



Okehampton Town Council

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Family Friendly Policy Pack

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MATERNITY POLICY

A) INTRODUCTION

All pregnant employees are entitled to a total of 52 weeks' maternity leave, irrespective of their length of service. We have set out below all of your rights and obligations should you become pregnant. We would ask that you notify us as soon as possible of your pregnancy so that we can ensure you are fully aware of all your entitlements and obligations and also so that we can take any necessary steps to ensure the health and safety of both yourself and your unborn child whilst you are at work.

B) ANTE-NATAL CARE

You are entitled to paid time off during normal working hours to receive ante-natal care. Ante-natal care can include not only medical examinations, but also relaxation and parent-craft classes.

Other than for the first appointment, you must produce both a certificate confirming that you are pregnant and an appointment card (or similar document) from a registered medical practitioner, or a registered midwife, in the case of medical examinations or relaxation

classes, or from a registered health visitor in the case of parent-craft classes, showing that an appointment has been made.

C) MATERNITY LEAVE

You are entitled to the following maternity leave; 52 weeks' in total, broken down as follows:

- 26 weeks' Ordinary Maternity Leave. You are not permitted to work for 2 weeks' immediately after your baby is born, this is called Compulsory Maternity Leave.
- Additional Maternity Leave that starts immediately after Ordinary Maternity Leave and continues for a further 26 weeks'.

Maternity leave can commence at any time after the 11th week before the expected week of childbirth, and may commence as late as the day after the birth of your baby. In order to take advantage of the right to maternity leave you must give us the proper notifications. These are outlined below under the heading 'Notice Requirements'.

D) NOTIFICATION REQUIREMENTS

We would urge you to notify us as soon as possible of your pregnancy to enable us to ensure that, where appropriate, any reasonable steps are taken to ensure the safety of yourself and your unborn child and that you are not subject to any unnecessary risks.

To qualify for maternity leave you must, no later than the end of the 15th week before the expected date of childbirth or, if that is not reasonably practicable, as soon as is reasonably practicable notify us, in writing of the following:

- a) your pregnancy;
- b) expected week of childbirth (EWC); and
- c) the date on which you intend your ordinary maternity leave period to start.

In addition, you must supply us with a copy of your MATB1 form from a registered medical practitioner or registered midwife stating the EWC.

If you wish to vary the date on which you intend your OML to start, you must notify us of the new date at least 28 days' before the new date or, if that is not reasonably practicable, as soon as is reasonably practicable.

E) COMMENCEMENT OF LEAVE

The earliest date that you can start maternity leave is the beginning of the 11th week before the EWC.

The latest date that you may work up to is the birth of your child unless your leave is triggered by pregnancy related absence (see below).

Compulsory maternity leave commences on the day after the childbirth occurs. Its purpose is to ensure that you have at least 2 weeks' leave after the birth of your baby.

There are two incidences in which the maternity leave period is triggered automatically:

- 1) Where childbirth occurs before the maternity leave period would otherwise commence.

In the event of premature birth you are not required to notify us of the date on which you intend to take your leave, but must inform us as soon as is reasonably practicable after the birth, of the date on which you gave birth.

Your maternity leave period will begin automatically on the day following the date of the birth.

If you are absent from work, wholly or partly due to your pregnancy, after the beginning of the fourth week before the EWC.

If you are absent from work after the beginning of the fourth week before the EWC, wholly or partly due to your pregnancy, then again you must notify us as soon as reasonably practicable that you are absent for that reason and the date on which your absence began. Your maternity leave period will begin automatically on the day following the first day of such absence.

Once you notify us of the date on which you intend to commence your maternity (or have commenced) we will write to you within 28 days', notifying you of the date on which you are due to return to work after the end of your additional maternity leave.

F) CHANGING YOUR RETURN TO WORK DATE

If you decide to return to work before the end of the date notified for additional maternity leave you must give us at least 8 weeks' notice of the new date on which you intend to return. For example, if you only wish to take the 26 weeks' ordinary maternity leave or the 39 weeks' paid maternity leave, you must give us 8 weeks' notice of your intended return date. If you attempt to return to work without giving the required notice we will postpone your return to a date that will ensure that there has been 8 weeks' notice of that return, or the original date of return, whichever is the lesser period of time.

G) RETURNING TO WORK

If you are returning to work at the end of additional maternity leave, you simply present yourself for work at the end of that period.

If you return to work at the end of your ordinary maternity leave you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence.

If you return to work after a period of additional maternity leave, you are entitled to return to the same job in which you were employed before your absence or, if that is not reasonably practicable, to another job which is both suitable and appropriate for you in the circumstances on terms no less favourable.

H) KEEPING IN TOUCH DAYS

You may by mutual agreement, work for up to 10 days' during your maternity leave period (but not during the compulsory maternity leave period) without losing statutory payments for that week, or ending your entitlement to leave.

For this purpose any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the maternity leave period. Payment in respect of these 'keeping in touch' days will be agreed beforehand.

I) MATERNITY PAY

Dependent upon your length of service, you may be entitled to Statutory Maternity Pay. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

Eligibility

You will qualify for Statutory Maternity Pay (SMP) if you meet the following criteria:

- a) you have been continuously employed with us for at least 26 weeks' continuing into the 15th week before the week the baby is due.
- b) your average weekly earnings are not less than the lower earnings limit relevant for National Insurance purposes.
- c) you are still pregnant at the 11th week before the EWC or have given birth by that time.
- d) you have complied with the relevant notification requirements, as detailed above.

Length of Pay Period

The period for which SMP may be paid is called the maternity pay period. The maternity pay period may start at any time from the start of the 11th week before the EWC and can continue for up to 39 weeks', even if you do not intend to return to work.

The starting date of the maternity pay period will usually be agreed between the employer and the employee however the final decision is yours. The maternity pay period and SMP can start on any day of the week. However:

- a) if you work up to the birth, the maternity pay period and SMP will start from the day following the date of the birth;
- b) if you are absent from work because of a pregnancy related reason on, or after, the start of the fourth week before the EWC, the maternity pay period will start on the day following the first day you are off work for that reason; and
- c) if you are absent on sick leave with an illness which is not pregnancy related, the maternity pay period will start as notified or from the date following the date of birth whichever is the earlier.

Amount of Payment

Payment will be made at the rate of 90% of your normal salary (or standard rate SMP whichever is the greater) for the first 6 weeks' of leave and then up to 33 weeks' at the Standard Rate SMP.

The baby is born early or late

If your baby is born before the maternity pay period is due to start, the pay period will begin from the day following the date of birth.

If your baby is born before you have given us a maternity certificate, you must, if reasonably practicable, provide us with medical evidence of the date the baby was born within 28 days'.

If your baby was born early and the maternity pay period has started, SMP will be paid in the normal way until the liability ends as if the baby had been born in the EWC.

If the baby is born after the EWC, the maternity pay period is not affected.

The baby is stillborn

In the unfortunate event that a baby is stillborn before the 25th week of the pregnancy, i.e. earlier than the 16th week before the EWC, SMP is not payable.

If a baby is stillborn after the start of the 16th week before the EWC, SMP will be paid as it would for a live birth.

PATERNITY POLICY

A) INTRODUCTION

- 1) If your partner becomes pregnant or you are jointly adopting a child with another person and have designated yourself as the secondary adopter, you may be entitled to take time off work for various reasons, and this policy explains what your rights are.
- 2) This policy applies where the expected date of childbirth is after 6 April 2024, or the expected date of adoption placement is on or after 6 April 2024. Where the expected date of childbirth or the expected date of adoption placement is earlier than these dates, our previous paternity leave policy will apply to you.

B) ANTE-NATAL/ADOPTION APPOINTMENTS

- 1) You have the right to take time off to accompany your partner to ante-natal appointments or adoption appointments. This applies from the start of your employment.
- 2) In relation to a birth, you must be the father of the child; or the husband, civil partner or partner of the mother. An ante-natal appointment is one which has been made on the advice of a registered medical practitioner, nurse or midwife.
- 3) In relation to an adoption, you must be adopting the child jointly with another person. If you are a sole adopter, you may have separate rights to time off for appointments.
- 4) Under this right, you are entitled to take time off to attend a maximum of 2 ante-natal/adoption appointments, to a maximum of 6.5 hours per appointment. This time is unpaid.
- 5) You will need to provide a declaration relating to your eligibility and, amongst other things, state the date and time of the appointment. We have a form you can use for this which is available from the Town Clerk.
- 6) The right applies whether the baby was conceived naturally or via donor insemination.

C) ELIGIBILITY FOR PATERNITY LEAVE

- 1) You must have been continuously employed by us for a period of at least 26 weeks by the end of the 15th week before the expected week of the child's birth or, in the case of an adopted child, for at least 26 weeks leading into the week in which the adopter is notified of being matched with a child.
- 2) You must be the father of the child, or be married to, or the civil partner or "partner" of, the child's mother or adopter. "Partner" in relation to a child's mother or adopter means a person, whether of a different sex or the same sex, who lives with the mother, or

adopter, and the child in an enduring family relationship but is not a relative of the mother or adopter (a relative is defined as a parent, grandparent, sister, brother, aunt or uncle).

- 3) You must have, or expect to have, responsibility for the upbringing of the child.
- 4) Only one period of leave is available even if more than one child is born as a result of the same pregnancy or adopted as part of the same arrangement.

D) COMMENCEMENT AND DURATION OF LEAVE

- 1) Leave may only be taken during the period beginning with the date of the child's birth or placement and ending 52 weeks after that date or, in a case where the child is born before the first day of the expected week of birth, 52 weeks after that day.
- 2) Subject to the above, you can choose to begin your leave:
 - a) on the date on which the child is born/placed with the adopter;
 - b) from a specified chosen number of days after the date of the child's birth/placement (whether this is earlier or later than expected); or
 - c) from a specified predetermined date which is later than the first day of the expected week of the child's birth/expected date of placement.
- 3) Leave can start on any day of the week and you can choose to take:
 - a) one week of leave
 - b) two consecutive weeks of leave or
 - c) two non-consecutive single weeks of leave.
- 4) During paternity leave you are entitled to the benefit of your normal terms and conditions of employment, except wages or salary, and you are bound by any obligations arising under those terms and conditions except in so far as they are inconsistent with the right to paternity leave.
- 5) Where possible, you should book and take your annual leave entitlement in the current holiday year. However, if you are unable to take all of your statutory minimum entitlement to annual leave because you were on paternity leave, you are entitled to carry over untaken annual leave into the following leave year.

E) NOTIFICATION REQUIREMENTS

- 1) **Birth - Notice of entitlement**

First, you must give us notice of your entitlement to take paternity leave in or before the 15th week before the expected week of the child's birth.
- 2) The notice must specify the expected week of birth and must include a signed declaration that:
 - a) you are either the father of the child or married to or the partner of the child's mother, but not the child's father;
 - b) if you are the father, that you have or expect to have responsibility for the upbringing of the child; and
 - c) if you are the mother's husband or partner but not the child's father, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child.
- 3) **Birth - Notice of leave**

Then, once you have chosen the dates of each occasion of your paternity leave, you are required to give us a further notice, in writing, of:

- a) when you want your leave to start and
 - b) the length of leave you want to take.
- 4) You must also give us a signed declaration that you are taking leave for the purpose of caring for a child or supporting the child's mother.
- 5) A form that you can use for this notification is available from the Town Clerk.
- 6) If you want to take leave starting on the date of birth, you need to give us the notice of leave at least 28 days before the first day of the expected week of the child's birth.
- 7) If you want to start your leave a number of days after the birth rather than giving an actual date, you need to give us the notice of leave at least 28 days before the day that falls that number of days after the first day of the expected week of birth. For example, if you want to start paternity leave 4 days after the birth of the child, you need to give us the notice of leave 28 days before the 4th day after the first day of the expected week of childbirth.
- 8) If you want your leave to start on a predetermined date after the first day of the expected week of the child's birth, you need to give us the notice of leave at least 28 days before that predetermined date.
- 9) Where it is not reasonably practicable for you to give notice as set out below, it should be given as soon as is reasonably practicable.
- 10) **Adoption - Notice of entitlement**
First, you must give us notice of your entitlement to take paternity leave no more than seven days after the date on which you were notified of having been matched with a child.
- 11) The notice must specify:
- a) the date on which you were notified of having been matched with the child,
 - b) the date on which the child is expected to be placed with you or, where the child has already been placed for adoption, the date of placement.
- 12) You must also give us a signed declaration that:
- a) you are either married to or the partner of the child's adopter; and
 - b) you have, or expect to have, the main responsibility (apart from the responsibility of the adopter) for the upbringing of the child.
- 13) **Adoption - Notice of leave**
Once you have chosen the dates of each occasion of your paternity leave, you are required to give us a further notice, in writing, no more than seven days after the date on which you were notified of having been matched with a child of:
- a) when you want your leave to start and
 - b) the length of leave you want to take.
- 14) You must also give us a signed declaration that you are taking leave for the purpose of caring for a child or supporting the child's adopter.

- 15) Forms that you can use for the various notification requirements are available from the Town Clerk
- 16) **Changing your mind about dates of leave – birth and adoption**
You may change your mind about the date on which you want your leave to start or end, or cancel the period of leave chosen, providing you notify us in writing. The notice must be given by whichever is the earlier of at least 28 days before the original date of leave or the new date of leave, unless this is not reasonably practicable. If you give us notice to vary a period of paternity leave, you must also give us a signed declaration as to the purpose of the absence.
- 17) **Required changes to dates of leave – birth and adoption**
If you have chosen to start a period of paternity leave on a particular predetermined date, and the child has not been born/is not placed with the adopter on or before that date, you must change the date you want paternity leave to start and give us notice of the new date. This notice must contain a signed declaration as to the purpose of the absence.
- 18) **Telling us the date of birth/placement**
You must give us a further notice, in writing, as soon as is reasonably practicable after the child's birth or placement for adoption, of the date on which the child was born or placed, if the date of placement was not provided in the notice of intention to take paternity leave.

F) PATERNITY PAY

- 1) You may be entitled to Statutory Paternity Pay (SPP) if you meet the eligibility criteria.
- 2) **Eligibility**
You will qualify for SPP if you meet the following criteria:
- a) you have been continuously employed with us for at least 26 weeks' continuing into the 15th week before the week the baby is due/the week in which you were notified of having been matched with a child and remain employed by us at the date of birth/placement.
 - b) your average weekly earnings are not less than the lower earnings limit relevant for National Insurance purposes.
 - c) you have the prescribed relationship with the child and the mother/adopter.
 - d) you intend at the start of the paternity pay period to care for the child or support the mother.
- 3) **Length of Pay Period**
The paternity pay period is a maximum of 2 weeks to be payable for the duration of your paternity leave.
- 4) **Amount of Payment**
Payment will be made at the standard rate for the duration of paternity leave. Your line manager will confirm the rate of pay to you.

G) RETURNING TO WORK

If you return to work following an isolated period of paternity leave; or a period of parental leave of no more than four weeks, you are entitled to return to the job in which you were

employed before the absence. In addition, seniority, pension and similar rights should be as they would have been had the absence not occurred, and other terms and conditions should not be less favourable than those which would have applied had the absence not occurred.

H) SHARED PARENTAL LEAVE

You may be entitled to take shared parental leave if both you and your partner meet the eligibility criteria. Shared parental leave enables you and your partner to divide almost a year's leave between you after the child is born/adopted and gives you more flexibility over who will take leave and when. If you choose to take shared parental leave, you are still entitled to take paternity leave.

If you would like more information on shared parental leave, please speak with the Town Clerk

PARENTAL LEAVE POLICY

A) INTRODUCTION

The purpose of parental leave is to care for a child. This means looking after the welfare of the child and that can include making arrangements for the good of the child. Caring for a child does not necessarily mean being with the child 24 hours a day. The leave might be taken simply to enable parents to spend more time with young children. The following are examples of the way leave might be used:

- a) spend more time with the child in early years;
- b) accompany the child during a stay in hospital;
- c) investigate new schools;
- d) settle the child into new child care arrangements; or
- e) enable the family to spend more time together, for example, when taking the child to stay with grandparents.

Parental leave is unpaid. The right to statutory parental leave is an individual right so both parents are entitled to statutory parental leave for each child, i.e. a parent with two children under the age of eighteen would be entitled to a total of 36 weeks parental leave (2 x 18 weeks).

B) ELIGIBILITY AND ENTITLEMENT

To qualify for parental leave you must have completed one year's continuous employment with us.

You are entitled to take up to 18 weeks' unpaid parental leave up to the child's 18th birthday (subject to a maximum of four weeks in any one year).

C) NOTIFICATION REQUIREMENT

You must make your request for parental leave a minimum of 21 days before you would like the leave to start. You must give notice of the exact day on which you wish your parental leave to start.

Fathers who wish to take parental leave straight after the baby is born or prospective adoptive parents who want to take parental leave straight after the child is placed with them for adoption must give 21 days' notice of the expected week of childbirth or the expected week of adoption.

Leave cannot be taken in blocks of less than a week (unless the child is disabled) and you cannot take more than four weeks leave in respect of any individual child during a particular year.

If the child is disabled you will have the flexibility to take leave a day at a time if you wish.

D) DEALING WITH YOUR REQUEST

We may postpone your request for parental leave when the leave would, in our view, unduly disrupt the operations of the business, or organisation, or if you do not give the appropriate notice. If we do feel it necessary to postpone the date upon which the leave is taken we will supply in writing and within seven days of receipt of your request, our reasons as to why the leave has been postponed.

We will not delay the leave for more than six months.

We will not postpone parental leave in respect of a father wanting leave immediately after the birth of a child, or for individuals who require leave immediately after the date that an adoptive placement takes place, as long as the appropriate notice requirements are given.

We may ask for evidence to support your request for the parental leave.

Parental leave is an individual right and is not transferable, this means that both parents will be able to take up to 18 weeks' leave if both are working, but they will not be able to add together their leave entitlements so that one parent can take more than 18 weeks and the other less.

E) RIGHT TO RETURN

If you return to work after an isolated period of parental leave lasting four weeks or less, or after a period of parental leave lasting four weeks or less which consecutively followed another period of statutory leave (e.g. holidays, paternity leave etc.) and which did not include any period of additional maternity leave, or additional adoption leave, you are entitled to return to the job in which you were employed before your absence.

If you return to work after a period of parental leave lasting more than four weeks, or after a period of parental leave lasting four weeks or less, which did consecutively follow a period of additional maternity leave or additional adoption leave, you are entitled to return from leave to the job in which you were employed before the absence or, if that is not reasonably practicable, to another job which is both suitable and appropriate for you in the circumstances.

SHARED PARENTAL LEAVE

A) INTRODUCTION

Shared Parental Leave will allow you to take leave in a much more flexible manner to care for your child(ren) and allows you to take a period of leave much earlier than under the maternity and paternity provisions.

B) ELIGIBILITY FOR SHARED PARENTAL LEAVE

If you meet the following criteria you are eligible for Shared Parental Leave:

- a) 26 weeks service at the 15th week prior to expected week of childbirth (the qualifying week), or notification of a match in terms of adoption, and still be employed by us in the week before any shared parental leave is due to start;
- b) have a partner who has worked (employed/self-employed) for 26 of the 66 weeks prior to the EWC/placement week and who has earned on average at least £30 per week in any 13 weeks;
- c) Share the primary responsibility for the child with the other parent at the time of the birth/adoption;
- d) Have properly notified us of their entitlement and have provided the necessary declarations and evidence.

C) HOW MUCH SHARED PARENTAL LEAVE CAN BE TAKEN

You can decide how you wish to split Shared Parental Leave provided that your partner takes her compulsory maternity leave entitlement because this is a legal requirement. The remaining 50 weeks of leave can be split as decided by employees (subject to our approval in certain circumstances). Leave must be taken in minimum blocks of one week. Leave must end 52 weeks after the date leave started.

Partners (i.e. baby's father/mother's husband/mother's civil partner/mother's partner) are still entitled to take 2 weeks Ordinary Paternity Leave subject to qualifying conditions.

D) BOOKING LEAVE

You must submit various notices in order to take Shared Parental Leave:

- a) the mother or primary adopter must provide a Curtailment Notice to end Statutory Maternity or Adoption Leave. This must be given after the 11th week prior to the EWC but at least 8 weeks prior to the start date of the first period of Shared Parental Leave;
- b) You must provide a Notice of Entitlement setting out both their eligibility, and their partners eligibility to take Shared Parental Leave;
- c) You must submit an approximate indication of how periods of Shared Parental Leave will be taken;
- d) You must provide the following details if requested within 14 days of such request;

- (i) In relation to a birth, the birth certificate and their partner's employer's details;
 - (ii) In relation to an adoption, the name and address of the adoption agency; the date that the employee was notified of having been matched for adoption with the child; and the date on which the adoption agency expects to place the child with the employee.
- e) You must submit a Period of Leave Notice in order to book a period of shared parental leave, giving at least 8 weeks written notice of the period of leave. The Period of Leave Notice must contain the start and end date of the leave requested. A Period of Leave Notice may notify details of one period of leave, or more than one period of leave.

The Curtailment Notice may only be revoked in limited circumstances. A Period of Leave may be amended providing that the amendment notice is given at least 8 weeks before leave starts/was due to start.

Period of Leave Notices, and amendments to Period of Leave Notices, may only be submitted on a maximum of 3 occasions.

E) ACCOMMODATING THE NOTIFICATIONS/REQUESTS

If you request one continuous block of leave in a Period of Leave Notice, you are entitled to take this period of leave.

However, if you request more than one period of leave i.e. discontinuous blocks of leave in one Period of Leave Notice, we reserve the right to refuse this request. Discontinuous leave is, for example, where a period of 6 weeks Shared Parental Leave is requested, then you return to work for a period of 4 weeks and then take a further 6 weeks of Shared Parental Leave.

When discontinuous leave is requested, we will arrange to discuss the request with you. The outcome of the request will be one of the following:

- a) Agreement to the request;
- b) Proposal of alternative leave dates; or
- c) Refusal of the request.

Should we refuse a request, the default provisions will apply which means you are able to withdraw the request. If the request is not withdrawn, the leave requested will be taken one continuous block, rather than in discontinuous blocks.

F) WORKING DURING SHARED PARENTAL LEAVE

During Shared Parental Leave, you may work for up to 20 days without statutory payments being affected. These days are called SPLIT days i.e. Shared Parental Leave In Touch days. We recognise the benefit of SPLIT days and encourage you to use them, however, they are optional and you are not obliged to use them and we are not obliged to permit them.

You will be paid at normal rate for work on a SPLIT day. Any work done on one day will count as one SPLIT day.

G) SHARED PARENTAL PAY

Shared Parental Pay (SHPP) can be paid to both parents to a maximum of 39 weeks in total. This includes any Statutory Maternity or Adoption pay, and will be decided between the parents.

Only 37 weeks of paid leave will be shared to allow for the mother to take 2 weeks Compulsory Maternity Leave.

To be eligible to receive SPP, you must:

- a) have been continuously employed for at least 26 weeks up to and including the “qualifying week” (the 15th week prior to the expected week of childbirth or placement for adoption).
- b) have average earnings not less than the lower earnings limit for the payment of national insurance contributions in the 8 weeks prior to the qualifying week.
- c) comply with the notification requirements.

H) HOLIDAYS AND BENEFITS

We encourage you to take any outstanding annual leave due in the current holiday year before the commencement of Shared Parental Leave, or during periods of work in between periods of Shared Parental Leave.

You will continue to receive all contractual benefits (with the exception of salary) during Shared Parental Leave.

I) CONTACT WHILST AWAY FROM WORK

For the benefit of both parties, we encourage communication during periods of leave. You should agree with the Town Clerk (before leave is due to start) the level of contact and how you would prefer to be contacted (phone call, letter, home visit, workplace visit etc.). The Company reserves the right in any event to maintain reasonable contact from time to time with you.

Near the end of your leave period, a manager may contact you. This may be to discuss plans for return to work, to discuss training that may be available, or simply to update you on developments at work during the absence.

If there are any business changes that impact your role whilst on leave, you will be considered in the same way as any other employee and this will be communicated with you.

J) RIGHTS ON OR AFTER RETURNING FROM SHARED PARENTAL LEAVE

After Shared Parental Leave, provided the total amount of leave taken by you (including maternity leave) does not exceed 26 weeks, you are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

When you are considering your return to work, for reasons of childcare, you may request a change to your previous working arrangements. Any such request will be considered in line with the operational requirements of the Company and there is no automatic right to return to work on altered conditions.

K) SURROGACY AND SHARED PARENTAL LEAVE/PAY

If you are an intended parent in a surrogacy arrangement who intends to apply for, or has already applied for, a Parental Order and is eligible for adoption leave and pay, you may be entitled to Shared Parental Leave and Pay.

You must take at least two weeks of adoption leave before it can be curtailed. The remaining 50 weeks of leave can be split as decided by employees (subject to our approval in certain circumstances).

The above eligibility criteria applies to you.

ADOPTION LEAVE POLICY

A) INTRODUCTION

If you are matched for adoption with a child, you may be entitled to either adoption leave or paternity leave. One parent cannot take both periods of leave, and it is up to you to decide which you wish to take (subject to eligibility).

Where you are to take adoption leave, you are entitled to a total of 52 weeks' leave. We have set out below all of your rights and obligations should you be matched for adoption. We would ask that you notify us as soon as possible of your situation so that we can ensure you are fully aware of all your entitlements and obligations.

B) TIME OFF TO ATTEND ADOPTION APPOINTMENTS

You are entitled to time off to attend adoption appointments in the period between notification of a match and the date of placement. For single adopters or the primary adopter in a joint adoption, you are entitled to paid time off to attend up to 5 appointments, with a maximum of 6.5 hours per appointment. The secondary adopter in a joint adoption will be entitled to unpaid time off to attend up to two appointments.

Where the time is paid, you will be paid at your normal hourly rate for this time.

C) ELIGIBILITY

You are entitled to adoption leave from the commencement of employment. Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child/children. You must have notified the adoption agency of agreement to the placement and of agreement to the date of the placement.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement. However, if an additional child is adopted at a later date as a separate agreement then you could qualify again for a separate period of adoption leave.

D) ORDINARY AND ADDITIONAL ADOPTION LEAVE

Adoption leave is divided into two categories, 'ordinary' and 'additional'. Each is for 26 weeks, with additional leave following on from ordinary adoption leave, giving 52 weeks

leave in total. If you are eligible for ordinary adoption leave you will also qualify automatically for additional adoption leave.

During ordinary adoption leave you are entitled to the benefit of your normal terms and conditions of employment, except wages and salary (unless your contract of employment states otherwise). However, in the majority of cases, you will be entitled to Statutory Adoption Pay during this period.

During additional adoption leave the employment contract continues and you are entitled to the benefit of their normal terms and conditions of employment, except wages or salary (unless your contract of employment provides otherwise). However, in the majority of cases, you will be entitled to Statutory Adoption Pay during some of this period.

E) COMMENCEMENT OF ADOPTION LEAVE

You can choose to start your adoption leave on the date of the child's placement (whether this is earlier or later than was expected), or on a predetermined fixed date no earlier than 14 days before the expected date of placement and no later than the date of placement. Adoption leave can start on any day of the week.

F) NOTIFICATION REQUIREMENTS

You are required to give us notice, in writing, of your intention to take adoption leave within seven days of being notified by the adoption agency that you have been matched with a child, unless this is not reasonably practicable. The notice must specify:

- the date the child is expected to be placed with you; and
- the date you want the adoption leave to start.

You should provide documentary evidence - a "matching certificate" - from the adoption agency. The certificate will include basic information on matching and expected placement dates.

You are able to change your mind about the date on which you want your adoption leave to start providing you inform us at least 28 days in advance, unless this is not reasonably practicable.

We will write to you to notify you of the date on which you are expected to return to work if the full entitlement to adoption leave is taken, within 28 days of the date on which you notified us of your intention to take leave, or, if you have varied the date originally chosen to start adoption leave, within 28 days of the date on which adoption leave began.

G) RETURNING TO WORK

If you are returning to work at the end of additional adoption leave, you simply present yourself for work at the end of that period.

If you intend to return to work before the end of your additional adoption leave, you must give us at least 8 weeks' notice of the date on which you intend to return. If you do not give us 8 weeks' notice, we may postpone your return to a date ensuring that there has been 8 weeks' notice.

H) KEEPING IN TOUCH DAYS

You can work for up to 10 days during your adoption leave period without losing statutory payments for that week, or ending your entitlement to leave.

For this purpose any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the adoption leave period.

Payment in respect of these 'keeping in touch' days will be agreed beforehand.

I) DISRUPTED PLACEMENT IN THE COURSE OF ADOPTION LEAVE

If you have begun a period of adoption leave in respect of a child before the placement of the child has taken place, and you are subsequently notified that the placement will not be made, your adoption leave period will end eight weeks after the week of that notification.

If, during adoption leave, the child dies or is returned to the adoption agency, the adoption leave period will end eight weeks after the week in which the child dies; or is returned; or at the end of the 26 week additional adoption leave period, if that is earlier.

J) PAY

Dependent upon your length of service, you may be entitled to statutory adoption pay (SAP). If you qualify for SAP this will be paid for the first 6 weeks at 90% of your normal weekly earnings in the 8 week period up to the date of notification of a match, with the remainder paid at the earnings related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

K) SHARED PARENTAL LEAVE AND PAY

You may be entitled to opt in to shared parental leave, sharing up to 50 weeks of leave and up to 37 weeks of pay (subject to availability). If you think you would like to take shared parental leave instead of adoption leave, please ask us for more information.

L) SURROGACY AND ADOPTION RIGHTS

If you are an intended parent in a surrogacy arrangement who intends to apply for, or has already applied for, a Parental Order you may be entitled to either adoption leave and pay or paternity leave and pay. One parent cannot claim entitlement to both periods of leave and pay, and it is up to you to decide which you wish to claim (subject to eligibility).

You will be entitled to take unpaid time off to accompany the surrogate mother to up to two antenatal appointments of up to 6.5 hours per appointment.

You are entitled to adoption leave from the start date of your employment. This will be for a total of 52 weeks, split in to two periods of "ordinary" and "additional" adoption leave of 26 weeks each.

You are required to give us notice, in writing, of your entitlement to take adoption leave by the 15th week before the expected week of birth. You must also notify us of the actual date of birth as soon as is reasonably practicable after birth.

You should provide documentary evidence - a statutory declaration. This document will state that you have obtained, applied for or intend to apply for a Parental Order in respect of the surrogate child and, where not received, this is expected to be made.

If you have begun a period of adoption leave in respect of a child before approval of a Parental Order, and you are subsequently notified that the application is refused, your

adoption leave period will end eight weeks after the week of that notification or the end of the adoption leave period, if that is earlier.

Dependent upon your length of service, you may be entitled to Statutory Adoption Pay (SAP). If you qualify for SAP this will be paid for the first 6 weeks at 90% of your normal weekly earnings in the 8 week period leading up to the end of the 15th week before the baby is due to be born, with the remainder paid at the earnings related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

M) DUAL APPROVED PROSPECTIVE ADOPTERS AND ADOPTION RIGHTS

If you are a dual approved prospective adopter, a local authority foster parent who has a child placed with you with an expectation to adopt that child in accordance with section 22C of the Children Act 1989, you may be entitled to either adoption leave and pay or paternity leave and pay. One parent cannot claim entitlement to both periods of leave and pay, and it is up to you to decide which you wish to claim (subject to eligibility).

You are entitled to adoption leave from the start date of your employment. This will be for a total of 52 weeks, split in to two periods of “ordinary” and “additional” adoption leave of 26 weeks each.

Only one period of leave is available irrespective of whether you go on to adopt the same child or children placed with you under section 22C. However, if an additional child is placed with you under section 22C at a later date as a separate agreement then you could qualify again for a separate period of adoption leave.

You can choose to start your adoption leave on the date of the child's placement (whether this is earlier or later than was expected), or on a predetermined fixed date up to two weeks before the placement of the child and no later than the date of placement. Adoption leave can start on any day of the week.

You are required to give us notice, in writing, of your intention to take adoption leave within seven days of being notified of the child's placement by the local authority in accordance with section 22C, unless this is not reasonably practicable. The notice must specify:

- the date the child is expected to be placed with you; and
- the date you want the adoption leave to start.

If you have begun a period of adoption leave in respect of a child placed with you under section 22C, and this placement does not proceed to a formal adoption, your adoption leave period will end eight weeks after the child is removed or the end of the adoption leave period, if that is earlier.

Dependent upon your length of service, you may be entitled to Statutory Adoption Pay (SAP). If you qualify for SAP this will be paid for the first 6 weeks at 90% of your normal weekly earnings in the 8 week period leading up to the date of notification, with the remainder paid at the earnings related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

CARER'S LEAVE POLICY

A) INTRODUCTION

Employees with caring responsibilities have a statutory right to take unpaid statutory carer's leave from day one of their employment. This policy sets out the Company's stance on employees taking time off for this purpose whilst ensuring the Company's operations are not unduly affected. The term 'dependant' for these purposes is prescribed in law and replicated in this policy. Employees will not be subject to detriment for taking carer's leave.

B) ENTITLEMENT

You are entitled to take one working week unpaid of carer's leave per rolling 12 month period to provide care or arrange care for a dependant with a long-term care need. When you make a request, we will look back over the previous 12 months from the final (or only) day of leave that you have requested to determine your exact entitlement at that time.

You can request to take your entitlement in a continuous block or separate occurrences but each occurrence must be at least one half of your working day.

For these purposes, a week is based on the number of days you normally work in a week. If your normal working time varies from week to week, a week is your average working time in a week taken over the previous 12 months.

A dependant is defined as a:

- spouse or civil partner
- child
- parent
- person who lives in the same household but is not a tenant, lodger, boarder or employee
- person who reasonably relies on you to provide or arrange care. This could be, for example, an elderly neighbour.

A dependant has a long-term care need if:

- they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months,
- they have a disability for the purposes of the Equality Act 2010, or
- they require care for a reason connected with old age.

You are not required to provide evidence of your eligibility in relation to a request for carer's leave.

Employees who request or take time off under this policy for reasons other than those for which the statutory right to carer's leave is intended may be subject to investigation and subsequent disciplinary proceedings.

C) PAY FOR TIME OFF

Time off for carer's leave is unpaid.

D) REQUESTS FOR CARER'S LEAVE

A request for carer's leave must be made in writing please let the Town Clerk know if you require any assistance with this) and must specify:

- that you are entitled to take carer's leave in terms of the person to be cared for,
- that you will take leave in order to provide or arrange care for that person,
- that you have not exceeded your entitlement, and
- the days on which you want to take leave and if the leave relates to part of a day, specify this fact.

The length of notice to be given is double the amount of time that you want to take off as carer's leave in that instance or three days, whichever is longer.

E) POSTPONING CARER'S LEAVE

The Company may decide to postpone your request for carer's leave for up to one month, if we reasonably consider that the operation of our business would be unduly disrupted if you took carer's leave at the time you have asked for. We will try to avoid postponement wherever possible.

The Company will consult with you before determining a new date for you to take the carer's leave requested. The new period of carer's leave will be for the same length of time as the original request.

The Company will confirm to you in writing the reason for the postponement and the new agreed date of leave, no later than whichever is earlier out of: seven days after you gave the request to the Company and the earliest day or part day of the leave originally requested.

F) OTHER POLICIES

You have a statutory right to take a reasonable amount of time off work to deal with emergencies involving your dependants. If you need time off in an emergency to care for a dependant, you should read our time off for dependants policy.

Your entitlement to time off on the loss of a child are set out in our policy on parental bereavement leave, including details of eligibility, pay during time off and other support available.

If you wish to make a request for parental leave to care for a child, you should read our parental leave policy.

PARENTAL BEREAVEMENT LEAVE POLICY

A) INTRODUCTION

The purpose of this policy is to set out the Company's stance on employee entitlements to parental bereavement leave which are effective from 6 April 2020. The Company acknowledges that the death of a child, or a stillbirth, can be one of the most harrowing experiences of someone's life. This policy explains rights to time off, pay during time off and other support offered.

B) ELIGIBILITY

Parental bereavement leave is available from day one of employment. It is available to employees on the death of a child under the age of 18. You may take parental bereavement leave if you fall into any one of the following categories:

- A 'natural' parent
- An adoptive parent, and those with whom a child has been placed under the 'foster to adopt' scheme, provided the placement is ongoing
- A 'natural' parent where the child has been adopted but a Court Order exists to allow the 'natural' parent to have contact with the child
- An employee who is living with a child who has entered Great Britain from overseas in relation to whom has received official notification that they are eligible to adopt
- An intended parent under a surrogacy arrangement where it was expected that a parental order would be made
- A 'parent in fact' which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject to exceptions. This category includes guardians and foster parents but does not include paid carers
- The partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave.

C) TAKING LEAVE

A total of two weeks may be taken as parental bereavement leave and you may choose to take leave as:

- A single block of one week
- A single block of two weeks
- Two separate blocks of one week

Leave must be taken in whole weeks and can start on any day of the week. It may be taken at any time in the 56 week period following the death.

If you have suffered a stillbirth after 24 weeks of pregnancy, you are still entitled to take the full entitlement to maternity and paternity leave, provided you were eligible to take maternity or paternity leave in the first place, in addition to parental bereavement leave. Parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

Where more than one child dies or is stillborn, you are entitled to two weeks of parental bereavement leave in relation to each child.

D) NOTIFICATION REQUIREMENTS

If leave is to be taken within the first 56 days of the death, no advance notification is needed. You should contact your Line Manager by telephone, email, or text message by the time you were due to start work on the day you wish leave to begin. If it is not possible to let us know before the leave begins, please let us know as soon as is reasonably practicable after it starts, giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

If leave is to be taken after the first 56 days have passed since the death, one weeks' notice is required. You should contact your Line Manager by telephone or email at least one week

before you wish leave to start giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

E) CANCELLING OR CHANGING DATES OF LEAVE

You can cancel a period of leave that you have already told us about, as long as the period of leave has not already started. If your leave was due to start within the first 56 days of the death and you want to cancel it, you simply need to let us know, by your normal start time on the day that leave was due to start, that you no longer wish to take it. You are then free to re-arrange the leave.

If your leave was due to start once the first 56 days since the death has passed and you want to cancel it, you should let us know no later than one week prior to the intended start date.

You can also change the start date of leave by following the corresponding notice requirements above.

F) PAYMENT DURING LEAVE

You will qualify for statutory parental bereavement pay during leave if you meet the following criteria:

- You have been continuously employed with us for at least 26 weeks by the week prior to the week in which the child dies
- Your normal average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes
- You are still employed by us on the date the child dies.

Payment will be made at the rate set by the Government each year or 90% of your average weekly earnings (whichever is lower).

In order to receive statutory parental bereavement pay, you must provide us with notice including the following information within 28 days, or as soon as is reasonably practicable, of the first day of parental bereavement leave:

- The child's name
- The date of the death or stillbirth
- A declaration that you fall into the one of the categories listed under 'Eligibility' above.

G) RETURNING TO WORK

Upon your return to work, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence unless:

- The period of leave you have taken is more than 26 weeks when added to any other period of statutory leave including maternity, paternity, adoption leave etc in relation to the same child and
- It is not reasonably practicable for you to return to the same job.

On your first day back to work, your Line Manager will set time aside to hold an informal meeting with you to discuss any arrangements regarding your return to work and any additional support we may be able to offer you.

H) EMPLOYEE ASSISTANCE PROGRAMME

We would like to remind you that you have access to a 24 hour telephone counselling service and we would like to encourage you to use it if you feel like you would like to talk to someone about your loss. The service can be accessed by telephone on 0800 047 4097 or online at healthassuredeap.com.

As part of our Employee Assistance Programme, you also have access to an online wellbeing tool, Wisdom AI, which you can use to find fast answers to any wellbeing questions you have. You can access Wisdom AI at any time via the Health Assured portal. The link in the menu bar will take you directly to the Wisdom AI homepage, where you can ask your question. More details of this service are available from the Town Clerk.