

FAMILY FRIENDLY LEAVE POLICY

Who should read this:

All employees and managers

herefordshire.gov.uk



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1. Introduction

- 1.1 Herefordshire Council is committed to supporting our employees as they grow their families and throughout that journey.
- 1.2 This policy provides clear guidance on leave, pay, and time off for employees becoming parents, covering maternity, adoption, paternity, and shared parental leave.
- 1.3 The council is committed to ensuring that all policies and procedures are reflective of the Equality Act 2010 and support all employees regardless of disability, sex, age, race, religion, sexual orientation, gender reassignment, marriage and civil partnership and pregnancy and maternity. These are the 'protected characteristics.' This policy should therefore be used with a view to ensure that the council continues to support all employees equally and does not disadvantage anyone with a protected characteristic.
- 1.4 This policy should be read in conjunction with a number of other policies, procedures and guidance documents such as the Health and Safety's [new and expected mothers at work guidance](#), the [special leave guidance](#) which details leave available for other short term family leave reasons and the [sickness absence procedure](#) for sickness and maternity related support. Any employee who wishes to make a formal request to change their working hours or patterns can do this through our [flexible working procedure](#). This policy does not cover entitlements for approved foster carers, but further information can be found in our [fostering leave policy](#).
- 1.5 The HR&OD team host regular [toolkit sessions](#) for managers on this subject covering the different types of leave, entitlements and how to manage other scenarios during periods of family leave.
- 1.6 At the heart of everything we do is our [THRIVE values](#) and behaviours. Our values strive to promote a thriving workforce by fostering a culture of trust, teamwork, and collaboration, being honest and responsible, inclusive, valuing people and resources and leading with empathy. Our values support a family friendly culture by recognising the moments that matter in our employees' lives, ensuring they feel valued, supported, and able to balance work and family responsibilities.

2. Scope

- 2.1 This policy applies to all employees of Herefordshire Council. Eligibility for some occupational pay elements may depend on an employee's length of service.
 - 2.2 This policy does not apply to workers who are not employees (i.e. agency workers) or school employed staff who follow their own policies. However, if an agency worker manages council employees, they must be aware of this policy and follow it for the employees they are responsible for managing.
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3. Roles and responsibilities

3.1 It is our collective responsibility to support ourselves and our colleagues by cultivating a positive and inclusive working environment. The following principles are key in achieving this:

Our employees will

- Be aware of this policy and the relevant eligibility criteria and elements for the different types of family related leave
- Discuss with their managers any health concerns that they may be experiencing, especially if it is felt that their job is impacting their health
- Notify their manager of their intention to take any family leave and provide any documentation as soon as possible
- Access and engage with any of our health and wellbeing support, should they need to
- Give managers the required notice periods and inform them of any changes to arrangements as soon as possible, as well as return to work plans. This includes any requests for flexible working arrangements or changes to work hours.

Our managers will

- Ensure this policy is applied fairly and consistently
 - Provide support to employees who are planning to take family leave and understand individual needs and offer guidance on this policy and relevant processes
 - Ensure that any relevant risk assessments are conducted and recorded, especially for new and expectant mothers
 - Maintain open and regular communication with employees before, during and after their leave
 - Support employees in making any reasonable adjustments where appropriate and facilitate a supportive return to work
 - Ensure that all application forms and any relevant evidence is submitted in time with payroll deadlines
 - Plan employees return to work, including reviewing any changes that may have occurred during their time away.
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4. Health and Wellbeing

- 4.1 We value the health and wellbeing of our employees, including when it comes to balancing work and family life. We understand that taking family leave can be both an exciting and challenging time, and we are committed to providing comprehensive support throughout this period.
- 4.2 Our health and wellbeing support includes a range of services designed to assist employees as they prepare for, take, and return from family leave. Whether it is maternity, paternity, adoption, surrogacy, neonatal care, or shared parental leave, we ensure that all employees have access to the resources and guidance they need.
- 4.3 Employees are able to access free, professional confidential counselling 24 hours a day, 7 days a week through our [EAP](#).
- 4.4 In addition, we provide flexible working arrangements and any necessary changes to working hours when they can be accommodated. Our aim is to create a supportive environment that promotes the wellbeing of our employees during this important time.
- 4.5 We understand that recognising employees' personal moments in their life help bring a sense of belonging and a supportive work environment. Our [moments that matter](#) framework provides employees and managers with some useful tools to achieve this.

Health & Safety

- 4.6 We are required to carry out a risk assessment to assess workplace risks when:
- The employee is pregnant
 - The employee has given birth in the last six months
 - The employee is breastfeeding.
- 4.7 This is to enable managers to identify any potential risks to the employee early on and will also consider any relevant advice given by the GP or midwife, or appropriate consultant. Any potential risks should be removed or mitigated.
- 4.8 Managers can find further advice in the [new and expecting mothers guidance](#). Some common risks could be:
- moving or handling
 - standing or sitting for long periods of time
 - verbal and/or physical assaults at work
 - long working hours
 - work-related stress
 - exposure to infectious diseases
 - sexual harassment.
- 4.9 In cases where risk(s) have been identified, and every effort has been made to remove the risk or find a safe, suitable alternative role and is unavailable; then it may require the employee to be suspended from work on grounds of maternity until the risk is no longer present or they start their maternity leave. This action will only be taken if it is not possible to remove the risk or provide an alternative role. During any such suspension and provided the employee has not



unreasonably refused suitable alternative work, their statutory rights will be protected and they will continue to receive their normal salary and contractual benefits until the risk is removed or maternity leave commences.

5. Fertility treatment

- 5.1 We understand the emotional pressures of going through IVF or other fertility treatment and the impact this can have on an employee's health and wellbeing during this period. It is important that employees feel supported to undertake fertility treatment and employees should advise their line manager as soon as possible that they are undergoing fertility treatment so they can discuss any support required.
- 5.2 Time off for fertility treatment can be used to cover procedures, scans and operations that form part of a recognised treatment programme and time off should be requested with adequate notice and documentary evidence from a GP or consultant. It is recognised that during treatment, some appointments could be arranged at short notice. Employees are encouraged to keep in communication with their line manager and for managers to exercise flexibility of working arrangements where they are able to.
- 5.3 Employees undergoing recognised fertility treatment are entitled to reasonable time off to attend up to five appointments. Employees with less than one year's service at the point of applying for leave, will be entitled to time off without pay, employees with more than one year's service will be entitled to time off with pay. This can be taken in full or part days. Employees who work part time will have five days on a pro-rata'd amount and will be expected to arrange for some of the appointments outside of their working time.
- 5.4 If further time off is required in addition to the five appointments, then these should be arranged outside of work or by using other types of leave such as annual leave.


Sickness absence

- 5.5 If an employee requires time off as a result of the side effects of fertility treatment, this will be taken and treated as normal sickness absence.

Time off for partners

- 5.6 Employees whose partners are undergoing fertility treatment and who would like to attend appointments to support their partner will be expected to use other types of leave such as annual leave, in agreement with their line manager.

6. Antenatal care

- 6.1 We encourage employees to participate in antenatal care during their pregnancy. Antenatal care includes medical examinations and parent classes but must be prescribed by a doctor or registered medical practitioner.
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6.2 Employees have the right to paid time off for antenatal care and are required to give their line manager reasonable notice of the appointment, arranging appointments outside of working hours where possible.

Accompanying a mother to antenatal appointments

6.3 Employees may have time off to accompany a woman to her antenatal appointments if they are:

- the husband/wife, partner, or civil partner
- the expected child's father
- treated as the other parent as part of surrogacy arrangements.

6.4 Employees are able to take time off to attend up to 2 antenatal appointments with their partner, this time off is unpaid and a maximum of 6.5 hours for each appointment.

7. Maternity

Eligibility

7.1 There is no qualifying requirement for an employee to take maternity leave, however there is a qualifying period to receive [maternity pay](#) and this explained in more detail below.

7.2 Employees have to take at least two weeks of maternity leave after their child's birth. This leave can start 11 weeks before the expected week of childbirth (EWC) unless the baby is born before this. The latest that maternity leave can start is the day following the birth of the baby.

7.3 A maximum of 52 weeks maternity leave can be taken, which is made up of 26 weeks ordinary leave immediately followed by 26 weeks additional leave.

7.4 In the difficult event of a miscarriage or stillbirth happening after 24 weeks into the pregnancy, the employee retains their entitlement to maternity leave and pay. A miscarriage or stillbirth before this time means the employee is not entitled to maternity leave or pay and any time off work will be treated as sickness absence. The council recognises the emotional impact of such circumstances and encourages anyone affected to seek help and support.

Notification

7.5 Employees must notify their line manager of the pregnancy by completing the Family Leave Notification Form. All information requested in the form must be completed or this can cause delays.

7.6 The form must include the due date of the baby and the date that they would like their maternity leave to start. This must be submitted by the end of the 15th week before the EWC (known as the qualifying week) and have the MATB1 attached. Once the line manager has agreed the dates, they will send this to HR who will write to the employee to confirm their leave and pay entitlement and the date that they are expected to return to work.

Statutory maternity pay

7.7 Statutory Maternity Pay (SMP) will start the same day as the maternity leave starts and will include any salary increments that are due during the period of maternity leave. Average weekly



earnings for the 8-week period ending in the qualifying week are considered. Therefore, any pay awards or other ad-hoc payments from that period will be included in the calculation for statutory maternity pay.

7.8 Employees are eligible for statutory maternity pay when they have 26 weeks' continuous service with the Council at the end of the 15th week before the EWC and their average weekly earnings are not less than the lower earnings limit.

7.9 Statutory Maternity Pay (SMP) is paid for 39 weeks as follows:

- first 6 weeks at 90% of average weekly earnings
- remaining 33 weeks at either the [standard rate](#) or a rate equal to 90% of the average weekly earnings, whichever is lower.

7.10 Where employees are not entitled to SMP our payroll team, [Employee Services](#) will provide a SMP1 form to allow the employee to claim maternity allowance from Jobcentre Plus.

Occupational maternity pay

7.11 Employees with over one years' continuous local government service/local authority service at the end of the 11th week before the EWC are entitled to receive contractual pay known as Occupational Maternity Pay (OMP) where they declare an intention to return to work following their leave (and their contract allows this) and remain in work for a minimum period of 3 months or they will need to repay any OMP. Employees not intending to return to work will be entitled to SMP only if eligible.

7.12 Occupational maternity pay is usually paid for up to 18 weeks as follows:

- the first 6 weeks – 90% of their average weekly earnings (AWE) before tax (this includes any SMP or Maternity Allowance)
- the following 12 weeks - at half pay plus any SMP or Maternity Allowance (except where this exceeds full pay)
- the remaining 21 weeks – any SMP or Maternity Allowance

If the employee takes the full 52 weeks maternity leave the last 15 weeks will be unpaid.

7.13 Employees eligible to receive the half pay element of contractual maternity pay can opt to have the total aggregate payment that would usually be paid between weeks 7 and 18 paid to them over 39 weeks instead of the standard 12 weeks. Alternatively, employees can defer the payment until they have returned to work. However, both these options are dependent on the employee committing to return to work following maternity leave for a period of 3 months. Employees are able to request pay models from [employee services](#) to help assist in making this decision.

Changing leave dates

7.14 If an employee wishes to amend their leave dates before they start their maternity leave, they must inform their line manager and HR before the new start date or as soon as possible.

7.15 If an employee is already on maternity leave and wishes to bring the end date forward, they must give their line manager at least 8 weeks' notice before they intend to return. If this notice has not been given, the return may be postponed until the due notice has been received.



Sickness absence

- 7.16 If an employee is sick at any time during their maternity leave, their absence will be recorded as pregnancy-related and will not count towards triggers in the [sickness absence procedure](#).
- 7.17 If the employee is sick before the beginning of the 4th week before the EWC, the absence will be treated as sickness when covered by either self-certification or a FIT note where appropriate.
- 7.18 If an employee is sick after the 4th week before the EWC and the sickness is wholly, or partly pregnancy related, they will be required to start their maternity leave. If the sickness is not pregnancy related, they can continue to receive sick pay.
- 7.19 Where an employee is certified as sick during the maternity leave period there is no right to payment of contractual sick pay, there will only be entitlement to maternity pay provisions.
- 7.20 Where the employee is unable to return from maternity leave due to sickness, this will still be classed as a return to work and not a postponement. The period of sickness must be notified and certified in the usual way.

Annual leave

- 7.21 While an employee is on ordinary or additional leave periods, they will continue to accrue annual leave and bank holidays.
- 7.22 Annual leave can be used before or after the birth to extend time away from work, in agreement with the manager. If an employee has a leave balance to carry over when they return to work, they will need to contact the HR team to make the adjustment to the annual leave entitlement.
- 7.23 Where an employee is intending to return to work on a new work pattern, any outstanding leave should be taken before they commence their new contracted hours.

Becoming pregnant whilst on maternity leave

- 7.24 Where an employee becomes pregnant whilst on maternity leave, they will be entitled to a full second period of maternity leave and will be able to take a further 12 months maternity leave should they wish to do so. It is irrelevant for calculating to future maternity leave that the employee became pregnant again whilst on a period of maternity leave.
- 7.25 When taking this into account, HR will calculate new leave entitlements. The starting point is to note the employee's date of return from their current period of maternity leave, assuming they take the full entitlement and do not give notice they wish to return early. Then once the employee has confirmed the expected week of childbirth (EWC), HR will calculate the earliest date at which they can start their second period of maternity leave, which must be no earlier than the 11th week before the expected week of childbirth.
- 7.26 Providing those two dates do not overlap, the employee will be due back to work for the time in between. The employee will still be able to return to work earlier than originally planned on the existing period of maternity leave, providing they give the correct notice (8 weeks) and/or may start their second period of maternity leave as late as possible.
- 7.27 When a manager has been notified of the second pregnancy and the employee returns to work; risk assessments will need to be revisited.



8. Adoption and Surrogacy

8.1 For employees who wish to grow their family through formal adoption routes or surrogacy, there are varying entitlements for employees to allow them to take time away from work.

Eligibility

8.2 For employees wishing to adopt and have been matched with a child may be entitled to either adoption leave or [paternity leave](#) and both may be eligible for [shared parental leave](#).

8.3 Only one period of leave is available, regardless of the number of children being adopted.

8.4 One parent is unable to take both adoption and paternity leave, and it is up to the employee and their partner to decide who will be the main adopter. The main adopter may then take up to 52 weeks adoption leave and may be entitled to 39 weeks of statutory adoption pay.

8.5 To be eligible for adoption leave the following criteria must be met:

- be an employee of the council
- provide the right notice
- provide proof of adoption or surrogacy.

8.6 Adoption and surrogacy leave has two parts, ordinary adoption leave (OAL) which consists of 26 weeks leave and is immediately followed by additional adoption leave (AAL) for a further 26 weeks.

8.7 Ordinary adoption leave (OAL) consists of 26 weeks leave and can start:

- on the date the child is placed with them for adoption
- no sooner than 14 days before the child is expected to be placed.
- when the child(ren) arrives in the UK or within 28 days of this date (for overseas adoptions).

Exceptions


8.8 There are some situations where employees will not qualify for statutory adoption leave which are:

- if the adoption has been arranged privately (e.g. without permission from a UK authority or adoption agency)
- if the arrangement is to be a special guardian or kinship carer
- if the arrangement is adopting a family member or stepchild.

8.9 In these circumstances, the manager will provide an [SAP1 form](#) which will explain why the eligibility for statutory adoption pay was not met.

Proof of adoption

8.10 To qualify for adoption leave and pay, employees will be required to provide proof of the adoption, this must show:

- name and address of the adoption agency and employee
 - the date the child has been matched
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- the date of the placement

8.11 For overseas adoption additional information will need to be provided:

- the relevant UK authorities 'official notification' confirming the parent is allowed to adopt
- the date the child arrived in the UK, for example a plane ticket.

8.12 For surrogacy, a written statement known as the statutory declaration that confirms they have applied or will apply for a parental order in the six months after the child's birth will need to be shown.

Notification

8.13 Employees must notify their line manager of their intention to take adoption leave and pay by completing the Family Leave Form. All information requested in the form must be completed and the evidence provided alongside it or this can cause delays.

8.14 The form must include the expected date of the placement and the date that they would like their adoption leave to start. This must be submitted by the end of the 15th week before the EWC (known as the qualifying week) and have the MATB1 attached. Once the line manager has agreed the dates, they will send this to HR who will write to the employee to confirm their leave and pay entitlement and the date that they are expected to return to work.

Surrogacy

8.15 For employees who are welcoming a child into their family through surrogacy, the leave will be the same as for adoption leave however, to be eligible for surrogacy pay and leave, employees will need to have at least 26 weeks' continuous service by the 15th week before the baby is born. All other conditions are the same as adoptive parents.

Overseas adoptions

8.16 In cases of overseas adoption, the conditions are generally the same, however, the 'official notification' (which is the permission from a UK authority that the adoption can go ahead), the employee will need to have at least 26 weeks' continuous service before the notification is received.

Statutory adoption pay

8.17 Statutory Adoption Pay (SAP) is paid for 39 weeks as follows:

- first 6 weeks at 90% of average weekly earnings
- remaining 33 weeks at either the [standard rate](#) or a rate equal to 90% of the average weekly earnings, whichever is lower.

8.18 Where employees are not entitled to SAP, Employee Services will provide a SAP1 form to allow the employee to claim adoption allowance from Jobcentre Plus.

Occupational adoption pay

8.19 Employees with over one years' continuous local government service/local authority service at the start of the adoption leave are entitled to receive contractual pay known as Occupational Adoption Pay (OAP) where they declare an intention to return to work following their leave (and their contract allows this) and remain in work for a minimum period of 3 months or they will need



to repay any OAP. Employees not intending to return to work will be entitled to SAP only if eligible.

8.20 Occupational adoption pay is paid for up to 18 weeks as follows:

- the subsequent 12 weeks' adoption leave at 50% of their normal week's pay without deduction except by the extent that the combined pay and SAP exceed full pay.
- the next 21 weeks at standard SAP or Adoption Allowance they are entitled.
- an additional 13 week's unpaid leave to the total of 52 weeks

Changing dates

8.21 If an employee wishes to amend their leave dates before they start their adoption leave, they must inform their line manager and HR before the new start date or as soon as possible.

8.22 If an employee is already on adoption leave and wishes to bring the end date forward, they must give their line manager at least 8 weeks' notice before they intend to return. If this notice has not been given, the return may be postponed until the due notice has been received.

Time off for appointments

8.23 For employees who are adopting a child and are eligible for adoption leave, you will be entitled to up to 5 days paid leave to attend adoption appointments prior to the placement. Managers may request a signed declaration or evidence of the appointment.

9. Paternity Leave

Eligibility

9.1 To be eligible for paternity leave, employees must:

- be classed as an employee
- be employed by the council up to the date the child is born (or placed with the adopter) (paternity pay only)
- be on the payroll and earn at least £123 a week (before tax) in an eight week 'relevant period' (paternity pay only)
- give the correct notice
- be taking time off to look after the child
- be the father of the child, or is the mother's husband/wife, civil partner, or partner
- be responsible for the child's upbringing

9.2 The qualifying week for pay is different if the employee is adopting a child, based on their placement. When adopting a child an employee must:

- be classed as an employee
- for paternity pay in adoption placements, have worked for the council continuously for at least 26 weeks by either the date the child arrives in the UK or when they want their pay to start, for overseas adoptions
- confirm that their partner is going to receive Statutory Adoption pay (in writing).



9.3 An employee must also be one of the following:

- father
- husband or partner of the mother (or adopter)
- child's adopter

9.4 If the child is born early, the employee is still eligible if they have worked for local government continuously for at least 26 weeks by the expected week of childbirth.

Notification

9.5 Employees will need to submit the Family Leave Form for the following:

- leave - no later than 15 weeks before the week the baby is expected
- pay - 28 calendar days before they want their pay to start

The manager will then:

- consider the request and respond within seven calendar days
- Send a copy of the form to hrbusinesspartnering@hoopleltd.co.uk who will write to the employee confirming the dates
- Record the absence on Business World

Pay

9.6 Ordinary Statutory Paternity Pay for eligible employees is set each April by the Government and the rates can be found [here](#).

9.7 Eligible employees will receive full pay for two weeks, including the OSPP element. However, paternity pay can only be paid while the employee is on paternity leave. Tax and National Insurance are deducted.

Changing leave dates

9.8 Employees must tell their manager within 28 calendar days if the date of placement (or UK arrival date for overseas adoptions) changes using form BAS02 variation to birth or adoption support request form. The council will write to them if it has to amend their leave start and end dates.

9.9 Employees must give eight weeks' notice if they want to change their return date to work.

Bereaved partner's paternity leave

9.10 Eligible employees where a mother or primary adopter passes away within 52 weeks of the child's birth or placement, will be entitled to up to 52 weeks unpaid leave. This also applies to intended parents having a baby through surrogacy. Please contact HR for advice and guidance.



10. Shared parental leave

10.1 Shared Parental Leave (SPL) allows parents to have flexibility and choice in how to share the care for children expected or placed with them through adoption or surrogacy and is created where an eligible mother or primary adopter brings their leave to an end early to allow the partner to take time off if they are eligible.

10.2 Shared parental leave is available to mothers, fathers, partners, and adopters in the first year after the birth of their child or a child being placed with them. It should not be confused with ordinary parental leave, which is unaffected by shared parental leave.

10.3 In total, up to 50 weeks shared parental leave is available. This is not the full 52 weeks, as the mother is required to take the first two weeks off after giving birth and these are not able to be given up to be taken by the partner. However, paternity pay can be taken before or after a period of shared parental leave.

Eligibility

10.4 Shared parental leave applies to our employees, whether they are the mother or primary adopter or partner. If it is the mother or primary adopter who is employed by the council, their partner must (where relevant) submit any notifications to take shared parental leave to their own employer, who may have their own policy in place.

10.5 Similarly, if it is the partner who is employed by the council, the mother or primary adopter must submit any notifications to take shared parental leave to their employer.

10.6 The main adopter must:

- have a partner, and
- be entitled to statutory maternity leave or to statutory maternity pay or maternity allowance (if not eligible for maternity adoption leave), and
- curtail (or give notice to reduce) their entitlement to maternity leave, or have returned to work

10.7 A parent who intends to take shared parental leave must:

- be an employee
- share the primary responsibility for the care of the child with the other parent at the time of the birth
- have been continuously employed for at least 26 weeks by the end of 15th week before expected week of birth
- provide their respective employers with a notice of entitlement, including the necessary declarations and evidence (see below)
- give the employer a period of leave notice (see below) in order to book the period (or periods) of shared parental leave that he or she wishes to take

10.8 In addition, the mother or primary adopter must satisfy a 'continuity of employment test' and their partner must meet the 'employment and earnings test':

Continuity of employment test: Have worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due date and is still working for the employer at the start of each leave period.



Employment and earnings test: During the 66 weeks before the baby's due date, the partner must have been working for at least 26 weeks and an average of £30 a week in any 13 out of the 66 weeks. (£390 in total).

10.9 Sometimes only one parent will be eligible. For example, a self-employed parent will not be entitled to shared parental leave themselves but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

How the leave can be taken

10.10 Shared parental leave can be taken:

- start on any day of the week
- only in complete weeks (so if SPL lasts for one week and begins on a Tuesday it will finish on the following Monday)
- be taken using a maximum of three separate notices to book leave (although in exceptional circumstances we could decide to accept more)
- SPL can be taken in continuous or discontinuous periods of time
- SPL and ShPP can be taken concurrently by the mother or primary adopter and partner providing 8 weeks' notice is given
- SPL and ShPP must be taken between the baby's birth and first birthday or within 1 year of adoption. SPL not taken by this point will be lost.

10.11 Eligible employees may be entitled to up to 37 weeks Shared Parental Pay while taking Shared Parental Leave. The amount of shared parental leave to which an individual is entitled will depend on when the mother/adopter brings their maternity/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave 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 Council 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 Council's agreement). A maximum of three requests for leave can normally be made by each parent.

Example: A parent and their partner are both eligible for SPL and ShPP. The mother ends her maternity leave and pay after 12 weeks, leaving 40 weeks available for SPL and 27 weeks available for ShPP. The parents can choose how to split this.

10.12 The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. An adopter is required to take 2 weeks leave immediately following adoption. This means that the mother or primary adopter cannot curtail their maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

10.13 However, the mother's or adopter's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that they are entitled to take up to two weeks' ordinary paternity leave following the birth or adoption of their child, which can be taken before or after the period of shared parental leave).



Pay

10.14 Statutory shared Parental Pay (ShPP) will be created when the eligible mother or primary adopter chooses to bring their maternity or adoption pay or maternity allowance to an end early – this is called reducing the maternity or adoption pay period or the maternity allowance period.

10.15 The untaken maternity or adoption pay, or maternity allowance will become available as statutory shared parental pay – up to a maximum of 37 weeks. Any statutory shared parental pay 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.

10.16 Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance or statutory adoption pay the mother or primary adopter has been paid when their leave or pay period ends.

10.17 A total of 39 weeks' statutory maternity or adoption pay, or maternity allowance is available to the mother or primary adopter. As there is a compulsory leave period of two weeks, this means that a mother or primary adopter who ends their relevant leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with their partner (although it will normally be less than this because of the period of maternity leave that mothers usually take before the birth).

10.18 It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

Notification

10.19 An employee must submit a written 'notice of entitlement' to their own employer at least eight weeks before the start of the first period of shared parental leave.

It must include the following:

- the names of the mother and partner
- the start and end date of any period of statutory maternity leave
- the child's expected week of birth or actual date of birth
- the total amount of shared parental leave available
- how much shared parental leave the mother and partner each intend to take
- non-binding indication of how much shared parental leave both parties intend to take and when they intend to take it
- a signed declaration from the employee seeking to take shared parental leave that
 - they will be sharing responsibility for the care of the child
 - the mother has given notice to end her maternity entitlement
 - they meet the continuity of employment test
 - the information they have given is accurate
 - should they cease to be eligible they will immediately inform their employer

The **partner** of the employee must also provide their partner's employer with a signed declaration stating:

- their name, address, and NI number
- they are the father, mother of the child or partner of the mother of the child
- they meet the criteria for the employment and earnings test



- (if the mother) that they are entitled to statutory maternity leave, statutory maternity pay or maternity allowance and that they have given notice to end that leave and pay/allowance (if intending to claim shared parental pay (see below))
- that at the time of the birth they shared responsibility for the care of the child with the employee seeking to take shared parental leave
- they consent to the amount of leave that the employee is seeking to take
- they consent to the employer receiving the declaration to process the information contained within it
- (in the case of the mother) the mother will immediately inform their partner should the mother cease to satisfy the eligibility criteria

If they are intending to claim shared parental pay the notice must include:

- how much shared parental pay both parents are entitled to take
- how much shared parental pay each parent intends to take
- when they expect to take shared parental pay
- a declaration from the employee's partner confirming their agreement to the employee claiming the amount of shared parental pay

The parent may vary the amount of shared parental leave they intend to take by giving written notice to their employer.

- If this is done before they give a formal 'period of leave notice' (see below) there is no limit to the number of times they make a variation
- If this is done after they give a formal 'period of leave notice' there is a limit (see below)

Periods of leave notice

10.20 Parents must give their employers a written 'period of leave' notice which will give the start and end date of a single period of leave, or proposed start and end dates if a discontinuous period of shared parental leave is requested. This triggers a discussion with their employer to agree the leave.

10.21 The notice must be given no less than eight weeks prior to the requested start date. One or more periods of leave may be requested (see below).

- if given before the child is born the start date may be expressed as a number of days from the date the child is born
- each parent can give a maximum of three periods of leave notices in total, including requests to vary a period of leave that has already been arranged.

Agreeing shared parental leave with employers

10.22 The rules on agreeing requests for shared parental leave with the employee vary depending on the pattern of leave that has been asked for.

Continuous periods of shared parental leave

10.23 A request for one period of continuous shared parental leave cannot be refused, provided the employee meets the eligibility criteria.



Discontinuous periods of shared parental leave

10.24 Employer agreement is required for a request for two or more periods of leave separated by periods at work.

Within 14 calendar days of the submission of the period of leave notice the employer must either:

- agree to the discontinuous periods of leave requested
- propose alternative dates, or
- refuse the leave without proposing alternative dates

If agreement cannot be reached within 14 calendar days the employee may:

- withdraw the request (if this is done by the 15th calendar day it will not count towards the cap of three notices), or
- tell their employer within five working days from the date the employer rejects the request when they will start the shared parental leave (no earlier than eight weeks from the date that the booking notice was given), or
- take the total amount of leave requested as one continuous period of leave with effect from the first date given within the relevant notice.

Changing the leave dates

10.25 If the employee wishes to amend an agreed period of leave, they must send the employer written notice to vary the leave. The variation notice may

- vary start and end dates,
- vary the amount of leave, or
- ask for a single period of leave to become discontinuous or vice versa

10.26 The notice to vary must be given at least eight weeks before the date to be varied and the new date.

10.27 An employee may only give three 'period of leave' notices and/or requests for variations in total.

Changes in employee's circumstances

10.28 If the parent's circumstances change, the employer may hold the employee to the agreed arrangements in certain circumstances, so that the employer always has eight weeks' notice of a change in the planned arrangements.

10.29 The employer may still require the parent to take the period of leave if, less than eight weeks before either parent is due to take a period of parental leave:

- the parent informs their employer that they no longer meet the conditions of entitlement, and
- It is not reasonably practical for the employer to accommodate this change in circumstances.

10.30 The leave must be treated as shared parental leave and will start on the same date that the next period of leave was due to start. It will either end on the same end date or eight weeks from the date the employer was informed of the change in circumstances, whichever is earlier.



Withdrawing requests

10.31 The employee should inform their manager if they decide to withdraw their request by the 15th calendar day from which they submitted their request: this would not count as one of the three notices to book leave.

10.32 If the employee does not withdraw the request, the discontinuous leave notification automatically defaults to a period of continuous leave. Within 19 calendar days of the original notification, the employee can choose when the continuous leave will commence.

10.33 This cannot be sooner than the date that the original notification was given. If the employee does not choose and inform their manager, the start date automatically defaults to the date that the requested discontinuous leave would have first started.

Shared parental leave in touch (SPLIT) days

10.34 Each parent can work 20 SPLIT days during their time on shared parental leave. These days are paid and are in addition to the 10 KIT days already available for women on statutory maternity leave. These days are optional and arrangements for taking such days should be made between the employee and their manager.

11. Neonatal Care Leave

11.1 Herefordshire Council recognises that having a child in neonatal care is an extremely stressful and challenging situation. The Council is committed to providing support and taking steps to ensure that parents are able to remain by their child's side, whilst also looking after their own health and wellbeing.

11.2 Neonatal care leave is designed to assist new parents of babies who are admitted into neonatal care.

For the purposes of this entitlement, neonatal care is defined as:

- medical care that a child receives in a hospital;
- medical care that a child receives in any other place provided:
- the child was previously admitted to a hospital as an inpatient and requires continuing care after leaving the hospital;
- the care is under the direction of a consultant; and
- the care involves ongoing monitoring and visits from healthcare professionals arranged by the hospital where the child was an inpatient; or
- palliative or end-of-life care.

11.3 Unfortunately, any medical care which does not fall within the definition above will not qualify, nor will any medical care which does not begin within the first **28 days** of the baby's birth.

Entitlement

11.4 All employees are eligible to take neonatal care leave providing they are:

- the child's parent and have responsibility for the upbringing of the child; or



- the partner of the child's mother and have main responsibility for the upbringing of the child (apart from the mother).
- For the purposes of this leave a partner includes someone, of whatever sex, who lives with the mother or the child in an enduring family relationship but who is not their child, parent, grandchild, grandparent, sibling, aunt, uncle, niece, or nephew.

Additionally, the following conditions must be satisfied:

- the child started receiving neonatal care within 28 days after the date on which they were born (the 28 days are counted from the day after the child is born);
- the neonatal care has lasted seven days or longer without interruption (the seven days are counted from the day after the neonatal care started);
- the leave is being taken to care for the child receiving neonatal care and the relevant notice and declaration requirements have been given

11.5 The amount of neonatal care leave an employee can take is one week (pro-rated to their normal hours of work) for every 7 days the child has spent in neonatal care without interruption.

11.6 The maximum number of weeks that an employee can take as neonatal care leave is capped at 12 weeks. In the cases of twins or multiple births, this entitlement doesn't increase or apply per child.

11.7 Any neonatal care leave must be taken in blocks of at least one week.

11.8 Employees can only up to 12 weeks' neonatal care leave, even if multiple children from the same pregnancy require neonatal care.

Timing of neonatal care leave

11.9 Employees can start their leave on any day after their child has received seven days of uninterrupted neonatal care. Neonatal care leave can start on any day after the child has received seven days of uninterrupted neonatal care.

11.10 The seven days are counted from the day after the neonatal care started. For example, if the child has started receiving neonatal care on 7th April, the seven-day count begins on 8th April. This means that an employee can begin neonatal care leave on any day from 15 April.

11.11 Any neonatal care leave must end within 68 weeks of the child's date of birth.

11.12 The right to neonatal care leave is in addition to any other statutory leave that an employee may be entitled to, such as maternity, adoption, paternity, ordinary parental, parental bereavement, or shared parental leave (see other family leave below).

How neonatal care leave may be taken

11.13 Neonatal care leave is available to take in two tiers:

The "**tier 1 period**" begins when the child starts receiving neonatal care and ends on the seventh day after the child is discharged. If y neonatal care leave is taken in the tier 1 period, can be taken it in one continuous block or a number of non-continuous blocks of a minimum of one week at a time.



The "**tier 2 period**" is any remaining period (within 68 weeks after the child's date of birth) that is not part of the tier 1 period. If neonatal care leave is used during the tier 2 period, it is used in one continuous block.

Notice to take neonatal care leave

11.14 Depending on the tier of neonatal care leave being taken, the notice periods vary.

Notice during the tier 1 period

11.16 For each week of neonatal care leave that an employee wishes to take in tier 1, they should notify their line manager by telephone or email, preferably before the first day of absence in that week however, it is understandable that this is likely to be a difficult time for employees, so as much notice as soon as is reasonable practical will be accepted. The line manager will then contact HR.

11.17 Employees are required to give notice of their intention to take neonatal care leave using our [Form](#) to provide notice of intention and entitlement to take neonatal care leave.

There is no expectation on employees to complete this form straightaway while their child is receiving neonatal care. However, it is requested that the form is submitted within 28 days of the first day of the neonatal care leave starting, or if this is not possible as soon as it is reasonably practicable.

Notice during the tier 2 period

11.18 An employee intending to take neonatal care leave in the tier 2 period will need to give notice in writing of this using our [Form](#) to provide notice of intention and entitlement to take neonatal care leave.

11.19 An employee taking a single week of neonatal care leave, should give their line manager at least 15 days' notice before the first date that they have chosen for the leave to start, or if this is not possible as soon as it is reasonably practicable.

11.20 An employee taking two or more consecutive weeks of neonatal care leave, the notice should be given at least 28 days before the first date that they have chosen for the leave to start, or if this is not possible, as soon as it is reasonably practicable.

Changing your neonatal care leave plans

11.21 If an employee has submitted a notice of intention and entitlement to take neonatal care leave during the tier 2 period but wishes to cancel their leave, they must inform their line manager as soon as possible.

Late notice

11.22 The council recognises that having a child in neonatal care is an incredibly challenging time for parents. Employees are assured that if it is not possible to meet the specified timeframes for giving or withdrawing notice as outlined in this procedure, later notice will be accepted and, in some cases, may waive the requirement to give notice depending on individual circumstances.



Starting neonatal care leave

11.23 An employee's neonatal care leave will commence on the date specified in their notice. Alternatively, if notice is given on the same day the employee wishes to begin their leave and they are present at work on that day, the neonatal care leave will start on the following day.

Other family leave

11.24 neonatal care leave can be taken in addition to any other statutory leave that employees may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement and shared parental leave

11.25 If an employee has already started a period of statutory leave, but subsequently becomes eligible for neonatal care leave, the neonatal care leave can be taken after completing the other statutory leave, provided that the neonatal care leave is taken within 68 weeks of the child's birth date.

11.26 If an employee has already started a period of neonatal care leave during the tier 1 period but needs to begin another type of statutory leave, the neonatal care leave will be temporarily paused immediately before the other statutory leave begins. The remaining weeks of the neonatal care leave can then resume in one of two ways:

- if the employee is still within the tier 1 period - immediately after the end of the other period of statutory leave; or
- if they have transitioned into the tier 2 period - immediately after any other neonatal care leave taken during the tier 2 period.

11.27 Neonatal care leave cannot be taken in the tier 2 period if, at the time of giving notice, the employee is aware that the leave will overlap with another type of statutory leave.

Neonatal care pay

11.28 Statutory neonatal care pay is payable during a period of neonatal care leave, provided that an employee is eligible.

11.29 The rate of statutory neonatal care pay is set by the Government for the relevant tax year, or at 90% of average weekly earnings (whichever is lower).

11.30 Employee qualify for statutory neonatal care pay if they:

- are entitled to take neonatal care leave;
- have at least 26 weeks' continuous employment with the council at the end of the relevant week;
- remain in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week);
- average weekly earnings are not less than the lower earnings limit for national insurance contributions;
- have complied with the relevant notice
- have confirmed when you wish to start receiving statutory neonatal care pay within your [Form](#) to provide notice of intention and entitlement to take neonatal care leave.



- In this policy "relevant week" means the 15th week before the expected week of childbirth if you are entitled to statutory maternity or paternity pay. In all other cases, it means the week before the neonatal care begins.

11.31 Neonatal care pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Changes affecting entitlement to neonatal care leave and pay

11.32 Employees must keep their line manager informed of the date that their child's neonatal care ends as soon as reasonably practicable after the care has ended.

11.33 If the employee's child starts receiving neonatal care again, after they have informed us that the care has ended, they must keep their line manager informed of the new start and end dates.

In the event of a bereavement

11.34 In the difficult event of a child passing away, any neonatal leave accrued will still be available for employees to take.

11.35 In the event of a bereavement, employees are encouraged to contact their line manager so that compassionate support and guidance can be discussed and provided as appropriate.

12. KIT days

12.1 When an employee is on family leave for maternity or adoption, they may work for up to 10 days without losing pay or bringing their family leave to an end. These days are referred to as 'keeping in touch days.'

12.2 These days are optional and must be mutually agreed between the employee and employer; neither party can require that they are taken. KIT days will be agreed between the employee and their line manager in advance, including the specific work or activity to be undertaken on the agreed days.


12.3 KIT days are intended to assist employees on leave to remain in touch with the council and may be used to attend training, team meetings, or any other work typically undertaken. A portion of this time may also be used to discuss a return-to-work plan. Working for part of a day will count as one KIT day.

12.4 KIT days are payable, and to claim payment employees must complete the [overtime claim form](#) and submit this to [payroll](mailto:employeeservices@hoopleltd.co.uk) .

Reasonable contact

12.5 During a period of family leave, there should also be a period of 'reasonable contact' between the line manager and the employee. This contact does not constitute work and does not bring the family leave to an end.

12.6 Such contact should be used to keep the employee updated and informed about any opportunities or developments in the workplace, and to discuss their return to work.



12.7 There may be occasions where managers need to contact employees while they are away from work for family reasons, to ensure they are kept informed and involved in any workplace changes. This may include invitations to consultation meetings.

13. Returning to work

13.1 An employee returning to work after a period of maternity leave or adoption leave isn't required to give notice of their return and can come back after the period of leave ends, as the dates have already been agreed in advance. It is encouraged that employees and line managers have a conversation ahead of the return to work to ensure a smooth transition back into the workplace.

13.2 Line managers are expected to plan for an employee's return to work in advance and help them embed back into the team as smoothly as possible, ensuring the employee has been informed of any developments or changes that have happened in their absence. This may include arranging a [day one induction](#) or [line manager induction session](#) if it would be helpful to the employee.

13.3 If an employee wishes to change the date that they want to return to work, either sooner or extending their leave then they will need to provide their manager with at least 8 weeks' notice. If the required notice isn't given then the request may not be granted and the original return to work date will apply.

13.4 After a period of maternity leave or adoption leave, employees are entitled to return to their roles, or a suitable alternative on no less favourable terms than if they had not been absent. If there had been any organisational changes while they were absent, the employee should have been engaged and communicated with.

13.5 An employee who doesn't return to work on the agreed date will be considered as absent without leave (AWOL). In these circumstances line managers should contact HR for further advice and guidance.

Breastfeeding spaces

13.6 We provide suitable facilities for breastfeeding mothers to rest and we provide private, healthy, and safe environments for women to express milk across our available work locations.

13.7 An employee who is returning to work and will be breastfeeding, will need to notify their line manager, ideally before returning to work to allow arrangements to be made. A further risk assessment will be required.

Mandatory training

13.8 If the annual mandatory training cycle had not been completed prior to the employee starting their maternity or adoption leave, will be required to complete this either on a KIT day or within 4 weeks of returning to work. If mandatory training is not completed then systems access may be suspended until this is completed.



Leaving the council

13.9 An employee who wishes to leave the council following a period family leave will still be required to give their full contractual notice. If an employee decides to not return to work, or returns for less than 3 months, will be required to repay any payments that have been made in addition to the statutory maternity or adoption pay.

14. Parental leave

14.1 Parental leave is a right to take time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments. For instance: It can also be used as a means to settle a child into a new school or nursery, or to support children when they are taking exams. The rights described in this document apply to full-time and part-time employees, provided they satisfy the qualifying conditions for parental leave.

14.2 Employees who qualify will be entitled to a maximum of 18 weeks' unpaid parental leave in total until the age of 18 years, but no more than 4 weeks in any year, to care for a child under 18 years of age for whom the employee has parental responsibility.

14.3 For these purposes, a year is the period of 12 months beginning when the employee first becomes entitled to ordinary parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date. Leave must be taken in weekly blocks unless the child is in receipt of disability living allowance in which case the leave can be taken in days.

14.4 The employee will still benefit from all contractual rights whilst on leave. The right to accrue statutory holiday entitlement and bank holidays will remain in place.

Eligibility

14.5 To qualify for parental leave, employees must have parental responsibility for a child under the age of 18. Parental leave should not be confused with [shared parental leave](#). There is no qualifying service requirements to take this leave.

Notification

14.6 Employees will need to complete the Family Leave Form giving 21 calendar days' notice before they intend to take the leave. For adoptive parents, the notice would be 21 calendar days' notice before the expected week of placement.

14.7 This form will be sent to the manager who will consider the request and confirm their decision with the employee and [HR](#).

14.8 HR will also write to the employee to confirm the dates and record the absence on Business World.



Changes to leave dates / delaying parental leave

14.9 We will endeavour to accommodate all requests for parental leave however, if the requested period would unduly disrupt service need, requests can be postponed up to six months.

14.10 Examples of when a postponement may be considered are:

- employees wish to take parental leave during a particularly busy period
- a number of employees within the team are wanting to take leave at the same time and there is a reduced staffing level
- cover for work cannot be found before the date in which your leave is due to start

14.11 If it is necessary to postpone parental leave then managers will discuss this with the employee and discuss alternative date, and this will be followed up in writing.

Parental bereavement leave

14.12 Parental bereavement leave provides all employees, regardless of their length of service, with the right to two weeks leave following the loss of a child under the age of 18, or a loss occurring after 24 weeks of pregnancy. This leave is intended to offer support at an exceptionally difficult time and has to be used within eight weeks of the child's passing.

14.13 If the employee has 26 weeks' service, this period of leave will be paid at the statutory rate.

15. Pensions

15.1 The council is required to continue to pay pensions contributions when an employee is on:

- ordinary maternity or adoption leave (paid or unpaid)
- additional maternity or adoption leave (if pay is being received)
- shared parental leave (if pay is being received)
- maternity support leave;
- ordinary paternity leave (if pay is being received)
- neonatal care leave

15.2 These contributions are based on what an employee would have been working and receiving their normal salary.

15.3 The council will not continue pension contributions when an employee is on:

- unpaid additional maternity or adoption leave
- unpaid paternity leave
- unpaid shared parental leave
- parental leave

15.4 During periods of no pay, employees can choose to make Additional Pension Contributions (APCs) for the lost pension. If this option is selected within 30 days of returning to work, the council will cover two-thirds of the cost through Shared APC. If this is made after 30 days of returning to work, this is entirely at the employee's cost.



16. Glossary of terms

Abbreviation	Meaning
AML	Additional Maternity Leave (weeks 27-52 of maternity leave)
AOL	Additional Adoption Leave (weeks 27-52 of adoption leave)
EPD	Expected Placement Date (the week, starting on a Sunday, during which the adopted child is expected to be placed with parents)
EWC	Expected Week of Childbirth (the week, starting on a Sunday, during which the employees GP or midwife expects the birth to take place)
KIT day	Maternity/Adoption/Surrogacy Keep in Touch Day (An employee can work for up to 10 days during their maternity/adoption leave without losing any maternity/adoption pay or bringing their leave to an end)
LEL	Lower Earnings Level (the weekly amount of minimum earnings that the employee needs to earn to qualify for statutory benefits)
MATB1	Certificate of pregnancy and EWC (supplied by GP at the QW)
MSL	Maternity Support Leave (1 weeks' full contractual pay for to the 'nominated carer' of an expectant mother at or around the time of the birth as outlined in NJC Green book)
MA	Maternity Allowance (statutory scheme for up to 18 weeks' pay, payable by Jobcentre Plus for eligible employees who are exempt from SMP)
NCL	Neonatal Care Leave (statutory scheme for up to 12 weeks' leave after other family leave taken)
OAL	Ordinary Adoption/Surrogacy Leave (weeks 1-26 of adoption/surrogacy leave)
OAP	Occupational Adoption/Surrogacy Pay (contractual pay for up to 18 weeks' pay for eligible employees as outlined in NJC Green book/Locally agreed)
OML	Ordinary Maternity Leave (weeks 1- 26 of maternity leave)
OMP	Occupational Maternity Pay (contractual pay for up to 18 weeks' pay for eligible employees outlined in NJC Green book)
OPP	Occupational Paternity Pay (1 weeks' full contractual paternity pay for eligible employees)
QW	Qualifying Week (the 15th week before the EWC)
SAL	Statutory Adoption Leave (statutory scheme for 52 weeks adoption/surrogacy leave)
SAP	Statutory Adoption Pay (statutory scheme for 39 weeks adoption/surrogacy pay for eligible employees)
ShPL	Shared Parental Leave (statutory scheme to allow mothers or primary adopters to end their 52 weeks of maternity leave/ pay early so that one or both parents can share this leave)
ShPP	Shared Parental Leave Pay (statutory scheme to allow mothers or primary adopters to share up to 37 weeks of SMP so that one or both parents can share this pay)
SMP	Statutory Maternity Pay (statutory scheme for 39 weeks maternity pay for eligible employees)
SNCP	Statutory Neonatal Care Pay (statutory scheme for up to 12 weeks' pay for eligible employees)
SPL	Statutory Paternity Leave (statutory scheme for 2 weeks' paternity leave)
SPP	Statutory Paternity Pay (statutory scheme for 2 weeks' payment for eligible employees during paternity leave)
SPLIT day	Shared Parental Leave in Touch Day