



Cyngor Sir
CEREDIGION
County Council

Family Leave & Support Policy



People & Organisation Service
January 2024



DYSGU PERTHYN LLWYDDO BYW
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1. Introduction

1.1 Background

- 1.1.1 Ceredigion County Council (the Council) is committed to supporting employees to achieve a healthy balance between their work and personal commitments. The Council recognises that many employees will have family responsibilities and that all employees may on occasions have a need to be absent from work.
- 1.1.2 The Family Support and Leave Policy outlines the entitlement of employees to a range of rights and provisions which aim to support them.
- 1.1.3 The Policy also signpost and reference other policies procedures and information that may assist and support employees.
- 1.1.4 Further information and guidance is also available to view on [CeriNet](#)

1.2 Scope

- 1.2.1 This policy applies to all employees other than those who are employed by School Governing Bodies

2. Maternity Leave & Pay

Ceredigion County Council is committed to supporting new or expectant mothers throughout their pregnancy and return to work. In addition to statutory benefits, the Council also offers enhanced benefits to those who meet the qualifying length of service.

2.1 Definitions

The following terms are used within this policy:

- **EWC:** Expected Week of Childbirth: The expected week of childbirth is the week, beginning on the Sunday, during which the baby's birth is expected.
- **MATB1:** The maternity certificate, or form, which is provided to confirm a pregnancy and confirm the expected week of childbirth.
- **Qualifying week:** The 15th week before the expected week of childbirth

2.2 Statutory Maternity Leave

2.2.1 Entitlement

All employees are entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave, regardless of the length of local government service.

2.2.2 Procedure

- 2.2.2.1 An employee should notify their Line Manager as soon as possible that they are pregnant. This is especially important for Health and Safety reasons and should they be taken ill at work. This will be kept confidential if they wish.

- 2.2.2.2 An employee should try to indicate to their Line Manager as soon as possible when they wish their maternity leave to start; however written notice must be given to your Line Manager by the end of the 15th week before your Expected Week of Childbirth.
- 2.2.2.3 The notification should include:
- That you will be absent from work because of pregnancy,
 - When you intend to start your maternity leave and
 - The date of your Expected Week of Childbirth.
- 2.2.2.4 An employee can do this by either writing to their line manager or by completing the form available on CeriNet as soon as the MAT B1 form is received from the doctor or midwife.
- 2.2.2.5 The employee will be informed of their expected date of return from their maternity leave within 28 days of their request being received.
- 2.2.2.6 If possible, an employee's Line Manager would also appreciate an indication of whether you intend to return to work.
- 2.2.2.7 An employee should check their entitlement to maternity leave and pay. Entitlements will depend on their length of continuous local government service.
- 2.2.2.8 For further guidance on the procedure please follow the [Maternity Procedure Flow Chart/Guidance information here](#)

2.3 Eligibility for Statutory Maternity Pay (SMP)

- 2.3.1 In order to qualify for SMP an employee must fulfil the following criteria:
- Have been continuously employed for at least 26 weeks (irrespective of the number of hours worked) into the 15th week before the EWC.
 - Have average weekly earnings equal or not less than the lower earnings limit for National Insurance Contributions which is in force during the qualifying week.
 - Still be pregnant at the 11th week before the EWC or have already been through childbirth.
 - Have stopped working for their employer wholly or partly because of pregnancy or childbirth.
 - Provide their Line Manager with notice of their maternity absence.
 - Provide their Line Manager with evidence of their EWC.
- 2.3.2 If an employee is not eligible for SMP then they may be eligible for Maternity Allowance.

2.4 Eligibility for Maternity Allowance (MA)

To qualify for MA an employee must fulfil the following criteria:

- Be pregnant and have reached or been through childbirth before reaching the commencement of the 11th week before the EWC.
- Have been an employed or self-employed earner for at least 26 weeks in the 66 weeks ending with the week before the EWC.

- Not be entitled to statutory maternity pay for the same week in respect of the same pregnancy.

2.5 Statutory Maternity Pay (SMP)

- 2.5.1 Where an employee has indicated that they do not intend to return to work, they will be entitled to 39 weeks SMP / MA.
- 2.5.2 The first 6 weeks is payable at 90% of the employee's average weekly earnings. The remaining 33 weeks is payable at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

2.6 Occupational Maternity Pay (OMP)

- 2.6.1 An employee must have at least one year's continuous local government service to qualify for occupational maternity pay.
- 2.6.2 Length of continuous local government service is calculated at the beginning of the 11th week before an employee's EWC. The employee's service must be unbroken for 1 year prior to this date.
- 2.6.3 OMP is paid on the understanding that the employee will return to local authority employment, therefore, an employee will be required to repay payments made in excess of SMP during the 12 weeks at 50% if they do not return to work.
- 2.6.4 OMP will also have to be repaid if the employee leaves local authority employment within 3 months after their return.
- 2.6.5 OMP will not have to be repaid in cases of compulsory redundancy where the right to return to work has been removed. There may be a requirement to repay OMP in cases of voluntary redundancy. Any repayment will form part of the voluntary redundancy settlement achieved through agreement.
- 2.6.6 **For all employees except Teachers** - an employee with over one year's continuous local government service at the 11th week before EWC will have their OMP entitlement offset against any Statutory Maternity Pay (SMP) paid in the first 6 weeks. During the next 12 weeks, they will be paid 50% of their pay plus SMP providing that combined it does not exceed their normal full pay. During the remaining 21 weeks, the employee shall receive SMP.
- 2.6.7 **For Teachers** - an employee with over one year's continuous local government service at the 11th week before EWC will receive full pay for the first 4 weeks. For the following 2 weeks their OMP entitlement will be offset against any SMP paid. During the next 12 weeks, they will be paid 50% of their pay plus SMP (providing that combined it does not exceed their normal full pay). During the remaining 21 weeks, the employee shall receive SMP.

2.7 Maternity Pay Table

2.7.1

JNC & Soulbury	Pay entitlement
Continuously employed for at least 26 weeks into the 15th week before the EWC	39 weeks SMP or MA

More than 1 year's continuous local government service at the 11th week before the EWC	18 weeks OMP, i.e. 6 weeks at 9/10 of pay, 12 weeks at 50% pay plus SMP and then 21 weeks at SMP
Centrally employed teachers Continuously employed for at least 26 weeks into the 15th week before the EWC	39 weeks SMP or MA
More than 1 year's continuous local government service at the 11th week before the EWC	18 weeks OMP, i.e. 4 weeks full pay, 2 weeks at 9/10 pay, 12 weeks at 50% pay plus SMP and then 21 weeks at SMP

2.7.2 If an employee becomes eligible for a pay rise between the start of the original calculation period and the end of their maternity leave (whether ordinary maternity leave or additional maternity leave), the higher or standard rate of statutory maternity pay will be recalculated to take account of the pay rise, regardless of whether statutory maternity pay has already been paid. This means SMP will be recalculated and increased retrospectively, or that an employee may qualify for SMP where they did not previously. The employee will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

2.8 Maternity Leave and pay following a stillbirth or neonatal death

- 2.8.1 If an employee gives birth to a stillborn baby before the end of the 24th week of pregnancy, it is treated as a miscarriage. As a result, they would not qualify for maternity leave or pay.
- 2.8.2 An employee is entitled to maternity leave and pay (provided they meet the qualifying conditions indicated above) if they deliver a stillborn baby after the end of the 24th week of pregnancy.
- 2.8.3 If an employee gives birth at any time during their pregnancy to a baby born alive, but who sadly passes away soon after, they would be entitled to SMP or MA, providing the qualifying conditions indicated above are met.
- 2.8.4 For further information regarding entitlement following a stillbirth please see the information leaflet on CeriNet.

2.9 Time off for antenatal classes

- 2.9.1 Once an employee has advised their Line Manager that they are pregnant, they will be entitled to paid time off to attend antenatal appointments, including travel time, as advised by her doctor, registered midwife or registered health visitor. In order to be entitled to take time off for antenatal care, an employee is required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that they are pregnant. Except in the case of the first appointment, an employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

- 2.9.2 Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife, or health visitor has advised them to attend, in addition to medical examinations.
- 2.9.3 Fathers and partners are able to take paid time off, including travel time, to attend up to two antenatal appointments. As above, evidence should be produced, unless it is the first appointment, if requested to do so.
- 2.9.4 All employees should endeavour to give their Line Manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day.

2.10 Health and Safety

- 2.10.1 There is an obligation on the Council to conduct a risk assessment when informed that an employee is pregnant.
- 2.10.2 Once this assessment has been undertaken appropriate action must be taken to reduce any risks identified.
- 2.10.3 The risk assessment will normally be undertaken by their Line Manager or alternatively where there are specific risk factors this may be carried out by the Corporate Health & Safety Team.
- 2.10.3 Information and guidance on the risk assessment for new and expectant mothers is available on [CeriNet](#).

2.11 Deciding when to leave work

- 2.11.1 An employee can start their maternity leave on any day of the week.
- 2.11.2 An employee cannot start their maternity leave prior to 11 weeks before their EWC, unless the baby is born prematurely before that date.
- 2.11.3 An employee can change their leave date as long as they notify their Line Manager of the new start date by whichever is the earlier of:
 - 28 days before the date they originally intended to start their leave;
 - 28 days before the new date they want to start their leave.
- 2.11.4 If an employee is absent for a maternity related illness during the 4 weeks before the start of their EWC, their maternity leave automatically begins.
- 2.11.5 An employee should also decide whether they would like to receive all of their maternity pay as it falls due or whether they would prefer the Pay & Benefits Section to withhold the part of OMP that is repayable if the employee does not return to work.
- 2.11.6 If an employee wishes to resign from work under the SMP scheme, they can do so up to 14 weeks before their EWC, however, they will not receive SMP until the 11th week.

2.12 Contact during maternity leave

- 2.12.1 Before the start of an employee's maternity leave their Line Manager will discuss ways in which to keep in touch during their leave. The Council reserves the right to maintain reasonable contact with employees during maternity leave.

- 2.12.2 This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.
- 2.12.3 If there are any major changes proposed to an employee's job or service whilst they are on maternity leave, they will be consulted on these changes in the same way as all other employees and may attend consultation meetings whilst on maternity leave.

2.13 Keeping in touch (KIT) days

- 2.13.1 With the exception of the first 2 weeks following the day of childbirth an employee may agree to "work" for up to 10 days without bringing their maternity leave to an end and without the loss of SMP/OMP. These 'keeping-in-touch' days can be taken during ordinary maternity leave and/or additional maternity leave.
- 2.13.2 'Work' is defined as any work undertaken within an employee's contract of employment and may include attending training days or any other activity e.g. staff meetings undertaken for the purpose of keeping in touch with the workplace. Any period of work undertaken during a KIT day constitutes one of the 10 days even if the work is only an hour or two in length.2.12.3A Line Manager has no right to require an employee to carry out any work during maternity leave and employees have no right to undertake any work during maternity leave. Any work undertaken and the hours worked on KIT days, is entirely a matter for agreement between employees and their Line Manager.
- 2.13.4 If an employee is entitled to receive statutory SMP/OMP for any week during which they attend work for KIT days, they will still receive this in the usual way. In addition, the Council will pay for each hour worked during a KIT day at the normal contractual rate of pay for the hours worked which will be offset against SMP/OMP.
- 2.13.5 If an employee does agree to undertake keeping-in-touch days this will not extend the maternity leave period by those days. If an employee goes over the 10 keeping-in-touch days, they will lose a week's SMP/OMP for any week in which a day is worked.
- 2.13.6 Once a keeping-in-touch day has been worked, the employee should complete the KIT days claim form and forward this for authorisation to the Line Manager who will arrange payment.

2.14 Returning to work after maternity leave

- 2.14.1 All employees who take maternity leave have the right to return to work at any time during either ordinary or additional leave, except during the first 2 weeks from the day of childbirth, subject to following the notification procedures set out below.
- 2.14.2 If an employee decides to return to work at the end of their additional maternity leave they are not required to give any notice of their return date as it is presumed that is their intended date of return. However, if an employee wishes to return early they must give at least 8 weeks' notice of their intended return date, preferably in writing. If they do not give the required notice period to return early, their Line Manager can postpone an employee's return to work to such a

date as will provide 8 weeks' notice or until the end of their maternity leave period if this occurs first.

- 2.14.3 If an employee has indicated the date that they wish to return to work and thereafter decides to postpone that date, they must give 8 weeks' notice that they intend to postpone their return to work.
- 2.14.4 An employee must inform their Line Manager if they are unable to return to work after the end of their maternity leave due to ill health by following the required procedure for reporting absence. An employee's absence, if they postpone their return to work because of ill health, will be covered by the occupational sickness scheme and the Council's Managing Sickness Absence at Work Policy will apply.
- 2.14.5 Following maternity leave, the employee has a right to return to work in a role which they were employed under their original contract of employment unless it is not reasonably practicable, in which case the employee will be offered a suitable alternative on terms and conditions not less favourable than those that would have been applicable if they had not been absent.
- 2.14.6 The employee is entitled to be offered a suitable alternative vacancy if, because of redundancy, it is not possible or practical for them to return to their job. There may also be circumstances of general reorganisation (which would have occurred if they had not been absent) that would necessitate a change in their original job. In such cases the employee will be subject to the provision of the Council's Managing Change Policy.
- 2.14.7 The alternative post offered in both these circumstances should be suitable to the employee, appropriate to the circumstances and in the same capacity. The terms and conditions of employment should not be substantially less favourable to the employee than if they had been able to return to their original job.
- 2.14.8 Interruptions to work (due to industrial action or other reasons), where it is unreasonable to expect the employee to return on the notified day, may result in their return being postponed until work resumes or it is reasonably practical for them to return.
- 2.14.9 An employee must give the normal notice period required under their terms and conditions if they do not intend to return to work after their maternity leave period, unless they have already done so prior to commencing their maternity leave.

2.15 Breastfeeding

- 2.15.1 There are a variety of health benefits to continuing breastfeeding and where an employee is returning to work this does not mean that they should feel that they must stop.
- 2.15.2 If an employee wishes to express during work time a suitable venue and storage facility can be provided. If an employee wishes for this to occur, then they will need to contact their manager as least 4 weeks prior to return to ensure facilities are available.
- 2.15.3 For more information on continuing to breastfeed while at work visit the NHS choices website (breastfeeding and returning to work).

2.16 Annual leave/Bank holidays

2.16.1 Arrangements for all employees except teachers

- 2.16.1.1 An employee will still receive their annual leave entitlement whilst they are on maternity leave and they may choose to use it to extend the time they have off after their paid maternity period ends or to take it before the start of their paid maternity leave. Employees are encouraged, where possible, to take any annual leave prior to commencing maternity leave. Should it not be possible to take all annual leave prior to commencing maternity leave then any carried over leave would need to be taken before the employee returns to work, i.e. immediately following the end of their maternity leave.
- 2.16.1.2 An employee will be entitled to time off in lieu for any bank holidays that occur on the days that they are contracted to work whilst they are on maternity leave.

2.16.2 Arrangements for centrally employed teachers

- 2.16.2.1 Note: In this section, the term “teacher” means employees who are employed in accordance with the *School Teachers’ Pay and Conditions Document (the “Blue Book”)*.
- 2.16.2.2 Whilst teachers do not have a ‘contractual’ entitlement to annual leave, they do have a ‘statutory’ right under the Working Time Regulations (WTR). With effect 1 April 2009, this entitlement is 28 days (5.6 weeks). **(Please note that this is not an additional entitlement to annual leave on top of the current school closure arrangements).**
- 2.16.2.3 Under the requirements of the WTR, a teacher who takes maternity leave will be able to accommodate the 28 days statutory annual leave within school closure periods at a time outside of her maternity leave. The Council will not treat any part of the maternity leave period as statutory annual leave. The statutory annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question, i.e. both before and after the maternity leave period. For the purposes of managing statutory annual leave in relation to maternity leave, the leave year for teachers is 1 September in a given year to 31 August in the following year.
- 2.16.2.4 Teachers will be required to accommodate their statutory entitlement to annual leave, during school closure periods, either before or after the maternity leave period. Where there is sufficient time to accommodate the statutory leave in the current leave year during school closure periods, no carry over of outstanding leave will be permitted.
- 2.16.2.5 If there are insufficient school closure periods to accommodate statutory annual leave in that leave year, or the return from maternity leave is so close to the end of the leave year that there is not enough time to accommodate all the statutory annual leave entitlement, the teacher will be permitted to take any outstanding leave forward to the next leave year. This outstanding leave entitlement will then be offset

during the remaining periods of school closure after the 28 days' statutory annual leave for that leave year has been accommodated. Additional guidance can be found on [Accrual of Statutory Leave during Maternity Leave](#).

- 2.16.2.6 It will not be possible for a teacher to obtain payment in lieu of untaken statutory annual leave instead of taking leave during the leave year except where employment terminates.

2.17 Transfer of Maternity Leave

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. (See Shared Parental Leave section 4 of this Policy).

3. Adoption/Surrogacy Leave & Pay

The Council is also committed to supporting employees who welcome children into their families through the adoption or adoption through a surrogacy process.

Adoption is where a child/children is/are matched and placed with them for adoption or in the case of adoption through surrogacy where the intended parents have applied for a parental order.

Where adoption pay and entitlements are referred to these will also apply in the case of adoption through surrogacy.

3.1 Definitions

The following terms are used within this policy:

- **Matching Certificate:** This form is a certificate completed by the appropriate adoption agency and confirms that the adopter has been matched with a child for adoption. This form will include the following information:
 - Name and address of the adoption agency and of the employee concerned.
 - Date the child is expected to be placed for adoption, or the date the child was placed for adoption.
 - Date the employee was told by the adoption agency that they have been matched with a child.
- **Matched/matching:** This means the adoption agency has decided that the person is suitable to adopt a particular child.
- **Placed:** This means the child starts living with the person permanently with a view to being formally adopted in the future. They may have stayed with them before this date.
- **Adopter:** This means the person or persons who are going to adopt the child. They may be going to adopt the child on their own, or they may be going to adopt the child with their partner.

3.2 Adoption Leave Pay

3.2.1 Entitlement

3.2.1.1 Adoption leave is available to all employees who adopt through a UK or overseas approved adoption agency. Further guidance on Overseas Adoption is available on [CeriNet](#)

3.1.1.2 All employees are entitled to 26 weeks ordinary adoption leave (OAL) and 26 weeks' additional adoption leave (AAL), regardless of the length of local government service.

3.2.2 Procedure

3.2.2.1 An employee can start their adoption leave either:

- a) From the date of the child's placement (whether this is earlier or later than expected).
- b) From a fixed date which can be up to 14 days before the expected date of placement.

- 3.2.2.2 The leave can begin on any day of the week.
- 3.2.2.3 Employees are required to inform their Line Manager of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practical.
- 3.2.2.4 An employee can do this by either writing to their line manager or by completing the form available on **CeriNet**. Employees should endeavour to keep their Line Manager up to date with the adoption process to minimise operational disruption, as notice given to the adoptive parent is often very short.
- 3.2.2.5 Employees will be required to give the Council documentary evidence – a ‘matching certificate’ or a letter – from their adoption agency as evidence of their entitlement to Statutory Adoption Pay. The matching certificate or letter **must** include the following information:
- The name and address of the adoption agency.
 - The name and address of the employee.
 - The date the child is expected to be placed for adoption or the date the child was placed for adoption.
 - The date the employee was told by the adoption agency that they had been matched with a child.
- 3.2.2.6 An employee will be notified within 28 days of receipt of the Adoption recording form to confirm the date they would be required to return to work following adoption leave.
- 3.2.2.7 Adopters will be able to change their mind about the date on which they want their leave to start providing they tell their Line Manager at least 28 days in advance (unless this is not reasonably practicable).
- 3.2.2.8 An Adoption flow chart is available on **CeriNet**
- 3.2.2.9 Where a couple jointly adopts a child, only one of them will be entitled to take adoption leave, the couple can choose which. The other adoptive parent may be entitled to take Maternity / Adoption Support (Paternity) Leave as the ‘secondary adopter’ or Shared Parental Leave provided that they meet the relevant statutory criteria.

3.3 If Adoption Leave is Disrupted

- 3.3.1 A disruption to Adoption leave can occur if:
- The employee is notified that the placement will not take place.
 - The child is returned to the adoption agency after placement.
- 3.3.2 Where disruption takes place the entitlement to adoption leave and pay (if applicable) will continue for a further 8 weeks from the end of the week in which disruption occurred, unless the entitlement to leave and/or pay would have ended earlier in the normal course of events.

3.4 Adoption Pay Table

3.4.1

JNC & Soulbury	Pay entitlement
Continuously employed for at least 26 weeks into the 15th week before the Qualifying Week.	39 weeks SAP
More than 1 year's continuous local government service at the 11th week before the Qualifying Week	18 weeks OAP, i.e. 6 weeks at 9/10 of pay, 12 weeks at 50% pay plus SAP and then 21 weeks at SAP
Centrally employed teachers Continuously employed for at least 26 weeks into the 15th week before the Qualifying Week	39 weeks SAP
More than 1 year's continuous local government service at the 11th week before the Qualifying Week	18 weeks OAP, i.e. 4 weeks full pay, 2 weeks at 9/10 pay, 12 weeks at 50% pay plus SAP and then 21 weeks at SAP

3.5 Eligibility for Statutory Adoption Pay (SAP)

- 3.5.1 Employees are entitled to SAP if they have been continuously employed for at least 26 weeks at the end of their Qualifying Week; are still employed by the Council during that week and their average weekly earnings during the eight weeks ending with the Qualifying Week (the **Relevant Period**) are not less than the lower earnings limit set by the Government.
- 3.5.2 SAP is payable for up to 39 weeks. It stops being payable if an employee returns to work sooner or if the placement is disrupted.
- 3.5.3 SAP accrues with each complete week of absence but payments shall be made on the next normal payroll date. Income Tax, National Insurance and pension contributions shall be deducted as appropriate.
- 3.5.4 If an employee leaves employment for any reason (for example, if they resign or are made redundant) they shall still be eligible for SAP if they have already been notified by an agency that they have been matched with a child. In such cases, SAP shall start 14 days before the Expected Placement Date, or the day after their employment ends, whichever is the later.

3.6 Statutory Adoption Pay (SAP)

- 3.6.1 Where an employee has indicated that they do not intend to return to work, they will be entitled to 39 weeks SAP.
- 3.6.2 The first 6 weeks is payable at 90% of the employee's average weekly earnings. The remaining 33 weeks is payable at a rate set by the Government for the

relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

3.7 Occupational Adoption Pay (OAP)

- 3.7.1 An employee must have at least one year's continuous local government service to qualify for OAP.
- 3.7.2 Length of continuous local government service is calculated at the beginning of the 11th week before the date an employee is matched with a child. Your service must be unbroken for 1 year prior to this date.
- 3.7.3 OAP is paid on the understanding that the employee will return to local authority employment, therefore, an employee will be required to repay payments made in excess of Statutory Adoption Pay during the 12 weeks at 50% if they do not return to work.
- 3.7.4 OAP will also have to be repaid if the employee leaves local authority employment within 3 months after their return.
- 3.7.5 OAP will not have to be repaid in cases of compulsory redundancy where the right to return to work has been removed. There may be a requirement to repay OAP in cases of voluntary redundancy. Any repayment will form part of the voluntary redundancy settlement achieved through agreement.
- 3.7.6 **For all employees except Teachers** - an employee with over one year's continuous local government service at the 11th week will have their OAP entitlement offset against any SAP paid in the first 6 weeks. During the next 12 weeks, they will be paid 50% of their pay plus SAP providing that combined it does not exceed their normal full pay. During the remaining 21 weeks, the employee shall receive SAP.
- 3.7.7 **For Teachers** - an employee with over one year's continuous local government service at the 11th week will receive full pay for the first 4 weeks. For the following 2 weeks their OAP entitlement will be offset against any SAP paid. During the next 12 weeks, they will be paid 50% of their pay plus SAP (providing that combined it does not exceed their normal full pay). During the remaining 21 weeks, the employee shall receive SAP.
- 3.7.8 If an employee becomes eligible for a pay rise between the start of the original calculation period and the end of their adoption leave (whether ordinary adoption leave or additional adoption leave), the higher or standard rate of statutory adoption pay will be recalculated to take account of the pay rise, regardless of whether statutory adoption pay has already been paid. This means that statutory adoption pay will be recalculated and increased retrospectively, or that an employee may qualify for statutory adoption pay where they did not previously. The employee will be paid a lump sum to make up any difference between statutory adoption pay already paid and the amount payable as a result of the pay rise.

3.8 Time off to attend adoption appointments

- 3.8.1 Once an employee has been matched with a child they will need to inform their Line Manager that they are adopting. They will be entitled to paid time off work, including travel time, to attend adoption appointments - up to 5 for the primary adopter.
- 3.8.2 In order to be entitled to take time off for adoption appointments, an employee is required to produce evidence of the appointment, e.g. a letter from the adoption agency.
- 3.8.3 The secondary adopter is able to take paid time off, including travel time, to attend up to two adoption appointments. As above, evidence should be produced if requested to do so.
- 3.8.4 All employees should endeavour to give their Line Manager as much notice as possible of adoption appointments and, wherever possible, try to arrange them near to the start or end of the working day.

3.9 Contact during adoption leave

- 3.9.1 Before the start of an employee's adoption leave their Line Manager will discuss ways in which to keep in touch during the period of leave. The Council reserves the right to maintain reasonable contact with employees during adoption leave.
- 3.9.2 This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence. If there are any major changes proposed to an employee's job or department whilst they are on adoption leave, they will need to be consulted on these changes in the same way as all other employees, and may attend consultation meetings whilst on adoption leave.

3.10 Keeping in touch days (KIT)

- 3.10.1 With the exception of the first two weeks following the date of adoption an employee can agree to "work" for up to 10 days without bringing their adoption leave to an end and without loss of their SAP / OAP. These 'keeping-in-touch' days can be taken during both ordinary adoption leave and additional adoption leave.
- 3.10.2 'Work' is defined as any work undertaken within an employee's contract of employment and may include attending training days or any other activity e.g. staff meetings undertaken for the purpose of keeping in touch with the workplace. Any period of work undertaken during a KIT day constitutes one of the 10 days even if the work is only an hour or two in length.
- 3.10.3 A Line Manager has no right to require an employee to carry out any work during adoption leave and employees have no right to undertake any work during adoption leave. Any work undertaken and the hours worked on KIT days, is entirely a matter for agreement between employees and their Line Manager.
- 3.10.4 If an employee is entitled to receive statutory SAP/OAP for any week during which they attend work for KIT days, they will still receive this in the usual way. In addition, the Council will pay for each hour worked during a KIT day at the

normal contractual rate of pay for the hours worked which will be offset against SMP/OMP.

- 3.10.5 If an employee does agree to undertake KIT days this will not extend their adoption leave by those days. If an employee goes over their 10 KIT days, they will lose a week's SAP / OAP for any week in which a day is worked.
- 3.10.6 Once KIT day has been worked, the employee should complete the **Keeping in Touch Payment Form** and forward this for authorisation to the Line Manager who will arrange payment.

3.11 Returning to work after Adoption Leave

- 3.11.1 If an employee intends to take the full adoption leave entitlement, they do not have to give notice of their intended return to work. However if they wish to return to work early, they must give 8 weeks notice of the intended early return date. Otherwise their Line Manager can delay the employee's return to work for the length of the notice period or until the end of the adoption leave period if this occurs first.
- 3.11.2 An employee must inform their Line Manager if they are unable to return to work after the end of their adoption leave due to ill health by following the required procedure for reporting absence. An employee's absence, if they postpone their return to work because of ill health, will be covered by the occupational sickness scheme and the Council's Managing Sickness Absence at Work Policy will apply.
- 3.11.3 Following adoption leave, the employee has a right to return to work in a role which they were employed under their original contract of employment unless it is not reasonably practicable, in which case the employee will be offered a suitable role on terms and conditions not less favourable than those that would have been applicable if they had not been absent.
- 3.11.4 The employee is entitled to be offered a suitable alternative vacancy if, because of redundancy, it is not possible or practical for them to return to their job. There may also be circumstances of general reorganisation (which would have occurred if they had not been absent) that would necessitate a change in their original job. In such cases the employee will be subject to the provision of the Council's Managing Change Policy.
- 3.11.5 The alternative post offered in both these circumstances should be suitable to the employee, appropriate to the circumstances and in the same capacity. The terms and conditions of employment should not be substantially less favourable to the employee than if they had been able to return to their original job.
- 3.11.6 Interruptions to work (due to industrial action or other reasons), where it is unreasonable to expect the employee to return on the notified day, may result in their return being postponed until work resumes or it is reasonably practical for them to return.

3.12 Annual leave and bank holidays

3.12.1 Arrangements for all employees except Teachers:

- 3.12.1.1 An employee will still receive their annual leave entitlement whilst they are on adoption leave and may choose to use it to extend the time they

have off after their paid adoption period ends or to take it before the start of paid adoption leave. Employees are encouraged, where possible, to take any annual leave prior to commencing adoption leave. Should it not be possible to take all annual leave prior to commencing adoption leave then any carried over leave would need to be taken before the employee returns to work, i.e. immediately following the end of their adoption leave.

3.12.1.2 An employee will be entitled to time off in lieu of any bank holidays that occur on the days that they are contracted to work whilst on adoption leave.

3.12.2 Arrangements for centrally employed teachers:

3.12.2.1 Note: In this section, the term “teacher” means employees who are employed in accordance with the *School Teachers’ Pay and Conditions Document (the “Blue Book”)*.

3.12.2.2 Whilst teachers do not have a ‘contractual’ entitlement to annual leave, they do have a ‘statutory’ right under the Working Time Regulations (WTR). With effect from 1 April 2009, this entitlement is 28 days (5.6 weeks). **(Please note that this is not an additional entitlement to annual leave on top of the current school closure arrangements).**

3.12.2.3 Under the requirements of the WTR, a teacher who takes adoption leave will be able to accommodate the 28 days statutory annual leave within school closure periods at a time outside of their adoption leave. The Council will not treat any part of the adoption leave period as statutory annual leave. The statutory annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question, i.e. both before and after the adoption leave period. For the purposes of managing statutory annual leave in relation to adoption leave, the leave year for teachers is defined as 1 September in a given year to 31 August in the following year.

3.12.2.4 Teachers will be required to accommodate their statutory entitlement to annual leave, during school closure periods, either before or after the adoption leave period. Where there is sufficient time to accommodate the statutory leave in the current leave year during school closure periods, no carry over of outstanding leave will be permitted. 3.12.2.5

If there are insufficient school closure periods to accommodate statutory annual leave in that leave year, or the return from adoption leave is so close to the end of the leave year that there is not enough time to accommodate all the statutory annual leave entitlement, the teacher will be permitted to take any outstanding leave forward to the next leave year. This outstanding leave entitlement will then be offset during the remaining periods of school closure after the 28 days’ statutory annual leave for that leave year has been accommodated.

3.12.2.6 It will not be possible for a teacher to obtain payment in lieu of untaken statutory annual leave instead of taking leave during the leave year except where employment terminates.

3.13 Transfer of Adoption Leave

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date. (See Shared Parental Leave section of this policy).

4. Shared Parental Leave and Pay

Shared parental leave (SPL) enables employed mothers to switch part of their leave and pay into SPL and pay, provided both parents satisfy the eligibility requirements.

The mother can choose whether to give up her leave and the parents can choose how to share any SPL, either taking it in turns or taking time off together. Eligibility, notification and variation procedures are complex but at least eight weeks' notice must be given before the SPL starts.

SPL is also available to employees having a child placed for adoption with them (or in the case of an adoption from overseas, having a child they are adopting enter Great Britain).

4.1 Definition

For the purposes of the policy, please read the following:

- For mother also read adopter
- For maternity leave also read adoption leave
- For birth also read the date at which the child is placed for adoption
- For expected week of childbirth also read notified of having been matched
- "Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the birth parent/adopter. This includes someone, regardless of their gender identity and sexual orientation, who lives with the birth parent/adopter and the child in an enduring family relationship but who is **not** the birth parents/adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.
- "Expected week of childbirth (EWC)" means the week, starting on a Sunday, during which the birth parent's doctor or midwife expects them to give birth

4.2 Shared parental leave requests

- 4.2.1 If it is the mother who is employed by the Council, her partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to their own employer, which may have its own shared parental leave policy in place. Similarly, if it is the partner who is employed by the Council, the mother must (where relevant) submit any notifications to take shared parental leave to their own employer.

- 4.2.2 The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.
- 4.2.3 The Council recognises that employees may have questions or concerns relating to their SPL rights. It is the Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the SPL provisions are complex, if an employee wishes to take SPL, they should clarify the relevant procedures with the Human Resources Absence Team or their link HR Officer to ensure that they are followed correctly.
- 4.2.4 The Line Manager is responsible for ensuring all information is sent on immediately to Human Resources so that this discussion can be facilitated.
- 4.2.5 On receipt of the 'notification of entitlement' to take SPL from the employee the HR Absence Team may arrange an informal discussion with the employee and the employee's line manager to talk about their intentions and how they currently expect to use their SPL leave entitlement.
- 4.2.6 The purpose of the meeting is to discuss the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Council, and what the outcome may be if no agreement is reached.

4.3 Shared parental leave

- 4.3.1 The amount of SPL that an employee is entitled to will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. SPL must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the Line Manager is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the Line Manager's agreement). A maximum of three requests for leave per pregnancy can be made by each parent.
- 4.3.2 The first two weeks following birth or adoption are the compulsory maternity/adoption leave periods i.e. the mother or primary adopter cannot curtail their maternity or adoption leave to take shared parental leave until two weeks after the birth or adoption and the maximum period that the parents could take as shared parental leave is 50 weeks between them.
- 4.3.3 The mother's partner can begin a period of SPL at any time from the date of the child's birth (however they should bear in mind that they are entitled to take up to two weeks' ordinary paternity leave following the birth of the child, which they will lose if shared parental leave is taken first). The mother and partner must take any SPL within 52 weeks of birth.

4.4 Eligibility for shared parental leave

4.4.1 For employees to be eligible to take SPL, both parents must meet certain eligibility requirements.

4.4.2 **Mother's eligibility for shared parental leave**

4.4.2.1 The mother is eligible for shared parental leave if she:

- has at least 26 weeks' continuous local government employment ending with the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental leave that she takes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity leave in respect of the child; and complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

4.4.2.2 In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

4.4.3 **Partner's eligibility for shared parental leave**

4.4.3.1 The partner is eligible for shared parental leave if he/she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental leave that they take;
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

4.4.3.2 In addition, for the partner to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;

- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

4.5 Notice requirement for shared parental leave

4.5.1 The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- a "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that he/she is requesting.

4.5.2 The notice periods set out below are the minimum required by law. However, the earlier the employee informs their Line Manager of their intentions, the more likely it is that they will be able to accommodate the employee's wishes, particularly in relation to periods of discontinuous leave.

4.5.3 Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time.

4.6 Mother's notice curtailing maternity leave

4.6.1 Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity leave (by giving the required eight weeks' notice of her planned return) or provide her Line Manager with a maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

- after the compulsory maternity/adoption leave period, which is the two weeks after birth/adoption;
- at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her Line Manager; and
- at least one week before what would be the end of the additional maternity leave period.

4.6.2 The mother must provide her maternity leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention.

4.7 Revocation of maternity leave curtailment notice

4.7.1 The mother can withdraw her notice curtailing her maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her maternity leave curtailment notice if:

- it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died

4.8 Employee's notice of entitlement and intention

4.8.1 The employee, whether the mother or the partner, must provide their Line Manager with a nonbinding written notice of entitlement and intention at least eight weeks before the start date of the first period of shared parental leave. This notice must provide essential information including details of both the mother and partner, the leave to be taken and a declaration by **both** parties that they meet the eligibility criteria. An employee should provide this information by completing the form **Notice of Entitlement and Intention to Take Shared Parental Leave**.

4.8.2 Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, the Human Resources Section will request from the employee:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

4.8.3 The employee has 14 calendar days from the date of the request to send Human Resources the required information.

4.9 Variation or cancellation of notice of entitlement and intention

4.9.1 The employee can vary or cancel the proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that he/she provides their Line Manager with a written notice. The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;

- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the mother and the partner that they agree to the variation.

4.9.2 Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until they provide a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make. An employee should complete the **“Notice to Take or Vary a period of Shared Parental Leave”**

4.10 Employee's period of leave notice

4.10.1 To take a period of shared parental leave, the employee must provide their Line Manager with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

4.10.2 A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

4.11 Variation or cancellation of period of leave notice

4.11.1 The employee can vary or cancel the proposed shared parental leave dates following the submission of a period of leave notice, provided that they provide their Line Manager with written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence.

4.11.2 The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

4.12 Limit on number of requests for leave

The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy.

4.13 Continuous period of shared parental leave

If the employee submits a period of leave notice requesting one continuous period of leave, they will be entitled to take that period of leave.

4.14 Discontinuous periods of shared parental leave

- 4.14.1 The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.
- 4.14.2 If the employee submits a discontinuous periods of leave notice, the Line Manager, within the two weeks beginning with the date the period of leave notice was received by the Line Manager, must either:
- consent to the pattern of leave requested;
 - propose an alternative pattern of leave; or
 - refuse the pattern of leave requested.
- 4.14.3 If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.
- 4.14.4 If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally received by the Line Manager. The employee must notify their Line Manager of that date within seven calendar days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.
- 4.14.5 Alternatively, if the Line Manager has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw their request for discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was received. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

4.15 Shared parental pay (ShPP)

- 4.15.1 Statutory ShPP is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory ShPP available to the parents will depend on how much statutory maternity/adoption pay or maternity allowance the mother has been paid when their maternity/adoption leave or pay period ends.
- 4.15.2 A total of 39 weeks' statutory maternity/adoption pay, or maternity allowance is available to the mother. As there is a compulsory maternity/adoption leave period of two weeks, this means that a mother who ends their maternity/adoption leave at the earliest opportunity could share up to 37 weeks' statutory ShPP with their partner (although it will normally be less than this because of the .15
- 4.15.3 The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when her maternity leave or pay period ends.

- 4.15.4 Entitlement to statutory maternity and maternity allowance are outlined in the relevant Maternity Pay and Adoption Pay tables in Sections 1 & 2 above or on the Shared Parental Leave Pay section on [CeriNet](#).
- 4.15.5 Employees who take a period of maternity leave followed by one or more periods of shared parental leave are only eligible for the maximum of the maternity/ adoption pay entitlement ie when any periods of occupational maternity and occupational shared parental pay are combined.
- 4.15.6 Any statutory ShPP due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. Current rates of entitlement are available on CeriNet
- 14.5.7 It is up to the parents as to who is paid the statutory ShPP and how it is apportioned between them.
- 14.5.8 Occupational Shared Parental Pay is paid on the understanding that the employee will return to the Council's employment, therefore, an employee will be required to repay payments made in excess of Statutory Shared Parental Pay as required if they do not return to work. Occupational Shared Parental Pay will also have to be repaid if the employee leaves the Council's employment within 13 weeks of their return.

4.15 Eligibility for shared statutory parental pay (ShPP)

- 4.15.1 For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

4.15.2 Mother's eligibility for statutory shared parental pay

- 4.15.2.1 The mother is eligible for statutory shared parental pay if she:

- has at least 26 weeks' continuous local government employment ending with the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental pay that she gets;
- has normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which she receives statutory shared parental pay; and
- is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

- 4.15.2.2 In addition, for the mother to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and

- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks.

4.15.3 Partner's eligibility for statutory shared parental pay

4.15.3.1 The partner is eligible for statutory shared parental pay if he/she:

- has at least 26 weeks' continuous local government employment ending with the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental pay that he/she gets;
- has normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- is absent from work and intends to care for the child during each week in which he/she receives statutory shared parental pay.

4.15.3.2 In addition, for the partner to be eligible, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

4.16 Contact during shared parental leave

4.16.1 Before the start of an employee's shared parental leave their Line Manager will discuss ways in which to keep in touch during their leave. The Council reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

4.16.2 If there are any major changes proposed to an employee's job or service whilst they are on shared parental leave, they will be consulted on these changes in the same way as all other employees, and may attend consultation meetings whilst on shared parental leave.

4.17 Shared parental leave in touch (SPLIT) days

4.17.1 An employee (and their partner) can agree to "work" for up to 20 days each without bringing their shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

- 4.17.2 'Work' is defined as any work undertaken within an employee's contract of employment and may include attending training days or any other activity e.g. staff meetings undertaken for the purpose of keeping in touch with the workplace. Any period of work undertaken during a SPLIT day constitutes one of the 20 days even if the work is only an hour or two in length.
- 4.17.3 A Line Manager has no right to require an employee to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken and the hours worked on SPLIT days, is entirely a matter for agreement between employees and the Authority.
- 4.17.4 If an employee is entitled to receive statutory ShPP for any week during which they attend work for SPLIT days, they will still receive this in the usual way. In addition, the Authority will pay for each hour worked during a SPLIT day at the normal contractual rate of pay for the hours worked which will be offset against ShPP.
- 4.17.5 If an employee does agree to undertake SPLIT days this will not extend the shared parental leave period by those days. If an employee goes over the 20 SPLIT days, they will lose a week's SSPP / OSPP for any week in which a day is worked.
- 4.17.6 Once a keeping-in-touch day has been worked, the employee should complete the **Keeping in Touch days claim form** and forward this for authorisation to the Line Manager who will arrange payment.

4.18 Returning to work following shared parental leave

- 4.18.1 Following shared parental leave, the employee has a right to return to work in a role which they were employed under their original contract of employment and terms and conditions not less favourable than those that would have been applicable if they had not been absent.
- 4.18.2 The employee is entitled to be offered a suitable alternative vacancy if, because of redundancy, it is not possible or practical for them to return to their job. There may also be circumstances of general reorganisation (which would have occurred if they had not been absent) that would necessitate a change in their original job. In such cases the employee will be subject to the provision of the Council's Managing Change Policy.
- 4.18.3 An employee must inform their Line Manager if they are unable to return to work after the end of their shared parental leave due to ill health by following the Council's agreed procedure for reporting absence. An employee's absence, if they postpone their return to work because of ill health, will be covered by the occupational sickness scheme and the Council's Sickness Absence Policy will apply.
- 4.18.4 An employee must give the normal notice period required under their terms and conditions if they do not intend to return to work after their shared parental leave period, unless they have already done so prior to commencing their shared parental leave.

5. Maternity / Adoption Support (Paternity) Leave / Pay

Ceredigion County Council recognises that husbands and partners of new mothers have the right to leave and pay, following the birth of their child. The law refers to this as “Paternity” leave and pay, but as same sex partners are also eligible, this will subsequently be referred to as **Maternity / Adoption Support Leave**.

Where the child’s father or partner of the mother / adoptive parent is not available, a nominated carer may be entitled to leave and pay.

Support leave provided under this policy will be used for caring for a newborn child and supporting the mother, or caring for a child newly placed for adoption and supporting the parent.

5.1 Entitlements

An employee satisfying the eligibility criteria is entitled to the following:

- The child’s father, or partner of the mother / adoptive parent, may apply to take up to 2 weeks paid leave. This may be taken as one block of two weeks or as two separate one week blocks. The pay for this leave will be at full pay*.
- A nominated carer is entitled to take up to one week’s paid leave and this must be taken in one block of a week. The pay for this leave is one week at full pay.
- In the case of multiple births, the individual will be entitled to only one application for Support Leave under this policy.
- If the child is stillborn after a pregnancy lasting 24 weeks, the individual will remain eligible for Support Leave.

** A week’s full pay is calculated as the normal weekly wage, i.e. the amount payable to the individual under the current contract of employment.*

5.2 Eligibility

- 5.2.1 All employees are entitled to one weeks paid maternity / adoption support leave irrespective of length of service.
- 5.2.2 To be entitled to the second week of statutory maternity/adoption support pay (for fathers or partners of the mother / adoptive parent only), employees must have at least 26 weeks local government continuous service before the end of the 15th week prior to the expected week of child birth / the date notification of adoption placement is received.
- 5.2.3 The leave must be taken at any time in the 52 weeks after birth / adoption placement date.
- 5.2.4 The individual must be the biological father or the partner of the child’s mother / adoptive parent, and will be responsible for the upbringing of the child. They must be someone that lives with the mother / adoptive parent in an enduring family relationship, but is not an immediate relative, OR is a nominated carer, nominated by the mother (or adoptive parent) as their primary provider of support at this time.

5.3 Application for maternity/adoption support leave

- 5.3.1 At least 15 weeks before the birth/placement is due to take place, an employee should tell their manager of their intention to take maternity/adoption support leave and the due/placement date
- 5.3.2 At least 28 days before the baby is due, an employee should tell their manager of their intention to take maternity/adoption support leave:
- When the leave will start (e.g. the day of the birth, the week after the birth or a predetermined date)
 - The intention to take 1 or 2 weeks' leave (where applicable)
- 5.3.3 This will give the manager sufficient time to prepare for an employee's time off work (i.e. to cover shifts etc.). An employee can do this verbally in the first instance but should be followed up with an application. An employee can submit an application by completing the **application form on CeriNet** . This must be made on or before the 15th week prior to the expected week of childbirth / as soon as notification of placement is received.
- 5.3.4 It is accepted that the precise dates may not be known in advance. Therefore, the anticipated dates should be noted on the application. The employee must then notify their Manager once the actual dates are known.

5.4 Transfer of maternity or adoption leave

If an employee proposes to return to work by giving proper notification, their spouse, civil partner or partner may be eligible to take shared parental leave (and shared parental pay) once they have returned to work. (see Shared Parental Leave section of this policy).

5.5 Special guardianship

- 5.5.1 The Special Guardianship (Wales) (Amendment) Regulations 2018 allows courts to consider applications for special guardianship and to issue special guardianship orders. A special guardianship order made by a court that places a child or a young person to live with someone permanently and gives care for that child or young person in a long term secure placement. In many cases, this will be a family member or friend, avoiding the need to place a child in foster care or for adoption.
- 5.5.2 It may be necessary for an employee who becomes a special guardian to take time off work when the child is first placed with them in order to settle the child or to ensure appropriate childcare arrangements can be put in place to allow the employee to continue to work.
- 5.5.3 Although there is no statutory entitlement to additional paid leave, special guardians have parental responsibility for their child once the special guardianship order has been granted and any leave taken following the order should, therefore, be considered under the Council's Leave Policy and the Family Friendly Policy.
- 5.5.4 Line Managers should be mindful of the exceptional nature of a special guardianship and support any reasonable requests for up to a maximum of 5 days paid leave and / or additional unpaid leave to allow an employee to fulfil their parental responsibilities.

6 Unpaid Parental Leave

6.1 Unpaid parental leave

- 6.1.1 The entitlement allows those employees with parental responsibility to take a maximum of 18 weeks unpaid leave after the birth or adoption of a child. The leave can be taken at any time up until the child's eighteenth birthday. The maximum entitlement for each (financial) year is 4 weeks.
- 6.1.2 Parental leave can be taken in one-week blocks by employees who are natural or adoptive parents, or who have formal parental responsibility.
- 6.1.3 The entitlement to leave is per child, therefore multiple births or multiple adoptions allows for an additional entitlement to be taken.
- 6.1.4 The leave is pro-rata for part-time employees, and if an employee has a working week that varies, the hours/weeks that an employee is normally required to work are used for calculation purposes.
- 6.1.5 Time taken as parental leave shall be treated as continuous service.

6.2 Eligibility

- 6.2.1 Eligible employees are those with parental responsibilities that have one year's continuous Local Government service and have parental responsibility for the child.
- 6.2.2 This means they must be named on one of the following:
 - the child's birth certificate
 - the child's adoption certificate
 - a parental order, for surrogacy
 - a legal or special guardianship
- 6.2.3 Step-parents can also have parental responsibility where it is agreed between all parents.
- 6.2.4 If someone is separated from the other parent or does not live with their child, they still have the right to parental leave if they have parental responsibility for their child

6.3 Taking parental leave for a disabled child

An employee can take parental leave in blocks of days rather than weeks if they are caring with for a disabled child for example if they are in receipt of one of the following for their child:

- Disability Living Allowance
- Personal Independence Payment

6.4 Notice and when to take leave

- 6.4.1 A minimum of 21 days' notice must be given to take leave of 1 week or more this is reduced to 7 days for parents of a disabled child who are requesting leave of less than one week.
- 6.4.2 If an employee is an expectant partner and is intending to take parental leave at the time of the birth of their child they should give 21 days' notice, where reasonably practical, prior to the expected week of childbirth of the mother of the

child. If an employee is to be an adoptive parent and they are intending to take leave at the time of the adoption they should give 21 days' notice, where reasonably practical, prior to the date of adoption.

- 6.4.3 All applications for leave can be made using the application on **CeriNet**
- 6.4.4 Parental leave must be taken to help with the child's welfare. The employee cannot use parental leave entitlement to take an extended holiday, and an employee is precluded from undertaking work for another employer whilst taking parental leave.
- 6.4.6 Evidence of parental responsibility and the age of the child should be supplied prior to leave being taken wherever possible i.e. original birth certificate, court order, adoption certificate etc. If an employee is unable to prove parental responsibility then the Council will consider the request for parental leave, however will reserve the right to refuse such a request.
- 6.4.7 The employee has a right to return to their existing job under the same terms and conditions.
- 6.4.8 Parental leave can be postponed where the operation of a business would be unduly disrupted if the leave is taken, however, leave cannot be postponed for more than six months from the date of the original request.
- 6.4.9 An exception to this is if an employee wishes to take parental leave at the time of the birth or adoption of a child then they cannot be asked to postpone their leave.
- 6.4.10 If leave has to be postponed, managers must discuss this with their employee, and confirm in writing no later than 7 days after the original request the reasons for the postponements of the leave and confirm the dates when the leave may be taken. The leave must be granted for the same length of time as the employee's original request.
- 6.4.11 Employees who fall sick during a period of parental leave and who can provide their Line Manager with a medical certificate to cover this period of sickness shall be entitled to pay under the sickness scheme, and this period shall not count towards their parental leave entitlement.

6.5 Pension provision

- 6.5.1 If the employee is a Local Government Pension member and the period of approved unpaid absence is under 30 days, they will automatically continue to make contributions. However, if applying for leave in excess of 30 consecutive days, they will be asked on the application form if they wish to make contributions for the period of absence over 30 days.
- 6.5.2 If they are a member of the Teachers; Pensions Scheme pension contributions cannot be made during a period of unpaid leave.

7. Unpaid Time Off for Dependants

Time off for dependants allows employees to take a reasonable amount of time off work without pay to deal with certain unforeseen emergencies involving the employee's dependants and to make any necessary longer term arrangements.

7.1 Eligibility

The right to time off applies to all employees regardless of their length of service or whether their appointment is fixed term, temporary, casual or permanent.

7.2 Definition

A dependant for these purposes can be defined as including:

- Spouse: husband, wife, civil partner.
- Child: this means a child of any age.
- Parent: this includes stepparents.
- Grandparent
- Someone who lives in the same household: this includes partners or elderly relatives living with the employee but does not include an employee, tenant, lodger or boarder.

7.3 Circumstances under which an employee can take time off (not exhaustive)

If a dependant falls ill, has been injured or has been assaulted, or where an existing illness, injury or condition deteriorates.

- When a dependant is having a baby.
- To make long term care arrangements for a dependant who is ill or injured, i.e. arranging a carer.
- To deal with the death of a dependant including time off to attend a funeral or make funeral arrangements. The Council has also made provision for paid time off in certain circumstances; please see the *Leave of Absence Policy* document for further information.
- To deal with the unforeseen breakdown of care arrangements for a dependant. This may be where the usual carer of the dependant fails to turn up as arranged.
- To deal with an unexpected incident involving an employee's child/grandchild during school hours.

7.4 Circumstances when leave cannot be taken

The leave should not be used in circumstances where the need to take leave could have been foreseen, in these circumstances annual leave should be used in the normal way. This leave is for the purpose of making immediate arrangements only. It is not in the spirit of the leave that it should be used for an extended period. It is expected that an employee will only need a maximum of 2-3 days leave as time off for dependants in order to make any necessary longer term arrangements. For additional periods, annual leave should be taken.

7.5 Procedure for applying

- 7.5.1 Employees are expected to follow the normal procedures that are in place within the Council for the reporting of sickness absence to report to their manager that it is their intention to take Unpaid Time Off for Dependants.
- 7.5.2 The employee should then submit their request for time off by completing the relevant leave request on the ceri system.

8. Parental Bereavement Leave

8.1 Parental bereavement leave

An employee who suffers the devastating loss of a child who is under the age of 18 will be entitled to 2 weeks' statutory bereavement leave.

8.2 Definition

A 'parent' is a biological parent, adoptive parent (including a person with whom a child has been placed for adoption, so long as the adoption is not disrupted), an intended parent, anyone with whom the child has lived with and who has provided care for the child for a continuous period of 4 weeks ending with the date of death, or a partner of one of the aforementioned.

8.3 Eligibility

8.3.1 This leave will apply to any parent if they lose a child under the age of 18 or suffer a stillbirth from the 24th week of pregnancy, irrespective of their length of service with the Council.

8.3.2 The Council will pay the employee full pay during this period of leave.

8.3.3 The leave may be taken as a block of 2 weeks or 2 separate blocks of one week, which must be taken within 56 days beginning with the date of the child's death.

8.4 Application process

The employee should inform their line manager of their intention to take Parental Bereavement Leave as soon as possible and, ideally, notice will be given before the employee is due to start work on the first day of the leave. In cases where 2 separate blocks are taken, at least one weeks' notice must be given to take the second week. The employee should then submit their request for time off by completing the relevant leave request via Ceri Self-Service.

9. Neo-natal Leave

- 9.1 Any employee who has the main responsibility for caring for a baby who is admitted into hospital as a neonate (28 days old or less), if the admission lasts for a continuous period of 7 days or more, will be entitled to 12 weeks unpaid leave.
- 9.2 Entitlement to leave will be a day one employment right. The leave must be taken in a continuous block of one or more weeks.
- 9.3 As much notice as possible should be provided to line manager.

10. In Vitro Fertilisation (IVF)

The Council recognises that fertility treatment is a stressful and emotionally demanding experience, and therefore wishes to support employees as much as possible when undergoing this procedure.

10.1 Eligibility

To be eligible for leave for fertility treatment, employees must have been continuously employed by the Council for 12 months or more. This includes part time, temporary and fixed term employees.

10.2 Entitlement

To support an employee undergoing treatment, the Council will grant up to 2 days paid leave, this will also be granted for partners of those undergoing the treatment, if needed. This provision is in addition to time off to attend hospital appointment. The days may be taken as a block or separately and may also be taken as half days or hours, as necessary around appointments. If an employee requires time off beyond the paid days, they should discuss with their manager the options available to them including taking unpaid leave. Paid time off is available for up to two cycles of IVF treatment.

10.3 Flexible working

Due to the nature of IVF and other fertility treatment it is recognised that there may be a requirement for flexibility in an individual's working pattern which should be discussed between the employee and line manager. Employees could utilise the range of flexible working options available. The Line Manager, in consultation with Occupational Health advice if necessary, will be responsible for considering, managing and approving the flexibility required by the individual, during and following any procedures.

10.4 Supportive Management Action

- 10.4.1 Where a manager is made aware that an employee is undergoing or likely to be undergoing treatment, they should ensure the employee concerned is supported and made aware of the provisions available.
- 10.4.2 It is recognised that anyone undergoing treatment may suffer from a range of side effects during and after the treatment has taken place. In these

circumstances if an employee goes on sick leave their absence will be managed in line with the Council's Managing Sickness Absence at Work Policy.

10.4.3 Managers must maintain strict confidentiality around this matter, and will respect the dignity of the individual at all times during any treatment.

10.5 Application procedure

10.5.1 Employees should advise their manager that they require leave as soon as they are aware that they will be undergoing treatment.

10.5.2 Employees should try and have as many details about dates, etc available so that arrangements can be made to work around their treatment and the needs of the service.

10.5.3 Employees may be requested to provide their manager with confirmation of their treatment/appointments.

10.5.4 As far as is reasonably practicable, appointments should be made at times that will cause the least disruption to service delivery.

11. Carers' Leave

11.1 The Council has developed a comprehensive Carer's Policy that supports employees who have caring responsibilities to remain in work and fulfil their careers.

11.2 The policy outlines the range of flexible working options available to support carers alongside the development of a carers passport to help and support employees who have specific caring responsibilities.

11.3 Carers who hold a Carers Passport are able to claim up to five days paid Carers leave within any 12 month period.

11.4 Full details can be found in the Carers' Policy on [CeriNet](#).

12. Compassionate Leave

12.1 The Council recognises that employees have rights to paid time away from work and to acknowledge and support employees where there may be circumstances outside of an employees' control where compassionate leave may be more appropriate. The Council's Leave and Absence Policy outlines the provision for compassionate leave.

12.2 Full details can be found in the Leave and Absence Policy on [CeriNet](#).

13. Misuse of Entitlement

Any abuse of the scheme and entitlements within this Family Friendly Policy will be dealt with under the Council's Disciplinary Policy. The following are examples of misuse:

- Taking leave under the policies for purposes other than the purpose they are intended for.
- Making a false statement as to entitlement to the schemes available within the policy, for example the age of the child, the relationship with the child or for parental leave the amount taken with a previous employer.
- Knowingly giving information to obtain leave that is subsequently found to be false.
- Failing to provide information requested to support an application



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