



# Parental Policy

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## Version control

This document is subject to regular review due to legislative and policy changes. The latest versions of all our publications can be found on our website. Before contacting us about the content of this document, we recommend that you refer to the most recent version on the website and any relevant guidance.

Version	Date approved	Approved by	Notes / changes
1.0	25/09/18	Cabinet	Maternity, Paternity, adoption, Parental and Shared Parental leave amalgamated into one policy. The policy is clear when it applies to NJC employees (non-teachers) and those on Teaching terms and conditions
1.1	19/06/20	Andrea Malam	Reformatting
1.2	31/05/25	Trade Unions	Neonatal leave and pay – new legislation

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# 1. Roles and responsibilities

## Denbighshire Leisure Ltd. (DLL)

For the purposes of interpretation of roles and responsibilities please see below:

Denbighshire County Council	Denbighshire Leisure Ltd
Head of Service	Managing Director / Executive Team Member
Director	Company Board Director
Senior Management Team	Company Executive Team
Section 151 Officer	Company Accountant
Monitoring Officer	Company Secretary

### Head of Service/Director

- To ensure all staff are aware of the parental policy and their obligations under it.
- Develop a culture where staff are encouraged to openly discuss their work life balance preferences.
- Ensuring a consistent and fair process is followed for staff.
- Support managers in carrying out their responsibilities under this policy.
- Consider requests for discontinuous Shared Parental Leave on a case by case basis in line with both employee and business needs.

### Councillors

- To encourage a culture of work life balance and engagement with this policy.
- To ensure the council's policies are in line with best practice and legislation.

### Line Managers/Supervisors

- Support individuals in their decisions for periods of leave when becoming new parents.

- Work collaboratively with staff to ensure their needs are met with regards to childcare, whilst also meeting business needs.
- Respond to requests for leave promptly, sensitively and in line with this policy.
- Ensure staff are fully aware of these procedures, as well as notice periods and information we expect to receive from them.
- Consistently apply the policy amongst all staff.
- Assist in developing a supportive culture.
- Undertake risk assessments for those employees who are pregnant, ideally through each trimester of their pregnancy.
- To ensure any employees on Maternity, Paternity, Adoption, Parental or Shared Parental Leave are kept as fully informed of changes or important matters as if they were still in the workplace (i.e. consultations etc.).
- To keep in touch with their employees when taking extended periods of absence.

## **Human Resources**

- Advise managers and employees on the process and policy.
- Ensure the policy and procedure are current and fair.
- Provide advice and guidance regarding support measures and accessing them.

## **Employees**

- To be discuss with their manager their needs as early on as possible.
- To be open with their manager to ensure that thorough risk assessments are carried out and temporary adjustments can be considered if needed.
- To comply with all the timescales set out as far as reasonably possible.
- To provide the information requested of them in a timely fashion.
- To work with managers to decide on work life balance support measures that suit both them and the business needs.
- To keep in touch with their manager when taking extended periods of absence.

## **Trade Union Representatives**

- To support their members/colleagues in line with this policy where requested.
- To make representations on their behalf and provide them with advice.

\*Please note that any lists contained within this policy are not exhaustive

## 2. Prior to Maternity Leave

### Timescales

When/Time	Action required
After 12 weeks pregnant or as soon as possible	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return.
After 20 weeks pregnant	Ask their Doctor or midwife for a maternity certificate (MATB1) showing when the baby is due. This must be the original MATB1.
During or before the 15th week before the EWC (Expected week of childbirth)	Complete the appropriate <a href="#">Application for Maternity Support Leave form</a> confirming when they intend to commence maternity leave. Within 28 days Payroll will confirm acknowledgement in writing.
After 29 weeks pregnant (11 <sup>th</sup> week before the EWC)	Commence maternity leave if they have chosen to do so
During maternity leave	If the employee wishes to return early (before 52 weeks) then 21 days' notice is required in writing to their Manager.
52 weeks from the beginning of the week in which maternity leave started	Latest time by which the employee has a right to return to their job.

### Maternity Leave

All pregnant employees are entitled to take up to one year's (52 weeks) maternity leave, regardless of length of service with the employer. This is made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. Additional Maternity Leave immediately follows Ordinary Maternity Leave and there must be no gap between the two.

All pregnant employees, regardless of their length of service, are entitled to a period of 26 weeks Ordinary Maternity Leave, providing that certain notification requirements are met;

To apply for Ordinary Maternity Leave, the pregnant employee must write to her manager before the end of the 15th week before the week her baby is due (around 25 weeks pregnant) confirming:

- That she is pregnant

- The expected week of childbirth as stated on MAT B1 certificate
- The date she intends to start her leave

## **Ordinary Maternity Leave**

Ordinary Maternity Leave can start no earlier than the beginning of the 11th week before the expected week of childbirth. A woman has a right to change the date she starts her maternity leave as long as she gives 28 days' notice to her employer. A woman has the right to work right up to the day of the birth if she wishes. However, if she is absent from work because of a pregnancy related reason in the four weeks before the expected week of childbirth, her maternity leave will start automatically from the first date of absence.

## **Additional Maternity Leave**

All pregnant employees have the right to an additional period of maternity leave. This additional period of leave begins at the end of Ordinary Maternity Leave, for 26 weeks totalling 52 weeks maternity leave.

## **Time off for Antenatal Care**

All pregnant employees, regardless of their length of service with the council, are entitled to reasonable paid time off to keep appointments for antenatal care made on the advice of a doctor, midwife or health visitor.

Except in the case of a first appointment to obtain a certificate, the woman must be prepared to show, on request from her employer, a certificate from a doctor, midwife or health visitor confirming that she is pregnant and also an appointment card or some other document showing that an appointment has been made.

Fathers and partners of pregnant women who are in a qualifying relationship are entitled to unpaid time off to attend two ante-natal appointments (up to a maximum of 6.5 hours per appointment).

Employees and agency workers who are considered to be in a qualifying relationship for the purposes of this new statutory right include:

- a pregnant woman's husband, partner or civil partner, i.e. if she's in a same-sex relationship
- the father of the child
- the parent of the child; and
- intended parents in a surrogacy situation who meet specified conditions

Intended parents in a surrogacy case who meet the conditions set out under the Human Embryology and Fertilisation Act 2008 will also have the right to unpaid leave to attend up to two antenatal appointments.



## **Averaging Maternity pay**

Employees eligible for Occupational Maternity Pay, i.e. the half pay element, are able to decide to have this money averaged out for the period of week 7 to 39. Statutory pay must be paid when it is due.

Please discuss this with Payroll, as this will affect your Tax and NI payments, and means that some staff will benefit from this option, but some staff will not.

## **Completing a Risk Assessment**

Managers should carry out a risk assessment for woman who are pregnant, as soon as possible. It may be that more than one risk assessment is required as employee progresses through the trimesters of pregnancy. This needs to be done in conjunction with the employee, and reasonable adjustment may need to be implemented to accommodate the employee's needs during her pregnancy. A risk assessment prior to returning should also be carried out.

All documents relating to risk assessments can be found on the Linc under Corporate Health and Safety.

- Risk Assessment
- Risk Assessment worked example
- Guide for new and expectant mothers who work

## **During Maternity Leave**

### **Entitlement to Maternity Pay**

Employees, both full and part-time and teaching and non-teaching, who are pregnant or have just given birth are entitled to a maximum of 39 weeks Statutory Maternity Pay (SMP) if:

- They have worked for their employer for a continuous period of at least 26 weeks ending with the qualifying week, which is 15 weeks before the expected week of childbirth.
- Their average weekly earnings in the eight weeks up to and including the qualifying week must have been at least equal to the lower earnings limit for National Insurance contributions.

Employees with less than 26 weeks of continuous service by the end of the 15<sup>th</sup> week before the expected week of confinement, or whose earnings are less than the minimum earnings limit for NI in the relevant period, do not qualify for SMP and instead may be entitled to Maternity Allowance instead. This is paid direct to the woman by the Social Security/Jobcentre Plus Offices. Employees will be issued with a SMP 1 form which confirms why they do not qualify, to enable them to approach the relevant agency to discuss entitlement to Maternity Allowance.

She must notify her employer in writing no later than the end of the 15th week before the week her baby is due, or as soon as reasonably practicable.

- That she is pregnant
- The expected week of childbirth as stated on MAT B1 certificate
- The date she intends to start her leave
- The date she intends to return (if averaging pay)

She can give notice for SMP at the same time as for Maternity Leave. To qualify for SMP only, she must give at least 28 days' notice of the date she expects her SMP to start as well as medical evidence of her pregnancy.

She can change her leave dates if she gives 28 days' notice.

### **What are the rates of Maternity Pay for NJC staff?**

The first six weeks of Statutory Maternity Pay are paid at 90% of the employee's average weekly earnings.

Qualifying employees then receive the next 12 weeks paid at ½ pay which is supplemented by SMP standard rate, or 90% of the woman's average weekly earnings if lower. To qualify for this ½ pay period, employees must have completed one full year Local Government Service at the 11th week before the Expected Week of Confinement.

The ½ pay must be paid back if employee does not return to work for a 3 month period following the end of her Maternity Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the expected week of confinement, but less than one year's service, will be paid the SMP standard rate, or 90% of the woman's average weekly earnings if lower, during those 12 weeks.

The remaining 21 weeks are paid at the SMP standard rate, or 90% of the woman's average weekly earnings, if lower.

### Over one year's NJC service table:

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 7 – 18	12 weeks half pay (if eligible) + standard rate SMP	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 19 – 39	21 weeks at standard rate SMP (or 90% of the employee's average weekly earnings if lower)	<i>Additional Maternity Leave period (week 27 – 52)</i>
Weeks 40 – 52	Unpaid	<i>Additional Maternity Leave period (week 27 – 52)</i>

### 26 weeks to one year's NJC service table

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 7 – 39	21 weeks at standard rate SMP (or 90% of the employee's average weekly earnings if lower)	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 40 – 52	Unpaid	<i>Additional Maternity Leave period (week 27 – 52)</i>

### What are the rates of Maternity Pay for Teachers?

Qualifying teachers are paid the first four weeks of Statutory Maternity Pay at 100% of the employee's average weekly earnings. To qualify, teachers must have completed one full year Local Government Service at the 11th week before the expected week of confinement.

Teachers then receive the next 2 weeks paid at 90% of their average weekly earnings.

The 12 weeks after this are paid at  $\frac{1}{2}$  pay plus SMP, unless to combination of the two amounts (SMP +  $\frac{1}{2}$  pay) exceeds full pay in which case there are deductions. This period is subject to the same qualifying rules as above, meaning the employee must have over one year's continuous service to receive this.

The remaining 21 weeks are paid at the SMP standard rate, or 90% of the woman's average weekly earnings, if lower.

The ½ pay element must be paid back if the teacher does not return to work for a 13 week period following the end of her Maternity Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the expected week of confinement, but less than one year's continuous service at the 11<sup>th</sup> week before the expected week of confinement will be paid the 90% of their average earnings for the first 6 weeks, and SMP standard rate, or 90% of the woman's average weekly earnings if lower, for the next 33 weeks.

#### **Over one year's Teachers service table:**

Weeks 1 – 4	4 weeks full pay (offset against payments made by way of SMP or MA)	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 5 – 6	90% pay (off-set by payments made by way of SMP or MA)	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 7 – 18	Half pay* without deduction except by the extent to which the combined pay and SMP (or MA) exceeds full pay	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 19 – 39	Statutory Maternity Pay	<i>Additional Maternity Leave period (week 27 – 52)</i>
Weeks 40 – 52	Unpaid (max 13 weeks)	<i>Additional Maternity Leave period (week 27 – 52)</i>

#### **26 weeks to one years' Teacher service table:**

Weeks 1 – 6	90% of average weekly earnings (off-set by payments made by way of SMP or MA)	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 7 – 39	Statutory Maternity Pay	<i>Additional Maternity Leave period (week 27 – 52)</i>
Weeks 40 - 52	Unpaid	<i>Additional Maternity Leave period (week 27 – 52)</i>

## **Pension Scheme**

Pension contributions will automatically continue to be deducted from Maternity pay during the period of paid Maternity Leave. This will be based on the amount of pay received by the employee during this time. The council will continue to make their employer contributions at the employee's usual rate of pay. During the period of unpaid Maternity Leave no pension will be paid, however, at the end of the maternity leave the employee can decide to pay contributions for the unpaid period.

This must be arranged in writing within 30 days of the employee returning to work after Additional Maternity Leave and the employer will provide details of the amount that the individual would have to pay back to cover the gap in pension contributions.

This is applicable to contributions to both the LGPS and Teachers Pensions.

## **Miscarriage and stillbirth**

Absence due to miscarriage or stillbirth before the start of their 24th week of pregnancy will be treated as normal sickness absence and the employee will be entitled to contractual sick pay.

If miscarriage or stillbirth occurs from after the start of their 24th week of pregnancy, the employee will be able to receive the same entitlements as if she had given birth to a live child.

## **Early births**

Maternity leave will start the day after the birth if the baby is born early.

## **Keeping in Touch Days (KIT Days)**

During the maternity leave period an employer may make reasonable contact with an employee, and in the same way an employee may make contact with her employer. The frequency and nature of the contact will depend on the circumstances such as, the nature of the work and the employee's post or changes at the workplace that might affect the employee on her return.

Employees may, by agreement with their employer, do up to ten days' work or training, known as 'Keeping in Touch Days' under their contract of employment during the maternity leave period. There is no obligation on either the employer to offer KIT days, or for the employee to work KIT days. However, KIT days can be used for work related training, normal day to day work, or appraisal interviews. The type of work that the employee undertakes on 'Keeping in Touch Days' and the payment will be by agreement between the employer and the employee prior to the start of maternity leave. KIT days will not include the two weeks immediately after the birth of the baby.

Work done on a KIT day will count as a whole keeping-in-touch day, regardless of the time actually worked.

## **Employment rights during Maternity Leave**

Employee rights are not affected during Maternity leave, meaning they continue to accrue their continuous service and annual leave. Please see the Annual Leave Guidance for Managers and Employees for details on accruing and taking annual leave during and after a period of maternity leave.

## **Returning from Maternity Leave**

An employee on maternity leave can return to work at the end of her maternity leave and does not normally need to inform her manager prior to the date of return. However, if she wishes to change the date of her return she should give at least 21 days' notice in writing. It is unlawful for a woman to return to work within 2 weeks of giving birth (4 weeks for factory workers).

At the end of Maternity Leave, an employee must return from Maternity Leave with their seniority, pension rights and similar rights as they would have if they had not been absent, regardless of whether any additional leave has been taken. This means that the whole of the Maternity Leave period must count, for example, for the purpose of accruing the service needed for an increase to annual leave, and service related pay increments.

If an employee does not return to work after her maternity leave, her absence should be regarded as unauthorised absence and the normal disciplinary rules would apply.

NJC and non-teaching school employees who do not return within 3 months must pay all ½ pay back to the council.

Teacher's terms and conditions state that ½ pay is to be paid back to the council if employee does not complete 13 weeks service (Including periods of school closure) on her return to duties.

## **Completing a risk assessment & breastfeeding**

Prior to returning, managers should complete a risk assessment with the employee. Consideration should be given to women who wish to continue to breastfeed during their return, as they must be able to express in a clean, safe, and quiet area with a fridge to store the milk. This may require implementing temporary reasonable adjustments. Employees who wish to express during the working day have the right to do so, but must clock out during this time.

All documents relating to risk assessments can be found on the Linc under Corporate Health and Safety. Risk Assessment

- Risk Assessment worked example
- Guide for new and expectant mothers who work

### 3. Paternity Leave

#### Timescales

When/time	Action required
As soon as they know their partner is pregnant, or matched with a child for adoption	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
During or before the 15th week before the expected week of childbirth / 7 days prior to placement	Inform Manager of intention to take paternity leave
28 days prior to expected week of childbirth / placement	Notify manager of intention to take paternity pay
2 weeks	Maximum time off; either 2 weeks Paternity leave (Teachers only) or 1 week Paternity and 1 week Maternity Support Leave (NJC/ Green Book staff only)

#### Paternity Leave

Paternity leave is for employees who have responsibility for bringing up the child, including the biological father, the mother's husband or partner (including same sex couples). To qualify, employees must have at least 26 weeks' continuous service by the end of the 15th week before the expected week of birth (or the week in which a match is made with a child for adoption) and continue to work for their employer until the baby's birth.

A qualifying employee can take either one or two consecutive weeks, beginning on any day of the week, to care for a new-born or adopted child and support the mother or adoptive parent. This cannot be taken as odd days and only one period of leave may be taken, even if the pregnancy results in more than one child.

The employee can choose to take paternity leave from the date of the baby's birth or later as long as leave is taken within 56 days of the birth. If the birth is premature, the leave can be taken within 56 days of the expected date of birth.

#### Paternity Pay

Statutory Paternity Pay (SPP) will be paid for the period of Paternity leave, providing the following apply:

- The employee has been in employment with the council for at least 26 weeks by the end of the 15th week before the due birth date.

- The employee's average weekly earnings are above the lower limit for National Insurance contributions

Employees must notify their employer of the day on which they expect to start their paternity leave and whether they wish to take 1 or 2 weeks leave, on or before the 15th week before the expected week of childbirth (or within 7 days of matching a child for adoption). If this is not possible, the employer must be notified as soon as is reasonably practicable. Employees must complete a self-certificate as evidence of their eligibility for paternity leave. The same procedure acts as evidence for paternity pay (certificates available from HR or [www.hmrc.gov.uk/forms](http://www.hmrc.gov.uk/forms) ).

For paternity pay, employees must notify their employer at least 28 days before they expect their pay period to start (or as soon as is reasonably practicable).

## **Stillbirth or Miscarriage**

Absences relating to parents wishing to take time off work to support their partner due to miscarriage or stillbirth before the start of the 24th week of pregnancy, will be treated as normal requests for leave (albeit the requests for such absences may be at short- notice) and the employee will need to take annual leave/flexi/TOIL/unpaid leave.

If miscarriage or stillbirth occurs after the start of the 24<sup>th</sup> week of pregnancy the employee will be entitled to receive paternity leave and pay as outlined above.

## **What is Maternity Support Leave?**

Please note that those on Teachers terms and conditions are not eligible for Maternity Support Leave.

Maternity Support Leave is for the husband/partner, civil partner/same sex partner or nominated carer of an expectant mother. A nominated carer is the person nominated by the mother as her primary provider of support at or around the time of birth and may be a relative or someone who has a caring relationship with the mother and/or child.

Eligible staff are entitled to one week's leave (pro-rata for staff working less than full-time) with full pay at or around the time of the birth. Requests for this leave should be made on the Maternity Support Leave form by staff and should be countersigned by the mother. These requests will need to be made as soon as possible, no later than the usual notice periods required for requesting annual leave.

## **Blending Paternity Leave and Maternity Support Leave**

Currently green book conditions allow 1 week Maternity Support leave (MSL) on full pay. Employees who qualify for both MSL and Paternity Leave will be entitled to one week's MSL at full pay and one week's Paternity Leave in accordance with the current rate of Statutory Paternity Pay (SPP), pro-rata for part-time staff. This can be taken as a single two-week block, or as two separate week- long blocks.



## Time off for Antenatal care

Fathers and partners of pregnant women who are in a qualifying relationship are entitled to unpaid time off to attend two ante-natal appointments (up to a maximum of 6.5 hours per appointment).

## 4. Adoption Leave

### Timescales

When/Time	Action required
As soon as they know they have been matched	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
During or before the 15th week before the expected date of placement	Complete the appropriate Application for Adoption Leave form confirming when they intend to commence adoption leave. Within 28 days Payroll will confirm acknowledgement in writing
28 days prior to placement/date of change	Employee needs to give 28 days' notice to change their adoption leave dates
14 days prior to placement	Commence adoption leave if they have chosen to do so
During adoption leave	If the employee wish to return early (before 52 weeks) then 21 days' notice is required in writing to their Manager.
52 weeks from the beginning of the week in which adoption leave started	Latest time by which the employee has a right to return to their job.

### Adoption Leave

Eligible employees who are matched with a child for adoption are entitled to take up to one year's (52 weeks) adoption leave. This is made up of 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave.

Where a couple adopt, only one will qualify for adoption leave and pay. The other will be able to take Paternity Leave if they meet the eligibility criteria.

The scheme does not apply to adoption by existing foster carers or step families.

### Ordinary Adoption Leave

All employees who adopt are entitled to a period of 26 weeks ordinary adoption leave and 26 additional adoption leave, regardless of length of service with the employer.

To take advantage of Ordinary Adoption Leave, the employee must inform the employer of their intention to take adoption leave when they are matched with a child producing documentation from the adoption agency stating:-

- The date they were notified of having been matched with the child
- The date on which the child is expected to be placed for adoption or the actual date of placement (if this has already happened) There must be no gap between Ordinary Adoption Leave and Additional Adoption Leave.

Ordinary Adoption Leave can start no earlier than fourteen days prior to placement. An employee has a right to change the date that Ordinary Adoption Leave is to start as long as 28 days' notice is given to the employer.

## **Additional Adoption Leave**

All employees have the right to an additional period of adoption leave. This additional period of leave for 26 weeks begins at the end of Ordinary Adoption Leave, totalling 52 weeks adoption leave.

## **Averaging Adoption pay**

Employees eligible for Occupational Adoption Pay, i.e. the half pay element, are able to decide to have this money averaged out for the period of week 7 to 39. Statutory pay must be paid when it is due. Please discuss this with Payroll, as this will affect your Tax and NI payments, and means that some staff will benefit from this option, but some staff will not.

## **Employment rights during Adoption Leave**

Employee rights are not affected during Adoption leave, meaning they continue to accrue their continuous service and annual leave. Please see the Annual Leave Guidance for Managers and Employees for details on accruing and taking annual leave and Adoption Leave.

## **During Adoption Leave**

### **Entitlement to Adoption pay**

The employee must notify their manager in writing no later than the end of the 15th week before the week the date of placement is due, or as soon as reasonably practicable, when they intend the adoption leave to begin. The employee can give notice for Statutory Adoption Pay at the same time as for Adoption Leave.

To qualify for Statutory Adoption Pay only, they must give at least 28 days' notice of the date they expect Statutory Adoption Pay to start as well as evidence of placement for adoption. Leave dates may be changed with 28 days' notice.

Employees, both full and part-time, and teachers and non-teachers, who are matched with a child for adoption and intend to take advantage of adoption leave are entitled to a maximum of 39 weeks Statutory Adoption Pay (SAP) if:

- They have worked for their employer for a continuous period of at least 26 weeks ending with the week in which they are notified of having been matched with the child.
- Their average weekly earnings must be at least equal to the lower earnings limit for National Insurance contributions.

Where possible, an employee must give at least 28 days' notice of the date on which they want their Statutory Adoption Pay to start.

An employee can change their mind about when they want their leave to start as long as they give at least 28 days' notice before the original date or the new date they want leave to start, whichever is the later.

An employee must notify the employer no later than the fourteen days before the date of placement, or as soon as reasonably practicable.

- That they are matched with a child for adoption from an adoption agency
- When the expected week of placement will be (in writing)
- When they intend the adoption leave to begin (in writing)

## **What are the rates of Adoption Pay for NJC staff?**

The first six weeks of Statutory Adoption Pay are paid at 90% of the employee's average weekly earnings.

Qualifying employees then receive the next 12 weeks paid at  $\frac{1}{2}$  pay which is supplemented by SAP standard rate, or 90% of their average weekly earnings if lower. To qualify for this  $\frac{1}{2}$  pay period, employees must have completed one full year Local Government Service at the 11th week before the date of adoption placement.

The  $\frac{1}{2}$  pay must be paid back if employee does not return to work for a 3 month period following the end of their Adoption Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the date of the adoption placement, but less than one year's service, will be paid the SAP standard rate, or 90% of their average weekly earnings if lower, during those 12 weeks.

The remaining 21 weeks are paid at the SAP standard rate, or 90% of their average weekly earnings, if lower.

### Over one year's NJC service table:

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 7 – 18	12 weeks half pay (if eligible) + standard rate SAP	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 19 – 39	21 weeks at standard rate SAP (or 90% of the employee's average weekly earnings if lower)	<i>Additional Adoption Leave period (week 27 – 52)</i>
Weeks 40 – 52	Unpaid	<i>Additional Adoption Leave period (week 27 – 52)</i>

### 26 weeks to one year's NJC service table

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 7 – 39	21 weeks at standard rate SAP (or 90% of the employee's average weekly earnings if lower)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 40 – 52	Unpaid	<i>Additional Adoption Leave period (week 27 – 52)</i>

### What are the rates of Adoption Pay for Teachers?

Qualifying teachers are paid the first four weeks of Statutory Adoption Pay at 100% of the employee's average weekly earnings. To qualify, teachers must have completed one full year Local Government Service at the 11th week before the date of adoption placement.

Teachers then receive the next 2 weeks paid at 90% of their average weekly earnings.

The 12 weeks after this are paid at  $\frac{1}{2}$  pay plus SAP, unless to combination of the 2 amounts (SAP +  $\frac{1}{2}$  pay) exceeds full pay in which case there are deductions. This period is subject to the same qualifying rules as above, meaning the employee must have over one year's continuous service to receive this.

The remaining 21 weeks are paid at the SAP standard rate, or 90% of their average weekly earnings, if lower.

The full pay and ½ pay elements must be paid back if the teacher does not return to work for a 13 week period following the end of their Adoption Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the date of adoption placement, but less than one year's continuous service will be paid the 90% of their average earnings for the first 6 weeks, and SAP standard rate, or 90% of their average weekly earnings if lower, for the next 33 weeks.

#### **Over one year's Teachers service table:**

Weeks 1 – 4	4 weeks full pay (offset against payments made by way of SAP)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 5 – 6	90% pay (off-set by payments made by way of SAP)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 7 – 18	Half pay* without deduction except by the extent to which the combined pay and SAP exceeds full pay	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 19 – 39	Statutory Adoption Pay	<i>Additional Adoption Leave period (week 27 – 52)</i>
Weeks 40 – 52	Unpaid (max 13 weeks)	<i>Additional Adoption Leave period (week 27 – 52)</i>

#### **26 weeks to one years' Teacher service table:**

Weeks 1 – 6	90% of average weekly earnings (off-set by payments made by way of SAP)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 7 – 39	Statutory Adoption Pay	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 40 - 52	Unpaid	<i>Additional Adoption Leave period (week 27 – 52)</i>

## **Pension Scheme**

Pension contributions will automatically continue to be deducted from Adoption pay during the period of paid Adoption Leave. This will be based on the amount of pay received by the employee during this time. The council will continue to make their employer contributions at the employee's usual rate of pay. During the period of unpaid Adoption Leave no pension will be paid, however, at the end of the adoption leave the employee can decide to pay contributions for the unpaid period.

This must be arranged in writing within 30 days of the employee returning to work after Additional Adoption Leave and the employer will provide details of the amount that the individual would have to pay back to cover the gap in pension contributions.

This is applicable to contributions to both the LGPS and Teachers Pensions.

## **Keeping in Touch Days (KIT Days)**

During the adoption leave period an employer may make reasonable contact with an employee, and in the same way an employee may make contact with their employer. The frequency and nature of the contact will depend on the circumstances such as, the nature of the work and the employee's post or changes at the workplace that might affect the employee on their return.

Employees may, by agreement with their employer, do up to ten days' work or training, known as 'Keeping in Touch Days' under their contract of employment during the adoption leave period. There is no obligation on either the employer to offer KIT days, or for the employee to work KIT days. However, KIT days can be used for work related training, normal day to day work, or appraisal interviews. The type of work that the employee undertakes on 'Keeping in Touch Days' and the payment will be by agreement between the employer and the employee prior to the start of adoption leave.

Work done on a KIT day will count as a whole keeping-in-touch day.

## **Employment rights during Adoption Leave**

Employee rights are not affected during Adoption leave, meaning they continue to accrue their continuous service and annual leave. Please see the Annual Leave Guidance for Managers and Employees for details on accruing and taking annual leave during and after a period of adoption leave.

## **Returning from Adoption Leave**

An employee simply returns 52 weeks after the adoption leave commenced. However, the employee must give at least 21 days' notice if they intend to return to work before the end of the full adoption leave period (i.e. 52 weeks).

At the end of Ordinary Adoption Leave, an employee has the right to return to the same job with the same terms and conditions, unless a redundancy situation has arisen, in which case s/he is entitled to be offered a suitable alternative vacancy.

An employee who returns to work after Additional Adoption Leave is entitled to have the same job and the same terms and conditions as if s/he had not been absent, unless:

- A redundancy situation has arisen during the absence period; or
- There is some other reason why it is not reasonably practicable to take them back in their original job In which case, the employee is generally entitled to be offered suitable alternative work.

## Parental policy

### 5. Parental Leave

#### Timescales

When/Time	Action required
18 weeks	Total unpaid time off granted as Parental Leave per child
21 days' prior to taking leave	Employees must give at least 21 calendar days' notice of their intention to take Parental Leave
1 week after request	Managers to advise employees by no later than 7 calendar days if their request for leave must be postponed.
4 weeks	Maximum amount of time taken per year (unless the employer agrees otherwise)
1 week	Parental leave to be taken in blocks of a week, unless child is disabled

#### Parental Leave

Parental Leave regulations specify that parental leave applies only for children born after 15th December 1999, the date the regulations came into force. There is no entitlement for parental leave to be paid.

An employee who has completed one year's service and having or expecting to have parental responsibility for a child (including adopted child) up until the child's 18th birthday. Those with 'parental' responsibility include, parents, foster parents, adopters and guardians.

Parental leave applies to each child. Therefore if an employee has twins, they will be entitled to 36 weeks parental leave.



## Parental policy

### Entitlement to Parental Leave

Parental leave is unpaid. The child must be under 18. The total 18 week's entitlement is for the entire period, not per year. Parental leave applies to each child not to an individual's job.

#### Example

An employee is entitled to 18 weeks. They've used 10 with a previous employer. They can use up to 8 weeks with their new employer if they are eligible.

Child	Entitlement
For each child	18 weeks up to their 18th birthday
For each adopted child	18 weeks up to their 18th birthday
For each child who qualifies for Disability Living Allowance	18 weeks up to their 18th birthday

One week's parental leave is equal to the length of time that an employee is normally required to work in a week. This means that an employee who usually works Monday to Friday is equal to 5 days. For an employee who usually works Mondays and Tuesdays only, a week is equal to 2 days.

If the employee's working pattern varies from week to week, you must calculate an average working week as a fraction of the period for which the employee is required to work in a year.

### Giving notice to take Parental Leave

Employees must give a minimum of 21 working days' notice in writing.

## Parental policy

### Postponement of Parental Leave

Parental leave can be postponed if the operation of the business would be unduly disrupted. Leave shall not be postponed for more than 3 months except in exceptional circumstances.

Managers will notify the employee within 7 days of receiving a request for parental leave the reasons for the postponement specifying the date on which the agreed period of leave will begin and end.

Postponement **may not** be used where employees in the particular circumstances outlined below have requested parental leave:

Following Paternity Leave & Maternity Support Leave	The unpredictability of timing of childbirth will also have implications for notice. It is recommended that employees expecting to take paternity leave or maternity support leave should discuss their likely requirements for parental leave.
Following Maternity & Adoption Leave	Where parental leave is taken as a full time block of leave following maternity/adoption leave, an employee will not be required to refund monies paid under maternity/adoption leave payment unless he/she does not return to council employment for a period of at least three months after the end of the parental leave period.
At the time of Adoption	At times prior to adoption or following adoption leave where the parent is required to be at home by the adoption process.

### Flexible Parental Leave

Employees can take a maximum of 4 weeks parental leave in any year in respect to any individual child however a single block of 18 weeks may be considered in special circumstances.

Employees are required to take parental leave in multiples of one week, unless the child is disabled, in which case it can be taken as individual days.

## **Parental policy**

### **Returning to work**

At the end of parental leave, an employee has the right to return to the same job with the same terms and conditions, unless a redundancy situation has arisen, in which case the employee is entitled to be offered a suitable alternative vacancy.

An employee who returns to work after Parental Leave is entitled to have the same job and the same terms and conditions as if he/she had not been absent, unless:

A redundancy situation has arisen during the absence period; or

There is some other reason why it is not reasonably practicable for the employer to take him/her back in his/her original job In which case, the employee is generally entitled to be offered suitable alternative work

## Parental policy

### 6. Shared Parental Leave

#### Timescales

When/Time	Action required
As soon as they know they are (or their partner is) pregnant/matched to a child for adoption purposes	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
8 weeks prior to taking and Shared Parental Leave or Pay	Employee must notify their manager of their request/intention to take Shared Parental Leave / Pay at least 8 weeks prior. Any new start dates agreed must also be agreed at least 8 weeks before taking the first day off
14 days after giving notice	Manager/HR to confirm period of leave if 1 continuous block requested. Alternatively if discontinuous periods requested, Managers have 14 days to respond with either refusal or suggest possible alternatives. Managers also have 14 days to request further evidence
14 days after request for further evidence	Employees must provide the evidence requested within 14 days of being asked to do so
15 days after initial request/notification for leave submitted	Employee can withdraw their request for discontinuous periods of leave up to 15 days after their initial request, should it be refused (this then will not count towards their right to 3 requests for leave)
19 days after initial request/notification for leave submitted	Employees have until the 19 <sup>th</sup> day after they originally requested discontinuous periods of leave to decide on a new start date for taking SPL as 1 continuous block.

# **Parental policy**

## **Shared Parental Leave**

Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child/children during the first year of birth or adoption for those due to be born or placed for adoption on or after 5 April 2015. The purpose is to give parents more flexibility in considering how to best care for, and bond with their child.

Shared Parental Leave 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. Parents taking shared parental leave can take leave as a 'continuous' block. This is a statutory right and this type of request cannot be refused.

Eligible employees are also entitled to submit up to three 'periods of leave' notices to take the leave as separate 'discontinuous' blocks, returning to work in between blocks. Such leave will be considered and requires council agreement. For example, parent one has the first 3 months off, then returns to work whilst parent two has 3 months off, then parent one takes another block of 3 months off when parent two returns to work etc. Parents may also choose to take their periods of Shared Parental Leave off at the same time as each other.

Employees and managers should where possible have an informal discussion prior to employees giving formal notification of intention to take shared parental leave so that statutory and contractual entitlements to other types of leave and pay can be discussed, and to ensure that plans for any discontinuous periods of leave can be considered as early as possible.

Requests for Shared Parental Leave which are not made in accordance with the statutory notification requirements will be given reasonable consideration, but may not be granted.

## **Eligibility for Shared Parental Leave**

Shared Parental Leave can only be used by two people:

- The mother/adopter and

## Parental policy

- The father of the child (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption. Additionally an employee seeking to take Shared Parental Leave must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave, or at least statutory maternity/adoption pay, or maternity allowance, and must have ended or given notice to reduce any maternity/adoption entitlements
- the employee must still be working for the Denbighshire County Council during each period of Shared Parental Leave
- have been working for at least 26 weeks continuously by the end of the 15th week before the expected week of confinement/date of adoption placement
- the employee must correctly notify the service of their entitlement and provide evidence as required

During the 66 weeks before the week the baby's due (or the week you're matched with your adopted child) your partner must:

- have been working for at least 26 weeks (they don't need to be in a row)
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)

### Shared Parental Leave entitlement

After the birth of a child it is compulsory to take two weeks' maternity leave (four weeks for new mothers who work in a factory), so in these cases, working parents will have the opportunity to split 50 weeks of SPL.

## Parental policy

Shared Parental Leave is in addition to the statutory right to two weeks' paternity leave for fathers and partners. Eligible employees wishing to take paternity leave must do so before taking any Shared Parental Leave.

The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt- in to the Shared Parental Leave system and take any remaining weeks as Shared Parental Leave.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of Shared Parental Leave. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

Shared Parental Leave can commence as follows:

- The mother can take Shared Parental Leave after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take Shared Parental Leave after taking at least two weeks of adoption leave
- The father/partner/spouse can take Shared Parental Leave immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any Shared Parental Leave or Shared Parental Pay).

## Parental policy

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

Share Parental Leave will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice. If the employee is eligible to receive it, Statutory Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period. See 'Statutory Shared Parental Pay' below.

Shared Parental Leave must be taken in blocks of at least one week and must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost

### Giving notice to take Shared Parental Leave

Employees who wish to take Shared Parental Leave must notify the council in writing at least **eight weeks** before the start date of the first period of Shared Parental Leave.

The written notice must contain the following information:

- Your name and the other parent's name
- The start and end dates of the mother's or main adopter's maternity/adoption leave (or the start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave)
- The expected date of birth/placement and the actual date of birth/placement if the written notice is given after the birth/placement
- The amount of Shared Parental Leave and Shared Parental Pay available and an indication of how much each parent intends to take (this may be varied by a subsequent written notice signed by both parents)
- An indication of the start and end dates of the periods of Shared Parental Leave and Shared Parental Pay that you intend to take. This indication is not binding and can be amended at a later date



## **Parental policy**

- A declaration that you meet the conditions for entitlement to Shared Parental Leave, the information provided is accurate and that you will notify the council immediately if you cease to meet the conditions for entitlement
- A declaration from the other parent containing his or her name, address and National Insurance number, confirmation that s/he meets the employment and earnings conditions, consents to the amount of leave the employee intends to take and will immediately inform you if s/he ceases to satisfy the employment and earnings conditions
- Partner declaration as below.

### **Giving notice to take Shared Parental Pay**

In addition to what must be included in the notice of entitlement to take Shared Parental Leave (above), any notice that advises of an entitlement for Shared Parental Pay must include:

- the start and end dates of any maternity/adoption pay or maternity allowance
- the total amount of Shared Parental Pay available, the amount of Shared Parental Pay the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim Shared Parental Pay
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for Shared Parental Pay and that they will immediately inform the council should they cease to be eligible
- partner declaration as below.

### **Partner declaration**

Any notice to take Shared Parental Leave and/or Shared Parental Pay must be accompanied by a signed declaration from the employee's partner confirming:

## **Parental policy**

- their agreement to the employee claiming Shared Parental Pay and for the council to process any Shared Parental Pay payments to the employee;
- (in the case whether the partner is the mother/adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

### **Giving notice to take a specific period**

In practice, at least the first period of Shared Parental Leave will be identified in the initial notice of entitlement and intention to take Shared Parental Leave. You are entitled to submit a maximum of a further two 'period of leave' notices. Each notice must be given at least eight weeks before the start of a period of leave, stating the dates of the leave and the dates on which Shared Parental Pay will be claimed, if applicable.

If the first 'period of leave' notice is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example 'starting two weeks after the baby is born for a period of four weeks'.

### **Requesting further evidence of eligibility**

Denbighshire County Council may, within 14 days of the Shared Parental Leave entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth)
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been

## **Parental policy**

matched with the child and the date on which the agency expects to place the child for adoption.

In order to be entitled to Shared Parental Leave, the employee must produce this information within 14 days of the employer's request.

### **Fraudulent claims**

Denbighshire County Council can, where there is a suspicion that fraudulent information may have been provided or where Denbighshire County Council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the council's disciplinary policy, without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

### **Varying a period of leave**

You are entitled to submit a request to vary a period of leave in the following ways:

- vary the start or end date as long as the variation is requested at least eight weeks before the original start date and the new start date
- vary or cancel the amount of leave requested at least eight weeks before the original start date
- request that a single period of leave become a discontinuous period of leave, or vice versa.

A variation will count as one of your three periods of leave notices unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth
- the company has requested the variation
- the company has agreed to accept more than three period of leave notices.

## Parental policy

The usual eight-week notice requirement may be modified if your child is born early and the new start date for the period of leave is the same length of time following the birth as in the original notice. In this case notice to vary the start date should be given as soon as reasonably practicable after the birth of the child.

### **Responding to/confirming a Shared Parental Leave notification**

Once HR receives the 'period of leave' notice, it will be dealt with as soon as possible. A response will be provided no later than the 14th day after the request was made.

If a continuous period of leave is requested in each 'period of leave' notice, you will be entitled to take that period of leave and this will be confirmed in writing by HR.

If more than one period of leave (a discontinuous periods of leave) is requested in a 'period of leave' notice, your manager will seek to accommodate the request but this cannot be guaranteed. Your manager will discuss the request with you to determine if it can be accommodated. All requests for discontinuous leave will be carefully considered on a case-by-case basis, weighing up the potential benefits to the employee and to the service against any adverse impact to the business. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of Shared Parental Leave. If it cannot be accommodated, there may be an alternative pattern of leave which can be agreed, or the request may be refused. The manager's decision will be confirmed in writing.

If no agreement is reached or a discontinuous period is refused within 14 days of the period of leave notice being submitted you can:

- take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
- take the continuous block starting on a new date, as long as the new date is later than the original start date, and you notify the company of the new date within five

## Parental policy

days of the two week period referred to above (i.e. 19 days after the original notification was given)

- withdraw the request without detriment at any time up to the 15th day after it was originally made. If the request is withdrawn in these circumstances it will not count as one of your three requests.

If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the **14th day** after the 'period of leave' notification was made. The request may be granted in full or in part: for example, the service may propose a modified version of the request.

### During Shared Parental Leave

#### Statutory Shared Parental Pay

Eligible employees may be entitled to up to 37 weeks Statutory Shared Parental Pay (ShPP) while taking Shared Parental Leave. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

Shared Parental Pay may be payable during some or all of Shared Parental Leave, depending on the length and timing of the leave.

Any Shared Parental Pay due will be paid at a rate set by the Government for the relevant tax year.

## Parental policy

In addition to meeting the eligibility requirements for Shared Parental Leave, an employee seeking to claim Shared Parental Pay must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance and must have reduced their maternity/adoption pay period or maternity allowance period
- the employee must intend to care for the child during the week in which Shared Parental Pay is payable
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions
- the employee must remain in continuous employment until the first week of Shared Parental Pay has begun
- the employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive Shared Parental Pay they must, at least eight weeks before receiving any Shared Parental Pay, give their line manager written notice advising of their entitlement to Shared Parental Pay. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take Shared Parental Leave.

### Terms and conditions during Shared Parental Leave

During the period of Shared Parental Leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay but not during any period of unpaid Shared Parental Leave. Employee contributions will be based on actual pay, while the council's contributions will

## **Parental policy**

be based on the salary that the employee would have received had they not been taking Shared Parental Leave.

Shared Parental Leave is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holidays should, wherever possible, be taken in the year that it is accrued. Where a Shared Parental Leave period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year. The same principles apply as with maternity and adoption leave, as set out in the Annual Leave Guidance for Managers and Employees.

### **Contact during Shared Parental Leave**

Before an employee's Shared Parental Leave (SPL) begins, the manager will discuss the arrangements for them to keep in touch during their leave. The council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### **Shared Parental Leave in Touch days**

An employee can agree to work for the council (or attend training) for up to 20 days during Shared Parental Leave without bringing their period of SPL to an end or impacting on their right to claim Shared Parental Pay for that week. These are known as 'Shared Parental Leave in touch days' (SPLIT). Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The council has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the service and the employee. An

## **Parental policy**

employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving Shared Parental Pay, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the service, may use SPLIT days to work part of a week during SPL. The service and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

### **Returning to work after Shared Parental Leave**

The employee will have been formally advised in writing by the council of the end date of any period of Shared Parental Leave. The employee is expected to return on the next working day after this date, unless they notify the council otherwise. If they are unable to attend work due to sickness or injury, the council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the council at least 21 days' of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.



## **Parental policy**

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of four weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of five weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

### **Neonatal Care and leave**

The Council is committed to supporting parents who have a baby born which needs neonatal medical care during this incredibly challenging time. The Council will enable parents to spend more time with their babies who are having specialist care, without the worry of taking unpaid leave or having to return to work due to leave running out.

For the purposes of this policy, the definition of neonatal care will be deemed to be a baby receiving seven or more days of medical or palliative care in the first 28 days after birth. 'Neonatal care' is the name given to care for newborn babies which starts in the first 28 days after birth. This may be for:

- hospital care
- medical care after leaving hospital - this must be under a consultant and include ongoing visits or checks arranged by the hospital where your baby was treated
- palliative or end of life care

# Parental policy

## Neonatal Care Leave and Pay

For Babies born on or after 6th April 2025.

### Neonatal Care Leave

Parents will have the right to take up to 12 weeks of additional neonatal care leave in addition to other leave entitlements such as paternity, maternity, and shared parental leave.

The length of leave the employee is entitled to will correspond with how long the baby spends in hospital, up to a maximum of 12 weeks.

There are two categories of neonatal leave depending upon when the leave is taken, and these are referred to as Tier One or Tier Two periods.

Example of calculating neonatal care leave entitlement

Amy's baby is born on 7 April and needs neonatal care straight away. Their baby is in neonatal care until 22 April.

The 7 consecutive days starts on 8 April and ends on 15 April. The baby has been in neonatal care 2 complete weeks including the first qualifying days. Amy has accrued 2 weeks of neonatal care leave in total.

Tier one

In 'Tier One' periods, the period of leave is taken whilst the baby is still receiving care. It begins with the day the child starts receiving neonatal care and ends seven days after the day the neonatal care ends (7 days after discharge).

Tier One leave must be taken in whole weeks but can be in non-consecutive periods.

Example of tier 1 leave

## Parental policy

Pat's baby is born early and is in neonatal care for 4 weeks in total from birth. Pat takes 2 weeks of paternity leave straight after the birth. They then take a further 2 consecutive weeks of neonatal care leave when their paternity leave ends. Pat has 2 more weeks neonatal care leave accrued to take at a later time.

### Tier two

In 'Tier Two' period - the remainder of the 68-week period – the neonatal leave must be taken in one continuous block.

Neonatal care leave must be taken within the first 68 weeks of the baby's birth.

Neonatal care leave should be taken after other types of leave e.g. maternity leave, adoption leave, shared parental leave, have ended. For a mother taking maternity leave, they would take neonatal care leave once they have ended their maternity leave.

### Example of tier 2 leave

Pat's baby is now at home after 4 weeks in total in neonatal care. Pat gives notice to take the remaining 2 weeks of neonatal care in 1 month's time. This allows Pat to take time off as soon as they can to continue the baby's at home care.

### Notice periods

Although the Council acknowledges that it will be difficult to provide advanced notice to take neonatal care leave, advanced notice is required. The notice periods differ for Tier One and Tier Two neonatal leave.

For each week of Tier One leave, notice must be given before the employee is due to start work on the employee's first day of absence from work that week, or as soon as is reasonably practicable.

For Tier Two neonatal leave, for a single week of leave, notice must be given no later than 15 days before the first day of the intended period of leave. For more than two weeks of

## Parental policy

Tier Two neonatal leave, notice must be given no later than 28 days before the first day of the intended leave.

The notice must include:

- The name of the parent
- Confirmation of the employee's relationship to the baby
- The baby's date of birth
- The date the neonatal care started (and ended if applicable)
- The required dates of absence
- The number of weeks requested
- That the leave is in order to look after the baby
- That they meet the eligibility criteria

### Eligibility

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 includes parents who work for the same employer. This is additional to other types of parental leave and pay.

### Multiple births

## Parental policy

For any period where more than one child is in receipt of neonatal care at the same time, entitlement can only be accrued in that period in respect of one child. The maximum number of weeks in respect of which the employee is entitled to neonatal care leave remains unchanged where more than one child is receiving neonatal care.

The 68-week period in which an employee may take their leave begins with the date on which the first child is born.

### Example of multiple births and neonatal care leave

For example, Adi has given birth to triplets. 2 of the triplets are taken into neonatal care immediately for 2 weeks. This means Adi will be able to take 2 weeks of neonatal care.

3 weeks after their birth, the third baby is taken into neonatal care for a week. Adi is now eligible for 3 weeks of neonatal care. Adi gives notice for all 3 weeks to be added onto the end of their maternity leave.

### Adoption

Both primary and secondary adopters or single adopters are eligible for neonatal care leave. The first 7 days of neonatal care need to start after the adoption placement date.

Parents need to take the leave before the end of 68 weeks from the date the child is placed with the adopter.

### Overseas adoptions

For overseas adoptions, the leave needs to be taken before the end of 68 weeks from the date the child enters Great Britain.

Adopting more than 1 child

## Parental policy

Parents can take the same amount of neonatal leave even if they adopt more than 1 baby in the same placement who is taken into neonatal care. For example, twins taken into neonatal care at the same time.

If there are multiple but separate adoption placements, then leave can be taken for each child up to a maximum of 12 weeks.

### Surrogacy

Intended parents in a surrogacy will be eligible for neonatal care leave if they:

1. have applied for a parental order
2. intend to apply for a parental order within 6 months of the child's birth

Both intended parents are eligible for neonatal care leave.

The first 7 days will start from the date of birth. Parents need to take the leave before the end of 68 weeks from the date of birth.

### Further Information

The Council will not require parents to provide evidence that specifies what condition(s) the baby has that necessitates inpatient medical care, but parents may have to provide some sort of evidence that their baby is receiving inpatient care and for what duration.

### Neonatal Care Pay

The right to take neonatal care leave will be a day 1 right, however, statutory neonatal care pay can only be claimed if the parent has been employed by the Council for a continuous period of at least 26 weeks ending with the relevant week (which is the 15th week before the week in which the baby is due (approximately the 25th week of pregnancy) and earns on average more than lower earnings over the 'relevant period' as determined by the Act.

## Parental policy

Neonatal care leave pay will be paid at the same rates as statutory maternity pay and statutory paternity pay.

### Right to return to the same job

Employees will be entitled to return to the same job if they return to work after an isolated period of neonatal care leave. Employees will be entitled to return to the same job if they returned to work after the last of two or more consecutive periods of statutory leave which did not include more than 4 weeks of parental leave or which did not total more than 26 weeks (excluding parental leave) of statutory leave.

So for example, if an employee took a period of maternity leave as well as neonatal care leave, they would be entitled to return to the same job if the total amount of leave did not exceed 26 weeks.

In all other cases employees are entitled to return to the same job or, if that is not reasonably practicable, they have the right to return to another job which is both suitable and appropriate. This is the same right as those returning from Additional Maternity Leave.

If the employee has taken neonatal care leave for at least 6 continuous weeks, they will have priority for suitable alternative employment during the neonatal care leave and from the day after they have taken 6 continuous weeks of neonatal care leave until 18 months from the date of childbirth.

### Annual leave

Employee rights are not affected during Neonatal care leave, meaning they continue to accrue their continuous service and annual leave.

### Pension Contributions

Pension contributions will automatically continue to be deducted from Neonatal Care pay during the period of paid Neonatal Care Leave. This will be based on the amount of pay

## Parental policy

received by the employee during this time. The council will continue to make their employer contributions at the employer's usual rate of pay.

### Contact during Neonatal Care Leave

During the neonatal care leave period an employer may make reasonable contact with an employee, and in the same way an employee may make contact with their employer. The frequency and nature of the contact will depend on the circumstances such as, the nature of the work and the employee's post or changes at the workplace that might affect the employee on their return.

### Example of calculating neonatal care leave entitlement

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The 7 consecutive days starts on 8 April and ends on 15 April. The baby has been in neonatal care 2 complete weeks including the first qualifying days. Amy has accrued 2 weeks of neonatal care leave in total.