

# Title of report: Family Friendly Leave Policy

**Decision maker: Chief Executive**

**Decision date: 7 May 2026**

**Report by: HR Improvement Manager**

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose**

To approve the Family Friendly Leave policy.

## **Recommendation(s)**

**That:**

- a) **The Family Friendly Leave Policy, Appendix 1 is approved.**

## **Alternative options**

The policy is not adopted and implemented by the council; this is not recommended as the policy provides clear guidance to managers and employees on family related leave and pay entitlements.

## **Key considerations**

1. The Family Friendly Leave Policy consolidates and clarifies the Council's approach to family-related leave and pay entitlements. The policy outlines and brings together entitlements for employees in respect of fertility, maternity, paternity, adoption and surrogacy, shared parental leave and neonatal care. It outlines the responsibilities of employees and managers, provides guidance on health and safety obligations, wellbeing support and providing a supported return to work after an extended period of time away from the workplace.

2. Recognising the complexity of this area of legislation and entitlements, the Family Friendly Leave Policy provides a clearer and more comprehensive framework to inform employees of their entitlements and support informed decision-making and proactive planning. It applies to all employees and reflects an inclusive approach to all family structures and arrangements, including inclusivity for same sex couples and surrogacy.
3. The policy has been reviewed in response to recent changes in legislation and feedback from the employee survey. The survey action plan (Theme: Development, Recognition and Wellbeing) includes a commitment to review the Council’s maternity and paternity policies to ensure they are fit for purpose; this updated Family Leave Policy delivers that action by consolidating related leave provisions into one clearer, more inclusive policy and by clarifying key areas of practice (see paragraph 5 and table below).

**Employee survey insight and how this policy responds**

<b>What employees told us (survey)</b>	<b>Action plan commitment (2024 – 2026)</b>	<b>How the updated policy responds</b>
Requests for clearer, more accessible information on employee support and entitlements.	Do more to widen our benefits offer, support wellbeing and embed inclusive working practices.	Creates a single, consolidated Family Friendly Leave Policy with consistent definitions, eligibility and responsibilities, reducing the need to navigate multiple documents.
Feedback that policies should better reflect different family circumstances and be more inclusive.	Embed inclusive working practices for all employees.	Explicitly covers fertility, adoption, surrogacy, shared parental leave and neonatal care, reflecting an inclusive approach to family structures.
Requests to review maternity and paternity policies and ensure they are fit for purpose	Review the council's paternity and maternity policies to ensure they are fit for purpose.	Clarifies previously undocumented areas (e.g. fertility treatment leave, bereaved partner paternity leave) and makes explicit the option to pay Occupational Maternity Pay at a mutually agreed distribution in line with NJC terms.

4. A thorough review and benchmarking exercise has been undertaken comparing our occupational pay rates with other local authorities. The exercise found that no other local authorities enhance occupational pay rates for family related leave above NJC terms and that the Council is aligned with sector norms. As a result, there is no proposal to review these at this time. However, benchmarking did show flexibility in how the policy and pay are applied. The majority of other Councils explicitly allow for Occupational Maternity Pay (OMP) to be paid over ‘a mutually agreed distribution period’. Our policy and practice have not historically allowed for this.
5. Recognising that in some areas of family related leave and pay entitlements our approach isn’t clearly defined, a summary of the proposed changes within the Family Leave policy are below. These changes do not increase overall entitlement but address areas where practice was not documented.

Leave / pay type	Current policy	Proposal
Fertility treatment	Not described.	Up to 5 days leave (pro rata) paid or unpaid depending on length of service. This is in line with NJC terms and conditions.
Occupational Maternity Pay (OMP)	<ul style="list-style-type: none"> <li>• the first 6 weeks – 90% of their average weekly earnings (AWE) before tax (this includes any SMP or Maternity Allowance)</li> <li>• the following 12 weeks - at half pay plus any SMP or Maternity Allowance (except where this exceeds full pay)</li> <li>• the remaining 21 weeks – any SMP or Maternity Allowance</li> </ul>	<p>Clearly define the option to have OMP paid at a mutually agreed distribution, as part of NJC terms and conditions and are not currently defined.</p> <ul style="list-style-type: none"> <li>• the first 6 weeks – 90% of their average weekly earnings (AWE) before tax (this includes any SMP or Maternity Allowance)</li> <li>• the following 12 weeks - at half pay plus any SMP or Maternity Allowance (except where this exceeds full pay)</li> <li>• the remaining 21 weeks – any SMP or Maternity Allowance. Employees are eligible to receive the half pay element (6 weeks pay, usually paid over 12 weeks) paid over 39 weeks OR defer the payment until they have returned to work. *</li> </ul> <p><i>*The employee will need to commit to return to work for a minimum of three months, if the employee doesn't return from maternity, the deferred payment isn't made.</i></p> <p><i>N.B. This will be subject to NI and tax deductions.</i></p>
Bereaved Partners Paternity Leave	Not described.	Where a mother or primary adopter passes away within 52 weeks of the child's birth or placement, the partner will be entitled to up to 52 weeks unpaid leave.
<b>Other leave types with no proposed changes in the Family Friendly Leave Policy</b>		

Adoption / Surrogacy	Up to 52 weeks leave.
Paternity leave	2 weeks leave.
Antenatal appointments	2 days
Maternity leave	Up to 52 weeks leave
Shared parental leave	Up to 50 weeks leave
Neonatal Care leave	12 weeks

6. The council has 1385 employees, of which 75% are women and administers statutory and occupational entitlements within NJC terms and conditions. In the financial year 2024/25, 29 employees took a period of maternity leave and 3 employees took a period of paternity leave.
7. The implementation of the Family Friendly Leave policy aligns with our Council Plan 2024-2028 objectives to be a fair, inclusive and supportive employer, and to maintain a sustainable and resilient workforce. The policy also supports the Council's Delivery Plan and Workforce Strategy 2024 – 2028, which prioritises employee wellbeing, flexible working, equality and supporting employees in key life moments. The policy directly contributes to these aims by strengthening access to family-friendly provisions, encouraging shared caring responsibilities and reducing inaccessibility.
8. The decision will be communicated internally via the intranet and manager briefings, in liaison with the communications team. This will include clear signposting that the policy update responds to the Employee Survey Action Plan commitment to review maternity and paternity policies, reinforcing the 'You said, we did' feedback loop. Communications will also highlight how to access wellbeing support alongside family-related leave.

### **Community impact**

9. The policy supports the Council Plan 2024-2028 objectives to be a fair, inclusive and supportive employer, and to maintain a sustainable and resilient workforce.

### **Environmental impact**

10. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.

Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

### **Equality duty**

11. The Public Sector Equality Duty requires the Council to consider how it can positively contribute to the advancement of equality and good relations and demonstrate that it is paying 'due regard' in our decision making in the design of policies and in the delivery of services.
12. The mandatory equality impact screening checklist has been completed for this policy and it has been found to have low impact for equality.
13. Due to the potential impact of this policy being low, a full Equality Impact Assessment is not required. However the following equality considerations should be taken into account when making a decision about this policy.
  - a. Eligibility for leave types and pay is based on employment status, qualifying service and parental responsibilities.
  - b. The policy adopts an inclusive and neutral approach to family structures and personal situations, avoiding gendered assumptions on caring responsibilities.
  - c. The policy has a potential positive impact by improving clarity and reducing financial and practical barriers.

### **Resource implications**

14. Payroll services are provided by Hoople Ltd. The introduction of Occupational Maternity Pay being paid at a mutually agreed distribution will require additional manual maternity pay calculations, which fall outside the existing SLA and will therefore incur a charge which will need to be met from existing service team budgets. Hoople Ltd has advised an estimated cost of £87 per calculation, depending on complexity. Based on maternity leave take-up in 2024/25 and assuming one additional calculation per case, the potential cost is estimated at approximately £2,500. As future take-up and complexity cannot be predicted, total costs cannot be precisely determined.

### **Legal implications**

15. The relevant legal provisions for this decision can be found in the council's constitution, [www.herefordshire.gov.uk/constitution](http://www.herefordshire.gov.uk/constitution).

### **Risk management**

16. Consideration should be given to the risks / opportunities to the council if the recommendation(s) are agreed and how these will be managed; and the risks / opportunities to the council if the recommendation(s) are declined and how these will be managed.

<b>Risk / opportunity</b>	<b>Mitigation</b>
Additional payroll and administrative costs to budgets arising from complex pay calculations	This could be mitigated by limiting the number of calculations employees can request for pay modelling.
Interpretation of elements of this policy being inconsistent, particularly to pay distributions	Approving this policy mitigates this risk by clarifying and consolidating all related leave types in one document.
The policy presents an opportunity to tangibly demonstrate a commitment to supporting our council plan and workforce strategy and improving workforce engagement, wellbeing and retention.	Approving this policy unlocks this opportunity.

## Consultees

17. The policy has been through lengthy engagement and consultation groups, namely staff networks, managers, trade unions and employment panel. Feedback and comments have been considered and incorporated into the policy.

## Appendices

Appendix 1 – Family Friendly Leave Policy

## Background papers

None identified.