

# Family Friendly Policy



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## 1 Introduction

Chelmsford City Council is committed to creating a supportive and inclusive environment that enables employees to balance their work and family responsibilities. We recognise that supporting employees during significant life events, such as starting or growing a family, is essential to attracting, motivating, and retaining a diverse and talented workforce.

This Family Friendly Leave Policy sets out the rights and entitlements for employees in relation to family leave, as follows:

- Maternity leave
- Adoption leave
- Shared Parental leave
- Paternity (New Parent Support leave)
- Unpaid Parental leave
- Neo-natal care
- Fostering

This Policy aims to provide a clear framework to ensure that employees can access their family leave entitlements fairly and consistently, while continuing to meet the needs of the organisation. It outlines provisions concerning time off, pay, and the return-to-work process.

All employees covered by this policy will be treated in a supportive, inclusive, and non-discriminatory manner, in line with our Equality, Diversity and Inclusion Policy.

This policy applies to all permanent and fixed term employees of the Council. It does not apply to casual workers. Casual workers may still qualify for statutory entitlements which are set out [here](#).

## 2 Responsibilities

### **Manager**

- Conduct meaningful discussions with employees to understand their leave requirements and ensure operational needs are met.

- Conduct health and safety risk assessments for pregnant employees and those returning from maternity leave (where applicable), ensuring a safe working environment.
- Maintain regular and appropriate contact with employees during their leave to keep them informed about workplace developments.
- Use Keeping in Touch (KIT) or Shared Parental Leave in Touch (SPLIT) days at the employee's request and notify payroll and HRBP when these take place.
- Support employees in managing their return to work, including discussing flexible working arrangements where requested.

## **Employee**

- Notify their manager of leave requests within the specified timeframes and provide any required documentation.
- Actively communicate any changes to their leave plans as early as possible.
- Use Keeping in Touch (KIT) or Shared Parental Leave in Touch (SPLIT) days as desired and stay informed about workplace developments.

## **HR**

- Provide guidance and support to managers and employees on the application of Family Friendly Leave, ensuring compliance with legislation and consistency across the organisation.
- Ensure all required documentation is completed, processed, and retained in line with organisational and legal requirements.
- Maintain records of employee leave to ensure accurate tracking and compliance with policy entitlements.
- Support managers and employees during the return-to-work process, including flexible working arrangements and adjustments where required.

## **3 Maternity Leave and Pay**

Maternity Leave provides all pregnant employees with the opportunity to take time off work before and after the birth of their child to recover and care for their newborn.

Employees can take up to 52 weeks of leave, with eligible employees receiving maternity pay during this period.

Employees have the right to return to work following maternity leave.

### **3.1 Eligibility**

#### **3.1.1 Eligibility for maternity leave**

All pregnant employees who give the correct notice are entitled to up to 52 weeks of statutory maternity leave (SML) (to be taken as one block), which consists of:

- Ordinary Maternity Leave (OML) – the first 26 weeks of maternity leave
- Additional Maternity Leave (AML) – the last 26 weeks of maternity leave

#### **3.1.2 Eligibility for maternity pay**

City Council employees are covered by two separate schemes which cover up to 39 weeks of maternity pay:

- Statutory Maternity Pay (SMP)
- City Council Occupational Maternity Pay (CCOMP)

The schemes interact with one another. The entitlements to each scheme are set out below.

##### **3.1.2.1 Eligibility for Statutory Maternity Pay (SMP)**

To qualify for SMP, employees must:

- Have been employed continuously by the City Council for at least 26 weeks by the 15th week before the Expected Week of childbirth (EWC)
- Have average weekly earnings above the National Insurance lower earnings limit

SMP is payable for up to 39 weeks, employees will receive:

- 90% of average weekly earnings for the first 6 weeks
- The statutory rate or 90% of their average weekly earnings (whichever is lower) for the remaining 33 weeks

If an employee does not meet the qualifying conditions and is not entitled to SMP, a form (SMP1) is issued by Payroll stating the reasons for ineligibility. However, the employee may still be entitled to Maternity Allowance which can be claimed from Jobcentre Plus. Details on how to claim are included within the SMP1 form.

### **3.1.2.2 Eligibility for City Council Occupational Maternity Pay (CCOMP)**

Employees with at least one year of continuous local government service by the 11th week before the EWC may also qualify for CCOMP, which is 12 weeks half pay based on an employee's contractual salary. This is payable from week 7, capped at full pay when combined with SMP.

CCOMP is paid on the condition that the employee returns to work for at least three months following maternity leave. If they do not return, they must repay CCOMP (excluding SMP).

If an employee qualifies for CCOMP, they can choose to have this paid over 12 or 20 weeks from week 7.

## **3.2 Notification**

Employees must notify their manager (using form FFMAT1) of the following no later than the 15th week before the expected week of childbirth (EWC):

- That they are pregnant
- The EWC (supported by a MAT B1 certificate)
- The date they intend to start their maternity leave (28 days' notice must be given)

Maternity leave can begin at any point from the 11th week before the EWC, and employees may change this start date by providing at least 28 days' written notice.

Maternity leave will start automatically:

- If the employee is absent due to a pregnancy-related illness within the 4 weeks before the week the baby is due.
- The day after the baby is born if this occurs before the planned start date

Employees are required to take a minimum of two weeks' maternity leave following childbirth.

### **3.3 Pension Implications**

For employees who are members of the Local Government Pension Scheme (LGPS), pension contributions will continue to be made during any period when the employee is receiving SMP and/or CCOMP but not during any period of unpaid Maternity Leave.

Employee contributions will be based on actual pay, while the Council's contributions will be based on Assumed Pensionable Pay (APP) for the whole period of absence. To do this, the Council will normally calculate the average of the pensionable pay an employee received in the three months before their pay reduces.

### **3.4 Holiday Implications**

Employees will continue to accrue holiday entitlement throughout their maternity leave. Employees may request to take some or all of their outstanding holiday entitlement before starting maternity leave or use any newly accrued holiday at the end of their maternity leave. Such requests should be made in writing to the employees' manager,

The Council reserves the right to require employees to take all or part of their outstanding holiday entitlement before maternity leave begins or to use newly accrued holiday entitlement immediately after maternity leave ends. Any subsequent annual leave requests will be managed in accordance with the Council's standard procedures.

### **3.5 Health and Safety**

Managers must conduct a risk assessment when an employee notifies them of their pregnancy. The risk assessments should be reviewed and updated throughout the pregnancy as necessary. Adjustments will be made to ensure a safe working environment for pregnant employees, those returning from maternity leave, and those who are breastfeeding.

### **3.6 Antenatal Appointments**

Employees are entitled to reasonable paid time off for antenatal or parenting classes if they have been recommended by a doctor or midwife.

### **3.7 Keeping in Touch**

During maternity leave, it is helpful for employees and managers to maintain contact. This ensures employees stay informed about workplace updates and allows employees to communicate any decisions about their return to work.

Employees can also work up to 10 Keeping in Touch (KIT) days during maternity leave without losing their maternity pay entitlements. This is different to maintaining contact as laid out above. KIT days allows the employee to carry out “work”.

These days can include training, meetings, or other agreed activities. Employees do not need to work a full day, and a part of a day counts as one KIT Day. Payment will be made at the employee's normal rate for the hours worked.

The use of KIT days is entirely voluntary and will be agreed between the employee and their manager. Managers must advise Payroll of KIT days/hours worked whilst employees are on maternity leave and keep a log of those, ensuring they do not exceed the 10 days in total.

### **3.8 Returning to Work**

All employees on maternity leave have the right to return to work, provided they meet the requirements outlined below.

Employees returning from OML (26 weeks or less), are entitled to return to the same role they held before their leave.

If the total maternity absence exceeds 26 weeks, employees will usually return to the same role. However, if it is not reasonably practicable, they will be offered an alternative role that is suitable and appropriate.

Employees returning to work after maternity leave, have the right to request flexible working as set out in the Flexible Working Request Policy.

Employees wishing to return to work earlier than the end of their maternity leave must give at least 21 days' notice of their intended return date if they intend to return before the end of AML or 7 days, if they intend to return before the end of OML.

If an employee cannot return to work due to health reasons, the usual sickness reporting procedures will apply. Any late return without prior agreement will be treated as unauthorised absence.

### **3.9 Special Circumstances**

Premature births: Maternity leave and pay are adjusted from the actual birth date.

Surrogate births: Employees are entitled to maternity leave and pay as outlined in this policy.

Stillbirths or miscarriage: Employees experiencing stillbirth after 24 weeks are entitled to maternity leave and pay, as well as parental bereavement leave. Details of parental bereavement leave are detailed here [Parental Bereavement Leave](#). For miscarriages before 24 weeks, employees may be entitled to sick pay and/or compassionate leave.

Employees should inform their manager of any special circumstances and discuss support or adjustments with Occupational Health if needed.

## **4 Adoption Leave and Pay**

Adoption Leave provides employees who are adopting a child with the opportunity to take time off work to bond with and care for their newly placed child. Employees can take up to 52 weeks of leave, with eligible employees receiving Statutory adoption pay during this period.

Employees have the right to return to work following adoption leave.

There are specific minimum notice requirements for adoption leave and pay that employees must give dependent on the circumstances of the adoption which are laid out below. However, employees are encouraged, if they feel comfortable to do so, to share their intention to adopt with their Manager, at an earlier stage to allow both support for the employee and planning for future absence.

***All forms referenced in this policy are available on the intranet.***

## **4.1 Eligibility**

### **4.1.1 Eligibility for Adoption leave**

Adoption leave is available for all employees who:

- adopt a child from the UK or Overseas through an approved adoption agency
- have a child through a surrogacy arrangement and are eligible for a Parental Order

Where a couple jointly adopts a child, only one of them is entitled to adoption leave; however, the partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to New Parent Support leave.

Employees will not qualify for either type of adoption leave if they:

- become a special guardian or kinship carer
- adopt a stepchild or other family member
- adopt privately, for example without permission from a UK authority or adoption agency

All employees who meet the criteria are entitled to up to 52 weeks of statutory adoption leave (SAL) (to be taken as one block), which consists of:

- Ordinary Adoption Leave (OAL) – the first 26 weeks of adoption leave
- Additional Adoption Leave (AAL) – the remaining 26 weeks of adoption leave

Employees have the right to return to work following adoption leave

### **4.1.2 Eligibility for Adoption Pay**

To qualify for Statutory Adoption Pay (SAP), employees must:

- UK adoptions: have been continuously employed by the City Council for at least 26 weeks up to any day in the week they were matched with a child
- Overseas adoptions: have been continuously employed by the City Council for at least 26 weeks at the start of the week when the pay will begin.
- Surrogacy arrangements: continuously employed by the City Council for at least 26 weeks up to any day in the 15th week before the baby is due

- Have average weekly earnings above the National Insurance lower earnings limit.

SAP is payable for up to 39 weeks, with:

- 90% of average weekly earnings for the first six weeks.
- The statutory rate (or 90% of average weekly earnings if lower) for the remaining 33 weeks.

## **4.2 Notification**

Employees must notify their manager (using form FFADP1) of the following:

### **4.2.1 UK Adoption**

Employees must notify their line manager within seven days of being matched with a child (or as soon as possible if not practical). They need to provide:

- The expected date of placement
- The start date for adoption leave
- The length of leave they plan to take

Additional requirements, employee must:

- Notify any changes to the start date with at least 28 days' notice, if possible.
- Provide the expected start date for SAP with at least 28 days' notice.
- Submit a copy of the Adoption Matching Certificate as evidence

Adoption leave can start on the placement date or up to 14 days before.

### **4.2.2 Overseas Adoption**

Employees must notify the Council in writing:

- Within 28 days of receiving official notification or completing 26 weeks of continuous service (whichever is later)
- Include the date of official notification and the expected entry date of the child into Great Britain
- The start date for adoption leave

- The length of adoption leave they plan to take

Additional requirements, employee must:

- Confirm the adoption leave start date at least 28 days in advance
- Provide a copy of the official notification of eligibility from their adoption authority.
- Notify the actual entry date within 28 days of the child's arrival

Adoption leave can start when the child arrives in the UK or within 28 days of this date.

#### **4.2.3 Surrogacy Arrangements**

Employees must provide:

- Written confirmation of the baby's due date
- Notice of their intended adoption leave start date at least 15 weeks before the expected week of birth
- Confirming their intent to apply for a parental order
- The start date for adoption leave
- The length of adoption leave they plan to take

Adoption leave can begin on the baby's birth date.

#### **4.3 Pension Implications**

For employees who are members of the Local Government Pension Scheme (LGPS) pension contributions will continue to be made during any period when the employee is receiving SAP but not during any period of unpaid Adoption Leave.

Employee contributions will be based on actual pay, while the Council's contributions will be based on Assumed Pensionable Pay (APP) for the whole period of absence. To do this, the Council will normally calculate the average of the pensionable pay an employee received in the three months before their pay reduces.

#### **4.4 Holiday Implications**

Employees will continue to accrue holiday entitlement throughout their adoption leave. Employees may request to take some or all of their outstanding holiday entitlement before starting adoption leave or use any newly accrued holiday at the end of their adoption leave. Such requests should be made in writing and in line with the Council's procedures for requesting annual leave.

The Council reserves the right to require employees to take all or part of their outstanding holiday entitlement before adoption leave begins or to use newly accrued holiday entitlement immediately after adoption leave ends. Any subsequent annual leave requests will be managed in accordance with the Council's standard procedures.

#### **4.5 Time off prior to Adoption**

It is recognised there may be courses and meetings which the employee may need to attend in relation to the adoption of a child. Where these take place within working time, the Council will grant reasonable paid time off for up to 5 adoption appointments after you've been matched with a child.

#### **4.6 Keeping in Touch**

During adoption leave, it is helpful for employees and managers to maintain contact. This ensures employees stay informed about workplace updates and allows employees to communicate any decisions about their return to work.

Employees can also work up to 10 Keeping in Touch (KIT) days during adoption leave without losing their adoption pay entitlements. This is different to keeping in contact as above, as it allows the employee to carry out "work".,

These days can include training, meetings, or other agreed activities. Employees do not need to work a full day, and a part of a day counts as one KIT Day. Payment will be made at the employee's normal rate for the hours worked, and managers must inform Payroll of the dates and times worked to ensure accurate payment.

The use of KIT days is entirely voluntary and must be agreed between the employee and their manager.

#### **4.7 Returning to Work**

All employees on adoption leave have the right to return to work, provided they meet the requirements outlined below. Requests from full-time employees to return on a part-time basis will be considered, subject to the needs of the service. Employees interested in this option should discuss it with their manager as early as possible.

Employees returning from OAL (26 weeks or less), are entitled to return to the same role they held before their leave.

If the total absence exceeds 26 weeks, employees will usually return to the same role. However, if it is not reasonably practicable, they will be offered an alternative role that is suitable and appropriate.

Employees wishing to return to work earlier than the end of their adoption leave must give at least 28 days' notice of their intended return date if they intend to return before the end of AAL or 7 days if they intend to return before the end of OAL.

If an employee cannot return to work due to health reasons, the usual sickness reporting procedures will apply. Any late return without prior agreement will be treated as unauthorised absence.

#### **4.8 Special Circumstances**

If the placement ends during the adoption leave period, employees are entitled to continue adoption leave for up to eight weeks (pro-rata for part-time employees) after the placement ends.

Employees should inform their manager of any special circumstances and discuss support or adjustments with Occupational Health if needed.

### **5 Shared Parental Leave**

Shared Parental Leave (SPL) gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 50 weeks' leave should they wish to do so.

If the mother or adopter has not used their full entitlement to maternity or adoption leave, they can opt into the SPL system, allowing unused leave to be shared with their partner.

Parents taking SPL can take the leave in one continuous period or in a number of discontinuous blocks, returning to work in between those blocks, and can take SPL at the same time as each other. SPL can also start when a partner is still on maternity or adoption leave providing that “binding” notice of the date they plan to end their maternity or adoption leave has been given.

SPL can be taken from two weeks after the birth or adoption up until the child’s first birthday (or 12 months of placement if an adoption), and must be taken in complete weeks, with a minimum of one week.

If the employee is eligible to receive it, Shared Parental Pay (SPP) may be paid for some, or all, of the SPL period.

## **5.1 Eligibility**

### **5.1.1 Eligibility for Shared Parental leave**

SPL is available to employees who:

- Share responsibility for the care of a child with their partner
- Are the child’s biological parent, or the spouse, civil partner, or partner of the child’s mother or adopter

### **5.1.2 Eligibility for Shared Parental leave**

Employees who are eligible for SPL may also be eligible for SPP

Current details on eligibility for both SPL and SPP can be found here [SPL ELIGIBILITY BIRTH PARENTS](#) or [SPL ELIGIBILITY ADOPTIVE SURROGATE PARENTS](#)

### **5.1.3 Notification**

Employees can submit up to three Shared Parental leave requests. Each request can be for:

*All forms referenced in this policy are available on the intranet.*

- (a) A single block of leave (minimum one week), or
- (b) Multiple blocks of leave with periods of work in between
- (c) Notification to change a period of shared parental leave that has previously been agreed

Employees can withdraw their requests within 15 days, and it won't count as one of their three allowed requests.

The mother or adopter must provide written notice to end their maternity or adoption leave/pay early (using form FFSHP1).

Employees must give at least eight weeks' written notice before the first SPL period, this will include a declaration confirming eligibility and consent to share leave. (This should be done using either form FFSHP2 (if they are the mother or primary adopter) or form FFSHP4 (if they are the partner of the mother or primary adopter))

If the mother or adopter does not wish to take any SPL and wishes their partner to take SPL, they should complete form FFSHP3

#### **5.1.4 Continuous Leave**

Employees can request a continuous period of leave (using form FFSHP5) (e.g., six consecutive weeks).

This leave must not exceed their total Shared Parental Leave (SPL) entitlement and requires at least 8 weeks' notice.

Continuous request will be approved as requested. Confirmation will be provided in writing.

#### **5.1.5 Discontinuous Leave**

Employees can also request discontinuous leave, (using form FFSHP5), which includes multiple periods of leave with breaks in between where they return to work (e.g., two weeks leave followed by two weeks at work until the entitlement for SPL is exhausted).

Managers will review such requests, considering both employee and business needs, and respond within 14 days.

If the request for discontinuous leave is declined, managers may suggest an alternative pattern which may be acceptable to the employee. Alternatively, the employee may choose to:

- Withdraw their request for discontinuous leave, providing this is done within 15 days of the original request this won't count as one of their three allowed SPL request.
- Take the leave as a continuous block starting on the originally requested date.

## **5.2 Pension Implications**

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL.

Employee contributions will be based on actual pay, while the Council's contributions will be based on Assumed Pensionable Pay (APP) for the whole period of absence. To do this, the Council will normally calculate the average of the pensionable pay an employee received in the three months before their pay reduces.

## **5.3 Holiday Implications**

Employees will continue to accrue holiday entitlement throughout their SPL. Employees may request to take some or all of their outstanding holiday entitlement before starting SPL or use any newly accrued holiday at the end of their SPL. Such requests should be made in writing and in line with the Council's procedures for requesting annual leave.

The Council reserves the right to require employees to take all or part of their outstanding holiday entitlement before SPL begins SPL ends. Any subsequent annual leave requests will be managed in accordance with the Council's standard procedures.

#### **5.4 Keeping in Touch**

During SPL, it is helpful for employees and managers to maintain contact. This ensures employees stay informed about workplace updates and allows them to communicate any decisions about their return to work.

Employees can work up to 20 shared parental leave keeping in touch days (SPLIT) days during their SPL period without affecting their leave entitlement. These days allow employees to carry out "work" such as training, attending meetings, or participating in departmental events.

SPLIT days are voluntary and must be agreed upon between the employee and their manager.

Employees will be paid based on actual hours worked at their normal rate of pay for the hours worked, inclusive of any Shared Parental Pay (SPP) entitlement.

Employees do not need to work a full day, and a part of a day counts as one SPLIT Day. Managers need to inform Payroll of any SPLIT days/hours the employee works so that payment can be made.

#### **5.5 Returning to work**

All employees taking SPL have the right to return to work, provided they follow the requirements outlined below.

Employees wishing to return to work earlier than their planned SPL end date, or to extend their leave, must notify their manager at least eight weeks before both the original end date and the new proposed end date.

Requests from full-time employees to return on a part-time basis or with adjusted hours will be considered, taking into account the needs of the service. Employees interested in this option should discuss it with their manager as early as possible. Any changes to working hours must be approved by the Council before the employee's return. If changes are not agreed in advance, employees can make a formal request under the right to request Flexible Working.

Employees returning from SPL, when the total absence (including any Maternity or Adoption Leave for the same child) is 26 weeks or less, are entitled to return to the same role they held before their leave.

If the total absence exceeds 26 weeks, employees will usually return to the same role. However, if it is not reasonably practicable, they will be offered an alternative role that is suitable and appropriate under the circumstances.

If an employee cannot return to work due to health reasons, the Council's usual sickness reporting procedures will apply. Any late return without prior agreement will be treated as unauthorised absence.

### **5.6 Special Circumstances**

If an employee is on shared parental leave and their child dies, they can still take their leave in full. They can also reduce the length of the leave or cancel it, if they wish. To do this, an employee should give at least 8 weeks' notice of the new end date, or 8 weeks' notice to cancel the period of leave that has not yet started

If an employee's child dies after they have given 'notice of entitlement' to take shared parent leave, they can take the leave they have already booked. If they have not yet given notice of entitlement when their child dies, they cannot book a period of shared parental leave.

Employees should inform their manager of any special circumstances and may discuss adjustments or support needs with Occupational Health.

## **6 Paternity (New Parent Support Leave)**

Paternity (New Parent Support Leave) provides employees with the opportunity to take time off work to support their partner following the birth or adoption of a child. Employees can take up to two weeks of leave, with eligible employees receiving a combination of full pay and statutory paternity pay (SPP) during this period.

## **6.1 Eligibility**

### **6.1.1 Eligibility for Paternity/New Parent Support Leave**

Employees are entitled to take up to two weeks of paternity / new parent support leave to care for a child or support their partner, the child's adopter, or a surrogate birth. If they are either

- the child's biological father
- the husband or partner of the mother (or adopter) this includes same-sex partners
- the child's adopter
- the intended parent (if having a baby through a surrogacy arrangement)

Leave can be taken as:

- One or two consecutive weeks.
- Two separate one-week blocks (not odd days).

### **6.1.2 Eligibility for Paternity /New Parent Support Leave**

## **6.2 Pay Entitlement**

Eligible employees will receive:

- One week at full pay
- One week at the statutory paternity pay (SPP) rate or 90% of average weekly earnings if lower.

Birth: Employees are eligible if they:

- Have at least 26 weeks of continuous service with the City Council by the 15th week before the expected week of childbirth (EWC).

Adoption within the UK: Employees are eligible if they:

- Have at least 26 weeks of continuous service with the City Council by the end of the week the adopter is formally matched with a child.

Adoption from Overseas: Employees are eligible if they:

- Have 26 weeks of continuous service with the City Council either by the week the official notification is issued, or by the start of their employment if it began after the official notification

Surrogacy: Employees are eligible if they:

- Have 26 weeks of continuous service with the City Council by the 15th week before the EWC
- Confirm their intent to apply for a parental order

In all cases employees must average weekly earnings above the National Insurance lower earnings limit to be eligible.

Employees do not have to have completed 26 weeks continuous service with the City Council if they are applying for the leave only.

### 6.3 Notification

Employees must submit the Paternity/ New Parent Support Leave Form (FFPAT1) and notice of the leave:

- By the 15th week before the EWC for birth and surrogacy.<sup>1</sup>
- Within seven days of an adoption match notification for UK adoption.
- Within 28 days of official notification for overseas adoption.

Employees must provide:

- The EWC or expected/actual placement date.
- The intended start date of leave.

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<sup>1</sup> From 28<sup>th</sup> February 2026, fathers and birth partners can give 28 days' notice, instead of 15 weeks if they are newly eligible because of the change in law on 6<sup>th</sup> April 2026 and the expected due date is between 5<sup>th</sup> April and 25<sup>th</sup> July 2026.

- Whether one or two weeks of leave will be taken.

Changes to the start date require at least 28 days' notice unless not reasonably practicable.

#### **6.4 Starting Paternity/New Parent Support Leave**

Leave can begin on:

- The day of the baby's birth, placement, or arrival in the UK (for overseas adoption).
- Any agreed date within the 52 weeks following the birth or placement.

#### **6.5 Time Off for Appointments**

2 days' unpaid leave may be taken to attend any appointments in connection with the child's birth or adoption.

#### **6.6 Link with Shared Parental Leave**

From 6<sup>th</sup> April 2026, the employee can take Paternity/New Parent Support Leave after Shared Parental Leave (see section 5). Prior to 6<sup>th</sup> April, the employee could not take any Paternity/New Parent Support Leave or Pay once they have taken any Shared Parental leave or pay.

#### **6.7 Special Circumstances**

For stillbirths after 24 weeks, employees are entitled to Paternity/New Parent Support Leave and pay. If a surrogacy or adoption arrangement ends unexpectedly, employees should consult their manager to discuss support options.

Employees should inform their manager of any special circumstances and may discuss adjustments or support needs with Occupational Health.

### **7 Unpaid Parental Leave**

Unpaid Parental Leave offers eligible employees the opportunity to take unpaid time off work to care for their child. Employees can take up to 18 weeks of leave per child

up to their 18<sup>th</sup> birthday, which can be used flexibly to support parenting responsibilities.

This entitlement is available to parents, adoptive parents, foster parents, step-parents, or others with formal parental responsibility. Employees have the right to return to work following their parental leave.

## 7.1 Eligibility

Unpaid Parental Leave is available to employees who:

- Are named on the child's birth or adoption certificate.
- Have, or expect to have, parental responsibility for a child.
- Have a child under 18 years of age.

The entitlement is for a total of 18 weeks' unpaid leave per child, which includes:

- Biological or adoptive parents.
- Foster parents, Step-parents, Grandparents, or others with **formal** parental responsibility.
- Multiple births, where each child is eligible for 18 weeks.

## 7.2 Notice

Employees must provide their manager with at least 21 days' written notice of their intention to take parental leave, using form FFUPL1. The notice should include:

- The intended start date.
- The duration of the leave.

In exceptional circumstances, where notice cannot be given, leave may be granted at the discretion of the Service Director in consultation with Human Resources.

## 7.3 Leave Periods

Parental leave must be taken before the child's 18th birthday and can be used flexibly, subject to service needs, in the following ways:

- A block of up to four weeks per child per year.

***All forms referenced in this policy are available on the intranet.***

- Single weeks.
- A pattern that provides part-time or reduced hours equivalent to four weeks per child per year.

#### **7.4 Postponements**

Requests for parental leave at or around the time of a child's birth or adoption cannot be postponed.

For other periods, leave may be postponed for up to three months for operational reasons. In such cases:

- The manager must provide written notice of the postponement within seven days of the request, including the reason for the delay and an alternative leave period within the next three months.
- Leave cannot be postponed beyond the child's 18th birthday.

The employee may use the grievance procedure if they wish to challenge a postponement decision.

#### **7.5 Pension Implications**

For unpaid leave of less than 15 days, pension contributions are automatically deducted through payroll based on lost pay.

For unpaid leave exceeding 14 days, employees can elect to pay contributions within 30 days of returning to work for the period to count towards their pension entitlement.

#### **7.6 Holiday Implications**

Employees will continue to accrue holiday entitlement throughout their unpaid parental leave.

### **8 Neonatal Care Leave**

Neonatal care leave allows parents to have additional time off to be with a baby who is receiving neonatal care.

The right to take neonatal care leave applies from the first day of work and eligible parents can take this once their child has been in neonatal care for at least 7 consecutive days.

### **8.1 Eligibility for neonatal care leave**

To be eligible for neonatal care leave, an employee's baby must begin receiving neonatal care within 28 days of their birth. This will start from the day after birth.

Parents who have shared or sole responsibility for a child are eligible. This includes if they are:

- the mother or birth parent
- the father
- married to, the civil partner of or partner of the mother or birth parent – this includes same-sex partners
- adopting a child, including fostering to adopt
- intended parents in a surrogacy

Each eligible parent will be entitled to a separate amount of leave.

This is additional to other types of parental leave and pay.

### **8.2 Amount of leave**

Parents are entitled to 1 week of leave for each week the baby is in care, up to a maximum of 12 weeks. This can be taken once the baby has been in care for at least 7 consecutive days.

No additional time is given, where more than one baby is admitted into neonatal care at the same time e.g. if twins both receive neonatal care at the same time.

If a parent is already on maternity leave or adoption leave, Neonatal Care Leave must be taken at the end of that entitlement.

Parents need to take the leave before the end of 68 weeks from the date of the child's birth.

### **8.3 Eligibility for neonatal care pay**

If an employee claims Neonatal Care Leave, they may also be able to claim Statutory Neonatal Care Pay (SNCP).

To get SNCP, the employee must have been continuously employed for at least 26 weeks up to the end of what's called the 'qualifying week'.

If the employee gets Maternity or Paternity Pay, the 'qualifying week' is the 15th week before the baby is due. If the employee gets Statutory Adoption Pay, it's the week they were told they'd been matched with the baby for adoption.

Otherwise, the 'qualifying week' is the week immediately before the baby enters neonatal care.

The employee must also:

- continue to be employed up to the week before they want the pay to start
- Have average weekly earnings above the National Insurance lower earnings limit

SNCP is payable for up to 12 weeks and employees will receive:

- The statutory rate or 90% of their average weekly earnings (whichever is lower)

### **8.4 Pension Implications**

For employees who are members of the Local Government Pension Scheme (LGPS) pension contributions will continue to be made during any period when the employee is receiving SNCP but not during any period of unpaid Neonatal Care Leave.

Employee contributions will be based on actual pay, while the Council's contributions will be based on Assumed Pensionable Pay (APP) for the period of absence. To do this, the Council will normally calculate the average of the pensionable pay an employee received in the three months before their pay reduces.

For periods of unpaid Neonatal Care Leave, employees will have the option to buy back lost pension through a scheme called 'Additional Pension Contributions (APC)'.

Payroll will write to employees on their return with details of any lost pension amount and the APC scheme.

For further details or support, please contact Payroll Services.

## **8.5 Holiday Implications**

Employees will continue to accrue holiday entitlement throughout their neonatal care leave.

The Council reserves the right to require employees to take all or part of their outstanding holiday entitlement before neonatal care leave begins or to use newly accrued holiday entitlement immediately after neonatal care leave ends. Any subsequent annual leave requests will be managed in accordance with the Council's standard procedures.

## **8.6 Notification**

The notice an employee must give will depend on when the leave is being taken.

### **Tier 1**

When the baby is still receiving care, including 1 week after the care has ended (known as tier 1 leave), employees should notify their manager before they are due to start work on the first day of leave (where practicable) and provide updates on a weekly basis. This can be done via phone.

If the baby is likely to be in neonatal care for a long time, your manager may agree that you can contact them less frequently.

Employees must tell their manager the date the baby leaves neonatal care as soon as possible.

If the employee is not able to contact the manager on the first day, they must do this as soon as possible after. For all periods of leave a declaration should be completed within 28 days, in addition to any initial notification. This form is available at:

[Neonatal Care Pay and Leave: How to claim - GOV.UK](#)

While the baby is in neonatal care, or up to a week after leaving, the employee can take leave in separate blocks of at least one week at a time.

## Tier 2

If the employee is taking leave after the baby has received the care and before the end of 68 weeks from the date of the child's birth (known as tier 2 leave), the manager needs to be informed in writing at least 15 days before the start date. If the employee is taking 2 or more weeks' leave, the employee must tell their manager in writing at least 28 days before the leave starts. The NEO3 form available at .gov.uk should be used for this purpose. [Neonatal Care Pay and Leave: How to claim - GOV.UK](#)

Tier 2 leave must be taken as consecutive weeks. This means the time off must be taken in one block and cannot be split.

If the child starts receiving neonatal care again, after the employee has informed their manager that the care has ended, the employee must update their manager and provide the new start and end dates in accordance with the notification requirements above.

Further details can be obtained on the government website: [Neonatal Care Pay and Leave: Check if you're eligible - GOV.UK](#)

## 9 Bereaved Partner's Paternity Leave

Bereaved partner's paternity leave allows some fathers and partners time off work, if their partner dies. The law is the Bereaved Partner's Paternity Leave Regulations 2026<sup>2</sup>.

It can be used when someone dies within the first year of their child's life or adoption. The person who has died must be either:

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<sup>2</sup> This is a new law. It applies from 6<sup>th</sup> April 2026

- the mother or parent who gave birth
- the primary adopter
- an intended parent having a baby through surrogacy

### **9.1 Amount of leave**

The father or partner can take up to 52 weeks' unpaid leave to care for their child. They can choose the amount of time. They must take it in one block.

In most cases, they must take the leave within 52 weeks of either:

- the child's birth – including intended parents in a surrogacy
- the child's adoption placement
- the child's entry to Great Britain for overseas adoptions

There's an exception, if the death happens less than 14 days before the end of the 52 weeks. The father or partner can still take 14 days' leave.

### **9.2 Eligibility**

The father or partner must have responsibility for bringing up the child.

They must be at least one of the following:

- the child's father
- married to, the civil partner or partner of the mother or parent who gave birth
- married to, the civil partner or partner of the primary adopter

This includes same-sex partners.

Someone who separated from their partner can still take this leave. They must have ongoing responsibility for bringing up the child.

### **9.3 Notification**

The employee taking the leave should notify their Manager or HR as soon as they can.

If it is less than 8 weeks since their partner died, the leave can start straight away and they can notify the Manager or HR verbally or in writing.

If it is more than 8 weeks since their partner died, the employee must give at least 1 weeks' notice before they start the leave, in writing.

The notice should include:

- The date their partner died
- The date they will start their bereaved partner's paternity leave

For birth and surrogacy the notice should include the date of the child's birth.

For UK adoptions the notice should include the date the adoption placement started

For overseas adoptions the notice should include the date the child entered Great Britain

If it's less than 8 weeks since the death, they must also say how much leave they're taking. They do not need to do this straight away. They must confirm this in writing within 8 weeks and at least a week before the return date.

If it's more than 8 weeks since the death, they must also confirm in writing:

- their relationship with the child
- that they have cared for or intend to care for the child
- the date they plan to return to work

HR will write to the employee to confirm the arrangements regarding their leave.

#### **9.4 Link with other leave**

If an employee is entitled to other types of leave, they could add the bereaved partners paternity leave to it. This might give them more time off to care for their child.

They can add it before or after the other leave.

Other types of statutory leave are:

- paternity leave
- shared parental leave
- ordinary parental leave
- neonatal care leave

## **9.5 Changing or cancelling leave**

### **9.5.1 Changing the start date**

If the employee wishes to change the start date of their leave and it is still less than 8 weeks after the partner's death, they should tell their Manager or HR the new start date either verbally or in writing.

If it's more than 8 weeks after their partner's death, they must tell their Manager or HR in writing and give at least 1 weeks' notice, before the new start date.

### **9.5.2 Cancelling the leave**

To cancel the leave, the employee must tell their Manager or HR in writing before the leave is due to start. For example, in a letter or email. They must give at least 1 weeks' notice, if the agreed start date is more than 8 weeks after the death.

### **9.5.3 Changing the return date**

Sufficient notice must be given if the employee wishes to change the date on which they return to work. See section 9.11.1

## **9.6 If the child also dies or an adoption ends**

A father or partner who would have been entitled to bereaved partner's paternity leave can still take up to 8 weeks if:

- their child also dies
- their adoption placement ends – for example the child is returned to the adoption agency
- there's a problem with their parental order for surrogacy and there's no time to appeal or reapply – for example they do not apply in time, or their parental order is refused or withdrawn

This right applies if they have not already taken bereaved partner's paternity leave for the same child.

If someone's child dies, they might also be entitled to [Parental Bereavement Leave](#).

### **9.7 Confidentiality**

Managers must keep information about the employee's situation confidential. Managers can only tell others if the employee makes it clear they can share it.

### **9.8 Other support**

Managers should inform the employee of the other support available to them. This includes the Employee Assistance Programme. Details of which can be found on the intranet site or on Employee Self Service. Managers can contact their HR Business Partner for further information.

### **9.9 Holiday Implications**

Employees will continue to accrue holiday entitlement throughout their bereaved partner's paternity leave. Employees may request to take some or all of their outstanding holiday entitlement before starting their bereaved partner's paternity leave or use any newly accrued holiday at the end of their leave. Such requests should be made in writing to the employees' manager.

The Council reserves the right to require employees to take all or part of their holiday entitlement immediately after their bereaved partner's paternity leave ends. Any subsequent annual leave requests will be managed in accordance with the Council's standard procedures.

### **9.10 Keeping in touch**

During bereaved partner's paternity leave, it is helpful for employees and managers to maintain contact. This ensures employees stay informed about workplace updates and allows employees to communicate any decisions about their return to work.

Employees can also work up to 10 Keeping in Touch (KIT) days during their bereaved partner's paternity leave. This is different to maintaining contact as laid out above. KIT days allows the employee to carry out "work".

These days can include training, meetings, or other agreed activities. Employees do not need to work a full day, and a part of a day counts as one KIT Day. Payment will be made at the employee's normal rate for the hours worked.

The use of KIT days is entirely voluntary and will be agreed between the employee and their manager. Managers must advise Payroll of KIT days/hours worked whilst employees are on bereaved partners paternity leave and keep a log of those, ensuring they do not exceed the 10 days in total.

### **9.11 Returning to work**

Employees who take bereaved partner's paternity leave only and do not combine this with any other type of leave, have the right to return to the same role as they held before their leave.

Employees who take bereaved partner's paternity leave and another type of leave, such as, paternity (new parental support leave), parental leave or neonatal care leave, may return to the same role they held before their leave, if they have taken a total of 26 weeks or less.

If the employee takes more than 26 weeks leave, they will usually return to the same role. However, if it is not reasonably practicable, they will be offered an alternative role that is suitable and appropriate.

Employees returning to work after bereaved partner's paternity leave, have the right to request flexible working as set out in the Flexible Working Request Policy.

#### **9.11.1 Changing return to work date**

If an employee wishes to change their return to work date they must write to their manager, giving the appropriate notice.

If the return date is less than 8 weeks since the death of their partner, the employee must give at least 1 weeks' notice. If the return date is more than 8 weeks since the death of their partner, the employee must give at least 8 weeks' notice.

The relevant amount of notice must be given before both the old return date and the new return date.

If the correct notice is not provided the Council may postpone the date of return to enable necessary operational arrangements, up to the earliest date that the employee could have given, with the correct amount of notice.

If an employee cannot return to work due to health reasons, the usual sickness reporting procedures will apply. Any late return without prior agreement will be treated as unauthorised absence.

## **10 Special Leave for Foster and Kinship Carers**

The Council recognises the vital contribution made by foster carers and approved kinship carers to the lives of children and young people in care and are committed to supporting employees undertaking this role alongside their work for the Council.

Foster carers and kinship carers may need to take time off work to help any child in their care to settle into their new environment. They may also need time off to attend training courses, meetings with professionals or other appointments related to their position as a carer.

If time off is required to attend training or meetings, or to care for any child under their care, employees may request special leave.

### **10.1 Eligibility**

All employees with a minimum of 6 months' continuous service who meet one of the following criteria can request special leave under this policy:

- are applying to become a foster carer or approved kinship carer;
- are an approved foster carer or kinship carer with an active placement;
- or have had a child in placement for at least 75% of the past 12 months.

## **10.2 Amount of special leave employees can take**

The Council will support employees with up to 5 days paid time off, subject to service needs for:

- Assessment and initial training prior to approval
- Attendance at approval panel
- Child review meetings, annual foster carer reviews, and ongoing training
- Placement of a child

Leave must be agreed in advance with the employee's line manager and will be considered on a discretionary and pro rata basis, taking into account the individual circumstances and operational requirements.

If an employee is caring for more than one foster child, they do not have a separate entitlement to special leave, under this policy, for each child.

## **10.3 Requesting time off**

Employees should submit requests for leave in writing to their line manager, clearly stating, the reason for the absence, the amount of leave requested, and any relevant supporting information.

It is recognised that employees may need a longer period of time off work that goes beyond the special leave under this policy. In such cases, the employees' Director may agree additional time off work in accordance with the Compassionate and Carers Leave Policy or Unpaid Leave Policy.

Once agreed, the line manager should record the leave using the appropriate option on iTrent People Manager.

## **10.4 Flexible working arrangements**

Flexible working can help navigate the challenges of foster caring while also working.

If an employee feels that they would benefit from a permanent change to their working arrangements to help balance work and caring responsibilities, they are encouraged to look at the Flexible working request policy.

If the option to work flexibly on a temporary (rather than permanent) basis may be enough to balance work and foster caring responsibilities, this can be considered. This could include working from home, hybrid working or changing start and finish times temporarily, where operationally practicable.

## **11 Links to other policies and procedures**

- Working Flexibly – Our Approach
- Homeworking Policy
- Flexible working request policy
- Unpaid Leave Policy
- Compassionate and Carers Leave Policy