



Fremington Parish Council Maternity Policy (Including Paternity, Adoption and Parental Leave Policies)

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Maternity Policy

1 Definitions

The following definitions are used in this policy:

- "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth.

2 To Whom This Policy Applies

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

3 Notification Requirements

An employee shall notify the Parish Clerk in writing at least 28 days before her absence begins or as soon as is reasonably practical:

- That she is pregnant;
- Of the EWC, providing a copy of form MATB1 as supplied by a registered medical practitioner; and
- The date on which she intends to start her maternity leave.

An employee can change her notified start date as long as she gives 28 days' notice or as soon as is reasonably practical.

4 Health and Safety

On receipt of written notification from an employee that she is pregnant, the Parish Clerk should carry out a risk assessment. The employee and relevant manager should be fully informed of any risks identified. The manager and employee have an ongoing responsibility to monitor any potential risks that may be present.

5 Ante-Natal Care

Any pregnant employee has the right to a reasonable amount of paid time off to attend ante-natal appointments made on the advice of a registered medical practitioner, which may include relaxation classes and parent-craft classes. Employees must produce evidence of appointments if requested to do so.

6 Sickness

Periods of pregnancy-related sickness absence shall be paid in the same manner any other sickness absence. Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

7 Maternity Leave

7.1 Ordinary and Additional Maternity Leave

All women, regardless of their length of service, are entitled to 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML) providing a right to one year's maternity leave in total.

Maternity leave shall commence no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier. From the beginning of the fourth week before the EWC, a woman's maternity leave may be triggered if she is absent due to a pregnancy-related illness.

8 Maternity Pay

8.1 Less Than One Year's Continuous Service

Payments for employees who have less than 1 year's continuous local government service at the beginning of the eleventh week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA).

Statutory maternity pay (SMP) will be payable if the employee has been employed continuously for at least 26 weeks ending with the 15th week before the EWC, and has an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

SMP is payable for 39 weeks; for the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings whichever is the lower.

Women who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, paid by the Benefits Agency, for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth.

Details of the current rates of Statutory Maternity Pay and Maternity Allowance may be found on the government's website www.gov.uk

8.2 More Than One Year's Continuous Service

Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:

First six weeks of absence:

The employee will be entitled to nine-tenths of a week's pay. This will be offset against payments made by way of SMP (or Maternity Allowance [MA] for employees not eligible for SMP). This means that any SMP or MA payments will

not be paid in addition to the nine-tenths of a week's pay; instead the higher of these amounts will be paid.

Weeks 7 – 52 of absence:

An employee who declares in writing that she intends to return to work will, for the subsequent 12 weeks' absence, receive half a week's pay. She will also receive SMP, if eligible to do so, and the only reason that any deduction will be made is if the combined pay and SMP (or MA and any dependent's allowances if the employee is not eligible for SMP) exceeds her contractual full pay.

As an alternative to the twelve weeks' half pay the equivalent amount (i.e. 6 weeks' pay) may be paid over any other mutually agreed distribution.

The twelve weeks' half pay (or equivalent payment) made by the authority during maternity leave is made on the understanding that the employee will return to local authority employment for a period of at least three months. In the event that she does not do so, she will be required to refund the monies paid. This may be varied at the discretion of the Council if there is good reason to do so. Payments made to the employee by way of SMP are not refundable.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (which currently ends after 39 weeks in total), where eligible. Once the SMP payments have ended any remaining maternity period will be unpaid.

If you become eligible for a pay rise before the end of your maternity leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

For employees not intending to return to work, payments during their maternity leave period following the first 6 weeks will only be their entitlement to SMP (currently ending after week 39), where eligible.

9 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Employee Contributions During Maternity/Paternity/Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.
- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

Employer Contributions During Maternity/Paternity/Adoption Leave

The Parish Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Parish Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Parish Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Parish Clerk of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Parish Council voluntarily agrees to contribute to the APC.

10 Continuous Service

Maternity leave counts as continuous service for statutory and contractual purposes.

11 Leave During Maternity Leave

11.1 Annual Leave

Annual leave continues to accrue during maternity leave.

11.2 Bank/Public Holidays

Bank/public holidays continue to accrue during maternity leave.

11.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to maternity leave being taken. Where taking maternity leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

11.4 Treatment of Leave Where a Woman Changes Her Hours after Maternity Leave

If an employee changes their hours after taking maternity leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

For an example of calculating this, see Appendix A.

12 Returning To Work

12.1 Your rights when you return

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been if you had not been absent.

12.2 Returning to work part-time

We will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. You have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in our flexible working policy.

12.3 Notification requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify her employer that she is returning to work if she is going to do so before the end of her maternity leave. Otherwise, the employee simply returns at the end of her maternity leave. However, as the return to work impacts on the half pay element of the Green Book maternity pay, a manager can ask the employee to inform them if they intend to return to work. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

12.4 Early return

If an employee wishes to return early or on a different date than they had previously notified, they must give 21 days' notice.

12.5 Keeping In Touch

A woman can do up to 10 days' work during her maternity leave, in agreement with her manager, without bringing her maternity leave to an end. Working for part of a day will count as one day. A woman will not lose any SMP (Statutory Maternity Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on maternity leave. If you do not wish to be contacted, please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

Paternity Policy

13 To Whom This Policy Applies

An employee has a statutory entitlement to take paternity leave for the purpose of caring for a child or supporting the child's mother in the first few weeks following the birth.

14 Paternity Leave (PL) and Maternity Support Leave (MSL)

14.1 Eligibility Criteria

To qualify for paternity leave the employee must satisfy the following. They must:

- Be the father of the child, or be married to or be the partner of the child's mother;
- Have or expect to have responsibility for the upbringing of the child; and
- Have 26 weeks' continuous service with the Council by the end of the fifteenth week before the expected week of childbirth (EWC).

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either adoptive parent may take paternity leave where the other adoptive parent has qualified and elected to take adoption leave.

14.2 Paternity Leave (PL)

An employee who meets the qualifying criteria is entitled to two weeks' Paternity Leave.

An employee can take either one week or two consecutive weeks' Paternity Leave, paid at the current Statutory Paternity Pay (SPP) rate. It must be taken within 56 days after the child is born or adopted. Employees must take this leave in full weeks, i.e. either one or two weeks' leave.

14.3 Maternity Support Leave (MSL)

Paragraph 7.6 of Part Two of the Green Book provides a right to Maternity Support Leave (MSL) of one week. This is provided for the child's father, or the partner or nominated carer of an expectant mother at or around the time of birth. There is no qualifying service requirement for this right.

Maternity Support Leave replaces one week of Statutory Paternity Leave; during this time any SPP is topped up to full pay. Therefore an employee who would otherwise have been entitled to two weeks' Statutory Paternity Leave will be entitled to one week's Maternity Support Leave (during which Statutory Paternity Pay will be topped up to full pay) and one week's Statutory Paternity Leave (during which they will receive Statutory Paternity Pay).

14.4 Notification Requirements for Paternity Leave and Maternity Support Leave

Before Paternity Leave starts

The employee must provide the following in writing by the end of the fifteenth week before the expected week of childbirth. If this is not possible, notice must be provided as soon as is reasonably practical:

- The expected week of childbirth (EWC);
- Whether they intend to take one or two weeks' leave;
- The date the employee wishes to take their leave, as discussed with their manager.

If requested, the employee must also provide a copy of the mothers MATB1 as well as providing the employer with a signed declaration confirming they are:

- The baby's biological father, married to or in a civil partnership with the mother, or living with the mother in an enduring family relationship, but are not an immediate relative; and
- Will be responsible for the child's upbringing and will take time off work to support the mother or care for the child.

After the birth

The employee must also inform the employer of the date the child was born, as soon as is reasonably practical after the child's birth.

15 Ante-natal Care

Expectant *fathers*, and partners of pregnant women have the right to unpaid time off to attend two *antenatal appointments* with the expectant mother, with a maximum statutory entitlement of 6 ½ hours' time off for each appointment. They must produce evidence of appointments if requested to do so.

16 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Employee Contributions During Maternity/Paternity/Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.

- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

Employer Contributions During Maternity/Paternity/Adoption Leave

The Parish Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Parish Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Parish Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Parish Clerk of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Parish Council voluntarily agrees to contribute to the APC.

17 Continuous Service

Paternity leave and Maternity Support leave will count as continuous service for statutory and contractual purposes.

18 Annual Leave and Bank/Public Holidays

Annual leave and Bank/Public holidays will continue to accrue during paternity leave and Maternity Support leave.

Adoption Policy

19 To Whom This Policy Applies

This policy applies to all Council employees seeking to adopt a child from approved Adoption Agencies.

The right to adoption leave is available to men and women (whether married or single) who adopt a child through an approved adoption agency. Where a couple jointly adopts a child, only one of them (known as the primary adopter) will be entitled to take adoption leave (the couple can choose which). The other adoptive parent (known as the secondary adopter) will normally be entitled to take Statutory Paternity Leave, provided that he or she meets the relevant statutory criteria.

20 Adoption Leave

All employees, regardless of their length of service, are entitled to 26 weeks of Ordinary Adoption Leave and 26 weeks Additional Adoption Leave (subject to providing the sufficient evidence as per below).

Adoption leave can start:

- up to 14 days before the date the child starts living with the adopter (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if the employee has used a surrogate to have a child)

An employee can change their mind about when they start their leave, provided they give sufficient notice. They must inform their manager of the new date 28 days before the date they now wish their leave to start, or as soon as is reasonably practical.

21 Adoption Pay

Payments for employees shall be the employee's entitlement to Statutory Adoption Pay (SAP), where eligible.

Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of employees average weekly earnings for the first 6 weeks
- SAP or 90% of employees average weekly earnings (whichever is lower) for the next 33 weeks

This provision is the statutory entitlement. Details of the current rates of Adoption Pay may be found on the government's website www.gov.uk

22 Eligibility Criteria

To qualify for adoption, pay an employee must:

- Have 26 weeks' service by the notification week; and
- Be the child's adopter, i.e. have been matched with the child for adoption. A person is matched with a child when an adoption agency decides that they would be a suitable adoptive parent for the child.

The notification week is the week in which the employee is informed by the adoption agency that they have been matched with a child.

The employee needs to have agreed with the adoption agency that the child should be placed with them and the date the placement should occur and provide the Council with the appropriate notice and evidence of entitlement.

23 Notification Requirements

Within 7 days, or as soon as possible after the day the employee receives notification from the adoption agency that they have been matched with a child, an employee must inform the Parish Clerk in writing of the following:

- the date the child is expected to be placed with them for adoption;
- the date the employee has chosen to start their leave and pay.

24 Evidence

In order to receive adoption pay and leave, the employee must provide the Parish Clerk with either a matching certificate and/or a letter from the adoption agency which shows the following:

- the name and address of the adoption agency;
- the employee's name and address;
- the date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement, and;
- the date the employee was informed that the child would be placed with them.

Where an employee is entitled to Statutory Adoption Pay (SAP) they must provide a signed declaration that they have elected to receive SAP and not statutory paternity pay (SPP).

25 Adoption Appointments

The main adopter has the right to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

26 Leave During Adoption Leave

26.1 Annual Leave

Annual leave continues to accrue during adoption leave.

26.2 Bank/Public Holidays

Bank/public holidays continue to accrue during adoption leave.

26.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to adoption leave being taken. Where taking adoption leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

27 Continuous Service

Adoption leave counts as continuous service for statutory and contractual purposes.

28 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Employee Contributions During Maternity/Paternity/Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.
- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

Employer Contributions During Maternity/Paternity/Adoption Leave

The Parish Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Parish Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can, if they wish, choose to enter into an

age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Parish Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Parish Clerk of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Parish Council voluntarily agrees to contribute to the APC.

29 Returning to Work

29.1 Notification Requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of the adoption leave. Otherwise, the employee simply returns at the end of the adoption leave. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

29.2 Early Return

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

29.3 Keeping in Touch

An employee can do up to 10 days' work during their adoption leave, in agreement with their manager, without bringing their adoption leave to an end. Working for part of a day will count as one day. An employee will not lose any SAP (Statutory Adoption Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employee whilst they are on adoption leave. If you do not wish to be contacted please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on adoption leave.

Parental Leave Policy

30 Parental Leave

Parental leave is unpaid. You are entitled to 18 week's leave for each child and adopted child up to their 18th birthday. The limit on how much parental leave you can take in a year is 4 weeks for each child (unless otherwise agreed). You must take parental leave in whole weeks and not individual days (unless otherwise agreed or your child is disabled), you do not have to take all the leave at once, a week equals the length of time you would work in a normal 7 day week. To be eligible to take parental leave you must:

Have worked for the Council for more than a year
Be named on the child's birth or adoption certificate
You have/expect to have parental responsibility
You are not self-employed, an agency worker or contractor
You are not a foster parent (unless you have secured parental responsibility through the courts)
The child is under 18

Proof such as a birth certificate may be required, employees must give 21 days' notice before the intended start date and you must confirm the start and end date in your notice.

31 Shared Parental Leave (SPL and Statutory Parental Pay (ShPP))

Both parents must share the main responsibility for the care of the child at the time of birth/placement for adoption. Up to 52 weeks' leave and 39 weeks' pay can be shared between the two parents if the mother brings their maternity/adoption leave and pay to an early end. SPL must end no later than one year after the birth/placement of the child.

The available shared parental leave is calculated by deducting from 50 the number of weeks of SMP, SAP or MA taken by the mother. The two weeks leave the mother must take are not included in this calculation.

The available Statutory Shared Parental Pay is calculated by deducting the number of weeks' statutory maternity/adoption pay the mother has received on their return to work or the leave curtailment date from 37 weeks. The two weeks leave/pay the mother must take are not included in this calculation.

To qualify for SPL a mother must:

- Be entitled to either maternity/adoption leave or to statutory maternity/adoption pay or maternity allowance
- Have curtailed or given notice to reduce, their maternity/adoption leave, or their pay/allowance.

A parent intending to take SPL must:

- Have been employed for at least 26 weeks

- Share the primary responsibility for the child with the other parent at the time of birth or placement for adoption
- Have properly notified their employer of their entitlement and have provided necessary declaration and evidence.
- During the 66 weeks before the week the baby is due or the week you are matched for adoption your partner must have been working for at least 26 weeks and have earned at least £390 in total in 13 of the 66 weeks. Your partner does not have to be working at the date of birth or when you start SPL or ShPP.

To qualify for ShPP you must be an employee and either eligible for statutory maternity/adoption pay or eligible for statutory paternity pay and your partner is eligible for statutory maternity/adoption pay.

You can start SPL or ShPP once the child has been born or placed for adoption, the mother/adopter must end any maternity or adoption leave by returning to work, give their employer “binding notice” (a decision that cannot normally be changed) of the date when they plan to end any maternity or adoption leave. You must also end any maternity/adoption pay.

ShPP is paid at the rate of £139.58 a week or 90% of your average weekly earnings, whichever is lower.

You can book up to 3 blocks of SPL instead of taking it all in one go even if you aren't sharing the leave with your partner. If you wish to take SPL or ShPP you must inform your employer in writing. If you wish to make any changes to how much SPL or ShPP you plan to take you must inform your employer at least 8 weeks before the start of any leave. Your partner must apply to their employer if they also want SPL or ShPP. If further information is required, such as a copy of the birth certificate or the date you were match with a child for adoption, we will request this information within 14days of the date of your request

Parental Bereavement Leave and Pay

1. Introduction

Fremington Parish Council is committed to supporting employees through a period of grief and will ensure that bereaved parents can take parental bereavement leave. Fremington Parish Council will also take additional steps to help and support staff during times of bereavement which will be considered on an individual basis and may include a flexible return to work for example.

Parental Bereavement Leave provides up to two weeks' leave for employees following the loss of a child, on or after 6 April 2020, who was under the age of 18 or a stillbirth after 24 weeks of pregnancy.

1.1 Parental Bereavement Leave

In order to qualify for parental bereavement leave and pay, the employee must be either:

- the child's legal parent; or
- a parent's partner, in an enduring family relationship with the child who has passed away and their parent; or
- an individual with a caring relationship to the child, such as a "parent in fact", who are defined as a person who for a continuous period of at least four weeks before the child's death has lived with the child in the person's home, and had day to day responsibility for the child's care (provided they are not paid for that role, foster payments excepted); or
- the "intended parent" of a child who has passed away, i.e. a parent using a surrogate; or
- the "natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent; or
- the adopter of a child who has passed away.

All employees, who are eligible as above, are entitled to 2 weeks' parental leave regardless of their length of service.

The two weeks' leave can be taken, either as one block or in two one-week blocks. The leave may be taken at any time within 56 weeks of the child's death.

1.2 Notification requirements

If the employee wishes the leave to start within 56 days of the child's death, notice should be given to the Executive Officer or duly authorised Deputy before the day the employee wishes the leave to start, or where that is not possible as soon as is reasonably practicable.

Employees should give the Executive Officer or duly authorised Deputy at least one week's notice if they wish the leave to start after the 56-day period.

When giving notice the employee must tell the Executive Officer or duly authorised Deputy:

- the date on which the employee intends the leave to start,
- whether the period of absence is for one week or two weeks, and
- the date of the child's death,

1.3 Cancellation of Parental Bereavement Leave

If an employee has asked to begin parental bereavement leave within the first 56 days of the date of the child's death, they can cancel the parental bereavement leave, as long as they inform the Executive Officer or duly authorised Deputy prior to when they would have been due to start work.

If an employee has asked to begin parental bereavement leave more than 56 days after their child's death, then they can cancel their request for parental bereavement leave, as long as they inform the Executive Officer or duly authorised Deputy at least one week in advance.

Employees cannot cancel any week of parental bereavement leave that has already begun. Any cancelled leave can be taken later by giving notice again.

1.4 Parental Bereavement Pay eligibility

In order to qualify for parental bereavement, pay employees must ask their employer in writing and meet the eligibility criteria as above and also have:

- at least 26 weeks' continuous service by the week before the week in which their child passes away, and still be employed by the Council on the day on which the child passed away;
- weekly average earnings over the lower earnings limit for National Insurance contributions in the eight weeks prior to the week before the child's death.

1.5 Parental Bereavement Pay

Parental bereavement leave will be paid at the Statutory Parental Bereavement Pay (SPBP) rate or 90 per cent of the average weekly earnings, whichever is the lower.

In order to receive parental bereavement pay, an employee must notify the Executive Officer or duly authorised Deputy in writing within 28 days of the start of the week's (or weeks') leave or, if that is not reasonably practicable, as soon as is reasonably practicable.

Notice must include the parent's name and the date of the child's death. Furthermore, on the first occasion leave is taken, the employee must also provide a written

declaration that they meet one of the qualifying conditions in terms of their relationship with the child.

Parental bereavement leave for employees who are not eligible for parental bereavement pay will be unpaid.

1.6 Continuous Service

Parental Bereavement Leave counts for the purpose of continuous service.

1.7 Returning to work following parental bereavement leave

- Employees have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.
- Employees are entitled to return to an alternative job that is suitable and appropriate, rather than the same job, if:
- the period of leave taken is more than 26 weeks, when added to other statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child; and
- it is not reasonably practicable for them to return to the same job.

This Policy will be reviewed every 3 years.

Adopted April 2015

Appendix A

Example:

A woman working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity leave. She requests to reduce her hours to 20 hours per week on her return to work and her employer agrees. The employer's annual leave year runs from 1 April to 31 March. Although she had used all the previous annual leave year's entitlement before taking maternity leave, she had not taken any of the current annual leave year's entitlement.*

Her maternity leave ends on 30 June. If her hours are changed with effect from 1 July, her accrued annual leave will be calculated as follows:

1 April to 30 June (when her working day was 7.4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 April to 30 June (3 months) = 6 days @ 7.4 hours = 44.4 hours

Plus

1 July to 31 March (when her average working day will be 4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 July to 31 March (9 months) = 18 days @ 4 hours = 72 hours