, and you are free to submit a fresh one.

18.8. If you need to cancel a period of ShPL, you must tell us in writing at least eight weeks ahead of the start date of the relevant block.

18.9. If you want to change a start date, you must inform us in writing at least eight weeks before the earlier of the original date and the new start date. Similarly, you can change the end date if you inform us in writing at least eight weeks before the earlier of the original date and the new end date.

18.10. If you want to combine blocks of ShPL into one continuous period, you will need to give us the new start date or end date, whichever is relevant.

18.11. If you want to split a continuous period of ShPL into two or more periods separated by periods at work, you will need to tell us the new start date or end date. We may not be able to accommodate your request, but we will approach it as if you had asked for separate blocks of ShPL in the first place.

18.12. If you submit a notice to change or cancel a block of leave, we will count this as one of your three period of leave notices. There are three exceptions to this rule, which are:

a The change is because your child was born earlier or later than the EWC or is placed with you earlier than the EDP.

b You cancel a request for separate blocks of leave within two days of the two-week discussion period ending.

c We ask you to make the change.

19. During Shared Parental Leave

19.1. If your child is born before the beginning of the EWC or is placed with you before the EDP, we may allow you to start ShPL during the eight weeks following birth/placement despite you being unable to give us eight weeks' notice. To enable us to do so, we need to apply the following rules:

a If your period of leave notice gave us a set date within the eight weeks following the EWC/EDP for your ShPL to start, you can move the date forward by the same number of days as long as you write to tell us as soon as possible.

b If you want to take ShPL in the eight weeks following birth/placement and your child arrives or is placed early, you will need to give us your opt-in notice and period of leave notice as soon as possible.

19.2. If you had a start date of a set number of days – rather than a set date – after the birth/placement in your period of leave notice, you do not need to do anything.

19.3. You will continue to receive benefits due to you under your employment contract. Except for terms relating to pay, all your normal terms and conditions will apply, and you will continue to accrue holiday entitlement.

19.4. If you are due any holiday, you should discuss with your *line manager* when to take this before starting ShPL, and if you are the mother, you should try to take any holiday due to you before your Maternity Leave begins.

19.5. We may need to contact you from time to time while you are on ShPL – for example, to discuss arrangements for when you return.

19.6. You may also be asked to work during ShPL for up to 20 days. These days are known as **SPLIT** (Shared Parental Leave In Touch) days. SPLIT days are in addition to the 10 KIT days you have the option to work during your Maternity Leave or Adoption Leave. As is the case with KIT days, you are not obliged to work SPLIT days but, if you do, you will be paid at a rate agreed with your *line manager*. This also applies if you ask to work any of the 20 days.

20. Returning from Shared Parental Leave

20.1. You must give us eight weeks' notice in writing if you want to end a ShPL period early and provide the new return-to-work date. You will be unable to end your ShPL early without our agreement if you have already used your three period of leave notices.

20.2. If you have unused ShPL entitlement and want to extend your leave, you must tell us in writing by submitting a period of leave notice at least eight weeks before the date you had intended to return to work. You will be unable to extend your ShPL without our agreement if you have already used your three period of leave notices. Instead, you may be able to take holiday or Parental Leave (see below).

20.3. You are entitled to take up the same job with the same employment terms you had before going on ShPL. However, in certain circumstances, it may not be reasonably practical for

you to resume your previous role, and we may place you in another appropriate post with no less favourable terms and conditions. This will only apply in the following cases:

a Your ShPL plus any Maternity Leave, Adoption Leave or Paternity Leave taken amounts to more than 26 weeks, irrespective of whether or not it was taken consecutively.

b Your ShPL was taken consecutively, before or after more than four weeks of Parental Leave.

21. Shared Parental Pay

21.1. If you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week, you may be able to claim ShPP for up to 39 weeks. We will pay this at the rate set annually by the Government, less any SMP, SAP or MA already claimed by either you or your partner. Your average earnings must be not less than the lower earnings limit set each tax year for you to qualify.

21.2. When you give us your period of leave notice (or notices), you must notify us that you intend to claim ShPP while you are on ShPL. You can also write to us at least eight weeks before the date you want us to start paying your ShPP if you have not already told us in a period of leave notice.

22. Holiday rights and Maternity Leave, Adoption Leave and Shared Parental Leave

22.1. You will continue to accrue holiday entitlement during Maternity Leave, Adoption Leave and Shared Parental Leave. If you are due any holiday before your Maternity Leave, Adoption Leave or Shared Parental Leave begins and/or if your period of holiday entitlement is likely to span two holiday years, you should try to take all accrued leave before your leave starts where practical. Accrued leave should be taken before 18 months after your return to work.

23. Pension contributions during Maternity Leave, Adoption Leave and Shared Parental Leave

23.1. During OML or OAL, any paid period of shared Paternity Leave and any further period of paid Maternity Leave or Adoption Leave we shall continue to make any employer contributions that we usually make into a money-purchase pension scheme, based on what your earnings would have been if you had not been on leave provided that you continue to make contributions based on the maternity, shared paternity or adoption pay you are receiving. If you wish to increase your contributions to make up any shortfall from those based on your normal salary, then please contact *the Town Clerk.*

23.2. During unpaid AML, AAL or unpaid Shared Parental Leave, we will not make any payments into a money purchase scheme. You do not have to make any contributions, but you may do so if you wish, or you may make up for missed contributions at a later date.[2]

24. Redundancy and Maternity Leave, Adoption Leave and Shared Parental Leave

24.1. If a redundancy situation occurs during your Maternity Leave, Adoption Leave or Shared Parental Leave, we will let you know about the proposals and involve you in any consultation process. We will invite you to a meeting before any final decision is reached regarding redundancies. Employees on Maternity Leave, Adoption Leave or Shared

[2] Please note that if you have a final salary pension scheme, then this section will need to be altered to reflect the position.

Parental Leave will be given first refusal on any suitable alternative vacancies that are appropriate to their skills.[3]

25. Paternity Leave

25.1. If you have been working for us for 26 weeks by the 15th week before the EWC in maternity or surrogacy cases (or the date of receiving notification of a match in adoption cases) and you are the father of the child or the partner of another person who has or expects to have responsibility for the child's upbringing, then you are eligible to take Paternity Leave.

25.2. If you are eligible, you can take a maximum of two consecutive weeks of Paternity Leave, which can be taken at any time from the date of the child's birth or adoption placement (or any day in that week) and the 56 days after birth/placement (or due date if the child is born early).

25.3. Paternity Leave can either be taken as one week or two consecutive weeks but not separate weeks or odd days.

25.4. You must let us know if you intend to take Paternity Leave by no later than the 15th week before the EWC or no more than seven days after you are notified of the EDP if you are adopting. You should tell us the start date of the leave to be taken, the EWC or EDP and whether you are taking one week or two weeks of Paternity Leave.

25.5. If you want to change the date that your Paternity Leave starts, then please give us 28 days' written notice or, if this is not possible, as much notice as you can.

25.6. You are able to take Paternity Leave in the event of a stillbirth after 24 weeks of pregnancy or if your child is born alive after 24 weeks of pregnancy but later dies.

25.7. While you are on Paternity Leave, all the terms and conditions not relating to pay in your employment contract will apply. When you return, you will have the right to the same job with the same terms and conditions as you had before your Paternity Leave began.

26. Statutory Paternity Pay

26.1. Provided that in the eight-week period prior to the 15th week before the EWC or EPD (the **Relevant Period**) your earnings were not less than the lower earnings limit set by the Government (see the link below), you will be entitled to receive Statutory Paternity Pay (**SPP**) during Paternity Leave. SPP is paid at a weekly rate set by the Government each year (see the link below for the current figure) or, if your average weekly earnings in the Relevant Period are lower than this, then at 90% of your average weekly earnings in the Relevant Period.

27. Parental Leave

27.1. Parental Leave can be taken at any time until a child's 18th birthday and comprises 18 weeks' unpaid leave per child.

27.2. If you have responsibility for a child, you are entitled to take Parental Leave. Those eligible include the registered father and anyone else with formal parental responsibility for the child.

[3] This protection is likely to be extended from April 2023 to cover the period of an employee's pregnancy and a period of six months following their return to work.

27.3. You must have worked for us for at least a year before you can take Parental Leave, already have – or expect to have – responsibility for a child and intend to use the leave only to care for the child or otherwise spend time with them.

27.4. You can take up to four weeks of Ordinary Parental Leave per child, per year, in blocks of a single week or more. You cannot take less than a week at a time unless the child is disabled.

27.5. You need to give your manager 21 days' notice that you intend to take Parental Leave. We will always try to accommodate your request, but we may have to rearrange your dates if your absence would disrupt our business by, for example, leaving us short-staffed. If your leave has to be postponed, we will tell you why in writing within seven days of your request and provide you with alternative start and end dates.

27.6. We are unable to postpone Parental Leave if you have asked for it to start immediately after a child's birth or adoption. We are also unable to postpone Parental Leave beyond six months or beyond the child's 18th birthday.

27.7. Your employment contract and all its terms and conditions remain in force throughout Parental Leave, other than the fact that it is unpaid. Your holiday entitlement continues to accrue in the normal way.

28. Stillbirth and neonatal loss

28.1. In the event of a miscarriage before the end of the 24th week of your pregnancy, according to the statutory provisions, any time off work is treated as sickness absence. We will, of course, provide you with the appropriate support.

28.2. In the event that you lose your child after 24 weeks of pregnancy or your child is born alive at any stage of pregnancy but later dies, you are entitled to Maternity Leave. You may also be entitled to **SMP** (see below) if you are eligible.

28.3. In the event of a stillbirth or neonatal loss, we will support you in line with our Special Leave policy.

29. Parental Bereavement Leave

29.1. We offer two weeks' paid Parental Bereavement Leave for any parent who loses a child aged under 18. This includes a stillbirth after 24 weeks of pregnancy. We will be flexible about how you take this leave (for example, you might want to take it in one block, or as two separate weeks).

29.2. We understand you may not be in a position to have any detailed discussion with the Town Clerk if somebody close to you dies, but please tell your *line manager* what has happened. An email will be fine.

30. Glossary

AML – Additional maternity leave

EDP – Expected date of placement in adoption cases

EWC – Expected week of confinement/childbirth, or the week in which a pregnant woman is due to deliver

KIT – Keeping In Touch days

MA – Maternity Allowance

OML – Ordinary maternity leave

Qualifying Week – the 15th week before the EWC

SAP – Statutory Adoption Pay

ShPL – Shared Parental Leave: The scheme under which a mother can share leave with somebody else (usually the father) by opting out of the Statutory Maternity Leave scheme

ShPP – Statutory Shared Parental Pay: A payment similar to SMP but paid to the mother and her partner while they are on ShPL.

SMP – Statutory Maternity Pay: The legal minimum women are entitled to receive while on Maternity Leave

SPLIT – Shared Parental Leave in Touch: The equivalent of KIT, in the ShPL context.

SPP – Statutory Paternity Pay

31. Useful links and contacts

31.1. The following links may be useful:

a www.gov.uk/maternity-pay-leave/pay – for details of the current rate of SMP, ShPP, SAP and SPP

b https://www.gov.uk/maternity-allowance/how-to-claim – for details of how to claim maternity allowance

32. Administration of the Maternity and Family Friendly Policy

32.1. The Town Clerk is responsible for the administration of the Maternity & Family Friendly Policy. Should you have any feedback, please contact the Town Clerk.